system. To address this, we ultimately have to cleanse the financial institutions of the toxic assets. There are a number of ideas about how to do it. One option is to do nothing. That would not work because of massive uncertainty. The private sector is unwilling to provide capital to the banks, and the likely result would be a collapse of the system.

Let me be clear. We cannot afford to do nothing. We cannot afford a collapse of the entire banking system. A collapse of this magnitude would devastate families, farmers, students, and businesses in every community in every State.

The second option is to keep propping up the financial institutions by injecting more good taxpayer funds into sick financial institutions. That option has been applied over the past several months—most recently with AIG. Yet our financial system clearly continues to struggle. And I for one cannot support a plan that will spend more taxpayer dollars without solving the real problem.

Putting more good taxpayer money into bad institutions must end. We must implement a plan that has worked in this and other countries. We must remove toxic assets from banks.

This approach employs the statutory authorities, an approach long used by the FDIC for failed banks. It has succeeded in purging toxic assets over a long period of time.

This American credit cleanup plan is founded on lessons we learned with our experience with the savings and loan crisis and avoids the mistakes made by Japan which gave them their so-called lost decade.

First, through independent regulators, the Government must determine the true health of our banks. The overarching test is, will the bank or financial institution fail without taxpayer funds. Secretary Geithner deserves credit for recommending a stress test to determine more precisely and fully the condition of the bank—a stress test that should have been implemented a long time ago. However, a stress test cannot be a one-time snapshot. It should have been and now must be a regular and ongoing review of a bank's health.

It is critical these stress tests be done in an objective and transparent manner, without political interference, but professionally, since it is the basis for Government action. This leads to the second key principle.

For those banks found to be insolvent, toxic assets must be removed in a transparent, market friendly manner that is free from political interference, protects taxpayers, and has a clear exit strategy.

To accomplish the goal, the Government should exert temporary control of the institution through conservatorship. The FDIC has existing authorities to act as conservators and did so recently with IndyMac.

Under this approach, the taxpayer has greater protections because the Government is in control of assets and liabilities, and they can cleanse the balance sheet and off-balance sheet activities and restructure the institution.

Under conservatorship, the first order of business is to protect the bank's depositors up to the current FDIC guarantee. It is essential that we continue to protect families' investments.

Next, the Government can separate the bad assets from the good and hold the bad assets until market conditions improve. Remember, during the savings and loan crisis, the RTC took 4 to 5 years and sold off nearly $460 billion in assets. But the RTC's patience and strategy to sell off the assets in a gradual manner is a model we can use to address the massive toxic assets that are holding back the recovery of the financial industry and do so in a manner that will help limit loss to taxpayers.

The FDIC has broad powers and experience, which is why the FDIC should be the lead. Its resolution powers, including conservatorship, were authorized by Congress nearly 20 years ago and then later improved under the FDIC Improvement Act of 1991. And if the FDIC needs additional authority or resources, Congress and the administration should act quickly to ensure the FDIC can handle the crisis.

In the case of IndyMac, FDIC took over as conservator. It not only protected depositors, it also established and implemented an aggressive foreclosure mitigation program. To avoid long-term ownership of the institution, the FDIC is in the process of selling the assets and ownership of the operation back into private hands.

Finally, this approach eliminates the conundrum of valuing the assets since the Government is acquiring the assets at the bank's current book value, which means including appropriate writedowns by regulatory and accounting authorities.

For conservatorship to be effective, however, it is critical that the Government's work be free and independent from political interference. Micromanaging by Congress and the administration must end.

It is critical that one Government agency be selected to lead the cleanup. Management by committee and multiple regulators is a recipe for disaster.

While each Government regulator brings important skills and resources that may be necessary for cleaning up toxic assets, the FDIC is best equipped to carry out an efficient and effective process of cleaning up troubled banks as the lead agency. If necessary, the FDIC can draw upon additional resources from other regulatory agencies, as well as the private sector, to complete its conservatorship.

Under the third principle, failed executives and members of the board who are responsible for the failure of the sick financial institution should be replaced. Capping pay and taking away corporate jets is not enough. Firing the senior executives and boards of directors who failed the company and its shareholders must be a prerequisite to further governmental assistance.

It is time to stop taking a piecemeal, ad hoc approach in addressing our financial crisis, burying our collective heads in the sand to avoid what needs to be done, and by simply hoping things will get better. Throwing more taxpayer dollars at it or hoping they will get better on their own is unrealistic. Failing to address the toxic assets that clog the financial system undermines taxpayers' confidence in our markets, exacerbates our economic condition, and throws more tax dollars down a rathole. The time for half-baked measures is long past.

It is time we implement a bold, coherent, and smart plan to ensure accountability, transparency, and oversight. This tried and tested approach is more cost-effective and efficient than the current haphazard approach. Rather than pumping more and more taxpayer funds into sick banks, it is time to take the toxic assets that undermine the health and viability of the financial system. In other words, it is time to fire the bazooka. It is time to stop letting politics and fear drive decisions. It is time for smart, considered, and decisive action based on strategies that have worked.

In closing, I ask my colleagues and fellow Americans this question: Are we prepared to do what is necessary to save our financial system and our economy? I do not believe the answer can be anything but yes.

I thank the Chair for his indulgence, and the staff. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator requires unanimous consent to proceed and debate.

Mr. WICKER. I ask unanimous consent to proceed and debate.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Washington.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. ENSIGN. Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to commit the bill (H.R. 1105) to the Committee on Appropriations with instructions to report the same back to the Senate with the following amendment:

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

SEC. _____. (a) ACROSS-THE-BOARD-REDUCTION.—Amounts appropriated under this Act for—

(1) fiscal year 2009 shall be reduced by $18,981,000,000; and

(2) fiscal year 2010 shall be reduced by $3,274,000,000.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall administer the reductions in subsection (a) to the amount of budget authority provided or obligation limit imposed for any discretionary account of this Act.

Mr. ENSIGN. Mr. President, I don't think we need a long time to discuss this amendment. It is a pretty simple amendment. What it says is, we are going to take this bill back to the Appropriations Committee and have the Appropriations Committee make the appropriate cuts so this bill comes back at the 2008 funding level.

We have to ask ourselves: When is the Senate going to start being fiscally responsible? The other side of the aisle criticized us, and rightly so, for free spending over the last 8 years. That was one of the things President Obama campaigned on and the Democrats across the country campaigned on. They said they were going to be the party of fiscal responsibility.

The debt held by the public has continued to increase. The problem is that under the President's new budget, over the next 5 years, the debt is actually going to double. Over the 10-year budget he has proposed, the debt held by the public is going to triple from already unsustainable levels.

My amendment says that we give spending a little haircut around here. It is not significant. It is saying that at a time when we recently passed a stimulus package, which tremendously increased Government spending, let us not take last year's spending bills and also tremendously increase their levels of spending. The current omnibus proposes an 8-percent growth in the size of our Government from one year to the next. We are talking about a record deficit this year. $1.75 trillion is a big number; people can't even get their arms around that number.

If you to spent $1 million a day, 7 days a week, 365 days a year, beginning at the time Jesus was born, you still wouldn't be at your first $1 trillion today. Our deficit this year is $1.75 trillion. To add to that deficit with this spending bill, I believe, is outrageous.

There is a saying—and I don't remember who said it, exactly or how it was said, but it is basically along these lines: The systems of government such as we have always collapse due to two reasons: The first one is a moral collapse, the second one is followed by an economic collapse. You can understand why they happen in that order. Because what happens if people aren't moral enough to care about future generations? What they do is they vote people into office who give them what they want. They borrow from the Treasury to get it, and when the debt gets too high, it collapses the economy.

What we are doing around here is exactly that. We are repeating the mistakes of history. We are borrowing from our children. We are running up huge debts. If folks don't think our economy can't completely collapse due to the huge debt burden we are passing, they have another thing coming. Confidence in the dollar right now is questionable around the world. Looking into the future, as we run up these larger and larger deficits and add to a huge burgeoning debt in the United States, people around the world are going to wonder about the strength of the dollar. They are going to wonder whether they want to continue to buy our Treasury bonds and finance our debt. If they stop buying our bonds, our economy collapses. It literally falls off the cliff.

We have a fiscal responsibility to be moral enough to care about future generations of Americans, to not continue to add dollar after dollar, million after million, billion after billion, trillion after trillion onto their debt load. I would encourage this body to adopt this reasonable amendment to this bill; that instead of increasing the Government 8 percent over last year on these particular spending bills, let us freeze it at last year's level. We are not asking to cut anything, but let's freeze it at last year's level.

It will be up to the Appropriations Committee to decide whether some accounts are more worthy than others. They can plus up those or cut others that are not as worthy. They can take care of Members' projects if they wish to take care of Members' projects. But the bottom line is, this amendment would at least start down the road of fiscal responsibility to future generations.

I have a couple other comments. Can anybody rightly say this bill is full of good spending, of justified spending? We have heard about all the earmarks. Let me note a few of them, if you think this bill is full of good spending. Mr. President, $1.79 million—and I am not exaggerating—$1.79 million for swine odor and manure management research. I am a veterinarian by profession. I understand that pigs smell and pig farms smell worse than almost anything else. But when did it become the responsibility of the Federal Government to control pig odor? Shouldn't that be the responsibility of pig farmers?

Of course we need to pay back the labor unions. There is $190,000 to the Plumbers Local Union 27 and Steamfitters Union 449, and that is in Pennsylvania for the Western Pennsylvania Pipe Trades Regional Training Project. We also have almost $500,000 for the George Meany Center for Labor Studies at the National Labor College.

I have a whole list. As a matter of fact, I ask unanimous consent to have this list of earmarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOTABLE EARMARKS

These earmarks are listed in the Joint Explanatory Statement which was published in the CONGRESSIONAL RECORD of February 23, 2009; after each earmark is the page number in the RECORD where it is listed.

$1.76 million for a honey bee lab (H1691).

$1.79 million for swine odor and manure management research (H1692).

$767,000 for subtropical beef germplasm (H1692).

$245,000 for aegilops cylindrica (jointed goatgrass) (H1700).

$469,000 for ethnobotanicals (ethnobotany is ''the plant lore and agricultural customs of a people'') (H1698).

$5.8 million to the Edward M. Kennedy Institute for the Senate in Boston for the planning and design of a building and possible support for an endowment (H2296).

$5 million for New Leaders for New Schools, an organization whose executive director is likely to be named the next chief of staff at the Department of Education (H2371).

$190,000 to the Plumbers Local Union 27 & Steamfitters Local Union 449, Coraopolis, Pennsylvania, for the Western Pennsylvania Pipe Trades Regional Training Project (H2364).

$238,000 to the San Francisco Department of Economic and Workforce Development, San Francisco, California, for the Green Jobs Workforce Development Training Pilot project (H2365).

$238,000 to Marquette University, Milwaukee, Wisconsin, for a dental health outreach program (H2335).

$95,000 to the State of New Mexico, Santa Fe, to collect and analyze data about the need and potential locations for a dental school within the state (H2348).

$571,000 to the U.S. Virgin Islands Department of Health, St. Thomas, Virgin Islands, of which $190,000 is for facilities and equipment for a mental health facility (H2350).

$476,000 to the George Meany Center for Labor Studies at the National Labor College, Silver Spring, Maryland, for curriculum development (H2297).

$1.6 million to the Michigan Community College Association for an alternative energy training initiative (H2299).

$1.2 million for eyeglasses for students whose educational performance may be hindered because of poor vision (H2285).

$618,000 for teacher training in the Samoan language (H2279).

$485,000 for a boarding school for at-risk Native students from remote villages across western Alaska (H2284).

$476,000 to expand the PE4life physical education program across Iowa (H2289).

$428,000 to the University of Texas Libraries for the Latino Veterans Oral History Project (H2368).

$381,000 for the Cedar Rapids Symphony Orchestra (H2280).

$381,000 for a business school in Des Moines, Iowa to recruit and train captioners and court reporters (H2293).

$357,000 for Farmingdale State College in New York to develop a green building curriculum (H2297).

$333,000 to train college students in closed captioning (H2295).

$285,000 for an associate degree program for air traffic controllers (H2293).

$262,000 to support the advancement of underrepresented minority pharmacists and pharmaceutical scientists (H2294).

$243,000 for the commercial driver's license training program at White Mountain Community College in New Hampshire (H2305).

$238,000 for the University of Hawaii to provide cultural education (H2297).

$238,000 for emergency and preparedness education programs in Beverly Hills, California (H2291).

$238,000 for daily physical education activities in Detroit (H2281).

$214,000 for the Stony Brook University School of Journalism in New York to teach scientists how to effectively communicate with the public and the press (H2303).

$190,000 for Hawaii Community College to provide cultural education (H2297).

$190,000 for Southeastern Illinois College to develop a mining and mine safety curriculum (H2302).

$143,000 for equipment at the University of Guam Marine Laboratory (H2303).

$95,000 for scholarships and program costs related to prosthetic dentistry and clinical prosthodontics (H2293).

$95,000 for Indiana University of Pennsylvania for curriculum development for a mine safety course and research on the use of mine maps (H2298).

$95,000 for Murray State University in Kentucky to purchase equipment for the Breathitt Veterinary Clinic (H2300).

$65,000 for a feasibility study of potential Iowa school sites (H2282).

Certain earmarks that have been linked to a lobbying firm reported to be under federal investigation include $951,500 for a Direct Methanol Fuel Cell (DMFC) (H2044), $951,500 for Adaptive Liquid Crystal Windows (H2038), and $951,400 for an anti-idling Lithium Ion Battery Program (H2038).

Mr. ENSIGN. There are plenty of others we could go through, but for the sake of time, let's just be fiscally responsible right now. Let's add a little fiscal responsibility into this body, and let's adopt this amendment that says we are going to freeze spending from Government that was not already plussed-up in the stimulus bill. Let's be fiscally responsible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise to oppose the amendment that has just been offered by the Senator from Nevada. I go home every weekend and I talk to families across my State. There is no doubt that people are hurting. Thousands of people have been laid off from their jobs, and thousands more are worried that this week they are the ones who are going to be laid off from their jobs.

Since we first came into session in January, we have been working as hard as I have ever seen to address these challenges that are facing millions of Americans today—losing their jobs, losing their homes, losing their retirement. We are trying to get this economy back on track and instill some confidence in this country so we can move forward. We passed a major economic recovery package just a few weeks ago. It is being implemented as we speak and will be implemented over the coming weeks and months.

Here we are today talking about a bill that basically is the responsibility of Congress, every single year, to fund the Government agencies that help make our country work. We should have had this bill passed 3, 4, 5 months ago. We did not. This bill was done. It was ready to go by the end of July. All of the appropriations committees had finished their work. They had passed them out of the Appropriations Committee, almost all of them on a unanimous vote, some of them with just a few negative votes in committee.

But the responsibility of the Senate and House and Congress every year is to pass our spending bills. We pass these bills in order to make our agencies work, whether it is the Food and Drug Administration that makes sure our food is safe, whether it is our air traffic controllers who manage the flights out of our airports, whether it is our health care agencies that do research and important work for this Nation's health, whether it is Government agencies that fund agriculture or any of the other agencies we have. These are people who go to work every day whose function it is to make our economy and our country work so that average citizens do not have to sit at home and worry about whether the drug they purchase is safe or whether the agriculture they buy at the market is safe or whether their schools are funded or whether we provide individuals the basic health care Americans know they need in order to keep their families secure.

It is too bad these bills didn't pass a few months ago. Why didn't they? Because we had an administration whose bottom line was to say no. The President at the time, President Bush, said: I will say no to these bills as they come to my desk.

But here in the Senate and in the House, we said: These bills are important, but if this President is going to veto them, we are going to wait a few months for the election.

That happened, we have a brandnew President, and, unfortunately a few months late because we were working on an economic stimulus package, we are here to pass these bills. I wish they were done a few months ago. I know all of us do. But we should not delay it any further. All of the people who worked with us to get these bills passed, everyone in the country, whether it is a YMCA that has a domestic violence center that is waiting for $100,000 that we marked up in committee and appropriated last year for them, or highway projects we marked up in this bill, or transit projects, across the board, whether it is law enforcement, whether it is consumer product safety, whether it is the numerous housing agencies that are funded in this—they have known for several months what they are going to get. They are waiting for us to finish our work this week, by this deadline, Friday, so we do not go back to a CR. It is our responsibility to pass these bills.

The Senate had a very strong vote just a few hours ago to say we are not going to work off a continuing resolution. We are going to do a responsible job of funding these agencies, as we said.

The amendment of the Senator from Nevada that now comes before us sends us into a tailspin. It says we are going to send these bills back to the Appropriations Committee to cut some $20 billion out of them and come back to us. First of all, just from a process point of view, this is not going to happen by this Friday, and if we do not get this bill passed by this Friday, the Government shuts down. I can talk about the consequences of that. I have been in this body before when the Government shut down. It is not pretty, and we do not want to be there for a million reasons that I am happy to talk about for some time, but we will leave that for another day.

The fact is, to send this bill back to the Appropriations Committee and tell them to cut $20 billion out of it, that will underfund critical initiatives this Senate and this House believe are important.

Let me talk for a minute about housing. We all know that one of the reasons our economy is in such trouble today is because of the housing crisis that has come before us. In this bill—if we do not pass it as it is written and before the Senate today, we have about 45,000 families who will lose their jobs on top of the thousands we have already seen. We cannot afford to put those families in jeopardy. Yet that is essentially what will happen if the amendment of the Senator from Nevada is agreed to.

We are working hard to make sure our families do not go into foreclosure. The amendment of the Senator puts all of those families at risk. Single-family guaranteed housing loans are at risk under the amendment of the Senator. Federal law enforcement efforts through the Department of Justice are at risk through the amendment of the Senator. Antiterrorist enforcement programs through the Department of Treasury are at risk under the amendment of the Senator. U.S. attorneys are at risk. Food and medical product safety—right at a time when we are all worried about peanut butter—is at risk. Consumer product safety—the risk goes on. All of these priorities that we worked through our committee on a bipartisan basis and said we need to move these initiatives forward are at risk under the amendment of the Senator.

I believe we have to all go back to our responsibilities. All of us wish the bill could have passed a few months ago. It didn't. It is in front of us now. We need to pass this bill, get it to the President's desk, and then we will have

an opportunity to look at a budget for 2010. Our Budget Committee will look at that budget hard, we will pass the budget out—it will have to pass in the Senate and House—and it will set the parameters for next year's appropriations bills. Those appropriations committees will then, in the next few months, begin to work on their bill. For anybody who has issues, small or large, that is the appropriate place to begin the debate and amendment process and hopefully in regular order to pass those bills and move forward. But we should not jeopardize this bill at this point. That is not responsible. That is not what any of us should be doing at this point.

Finally, let me talk about the debt issue we have been hearing so much about. None of us wants to operate this country in debt. All of us are fiscally responsible. I have heard every Member of the Senate come forward and talk about making sure we keep our house in order.

Who got us to where we are today? The Republicans who came into power under George Bush turned historic surpluses into historic deficits by not being honest about the costs in front of us—whether it was the Iraq war or whether it was other costs that were paid off-budget, emergencies across the country—not coming forward and being honest about the fact that we do need to fund health care research or education for our kids. Why have these bills not passed before the election? Because even Republicans didn't want to cut education or to cut health care, which would have been what we had to do to meet the President's budget level.

I take a backseat to no one when it comes to making sure our country moves forward in a fiscally responsible way and deals with the debt we have. But at the cost of laying off thousands of people because we are not being responsible and up-front about the job we have to do is irresponsible.

I hope our colleagues will defeat the amendment by Senator ENSIGN, move on, pass this bill this week, and then we can have all the debate we want about the budget that will come before this body shortly, about the appropriations moving forward.

Let me remind all of us that what we are talking about here is extremely important. No one wants to get a pink slip. No one wants to see their job lost. No one wants to see their health care at risk, their education at risk, or for that matter, within my appropriations bill, their flight from their airport at risk because we have not added air traffic controllers, which is in this bill. There are many other issues in this bill that are at risk under the proposal of the Senator, and I urge our colleagues to defeat this amendment and move forward, doing what we were sent here to do, and that is be responsible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I wish to first address a few of the misrepresentations of my amendment by the Senator from Washington. My amendment does not cut any specific program, and you know it. It says to the Appropriations Committee: We will send this back to the Appropriations Committee, and you determine which programs are funded and which ones are not funded. But you will fund them at last year's level. If you want to raise the level in certain areas, then you will have to cut funding in other areas.

We just have to ask ourselves the question: Does anybody believe there is wasteful Washington spending? Does our Government have any wasteful spending in it? If you say there obviously is wasteful spending, when was the last time we cut anything? When was the last time we cut any wasteful spending? Congress needs to address this wasteful spending. Part of the Appropriations Committee job is oversight. The Committee then figures out what is working, what is not working, fund what works and cut what does not work. But that doesn't happen around here. All they do is add and add.

If you check the Constitution, the purse strings are controlled by Congress, not by the President. Democrats are entering their third year of that control in both houses. So what we have to do here is exercise our authority and say we are going to be fiscally responsible. You can say you are fiscally responsible all you want, but unless you act on it, the words are hollow.

Businesses across America are looking for ways to cut waste from their budgets during this economic downturn. Do you know what they are finding? Talk to them. I have been in business myself. I understand that when times are good, you sometimes add staff you don't need, you waste money in places you don't need to, and that is in the private sector. The Government is less efficient than the private sector.

Times are tough in this country, instead of thinking we will just add to the deficit, we will just raise taxes, let's look for efficiency and let's eliminate wasteful spending. We have a bill in front of us that is going to increase spending over last year's level by 8 percent. Is that fiscally responsible? We just passed a nearly $1 trillion spending bill called the stimulus bill, and now we are going to increase this by 8 percent? It seems to me that is not fiscal responsibility. That is the height of irresponsibility.

Let's have a debate on this, but let's have a honest debate.

We are not cutting any specific programs. Do not say we are cutting education. Do not say we are cutting health care. Do not say we are cutting police and firefighters because this amendment does not do that.

What this amendment says is, let's send this bill back to the Appropriations Committee, to last year's level. The Appropriations Committee can determine which programs are funded at what level. If you believe there are certain priorities that need more funding, then fund them; otherwise, let's be honest about this debate. And I am more than happy to go back and forth with the other side about the merits. But if anybody thinks there is not wasteful spending going on in Washington, DC, you need to wake up and smell the coffee because it is outrageous how much waste there is in our Government today—outrageous. We do not require fiscal discipline in our agencies, and that is what we need to start doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I ask unanimous consent to address the Senate as in morning business.

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

PRESIDENT OBAMA'S MISSILE SHIELD LETTER TO RUSSIA

Mr. SCHUMER. Mr. President, I rise today in support of President Obama's critical recognition that Russia must be a major player in blocking Iran's development of dangerous weapons. Yesterday, it was reported that the President wrote to Russia's President Dmitri Medvedev signaling an openness to re-examining the contested missile defense system in Eastern Europe, while urging Russia to help us stop Iran from developing nuclear warheads and long-range weapons.

This overture by President Obama is Reaganesque in its boldness. It has the potential to represent the most cooperative approach to a global threat by our two countries since President Reagan and Gorbachev signed the missile treaty 20 years ago.

It signals the ushering in of a new era of tough and smart thinking about foreign policy that has been desperately lacking in the White House. Rather than alienating potential allies, President Obama and his team are demonstrating that they will abandon the Bush unilateral approach to nuclear nonproliferation in favor of galvanizing international support to meet the challenge posed by these deadly weapons.

I am not an after-the-fact supporter of this strategy. I have long thought that the key to de-fanging Iran's nuclear threat lies in Russia's cooperation in imposing tough economic sanctions on Iran. In fact, in an opinion piece published by the Wall Street Journal last summer, I urged President Bush to offer to Russia a deal: in exchange for walking back the missile defense system that Russia so opposes, the U.S. should get Russia to back the United States' economic sanctions on Iran that are our best stick for making sure that their nuclear threat does not become a reality.

I also made this suggestion in person at the White House last year. I was literally told by Vice President Cheney ''We can't do that.'' Well, there's new

leadership in Washington and President Obama says ''Yes we can.''

Today, there should be no lingering doubt that Iran represents a profound threat to our global security. The latest International Atomic Energy Agency report confirms that Iran remains in hot pursuit of a nuclear program. The report told us that Iran now possesses 1,010 kilograms, 2,222 pounds, of low-enriched uranium, which raises concerns that it now has sufficient uranium and the means to enrich it to produce nuclear warheads.

Whether President Ahmadinejad actually intends to make good on his threat remains to be seen. But what we do know is that the administration needs to use every diplomatic tool in our arsenal to halt Iran's progress in the development of deadly nuclear weapons.

In the recent past, we have made some progress in ratcheting up economic pressure on Iran by sanctioning four of Iran's major state-owned banks. This move has dramatically limited Iran's ability to conduct international business, as a growing number of foreign banks are unwilling to risk reputational harm or loss of access to U.S. financial markets. More economic pressure can and must be applied.

These sanctions are effective against Iran for several reasons. Despite the fact that the leadership and government of Iran is a theocracy, the Iranian people are largely secular and look westward for their cultural bearings. It's a common sight to see satellite dishes hidden in air-conditioning ducts, so Iranians can stay abreast of Western culture. Its growing youthful population also has strong ties to the west. MTV is a popular TV channel among the young in the country, not al-Jazeera. Iran is also wealthier than most neighbors in its region, and its inhabitants have enjoyed a higher standard of living than most people living in the Middle East.

However, Russia is blunting the impact of the sanctions. Economic self-interest motivates Russia's arguments that there is no evidence that Iran has a secret nuclear weapons program and that sanctions would undermine the International Atomic Energy Agency's efforts. Russia makes money from business with Iran, since Russia currently supplies over 75 percent of Iran's arms imports. Russia continues to supply Iran with nuclear fuel and to train Iran's nuclear engineers.

More ominously, Prime Minister Putin's nationalist rhetoric, designed to remake Russia into a global power and restore nationalist pride to the Russians, has led Russia into an even tighter embrace with Iran, an embrace that must be untangled if we are ever to truly eliminate the Iranian nuclear threat.

It is also not a secret that little has raised Russia's anger and fueled its nationalist impulses more than the Bush administration's missile shield plan. Putin argued that such a plan would both reignite the arms race of the 1980s and damage Russia's relations with the United States, Poland, and the Czech Republic. He also said that the shield would prompt Russia to increase its own defenses and abrogate its commitments to demilitarize under the Treaty on Conventional Armed Forces in Europe.

Despite Russia's loud complaints over this missile shield, the Bush administration plowed ahead, securing reluctant agreement from our allies at the NATO summit earlier last summer to move forward with its implementation.

Let me be clear. The United States is committed to both protecting against the threat of a nuclear Iran and protecting a free and prosperous Eastern Europe. But the Bush administration's plan to deploy the missile defense system in Poland and the Czech Republic has never made much sense. The technology has never been proven to work, it has not been determined to be cost-effective, and it will do nothing to tackle the ultimate source of this threat, Iran's stubborn refusal to abandon its nuclear program. At the same time, it does very little to preserve the necessary and very important independence of Eastern Europe.

In this context, it seems clear that the U.S. and Russia each have something to gain from each other. President Obama appears to recognize this dynamic. In exchange for joining the West in imposing economic sanctions on Iran until they stop their pursuit of nuclear weapons, I encourage the administration to roll back its predecessor's plans for a missile shield. It makes sense. With Russia on board, economic sanctions will have much greater success, and countries like China will certainly think twice before engaging with the Iranian regime. Russian participation will give multilateral sanctions against Iran real teeth, and we can halt Iran's nuclear program before it is too late.

The President's gesture to Russia is the kind of smart, targeted diplomacy our dangerous world needs. Given that a nuclear Iran is such a profound threat, this strategy makes eminent sense. The United States could give up a non-vital missile program in Eastern Europe in exchange for vitally needed Russian cooperation to prevent Iran from going nuclear. President Obama and President Medvedev do not need to look into each other's soul. They just need to be able to trust each other's handshake.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, the measure before us, H.R. 1105, is consistent with the funding levels approved in the budget resolution. Therefore, I sincerely believe there is no justification for any amendment to reopen this bill to further cuts.

The Republicans argue there is an overlap between the funds added in the recovery bill and the omnibus bill before us. At the request of Republican Members, Senator COCHRAN and I called upon our staff to conduct a bipartisan review of the impact that the Recovery Act has on the omnibus bill. That review determined that there is, at most, minimal overlap. Let me explain. First, there are 900 programs in the omnibus bill. Fewer than 20 percent receive stimulus funds. For those who may want to offer an across-the-board cut to this bill, they would be harming more than 80 percent of the programs for the Department of Agriculture, Commerce, Justice, Treasury, HUD, Energy, and so on.

Second, of the programs with stimulus funds, only 100 have an increase in the 2009 omnibus bill above the 2008 funding level, and many of those increases just cover inflation or are relatively small. Nearly half of these programs averaged about $5 million in increase between 2008 and 2009. In many cases this does not even cover the cost of inflation.

Analysis will show there are 30 programs in the bill before us which grow substantially between 2008 and 2009 by a total of $15 billion. Of the omnibus growth of the $15 billion we measured, $13 billion is either entirely unrelated to the stimulus bill or is required in addition to the Recovery Act funds to achieve policy objectives or was funded in response to strong political support which would eliminate any chance of reducing it.

I would like to mention a few critical priorities that would go unmet if the Congress were to pass a CR rather than the omnibus. On food and medical product safety inspections, this omnibus bill would provide the Food and Drug Administration with an increase of nearly $325 million, of which $150 million is included in the current continuing resolution.

If this measure is not enacted into law, the proposed increased funding for the FDA would be reduced by $175 million. This reduction in funding would significantly decrease the number of food and medical product safety inspections, both domestic and overseas, that the FDA could perform.

On the matter of consumer product safety, this measure would provide the Consumer Product Safety Commission with an increase of $25 million or 32 percent above the 2008 level. Without this funding increase, this Commission would not be able to implement many of the reforms and new directives contained in the newly enacted Consumer Product Safety Improvement Act to make children's products safer, such as the consumer complaint database, an overseas presence, and increased inspector general staffing, and staffing generally.

On the matter of the enforcement of securities law, inadequate resources for the Securities and Exchange Commission would hamper the ability to undertake vigorous enforcement of security laws to help bolster the integrity of the financial markets just when such enforcement is needed.

On the matter of the Federal Aviation Administration, this agency faces a crisis in maintaining an adequate workforce of trained air traffic controllers. Without the increase provided in this omnibus bill, the FAA would be forced to freeze or reduce the number of new air traffic controllers the agency can bring on board and train, worsening the experience shortage we already have in our air traffic control towers. One accident is one too many.

These are only some of the many priorities in this legislation that would go unmet if we fail to pass this bill as written. This omnibus bill is a good package. It is bipartisan and noncontroversial. It is in compliance with the budget resolution for the committee.

Again, I believe there is no justification for an amendment to reopen this bill to further cuts that would do harm to the important national priorities I have mentioned.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MOTION TO COMMIT WITH INSTRUCTIONS, AS MODIFIED

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to the Ensign motion to commit with instructions, as modified with the changes at the desk; and that no amendments be in order to the motion prior to a vote in relation to the motion to commit; that upon disposition of the motion to commit, Senator HUTCHISON be recognized to offer an amendment which provides for a reduction in funding with no amendment in order to the amendment prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to commit with instructions, as modified, is as follows:

Mr. ENSIGN moves to commit the bill H. R. 1105 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate with the following changes:

SEC. _____. (a) Amounts appropriated under this Act for—

(1) fiscal year 2009 shall be reduced by $18,981,000,000; and

(2) fiscal year 2010 shall be reduced by $3,274,000,000.

Mr. INOUYE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. CONRAD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—33

Alexander	DeMint	Lugar
Barrasso	Ensign	Martinez
Bennett	Enzi	McCain
Brownback	Graham	McConnell
Bunning	Grassley	Murkowski
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Crapo	Kyl	Wicker

NAYS—61

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Shelby
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Cochran	Lincoln	Udall (NM)
Collins	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NOT VOTING—5

Bayh	Johanns	Sessions
Conrad	Kennedy	

The motion, as modified, was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

MOTION TO COMMIT WITH INSTRUCTIONS

Mrs. HUTCHISON. Mr. President, I have a motion at the desk which I would like to call up for consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] moves to commit the bill H. R. 1105 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate with the following change:

Amend spending levels in the bill so as to report back a bill with an aggregate non-security spending level at fiscal year 2008 funding level, adjusted for inflation, by reducing duplicative or non-essential funding in the $787,000,000,000 stimulus bill also referred to as the American Recovery and Reinvestment Act of 2009.

Mrs. HUTCHISON. Mr. President, the amendment that was just defeated was to hold us to the 2008 spending levels after the $1 trillion of stimulus spending that has already been passed and signed by the President. My amendment would be for the nonsecurity spending for 2008, plus the rate of inflation at 3.8 percent.

Basically, what I am doing is asking that we commit the bill to the Appropriations Committee to amend and find the places in the omnibus bill that is before us or the stimulus bill from 2 weeks ago where we would take out the amount of spending that is duplicative or nonessential in the amount of approximately $12 billion. This is a very modest cut, but it would begin to put us on the road toward some fiscal responsibility. We have just passed a $1 trillion stimulus package. It is in all of the areas that we could spend money on, and many of those are duplicated in what we are taking up on the floor right now.

So if you take the nonsecurity spending of 2008 and you add the regular inflation at 3.8, the Congressional Budget Office says that it would be about $12 billion in cuts that the Appropriations Committee would be able to find. So we are not saying here to slash across the board. We are certainly holding harmless defense and veterans. But we are saying that the Appropriations Committee should look at what we have passed and see where there is duplication and cut $12 billion out of this spending bill, and then we will be setting the precedent that we are going back to fiscal responsibility, which is setting the budget and having a reasonable increase—the rate of inflation—which has been the normal procedure here until this year.

When you look at the bill that is before us, it would cost about $408 billion, according to the Congressional Budget Office. When you account for the previous continuing resolution, which provided funding for defense, military construction, veterans affairs, and homeland security, the top line fiscal year 2009 spending level would exceed $1 trillion. This does not include last year's supplemental nor the stimulus which we have just passed, which, when you combine those bills, would be another total of $1.4 trillion. That is a 49-percent increase over a 1-year period. If we want to exclude the emergency or one-time actions, such as supplementals or the stimulus, then you would have an increase over last year's spending by $83 billion, which would be an 8.8-percent increase over last year's spending. That is more than twice the rate of inflation, at 3.8 percent.

Let's take some examples. I will look at my committee, Commerce Committee, and the areas of my jurisdiction. We authorize broadband grants. We share this jurisdiction with the Agriculture Committee. We provided a total of $7.2 billion for broadband grants and loans in the stimulus package, $4.7 billion for the NTIA, and $2.5 billion for rural utility service. Yet in this bill we are adding another $400

million. That totals, for the fiscal year 2009 spending, a 4,500-percent increase. Why do we need another $400 million when we haven't even begun to spend the $7.2 billion from the stimulus yet?

How about the National Institute of Standards and Technology? This is a program I support. It is a valid program, just as the previous one. But here we are increasing the NIST funding by $31 million over last year's funding level and we just gave NIST $220 million not 2 weeks ago. So the Institute of Standards and Technology would be increased not by $31 million, but $251 million over a 1-year period.

These are only some of the items in my own committee's jurisdiction. There are 122 accounts in this bill that received stimulus funding, and I support most of what is in this bill because the Appropriations Committee took up these spending bills last year. We had the ability to amend, in most cases, and we know what is in those bills. However, they were increased on the House side since we took them up last year, and now we have, between now and October 1 of this year, this spending bill for all of the accounts except the security accounts.

Why don't we show the American people that we are going to exercise fiscal restraint; that we know we have just passed $1 trillion in stimulus spending—some of which arguably is stimulus and some of which arguably is not, but we passed that stimulus bill—and it is going to cost our taxpayers $1 trillion. We hope it will increase the revenue, because we hope it will increase jobs and it will keep people in their jobs. That is what we want it to do. But now we are in the regular appropriations cycle, from today until October 1, and we are talking about $408 billion more in spending, some of which has already been provided for in the stimulus package we passed.

The American people, some of whom have lost their jobs, some of whom have received notice that their mortgages are going to be foreclosed and their homes are going to be taken, are saying: What are they doing up there? How can they spend money like that without any regard to what is fiscally responsible? And how we are going to pay it off? Because this is more debt, and we are going to increase, and increase again, and everyone who owns something or who has a mortgage understands this.

We don't have to do this. We can say today, in a bipartisan way, that we are going to turn a new page; we are going to turn a new page in this Congress and the Appropriations Committee is going to do its work. The Appropriations Committee is going to, in a bipartisan way, start looking at this $408 billion bill and compare it to the 122 accounts in this bill that got stimulus 2 weeks ago and we are going to find $12 billion in cuts—$12 billion out of $408 billion. It could come out of the stimulus. If that were the preferred way to go, we could go back into the stimulus in the outyears. It doesn't have to be in the next 2 years, it can be in the outyears of the stimulus. The Appropriations Committee would be authorized to go into either bill and shrink $12 billion.

It seems almost unthinkable that we would not be able to cut $12 billion out of $1.408 trillion of taxpayer money that is coming out of Washington and which is debt because we don't have the money to pay for it.

I urge my colleagues to pass this amendment. Let us show the American people that we do understand we should have fiscal responsibility and restraint, as every household in this country is experiencing right now; and that from now forward our appropriations bills are going to be in the regular order; that we are going to have a budget, and we are going to live within that budget, and we are not going to add 5 percent or 8 percent and then bring it over here and pass it with no amendments. That is business as usual. That is not change, it is not bipartisanship, and it is not acceptable.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KAUFMAN). The Chair recognizes the Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to be recognized for 20 minutes and that the time not be counted against Senator HUTCHISON's time.

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

CUBA

Mr. MARTINEZ. Mr. President, as this mammoth appropriations bill is being considered, there are some ramifications that go way beyond the fiscal impact of this bill and the prudence of those measures. It is about the policy implications of some of the things that have been woven into this bill. I am particularly referring to those issues referring to our relationship with Cuba.

This Senate has debated over many years issues relating to Cuba, a close neighbor; unfortunately, over the last half century, not a friendly neighbor. I think back to about 1898, when this Senate was very much in favor of Cuba's freedom from Spain and American forces intervened. In 1902, Cuba's freedom as an independent nation, freed from Spain, was granted as a result of actions by our Congress as well as our President.

As the Senate considers taking steps that would change the current approach to policy regarding Cuba, we should reflect on how and why we have the current policy in place and the ramifications of adjusting that policy at this moment in time, even temporarily.

The United States-Cuba policy is a living, breathing entity. Over the years, it has been adjusted, loosened, tightened, and tested. Ten successive U.S. Presidents have affirmed the policy, bolstering provisions for the sake of those brutalized by the regime, seeking no harm to the general Cuban public while denying the regime the resources it so desperately needs to keep the stranglehold on power.

The United States has always had the general welfare of the Cuban people in mind as evidenced by our generous humanitarian aid and the promise it is of untethered assistance. The United States is the No. 1 supplier of humanitarian aid to Cuba. The American people, in 2007 alone, sent $240 million in private assistance through reputable humanitarian assistance organizations. The foundation of our policy takes aim at the actions of the regime that expropriated private property without compensation—property owned by American citizens. On top of this foundation is our message that Cubans deserve access to free and fair elections, basic human rights, and the rule of law.

The United States built this policy so as to stand with the Cuban people, who are denied the freedoms we as Americans receive as a birthright. As we consider stripping enforcement of the sanctions, I wish to spend some time talking about what this policy means to the Cuban people, the American Government, and me personally, as someone who witnessed the violence of this revolution firsthand.

United States-Cuba relations during the Castro era have largely been defined by Cuba's record of anti-Americanism and aggressive acts of hostility. When Fidel Castro took power in the early days of 1959, there were promises of democracy, free press, and elections. But such reforms never took place. In fact, a violent dictatorial regime came in its place. Many executions took place—killings without trial, without due process. Our President, then Dwight D. Eisenhower, built a framework for the anti-Castro policy by placing trade sanctions on sugar, oil, and guns.

When barrels of Soviet oil began to arrive in Havana, United States oil companies in Cuba refused to continue refining oil, paving the way for further nationalization of United States assets—oil refineries in this instance. All of these nationalizations took place without compensation to American companies. And to this day, there never has been compensation. All of the properties owned by Americans were taken. Later, little by little, properties owned by Cubans were taken until there was no vestige of private property left in Cuba whatsoever.

My own personal story, my own life, was touched, as I was a young boy when all of this took place. Ultimately, as a result of persecution of those of us who were people of faith, as well as the stifling atmosphere in a totally controlled society, as a teenager, I emigrated to the United States. I watched firsthand the tensions between Cuba and the United States in a very personal way.

I remember watching the television and the news accounts of tensions rising between the United States and Cuba—escalating and leading up to the Cuban Missile Crisis.

That began in July of 1962, when Raúl Castro went to Moscow, and the bonds between Cuba and Russia strengthened.

The Castro brothers engaged with Russia and agreed to allow the Soviets to deploy nuclear missiles, under Moscow's jurisdiction on the island of Cuba. By the fall of 1962, Soviet freighters began delivering shipments of middle-range ballistic missiles.

In an address to the nation on October 22, 1962, on the eve of my 16th birthday, President John F. Kennedy warned of the imminent danger presented by the emerging Soviet-Cuba alliance.

In describing Cuba's nuclear strike capabilities, Kennedy said:

Several of them include medium range ballistic missiles, capable of carrying a nuclear warhead for a distance of more than 1,000 nautical miles. Each of these missiles, in short, is capable of striking Washington, D.C., the Panama Canal, Cape Canaveral, Mexico City, or any other city in the southeastern part of the United States, in Central America, or in the Caribbean area.

Five days later, in a letter to Russian Primer Nikita Khrushchev, Fidel Castro offered the island in sacrifice and urged the Soviets to use nuclear weapons against the United States if necessary.

Let's be clear, the Castro regime, under Fidel and Raul Castro, then—as they are today—in power, wanted first strike nuclear attacks against the United States. Fidel Castro urged the Russians to let the missiles fly toward our soil.

Fortunately for all, Khrushchev's response to the Castro request was to urge, ''. . . patience, firmness and more firmness.''

And these events are the foundation for U.S. Cuba policy; brutality, the theft of U.S.-owned assets, and the threat of nuclear catastrophe. All of these things perpetrated by the Castro brothers who were in power in 1959, and who remain in power today.

In the years between the Cuban Missile Crisis and now, the United States has made many good faith efforts and attempts to unilaterally engage Cuba and restore relations.

Without fail, every single attempt has failed due to the actions of the Castro regime.

Several attempts involved our offering concessions similar to those in the bill before us today.

In 1975, Secretary of State Henry Kissinger, during President Gerald Ford's presidency, tried to broker a deal with Cuba that would have lifted the trade sanctions and normalized relations. But the regime chose another route. It wanted to project power abroad. It was more interested in acting as a surrogate of the Soviets than it was in better relations with the United States. So Cuba sent troops to Angola. These troops engaged in a war as surrogates of the Soviet Union, where Cuban men died and where the Cuban Armed Forces were engaged in battle. They seized the capital city of Luanda, and the group then proclaimed independence from Portugal.

In an effort to promote peace and stability, Secretary Kissinger had no choice but to tell Cuba that as long as they had troops in Africa, the deal to normalize relations with Cuba was off the table.

In April 1980, during the Presidency of Jimmy Carter the U.S. Government once again reached out to the Cuban regime. This was rebuffed in a different way. This time it was as a result of more than 10,000 Cubans who were seeking asylum in the Peruvian Embassy; Cuban-American exile groups reached out to the island asking if willing Cubans could be allowed safe passage to the United States.

The response from the Cuban people was overwhelming and more than 125,000 Cubans fled for freedom in what became known as The Mariel boatlift. In the months that the boatlift took place, the U.S. established an interests section in Havana and reciprocated by allowing Cuba to establish theirs in Washington.

This would have been a bright spot for U.S.-Cuba relations except for the fact that the Castro regime took advantage of our generosity.

As thousands of Cubans lined up for the chance to live in freedom, the Castro regime opened its prisons and mental hospitals and sent patients and their worst criminals, murderers, thieves, and drug dealers into the United States with the idea that they would be turned loose to wreak havoc in the U.S.

This was not only cynical but also an act of aggression during a time when President Carter had extended a hand of friendship.

Once discovered, the Castro regime refused to take back the criminals and many were absorbed by our prison system where they remain to this day because they will not accept them back.

The Mariel Boatlift, as it is now known, was symbolic of the desire of the Cuban people to live freely and the flight of the people of Cuba to friendlier places, but also of the frustrating attempts to have a better relationship with the Cuban government.

Frustrated with the conditions allowed by the Cuban regime, more than 125,000 Cubans made the journey to the United States. Many were reunited with family and friends, and all had a chance at a better life.

In February 1982, the U.S. Secretary of State added Cuba to the list of countries supporting international terrorists. The U.S. State Department issued a report detailing Cuba's activities.

The State Department asserted that Cuba had, quote, ''encouraged terrorism in the hope of provoking indiscriminate violence and repression, in order to weaken government legitimacy and attract new converts to armed struggle.''

Cuba was noted to have very active operations throughout Central America and especially in Nicaragua, El Salvador, and Guatemala.

It was reportedly providing, ''advice, safe haven, communications, training, and some financial support to several violent South American organizations.''

The long record of the Cuban government's lack of respect for human life extends beyond the 1960s, 1970s and 1980s. In 1996, the Castro regime engineered a civilian murder that shocked the conscience of all Americans.

On February 24, 1996, the regime ordered the shoot down of two unarmed civilian planes flying over international waters on a humanitarian mission.

Four people were killed. Three U.S. citizens and a permanent U.S. resident; Armando Alejandre, Jr., Carlos Costa, Mario de la Pena, and Pablo Morales.

These men were part of a Florida-based humanitarian organization called ''Brothers to the Rescue,'' a group credited with spotting and saving the lives of thousands of Cubans who spotted and helped rescue Cubans trying to raft across the Florida Straits.

Following a thorough Federal investigation, it was determined the regime premeditated the shoot down as part of a conspiracy called Operation Scorpion—a mission designed to send a message to the Cuban exile community.

In the months leading up to the shoot down, Cuban-piloted MiG jets practiced intercepting and firing on slow-moving planes similar to those flown by the Brothers.

Further, the regime infiltrated an agent into Brothers for the sole purpose of encouraging the group to fly into the regime's death trap.

This agent disappeared the day before the shoot down and reappeared in Havana to denounce the humanitarian group.

The Southern District of Florida would eventually find and charge 14 individuals including Cuban spies.

The reaction from the international community was swift and harsh.

The United Nations Security Council passed a resolution condemning Cuba.

The European Union followed suit. Here in the United States, we strengthened sanctions against Cuba through the Helms-Burton Act.

A known state-sponsor of terror, the Cuban regime engaged in premeditated murder, in international airspace.

And the same people who orchestrated this unprovoked attack, Fidel and Raúl Castro, are still in power today.

Incidents such as these strengthen the resolve of Cubans looking for a better life.

José Martí, a Cuban hero, referred to as the ''Apostle for Cuban Independence,'' once said, ''Man loves liberty, even if he does not know that he loves it. He is driven by it and flees from it where it does not exist.''

Many have fled Cuba for our shores.

During the early days of the regime from 1959 to 1962, it is estimated that the U.S. resettled 200,000 Cuban refugees.

There are well over 1.5 million Cuban refugees in the U.S. and many more in Spain, Mexico, and throughout Latin America and the world where the Cuban Diaspora has gone, escaping tyranny and seeking freedom.

According to the State Department:

These include former political prisoners, persecuted religious minorities, human rights activists, forced labor conscripts, and those discriminated against or harmed based on their political or religious beliefs.

Those who choose to stay behind and courageously oppose the regime's radical ways are subjected to violence, torture, and even murder.

According to Armando Lago, an economist who has attempted to compile a list of every person killed since the start of the Cuban revolution, Raúl Castro was personally responsible for 550 executions in 1959 alone—executed without trial, without cause, without mercy—Raúl Castro, the figurehead of Cuba's modern regime.

Lago has documented 500 murders by prison guards, 500 deaths from medical neglect, 200 suicides of political prisoners, and more than 1,000 assassinations and disappearances.

Those who have voiced opposition to the regime's policies have been forced to endure harsh consequences.

Under the Cuban Criminal Code, the regime has the legal authority to detain and arrest anyone deemed not in line with the Communist State.

These individuals are defined under Article 103 of the Cuban Criminal Code as:

Any person who incites against the social order, international solidarity or the communist State, by means of oral or written propaganda or in any other way; prepares, distributes or possesses propaganda . . . Any person who disseminates false news or malicious predictions likely to cause alarm or discontent among the population, or public disorder . . . [or] Any person who permits utilization of the mass communication media shall be punished with one to four years imprisonment.

Once in prison, these individuals are subjected to unsanitary conditions, harassment, and beatings.

Here are just a few of the conditions reported by the Inter-American Commission on Human Rights.

The nutrition and hygienic situation, together with the deficiencies in medical care continue to be alarming and have caused numerous medical problems among the prison population. Anemia, diarrhea, skin diseases and also parasitism due to polluted water, appear to be commonplace in the majority of the country's prisons, while in some such as the Manacas and Combinado del Este facilities cases of tuberculosis have been recorded.

Moreover, inmates who have made any form of protest about the treatment received or who reject reeducation, which according to information received consists of political and ideological training, have been subjected to reprisals such as beatings, being shut up in punishment cells (which are extremely small, with the door closed and where the prisoner can be kept for months without seeing the light of the sun), being transferred to prisons normally far from where their families live, suspension of family visits, or denial of medical treatment.

This is in sharp contrast to the much publicized detention facility in Guantanamo. I have visited there and conditions are as good there or better than those in Florida jails. Organizations can visit Guantanamo. That is the only jail in Cuba that can be visited by an international organization like the Red Cross. The Cuban government refuses any human rights organization permission to visit their prisons.

The fact is the only uninspected, deplorable prisons in Cuba are those run by the Cuban government. Their gulag continues today unchecked, and would continue even in spite of us reaching out through this bill in this misguided way.

According to the U.S. State Department's 2008 Report on Cuban Human Rights released last week:

. . . the government continued to deny its citizens their basic human rights and committed numerous, serious abuses.

The government denied citizens the right to change their government.

In describing these abuses of human rights, the report states:

The following human rights problems were reported: beatings and abuse of detainees and prisoners, including human rights activists, carried out with impunity; harsh and life-threatening prison conditions, including denial of medical care; harassment, beatings, and threats against political opponents by government-recruited mobs, police, and State Security officials; arbitrary arrest and detention of human rights advocates and members of independent professional organizations; denial of fair trial; and interference with privacy, including pervasive monitoring of private communications.

The report notes,

. . . severe limitations on freedom of speech and press; denial of peaceful assembly and association; restrictions on freedom of movement, including selective denial of exit permits to citizens and the forcible removal of persons from Havana to their hometowns; restrictions on freedom of religion; and refusal to recognize domestic human rights groups or permit them to function legally.

One of the political prisoners mentioned in the State Department report is a man named Tomas Ramos Rodriguez, who was released on June 16 after 18 years in prison.

Following his release, Tomas Ramos noted that ''prison authorities beat prisoners with truncheons on a near-daily basis with impunity. Families of prisoners continued to report that prison staff sometimes goaded inmates with promises of rewards [if they would] beat a political prisoner.''

In describing the prison conditions, Tomas Ramos recalled the ''cell floors that had standing pools of water contaminated with sewage.''

Additionally, the report tells the story of a physician named Rodolfo Martinez Vigoa, who complained to the Ministry of Public Health about the condition of the local health clinic in Artemisa as well as the salaries of his employees.

In response, instead of taking care of the problem, the regime stood by as ''approximately 300 persons arrived at Martinez's house and shouted insults, calling him a traitor and a counter revolutionary. The government later stripped Martinez of his medical license.''

There is a long litany of the human rights abuses that exist in Cuba. The fact is, with these conditions, we would dare not have a free-trade agreement with Colombia because of concerns about human rights. President Obama, during his campaign, indicated he was concerned about human rights conditions in Colombia so, therefore, he would not be for a free-trade agreement with Colombia. It would seem to me that to be consistent, he would have to veto this bill if, in fact, it contains a relaxation of trade with Cuba, particularly if it gets into the area of providing credits, which is what this bill would do, to those in Cuba who do not pay their bills.

The fact is, there have been some pretend changes in Raoul Castro's regime since he took over Cuba. Citizens are allowed to use cell phones. That sounds like a great thing. The problem is the average Cuban makes $17 a month. The average cell phone in Cuba costs about $64. With the activation fee as high as $120, never mind the contract fee on a month-to-month basis.

Another change is Cuban citizens can now stay in hotel rooms that have been historically reserved only for tourists. The problem is, hotel rooms cost as much as 11 times the average monthly salary of a Cuban. These are not changes, these are sham assurances aimed at hiding the regime's struggle to remain financially solvent.

One clear change that has occurred is the rise of short-term arrests for so-called dangerous activity. Arbitrary detentions of prodemocracy activists have increased five times, from 325 in 2007 to 1,500 in 2008. These are just those that have been documented. Hundreds more, I am sure, take place that would be difficult to document because they happened in parts of the country where our diplomats certainly are not allowed to travel, and certainly there are no human rights organizations that could monitor it.

The regime's promise of change has fallen short of what the Cuban people want and deserve. Where are the anticipated reforms? There have been 2 years of Raoul's rule and nothing has happened.

Even the most modest calls for reform go unanswered. Since the average Cuban earns $17 a month, but the prices of goods and services are almost what they are here, many families find it very difficult to get by.

For those Cubans who have family members living abroad, here in the U.S. or Spain or elsewhere, they can receive remittances without a Government penalty. But the Cuban Government, unlike any other Government in the world, takes 20 percent from any incoming money.

A person living in the United States who sends funds to Brazil, Ecuador, Colombia, or China, they can expect to pay a private transaction fee of somewhere in the neighborhood of 2.5 percent. The Cuban Government takes a 20-percent cut right off the top. In this bill we will unilaterally be letting the Cuban Government receive unlimited remittances, asking them to do nothing—unilaterally lifting the restrictions on remittances while asking the Cuban Government to do nothing.

Would it not be nice if we were to tell the Cuban Government that in exchange for allowing them to now receive unlimited remittances, which may not be a bad thing, then they should, in fact, act in a way that allows the poor people of Cuba and those here sacrificing to send them help, not to be taking a 20-percent cut from the moneys they send to their relatives and loved ones in Cuba. These are not measures designed to serve the interests of the Cuban people.

But there is another yet darker side to this regime, as the anti-Americanism and the antagonism to our country has exemplified the actions of this regime throughout its time. Cuba and its anti-Americanism has fallen in line with Venezuela.

Mr. President, I ask unanimous consent I be allowed to have 5 additional minutes to conclude my remarks.

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

Mr. MARTINEZ. The relationship between Venezuela and Cuba is very close and obviously designed in their alliance to exercise an anti-American policy. But it does not stop there. It also includes the very dangerous Government of Iran.

Fidel Castro visited Iran in 2001. Mahmoud Ahmadinejad visited Cuba in 2006, following a visit in 2000 by then-President Khatami. The fact is, Chavez is in and out of Cuba regularly. The fact is, these governments are functioning as an alliance of sorts in the region, trying to thwart and provoke an anti-American attitude.

Before voting on this spending bill, we ought to give serious consideration to what changing the U.S. policy toward Cuba would mean going forward. While some may feel that the U.S. policy is punitive, it was created with the interests of the Cuban people in mind. Relaxing restrictions and allowing additional remittances would provide the regime with additional revenue, cash that would help it maintain its repressive policies.

According to the Cuban Assets Control Regulation: Persons visiting a member of the immediate family, who is a Cuban national, for a period not to exceed 14 days, those are allowed today once every 3 years.

What is likely to happen under these proposed changes in the omnibus is a spike increase in tourist travel under the guise of humanitarian activity. That does not serve the interest of the Cuban people and those who seek freedom inside Cuba.

In addition to that, this legislation before us would extend credit through the U.S. banking system to a Cuban nation that recently disclosed it owes more than $29 billion to the Paris Club, a debt they stopped making payment on back in the 1980s.

In fact, Cuba has the second worst credit of any nation in the world. And to that country, we are now proposing, in this legislation, in these financial times we are living in, to provide the Cuban Government with credit that can purchase agricultural goods in this country and also medicine, in fact, to the tune of some $780 million a year.

They have been doing just fine paying cash on the barrel head. This bill will give them credit. Why would we do that to this Cuban Government? Why would we do that to this enemy of the United States, when we would not sign and ratify a free-trade agreement with a country such as Colombia, which is a friend, a partner, an ally.

As we consider changing U.S. policy regarding Cuba, why are we doing it in a way where we ask for nothing? We tie neither of the changes called for in this omnibus to any yardstick of improvement. We do not call for the release of political prisoners; we do not call for lowering of the remittance fee from 20 percent to something more reasonable; we do not ask for any signs of positive behavior. We just lay the changes out there and then hope for the best. That is not the way we ought to approach a regime that has rebuffed our overtures for normal relations and humanitarian aid and instead seeks to undermine our alliances and our interests in the region.

The fact is, the Cuban Government is no friend of the United States. This is not just some benign dictator in Latin America; this is a government that purposely, during the entire time that it has existed, has had an antagonism and has exhibited every type of hostility toward the United States, which it continues to exhibit to this day.

Now, there are those who believe that Raul Castro is a reformer. After 2 years in power, as I pointed out earlier, little or no reforms have taken place. Great hopes were raised by him with many who are hoping for some sign. Yesterday, those signs of change were even further dashed when he had a major shakeup in his Government, and Carlos Lage, who has essentially been the Prime Minister of the Cuban Government, and one of those people whom folks believed was, in fact, a reformer, and the hopes were all pinned that if Lage would take over, that he might be the next President—in fact, he was fired yesterday, and he is no longer any sign of hope for undermining change in Cuba.

In fact, what happened yesterday in Cuba, by any other standard, by any other measure in any other country would be considered a military coup. We already have a totalitarian system. Now Raul Castro has put all of his friends from the military, all aging people in their seventies and older, as close to him as he can put them. Some of them are the most radical, the most vicious of those who have enforced Cuba's totalitarian regime over the years that it has existed, and they are now in the throes of government.

So, essentially, what we have here is not an example of a change in regime but one that is only consolidating power, trying to only exact more repression from its people, while at the same time exhibiting hostility and anti-Americanism anywhere that it goes and anywhere that it speaks.

So I would hope we can have this debate outside of this omnibus bill because it would be great to have a discussion on what our policy ought to be on Cuba—not to have it lumped into this massive spending measure that has to be passed by Friday. I would love for us to talk about Cuba in terms of how we encourage respect for human rights, how we encourage this Government to behave as a normal, law-abiding nation. The fact is, this unilateral act which, frankly, would not be met with any reciprocity is a mistake. It is a sign that we are trying now to legislate policy in a bill that is about spending and a very dramatic change in U.S. foreign policy.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 596

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 596 be called up.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 596.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this Act)

On page 1120, between lines 6 and 7, insert the following:

PROHIBITION ON NO-BID EARMARKS

SEC. 414. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient.

Mr. COBURN. Mr. President, I have to identify with the words of Senator

HUTCHISON about how the American public have to view this bill, especially in light of the fact of the stimulus bill we just passed. I will add some more to those comments as we go through this amendment.

This is a very straightforward amendment. It has been voted on by the Senate several times. Last time it passed 97 to 0. All it requires is that the money expended in this, where appropriate, be competitively bid.

I am sure there is going to be people who vote against this this time because of the situation in which we find ourselves. I wonder how you go back to your State and say that you do not think we ought to competitively bid the money we are going to spend on behalf of the American people. But some are going to say that.

We will hear all sorts of things. What this requires is all contracts, all grants, and cooperative agreements awarded under this act to be competitively bid. What do we know about competitive bids and what do we know that President Obama campaigned on? His campaign was, anything over $25,000 in the Federal Government ought to be competitively bid. So I have no doubt that my friend, the President, will endorse this idea. It is an essential part of his campaign to help us clean up the corruption, clean up the cost excesses, and clean up the overruns that we have seen.

The other thing is, we already have several laws that require it. But then we have words in the appropriations bill that exempt us from those laws requiring competitive bidding. So what do we do in this bill? We actually take away the enforcement of existing statutes so we do not have to competitively bid. Is it not interesting that the reason we do not want competitive bids mainly has to do with earmarks. It has to do with the fact that people have earmarks in the bill that they want to go to a certain set of people; maybe not the best qualified to perform that function or task under which the Government wants this service to be done, but you can bet your bottom dollar it is where the Senator or the Congressman wants it to go so he can get credit for it.

So not only do we have a tendency for less than sunshine, what we have bred is tremendous inefficiency. And it goes back to the very idea of why earmarks are so damaging to this country, which is because they give elevation and attention to the politically entitled money class. That is where 80 percent of the 7,700 earmarks in this bill are; they are to the politically entitled money class in this country, the people who can give campaign donations. That is who they are to.

So we do not want competitive bidding because the person we are counting on sending money back for a campaign contribution will not get the contract. So the deal does not get completed. In May 2006, the Senate voted 98 to 0 to require that we have competitive bidding on the stimulus package. We voted 97 to 0. What did we do in conference? They took it out so their friends do not have to competitively bid. Where I come from, in Oklahoma, we call that corruption. We call it corruption. That is a tough word. But that is what is going on with a lot of the money that our grandchildren are going to pay back that is going to go on this bill and in the stimulus bill.

The other reason we should do this is because no-bid contracts historically, when you look at them, never give value. What we get is cost overruns.

Great example: The census this next year is going to cost close to $20 billion. The census in 2000 cost $10 billion. Now we have to be scratching our head to say, why would it double? Well, $1 billion of that is because the Census Bureau had a no-bid contract for electronic data collection that fell on its face.

In spite of oversight by this body, in spite of assurances that it would not happen, we wasted $800-plus million on one contract that we cannot utilize anything from. That is the competency of no-bid contracts. If we do a review of this bill in the future, and we did not put in competitive bidding, we are going to see that same thing to a lesser degree across the whole board.

The other thing, the reason we should use competitive bidding, is that all of us would do it if it was our own money. We would want to get value. We would want to make sure we got the most value for the dollar that was spent.

We do not do that because it is not our money. Now there is a Congressman on the other side from Arizona who has above his desk written in great big red ink: The greatest pleasure in the world is to spend somebody else's money. But it instills all sorts of mischief when we do it.

So this is very straightforward, very direct. There are no tricks. It just says: Let's do what everybody else in the country would do who was making the decision about spending $410 billion. They would make sure each segment of it got some competitive bidding so we could reassure ourselves that at least we were getting value. It is not hard to do. It is easy guidelines. It is straightforward. Let's not exempt this bill from that.

AMENDMENT NO. 608

I ask unanimous consent to set aside the pending amendment and call up amendment 608.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 608.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds for the Emmett Till Unsolved Civil Rights Crime Act from funds already provided for the Weed and Seed Program)

On page 135, line 6, strike the period and insert ''of which $10,000,000 shall be available for grants to state or local law enforcement for expenses to carry out prosecutions and investigations authorized by the Emmett Till Unsolved Civil Rights Crime Act established under Public Law 110-344.''.

Mr. COBURN. This is an amendment that is about a serious issue. I agree that $10 million in a bill of $410 billion is not a lot of money in relationship, but let me tell you what this $10 million is going to do. There are 100 unsolved civil rights murders from the 1950s and 1960s and 1970s that have not been investigated, that have not come forward because Congress hasn't put the money there.

Last year, under great fanfare, several of my colleagues were critical of me because I wanted to pay for it as we passed the Emmett Till Unsolved Civil Rights Crime bill. What I said in opposing that bill initially, which I never was successful in getting it paid for, was that there is plenty of money at the Justice Department if we just direct the Justice Department to put $10 million to this. There are three cases recently that are coming due, three that have been solved now. We have several other leads. Timing is of the essence.

What I was told is: No, we will appropriate this money this year. That is what we were told. I won't go into the five pages of quotes by the general cosponsors of the Emmett Till Unsolved Civil Rights Crime bill, about how they would put the money in right now. Guess what is not in this bill. What is not in this bill is any money to the Justice Department to be directed to the Emmett Till unsolved civil rights crimes. They said to my staff: Don't worry about it. There is plenty of money at the Justice Department to do it. So the same argument that was not good enough last year when we tried to pay for it is now turned around, and they say: It is the same amount of money. We now have it, in their judgment. But we didn't last year.

The fact is, there is a sham being perpetrated. It is to claim a moral position and say you will fund something and then, when it comes time to have to give up an earmark or have to eliminate something else, you can't quite have the courage to pull up to the level of moral transparency and keep your commitments.

The information is fading away quickly. They are old crimes. People who have testimony are dying and won't be available for the future. Yet we have the insistence to say it doesn't matter to spend that money now.

There is nothing in this bill more important than solving unsolved civil rights crimes. The reason is because it says something about our justice system. It says we realize that justice delayed is justice denied, and the hurt and trauma that came out of this country in the civil rights movement will

only get closed when we have true justice. For us to now in a petty way say: We will get it next year, do you realize that ''next year'' is coming September 30, and 6 months from now, two or three more witnesses will be gone, two or three more people who committed a crime will not get convicted because the evidence and the testimony will be gone? Yet we can't bring ourselves to the point of saying this is a priority. This says something about who we are, that we are going to give up a few earmarks so we can actually stand on the side of justice. The hypocrisy of the debate we heard last year and then what we hear today at the staff level about why we can't fund this is unfortunate.

I advise the Senator from Connecticut, I have two more amendments to offer. I will talk a very short time and then be finished, if that is OK with him.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend. I have come over to speak in morning business, and I will be happy to wait until he is done.

Mr. COBURN. I will come back to the floor and discuss these amendments again, but I will give the courtesy to my friend from Connecticut of being fairly short.

AMENDMENT NO. 623

The next amendment is amendment No. 623. I ask unanimous consent that the pending amendment be set aside and amendment number 623 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LIEBERMAN. I object on behalf of the Democratic leader.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I renew my request to set aside the pending amendment and call up amendment No. 623.

Mr. LIEBERMAN. Mr. President, having heard from higher authorities, I withdraw my objection.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 623.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit taxpayer dollars from being earmarked to 14 clients of a lobbying firm under Federal investigation for making campaign donations in exchange for political favors for the group's clients)

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

(1) DIRECT Methanol Fuel Cell (IN);

(2) Solar Energy Windows and Smart IR Switchable Building Technologies (PA);

(3) Adaptive Liquid Crystal Windows (OH);

(4) Anti-idling Lithium Ion Battery Program, California (CA) ;

(5) Advanced Engineering Environment for Sandia National Lab (MA);

(6) Multi-Disciplined Integrated Collaborative Environment (MDICE) (MO);

(7) Hydrogen Optical Fiber Sensors (CA);

(8) Flexible Thin-Film Silicon Solar Cells (OH);

(9) CATALYST: Explorations in Aerospace and Innovation education program;

(10) Carnegie Mellon University, Pittsburgh, PA, for renovation and equipment;

(11) Mount Aloysius College, Cresson, PA, for college preparation programs;

(12) Washington & Jefferson College, Washington, PA, for science education outreach programs;

(13) DePaul University, Chicago, IL, for math and science teacher education in Chicago Public Schools; and

(14) Nazareth Hospital, Philadelphia, PA, for renovation and equipment.

Mr. COBURN. I gave my assurance yesterday to the majority leader that I would offer no division of any amendments so he would not worry that we would have more votes than he wanted. But I will make the point at this time, at the rate we are going, we will have less than 12 amendments on a $410 billion bill that spends $363 million a page. I would love for every American to know we are so good in the committee that none of us should be able to have significant amendments to modify this bill that I guarantee has $50 billion worth of waste, fraud, abuse, or lack of direction in how the money is spent. So to be able to get four amendments on the floor, just four on a $410 billion bill, which we are only going to spend 3 days on, I have to agree to limit what the American people should know about this bill. That tells you where we are in the Senate. But I agreed to do that to be able to at least bring some forward.

This amendment is entitled PMA earmarks. We are in the midst of an investigation of a lobbying firm that is alleged to have committed some very serious felonies. It is uniquely curious that as this has progressed, they have decided to shut down. However, within the bill, not through necessarily their clients' fault, and not saying what they are trying to do was necessarily wrong in terms of the intent of the earmark, within this bill are 14 earmarks that you can see, if you have any common sense, if you look at the lobbying efforts of the PMA firm and then look at campaign contributions in the Congress, you can see a very worrisome pattern. That is the very reason I don't do earmarks. If I did earmarks, the last thing I would do would be take any campaign money from somebody for whom I did an earmark.

Needless to say, the accusation and the alleged straw donor technique used by this lobbying firm to funnel campaign funds to Members who then give earmarks through this bill, 14 of them listed in this bill—all this amendment does is say: In the cloud of this and the way it looks, ought we be continuing to do that under the cloud of what look to be very serious allegations of impropriety at the least and, at the worst, quid pro quos for placing earmarks in campaign funds?

We will vote on this amendment. It probably won't pass. Then the American people make a judgment about how well connected we are to reality. The stench associated with this investigation is at the root cause of us having $300 billion worth of waste a year in Congress in the money we spend. It is at the root cause that we can't get commonsense amendments passed that lack competition, lack funding, real priorities in a timely fashion, such as the Emmett Till bill. This is at the root of it. It is the pay-to-play game. All this amendment does is wipe out those. It just strikes them. It won't delay the bill. It does nothing but strike them. If they are legitimate, let them come back in this next year's bill and be done in an ethical, straightforward, aboveboard, transparent manner that doesn't utilize the concept of under-the-table, false campaign contributions, allegedly.

AMENDMENT NO. 610

I ask unanimous consent that that amendment be set aside, and I call up amendment No. 610.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 610.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit funding for congressional earmarks for wasteful and parochial pork projects)

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

(1) the Pleasure Beach Water Taxi Service Project of Connecticut;

(2) the Old Tiger Stadium Conservancy of Michigan;

(3) the Polynesian Voyaging Society of Hawaii;

(4) the American Lighthouse Foundation of Maine;

(5) the commemoration of the 150th anniversary of John Brown's raid on the arsenal at Harpers Ferry National Historic Park in West Virginia;

(6) the Orange County Great Park Corporation in California;

(7) odor and manure management research in Iowa;

(8) tattoo removal in California;

(9) the California National Historic Trail Interpretive Center in Nevada;

(10) the Iowa Department of Education for the Harkin grant program; and

(11) the construction of recreation and fairgrounds in Kotzebue, Alaska.

Mr. COBURN. This is a simple little amendment. Out of the 7,700 earmarks,

I took 11 that looked a little stinky to me, a little questionable—just 11. If I had my way, I would offer an individual amendment on every earmark in this bill, but just 11. I will go through them very lightly for a moment, and then I will come back and talk on it later, maybe this evening.

I want you to put this in your mind, that this year we are borrowing $6,000 from every man, woman, and child. That is how much we are going into debt, $6,000 for every man, woman, and child. Put that in your mind as we talk about whether these ought to be a priority: A $1.9 million earmark for the Pleasure Beach water taxi service in Connecticut. That may be great to do, but we are borrowing all this from our grandkids. Our kids are already broke, so now we are borrowing from our grandkids. Our kids will never have the same standard of living we have. Now we are going into our grandkids, and next year we will be going into our great grandkids. Should we spend $2 million on a water taxi service? I will show the pictures later of where this is to. It will knock your socks off.

There is a $3.8 million earmark to preserve the remnants of the old Tiger Stadium in Detroit. It may be a good idea to preserve that. Should we be doing that now when we are borrowing all that money? Is that a priority for the Congress? If it is really a priority for the Congress, I don't belong here. I just don't think the same way the Congress thinks if that is a priority right now for us, to preserve an old stadium that we are not going to do anything with, and we can preserve it later, spending that kind of money.

There is $238,000 for the Polynesian Voyaging Society of Honolulu, which organization runs sea voyages in ancient-style sailing canoes. Tell me, as we borrow $6,000 from every man, woman, and child in this country, that is a priority. I can't see it being a priority. I don't think anybody from my State can see that being a priority. I don't know about the rest of the States. I would be interested to hear the answers of the Senators who are going to vote against this amendment and what they tell people. I would like to have it in my repertory. I would like to know what to tell people about this kind of foolishness.

There is a $300,000 earmark to commemorate the 150th anniversary of John Brown's raid on the arsenal at Harper's Ferry National Historic Park in West Virginia. Let's do it for no money. Let's just commemorate it, and let's save 300 grand for our grandkids.

There is $1.719 million for pig odor and manure management in Ames, IA. That goes to Iowa State University. Pigs stink. We know why. We know where they live. So is that a priority for us right now?

There is $475,000 for the Orange County Great Park in California. More millionaires live there than anywhere else in the world. Yet we are going to spend money for a new park now when we are borrowing this amount of money?

Here is my favorite: $200,000 earmarked for tattoo removal in Mission Hills, CA. We are going to take Federal money, send it to California, and say: You can have this money to remove tattoos. I would think under a personal responsibility platform if you were responsible for getting a tattoo put on you, you might ought to be responsible for getting it taken off, and I do not think our grandchildren ought to be paying for it.

There is $1.5 million for the California National Historic Trail Interpretive Center. We are going to build another interpretive center at a time of economic malaise—as President Obama calls it, a crisis. I do not think it is a crisis. I think we are in a deep slump, but I do not think it is a crisis yet. It is a crisis to those people who have lost their job. But the more we say ''crisis,'' the worse we make it. But we are going to do an interpretive center now? Is now the time we should be doing it, knowing we are borrowing the money? Remember, for every $1 million we borrow, we are going to pay back $3 million. I am not including long-term interest costs in any of these numbers.

Then there is a $5,471,000 earmark for the Harkin grant program in Iowa, which says Iowa gets treated differently than every other State in this country. They actually get direct money going directly for public education outside all the other programs. We have been doing it for years, but everybody else in this country gets to pay so Senator HARKIN can look good in Iowa. I have attacked this earmark before. It is wrong. It is unfair. It is not befitting the body. But it is going to stay in. So we have brandnew schools in Iowa, and the rest of us deal with what we have in our States.

Then we have $380,000 for the construction of recreation and fairgrounds in a town in Alaska. It may be a good idea. But should we do it now? Should we do it at that cost?

AMENDMENT NO. 623, AS MODIFIED

Madam President, I ask unanimous consent that on amendment No. 623, lines 19 through 21 be removed.

The PRESIDING OFFICER. Would the Senator clarify the language to be stricken from his amendment.

Mr. COBURN. On amendment No. 623, lines 19 through 21.

The PRESIDING OFFICER. The Chair thanks the Senator.

Is there objection?

Without objection, it is so ordered.

The amendment (No. 623), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

(1) DIRECT Methanol Fuel Cell (IN);

(2) Solar Energy Windows and Smart IR Switchable Building Technologies (PA);

(3) Adaptive Liquid Crystal Windows (OH);

(4) Anti-idling Lithium Ion Battery Program, California (CA);

(5) Advanced Engineering Environment for Sandia National Lab (MA);

(6) Multi-Disciplined Integrated Collaborative Environment (MDICE) (MO);

(7) Hydrogen Optical Fiber Sensors (CA);

(8) Flexible Thin-Film Silicon Solar Cells (OH);

(9) CATALYST: Explorations in Aerospace and Innovation education program;

(10) Carnegie Mellon University, Pittsburgh, PA, for renovation and equipment;

(11) Mount Aloysius College, Cresson, PA, for college preparation programs;

(12) Washington & Jefferson College, Washington, PA, for science education outreach programs;

(14) Nazareth Hospital, Philadelphia, PA, for renovation and equipment.

Mr. COBURN. Madam President, I will end now so I can yield to my friend, the chairman of my committee, the Senator from Connecticut, so he will have an opportunity to speak on the floor but not before I ask unanimous consent to have printed in the RECORD a listing of the earmarks provided today by Taxpayers for Common Sense. I ask unanimous consent that list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator	Solo earmarks	Number of earmarks	Solo and with other members	Number of earmarks	Solo, with other members, and president	Number of earmarks
Cochran	$75,908,475	65	$470,857,775	204	$563,152,775	210
Wicker	4,324,000	9	390,993,300	143	453,735,300	146
Landrieu	10,328,500	31	332,099,063	177	487,845,063	179
Harkin	66,860,000	56	292,360,036	177	370,123,036	185
Vitter	4,034,000	16	249,182,063	142	403,558,063	154
Bond	85,691,491	54	248,160,991	86	333,429,191	98
Feinstein	76,899,425	46	235,027,932	153	776,706,649	183
Inouye	46,380,205	42	225,077,157	106	225,893,157	110
Shelby	114,484,250	64	219,398,750	125	219,398,750	125
Grassley	355,000	8	199,144,486	119	276,907,486	127
Murkowski	74,000	,75071	181,499,75	093	181,595,750	95
Murray	39,228,250	44	170,960,050	155	500,923,962	177
Lincoln	0	0	167,348,125	93	298,025,125	97
Pryor	0	0	167,048,125	92	297,725,125	96
Menendez	0	0	159,759,300	171	273,276,160	182
Lautenberg	760,450	3	158,760,500	173	272,277,360	184

Senator	Solo earmarks	Number of earmarks	Solo and with other members	Number of earmarks	Solo, with other members, and president	Number of earmarks
Hutchison	9,851,000	35	152,859,250	106	267,153,966	113
Levin, Carl	3,800,000	2	152,111,836	178	158,521,836	181
Stabenow	0	1	152,024,336	178	158,434,336	181
Byrd	122,804,900	60	151,786,400	76	175,459,400	80
Cardin	1,271,000	7	149,835,1501	22	357,955,150	127
Mikulski	8,229,625	9	142,020,875	89	350,140,875	94
Boxer	7,546,250	16	139,495,021	116	515,511,738	133
Schumer	21,952,250	37	137,959,867	209	724,706,765	218
Bingaman	13,807,750	22	134,582,375	107	214,165,375	117
Akaka	835,000	2	132,775,702	50	132,775,702	51
Durbin	35,577,250	48	132,418,750	97	218,058,154	108
Dorgan	36,547,100	10	127,910,091	62	197,896,091	66
Specter	25,320,000	134	126,771,246	265	168,471,246	267
Domenici*	19,588,625	13	125,081,702	82	281,468,702	99
Webb	8,568,000	7	112,710,750	71	202,031,858	74
Coleman*	1,055,000	8	109,183,625	83	208,071,685	90
Reid	26,628,613	56	108,705,429	108	142,048,429	113
Martinez	18,758,000	8	106,711,896	62	502,217,592	73
Casey	27,169,750	11	103,440,139	137	145,140,139	140
Nelson, Ben	5,506,000	10	103,316,050	80	512,740,050	90
Klobuchar	4,740,000	6	100,155,625	67	175,108,685	70
Kerry	0	0	97,015,450	123	132,015,450	126
Wyden	427,750	3	94,859,425	104	266,537,425	115
Dole*	9,162,250	19	93,974,205	72	126,670,205	79
Bennett, Robert	18,026,500	23	93,568,150	63	195,731,150	66
Warner	95,000	1	91,702,750	56	181,023,858	59
Sessions, Jeff	4,250,500	12	89,930,750	31	89,930,750	31
Smith, Gordon*	0	0	88,696,675	84	260,374,675	95
Kennedy, Ted	714,000	1	86,416,450	124	121,416,450	127
Cornyn	2,518,000	5	85,965,000	52	199,738,716	58
Johnson, Tim	12,341,000	23	81,570,400	65	114,340,400	66
Inhofe	53,133,500	34	80,161,625	73	80,161,625	74
Cantwell	143,000	2	78,327,050	96	132,096,380	102
McConnell	51,186,000	36	75,548,325	53	267,789,325	57
Baucus	2,496,750	9	75,402,750	62	134,250,750	65
Tester	1,863,000	4	71,504,000	52	130,352,000	55
Voinovich	13,501,000	6	70,528,820	103	76,969,820	107
Kohl	23,832,000	44	63,496,500	89	70,696,500	93
Hatch	711,000	7	63,219,650	42	164,926,650	44
Burr	1,284,000	3	61,940,500	35	61,940,500	35
Thune	4,275,000	6	59,589,400	38	92,359,400	39
Leahy	36,161,125	52	58,197,375	75	62,025,375	76
Ensign	0	0	52,589,000	26	55,289,000	28
Biden	0	0	52,061,420	55	52,061,420	55
Dodd	0	0	49,462,574	61	49,462,574	61
Brownback	12,020,048	21	47,721,273	68	72,711,273	74
Roberts	2,202,000	11	46,908,875	60	82,664,875	68
Brown, Sherrod	3,161,500	8	46,738,860	86	56,816,860	89
Carper	0	0	46,232,420	53	46,232,420	53
Chambliss	4,253,000	7	45,706,125	67	48,372,125	69
Craig*	1,012,000	2	44,921,389	45	45,421,389	46
Salazar, Ken*	7,500,000	20	44,639,900	69	191,969,110	79
Lieberman	1,164,000	2	43,742,976	59	43,742,976	59
Conrad	0	0	42,290,313	40	42,290,313	40
Graham	9,545,000	14	40,634,500	37	45,214,500	39
Crapo	100,000	1	39,439,389	52	74,390,389	55
Hager	7,195,000	5	38,830,550	41	43,450,550	43
Reed	10,755,750	24	38,399,822	71	38,399,822	71
Nelson, Bill	5,715,750	11	37,632,965	58	37,632,965	58
Lugar	3,276,000	10	35,481,153	52	35,481,153	52
Alexander, Lamar	5,544,500	11	32,116,000	37	179,765,000	41
Allard*	5,798,750	7	30,655,900	43	154,408,110	49
Isakson	1,425,000	2	29,993,375	48	30,902,375	50
Collins	380,000	1	28,724,500	45	32,174,500	47
Snowe	0	0	26,807,500	42	30,257,500	44
Whitehouse	0	0	26,456,572	45	26,456,572	45
Kyl	4,950,000	3	25,768,000	10	60,262,000	12
Gregg	10,028,000	19	24,175,000	39	24,253,000	40
Sununu*	3,207,500	8	17,756,500	23	17,756,500	23
Corker	760,000	1	17,716,500	16	165,365,500	19
Bayh	1,188,000	4	14,957,760	17	14,957,760	17
Barrasso	2,713,000	4	12,373,350	19	12,373,350	19
Sanders	5,877,725	16	10,942,725	26	10,942,725	26
Enzi	1,725,000	5	10,894,350	18	10,894,350	18
Bunning	735,000	5	10,618,175	13	10,618,175	13
Clinton*	0	0	6,714,000	3	6,714,000	3
Rockefeller	0	0	5,019,000	1	5,019,000	1
Coburn	0	0	0	0	0	0
DeMint	0	0	0	0	0	0
Feingold	0	0	0	0	0	0
McCain	0	0	0	0	0	0
McCaskill	0	0	0	0	0	0
Obama*	0	0	0	0	0	0
Stevens*	0	0	0	0	0	0

Mr. COBURN. With that, Madam President, I yield the floor, and I thank the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Oklahoma.

(The remarks of Mr. LIEBERMAN are printed in today's RECORD under ''Morning Business.'')

Mr. LIEBERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INOUYE. Madam President, the motion offered by the Senator from Texas, Mrs. HUTCHISON, is very similar to the motion of the Senator from Nevada that the Senate defeated. There is only one difference between the two motions. This motion allows for the cost of inflation to be provided, and the previous one did not.

I have already informed the Senate why making reductions in this bill is not a good idea, but I wish to remind my colleagues once again that the level of funding in this bill is consistent with the amount approved by the Congress in the budget resolution. Second, as the Senator from Texas knows, the omnibus bill was written by the Appropriations subcommittees in a bipartisan process and these bills were reported out of the committee—five of them unanimously and two almost unanimously. The subcommittees worked with their House counterparts to craft this legislation. It reflects a fair compromise between the two bodies.

But, once again, the argument in favor of cutting the omnibus is that there is overlap between the funds in the Recovery Act and in the omnibus bill. As I have noted previously, this simply is not the case. The funds in the Recovery Act are either unrelated to the omnibus or were assumed in the levels approved by the Recovery Act.

This motion also suggests that the committee should cut nonessential spending. I, for one, would argue that this bill contains only essential funds, but I recognize for a few of my colleagues nonessential spending equates to earmarks. I wish to remind my colleagues once again that on the question of earmarks, there is $3.8 billion in congressionally directed spending in this bill. This represents less than 1 percent of the total bill. If you eliminated all of the earmarks in this bill, including those of Hawaii and Texas, you would still have to cut at least $8 billion more from other valid programs. If we have to cut this bill to the fiscal year 2008 level, that means there are a number of worthy projects that will have to be reconsidered.

For example, the State and Foreign Operations chapter of the bill provides a total of $5.5 billion for programs to combat HIV/AIDS—$388 million above former President Bush's request and $459 million above the fiscal year 2008 request. This increase was supported by Democrats and Republicans. Of this amount, $600 million is provided for the Global Fund to fight HIV/AIDS, which is $400 million above the request. Additionally within the total, $350 million is provided for USAID programs to combat HIV/AIDS. These additional funds, which pay for life-sustaining and antiretroviral drugs, prevention and care programs, would be lost to the detriment of 1 million people who would receive lifesaving treatment this year. With this funding, 2 million additional HIV infections would be prevented this year. Instead of 10 million lives we are saving today, we have the opportunity to save 12 million people. We have the opportunity with this bill to save or care for 1 million more orphans and vulnerable children who are either infected with HIV or have been orphaned because a parent died from HIV. Do we think that the Senate wants to reconsider this item?

Freezing funding would mean $350 million less for the FBI to protect our Nation and our communities from terrorism and violent crime. The FBI would have to institute an immediate hiring freeze of agents, analysts, and support staff. This will mean 650 fewer FBI special agents and 1,250 fewer intelligence analysts and other professionals fighting crime and terrorism on U.S. soil. Surely the Senator from Texas doesn't want us to go back and reduce funding for the FBI.

More than 30 Members requested the committee add funds for operations of our national parks. If we have to cut program goals, we will lose 3,000 park rangers. While there are funds in the Recovery Act for the Park Service, these funds were not for rangers or park operations; they were to cover deferred maintenance projects. These are projects that are ready to go and can be started almost immediately to stimulate the economy as intended. There is no duplication between the Recovery Act and the omnibus for our national parks.

I could stand here all day and list example after example of the types of programs that are funded in this omnibus bill with the increases that the Senator's amendment would eliminate. These examples shouldn't come as any surprise to the Members of the Senate, if they remember that these bills were written by our subcommittee chairmen and ranking members in a bipartisan fashion. They were marked up in open session with all Members able to offer amendments and the final product was drafted with our House colleagues on a bipartisan basis. Once again, the omnibus bill is a good package of bills. It is bipartisan, it is noncontroversial, and it is in compliance with the budget resolution totals for the committee. The idea of stimulus overlap is not based on fact. The question of earmarks is a minor point in the significant bill that protects Democratic priorities. So I believe this bill deserves the support of every Member of the Senate. I urge my colleagues to vote against this motion.

If I may speak on another subject, the Senator from Oklahoma raised questions regarding the Polynesian Voyaging Society. Students learn in different ways, and educators are constantly pressed to find inspiring ways to educate our young people, particularly those who are considered at risk. That is what the Polynesian Voyaging Society offers. The voyages organized by the Society help to train educators and scientists in ocean resource stewardship. In addition, through the use of the Internet, the society interactively communicates with students during the voyage to share the knowledge gained.

This initiative supports cultural education programs geared toward enhancing leadership skills and cultural knowledge through deep sea voyaging for students. These traditional voyaging skills utilize noninstrument navigation skills whereby participants have to rely upon themselves and their crews to arrive safely at their destination. The voyage is much more than one of miles; it is a voyage of young people discovering that they are able to accomplish more than they ever thought possible.

This knowledge of self-reliance and interdependence helps to transform students, especially native Hawaiian students, so they may chart a positive future. The program also makes science more accessible to school students as they follow the journey. Many students are encouraged to study science and care about the environment because of this program. Numerous college science majors mentioned activities on the Polynesian Voyaging Society as the reason why they chose to study science.

This leadership opportunity has been shown to be especially effective with at-risk youth diagnosed with mental illness. The success of traditional methods of addressing mental illness in adolescents involves a strong family support system. One study revealed the students who participated in this program showed great improvement regardless of the support that the student received from family. In effect, this program has been able to transcend existing social problems within the student's own family so that these young people can grow and develop into contributing members of the community.

As noted in the National Academies' Study, ''Rising Above The Gathering Storm,'' creating opportunities and incentives for students to pursue science studies is a critical component of ensuring America's future competitiveness. The Polynesian Voyaging Society's programs are geared toward providing such opportunities.

On a personal note, the program is geared to assist Native Hawaiians, in particular. As we find in Native societies throughout the United States, Native Americans have not only been mistreated and victims of discrimination, they have been deprived of their culture. In earlier days, they were forced to become Christians. They were forced to wear suits. They were forced not to wear feathers.

While in this Polynesian program, I have spoken to many of the students, and there are certain points that should be made. Several students came up to me, for example, and said, ''I am proud to be a Hawaiian.'' That is one of the things we have found lacking in Native Hawaiian youth—pride in their ancestry—especially when they learn their ancestors took a voyage much longer than the one Columbus took across the Atlantic, double the length, and the Hawaiians knew where they were headed—to Hawaiki, which is presently the State of Hawaii. Columbus thought he was going elsewhere, and he got lost. It makes them a bit proud of their ancestry. They learned their ancestors were great warriors, great voyagers, great administrators, and great farmers. This is a very inexpensive way to restore the pride that is much in need among our Native Hawaiian youth.

I have been told that the assistant leader will be seeking recognition. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, before I make a few remarks about the underlying bill, I want to say that those following this debate on the floor are witnessing a piece of history. Senator DAN INOUYE of Hawaii has made such amazing contributions to this country. As a young man, his service in World War II led to his being honored

with the Congressional Medal for his bravery in battle. He has carried the wounds of that battle now for many years. He used his time in the service to inspire him to higher levels of public service in our Government and beyond the military, serving in Congress and as a U.S. Senator from the State of Hawaii. He is, in fact, a legend in the history of the Senate. I am honored to call him a colleague. Parenthetically, 6 years ago, when I was sworn in to my second term, I chose Senator INOUYE to escort me for that swearing-in ceremony because of my great respect for him and all he has meant to our country, his State of Hawaii, and to me personally.

What you just heard in his comments about Native Hawaiians you could have heard as well about his commitment to Native Americans. From the beginning, DANNY INOUYE has been there to fight for those who oftentimes were not given the same treatment, same respect, and same rights as other Americans. His voice has made a difference time and time again. When he comes to us and talks about this underlying Omnibus appropriations bill and some of the programs that will help Native Hawaiians and Native Americans, it is with a commitment from the heart. He really believes in helping these people, many of whom have been treated badly by the United States in our founding years.

I wanted to preface my remarks by saying, for those looking for a reason to support this bill, Senator DANNY INOUYE, our chairman, has given a good, solid reason, so that we can balance the books and right the wrongs that occurred in previous generations.

I want to come down to practical considerations. The pending amendment would dramatically cut this bill. Some of the cuts would make a big difference. I look back and remember what happened not that long ago, over two holiday seasons, when parents and families across America were frightened that the toys they were buying were dangerous. The paint contained lead that could have a negative physical impact on a child. We traced many of the toys back to China and found that not only were they careless in their manufacture, but we were careless, as a government, in our inspection.

The agency responsible for it, the Consumer Product Safety Commission, was one of the small agencies that most people never heard of. When it became a scare and concern for parents in America, we started to pay attention. In my subcommittee, we had this particular Commission. I decided to make a substantial change in the funding and staffing so that this Commission could protect Americans not just from dangerous toys but dangerous products all around. So what we did in the bill was provide $105 million for the Consumer Product Safety Commission, an increase of $25 million over last year's spending, and $10 million above the committee's report. The idea is to put the people and resources there and overseas to make sure we protect American families and consumers from dangerous products. I think most people would agree that is money well spent. When any of us go into a store and buy a product, we assume some agency of the Government took a look at it. It turns out that, in many cases, this small Commission could not keep up with that challenge. If the pending amendment by Senator HUTCHISON prevails, that money won't be there. This agency will be cut back again, and families will be vulnerable again. I don't want that to happen.

We also put in $943 million for the Securities and Exchange Commission. It is an increase of $37 million over the previously enacted level. The additional money we are putting into the SEC is a direct result of reports of dereliction of duty and their failure to respond to serious challenges. We all know about the Bernard Madoff scandal, where that man created a Ponzi scheme that went undetected and unpunished until there were innocent victims all across the United States of this man's chicanery. The SEC, it turns out, had been warned years before and didn't follow through.

The SEC has an important role in our free market economy to make certain that stocks and other financial instruments are done in a transparent and honest way. That is why we are increasing the size of the appropriation for this agency. The pending amendment would cut that back at a time when we are in such economic turmoil. We need to have certainty as Americans that we are safe when we invest and that somebody in the Government is keeping an eye on those transactions and those companies.

The same is true for the Commodity Futures Trading Commission. It is an important Commission that deals with financial instruments, such as futures, and those instruments that relate to things such as the cost of oil. We paid close attention to that when gasoline was $4.50 a gallon. I provide $146 million through my committee to the CFTC. That is a 31-percent increase over last year's appropriation. Why? So they can buy the computers to keep up with the hundreds of thousands and millions of transactions, so they can detect wrongdoing and correct it before innocent people lose their life savings, and before people who count on the integrity of the American financial institutions are defrauded. I think that is money well spent, and it is money we should spend in this instance.

I say to those who are cutting back and say: We are just making across-the-board cuts, it is not really going to touch us, there are three specific examples where money is included in this appropriations bill to protect American families and consumers, money that is small in comparison to larger appropriations but can make a significant difference in the role of Government and, I guess, the fact that the function of Government to help the helpless and protect those who need it is honored. I hope everybody will come to the floor and think long and hard about this bill.

I will add one closing fact. Many people remember the flooding that occurred in Cedar Rapids, IA, last year. It was devastating. One of the buildings devastated was the courthouse in Cedar Rapids. As a result, I had a request from Senators CHARLES GRASSLEY and TOM HARKIN to come up with emergency funds to rebuild this courthouse in the right way, so that it could be safe and functional after the flooding. We had $182 million in the 2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations bill for that purpose. It is an earmark, make no mistake about it. We earmarked the funds for that courthouse that was devastated by floodwaters at the request of Senators GRASSLEY and HARKIN. I believe this was the right expenditure. It is an earmark that we can justify as being important not just to Iowa but to the Nation. I hope both Senators know we listen carefully to them in our subcommittee. With Senator BROWNBACK of Kansas, we work to be responsive to the real needs of our colleagues across America. This is a responsible bill. I commend it to my colleagues. I hope we can enact it soon because on Friday our temporary spending measures will expire, and we need a long-term Omnibus appropriations bill so that we can get to work on the next fiscal year in an orderly manner, under the leadership of Chairman INOUYE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, I am overwhelmed by the generous remarks of the distinguished Senator from Illinois. Thank you very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I ask unanimous consent that at 5:45 today, the Senate vote in relation to the Hutchison amendment, with the 4 minutes prior to the vote equally divided and controlled between Senators HUTCHISON and INOUYE or their designees, and that the previous order prohibiting amendments prior to a vote remain in effect. Madam President, the 4 minutes will cause a vote not to be right at 5:45, but it will be close.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I alert all Members that we have a number of people who want to speak in relation to the Coburn amendments. We also are told by the Republican staff that there

are a number of Senators who would be willing to offer amendments on the Republican side. I have spoken to the Republican staff, and they say they can lay down two of those and debate them tonight. That is fine with us.

Tomorrow, of course, we are going to come in at 9:30. Then we have to go to the House because Prime Minister Brown is here. That is at 10:30. And then there are other things going on. The Republican leader and I have been invited to a lunch with Prime Minister Brown, and there are other things. We have a steering meeting of the Republicans, I understand, during the lunch hour—I think that is what it is called. We have a chairman lunch. We are not going to be able to have the votes on any of these amendments until after we finish these things tomorrow. That will give us the afternoon to have some votes and find out where we are on this bill tomorrow.

We have had some good debate today. These have been very difficult amendments. I think they go to the heart of the bill, especially those offered by Senator MCCAIN, Senator ENSIGN, and Senator HUTCHISON. The rest of them I will have comments on at a later time.

I hope Senators understand where we are and where we are headed on this legislation.

Mr. INOUYE. Madam President, I yield back the remainder of the time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion.

Mr. INOUYE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

The ACTING PRESIDENT pro tempore (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced yeas 40, nays 55, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—40

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennett	Graham	McConnell
Brownback	Grassley	Murkowski
Bunning	Gregg	Nelson (NE)
Burr	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Klobuchar	Voinovich
Corker	Kyl	Wicker
Cornyn	Lincoln	
Crapo	Lugar	

NAYS—55

Akaka	Gillibrand	Reed
Baucus	Hagan	Reid
Begich	Harkin	Rockefeller
Bennet	Inouye	Sanders
Bingaman	Johnson	Schumer
Bond	Kaufman	Shaheen
Boxer	Kerry	Shelby
Brown	Kohl	Snowe
Burris	Landrieu	Specter
Byrd	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Carper	Lieberman	Udall (NM)
Casey	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feingold	Nelson (FL)	
Feinstein	Pryor	

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The motion was rejected.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

AMENDMENT NO. 607

Mr. WICKER. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up my amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 607.

Mr. WICKER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization)

On page 927, strike line 14 and all that follows through page 929, line 20, and insert the following:

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading ''International Organizations and Programs'' in this Act that are available for UNFPA and are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ''Global Health and Child Survival'' account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under ''International Organizations and Programs'' may be made available for the UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under ''International Organizations and Programs'' for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) DEDUCTION.—If a report submitted under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the President to deny funds to any organization by reason of the application of another provision of this Act or any other provision of law.

Mr. WICKER. Madam President, I also ask unanimous consent that the following Senators be added as cosponsors of amendment No. 607: Senator ENZI, Senator BUNNING, Senator INHOFE, Senator COBURN, Senator VITTER, and Senator GRASSLEY.

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

Mr. THUNE. Madam President, would the Senator yield?

Mr. WICKER. I will yield to the Senator.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I ask unanimous consent to be added as a cosponsor to the Senator's amendment.

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

Mr. WICKER. Madam President, I spoke at some length yesterday about this amendment. It deals with one issue and one issue only—whether U.S. taxpayer dollars will be provided in this omnibus bill to help fund coercive population control policies, such as China's one-child policy—a policy that relies on coerced abortion and forced sterilization.

Specifically, this pro-child, pro-family, pro-woman amendment would restore the Kemp-Kasten antipopulation control provision, which has been a fundamental part of our foreign policy for almost a quarter century. As it has always done, Kemp-Kasten allows the President of the United States to certify that funds are not used for coercive family practices. As it has always done, the provision would allow the President to release those funds after he has made such a certification.

My amendment is needed because the underlying bill reverses this long-standing provision. The omnibus bill

that we have before us purports to retain Kemp-Kasten, but then it also includes six troubling words that effectively kill the provision. In addition to Kemp-Kasten, the bill directs funds to the United Nations Population Fund, or UNFPA ''notwithstanding any other provision of law.''

Perhaps these words were added inadvertently. I don't know. But the words that are added—those six little words—represent a loophole that in effect guts Kemp-Kasten and alters this longstanding bipartisan foreign policy in the process.

Some people may ask why restoring Kemp-Kasten is important, and here is why. The U.N. Population Fund, a group that is in line to receive some $50 million in this bill, has actively supported, comanaged, and whitewashed crimes against women under the cover of family planning. Under the Kemp-Kasten provision, the last administration withheld money from UNFPA for this very reason. I would like to quote then-Secretary of State Colin Powell, who stated:

UNFPA support of and involvement in China's population planning activities allows the Chinese Government to implement more effectively its program of coercive abortion. Therefore, it is not permissible to continue funding UNFPA at this time.

That is the end of the quote from our Secretary of State.

A further analysis by the U.S. State Department of the Chinese program on family planning reveals this—I will quote from the State Department analysis:

China's birth limitation program retains harshly coercive elements in law and practice, including coercive abortion and involuntary sterilization.

Does anyone in this Senate want to spend U.S. funds to support these activities: coercive abortion and involuntary sterilization? I think we ought to have a unanimous consensus in the Congress that we have no business spending our taxpayers' dollars on such things. The report goes on to say:

The State Department summarized these practices in its 2007 China Country Report on Human Rights Practices. . . . These measures include the implementation of birth limitation regulations, the provision of obligatory contraceptive services, and the use of incentives and penalties to induce compliance.

Further in the report, and I continue to quote:

China's Birth Limitation Program relies on harshly coercive measures such as so-called ''social maintenance'' fees.

And to skip down further:

In families that already have two children, one parent is often pressured to undergo sterilization. A number of provinces have legal provisions that require a woman to have an abortion if her pregnancy violates government regulations. . . .

I wish we could stop this practice worldwide. China is a sovereign nation, and they have the power to impose these laws on their people. But taxpayer funds should not be spent from the U.S. Treasury to assist an organization that funds such practices in China.

The most recent State Department report on UNFPA activities shows that their funds are indeed funneled to Chinese agencies that coercively enforce the very practices I just read about. Are we to believe that in less than a year the UNFPA has changed its practices? That is not a bet I am willing to take with the taxpayers' money.

The Wicker amendment should be adopted to once again give the President, President Obama, the opportunity to certify that UNFPA, or any other organization, is not participating in family planning techniques such as the harsh techniques I just read about.

My amendment does not represent a radical shift or departure from what is normal. In fact, it simply returns the language in this bill to language that was agreed upon by both Republicans and Democrats in last year's Foreign Operations appropriations bill during a time when Democrats controlled the House of Representatives and controlled the Senate of the United States. The language that I am offering was agreed upon by Republicans and Democrats.

Finally, there have been concerns voiced about the need not to make changes in this bill. We have been told this bill has been preconferenced. Persons say that in doing so we might delay the bill's passage by sending it back to the House for approval. I admit the funding contained in this bill is important, but that does not mean we can forget about our jobs as legislators. I do not believe the other body will let this bill die simply because we are doing what is right, by clarifying our country's policy of standing against coercive population control practices like forced abortion and forced sterilization.

I realize opinions in this Chamber and across our country vary greatly on the issue of abortion. I am pro-life and I am mindful that some Members in this body would describe themselves as pro-choice. But regardless of where we come down on that issue, can't we agree that we do not want to spend taxpayer dollars to force this on women who do not want this procedure? We ought to all be able to agree that is wrong and that is a misuse of American taxpayer funds.

The United States should not turn its head on coercive family control programs like sterilization and forced abortion, and our taxpayers should not have their dollars used to help fund such horrible acts. My amendment will help stop that from happening. It restores a longstanding foreign policy provision. It reflects our Nation's commitment to promoting human rights. I urge its adoption.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I rise to speak on the underlying bill just for a moment. I know some of my colleagues are on the floor of the Senate, and I will be very brief.

I come to the floor to support the underlying bill and also to give a few brief remarks about the legislative branch, which I chair, for the record. The legislative branch in this bill is funded at $4.4 billion—not an insignificant amount of money but very small relative to the overall bill. There is a $43 million increase over last year, which is an 11-percent increase, which would seem on the face of it rather significant, so I thought I would like to explain.

It is more than the cost of living, more than inflation, but there are three very good reasons we thought—both Republican and Democrat on our committee—that this was the right thing to do. First of all, building up Congress's oversight responsibilities at this time is critical. We have seen much of the scandal and corruption and unregulated situations that have led us to the place we are. Congress needs to make sure we are doing a better job with our inspector general offices, with our general oversight, particularly because we are stepping up so much additional spending for stimulus and investment. Our committee thought that was the responsible thing to do, to actually invest in greater oversight. So about 38 percent of this increase is related to that.

Second, there is a backlog of life safety issues related to this great Capitol complex. Trust me, there is no money in here for carpet or fancy lighting or extra offices for anyone. This is for basically asbestos removal—which can be life threatening, as you know, and cause serious harm to those people who work in this Capitol, both our staffs and the workforce. That is an unmet need. There is over $1 billion of unmet needs. This bill attempts to just deal with some immediate situations.

Finally, now that the Capitol Visitor Center is open, there are some additional security requirements of our Capitol Police. This project was started many years ago. It was supported by both Democrats and Republicans. It is now open, was dedicated recently, but we have to operate it appropriately. We have to make sure it is secure, not just for ourselves and our staff, but for the millions of visitors who come. There is some increased funding for Capitol Police that reflects that this Capitol Visitor Center is the greatest expansion of this building in over 100 years. It was not just a small addition, it was quite a large addition, and we need that extra security.

Finally, there is a full request, that was met, by the Library of Congress to provide new modern technology for the visually impaired. It is something that was a high priority for the community of the blind and the visually impaired, millions of Americans who have no access to books as we normally read them but need these digital talking

books. Not only does it help the Library of Congress but ensures every library in America, including school libraries, has access, so children who do not have their sight, and adults, can read and remain part of this economy.

Those are the reasons this bill has been expanded by 11 percent. I hope my colleagues understand. We have gotten pretty much broad-based support.

As I said Madam President, 38 percent of the total increase goes towards increased staffing for the Government Accountability Office and the Congressional Budget Office to allow for greater oversight of the Federal Government. The help of these agencies is more critical than ever during this time of economic uncertainty and national crisis. GAO and CBO intend to beef up their staffing levels to meet Congress's needs as we tackle the many critical issues facing us today.

Nearly 23 percent of the overall fiscal year 2009 increase goes to the Architect of the Capitol for fire and life safety projects in the Capitol Complex—including $56 million for asbestos removal and structural repairs in the utility tunnels which provide steam and chilled water throughout the entire complex.

Congress is facing a tremendous backlog of structural problems in our aging infrastructure here on Capitol Hill which has grown to over $1.4 billion. This bill provides a small but much-needed step towards addressing this backlog. Many of our buildings in the Capitol Complex lack the adequate fire and life safety requirements to keep Congress in compliance with health and safety regulations. As I said, I am proud of the funding included in this bill which will address these inadequacies and help make the Capitol safer for our staff and for our visitors. It would be irresponsible not to tackle these problems now—we will just be kicking them down the road where they will be more expensive and more difficult to repair.

The bill includes funding for the United States Capitol Police to hire and train additional personnel to provide security for the now open Capitol Visitor Center. The CVC which opened December 5 is a huge success and a much-needed addition to our Complex providing security, educational opportunities, restaurant facilities and many other amenities to the millions of visitors who arrive on our doorsteps each year. The bill also provides funding to fully implement the merger of the Library of Congress Police force with the Capitol Police. This long-awaited merger is essential to maintaining streamlined security throughout the Capitol Complex. Quite simply, this bill will provide the resources needed to the Capitol Police to effectively perform their required missions without putting more on their plate than they can do.

This bill fully funds the Library of Congress, including the Library's request for the Books for the Blind and Physically Handicapped. The Library's fiscal year 2009 budget includes $29 million to move forward on the Digital Talking Book for the blind project. This project is a high priority for this Congress and for the blind community. It is vital that the blind receive uninterrupted access to something the rest of us take for granted—books and other reading materials that allow us to work and learn. This bill supports that important goal allowing this project to proceed on schedule and provide more titles than originally anticipated. This is a key issue of fairness which we can and must address now.

The funding in this bill puts the Legislative Branch on solid footing for the future and invests in the right priorities. We should strongly support it.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

AMENDMENT NO. 635

Mr. THUNE. Madam President, I ask unanimous consent that the pending amendment be set aside and I be able to call up amendment No. 635 and make it pending.

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

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], proposes an amendment numbered 635.

Mr. THUNE. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for the Emergency Fund for Indian Safety and Health, with an offset)

On page 458, after line 25, insert the following:

EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH

For deposit in the Emergency Fund for Indian Safety and Health established by subsection (a) of section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c), for use by the Attorney General, the Secretary of Health and Human Services, and the Secretary of the Interior in accordance with that section, $400,000,000, to be derived by transfer of an equal percentage from each other program and project for which funds are made available by this Act.

Mr. THUNE. Let me explain very simply what this amendment does.

Last summer, President Bush signed into law a $50 billion foreign aid bill; HIV and AIDS was the purpose, the direction of the bill. Included as part of that PEPFAR bill was a $2 billion authorization that I and a bipartisan group of Senators worked on, including that redirected money to critical public safety, health care, and water needs in Indian Country. All of the Senators who worked on the amendment's inclusion in the final package, including now Vice President BIDEN and Secretary of State Clinton, recognized there are great needs internationally, but they also realized we have equal or maybe even greater needs right here at home on our Nation's reservations.

The final PEPFAR bill created a $2 billion, 5-year authorization beginning in fiscal year 2009 for an emergency fund for Indian health and safety. Over the 5-year authorization, $750 million could be spent on public safety, $250 million on health care, and $1 billion for water settlements.

In order to ensure that the emergency fund for Indian health and safety was funded as quickly as possible, I and six of my colleagues sent a letter to President Bush last year asking that he include funding in the fiscal year 2010 budget for the emergency fund. Then we worked to get a total of 21 Senators to send a similar letter to President Obama on November 24, 2008. I believe this continued bipartisan effort underscores the support for addressing the needs that exist in Indian Country.

What the amendment does is seek to remedy this without raising the overall cost of the omnibus bill. It simply reduces discretionary spending throughout the bill by $400 million, the fiscal year 2009 authorized amount from PEPFAR, and redirects that money to the emergency fund for Indian safety and health. This amounts to less than one-tenth of 1 percent cut from each program funded in the omnibus bill.

Bear in mind the omnibus bill includes an overall funding increase of 8.3 percent over last year's appropriated level—that on top of the stimulus bill that passed earlier this year that, as we all know, poured billions of dollars into many of these Federal agencies. So what I am suggesting is we carve out one-tenth of 1 percent of the cost of this bill. As I said, take the overall increase in this year's bill from 8.3 percent over last year's appropriated amount to an 8.2-percent increase over last year's amount.

Since this appropriations bill was put together—I think it was put together in very short order behind closed doors, not to mention the fact that none of the nine appropriations bills were ever voted on in the Senate—I believe my amendment is a commonsense proposal that will ensure that we allocate tax dollars where they are needed the most.

The needs are great in Indian Country and I know many of my colleagues on both sides of the aisle would agree.

Nationwide 1 percent of the U.S. population does not have safe and adequate water for drinking and sanitation needs. On our Nation's reservations this number climbs to an average of 11 percent and in the worst parts of Indian Country to 35 percent.

This lack of reliable safe water leads to high incidences of disease and infection. The Indian Health Service has estimated that for each $1 it spends on safe drinking water and sewage systems it gets a twentyfold return in health benefits.

The Indian Health Service estimates that in order to provide all Native Americans with safe drinking water and sewage systems in their home they would need over $2.3 billion.

Nationally, Native Americans are three times as likely to die from diabetes compared to the rest of the population.

An individual that is served by Indian Health Service is 50 percent more likely to commit suicide than the general population.

On the Oglala Sioux Reservation in my home State of South Dakota the average life expectancy for males is 56 years old. In Iraq it is 58, Haiti it is 59, and in Ghana it is 60, all higher than right here in America.

One out of every three Native American women will be raped in their lifetime.

According to a recent Department of the Interior report, tribal jails are so grossly insufficient when it comes to cell space, that only half of the offenders who should be incarcerated are being put in jail.

That same report found that constructing or rehabilitating only those detention centers that are most in need will cost $8.4 billion.

The South Dakota attorney general released a study at the end of last year on tribal criminal justice statistics and found: homicide rates on South Dakota reservations are almost 10 times higher than those found in the rest of South Dakota and forcible rapes on South Dakota reservations are seven times higher than those found in the rest of South Dakota.

Clearly there are great needs in Indian County and my commonsense amendment would be a good step forward in addressing some of these needs because the emergency fund for Indian safety and health can be used for: detention and IHS facility construction, rehabilitation, and replacement; investigations and prosecutions of crimes in Indian Country; cross-deputization and other cooperative agreements between State or local governments and Indian tribes; IHS contract health care; and water supply projects approved by Congress.

Passage of my original amendment to PEPFAR clearly shows a commitment by the Senate to addressing domestic priorities for Native Americans.

I urge support for my amendment to fund this authorized emergency fund for fiscal year 2009.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

AMENDMENT NO. 599

Ms. MURKOWSKI. Madam President, I ask unanimous consent to set the pending amendment aside for the purpose of calling up an amendment.

Mrs. MURRAY. Madam President, I would ask the Senator from Alaska which amendment she is sending.

Ms. MURKOWSKI. This is amendment No. 599.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself, Mr. BEGICH, and Mr. INHOFE, proposes an amendment numbered 599.

Mrs. MURRAY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify a provision relating to the repromuglation of final rules by the Secretary of the Interior and the Secretary of Commerce)

On page 541, strikes lines 1 through 10 and insert the following:

(1) the Secretary of the Interior and the Secretary of Commerce may withdraw or repromulgate the rule described in subsection (c)(1) in accordance with each requirement described in subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), except that the public comment period shall be for a period of not less than 60 days; and

(2) the Secretary of the Interior may withdraw or repromulgate the rule described in subsection (c)(2) in accordance with each requirement described in subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), except that the public comment period shall be for a period of not less than 60 days.

Ms. MURKOWSKI. The amendment I bring forward this evening would modify section 429 of the bill we have before us. This amendment does not cost us any money. It will, in fact, eliminate a major obstacle to job creation, including many of the construction projects that were funded under the recently passed stimulus bill.

To be more specific, I am introducing an amendment to modify section 429 to require the Departments of Interior and Commerce to follow the process provided by existing law to withdraw and alter two provisions that were essential ingredients last year in the decision by former Secretary of the Interior Dirk Kempthorne when he listed the polar bears of northern Alaska as threatened under the Endangered Species Act.

Section 429, as it now stands, would allow those agencies to withdraw those regulations arbitrarily and then reissue them immediately without public comment. My amendment does not overturn the listing of the polar bears as threatened, even though up in Alaska most of us feel the listing was premature and perhaps totally unnecessary, but it will require the Department to follow existing public notice and comment statutes, if they want to modify last year's listing decision and the related carbon emissions rule in the future.

We are asking that you follow the process that is in place. Section 429 of the omnibus provides a provision that allows the Secretaries of Interior and Commerce to withdraw the final rule relating to the interagency cooperation under the Endangered Species Act and the final rule relating to endangered and threatened wildlife plants, the special rule for the polar bear.

This section allows the Secretaries of either Commerce or Interior, or both, to withdraw the two Endangered Species Act rules promulgated under section 7 of that act within 60 days of adoption of the omnibus bill and then reissue the rule without having to go through any notice or any public comment period, or be subject to any judicial review as to whether their actions were responsible.

Last year, after years of comment and review, the Interior Department elected to list the polar bear as threatened, solely because of the fear that greenhouse gas emissions will raise temperatures sufficiently in the future, causing the Arctic pack ice that the bear relies on for habitat to melt, making it more difficult for the bears to feed.

During the scientific review that was conducted before the listing decision, there was very little to no evidence that indicated that neither very carefully limited subsistence hunting activities by the Alaska Natives, nor onshore or offshore oil and gas exploration or production activities in any way would disturb the bears or place stress on their population.

So it was for that reason, based on all the science and the research, for that reason that the listing decision specifically provided, and this was set forth in section 4(d) of the act, it provided that oil or gas development or subsistence hunting will not be impacted by any action plan the Department will craft to remedy bear population issues in the future. Those provisions were added after extensive public comment and based on a full scientific review.

Now, without any scientific review, at the last minute, someone in the House of Representatives has decided to impose as fact their opinion that the bears should be listed as threatened without limitation. This provision makes a mockery of what we know and accept and applaud with the scientific review process.

In all the science leading up to the listing, there was no evidence that oil or gas exploration and development were having any effect on the bears which are already carefully regulated under the Marine Mammal Protection Act. In fact, the populations of both the Beaufort and Chukchi Sea areas have actually risen by around 500 bears since 1972, and any anecdotal evidence of minor recent declines is purely anecdotal.

Now, yes, Fish and Wildlife researchers have some evidence that bears may have dietary issues that may impact juvenile survival rates if the ice melt causes dislocation of the seal populations. But that problem has nothing to do directly with oil or gas or subsistence activities.

Withdrawal of the 4(d) protections could prompt lawsuits to stop any action that would increase carbon dioxide or any greenhouse gas emissions anywhere in the country, not just in the State of Alaska but anywhere in the country, if the project had not first consulted with U.S. Fish and Wildlife on potential impacts.

What this means, the potential for this is that every powerplant permit anywhere that might increase carbon emissions could face a lawsuit. Damage could extend past fossil fuel projects to include an incredible array, agricultural practices, any increase in livestock numbers, new road construction, literally any project or activity that might increase greenhouse gas emissions.

Suits that could be triggered by this seemingly limited change could stop many of the construction projects that this body has provided funding for in this stimulus bill to help get this Nation's economy moving again.

Now, the Center for Biological Diversity has already stated it intends to use the polar bear listing to regulate greenhouse gas emissions. But I am afraid such overreaching could actually harm environmental protections. That is because such an effort to overreach could trigger such a backlash that it harms support for the entire Endangered Species Act.

The administration is planning to ask Congress to pass cap-and-trade legislation this year to regulate greenhouse gasses. Debate over that bill is the proper place for this issue to be tackled, not through a back-door amendment to this key appropriations bill that will not permit public process.

For my home State of Alaska, the amendment's impacts are immediate and they are far reaching. It is almost certain to result in lawsuits to stop oil and gas development in northern Alaska, both onshore and off. Such suits certainly could stop the exploration needed to produce new natural gas finds. We know this is vital to the viability of an Alaska natural gas line to bring our clean-burning natural gas to the lower 48.

This project has been supported by the administration and most every Member of this body. We recognize that such sites could endanger Native subsistence activities, not just for the bears and marine mammals that the bears prey upon but for any species, such as the western and central Arctic caribou herds. These are vital food sources for our Alaska Natives.

So what my amendment does is it requires that if either the carbon emissions consultation rule or the polar bear 4(d) rule is to be withdrawn or reissued, such action is subject to the requirements of the Administrative Procedures Act, with at least a 60-day comment period.

What this does, it essentially gets us back to the status quo, where the Secretaries can now withdraw or repromulgate these regulations, but they have to follow the APA. Nothing Earth shattering, we are not plowing new ground. We are saying, follow the process we set up. The provision in the budget bill does much more than overturn Bush administration rules, it violates the public process and scientific review called for in the Endangered Species Act, and by doing that it weakens and risks support for the act.

As it stands, under section 429, the Secretaries can make dramatic and far-reaching changes with their rules and regulations and do so without having to comply with the longstanding Federal process requiring public notice and comment by the American public and by knowledgeable scientists. We should not make a mockery of the formal ESA review process and the APA, the Administrative Procedures Act. We should support this amendment to strike the House waiver of those acts and require that those laws be enforced.

I cannot stress how important this is to the Nation, to the American energy production of the workings of the stimulus bill, and eventually to the integrity of the Endangered Species Act and this Nation's administrative process.

Now, this afternoon President Obama issued a new directive on the ESA. But it is only pertaining to the optional consultation portion of section 7. The directive requests the Secretaries of the Interior and Commerce to review the regulation issued on December 16, 2008, and determine whether to undertake new rulemaking. Until such review is completed, the President requested the heads of all agencies to exercise their discretion, under the new regulation, to follow the prior longstanding consultation and concurrence process.

But this Presidential order did not address the issue of the polar bear 4(d) rule and does not remove the House omnibus rider. It does not maintain the Administrative Procedures Act requirement, and it does not negate the need for my amendment.

I yield the floor.

Mrs. MURRAY. I ask unanimous consent that the Senate proceed to a period of morning business with the time equally divided in the usual form.

Mr. COBURN. I would ask if the Senator would modify her amendment to allow for me to speak on the Wicker amendment. Could we do that?

Mrs. MURRAY. Madam President, I modify my request and ask unanimous consent that Senator COBURN be allowed to speak for 5 minutes on the amendment, and following his remarks, the Senate move to a period of morning business, with the time equally divided in the usual manner with a 10-minute limitation.

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

The Senator from Oklahoma.

AMENDMENT NO. 607

Mr. COBURN. Madam President, I wanted to spend a minute talking about the Wicker amendment No. 607. I am having trouble, from a philosophical viewpoint, understanding why the language is in this bill the way it is. There is no confusion as to my stand on pro-life issues, pro-choice versus pro-life. I stand in the corner of pro-life. But I want to debate this issue as if I were pro-choice, that I believe that the law as we have it today should be enforced. If, in fact, we believe that if, in fact, women have a right to choose, why in the world would we send money to UNFP that is going to take that right away from women in other countries? It is beyond me that these little six words in the bill, ''notwithstanding any other provision of law,'' are intended to eliminate the ability of the President to certify that our UNFP money is going to be used for coercive abortions and coercive sterilizations. I am having trouble understanding why those in this body who absolutely believe without a doubt that a woman has a definite right to choose on whether to carry a pregnancy to term, have a definite right to choose the number of children they are going to have or have none, we would allow this bill to go through here this way that will deny that ability to Chinese women.

If somebody in our body can explain that to me, I would love them to do so. You can't be on both sides of this issue. Either you believe in a woman's right to choose or you do not or you only believe in a woman's right to choose in America. And because the Chinese have too many people, you don't think that same human right ought to be given to women in China. I won't go into the details. There is no question that UNFP will mix this money, and we will fund forced abortions in China. That is what these six words do. They mean American taxpayer dollars are going to go to China to enforce coercive abortion against the will of women and force sterilization against the will of women in China. China is not in bad shape. They don't need our money in the first place. But then we are going to send that money over there to enable and allow that policy to progress. I find it disconcerting that anybody who is pro-choice could not vote for the Wicker amendment. Because what it says is, you are double minded. The standard applying in this country is one thing, but human beings throughout the rest of the world, that same standard doesn't apply. I think it is unfortunate that this was put in here. We will rue the day it was.

In fact, we lessen our own human rights campaigns for equal treatment and the protection of human rights around the world as we do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I request the regular order.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

U.N. TAXATION

Mr. INHOFE. Madam President, I was misled into thinking that we would be able to introduce some amendments tonight and then was told, when I got down, that they are confining those amendments to only three. Let me mention that I have an amendment I feel very strongly about that I want to take up first thing in the morning. I will explain what it is. It is amendment No. 613.

I can remember back in 1996, the United Nations Secretary General announced that the U.N. was interested in pursuing a global tax scheme. In response, Congress passed—and President Clinton signed into law—a policy rider on the Foreign Operations and State Department appropriations bills that would prevent the United Nations from using any U.S. funds to pursue a global tax scheme. The idea was that if we had a United Nations that wanted to have a global tax—they have been attempting to do this for many years because they don't want to be held accountable to anyone—then every time something comes up that is against the interests of the United States, we normally will pass a resolution saying that we are going to withhold a percentage of our dues to the United Nations until they change this policy. In 1996 and every year since, 13 years, we have had, as a part of that, language that says that the U.N. could not use any of the funds of the United States to pursue a global tax scheme of any type. The provision has appeared in every annual appropriations since 1996. This year marks the first time an annual appropriations bill will not contain this policy provision preventing U.S. tax dollars from funding U.N. global tax schemes.

According to page 64 of division H of the joint explanatory statement, this policy provision has been intentionally left out of the fiscal year 2009 Omnibus Appropriations bill. Preventing U.S. taxpayers funding U.N. global taxes in annual appropriations bills has been a bipartisan U.S. policy for over a decade. It is very difficult for me to understand, because I haven't seen any explanation as to who is opposed to this. It was put in by Democrats and Republicans on a bipartisan basis. Now we find that it was left out. The amendment very simply puts back the language that we have had historically in the law for the past 13 years.

Let me serve notice that I will make every effort to be first in line tomorrow morning to try to get this amendment in. I would invite any opposition that is out there, because I don't know of any opposition to it. Being fair, I think it is probably the fact that they wanted to shorten tonight to restrict it to three amendments.

I ask unanimous consent that my time be extended to whatever time I shall pursue. I will not be more than 15 minutes from this point.

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

CHANGES TO THE ESA RULES

Mr. INHOFE. Madam President, I was listening with some interest to the Senator from Alaska and what she is trying to do. I think, once again, we are faced with a backhanded attempt to regulate greenhouse gases without the transparency of public debate. Section 429 of the omnibus currently includes yet another congressional handout to some of the extremist groups and to the trial bar. This rider is clearly an attempt to legislate on a spending bill, the sort of bad habit that Democrats in Congress and the White House promised to give up during the last election.

As ranking member of the Environment and Public Works Committee, I strongly support the bipartisan amendment offered by Senators MURKOWSKI and BEGICH to revise the omnibus section 429. This subject is particularly important to me since the EPW Committee holds jurisdiction over all issues impacted by the offending provision, including endangered species, the regulation of greenhouse gases, and the transportation infrastructure which we are going to be pursuing in the next few weeks.

Without the amendment, section 429 allows the agencies to make dramatic changes to the Endangered Species Act rules and regulations without having to comply with longstanding Federal laws that require public notice and public comment by the American people and knowledgeable scientists. These changes have the potential for far-reaching and unintended consequences in our economy.

Specifically, this activist-friendly rider would allow the Secretary of Interior and the Secretary of Commerce to undo a regulation making commonsense adjustments to the ESA as well as withdraw a special rule and listing for the polar bear. By ignoring the protections of the Administrative Procedures Act, the rules in question could be withdrawn within 60 days of adoption of the omnibus bill and then reissued in whatever form the agencies preferred, without having to go through any notice or public comment period and without being subject to any judicial review as to whether their actions were responsible or justified.

This is exactly what the two Senators from Alaska are attempting to correct. Existing ESA rules clearly lay out the U.S. Fish and Wildlife Service position that oil and gas development in the Arctic and Alaska Native subsistence activities are not the reason for the polar bear's recent listing status and are not affecting polar bear population. I might add that we have made quite a study of the 13 polar bear populations in Canada. All but one are increasing. The one that is not is the western Hudson Bay. That is due to some regulations in hunting that have adversely affected them. That is being corrected at this time. So if you stop and realize over the last 40 years, we have increased the population of polar bears in the world by fivefold, then there isn't a problem. However, let's assume that there is a problem, and we want to be sure that we are able not to have the intended consequences.

If enacted, implementation of section 429 would mean that any increase in carbon dioxide or greenhouse gas emissions anywhere in the country could be subject to legal challenges due to assertions that those activities are harming a polar bear or that there has not been sufficient consultation with the U.S. Fish and Wildlife Service regarding activities that are funded, carried out, and authorized by the Federal Government.

In other words, you could have someone who is cooking on his Hasty Bake in his backyard in Tulsa, OK and have a lawsuit filed saying: You are emitting greenhouse gases; therefore, you are affecting the polar bear. Any permit for a powerplant, refinery, or road project that increases the volume of traffic anywhere in the United States could be subject to litigation, if it contributes to local carbon emissions. Lawsuits and ESA-prompted delays could extend to past fossil fuel-linked projects, if those projects could increase greenhouse gas emissions or reduce natural carbon dioxide intake.

If this provision is allowed to stand, it will likely endanger the delivery of the majority of the construction projects funded by the recent stimulus bill since these projects have not gone through a section 7 consultation regarding their impact to the polar bear. In other words, we passed the stimulus which I opposed. I had an amendment that would have actually provided a lot of jobs. That amendment they would not let me bring up. I believed that since it was an Inhofe-Boxer amendment, it would have passed. But it didn't.

So now we have a few jobs out there, a few things that are going to contribute to the employment problem of this country. If this provision is in there without the correction found in the bipartisan amendment by the two Senators from Alaska, then it is going to say the very thing we are trying to stimulate—in terms of jobs, construction, roads, bridges, and highways—cannot be done because of the section 7 consultation regarding the impacts on the polar bear. Ironically, President Obama today announced the release of $28 billion from the American Recovery and Reinvestment Act to States and local transportation authorities to repair and build highways, roads, and bridges. This investment will lead to