

the old chicken-and-egg argument I have heard for so many years. You go to the oil companies—which we have done; Senator LUGAR and I both have done this—you talk to the oil companies.

Why don't you put in more blender pumps?

They say: Well, we can't put in more blender pumps because there are not that many flex-fuel cars out there to use the higher blends.

You go to the automobile manufacturers and say: Why don't you manufacture flex-fuel cars?

They say: Well, we don't have the blender pumps to supply higher blends.

Back and forth we go. So our bill would do both of those things.

I also noticed that this flex-fuel vehicle mandate is a part of an energy bill Senator LUGAR introduced just a few weeks ago here in the Senate.

The third action we need is approval of E15 right now—right now—for use in all gasoline-fueled vehicles. The EPA has the responsibility for making this decision.

A trade association called Growth Energy applied to the EPA for approval of E15 in March of 2009, more than a year ago. Under the Clean Air Act as amended in the 2007 Energy bill, the EPA is required to take final action to grant or deny such a request within 270 days. But at the end of 270 days, in November of 2009, EPA simply reported that they were going to wait for the results of more Department of Energy testing of vehicles running on E15 before making the mandated decision. However, last November, they also indicated they expected to approve E15 for all vehicles of model year 2001 or newer by mid-2010 provided that the test results continued to be supportive. But now we are being told their decision will be further delayed—further delayed.

First of all, the bill is clear. They were mandated to make this decision within 270 days. That was last November. They said we need a little bit more time. The tests were all supportive. The tests all looked very good. And they told us they expected to approve E15 for all model year cars 2001 and later by June of 2010.

Now what has happened? They're kicking the ball down the field again. They said maybe this fall.

Again, what we are told—I do not know this is factual—what we are told is this is a consequence of testing delays and additional test requirements at the Department of Energy.

I have to ask the question: If this is so, why is the Department of Energy dragging its feet? What is Secretary Chu doing about this? I think Secretary Chu needs to explain these delays. Is it because there is a bias at the Department of Energy against biofuels? There is some indication there just might be that kind of a bias. I would like to know the answer to that question. I hope, if anybody is watching at the Department of Energy,

they will tell their boss that Senator HARKIN intends to ask the Secretary in a more formal setting why they are dragging their feet on this in the midst of an oil crisis, the likes of which we have never seen.

If I sound upset, I am. There is absolutely no reason for this foot dragging—none whatsoever. This slow walking may be business as usual for a bureaucracy in ordinary times, but these are not ordinary times, and bureaucratic business as usual is not acceptable. We are in the midst of what many consider the worst environmental disaster in American history, perhaps even world history.

The root cause of this situation is our addiction to oil. We have not just an environmental and national security imperative in that addiction, now we have a profound moral imperative as well. We cannot tolerate any further delay in accelerating our transition to clean, domestically produced, renewable biofuels produced not in the Middle East or in the middle of the fragile Gulf of Mexico but in the middle of our country wherever corn or sorghum or sugarcane or sugar beets or switchgrass or any other feedstocks for ethanol are grown and renewed every single year.

I have come to the floor of the Senate today not just to urge but to demand that the EPA and the Department of Energy give this decision the highest and the most urgent priority. We cannot wait until this fall. It is time for the EPA and the Department of Energy to get off that stump and move ahead aggressively. They had their 270 days last year. We have already gone over that. The law is clear. It is unacceptable that they are dragging their feet.

Both the EPA and the Department of Energy owe us, the Congress, a better accounting for the current delay and the excuses we have been given. Most important, it is time for them to end the delay and the dithering around. We need a decision, and we need it now.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNEMPLOYMENT INSURANCE BENEFITS

Mr. BINGAMAN. Mr. President, I wish to speak briefly about the issue of unemployment insurance benefits. We, the Congress, allowed these benefits to expire 21 days ago. I believe there is a major misperception on the part of some about what the effect of this is.

This proposal to extend these benefits is talked about as a so-called extension of unemployment insurance.

That suggests that the provision simply provides additional weeks of unemployment compensation payments to people who have used up all their benefits. Understandably, there are people in my State and around the country who say: Wait a minute. At some point you don't want to keep adding more and more weeks of unemployment benefits.

What we need to understand is that is not what we are proposing to do here. What we have been trying to do is not to add more weeks but merely to allow the unemployed to continue drawing the same number of weeks of benefits that they were able to draw prior to the expiration of the program we are trying to extend.

The provision does not provide additional payments to anyone who has exhausted his or her Federal and State benefits before the authorization of this program expired on June 2. It does not extend the number of weeks of benefits under the programs. Rather, it simply allows the programs to continue operating for people who use up the weeks of State-provided unemployment benefits that are available to them.

In plain language, what this provision will do is give a person who lost his or her job last month the same unemployment compensation benefits as someone who lost his or her job a full year ago.

What are we talking about as far as the amount of these benefits? There is an editorial in the New York Times this morning indicating that the average unemployment check is \$309 a week. It is not that high in my State. Mr. President, \$295 a week is the average. We are not talking about a vast amount of money, particularly if a person is trying to support a family and trying to pay some portion of their bills while they seek another job. People need to understand also that you cannot draw unemployment benefits under the State programs or the Federal programs unless you continue to be actively seeking employment.

In plain language, what this provision would do is give a person who lost his or her job just recently the same opportunity that people who lost their jobs some time ago have had.

The bill we are debating would allow what we call the Emergency Unemployment Compensation Program to continue operating. A person who loses his job is eligible to receive up to 26 weeks of benefits through the State unemployment compensation program. When those benefits are exhausted, some States add additional benefits through what they call the extended benefit program, and many do not. Once all the State benefits have been exhausted, the person may be eligible to receive additional benefits through this Emergency Unemployment Compensation Program, which is the subject of our discussion. That program is what we are debating today as part of this extenders package.

Clearly, the date on which a person becomes eligible for the Emergency Unemployment Compensation Program depends on when that person lost his or her job.

Moreover, the number of payments for which that person is eligible also depends on when he lost that job because the benefits are paid in a series of four tiers, with each tier lasting a certain number of weeks.

Because this program has been forced to stop operating, people who lost their job recently will not receive as much unemployment compensation or as many weeks of unemployment compensation as people who lost their jobs months ago.

Continuing the Emergency Unemployment Compensation Program is simply a matter of fairness to those people if they continue to seek employment.

From the week of June 2—21 days ago when this program expired—until the end of last week, there were right at 4,000 people in my State who had run out of State benefits. Those individuals then would find they did not have the benefit they could have had had they run out of State benefits and lost their jobs a few weeks earlier.

Until the Congress acts, none of these people will be eligible for the Emergency Unemployment Compensation Program. An additional 4,600 people who are in one of the lower tiers of the Emergency Unemployment Compensation Program will exhaust their tier of benefits and be unable to receive the next tier of benefit. That is roughly 8,000 New Mexicans who will be affected by the expiration of this Federal program.

In my view, the obstruction that has forced this program to stop is not fair to those New Mexicans. It is not fair to many Americans. These are people who worked for companies that were able to hang on to their employees longer than other companies once the recession hit. Cutting the benefits of these individuals is not fair. These individuals are ones who primarily live in States such as my home State of New Mexico where the recession hit hardest a few months later than it had hit in other parts of the country. It is not fair that the people in these States should be eligible for fewer weeks of benefits when they have paid into the unemployment insurance system just like everybody else.

It is easy to find maps on the Internet to show States that are disadvantaged by what the Senate has failed to do. There are animated maps that show how high unemployment spread across the country. It started on the east coast and the west coast. It crept toward the middle of the country. States such as New Mexico, Texas, Oklahoma, Kansas, Nebraska, Wyoming, South Dakota, and Colorado, I say to the Presiding Officer, were among the last to be affected by the recession. It is the people of these States who are being disadvantaged because the Emergency

Unemployment Compensation Program has been allowed to lapse.

I want to be clear that I do not believe this program needs to be continued indefinitely, not least because of the substantial cost involved. When the job market improves, we need to find a way to phase out these costs. In my view, the fair thing to do would be to choose a date and say people who lose their job after that date and begin drawing unemployment benefits after that date will not be eligible to receive the extra weeks of benefits that the Federal Government is adding to what the States are providing.

The economy is much better than it was last year when the country was losing 750,000 jobs every month. The free-fall has stopped. The private sector is once again creating jobs at a very modest level. But the unemployment rate is still at 8.7 percent in my State of New Mexico and at 9.7 nationally. Now is not the time to eliminate the assistance this program has been providing to the many people who have been forced to lose their jobs during this recession.

I urge my colleagues to support the continuation of this Emergency Unemployment Compensation Program until we can find a fairer way to phase it out and terminate these extra Federal benefits.

Mr. President, I yield the floor. I see a colleague seeking recognition.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the senior Senator from New Hampshire be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GULF OILSPILL

Mr. LEMIEUX. Mr. President, America is facing a lot of challenges. We have the issue of unemployment compensation that my colleague just mentioned and how to pay for that so we do not put this country into further debt. We have the two wars we are fighting in Afghanistan and Iraq and a myriad of other challenges that are facing this country. But a clear and present danger exists right now in the Gulf of Mexico, a clear and present danger to my home State of Florida.

I have come to the floor almost every day over the past week while we have been in session to talk about the need for the Federal Government to have a more robust response in preventing this oil from coming ashore.

Unfortunately, the situation has gotten worse. In a report this morning on television that I saw by Mark Potter, the oil now is coming ashore in Pensacola in a way that is profoundly worse than it has been. As he described it: It is oil as far as the eye can see. Watching those pristine white beaches covered in brown splotches of oil this morning—it breaks my heart. It breaks my heart for what it is going to mean

for the people of northwest Florida, what it will mean for the environment; but it breaks my heart even more because I think a lot of this could have been prevented. Many Members of this body, as well as the one down the hall, have been asking for weeks, where is the Federal response? Where are the skimmers off our coast to suck up this oil before it gets on our beaches, into our waterways and into our estuaries?

Frankly, I have been extremely frustrated with the response from this government. I believe—and there are many who believe this as well—that the Federal Government should not be involved in all aspects of our lives. But what the government does, the government should do well. And one thing the Federal Government should do, and should be uniquely qualified to do, is to help in a time of disaster. In this circumstance, however, the government has fallen far short.

One thing that has been very frustrating to me is trying to determine how many skimmers are in fact off the coast of Florida. Skimmers are these vessels which are equipped to suck the oil off the water, bring it on to a place where it can be contained and disposed of and get that oil out of the ocean. As of yesterday, we found out that there were 20 skimmers off the coast of Florida, plus an additional 5 skimmers that the State of Florida went out on its own and rented.

When I met with the President a week ago yesterday in Pensacola, I raised the issue with him: Why are there not more resources stopping this oil from coming ashore? Admiral Allen, who was at that meeting, and who is the head of the response—the former Commandant of the Coast Guard—told us there are 2,000 skimmers in the United States. So why are there only 20 off of Florida? I have asked the Coast Guard and even the Navy, why are there not more skimmers? I have come to find out that we cannot even determine how many skimmers there are.

The State of Florida, as of yesterday, in their Deepwater Horizon incident report, shows 20. We know an additional five were rented. The Federal Government's report, the National Incident Command Report, says there are 108 skimmers. We asked the Federal Government—the Coast Guard—why this number is different than the number in the State Incident Command Report. We can't get a good answer. And when we drilled down on this 108 last week, we were told: Well, that number isn't correct.

In followup, and having met with the Navy yesterday, and the Coast Guard—and I thank Secretary Mabus for making the Navy and the Coast Guard available to us to talk to them about this issue—we got a more detailed response about skimmers that the Coast Guard reports are off the coast of Florida, and now the number appears to be 86. So we have the State telling us 25, we have the incident report from the Federal Government saying 108, and