

FMAP. The poorest of the poor in our country are able to get Medicaid through the State programs, and we assist at the Federal level. Those programs, in most States, are in a perilous state. They have cut a lot of the programs. A lot of people who are eligible for certain Medicaid procedures and office visits and things of that nature have been terminated already. I have received calls from at least 20 Governors—and it is not just Democratic Governors—who are desperate for this money.

So everything in this bill is paid for except FMAP and the situation I related to regarding unemployment compensation extension. Everything else is paid for. The doctor fix is paid for in the amendment that is now before us where cloture has been filed. So I hope we can work through these amendments the Republicans have to have and we have to have on our side and, if possible, we can go ahead and set up a vote to get rid of this piece of legislation today; otherwise, we will have a cloture tomorrow, and 30 hours runs after that, and by that time the doctors and patients will be harmed significantly, notwithstanding the fact that the unemployed have already been hurt.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### THUNE AMENDMENT

Mr. MCCONNELL. Madam President, Democrats continue to argue among themselves about how much they want to add to the deficit. Yesterday, they unveiled their latest proposal, which would add another \$50 billion. And they are calling this an accomplishment—an accomplishment they reached not by making any tough choices but by shortening the length of time they would pay for programs they know they will end up extending anyway. Only in Washington would people boast about saving money they fully intend to spend down the road. And only in Washington would people raid a trust fund intended to pay for oilspill cleanup to cover completely unrelated spending in the middle of an oilspill. Let me say that again: Only in Washington would people raid a trust fund intended to pay for oilspill cleanup to cover completely unrelated spending in the middle of an oilspill.

So Democrats can continue to play these games or they can join Republicans in voting for the Thune amendment later today. The Thune amendment would actually do the thing Americans want us to do right now; that is, lower the deficit and create real opportunities for job growth.

Senators will have a simple choice today: They can either vote to reduce the deficit or they can lock arms with

the Democratic leadership and dig an even deeper hole of debt, when most Americans think \$13 trillion is far too much already. If you are even remotely attuned to what Americans are asking us, this would be an easy choice. Our colleagues across the aisle have come down to the Senate floor over and over to claim the mantle of fiscal responsibility. Well, today they can prove it. Americans want us to show we are serious about lowering the debt. Senators will have that opportunity later today.

So I ask my colleagues on both sides to join with me today and vote in favor of the Thune amendment.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 10 a.m., with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the time under the control of the majority be equally divided between myself, Senator SHAHEEN, and Senator NELSON of Florida.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Hampshire.

#### UNANIMOUS-CONSENT REQUEST— S. 3462

Mrs. SHAHEEN. Madam President, I rise today to ask that my legislation, S. 3462, which would grant subpoena power to the Presidential commission tasked with investigating the BP oilspill, be passed by unanimous consent.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Reserving the right to object, Madam President, I think I will object at this time. The bill was just introduced 7 business days ago. It has been referred to the Judiciary Committee, where I assume Chairman LEAHY will take a thoughtful look at it. Senator REID has asked his committee chairmen to report out oilspill legislation by the 4th of July for consideration next month, so I think we should give that process an opportunity to work. So I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I don't understand. We are 58 days into this oilspill. Eleven lives have been lost. We have seen up to 97 million gal-

lons of oil in the Gulf of Mexico that is already on the shores of the gulf. We have thousands of wildlife covered in oil, many of them dead. We have fishermen who have lost their livelihoods, some, we guess, maybe for generations. We have countless hotels and restaurants that are empty during what should be their prime tourist season. I don't understand why, given all of this—the full devastation of this catastrophic spill is far from being known, although we know it is going to be one of the worst economic and environmental disasters in American history, and we need to make absolutely certain this never happens again—why people are still objecting to giving the bipartisan commission charged with investigating this disaster the subpoena power to do what they need to do to make sure this never happens again.

In order to have a full and fruitful investigation, this commission must have subpoena power to get to the bottom of what safety precautions BP did and did not take leading up to the Deepwater Horizon explosion. Subpoena power is essential to their task of making meaningful recommendations on how to prevent future disasters. That is why I, along with 18 other Senators, have introduced this legislation to grant subpoena power to this commission. It is unacceptable for BP and the other companies responsible for this oilspill to continue to stonewall the American people.

I don't understand why my colleagues on the other side of the aisle are objecting to this. I would assume they are as interested in getting to the bottom of this disaster as the rest of us are, and this stonewalling is something I just don't understand.

I yield the floor.

Mr. INHOFE. Madam President, let me respond to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator does not have control of the time at this moment.

Mr. INHOFE. I was just reassuring her. I think I agree with everything she said. Mine was the process we are talking about, and I think that is the process the majority leader was recommending.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Could the Presiding Officer tell me how much time remains for the majority side?

The ACTING PRESIDENT pro tempore. There are 6 minutes 20 seconds remaining.

Mr. MENENDEZ. Would the Presiding Officer let me know when I have exhausted 2 of my 3 minutes?

The ACTING PRESIDENT pro tempore. Yes.

Mr. MENENDEZ. Madam President, I rise once again to ask unanimous consent—and I will do so shortly—to hold oil companies accountable for their spills. This is really a sense of who is on your side. Are we going to take the side of big oil or are we going to take

the side of commercial fishermen? Are we going to take the side of big oil or are we going to take the side of shrimp fishermen? Are we going to take the side of big oil or are we going to take the side of preserving the estuaries that are so critical yet that we see increasingly devastated, the wildlife, with consequences to those ecosystems that may very well affect a generation? Are we going to take a side with big oil or are we going to stand up for the tourism industry that is affected? Are we going to stand up for big oil or are we going to stand with the boater who ultimately sees his boat languishing in the waters because he cannot go out because there is no one to take out on a commercial venture? Are we going to stand up for the communities and the coasts along the gulf shore or are we going to stand with big oil?

That is what this effort is all about. It is about setting responsibility where responsibility should lie. I applaud that the President got BP to sign up to \$20 billion over the next 4 years or so. But that does not mean we should not be lifting the liability cap, a liability cap that is ridiculously low at \$75 million total when BP, for example, makes over \$90 million a day. So their liability under the law, regardless of what they say, is less than 1 day's profit.

The ACTING PRESIDENT pro tempore. The Senator has used 2 minutes.

Mr. MENENDEZ. This is about making sure at the end of the day we stand up to big oil. I know there are those who suggest—my colleague from Louisiana has suggested he has a better way. The problem is his better way is constitutionally infirm. That has been reviewed by the Congressional Research Service which says that trying to enact legislation that effectively declares the guilt or imposes punishment on an identifiable individual or entity is in essence a bill of attainder under the Constitution; therefore, it cannot work. I have heard him say I don't want to come here and make a speech, I want to solve something. That is exactly the problem. That does not solve anything because it is constitutionally infirm, therefore it would not apply, therefore we would not have a success. Besides, if it is good enough for this incident, it is good enough for any other.

Understanding that, I want to ensure we stand on the side with all of those commercial interests, so I ask unanimous consent—I take a final 30 seconds—I ask unanimous consent that the Environment and Public Works Committee be discharged of S. 3472, the Big Oil Bailout Prevention Unlimited Liability Act of 2010, and that the Senate proceed to its consideration; that the bill be read three times, passed, the motion to reconsider be laid upon the table, without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Reserving the right to object, this S. 3472, this is one with no caps?

Mr. MENENDEZ. This is unlimited liability.

Mr. INHOFE. Unlimited liability. Madam President, we have talked about this before. It sounds good to talk about big oil. This would be the greatest thing for big oil. Only the big five might—

The ACTING PRESIDENT pro tempore. The time of the Senator from New Jersey has expired. Is there an objection?

Mr. INHOFE. I object.

Now I wish to be recognized to explain my objection.

The ACTING PRESIDENT pro tempore. There are 2 minutes remaining on the majority's time that the Senator from Florida intends to use.

The Senator from Florida.

Mr. NELSON of Florida. Madam President, the oil is relentlessly moving east in the Gulf of Mexico. A week and a half ago it hit Perdido Pass. That is in Perdido Bay. A week ago it hit Pensacola Pass. It is in Pensacola Bay. You ought to see what it looks like. There are tar balls. We know what tar balls look like. You ought to see what the reddish brown gunk looks like that I saw on Monday as the wind was blowing it right toward downtown Pensacola.

Today, Destin Pass, further to the east, is being closed. But when it is closed by a boom it will not stop the oil if the oil is not already skimmed off out in the gulf because the tar balls will go right underneath the boom and the tides come rushing into the pass at 6 to 8 knots, and a boom will not stop the oil.

This is what we are facing. We are facing the economic devastation as a result of the despoiling of the coast that relies, so much of its economy, on that coast being pristine—whether it is tourism, whether it is fishing, whether it is oyster, shrimp, et cetera.

Why shouldn't the company—now that precedent has been set yesterday by them setting up a \$20 billion trust fund, but that is not a limit. Why should we not—has my time expired?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON of Florida. If I may finish the sentence—why should we not allow any kind of future devastation by a company to have the same liability?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. First, I do not disagree with anything that was said by my very good friend from Florida. It is a devastating thing. I have no love for BP. I assure you they are not any friends of this side over here. I only have to say this. If you want to shut out everyone from their exploration, it doesn't make any difference whether it is deep water or otherwise, you go ahead and do something like this. This would only help the big five or the national oil companies—that is China and Venezuela. Without a cap they would be the only ones who could explore out

there. Frankly, they don't have the capacity to do the amount of exploration that is going to be necessary to run this machine called America.

Right now there is a commission that is taking place. I believe they are going to be discussing all these things, including what types of caps, if any, should go on. They are the ones who are approaching this thing, considering everything. I think they should have time to do their own work. That is the reason. But I do not disagree with anything either one of the Senators said.

I yield the remainder of my time to the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Madam President, may I inquire how much time remains?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. JOHANNS. If I could be forewarned when there is a minute remaining?

The ACTING PRESIDENT pro tempore. Yes.

#### INCREASING EXPORTS

Mr. JOHANNS. Madam President, I rise today to discuss an issue I believe is of significant importance to our Nation's economy. There has been a lot of talk lately about the whole idea of increasing exports. I—like, I guess, every other Member of this body—support the goal of expanding exports. Increasing exports means companies will sell more of their goods and services into more markets around the world. A number of those companies, I might add, are found in rural communities, found in States such as Nebraska. I was sitting there when President Obama, in his State of the Union Address, set a goal. He said: I want to double exports in the next 5 years.

Since then, the administration has pushed its National Export Initiative, which appears to be about increasing spending and the size of government. But a more sensible course of action would truly be to increase exports—sell more. I am talking about free trade agreements. The previous administration negotiated a number of trade agreements, but there are three pending from the previous administration: Colombia, South Korea, and Panama. Unfortunately, these agreements have been languishing since they were first agreed to—now around 3 years ago.

The current administration briefly seemed to be on the right track when the President stated his goal of strengthening trade with Colombia, South Korea, and Panama, again in the State of the Union Address. I was pleased to hear that. The President hit the right tone there. I must admit, though, up to that point, the administration's trade policy was enormously unclear to me, and I guarantee it was to everybody else.

I thought that finally we had a trade policy. But, unfortunately, since that speech there has been no action. So I