Michelle Rhee is the new chancellor of education in the District of Columbia. She is an extraordinarily talented young woman who has come from the Teach For America Program, one of the most successful new programs and largest employer of college grads in America. She was successful in Baltimore in bringing back a classroom that had fallen behind. She went up to New York to recruit nontraditional teachers. And she is now here with the same dedication and commitment. I am not about to give up on DC public schools. I honestly believe the vast majority of kids are going to be in those public schools, and they deserve a decent education. As much as we can help them, we should. To despair and say there is no hope for these public schools is not fair to Michelle Rhee, to the new Mayor, Mayor Fenty, or to those who want to see this new day in education in the District of Columbia.

I think an honest evaluation of the DC voucher schools, as well as the DC charter schools, and a commitment to reform in the DC public schools is the answer. For those who want to stop and say no evaluation, no reauthorization, no investigation, spend the money on the program, no questions asked, I am going to say no. I am going to fight this amendment because I think it is a move in the wrong direction. It is a move away from accountability. It is a move away from a local voice in the future of the education of kids in the District of Columbia. And it is a movement away from quality and back to the DC voucher original model that did not include the most basic standards we require of virtually every public school in America.

I can tell you that many who are participating in the DC Voucher Program agree with the reforms I have suggested. I have talked with them about it. There are those who will resist it. We cannot let them win the day by adopting the Ensign amendment.

Now I will yield for a question.

Mr. ENSIGN. I thank Senator DURBIN for yielding.

Madam President, is the Senator aware that in all of the private schools these kids are attending the core subject teachers have 4-year degrees and that it was only in subjects such as art and wood shop that they did not necessarily have 4-year degrees? Madam President, I ask the Senator from Illinois, through the Chair, whether he is aware of that.

Mr. DURBIN. Madam President, I say to the Senator from Nevada that the complement of teachers in the DC voucher schools has changed and improved over the years, there is no question about that. But it is also true to say that the standards imposed on the DC public school teachers are not being followed by the teachers in the DC voucher schools. We have created a double standard. As far as I am concerned, if you are arguing that we shouldn't require all teachers to have the appropriate academic credentials based on the course they teach, I ask in response, through the Chair, is that the standard you are suggesting for your home State of Nevada?

Mr. ENSIGN. Madam President, I actually send my kids to schools where not all of the teachers in core subjects have 4-year degrees. But if a teacher is teaching art, if a teacher is teaching woodshop, or some other kind of program, I would ask: Does the Senator from Illinois really believe imposing that on private schools is necessary?

You send your kids to private schools just as I am sending my kids to private schools. We sent them where we thought they would get a good education. Does the Senator think these parents who are taking advantage of these programs don't care enough about their kids to send them to the best schools? That is why they are choosing to get them out of public schools. Wouldn't the Senator from Illinois agree those are wise parents signing up voluntarily for this program because they care about their kids?

Mr. DURBIN. I would like to respond to the Senator—I know our time is about to end—by saying that when the GAO did their study, incidentally, they found what you stated on the floor was not exactly the case. It turned out there were teachers in so-called ''core academic subjects'' without college degrees. Those subjects include English, reading, and language arts, math, science, foreign language, civics and government, economics, art, history, and geography. That is the definition of core academic subjects. And the teachers in many voucher schools did not meet those requirements.

I might also say to the Senator from Nevada that my wife and I made a personal decision to send our children to Catholic schools, knowing we would be paying public property taxes in my hometown of Springfield, IL, to support public education, and we had an additional financial burden on our family to pay for tuition, as you have. We accepted that burden, and I believe it is part of the bargain. We support public education, but we made a family decision to pay for our kids to go to Catholic schools.

I have supported public school referenda throughout my time in my hometown. I believe public education is the core when it comes to the development of the community. In my hometown of East St. Louis, when the public schools went to Haiti, the Catholic schools followed quickly behind. They are all in this together.

Madam President, I know we have run out of time.

RECESS

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

Thereupon, at 12:32 p.m., the Senate recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. CARPER).

OMNIBUS APPROPRIATIONS ACT, 2009—CONTINUED

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, what is the pending order?

The PRESIDING OFFICER. There is no pending order. There has been no unanimous consent. The Senator is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to speak in opposition to the Omnibus appropriations bill that is before us. I think this debate has been good. We have had amendments. I thank the majority leader for allowing amendments to be offered. I note that not one amendment has been agreed to, but nevertheless we have had the debate and I think the American people do deserve to know more about this bill and why there are so many objections to it.

I am speaking against it today because of its sheer size. It is a $408 billion bill. But when you account for the previous bills that have already passed appropriations this fiscal year for defense, military construction, veterans affairs, and homeland security, the bottom line is for fiscal year 2009 we are going to spend $1 trillion. Passage of this bill will mark the first time in U.S. history that our regular appropriations process, funding Government in the routine and regular order, will surpass $1 trillion.

Last week I offered an amendment. Senator MCCAIN offered an amendment, Senator COBURN offered several amendments, Senator DEMINT, Senator VITTER, Senator KYL—so many amendments have been offered but they were basically different ways to bring down the cost of this bill to some kind of responsible, agreed-upon area so we can say we are doing the people's bidding by taking care of taxpayer dollars. That is what we tried to do.

First, Senator MCCAIN offered an amendment to say let's do a continuing resolution that funds Government at 2008 levels until October 1, the end of the fiscal year. Next, an amendment was offered by Senator ENSIGN that basically said 2008 spending levels, but with the new bill, with the new authorizations. It will have all of the congressional imprint but it will be 2008 levels. That failed.

My amendment was 2008 levels with the rate of inflation, so instead of an 8-percent increase in spending in a 1-year period, double the rate of inflation, it would have been a 3.8 percent increase from 2008, which I thought was quite reasonable. Furthermore, I said let's decide that we will only take it from the accounts in the bill before us that duplicate what we passed in the stimulus bill weeks ago. In that way, we would say to the American people we are going to fund the Government at 2008 levels plus the rate of inflation, and the way we are going to cut it back is to let the Appropriations Committee decide which of the duplicated accounts that were passed in the stimulus bill 2 weeks ago would be taken

out—either the stimulus bill or the bill before us. That was my amendment and it too failed.

We have tried everything we know how to do in a reasonable and responsible way to say to the American people: Everyone is hurting right now and we should not be spending in the regular order on regular Government business, 8 percent above last year's rate. My amendment would have been a 1-percent cut from this bill and the Appropriations Committee could have chosen where that went. I also suggested that we take it out of the duplicate measures that we passed within 1 month of each other. The American people expect more responsible actions from Congress than spending without restraint.

I hear from my constituents all the time. A lot of common sense is coming out of my constituents. I wish we could export the good old Texas common sense to the Congress because what we are saying is why don't we look at the big picture here? Instead of a $1 trillion stimulus spending package on top of $1 trillion to fund Government for the next 9 months, and furthermore we have not even dealt with the financial institutions yet, why don't we step back and look at the problem we have, which is that our financial institutions are not working, our small businesses are not getting credit so they are not able to borrow to stay in business, and the housing market is in the tank? We have not addressed those issues yet and here we are, spending as if there is no restraint, adding to the debt because we do not have the money in the bank. I cannot think of anything more irresponsible than what we are doing in these last couple of months in the Congress.

Actually, the stimulus packages from last year were also erroneous. But couldn't we have learned from the mistakes? Couldn't we have learned from what did not work in the first stimulus package? But, no, we do not seem to have learned, even though it was less than a year ago. I think the American people are showing the concern they have because the stock market is low, and is not getting stabilized.

Now we have coming on the heels of this omnibus bill, which we are not accounting for, a $3.6 trillion budget proposed by the President with a deficit for 2010 projected at $1.75 trillion. The cumulative debt of America today is $11 trillion. The proposed budget plan recently suggested a doubling of this debt over the long term.

Mr. President, 25 percent of the national debt that we are accumulating is owned by foreigners. The Chinese Government owns almost $700 billion of our debt. This is the same Chinese Government that last weekend took a rather hostile action toward one of our naval vessels in the South China Sea. I think we should be looking at the national security implications of having so much of our country's debt in the hands of any foreign country or any foreign national.

In addition to the concerns about whether the borrowers are going to buy our debt—what if they say: $10 trillion, $11 trillion, you know, maybe we will buy your debt, but the risk is too great and we will have to jack up the interest rate? What is that going to do to an economy that is teetering so badly?

I do not think we can turn a blind eye to the long-term consequences of this debt burden. It is not only irresponsible but it borders on being reckless. When are we going to stop it? If not today, then when? We have a chance today to say to the American people we will go back to the drawing boards and we will put reasonable limits on the amount of debt we are accumulating. We will put limits on the deficits that are being created. I think we should go back to 2008 levels because we passed a $1 trillion spending plan. Why not go back to 2008 levels and take out the duplication from the stimulus bill and what is in the bill before us today? That would be a responsible action that might start giving confidence to the American people that the Congress and the President will be able to work together in a bipartisan way to act responsibly, with the big picture in mind. I urge the President of the United States not to go forward with the budget that he has put forward, not to go forward with an energy plan that is going to start increasing taxes on every electric bill that every consumer in this country will have, but instead to step back and say let's fix the financial industries. Let's fix the financial institutions. The idea has been propounded is that the FDIC is going to start putting an assessment on every bank deposit to pay for these other schemes that have no impact whatsoever.

There are a lot of things coming out of here that do not make sense. I think it is time for us to begin to show the American people we are going to step back. We are going to fix the financial markets so people can borrow to make payroll and keep people working, so people can stay in their homes and not get foreclosed, and to shore up the housing industry and help them start building and selling homes again.

If we can start there, then we will know what kind of stimulus we need, or what kind of further spending would be in the best interest of this country to get our economy going again. But until then, we should not pass the bill before us today. We should go back to the drawing board and begin responsible, bipartisan leadership from Congress and the President on behalf of the American people.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Dakota.

AMENDMENT NO. 662

Mr. THUNE. Mr. President, I ask unanimous consent to call up amendment No. 662, and make it pending.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. DEMINT, Mr. INHOFE, and Mr. ENZI, proposes an amendment numbered 662.

The amendment is as follows:

(Purpose: To prohibit the use of funds by the Federal Communications Commission to repromulgate the Fairness Doctrine)

On page 410, after line 2, insert the following:

SEC. 753. None of the funds appropriated in this Act may be used by the Federal Communications Commission to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the ''Fairness Doctrine'', as such doctrine was repealed in In re Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse New York, 2 FCC Rcd. 5043 (1987).

Mr. THUNE. Mr. President, 2 weeks ago, 87 Members of the Senate voted to uphold our first amendment rights by supporting a statutory prohibition on the so-called fairness doctrine. The amendment was offered by Senator DEMINT and was accepted as part of the DC voting rights bill which is currently awaiting consideration by the House of Representatives. I am concerned that once the House considers this bill, whenever that might occur, and the Senate and House versions are conferenced together, this provision will no longer be a part of the final DC voting rights bill.

I will say I am hopeful that the DeMint amendment is retained in the final version of the DC Voting Rights Act, but I am fearful it will be stripped out behind closed doors when the conference committee gets underway.

So I filed an amendment to the Omnibus appropriations bill that would prohibit the FCC from using any funds to reinstate the fairness doctrine during the current fiscal year.

If this amendment is accepted to the omnibus bill, then the 87 Senators who supported this prohibition last week will have assurances that the fairness doctrine will not be reinstated for the remainder of this year regardless of whether the DeMint amendment remains part of the DC Voting Rights Act.

I would also like to remind my colleagues a similar provision was included as part of the fiscal year 2008 Omnibus appropriations bill, section 621, that was enacted into law last year. However, that language was not included as part of the fiscal year 2009 Omnibus appropriations bill.

Now, one of the arguments that has been made against this amendment from my colleagues on the other side is, well, this issue is not that important. Nobody really cares about it. It is not going to happen.

If that is the case, then why is it that the prohibition on funding to reinstate the fairness doctrine was stripped out of this bill after it had been included in the fiscal year 2008 appropriations bill?

The so-called fairness doctrine has a long and infamous history in our country. The FCC promulgated the fairness doctrine in 1949 to ensure the contrasting viewpoints would be presented on radio and television. In 1985, the FCC began repealing the doctrine after concluding that it actually had the opposite effect.

They concluded then what we still know today, and that is the fairness doctrine resulted in broadcasters limiting coverage of controversial issues of public importance.

Now, recently, many on the left have advocated reinstating the doctrine. They argue that broadcasters, including talk radio, should present both sides of any issue because they use the public airwaves. However, recent calls to reinstate the fairness doctrine failed to take into account several considerations, which I will mention in just a moment. But in the event that there would be any question about whether there are those out there who would like to see this happen—because that has been one of the arguments raised in the course of the debate, that nobody in here is very serious about really doing this—if you look at what the Speaker of the House said when she was asked: Do you personally support revival of the fairness doctrine? She said, ''Yes.''

The leader of the Democrats in the House of Representatives recently said:

> There is a real concern about the monopoly of information and the skewering of information that the American public gets.
>
> First, as to the monopoly. Obviously if one group or a large group controls information and only allows one perspective to be presented, that is not good for democracy. That is not good for the American public.

That is, of course, what the fairness doctrine is directed at. It can have great merit. Those are the two top Democrats in the House of Representatives, and those are statements made within the last year.

Then perhaps even more telling is what was said by a top staffer in the House. And it says:

> Conservative radio is a huge threat and political advantage for Republicans, and we have had to find a way to limit it.

I would submit that really is what this is all about. We have had Members on this side, in the Senate, on the other side of the aisle, who have made similar statements. Recently, on a radio program one of my colleagues on the other side was asked: Do you think there will be a push to reinstate the fairness doctrine? ''I don't know; I certainly hope so'' was the answer.

Do you support it? ''I do.''

I mean, would you want this radio station to have to change? ''I would. I would want this station and all stations to present a balanced perspective and different point of view.''

What we are talking about is a first amendment right. In reality, the fairness doctrine resulted in less, not more, broadcasting of issues that are important to the public because airing controversial issues subjected broadcasters to regulatory burdens and potentially severe liabilities. They simply made the rational choice not to air any such content at all.

Now, the number of radio and TV stations and development of newer broadcast media, such as cable and satellite TV and satellite radio, have grown dramatically in the past 50 years. In 1949, there were 51 television stations and about 2,500 radio stations in the entire United States.

In 1985, there were 1,200 television stations and 9,800 radio stations. Today, there are nearly 1,800 television stations and nearly 14,000 radio stations. There is simply no scarcity to justify content regulation such as the fairness doctrine.

The third point I will make is this: Development of new media, social networking, and access to the Internet has changed media forever. Supporters of government-mandated balance either ignore the new multiple sources of media or they reveal their true intention, which is to regulate content on all forms of communication and ultimately stifle certain viewpoints on certain media such as talk radio.

Fourth, broadcast content is driven by consumer demand. Consumers of media show whether they are being served well by broadcasters when they choose either to tune in or turn off the programming that is being offered. The fairness doctrine runs counter to individual choice and freedom to choose what we listen to or see on the air or read on the Internet.

The fairness doctrine should not be reinstated, and 2 weeks ago the Senate acted in a strong bipartisan manner in opposition to the fairness doctrine. I am asking the Senate to agree to my amendment because it simply prohibits any funding from being used to reinstate the fairness doctrine just as we included as part of last year's Omnibus appropriations bill.

Adoption of my amendment would ensure that our first amendment rights are protected and that consumers have the freedom to choose what they see and hear over our airwaves. This amendment ensures that the Federal Communications Commission does not use any resources to reinstate the fairness doctrine through the end of the fiscal year until a more permanent solution can be reached through a statutory prohibition.

As I said, 2 weeks ago, the Senate adopted this by a vote of 87 to 11. There were 87 Senators in the Senate who agreed to language that was contained in the DeMint amendment to the DC Voting Rights Act.

Similar language prohibiting the FCC from reinstating the fairness doctrine again, as I said earlier, was contained in last year's Omnibus appropriations bill. The administration of President Obama is on record opposing efforts to reinstate the fairness doctrine. It makes sense, in my judgment, that we echo all of those statements and the vote that was made by the Senate a couple of weeks ago by including a prohibition on funding for the FCC to reinstate the fairness doctrine.

Again, we do not know what is going to happen in the DC Voting Rights Act, whether this provision is going to be stripped out, whether the DeMint amendment is going to be stripped out. So it is important, in my view, that we reinforce the vote by making a strong statement, at least for this fiscal year's funding, that funding in the FCC cannot and will not be used to reinstate the fairness doctrine.

There is no reason for the Senate not to vote for this language. I hope my colleagues will join me in supporting this amendment and putting us on record when it comes to the funding that would be used to reinstate the fairness doctrine that this appropriations bill will not do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to engage my colleagues, Senator NELSON and Senator MARTINEZ, in a colloquy. And as I do, let me start off by saying, we want to take a moment to discuss some important provisions in the omnibus bill. I discussed these provisions at length last week on the Senate floor, and I want to give an update as to where things stand today.

As I discussed last week, this bill includes three important foreign policy changes with respect to Cuba that have not been subjected to debate in this body. They have not gone to the Foreign Relations Committee, they have not been subject to a vote in either body, and these modifications deserve a full examination. This has not taken place. Instead, this body would have been forced to swallow these changes in the crudest process I can imagine, without analysis, and without inclusion.

Since we have been unable to debate the substance of these provisions, I have asked for a clarification, along with my colleagues, to the Secretary of the Treasury on the implementation of these provisions and expressed my concern for their possible implications and the unproductive signals they might send to those who are fighting for democratic change on the island.

We did this to get clear, first, of what might have been major loopholes that could have been exploited by individuals or organizations seeking to circumvent the longstanding and necessary economic embargo. In response, Secretary Geithner has provided me with two letters that I ask unanimous consent be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
Washington, DC, March 5, 2009.
Senator ROBERT MENENDEZ,
U.S. Senate,
Washington, DC.
Senator BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATORS: I understand that you have concerns with provisions of the Omnibus Appropriations Act, 2009 that would amend Cuba sanctions on travel and agricultural and medical trade. As you know, the Obama Administration had nothing to do with these or any other provisions of that bill.

We are, however, currently reviewing United States policy toward Cuba to determine the best way to foster democratic change in Cuba and improve the lives of the Cuban people. Your views and the views of others on Capitol Hill will be important to that review, and the President remains committed to consulting with you as we consider changes to Cuba policy.

I understand that one of your chief concerns with the Omnibus is Section 622, which would prohibit the Treasury Department from using funds to administer, implement, or enforce the current definition of ''cash in advance,'' which is one of the permissible ways to finance exports to Cuba. Treasury believes that this change likely will have no influence on current financing rules. The term ''cash in advance'' is in the Trade Sanctions Reform and Export Enhancement Act of 2000 and therefore private parties are and will continue to be statutorily required to comply with those payment terms. Because the bill's language does not modify or negate the statutory requirement in the 2000 Act, exporters will still be required to receive payment in advance of shipment and will not be permitted to export to Cuba on credit other than through third-country banks.

I also understand you are concerned about Section 620. As you know that is a provision that will also be administered by the Department of the Treasury. I can assure you that regulations promulgated pursuant to that provision will seek to ensure that only travel for credible sales of food and medical products is authorized.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

DEPARTMENT OF THE TREASURY,
Washington, DC, March 9, 2009.
Hon. ROBERT MENENDEZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR MENENDEZ: You have expressed concerns to me about provisions of H.R. 1105, the FY 2009 Omnibus Appropriations bill, regarding Cuba sanctions. You have also shared your views regarding Section 620 of the bill, which relates specifically to travel to Cuba for the commercial sales of agricultural and medical goods pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000.

Section 620 would be administered by the Department of the Treasury. The regulations promulgated pursuant to that provision would provide that the representatives of only a narrow class of businesses would be eligible, under a new general license, to travel to Cuba to market and sell agricultural and medical goods. Any business using the general license would be required to provide both advance written notice outlining the purpose and scope of the planned travel and, upon return, a report outlining the activities conducted, including the persons with whom they met, the expenses incurred, and business conducted in Cuba. All travelers who take advantage of the general license would also have their daily expenses limited to the then-applicable State Department per diem rate.

It is my hope that this letter has assisted you in understanding how the Treasury Department would implement Section 620 of H.R. 1105, the FY 2009 Omnibus Appropriations bill. If there is anything that I can do to be of assistance in the future, please do not hesitate to contact me.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

Mr. MENENDEZ. Section 620 liberalizes individual travel regulations to Cuba for the promotion of agricultural and medical sales. This provision would systemically broaden the category of licenses available and allow individuals, in a self-policing manner, to travel to the island under the auspices of selling such supplies.

While I am sympathetic to the U.S. agricultural industry, I remain concerned that provision was written with the aim not of benefitting the private sector but, rather, of undercutting the current travel regulations for individuals and putting a wedge in a broader issue of denying our currency to the Castro regime. Depending on how this provision was implemented, it could encourage a radical break in existing travel regulations and provide the Castro regime with enhanced financial benefit in the pursuit of its repressive policies.

As a result, we asked Secretary Geithner specifically how the provision would be implemented. Secretary Geithner assured us in his letter dated March 5, 2009:

Regulations promulgated pursuant to that provision, [Section 620] will seek to ensure that only travel for credible sales of food and medical products is authorized.

In his letter dated March 9, 2009, Secretary Geithner wrote:

The regulations promulgated pursuant to that to provision [Section 620] would provide that the representatives of only a narrow class of business would be eligible, under a new general license, to travel to Cuba to market and sell agricultural and medical goods. Any business using the general license would be required to provide both advance written notice outlining the purpose and scope of the planned travel and, upon return, a report outlining the activities conducted, including the persons with whom they met, the expenses incurred, and business conducted in Cuba.

Section 622 concerns cash in advance payments. This provision would strip the ability of the Department of the Treasury to enforce a 2005 amendment that defined the term ''cash in advance.''

In his March 5 letter, Secretary Geithner wrote that the U.S. Treasury ''believes that this change likely will have no influence on current financing rules. The term 'cash in advance' is in the Trade Sanctions Reform and Export Enhancement Act of 2000 and therefore private parties are and will continue to be statutorily required to comply with those payment terms. Because the bill's language does not modify or negate the statutory requirement in the 2000 Act, exporters will still be required to receive payments in advance of shipment and will not be permitted to export to Cuba on credit other than through third-country banks.''

Which is the law today.

This comes particularly at a moment that is very important. The Paris Club recently announced that Cuba has defaulted on over $9 billion of obligations. At a time that we are facing challenges in the United States in terms of our financial institutions and credit, in general, to be giving credit to a country that has not only a repressive policy but has $30 billion in default is not, in my mind, good policy.

President Obama said:

My policy toward Cuba will be guided by one word: Libertad——

Which means freedom—

and the road to freedom for all Cubans must begin with justice for Cuba's political prisoners, the rights of free speech, a free press and freedom of assembly; and it must lead to elections that are free and fair.

I could not agree more with President Obama on this point, and I fully support him in moving forward in this direction.

Finally, I know some of my colleagues might be confused about my persistence with this issue over the last couple of weeks. So let me clarify what, for me, is a principled position.

First, I have many citizens in New Jersey whose personal stories speak powerfully to the repression of the Castro regime. Many of them have spent 10 to 20 years of their lives in a prison cell. Their only crime was trying to seek peaceful change in their country. They are now proud U.S. citizens. But they languished in a jail for a decade or two decades simply for seeking to make peaceful change. Many of them were tortured in that process. They are a powerful reminder to me every day, when I am back in New Jersey, of that reality.

Second, let me propose that for some it is difficult to imagine the deep personal significance these changes have for the human rights and democracy activists on the island who fight for the ability to speak freely and think freely, as well as my own personal convictions on this issue that my family has both lived under and died trying to change.

Changes in our Nation's policy toward Cuba, such as changes in our Nation's policy toward any nation our country determines a state sponsor of terrorism—such as Iran, Sudan, and Syria—are extremely delicate policy issues. Any such changes in our policy with these countries deserve a democratic debate and careful deliberation. It is simply undemocratic to tuck them in the middle of a large unrelated but must-pass spending bill.

I thank Secretary Geithner for his understanding of the sensitivity of these issues, working with Senator NELSON and myself to ensure that the spirit of the legislation is carried out

in a responsible manner. I also thank my colleagues in the Senate who have worked with us on this and others who have understood and Majority Leader REID for working with me on getting clarification on the implementation of these provisions. It is disappointing that the process unfolded in this way. We will look just as unkindly upon any future attempts to make significant foreign policy decisions of any sort, not only about Cuba, in this type of secretive and undemocratic manner. Instead, I wish to work with my colleagues in an open and transparent manner to deliberate the substance before we get to this point, even though, at the end of the day, we may still not find common ground. I would, of course, prefer that the provisions not be in this bill at all. But the assurances I have received from Secretary Geithner have allayed my most significant concerns, and I will vote in favor of the Omnibus appropriations bill.

I yield to the distinguished senior Senator from Florida, who has been an ally in this effort to ensure that the clarifications needed were there. He is a tremendous advocate for freedom and democracy for the people of Cuba. I was privileged to work with him in getting the clarifications and making sure we are in a position so human rights activists and political dissidents in Cuba still have their opportunity to create change.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I commend Senator MENENDEZ for the conviction and passion with which he comes to this important position of influencing the Senate on this particular issue. I likewise wish to say the same thing about my colleague from Florida who has been my good friend for 31 years and who comes to this issue with equal passion and commitment. I thank my colleague from Florida for coming out here on the floor. Even though this issue was negotiated among Senator MENENDEZ and myself and Secretary Geithner, he is willing to come and stand to embrace the product of our work.

I wish to call to the attention of the Senate that our majority leader, Senator REID of Nevada, came up to me and indicated he supports this and wanted me to state that to the Senate.

I came to Congress 30 years ago. This issue has been an issue that any Floridian has lived with for a long time. I have supported an economic embargo against Cuba along with a ban on tourist travel to the island. I am a supporter of isolating the regime in Havana and giving the Cuban people the democracy they so desperately seek. The provisions in this omnibus that came out of the Appropriations Committee did not do away with the embargo but did weaken it. I think the better course is to allow our new President to undertake his own review of U.S. policy toward Cuba before pushing hasty and ill-advised language through on an omnibus bill, as Senator MENENDEZ said, that was crafted behind closed doors, kept from public view, and kept from the rest of the Senate's view until it was disgorged from the full committee only a couple weeks ago; ''it'' being the omnibus, a must-pass piece of legislation to keep the Government functioning.

As Senator MENENDEZ has outlined, we reached out to the Secretary of the Treasury and to the White House to clarify the implementation and enforcement of these regulations. Senator MENENDEZ has already put into the RECORD Secretary Geithner's letter of March 5 and his responsive clarification in a letter of March 9. I wish to enter into the RECORD the letter Senator MENENDEZ and I sent to Secretary Geithner on March 6, memorializing the personal conversation we had with him, to which he so graciously then followed up with his letter of March 9.

I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, March 6, 2009.

Hon. TIMOTHY F. GEITHNER,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR SECRETARY GEITHNER: We appreciate your recent correspondence clarifying the implementation of Sec. 622 of the Omnibus Appropriations Act of 2009. As we discussed last night, we continue to have serious concerns with Section 620. Thank you for your personal commitment that the Department of the Treasury will promulgate regulations pursuant to Section 620 that:

1. Provide a narrow definition of the eligible businesses that may travel to Cuba to sell agricultural and medical products under a general license;

2. Require written notice to the Office of Foreign Assets Control (OFAC) in advance of travel to Cuba outlining the purpose and scope of such travel to Cuba, pursuant to the provisions as defined above;

3. Require a filing upon return of travel to Cuba by travelers outlining activities conducted, including persons with whom they met, the amount of expenses incurred, and the business conducted; and

4. Limit such travelers to the current Department of State per diem.

Currently, the Office of Foreign Assets Control (OFAC) pursues significant enforcement with regard to travel regulations relating to Cuba. We would expect that such enforcement would not be diminished in the ultimate enforcement of the regulations outlined above.

Sincerely,

ROBERT MENENDEZ.
BILL NELSON.

Mr. NELSON of Florida. I would like to engage my colleague from Florida, Senator MARTINEZ, in this colloquy.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I thank my two colleagues from New Jersey and Florida for what they have had to say but most of all for the work they have done. They have done good work. We have stood together, the three of us, along with others but particularly the three of us with the most immediate concern with this issue, in a way that is heartening. To me, oftentimes I have seen our names written as hardliners on Cuba. I prefer to think of ourselves as voices of freedom standing to oppression. That is what is at stake. People in the district of Senator MENENDEZ and people in Florida, countless of them, we know their stories. We know their names. We know their suffering. It isn't about settling an old score because these conditions continue even today. Oscar Elias Biscet, to name one. He is in jail. His family seldom gets to visit him. His health is in peril. It is because of all these things that are not only part of history, but they are also part of today's reality, that we stand on the side of freedom. That means a state that is a sponsor of terror needs to be treated differently.

I daresay that while I might not agree with everything that might be done, I trust President Obama and Secretary of State Clinton to do a review of our policy toward Cuba and then, perhaps in the light of day, have a discussion about what would and would not be appropriate. What I would object to is anything that would be unilateral, that simply would say: We will do this, that and the other thing and expect nothing on behalf of those oppressed people of Cuba. We need to expect that there will be reciprocity of some type, that there will be steps taken by the Cuban Government contrary to what they seem to have done last week, which is to circle the wagons and hint of more military control of the Government and more repression for the people.

I deeply thank both Senators NELSON and MENENDEZ for what they were able to accomplish in this misguided piece of legislation. I agree with them, it was inserted in the dark of night with no debate and discussion. The letters and the understanding they have reached with the Secretary of the Treasury handles the problem as it relates to agricultural sales to Cuba as well as the related licensing for travel relating to doing business in Cuba.

We talk often about an embargo. This embargo supposedly is limited to trade sanctions because we sell almost a billion dollars in agricultural goods to Cuba. We sell medicine. More humanitarian aid flows to Cuba from here than any other country in the world, hundreds of thousands, into the billions of dollars in remittances that go from folks in this country to those in Cuba. Sadly, the Cuban Government takes too big a cut out of it.

I look forward to this implementation, which I think fixes the problem created by this misguided legislation. I thank both the Senators for their yeoman work in getting this accomplished. I remain concerned about travel by family members. While I am not one to begrudge anyone who wants to see an uncle or aunt, there will be a need for regulations that will enshrine what I know will be a different policy

under President Obama, and I respect that completely. But there needs to be some regulation about the frequency of travel and also about the amount of per diem dollars carried back and forth to Cuba. I am sure those will be forthcoming down the road.

I believe it is important we continue to request that if there is going to be legislating on this topic, that it be done in the open air, that we have an opportunity for fair debate and for a legislative process that is worthy of the kind of institution we are.

I thank both my colleagues for the great work and appreciate the fact that we have been able to maintain what is an important foreign policy initiative that should never be disturbed in the way this was done but should be left in the hands of the Executive and be done carefully, measuredly and after study and consideration.

Mr. NELSON of Florida. Mr. President, I thank Senator MARTINEZ again. It is important we understand that when we have that full and fair and open debate in the sunshine, we remember what Candidate Obama said during the campaign. He said what he wanted to do was go back to the status quo ante on travel to Cuba by family members every year instead of once every 3 years and to have more remittances every quarter than was cut back a few years ago by the previous administration. That seems to be common sense and family value oriented. That is what the candidate who became our next President articulated.

Then once the new President announces his declaration of that policy, we can come out here and openly debate that issue. While there has been disagreement within this body over the most effective way for us to help the Cuban people, I believe if there is to be a new strategy toward Cuba, we must have the opportunity for the Commander in Chief to lay it out, not have it come from the tinkering of a few lawmakers inserting language in a must-pass appropriations bill without any opportunity for debate.

I stand with our Cuban American families, many of them in Florida, who have ties to loved ones still on the island. That is why I support President Obama's efforts to allow increased family travel once a year, instead of only once every 3 years, and the increased remittances to family members.

Our job in guiding U.S. foreign policy toward Cuba is to isolate the Castro regime but not to prevent families from being able to take care of their loved ones. On the basis of these letters entered in the RECORD today and on the personal assurance of the Secretary of the Treasury, which we appreciate very much, I have been assured by the administration as to the implications and enforcement of these regulations. Although I agree with many of my colleagues that this omnibus bill is far from perfect, I believe it is in the best interests of the country to provide the badly needed operational funding for the U.S. Government and for other important initiatives.

This bill includes funding for lifesaving equipment at Florida hospitals, for sheriffs' offices, and for police departments to upgrade communications systems or to prevent kids from joining street gangs. It provides money for cleaning up blighted downtown neighborhoods, for retraining workers who are losing their jobs, and for projects to save one of the world's greatest natural treasures, the Florida Everglades. These are just a few of the reasons why this legislation is so important.

If this bill, shepherded through this body by our esteemed chairman of the Appropriations Committee, Senator INOUYE, were not to pass, NASA's contractors would have to start laying off skilled aerospace workers developing the replacement of the space shuttle. So it is my intention to vote for cloture on the 2009 omnibus bill, and I urge our colleagues to do so.

Mr. President, I yield to Senator MENENDEZ.

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

Mr. MENENDEZ. Thank you, Mr. President.

Let me now make some broader comments about the omnibus, having expressed my concerns. And, again, in recognition and in light of the assurances we have received on the matter that Senator NELSON, Senator MARTINEZ, and I have discussed, I have come to the floor today to support the omnibus bill.

It is an important measure to help our economy recover and keep essential public services running. It includes important funding for my home State of New Jersey, including everything from an initial burst of capital for a new trans-Hudson tunnel—incredibly important to move large numbers of people across the Hudson River to New York, and also for reverse commutes, for economic opportunity, access to hospitals, a whole host of critical issues in a way that is promoting mass transit and does so not only in terms of economic opportunity and an enormous number of jobs that will be created as a result of that but also as it relates to the quality of life and the environment by moving a lot more people in a high-speed, nonpolluting process versus through a car—to support for flood control and protection of our shore—which is incredibly important in terms of the tourism and fishing industry and the economy of New Jersey—to grants that allow local law enforcement to have the latest technology to help the police officer on the beat.

This bill invests in education, strengthening our commitment to science over the next decade so we can have a workforce that can compete on a global playing field and be second to no one in terms of that ability in those fields that are going to be the competitive future opportunities for our citizens and for our Nation.

It makes strong advances in health care. It includes more than $30 billion for lifesaving research so that the National Institutes of Health leaves no stone unturned in the search for treatment for cancer, for diabetes, and the Alzheimer's that I have watched take over my strong and proud mother.

The bill allows us to immunize an additional 15,000 children against debilitating diseases. And it funds the Patient Navigator program I established to help citizens make their way through a complicated health care system.

The legislation puts resources toward revitalizing local communities and keeping families in their homes—because the housing crisis is at the root of our overall economic crisis. It funds community and economic development in over 1,000 cities and towns, gives competitive grants to revitalize neighborhoods, and renews section 8 vouchers to help nearly 45,000 families keep a place to call home.

In short, the omnibus makes a broad range of the kind of worthy, needed investments that will help our economy recover and our citizens get through this difficult time. I am happy to see the Senate move forward on this vitally important legislation. Although I know I am not the only Senator to have felt frustration in this process, I wish to take this opportunity to express that I am always open to discussions with my colleagues, and I hope we can work together in the future to make sure in the greatest deliberative body in the world we will all do our part to deliberate before we take significant action.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 662

Mr. INOUYE. Mr. President, I rise in opposition to amendment No. 662, an amendment offered by the Senator from South Dakota. This amendment would prevent the Federal Communications Commission from reinstating the fairness doctrine.

This amendment is totally unnecessary. There is no funding in this bill for the FCC to reinstate the fairness doctrine. This bill does not contain any provisions directing the FCC to reinstate the fairness doctrine.

Further, President Obama does not support reinstating the fairness doctrine. The FCC repealed this doctrine in 1987, and has no plans to bring it back.

Finally, last week, 87 Senators, including myself, voted to include a similar amendment to the voting rights bill that would prevent the FCC from reinstating the fairness doctrine, which is exactly what this amendment would do. So there is no question about Democratic support for the position being proposed by the South Dakota Senator.

I wish to take a few seconds and talk about the history of this issue. The

fairness doctrine, which was originally adopted by the FCC in 1949—60 years ago—is a concept that broadcasters should cover issues fairly, allowing for different viewpoints to be presented in a balanced way.

I agree with the goals the fairness doctrine advanced, but the need for this policy today has become obsolete. In the 1950s, there were only three nationwide broadcast stations—NBC, ABC, and CBS. There was a legitimate public concern that the small number of media outlets could abuse their power and present a biased public agenda. At that time, the fairness doctrine was the right answer to a small and heavily concentrated media world.

A lot has changed since the 1950s. Technology has exploded. There are more ways than ever to hear a variety of perspectives and opinions on any number of issues. There are hundreds of channels on cable TV. We have public broadcasting, which was nonexistent at that time. We have more than 14,000 AM and FM radio stations, and hundreds of satellite radio stations. We also have the Internet.

As I stated earlier, the FCC repealed the provision in 1987, and has no plans to reinstate this doctrine. The amendment is simply an attempt to take an issue on which a vast majority of the Members of this Chamber voted in agreement last week and offer it to an unrelated bill of significant importance to the day-to-day operation of our Government.

It does not belong in this bill. I urge my colleagues to oppose this matter so we can send the bill to the President of the United States.

AMENDMENT NO. 604

Mr. President, if I may, I wish to speak on another amendment. This is amendment No. 604.

The bill before us, the Omnibus appropriations bill, would provide funding for the majority of the Federal Departments which have been funded under a continuing resolution since October of 2008.

This bill, the omnibus bill, is not an authorization bill. At the request of both the chairman and ranking member of the authorizing committee of jurisdiction, this bill includes a simple 1-year extension of the E-Verify employment verification system, known as the Basic Pilot Program, and includes a simple extension of the EB–5 program.

The Appropriations Committee chose not to include the controversial authorization measures associated with the E-Verify Program. Rather, the extension provided in the Omnibus appropriations bill provides the authorizing committee ample time during this session of Congress to consider the 6-year authorizing legislation contained in this amendment.

The continuing resolution expires at midnight this Wednesday, March 11 and, therefore, I urge my colleagues to oppose this controversial authorization language, particularly since this bill provides time to the authorizing committees to address this issue through the authorizing process.

I oppose that amendment.

AMENDMENT NO. 674

Mr. President, now, if I may, I wish to speak on another amendment. This is amendment No. 674, which would prohibit the use of funds to implement Executive Order 13496 which was issued on January 30 of this year.

This Executive order requires Federal contractors to post a notice informing workers of their existing labor rights under Federal labor laws. The pending amendment, however, prohibits President Obama's order from being implemented unless it uses the same exact language as a prejudiced order issued by former President George W. Bush in 2001.

The Bush Executive order required Federal contractors to post a Federal labor rights notice, but that notice only provided one-sided material about the right to not join a union or pay certain union dues. Unlike President Bush's order, President Obama's executive order does not limit the notice to pro- or anti-union material, and it does not dictate what specific language must be used. It simply requires the Department of Labor to issue guidelines within 120 days from January 30 of this year about the notice, and for the notice to be more comprehensive and informative than the Bush Executive order.

Mandating that the one-sided Executive order from the previous administration be restored defies logic. Many new federally funded projects to improve our Nation's infrastructure are underway and productive labor relations are more important than ever. Ensuring that workers are aware of their rights promotes better working relationships between labor and contractors.

Federal law gives the President discretion to determine what is in this notice. President Bush exercised that right during the 8 years he served as President, and issued an Executive order on this matter that many of us in this Chamber believed to be one sided. President Obama deserves the same authority and discretion that was afforded to President Bush to issue Executive orders. The Congress should not take steps to intercede on this matter by adopting this amendment and, therefore, I urge my colleagues to vote no.

Mr. President, I yield the floor.

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. 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.

AMENDMENT NO. 615

Mr. ENSIGN. Mr. President, I wish to speak once again about my amendment dealing with the DC Opportunity Scholarship Program we have here in the District of Columbia. Currently, 1,700 children from lower income families are able to attend a private school with a $7,500 voucher thanks to this program, a program we implemented about 5 years ago.

It seems the No. 1 priority for the National Education Association, one of the largest unions in the country, is to eliminate this program. We are talking about real children here. These are two of the kids who attend school with President Obama's children. It is a great school. The President and Mrs. Obama could afford to send their kids to any school. They chose this particular school because it is an excellent school. They chose not to send them to a public school in Washington, DC. After seeing some of the statistics on the DC public schools, it doesn't surprise me. Why should these two happy, healthy kids who are enrolled at the same school as the President's children be forced to leave?

The bill before us allows the program to continue for one more year, then, if not reauthorized and approved by the DC City Council, the bill de-funds the program and forces 1,700 children out of private schools where they are happy, healthy and learning.

I quoted these statistics earlier: forty-five percent of Senators and 37 percent of members of the House send their children to private schools. That is almost four times the rate of the general population. Quality education shouldn't be only for a privileged few. We should be able to send kids such as Sarah and James here to the schools where they can get a better education, where they are safer.

The safety of DC public schools is a major concern. One-half of all teenagers attending DC public schools are in a school that has enough criminal activity to be classified as persistently dangerous. In school year 2006–2007, DC Metropolitan Police reported that over 6,500 crimes were committed in D.C. public schools. Too many of these schools are not safe.

It is a civil right to get a good education. So we came up with a plan a few years ago that took up to 2,000 poor children in the metro DC area and sent them to a school of their parents' choice. Washington, DC, spends more than any school District in America per student. The District of Columbia spends over $15,000 per student per year—three times as much as we spend in my home State of Nevada. Yet the public schools are failing here in Washington. So we decided to design a program to see if we can help some of those kids escape the failing public schools in Washington. We thought: if it works as a pilot project, maybe we can expand it to other places.

Well, the National Education Association has come out with their No. 1 priority, which is to destroy this program. My question is, Why? I believe they are afraid this program is working, so it is a threat to their power. It

is a threat to union member dues. That is unfortunate because when it comes to education, our only concern should be in the quality of education for our children. They need that kind of quality education to compete in the 21st century.

I have a couple other kids to tell my colleagues about.

This is Sanya. She is a beautiful, happy young lady, and is receiving a great education in a private school here in DC. Today, she has a 3.95 GPA. She is the vice president of her class. She is the captain of her soccer team, a player on the lacrosse team, president of the International Club, and she is a peer minister. She is a future leader whom we are going to be taking out of the school she loves if this bill is enacted without my amendment.

Rashawn is 16 years old and a handsome devil. He started school in 1996. His father had him tested and found out he was 3 years behind his grade level. The scholarship program provided him the opportunity to go to the Academia De La Recta Christian Day School. Rashawn said he can now do his classwork with very little help because of the scholarship. His sister, Dominique, who is 14 years of age, is now attending the same school, and these are her words. She says: ''I love my school now. I am working on my level on my grade.''

Do we really want to take these kids out of their schools? Do we really want to do that? We have to ask ourselves, Do we want to protect this bill and the special interests this bill is addressing so much that we are actually going to pull 1,700 children from lower income families out of the schools they are attending today? I think it is unconscionable that we are going to be doing that.

Breanna Williams is 9 years of age and in the fourth grade. She loves her new school, St. Peters. She is getting all A's and B's. She loves to read and is reading at a level above her grade. In addition, Breanna plays clarinet in the school band. When she grows up, she wants to be a translator and travel the world.

Lastly, I wish to tell my colleagues about Ronald Holassie. He is currently Washington, DC's deputy youth mayor. I had the honor of meeting this young man, and I had the honor of meeting his little brother, Richard. His little brother, Richard, 8 years of age, came to our press conference and stole the show. These are two incredibly bright young men. Ronald, a tenth grader, runs track, he is studying physics, mentoring middle-school students, and absolutely loves every minute of it. As the Youth Deputy Mayor, he considers saving this program his chief legislative priority, because he has seen what it has done for him and what it has done for his little brother.

So individually and collectively these programs are working. We just have to put ourselves in a commonsense position.

There have been some studies quoted here claiming that this program wasn't working. First of all, the studies were incredibly flawed. We pointed out all of the flaws of the study. But we just have to ask ourselves, if 45% of the Senators send their kids to private schools, and they pay a lot of money to do that, would they do that if they thought the educational opportunity was inferior? Of course not. It just makes common sense. Do you think the parents of these 1,700 children would voluntarily send their kids to the DC schools of their choice if these schools were inferior or if their kids weren't getting a better education? Well, of course not.

This is what President Obama's Education Secretary said about the DC scholarship program. He said:

> It is a mistake to take kids out of a school where they're happy and safe and satisfied. I think those kids need to stay in their school.

So we need to adopt my amendment to keep the DC scholarship program funded. It is the right thing to do for these kids. Showing them we care more about their education than we do some special interest group is the right thing to do.

So I urge all of my colleagues, when they are voting, to think of Ronald. Think of the kids we have talked about and many others. Instead of doing away with this program, let's study it. Let's study what is working about it. If it is working, let's expand it to other places in the country.

America leads the world when it comes to higher education. Our colleges and universities are the best. One of the reasons they are the best is because you can take a GI bill, student loan or Pell grant, and you have the opportunity to attend any college you desire. You have a choice. About 5 years ago, this program gave these kids a choice. Our public, K–12 school system is in bad shape when compared to the rest of the industrialized world. We are falling behind, especially in science, math and in the technical fields. If we want our kids to have the chance to compete in the 21st century, we have to improve our school system. One of the ways to do that is through competition. This is just a little experiment and a little competition that some people now want to come to this floor and destroy.

So let's think of these kids, and let's think of kids all over America when we are thinking about the educational choices we are going to be making in the Senate. Let's give children in DC a choice. We, as senators, are fortunate enough to have a choice for our children. Forty-five percent of the Senators chose private schools, including the chief opponent of this amendment, Senator DURBIN.

I thank the Chair. I yield the floor, and 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 604

Mr. SESSIONS. Mr. President, I hope that in a little bit we will vote in favor of the amendment I have offered to extend the E-Verify system for 5 years. It is time we do that. It is a proven, effective system that brings integrity to our immigration system.

The E-Verify system is up and working today all over America. Between 1,000 and 2,000 businesses a week are signing up voluntarily. Over 112,000 have already signed up. When an applicant submits an application for a position with a company, the company can input their Social Security number into an electronic system, and the computer checks it to see whether it is a valid Social Security number.

People who are not authorized to be in the U.S. know they can use any Social Security number you choose. We found a few years ago that hundreds of people were using the exact same Social Security number to get a job. People were also using the same fake ID and getting jobs in that fashion. E-Verify is a program that would help eliminate the jobs magnet, the ability of a person who enters America illegally to get a job. If employees aren't authorized to work after they have been checked through E-Verify, nobody will be arrested. Police officers are going to be called out. Nobody is going to be put in jail under this system. What would happen is the employer would simply say: You don't qualify. You are not a legal resident. If there is any doubt about it, the applicant has a mechanism to very quickly validate their status if they have a legitimate status to validate. It can make a big difference.

The Heritage Foundation and I believe the Center for Immigration Studies a few days ago did a study, and they estimate that under the stimulus bill, 300,000 people who are not legally American will be given jobs.

My colleagues probably saw the article—I am sure many of my colleagues did—a couple of days ago where 700 people signed up for a janitor's job in Ohio. The American people are seeing an increase in unemployment. I don't think the numbers are going to reach as high as they did in the 1980s—at least that is the testimony we just had at the Budget Committee at two different hearings—where employment reached 9.4 percent, 8.6 percent. People were estimating what unemployment will reach. I don't know what it will reach, but I know a lot of good people are out of work and looking for a job. We created a stimulus package, $800 billion worth, and that stimulus package was supposed to create jobs. The President says he wants to create 3 million, and we have just been given a report that says almost 10 percent of those jobs could go to people who are in the country unlawfully.

Let me just say as an aside something that worries me. I think every Member of this Congress should be worried about it. Under President Bush's Executive order 12989, which was supposed to be implemented in February of this year, every business that got a contract with the U.S. Government must use the E-Verify system. As I said, over 112,000 are using it voluntarily today.

What worries me is that President Obama pushed back implementation of that Executive Order. He has now put it off until May 21. At the same time, our Democratic leadership is blocking an effort to make E-Verify permanent or even extend it for just 5 years.

What does that signal, I ask? Do we want people here unlawfully in this country to get jobs working for the Government when there are hundreds of people applying for a janitor's job? Do we want contractors who hire illegals to get Government work while Americans cannot get the jobs? I don't think so.

I will just say with regard to extending the E-Verify Program, in the House they had a square vote on it last July. It passed 407 to 2. So now we are not going to put that in this legislation. I was blocked 3 times in my attempt to get a vote on the amendment as part of the stimulus package. At least, I have to say, I am pleased I will apparently get a vote on this bill. But I am troubled with what I am hearing that the leadership is going to put pressure on Democratic Members to vote no. There is a majority there, and if they do, it will not even pass today.

I urge my colleagues to listen to the telephone calls. I am getting calls asking that I vote for it. It is my amendment. People care about this issue. The American people wonder what it is we are doing here. Do we not get it? Do we not understand what this is all about? It is about a jobs package to create jobs for lawful American workers. They can be noncitizens, but they need to be lawfully present in the country.

The first thing you do in dealing with a situation of illegality is stop rewarding it. You do not give them good jobs.

I am amazed there is an objection to this amendment. I had a suspicion that a move was afoot to keep my amendment from passing on the stimulus bill, and that turned out to be correct. In addition to a 5 year extension, the House accepted an amendment making E-Verify mandatory for stimulus money recipients without objection in the House Appropriations Committee. It was in their bill, but Senate leadership was able to block us from getting a vote on it. So we did not get a vote and it was not in the Senate bill.

What happened when they went to conference? Speaker PELOSI and the majority leader meet. They control the conference. And, oh, goodness, they decided the House would concede and the amendment would be taken out of the bill. Since the Senate had not put it in the bill, it would be stripped from the legislation. That is how the stimulus package passed without any E-Verify extension. I think it has expired now, actually.

We need a long-term extension because it is going to cause businesses that don't use it to wonder whether they should sign up if they do not even know it is going to be a continuing system. It would be very bad.

The new Secretary of Homeland Security, Secretary Napalitano, President Obama's Secretary, says she does favor this program. Michael Chertoff, the previous Secretary of Homeland Security, strongly supported this program. A bipartisan group of people support it. We need to extend it. We need to actually make it permanent, and we need to make it apply to all Government contractors, as even President Bush required in his Executive order, which has now been abrogated by President Obama.

To sum up, this amendment does not make E-Verify required for Government contractors. All it does is extend the E-Verify system for another 5 years. I cannot imagine we would let this cornerstone of a plan to establish a lawful system of immigration to expire. We are on the verge of that now.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 622

Mr. INHOFE. Mr. President, one of the amendments we are going to have the opportunity to vote on this afternoon is the Thune amendment. I have some strong feelings about it. I wish to make a couple observations that I think are necessary dealing with the fairness doctrine.

As indicated by the vote on Senator DEMINT's amendment to the DC Voting Rights Act, any attempt on the part of any Senator to reinstate the fairness doctrine clearly goes against the will of Congress and the American people. It is a dangerous policy to enact more Government policing of our airwaves.

With the onset of the Internet and other media technology, there are countless sources of information at our fingertips. I can remember, and you can remember, I say to the Chair, many years ago when we had nothing but three networks, and we didn't even have talk shows at that time. Then CNN came along. I guess it was the first cable network.

At the time, there was limited opportunity. As it is now, with all the information that is going around, that is no longer a problem.

Senator DEMINT's amendment addressed this issue. It was similar to the intent of the Thune amendment that will be coming up this afternoon. The DeMint amendment was adopted by a margin of 87 to 11. One would believe, then, that the Thune amendment would pass by an equally substantial margin. However, it was obvious at the time the vote on the DeMint amendment was merely a political game on the part of some of my colleagues to mask their true intent to regulate broadcast media, and I suspect the vote on this amendment will be different. I encourage my colleagues on the other side of the aisle to hold true to their earlier conviction and pass this measure by an equally substantial margin.

A lot of mail went out after that vote. People were talking about how they were going to protect first amendment rights, and we were not going to try to infringe on the airwaves with the fairness doctrine.

While reinstatement of the fairness doctrine still poses a threat to free speech on the airwaves, the debate over Government regulation of broadcast media has changed. Media ownership diversity and broadcast localism are the new liberal tools they intend to use to regulate the airwaves.

Two weeks ago, in a straight party-line vote, Democrats chose to adopt an amendment—it was amendment No. 591 sponsored by Senator RICHARD DURBIN of Illinois—which calls on the FCC to ''encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.''

That is very nebulous, very vague language, just enough to scare people who are in business but not enough to define what they are trying to do. There is no indication in the legislation as to what ''encourage and promote diversity'' and ''in the public interest'' means. These clauses can be interpreted by the FCC in any manner they choose.

The Durbin doctrine, as I refer to it, is legislation that is so incredibly vague and so potentially far reaching that there is no certainty what the end result will be. This is not good governance. This is not a good idea.

Another threat to our freedom of speech is a proposal called broadcast localism. We have two different issues. We have localism and then we have, of course, the diversity issue. Neither one is well defined. The FCC gave notice of proposed localism regulations in January of 2008. While the proposal was ultimately dropped, it is indicative of future attempts to regulate the airwaves and is something all Americans need to know about.

Among other things, the proposal would have required radio stations to adhere to programming advice from community advisory boards. It doesn't say what kind of advice. It doesn't say who these boards are. It could be ACORN. It could be just about anybody, I suppose. Then to report every 3 months on the content of their programming, they have to report what the content is when it has been a matter of public record anyway. They talk about how their program reflects the community interest. If you have one biased source of localism, they can dictate the content of broadcast material.

The localism rule, if it were promulgated, would mean that radio stations

would have to comply with blanket regulations and broadcast programming that may not be commercially viable and be forced to take into account the advice of community advisory boards over their regular listeners.

Right now it is market driven. That is what people do not understand. The reason we have content—I admit it is biased on the conservative side because most people are biased on the conservative side. In my State of Oklahoma, it does not matter if you are Democrat or Republican. They are people who are conservative. They want limited Government. They want limited taxation. I think Oklahoma is not the only State that is unique in that respect. Although the rule was ultimately abandoned, President Obama has expressed support for a new localism regulation, and it is expected to come up again under this administration.

Both localism and diversity—those are the keywords—in media ownership will force radio stations to comply with blanket regulations and to broadcast programming that is not commercially viable rather than taking into account the needs of their communities.

I was in Bartonsville, OK, last week. There is a guy up there named Kevin Potter who owns a station. That is his whole livelihood. He has been doing it for as many years as I can remember. It is a very competitive business he is in. He has to comply with something if it is specific, but this is so nebulous he doesn't know what he has to comply with. He is panicking that they would have the power under this new regulation to shut him down.

I think what is most concerning to me is the enforcement procedure for breaches of localism and diversity. Certainly, no one has been able to determine what that is or what the definition is.

Senator DURBIN's amendment requires affirmative action on the part of the FCC stating ''the Commission shall take actions to encourage and promote diversity.'' It doesn't stipulate what actions or to what degree but instead leaves the enforcement mechanism up to the determination of the FCC, which is likely to be emboldened by the affirmative language of the amendment. I find it to be extremely dangerous and this, too, should be a concern of everyone.

We tried to do this on the Senate floor, I think it was 2 years ago, when there was an objection that most of the broadcast radio talk shows and television shows were biased on the conservative side. I admit they are. There is no question about that.

There was an attempt made—I think it was Senator HARKIN at that time—to change the content of what our troops overseas would be listening to on the overseas radio.

Frankly, that probably would have passed. We arranged to have a survey done through the Army Times of all those overseas, and it was 97 percent wanting the market to determine—in other words, the conservative type of programming.

I hope when the Thune amendment comes up that we will support it. To do otherwise, to me, is a little bit disingenuous and would show that the 87 people who voted in favor of the DeMint amendment are not really concerned about it.

I have often been concerned. I hear all over my State of Oklahoma that it is a tough enough business to deal with, to have a station that makes money and survives. On the issue of localism, Kevin Potter told me: We pay attention to localism because we have to sell products. We interrupt these nationally syndicated programs with weather reports and with all the local things.

So localism is there, and it is there because the market demands it, not because Government says you have to do it. I just think, let's let the market take its effect. I will certainly support the Thune amendment and hope that our colleagues will do what they did with the DeMint amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 615

Mr. DURBIN. Mr. President, later this afternoon, the Senate will consider an amendment by the Senator from Nevada, Mr. ENSIGN, relative to the DC Voucher Program. Senator ENSIGN has been on the floor several times today to discuss this program. I wanted to make certain the record was clear on both sides as to the issue before us.

This was an experimental program that was started 5 years ago. At that time, under the Bush administration, with a Republican Congress, they made a proposal to the District of Columbia. They basically said: We will give you somewhere in the range of $14 million to $18 million for your public schools—which any school district would gladly accept—and another $14 million to $18 million for your charter schools if you will use a similar amount to start a DC voucher program. So we started this program 5 years ago and had some $14 to $18 million, and it was said to the District of Columbia, we will pay tuition, we will give families up to $7,500 to pay the tuition of children who want to attend private schools.

The argument was made that the DC Public Schools were not as good as they should be; that many of these children would have a much better opportunity if they attended these voucher schools. So this was an experiment. It had never been tried before. There was some controversy associated with it. I offered amendments in the Appropriations Committee to try to establish what kind of standards there would be at these DC voucher schools. In fact, I thought my amendments were rather straightforward—the kind of amendments most people would take for granted.

The first amendment I offered in the committee said: I hope all the teachers in the DC voucher private schools will have college degrees. That amendment was defeated. The argument was made that we shouldn't restrict the teachers in those schools, who may be nontraditional. They may not have a college diploma. Though we require in the public schools that all teachers have college degrees, they didn't want to require that in the DC voucher schools.

The second amendment I offered said the buildings where the DC voucher schools are being conducted should meet the basic life safety codes—health and fire safety code of the District of Columbia. That was rejected as well because these would be nontraditional buildings. Now what kind of comfort does that give a parent whose kids are going to school—whether it is a public school, a charter school or a voucher school—if there is any question of safety? But my amendment was rejected.

The third amendment I suggested was one I thought was only fair. If we are trying to create a private school voucher so students can have a better learning opportunity, at the end of a year or two we need to measure success. The only way to measure success is if the DC Public Schools and the voucher schools use the same achievement test so we can see if a fourth or fifth grader in one school or the other is doing better. That was rejected too. They wanted no comparison.

Excuse me if I am suspicious of this program if you can't mandate bachelor's degrees for teachers, if you can't mandate the buildings pass the health and safety code of the District of Columbia, and you can't mandate they have the same basic tests so we can compare them. So I went into this skeptical. I thought the fix was on. They were going to create this program with few, if any, rules and take it or leave it.

Well, it went forward and it was funded. After a year or two, the Department of Education and the General Accountability Office took a look at it and they raised serious questions about all this money—these millions of dollars coming into this program in a hurry—and whether they had the proper management techniques, whether they were handling the money right, whether they were giving it out properly, and whether the right families were receiving it—some fundamental accounting and bookkeeping issues which we should ask of every program, particularly those using taxpayers' money. So there was a question of the administration of the program. Then they went on to find some things which were troubling. For example, the GAO report said schools that didn't traditionally charge tuition were now being funded. In other words, they were free schools before we created this program and now they were charging tuition.

What does that mean? For the school year 2006–2007, they offered scholarships to about 30 students in one of

these schools, and a school that traditionally had asked only for a small monthly fee as a sign of commitment to the school. They raised their money from charity and donors. Now, since the Federal Government was here with this DC voucher scholarship program, they decided that 30 of their students should qualify for these scholarships. Well, that comes out to $210,000 being spent by the Federal Government in a school that traditionally didn't even charge tuition. Does that raise a question? It raised a question in my mind.

They also found out there were a number of schools that lacked these occupancy certificates. Even after I offered this amendment raising a question about the safety of the schools, the schools went on to operate without filing the adequate certificates with the District of Columbia—the City of Washington, DC—that they were safe and that they, in fact, offered the kind of facilities they said they did. The GAO report said District officials provided documentation indicating that 3 of 18 schools the GAO selected for review lacked certificates of occupancy—3 out of 18. Six of them had permits that did not specify their use as a private school, child development center or before and after school care center, and 7 of the 18 appeared to have occupancy permits that designated use as child development centers with before and after school care.

It turned out there wasn't a consistent presentation by these schools of what they were. They included in the GAO report photos of two of these schools. One of these schools looked like a single-family residence in a neighborhood where they were supposedly holding school in the basement. Another one looked like some kind of commercial building. It didn't look like a school at all. It raised a question in my mind as to why we would allow them to get by with this. If they were receiving Federal money to sustain their program, at a minimum they ought to have teachers with a bachelor's degree, they ought to meet the requirements of safety, and they ought to have a test they can compare with the DC Public Schools. They didn't.

Now, what happened? The program was 5 years in duration. It was described as a pilot program—an experimental program—and the idea was, at the end of the day, to take a measurement as to whether this worked: Did this provide better education for the millions of dollars we put into it? Well, if we followed the law, that program would have expired in June of this year. I was in charge of the Appropriations Committee for the District of Columbia, and I decided that wasn't fair to the 1,700 students currently in the DC voucher scholarship program. To cut them off as of June of this year, without any certainty as to what is going to happen the next year, I thought was unfair to the students and their families. So instead of ending the program, which would have happened without an authorization, I extended it 1 year so it will cover the students in these programs for the school year 2009–2010.

I thought that was fair. And I said in that period of time Congress had to do its job. We had to go in and ask these questions about the schools: Are they working? Are they worth the money spent? Are the teachers doing a good job? Are the students better off at the end of the day?

Senator ENSIGN has brought some impressive photographs of young students who have been successful using this program, but we have to ask about 1,700 students and what is working and what isn't.

The second thing we said in the bill which we are considering is that this is a program that affects one public school district—Washington, DC—that is managed by the DC City Council. I believe that if they are going to extend this program beyond next school year, the government of Washington, DC, should decide whether they want it in their school district. I wouldn't want it in Chicago—which I am proud to represent, or in Springfield, IL, my hometown—to have someone come in from the Federal Government and say: We are creating a new school program here. We don't care what the local voters say or the local school board says. We are from the Federal Government; we are only here to help you.

I don't buy that logic. So we said those two things are required: Reauthorize the program, have the DC City Council approve the program, and then we can consider going forward. Now, the committee that considers this reauthorization is not a hostile and angry committee. It is chaired by Senator JOE LIEBERMAN from Connecticut, who has expressed his support for the DC voucher program. So it isn't as if I am sending it to a committee that is going to deep six it and forget it. He is going to have a hearing about the future of the DC voucher schools. Senator ENSIGN, who comes to the floor and argues we should not ask the questions, we should not demand reauthorization, we should not ask the DC City Council whether they want the program to continue, is also a member of that committee. So he will have his chance under the bill that is before us to make this evaluation.

Now, let me be very candid about this. Half the students are in Catholic schools. The archdiocese of Washington is offering education to many of these students. I have had teachers and parents and others who have come to me and said it is working. A lot of these kids who otherwise wouldn't be getting a good education are getting a good education. I don't believe the archdiocese and schools should be frightened by this examination. If they are doing what they say they are doing—and I trust they are—this examination is going to prove it, and they are going to find out, at the end of the day, that the money is being well spent.

In the recent version of the Catholic newspaper here, which was published in the Washington, DC, area—and I will not read it in detail—there was some language about how a reauthorization could take years. Well, that is not the fact. It can be done on a very expeditious basis by the committee. Senator REID, the majority leader, has said he will bring this matter to the floor for consideration.

Let us assess where we are with this DC voucher program, which would have expired in June of this year. We have extended it another year. We have said the 1,700 students are protected. They can continue to go to the schools they are attending right now. We have said that in that period of time Congress will take a look at the program and decide if the money is well spent and then report a bill if they want to reauthorize the program to the Senate floor for consideration. I think that is fair.

I hope those who are opposed to my language in this bill can come before the Senate and explain the alternative. If we are going to continue this program, literally for millions of dollars each year, and never ask any questions, it is not only unfair to taxpayers, it is unfair to the students. We have to make sure this is working and working effectively.

I had it within my power, I believe, to have ended this program, as promised, in June of 2009. I didn't do it. I extended it for an additional year. So those who argue the language in this bill kills this program are ignoring the obvious.

Mr. President, I yield the floor.

AMENDMENT NO. 665, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that at 4:15 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed, with the time until 4:15 p.m. equally divided and controlled between the leaders or their designees, that the Bunning amendment No. 665 be withdrawn as soon as this order is entered: Cornyn No. 673; Cornyn No. 674; Thune No. 662; Sessions No. 604; Ensign No. 615; that there be 4 minutes equally divided and controlled prior to the Ensign vote; and Vitter No. 621; provided further that prior to the vote in relation to amendment No. 621, the majority leader be recognized, and that the time the majority leader consumes not count as time against the debate time previously provided under the orders of March 6 and 9; further that the other relevant provisions of those previous orders remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, amendment No. 665 is withdrawn.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent that during the quorum call the time remaining between now and the time the vote is scheduled be evenly divided between the two sides.

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

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) Without objection, it is so ordered.

AMENDMENT NO. 673

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 673, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, if amendment No. 673 is adopted, State attorneys general could still enforce the Truth in Lending Act, they can still hire outside counsel, they just could not do so on a contingency fee basis.

Contingency fee contracts offer three hazards in this context that are not presented with more traditional fee arrangements. First, there is a serious risk of overcompensating the lawyer at a loss to taxpayers, since typically they work on 30 percent up to 50 percent of whatever is recovered goes to the lawyers and not to the taxpayers, as should be the case.

Second, the proposed prospect of contingency fees actually creates an incentive for trial lawyers to encourage litigation that State would not otherwise bring. State attorneys general could initiate this litigation when it is in the public interest. With contingency arrangements, too often the lawyer decides who should initiate the case because, of course, of the profit motive. And this undermines the current regulatory regime.

Third, contingency fee agreements have been proven to be a temptation for corruption.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. For that reason I ask my colleagues to support the amendment.

Mr. PRYOR. Mr. President, I rise in opposition to the Cornyn amendment, and I do this for three reasons. First, the Federal Trade Commission does not have the resources to pursue all bad actors in the lending markets under their jurisdiction.

The States need the ability to enforce what the FTC is doing in their State. Occasionally State governments do not have adequate resources or the expertise on these very complicated matters. Sometimes they need outside counsel. And in order to get outside counsel, they need to put that in a contingency fee in many cases.

Also, I have great concern that this amendment may be unconstitutional. I am not sure that the Congress can limit the States' ability to bring an action or to structure a contract for outside counsel.

So for those three reasons, I would respectfully ask my colleagues to vote against the Cornyn amendment.

I thank everybody for their hard work.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CORNYN. 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 clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNS).

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

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—32

Alexander	Cornyn	McCain
Barrasso	DeMint	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Kyl	Wicker
Corker	Lugar	

NAYS—64

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

NOT VOTING—3

Gillibrand	Johanns	Kennedy

The amendment (No. 673) was rejected.

Mr. NELSON of Florida. Mr. President, I move to reconsider the vote.

Mr. BEGICH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 674

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 674 offered by the Senator from Texas, Mr. CORNYN.

Mr. CORNYN. Mr. President, my amendment would protect workers' paychecks and promote transparency. Currently, the NLRB permits an employer and union to enter into a contract that requires all employees in a bargaining unit to pay union dues as a condition of employment whether or not the employee actually is a member of the union.

In a Supreme Court case recently, Communication Workers v. Beck, the Court ruled that nonunion workers could get a refund for that portion of their dues which would be used for political action or other purposes other than collective bargaining. President Obama has now changed the rules by Executive order, and now Federal contractors are no longer required to post signs in the workplace informing workers of their rights regarding union dues. President Obama's Executive order does not change the law, for workers are still entitled to the refund. It is just that now, under the Executive order, employers don't have to tell the workers of their rights, which they should.

My amendment prohibits omnibus funds from being used for this provision of the Executive order. I ask my colleagues for their support.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DURBIN. Mr. President, I rise to oppose the Cornyn amendment and urge my colleagues to oppose it as well.

On January 30, President Obama issued Executive Order 13496 to inform Federal contractor employees of their rights under Federal labor law. Under the Executive order, there are 120 days of rulemaking to prescribe the size, form, and content of this notice to be posted. In other words, it is underway at this moment.

I am opposed to this amendment because we didn't restrict the ability of former President Bush to inform employees of Federal employers of their labor rights. We should allow President Obama the same opportunity.

I urge Members to vote no.

The PRESIDING OFFICER. All time has expired.

Mr. MARTINEZ. 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 amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNS).

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—38

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

NAYS—59

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

NOT VOTING—2

Johanns Kennedy

The amendment (No. 674) was rejected.

AMENDMENT NO. 662

The PRESIDING OFFICER (Mrs. MCCASKILL). Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 662, offered by the Senator from South Dakota, Mr. THUNE.

Who yields time? The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, amendment No. 662 is simply a prohibition on funding being used to implement the fairness doctrine.

A couple of weeks ago, the Senate had a vote, and 87 Members of the Senate voted for a statutory prohibition on reinstating the fairness doctrine. In fact, the appropriations bill last year included similar language to what I am proposing in my amendment that would prohibit the FCC from using funds, appropriating funds to implement the fairness doctrine. So it is consistent with what the appropriations bill included last year. It was not included in this year's bill. All this simply does is makes it consistent with what we did in last year's appropriations bill.

Furthermore, the legislation that was actually passed by the Senate 2 weeks ago, the DC voting rights bill, my hope is the prohibition on implementing the fairness doctrine will stay in that legislation, but I have a fear that when it gets to conference with the House, it might be stripped out. This is yet another way of ensuring that funds will not be used to implement this very bad idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, this amendment is unnecessary. There is no funding in the bill to reinstate the fairness doctrine. The bill does not contain any provisions directing the FCC to reinstate the doctrine. President Obama does not support it. The FCC has no plans to reinstate the doctrine. Opposition to the amendment is not based on substance, it is based on fact. It does not belong in the bill.

Things have changed since the fairness doctrine was adopted in 1949. Today, there are more ways than ever to hear a variety of opinions on any issue. We have hundreds of channels on cable TV, over 14,000 AM and FM stations, and we have the Internet. Therefore, we don't need it.

I urge a ''no'' vote.

Mr. THUNE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNS).

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—47

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Begich	Feingold	Risch
Bennett	Graham	Roberts
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hatch	Snowe
Burr	Hutchison	Specter
Chambliss	Inhofe	Thune
Coburn	Isakson	Udall (CO)
Cochran	Klobuchar	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Webb
Cornyn	Martinez	Wicker
Crapo	McCain	

NAYS—50

Akaka	Gillibrand	Mikulski
Baucus	Mrs. Hagan	Murray
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kaufman	Reid
Burris	Kerry	Rockefeller
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feinstein	Merkley	

NOT VOTING—2

Johanns Kennedy

The amendment (No. 662) was rejected.

Mr. KERRY. Madam President, 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.

AMENDMENT NO. 604

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided prior to a vote in relation to amendment No. 604 offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama is recognized for 2 minutes.

Mr. SESSIONS. Madam President, 1 minute or 2 minutes?

The PRESIDING OFFICER. Excuse me, 1 minute.

Mr. SESSIONS. Madam President, this amendment simply will extend the authorization for the E-Verify system for 5 years. On this current bill, it will be extended only for 6 months. I ask why we would not make it a more extended period of time unless we have doubts about it, unless we don't like it, unless we are looking for a way to eliminate it.

It is the core system businesses are signing up to use voluntarily. Over 100,000 are now using it. They punch in a Social Security number and determine whether the job applicant who is before them is legally authorized to be employed, if they are legally in the country. That is what it is. It is not required to be used even in Government contracts. It does not require there to be any police officers, detention spaces, or any enforcement. It simply allows businesses to use this system voluntarily.

We cannot allow it to expire. I am amazed we are not extending it permanently. We need to do that. And we need to soon pass legislation, which this bill does not do, that would require all Government contractors to use the system because that would have been the law as of January until President Obama stopped that Executive Order.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, my good friend from Alabama knows that the bill contains an extension of the E-Verify Program through September 30 of this year. I share his frustration about short-term extensions. Similarly, I have been trying to work in good faith to extend the EB–5 Regional Center Program, which is as important to Alabama as it is to Vermont.

Much to the detriment of the economic benefits created by the EB–5 program, such as capital investments and new jobs in American communities, the Senator from Alabama and others have refused to pass an EB–5 extension without simultaneously extending the E-Verify Program. I believe they should both be extended.

While I have no objection to reauthorizing the E-Verify Program for a longer term, so long as it remains voluntary and free of mandates, I cannot vote for one that leaves the EB–5 program behind.

Besides, in the context of this bill which has to be passed and enacted to keep the Federal Government running, this amendment is inappropriate. It is the wrong action at this time and would jeopardize the swift passage of this legislation.

I support the efforts of Chairman INOUYE, Senator BYRD, and others to oppose it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. Madam President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Madam President, I ask the Senate to allow me to make a statement prior to this next vote.

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

TRIBUTE TO SENATOR LEAHY

Mr. REID. Madam President, I pause to honor the senior Senator from Vermont, PATRICK LEAHY, chairman of the Judiciary Committee. He will cast his 13,000th vote.

(Applause.)

This is a remarkable tally that few men or women in the hallowed history of this Chamber can match. But I guess what we note most about our friend from Vermont—I think I can say ''we''—is not the quantity of his votes so much as the quality. In his 3½ decades of service in the Senate, PAT LEAHY has been a reliable friend in the cause of justice.

PAT was elected to the Senate at the age of 34. Few gave this young prosecutor from Burlington much of a chance to win. After all, not a single Democrat had ever been elected to the U.S. Senate from Vermont. And, of course, Vermont was one of our early States.

Senator LEAHY recalls that the Republican Senator George Aiken was asked by some to resign his seat a day early to give Senator LEAHY a headstart in seniority among his fellow freshmen, which you could do. Senator LEAHY recalls Senator Aiken replying:

If Vermont is foolish enough to elect a Democrat, let him be number 100.

On the contrary, the people of Vermont acted wisely by sending PATRICK LEAHY to Washington and sent him again and again and again and again.

As chairman of the Judiciary Committee, Senator LEAHY has been a national leader for an independent judiciary, the promotion of equal rights, and the protection of our Constitution. He also has been chairman in the past of our Agriculture Committee, where he did remarkably good work protecting the State of Vermont and all agricultural interests. As a senior member of the Appropriations committee, Senator LEAHY has ensured that all communities throughout Vermont and across America have access to the tools they need to grow and to prosper. Senator LEAHY is a leading voice for conservation and environmental protection. He has led the charge to expand broadband access to rural communities.

Senator LEAHY is also a leader on foreign policy, working to protect human rights across the world while ensuring our men and women in uniform have the training, equipment, and respect they need and deserve.

This is a fine man, and it can best be shown as a result of his wonderful wife Marcelle. I am fortunate to call Senator LEAHY my friend. I am fortunate I have had the good fortune of being able to serve in the Senate with this senior Senator from the State of Vermont, PATRICK LEAHY.

Congratulations, PATRICK, on your 13,000th vote as a U.S. Senator.

(Applause.)

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Madam President, let me add to our friend and colleague from Vermont for this side of the aisle how much we admire and respect his extraordinary record. He and I had an opportunity to serve together as either ranking member or chairman—we switched hats several times—of the Foreign Operations Subcommittee of Appropriations.

I will pick out one area for which I think PAT LEAHY is known around the world, and that is his efforts with regard to demining all over the world.

He has made an extraordinary contribution, not only to his State but his Nation. I know I speak for all Republicans in congratulating my friend from Vermont for his—how many votes is this?—13,000th vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I join in congratulating the distinguished senior Senator from Vermont. I have had the pleasure of knowing him longer than his Senate colleagues because we met in 1970 at a district attorneys convention where I was the host in Philadelphia. We have been fast friends ever since, going on the 29th year I have been working with him on the Judiciary Committee and on the Appropriations Committee. We have disagreed very infrequently. Mostly, we have been able to carry forward bipartisanship, which has been in the interest of the Senate and in the interest of the country.

I could commend him for many of his votes, but I would pick out his vote in favor of Chief Justice Roberts at a time when there were considerable political considerations and strengths against an affirmative vote. He saw the importance of a unifying factor being the ranking member—I chaired at that time—and saw the importance of a unifying factor with a courageous vote.

He has been an extraordinary Senator. I look forward to seeing him serve many years, and I hope to serve with him.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I don't want to hold up the votes, but I do want to thank my dear friend, the majority leader, and my good friend, the Republican leader, for their kind remarks and, of course, my friend, the senior Senator from Pennsylvania. As he said, we first knew each other when we were much younger and prosecutors.

I will just take a moment. When Marcelle and I first came here in January 1975 with three young children—Kevin, Alicia, and Mark—we never thought we would be here this long. I have enjoyed every moment of it. But especially, I have served with hundreds and hundreds of Senators, both Republican and Democratic Senators. I have enjoyed my relationship with every single one of the men and women with whom I have had the privilege to serve.

We have often said we are the conscience of the Nation—the Senate. Only 100 of us have the privilege to serve here at any given time to represent a great and wonderful Nation of 300 million people. It is a privilege, and it is an honor.

I thank my colleagues for this tribute. This is something I will long remember.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNS).

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—50

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

NAYS—47

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

NOT VOTING—2

Johanns	Kennedy

The motion was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. CARPER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 615

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 615, offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, in the underlying bill there is language addressing the DC Opportunity Scholarship Program that would effectively, after next year, kill the program. It requires that not only it be reauthorized by Congress but also that the DC City Council approve the program. There are 1,700 kids from families making an average of less than $24,000 a year that now participate in this program. The parents love this program. The kids love this program. I am a big believer in the public school system, but the DC Public Schools, which spend more than any other school district in the country, over $15,000 per student per year, are failing too many kids in Washington. So this program was put in to give some low-income kids the opportunity to succeed.

Guess what. They are thriving in this program. Earlier, the senior Senator from Illinois said we have to make sure all the teachers have 4-year degrees. The omnibus bill before us requires that. My amendment does not touch that requirement. He also says we have to make sure they are in structurally safe schools. The bill before us requires that. My amendment does not touch that. So those are both side issues that are not affected at all by my amendment.

We need to put special interests aside and focus on the children from Washington, DC, especially those low-income children

I ask unanimous consent that this letter from the Mayor of Washington, DC, Adrian Fenty, be printed in the RECORD.

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

WASHINGTON, DC,
March 10, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for contacting me about the DC Opportunity Scholarship Program. I appreciate your continued interest in matters that are vitally important to the residents of the District of Columbia.

As my staff had the opportunity to advise your staff last week, the position of the Administration is consistent with our position during the last two budgets—we support the three sector approach initiated by the Williams Administration because in the past two years the District has made tremendous strides toward improving the educational experience of all students.

Accordingly, we do not support any measures that would reverse the three sector approach or strategy. We further agree with Secretary of Education Arne Duncan: that while the ultimate goal is to fix the entire school system it would not be productive to disrupt the education of children who are presently enrolled in private schools through the DC Opportunity Scholarship Program.

Once again, thank you for your inquiry and continued support of the District of Columbia. If you have any questions please feel free to contact me or Bridget Davis in my Office of Policy and Legislative Affairs.

Sincerely,

ADRIAN M. FENTY,
Mayor.

Mr. ENSIGN. Mayor Fenty is agreeing with the Education Secretary, who says these kids should not be pulled out of this program, and this program should not end. There are so many scholarship recipients across this town who want to stay in their private schools. We should stand up for the kids and not the special interest groups, such as the National Education Association, that want to end this program.

Mr. VOINOVICH. Madam President, I rise in support of the amendment by Senator ENSIGN to continue funding for the DC Opportunity Scholarship Program, which has given thousands of children in the District of Columbia a chance to escape failing schools. Unfortunately, the underlying bill contains language which would have a devastating impact on low-income families in the District of Columbia by prematurely ending the program.

Many of us are outraged that a Member of the Senate has included a provision to kill the program. The provision has not gone unnoticed. On March 6 The Washington Post asked why ''anyone would want to force children out of schools where they are happy, safe and satisfied'' and on March 9, Newsweek asked why lawmakers would consider stopping a $14 million program which is a ''rounding error'' on the General Motors bailout figure. Finally, The Wall Street Journal calls it what it is: ''perhaps the most odious of double standards in American life today: the way some of our loudest champions of public education vote to keep other people's children—mostly inner-city blacks and Latinos—trapped in schools where they'd never let their own kids set foot.'' Whoever is responsible should be ashamed and admit who put them up to it. I think I know who is behind efforts to end this program.

The program provides 1,700 children with scholarships of up to $7,500 each to attend the school of their choice. To qualify, students must live in the District and have a household income of no more than 18 percent of the poverty line. For 2008–2009, the average income for families using the program was just over $23,000 a year.

Since 2004 when the program began, approximately 7,200 families have applied for spots in the program—nearly four applicants for each available scholarship. It is a program that has repeatedly shown improved family satisfaction and increase parental involvement.

The students themselves are perhaps the best testimonials. Tiffany Dunston, valedictorian of Archbishop Carroll High School's class of 2008, who was a four year scholarship recipient, is now studying biochemistry at Syracuse University. Tiffany's thoughts on the program underscore why this program must continue: ''I am determined to build a better life and want others in my community to have that chance as well.'' Another scholarship student, Ronald Holassie, was recently sworn in as deputy youth mayor for the District. Ronald says he ''wouldn't be where he is today'' without his scholarship.

It is premature to add conditions to this important program. This spring, Congress will have the results of the comprehensive analysis of the program. Chairman LIEBERMAN has committed to holding a hearing to review the program and discuss proposals for improvement in advance of the Senate's debate on reauthorization. I appreciate the majority leader's commitment to a fair debate on long-term reauthorization.

My colleagues know that I have been through this fight before. As Governor I supported opportunity scholarships for Cleveland in 1992. With hard work and dedication, we managed to get the bill through in 1995 and within 3 years, over 3,600 children were attending the school of their choice. Just last year, there were over 6,000 students participating!

It wasn't easy. After we stood-up the Cleveland Scholarship and Tutoring Program, the American Federation of Teachers, National Education Association, and others filed a lawsuit and for nearly a decade Ohioans fought for the program. All along I had advocated that the program was constitutional. I will never forget the day when the U.S. Supreme Court agreed the program was constitutional in Zelman v. Simmons-Harris, 536 U.S. 639, on June 27, 2002. The program continues to thrive and expand because of its success. I consider it one of the major contributions to our country's educational system. It is a morsel on our smorgasbord of educational opportunities.

And the benefits go far beyond the academic. A study by the Buckeye Institute found that students involved in

the Cleveland program are gaining access to a more integrated school experience. Here in Washington, a Georgetown University study found that with their children in safer schools, parents were free to focus on their child's academic development and the school's curriculum.

Now, after so much progress and money invested, some Members of Congress wish to establish premature roadblocks for the program. What is lost in the underlying language is the need for the children of the District of Columbia to have every opportunity to receive a high-quality education. How offensive for Members of Congress, many with the means to send their children to any school, to limit the ability of District students to do the same.

Just last week, one of my esteemed colleagues came to the floor and discussed how he had sent his children to private Catholic School. He said that it was a family decision and that they made the ''extra sacrifice'' to pay for it. What my colleague fails to realize is that many of the parochial schools that participate in the program do so because they are giving witness to the Second Great Commandment.

During the State of the Union, President Obama said that ''good education is no longer just a pathway to opportunity—it is a prerequisite . . . to ensure that every child has access to a complete and competitive education—from the day they are born to the day they begin a career.'' The DC Opportunity Scholarship Program provides District students the pathway to meet the President's goal. Shame on the President for not getting involved and telling his friends in the Senate how embarrassed he is about what they are attempting to do to the DC Opportunity Scholarship Program in this bill.

Two weeks ago, the Senate voted by supermajority to give voting rights to the District of Columbia—which I was proud to cosponsor. I am sure if we were to let parents in the District vote on this amendment—let the parents tell Congress what they want for their children—their answer would be to continue funding the DC Opportunity Scholarship Program.

The language in the base bill takes away the opportunity for parents of limited means to choose the best education available for their children. The Omnibus appropriations bill provides $410 billion to fund Federal programs through the end of the fiscal year. Surely my colleagues would be willing to continue to spend $14 million on a program that continues to give quality education to thousands of deserving children.

I urge my colleagues to support the amendment.

I wanted to briefly comment on the remarks by the senior Senator from New York in opposition to Ensign amendment 615 to H.R. 1105. The Senator emphasized the importance of local support for educational programs. My colleagues may be interested to know that the DC Opportunity Scholarship Program had the support of the District of Columbia government when it was created.

On June 24, 2003, in testimony before the House Committee on Government Reform, then District of Columbia Mayor Anthony Williams testified, ''I support the President's desire to create a scholarship program in the District. I believe, if done effectively, such a program could truly expand choice to low-income families, who currently do not have the same freedom of choice enjoyed by more affluent families.''

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Madam President, 5 years ago we created an experimental pilot plan for 5 years that would expire in June of this year. Rather than let it expire and these 1,700 students and their families be disadvantaged, we extended it for a year in this bill. What is going to happen in the course of that year? Senator LIEBERMAN's committee is going to take a close look to see if the over $70 million we spent on this program has worked. Are the students getting a good education, better than they would in public schools, better than in charter schools? Are the teachers competent in this program? Are the schools they are learning in safe buildings?

These are fundamental questions we should ask of every school program. I do not understand reluctance on the other side to have an honest evaluation of the program that has cost us over $70 million in taxpayer funds.

At the end of the day, those schools that are doing a good job will be given good grades. Those that are failing in this process do not deserve to be renewed. I have extended this program for a year in the bill, and the other provision, which I am going to allow Senator SCHUMER to address, gives to the DC City Council the same thing you would want the Las Vegas City Council to have if Congress tried to impose a program on them.

I yield my remaining time to Senator SCHUMER.

Mr. SCHUMER. I thank my colleague for his excellent remarks. The bottom line is this: On the issue of vouchers in DC schools, some people are for them; some people are against them. We are all for our local school districts determining what they ought to do. I would not want Washington to tell any of my 800 school districts in New York they must have vouchers or they can't have vouchers. Yet this law, which was put on the books 5 years ago, forces DC to use the program.

The amendment is very simple. It says leave it up to the DC City Council. I think every one of us would support that kind of independence and autonomy for our local school boards.

I yield the floor.

Mr. ENSIGN. Is there any time remaining?

The PRESIDING OFFICER. There is no time remaining. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNS).

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

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—39

Alexander	Cornyn	Lugar
Barrasso	DeMint	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Byrd	Hatch	Shelby
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Kyl	Warner
Corker	Lieberman	Wicker

NAYS—58

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

NOT VOTING—2

Johanns	Kennedy

The amendment (No. 615) was rejected.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 542

Mr. REID. Mr. President, last week the junior Senator from Louisiana offered an amendment to the Omnibus appropriations bill that would change the way the cost-of-living adjustments are given to Members of the House and the Senate. The bill before us, which has already passed the House, ensures there will be no cost-of-living adjustment in 2010. Most Senators, me included, have indicated support for that provision that is in this bill.

Senator VITTER's amendment would require the House and the Senate to vote every year on cost-of-living adjustments rather than having those adjustments take effect immediately. I

agree with Senator VITTER that cost-of-living adjustments for Members of Congress should not be automatic. That is why I introduced a freestanding bill last week that would do just that. That is why we seek consent to pass this bill before we are scheduled to vote on the amendment by the Senator from Louisiana.

By passing this legislation as a stand-alone, it can become law without threatening completion of this appropriations bill. If Senators want to demonstrate their support for the proposed automatic cost-of-living adjustments, they can and should support my stand-alone legislation. It is fiscally responsible, responsible to the state of our economy, and will allow us to continue the good progress we have made toward passing this bill.

Objecting to this request will have two negative results: It will jeopardize our ability to pass legislation ending the automatic COLAs, and it will deal a serious blow to our efforts to pass this appropriations bill. Any Senator who wishes to end the automatic COLA should support this consent request I will shortly make. Likewise, any Senator who wishes to move forward with the omnibus will support my request. The only way to accomplish these objectives is to support my request, take up and pass the stand-alone pay adjustment bill.

I urge all of my colleagues to support this unanimous consent pay request.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 29, S. 542, a bill which repeals the provisions of law to provide for an automatic pay adjustment to Members of Congress; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

This is a serious piece of legislation. It accomplishes what the Senator from Louisiana obviously wants to accomplish. I would hope we can do this tonight. It would end all discussion on autopay adjustments. We should do that.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I believe the way to actually get this done, to actually pass this into law, is to include it in a must-pass bill, such as the appropriations bill before us, not to point to a stand-alone to give people cover for votes; a bill that would not be taken up on the floor of the House. So in that regard I would simply ask the majority leader, does he have a commitment from the Speaker of the House that his bill will be given a vote on the House floor in the near future?

Mr. REID. Mr. President, it is obvious that this is an important issue. We have an economy that is in distress. That is why we should pass this. I have not gotten commitments from anyone in the House. But it seems to me there is tremendous movement to get this accomplished.

I say to my friend from Louisiana, this is an important piece of legislation. We should go ahead and pass this. We know there are not going to be any amendments to the appropriations bill that I can get through the House. That is clear.

Everyone read in the newspaper what happened there Thursday night. So I would hope that in good faith this is not an effort to avoid anything, this is not an effort to try to play any legislative games. This is important legislation, I repeat for the third time, that we should adopt, and the House will take care of this itself.

Now, for me to stand and say what the House is going to do—I think it is pretty clear that with what is going on around the rest of the country, there is going to be significant support for this legislation, as I hope there is here in this body.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

Ms. STABENOW. Would the majority leader yield for a question?

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Well, certainly I agree with the distinguished majority leader on one point: there is movement on this issue. Just 12 hours after I was finally able to secure a vote on my amendment, after being blocked at every turn for a week, the majority leader himself adopted the cause and introduced, out of the blue, a stand-alone amendment. I wish he had been with his colleague, Senator FEINGOLD, on this issue since at least the year 2000, when Senator FEINGOLD has had legislation on the topic. I applaud Senator FEINGOLD for that.

But, again, I renew my objection because I think this stand-alone bill is nothing more than cover, nothing more than something to point to, when it will not be taken up on the floor of the House. I would be happy to lift my objection to the majority leader's stand-alone bill if the Speaker of the House publicly commits to a vote of his bill on the House floor in the very near future.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I will certainly yield to my friend from Michigan.

Mr. President, I did not block his amendment last week. I never heard from him until we were here Thursday night, late. I have had a number of Republicans come to me—as I look through this crowd here, there were a number of Senators who came to me and said: We would like our amendments to be offered. There was general agreement Thursday night after final passage did not take place; Senators told me they wanted to offer amendments. They talked during the week the same way.

So I did not block his amendment. The Democrats did not block it. No one knew he wanted to offer it, that I know of, on this side of the aisle.

I am using leader time so no one feels constrained.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I say to the majority leader, is it not true that if this amendment were to pass on this bill, that, in fact, it would never take effect because it will not be taken up in the House? But if we pass it independently, as our leader has put forward, and we all support it, it would, in fact, pass immediately in the Senate and then go to the House for consideration?

Mr. REID. I say to my friend from Michigan, it is clear as the daylight hour that my friend from Louisiana doesn't want the underlying bill to pass. Common sense dictates the best way to go is by adopting this consent agreement I made.

Let me also say this: I will be happy to ask consent—I ask unanimous consent the Senate proceed to consideration of Calendar No. 29, this legislation, S. 542, tomorrow, March 11, at 3 p.m. I make a commitment that I will bring this bill up. If there are people who don't want to agree to this tonight, assuming the Senator from Louisiana is that person, I will bring it up some other time. I am committed to doing this.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving the right to object, again, unfortunately, the same game is at work. I would object. I would also be happy to lift my objection if the Speaker of the House would offer a public commitment to give Senator REID's bill a vote on the House floor in the near future.

Mr. REID. Mr. President, to show how—what is the right word—how Senator VITTER is not serious, he knows that I can't represent what the Speaker is going to do. She doesn't know I am here doing this. She runs her little show over there, and I do my best to have some input on what happens here. But I can't make that kind of commitment.

I can't imagine why anyone would object to our passing this. It would move this down the road a long way. I am sorry the Senator from Louisiana obviously is not serious about passing this legislation, because I have asked that we do it right now. I have asked that we go to it tomorrow. He objects.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 621

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 621 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Mr. President, in this economy there are millions of Americans who are seeing their savings dwindle to nothing, who are losing their jobs, their homes. Yet they also see, as recently as last January 1, Members of Congress getting an automatic pay raise, in that instance $4,700. It is wrong. The system that has these pay raises on autopilot is wrong. We should have full, open debates and votes. That is what my amendment would ensure.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, Senator VITTER wants to bring this bill down. He wants to score political points. Do you know what is in this bill? We stop our pay raise from next year. He wants to bring this bill down. We stop our pay raise in this bill. Senator REID offered a unanimous consent request. All of us could have gone right down the aisle here together saying every year we vote on a cost-of-living raise. So don't be fooled by this. The people need our help, the help that is offered in this bill. People are unemployed. There is funding in this bill to get them back to work, to do the business of government. This bill stops our pay raise. This is a cheap shot, in my opinion. We ought to vote no.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The Senator from California is absolutely right. If this bill goes down, the work we have done, in keeping with Senator FEINGOLD—that is, to not have a cost-of-living adjustment next year—we would have to start all over. This is wrong. We should move forward and defeat this amendment.

Mr. VITTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 22 seconds.

Mr. VITTER. People do need our help and the people are watching. So if you want to change the law that puts our pay raises on autopilot while they suffer, that system, not pass on it one year but change that law, vote for this amendment. If you want to kill that concept, vote against the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. I move to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. REID. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second on the yeas and nays on the motion to table?

There appears to be.

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 Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNS).

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

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—52

Akaka	Gillibrand	Mikulski
Baucus	Gregg	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Warner
Conrad	Lugar	Whitehouse
Dorgan	Martinez	Wicker
Durbin	Menendez	
Feinstein	Merkley	

NAYS—45

Alexander	Dodd	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Risch
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Tester
Collins	Klobuchar	Thune
Corker	Kyl	Vitter
Cornyn	Lincoln	Voinovich
Crapo	McCain	Webb
DeMint	McCaskill	Wyden

NOT VOTING—2

Johanns	Kennedy

The motion was agreed to.

Mr. KERRY. Mr. President, I opposed the amendment offered by Senator VITTER to the Fiscal Year 2009 Omnibus appropriations bill that would repeal the automatic cost of living adjustment, COLA, for Members of Congress starting in fiscal year 2010. The Omnibus appropriations bill already eliminates the Members of Congress COLA for fiscal year 2010. I choose to give my COLA to worthy charities because I know that many families in Massachusetts and across the Nation are struggling to make ends meet and need help.

I opposed the Vitter amendment because it could have jeopardized the enactment of the omnibus legislation which includes critical investments in America's future. Given the process of the bill winding its way through Congress, the Vitter amendment would have essentially stopped the omnibus in its tracks. We can't afford to have this bill delayed. The bill increases our energy security by prioritizing research and development of renewable energy and energy efficiency including solar power, biofuels, vehicle technologies, energy-efficient buildings, and advanced energy research. It also includes strong investments into cutting-edge science so that our Nation will maintain its preeminence in the global economy and create new jobs. The bill also keeps Americans safe by supporting the Community Oriented Policing Services, or COPS program, and the Byrne justice assistance grants, which help State and local law enforcement fight and prevent crime in communities across America.

The Vitter amendment should be considered on another legislative vehicle that would not jeopardize our national priorities.

Mr. CASEY. Mr. President, I support annual votes on congressional pay raises to avoid automatic cost of living increases. I was a cosponsor of an alternative by Senator REID that would have accomplished this goal without derailing the Omnibus appropriations bill. The underlying Omnibus appropriations bill cancels the pay raise that would have gone into effect in January 2010. Additionally, I have previously stated that I will give the 2009 cost of living increase to charity.

Unfortunately, this amendment was nothing more than political grandstanding and a poison pill designed to block necessary appropriations bills from passing and I was forced to vote against the amendment.

Mr. REID. Mr. President, 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 majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the 30 minutes prior to the cloture vote be reduced to 10 minutes, to be divided as previously ordered, with the remaining provisions of the previous order in effect, meaning that Senator INOUYE will control 5 minutes and Senator COCHRAN will control 5 minutes.

Let me say this, Mr. President: I simply want to tell everyone—Democrats and Republicans—this has been very difficult, but I think it has been good for this institution. And I, frankly—I do not want to lay out all of my dirty laundry, but I think it has been good for me. I think the situation that has developed on the Republican side—I had a number of Republican Senators come to me and say: We need a few more amendments, and I had enough votes to pass it, and I ignored them. That will not happen in the future. I am going to try to be more aware of trying to create a better feeling in this body, not necessarily count 60 or 51, whatever it is.

So I appreciate what everyone has done here, but especially do I appreciate the two managers of this bill. This has been extremely difficult for them. All of the difficult issues had to be resolved by them. I think people looking at this Senate today should know how fortunate we are as a country to have two people such as DAN INOUYE and THAD COCHRAN being the managers of this bill. These are two of the best, and I want to personally extend my appreciation. I applaud and commend both of them for doing an excellent job on a very difficult piece of work.

I have spoken to both of them. Everyone should understand, we are going to move into an appropriations process we can all be proud of. No more of these big, lumpy bills. We are going to move forward and try to do a bill at a time.

Again, thanks for everyone's cooperation.

Mr. President, there is a unanimous consent request pending.

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

There is now 10 minutes equally divided.

LOAN GUARANTEE PROGRAM

Mr. BENNETT. Mr. President, for the benefit of the Senate, I would like to discuss with the chairman of the Appropriations Subcommittee on Energy and Water the congressional intent with respect to the funding provided by the pending legislation, H.R. 1105, regarding the Department of Energy's loan guarantee program.

The pending legislation provides a total of $47 billion for eligible projects pursuant to title XVII of the Energy Policy Act of 2005, to remain available until committed, of which $18.5 billion shall be for nuclear power facilities.

In order to address budget scoring issues raised by the Congressional Budget Office, regarding third party financing, the conferees included legislation recommended by CBO counsel. CBO staff believes there is concern that the Federal Government might incur mandatory spending as a result of entering into power purchase agreements for energy projects that also receive loan guarantees from the Department of Energy.

While CBO acknowledges that this scoring issue is separate from the 1-percent subsidy cost that CBO has assessed the title XVII since fiscal year 2007, the conferees were obliged to include language drafted by CBO that would mitigate the possible scoring impact.

The language is drafted to capture as many possible third party financing options and as a result has created several unintended consequences. Specifically, the omnibus language could inadvertently have an adverse impact on a number of pending projects, for numerous title XVII eligible projects including the American Centrifuge Plant, ACP. The ACP project will employ more than 3,000 people in Ohio and thousands of employees with contracts to build this facility including ATK and Hexcel located in Utah.

First, I would like to thank the chairman of the Subcommittee on Energy and Water for his work since taking over this subcommittee in 2007 to support the loan guarantee program and his willingness to find the necessary resources, when budget requests were insufficient.

I know the chairman is familiar with this frustrating interpretation and ask if he would be willing to work with me and others to find a solution to these inadvertent problems and to correct them in the first possible legislation following the enactment of this legislation?

Would the chairman of the Subcommittee on Energy and Water also agree with me that the Department of Energy should therefore continue to work on the pending loan guarantee applications for those projects which could be adversely impacted by this legislation if not corrected, such as those for renewable projects and for USEC's loan guarantee application for its ACP project?

Mr. DORGAN. Mr. President, I agree with the ranking member of the Subcommittee on Energy and Water that the House-passed language contains flaws that we would all like to see remedied. In response to his two questions I will state the following.

First, I am willing to work with him and any other Member who has a similar concern about the unintended impact of the language on these energy projects.

Second, I agree that the Department of Energy, including its Loan Guarantee Office, should not cease, delay or slow down its processing of any of these pending loan guarantee applications.

The Department of Energy should continue to take all actions and steps necessary and predicate for the issuance of a final loan guarantee so that a final loan guarantee can be issued upon enactment of the necessary technical corrections and competitive selection.

I can assure the ranking member of the Energy and Water Subcommittee that I will work with him to try to correct this situation. Accordingly, the Department of Energy and its Loan Guarantee Office should proceed to process these loan guarantee applications expeditiously so as to be prepared to act immediately on these pending loan guarantee applications to issue final loan guarantees if corrective legislation is enacted.

Mr. VOINOVICH. Mr. President, I am very pleased with the commitments of the chairman and ranking member of the Appropriations Subcommittee on Energy and Water to fix these flaws in the pending legislation. All of these energy projects are very important to the future of our country as we work towards achieving energy independence and cleaner environment.

USEC's American Centrifuge Plant project is not only very important to Ohio, it is particularly important to the Nation.

The ACP project is shovel-ready and is estimated to create over 3,000 jobs in Ohio where it is located, and another 3,000 or more jobs in 11 other States around the country through manufacturing and engineering contracts.

The ACP project will have the capacity to provide domestically enriched uranium to fuel over one-half of the 104 domestic nuclear powerplants that provide nearly all of our emission-free base-load electricity.

Once built, the ACP project will be the only U.S.-owned source of nuclear fuel that is critically important for various national security reasons.

I would like to observe that the Governors of Ohio, Maryland, Tennessee and Kentucky strongly support USEC's ACP project.

Mr. President, I will ask unanimous consent that the letter from the Governors of Ohio, Maryland, Tennessee and Kentucky be printed in the RECORD following my statement.

I would also like to observe that President Obama, during his campaign visits to Ohio last summer, expressed his support for USEC's ACP project, as articulated in his letter to Governor Strickland of Ohio dated September 2, 2008, and I will ask unanimous consent that that letter also be printed in the RECORD following my statement.

I thank the chairman and the ranking member of the Appropriations Subcommittee on Energy and Water.

Mr. BROWN. Mr. President, I also thank the chairman and the ranking member of the Subcommittee on Energy and Water for their willingness to work on addressing the unintended consequences associated with this language. Ensuring that the language is appropriately modified is crucial to ensure the U.S. has the flexibility to maintain a domestically owned and produced source of enriched uranium, rather than relying on other nations.

I am not happy with the long delay in getting the next generation enrichment technology up and running in Piketon, OH. Good paying jobs are at stake. Our national security is at stake. And, freedom from dependency on foreign sources of uranium is at stake.

I look forward to working with the senior Senator from Ohio and the chairman and ranking member to address the concerns arising from this language.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the 2 letters to which I referred be printed in the RECORD.

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

DECEMBER 19, 2008.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Our states provide the domestic infrastructure to support the proposed American Centrifuge Plant (ACP) in Piketon, Ohio. We are asking that you direct your Administration to act promptly within existing funding authorities and take the steps needed to reach a Department of Energy (DOE) conditional loan guarantee agreement for this project. Prompt action is essential in order to avoid demobilization of the project and workforce layoffs within the next several months.

Also, ACP represents the only U.S. advanced technology for uranium enrichment that can meet both domestic energy security and national security needs; the use of which would mitigate the present need to import over half of the domestic nuclear fuel supply from Russia. It is critically important that

we develop our domestic enrichment capabilities so we as a Nation do not create an unhealthy reliance on foreign nations for our sources of enriched uranium. It is especially important to our States that ACP will create a new domestic manufacturing infrastructure of 6,000 high-skilled jobs in 12 states. In addition, many of the technologies ACP would utilize, such as high precision machining and carbon fiber fabrication, will be able to support the growth of other new domestic industries.

Your Administration has taken a leadership role in promoting the resurgence of safe and secure domestic nuclear energy. The ACP project offers the opportunity to put a tangible capstone on this effort.

While DOE has made significant progress with its loan guarantee program, continued implementation of the ACP project is vulnerable without timely action and a conditional loan guarantee agreement. Therefore, we are seeking your commitment to set the appropriate timetable for decision-making, without compromise to the creditworthiness standards set for the program. Your leadership also would send a strong message that the business of government has not been diminished during this time of turmoil in the financial markets.

We will continue to work with your staff to reach a conditional loan guarantee agreement by the end of this Administration.

Sincerely,

TED STRICKLAND,
Governor of Ohio.
MARTIN O'MALLEY,
Governor of Maryland.
PHIL BREDESEN,
Governor of Tennessee.
STEVEN L. BESHEAR,
Governor of Kentucky.

SEPTEMBER 2, 2008.

Governor TED STRICKLAND,
Riffe Center,
Columbus, OH.

DEAR GOVERNOR STRICKLAND: You have continued to be a strong advocate for the workforce and surrounding communities of the Piketon Enrichment Plant and throughout Ohio. This workforce and community have made significant contributions to our nation's defense and energy security needs for over the past half-century.

There are a number of steps I will take as President to assure the future health and prosperity of this community and its workforce. Under my administration, the Piketon site workforce and the surrounding communities will play a central role in our nation's domestic energy supply through private sector and government initiatives. The Piketon site is ideal for either traditional or advanced energy programs, or both. The Piketon site has vast infrastructure and potential reuse applications are very promising.

Under my administration, energy programs that promote safe and environmentally-sound technologies and are domestically produced, such as the enrichment facility in Ohio, will have my full support. I will work with the Department of Energy to help make loan guarantees available for this and other advanced energy programs that reduce carbon emissions and break the tie to high cost, foreign energy sources.

I will ensure that workers' rights, pensions and retirement health care benefits are fully protected and facilitate pension portability for workers among the various contractors and subcontractors as new missions unfold with the Department of Energy. We will work with the respective union leadership at the Portsmouth site to assure that their members' rights are fully protected.

I will assure that the benefits due under the ''Energy Employee Occupational Illness Compensation Program Act'' of 2000 will be provided in a timely and equitable manner. I understand that it is imperative to help those workers who were made sick or ill while serving in our nation's defense nuclear facilities. The delays and foot-dragging over the past several years is simply inexcusable. If necessary, I will support legislative reforms to assure that workers will be promptly compensated. I will not tolerate further excuses or delays in the implementation of this important legislation, which has left deserving workers waiting. I will also support the on-going medical screening program to help workers identify occupational illnesses that may have been caused from work at this facility.

I will work with Congress to provided adequate funding and will direct the Energy Department to commence Decontamination and Decommissioning activities of those facilities which are no longer needed, and maximize the employment of site workers to achieve this end. The failure to clean up this site quickly will delay future economic development opportunities and only add additional mortgage costs and pose undue environmental risks.

I will help assure the Depleted Uranium Hexaflouride (DUF–6) Conversion Facility in Piketon will be operational on an expedited time schedule. This project was authorized through legislation in July 1998, however, it is still not operational. I will work with Congress to fund this project and the disposition of the 20,000 plus cylinders of legacy uranium material. This project will create jobs for at least 20 years and remove thousands of tons of depleted uranium.

I will support funding the cleanup of soil, groundwater and hazardous waste from legacy operations. I want to assure that when we declare the Piketon site is cleaned up, it will mean that health and environmental hazards are not left behind so that new businesses can locate at the Piketon facility without concern.

I will direct my Administration to work with the community leadership to develop a long-term site plan to include opportunities to reuse the Portsmouth plant site and maximize the vast infrastructure while creating needed jobs in the Southern Ohio region. I ant committed to making the Piketon facility a ''multi-mission site'' to drive economic development and environmental improvements.

Combined. I recognize these steps will assure energy security, environmental restoration and job creation for Southeastern Ohio and I look forward to working with you on this important project for the state.

Sincerely,

BARACK OBAMA.

CLERICAL ERROR ON BEEF IMPROVEMENT RESEARCH

Mr. BENNETT. Mr. President, I rise today to join with our Chair, Senator KOHL, in a colloquy to correct a clerical error in the attribution table accompanying Division I of H.R. 1105. Senator BOND is listed as having requested the ''Beef Improvement Research'' project under the Agriculture, Rural Development, Food and Drug Administration, Cooperative State Research Education and Extension Service. My staff has confirmed that this project was not requested by Senator BOND and, as such, Senator BOND's name should not be listed as a requestor.

Mr. KOHL. My colleague and former subcommittee ranking member, Senator BENNETT, is correct. This resulted from a clerical error involving confusion between two different projects on beef research. Senator BOND should not be listed as a sponsor of the Beef Improvement Research project.

Mr. BENNETT. I thank the Chair for his assistance in this matter.

Mr. BROWNBACK. Mr. President, I rise today to address a provision in the statement to accompany the fiscal year 2009 Omnibus appropriations bill that seeks to address a critical issue in our country, the rising rate of childhood obesity. Over the last several years, Senator HARKIN and I have worked jointly to address this issue.

During this time, we have focused our efforts on bringing together the different sectors in our society that are equipped to address this crucial issue for our Nation's children. It is my firm belief, that there is not just one solution to reducing the rates of childhood obesity but this should be a collective effort.

To that end, I am encouraged that there are those in the food and beverage industry, the advertising industry and media industry that have taken voluntary steps to address this issue.

I am pleased that the Ad Council has also worked to address childhood obesity as well with donated multimedia efforts since October 2005 that have equaled $170 million. This initiative includes creative partnerships with NFL, Qubo, an NBC-owned children's network, and the U.S. Olympics.

It is my firm belief that the best option to address this issue is not by rushing into government regulation but by working together to address this issue within our spirit of a free-market society—and that is the intention behind this language that directs the Federal Trade Commission to create a working group among the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Secretary of Agriculture. I also hope that as this working group convenes they will first study the Better Business Bureau's Children's Food and Beverage Advertising Initiative, and determine whether initiatives such as these would suffice to address this crucial issue, before they implement the remainder of the directive. And, consistent with the current focus of self-regulatory initiatives, I think it would be more appropriate to limit the scope of the working group activities to children under the age of 12.

I have found that oftentimes the best results are rooted in industry-led reforms and it is my intention that this working group will keep this intent in mind as they study and develop ways in which to address foods marketed to our children. For example, in July 2007 and again in September 2008, the Grocery Manufacturers Association commissioned studies of U.S. advertising trends through Georgetown Economic Services. These studies have shown that as food and beverage marketers

have shifted the mix of products advertised to children, not only are children today seeing fewer food, beverage and restaurant ads on television, they are seeing far fewer ads for soft drinks, cookies, snacks and candy, while being exposed to more ads for soups, juices, fruits, and vegetables and water than they were in 2004.

I truly believe that with everyone coming together around a free market principled approach that we will have more expedient and effective results for our children.

Mr. AKAKA. Mr. President, I support the Omnibus Appropriations Act. I appreciate all of the efforts made by my friend, the senior Senator from Hawaii, to develop and manage this tremendously important bill. I also value the effort of the ranking member of the Appropriations Committee as well as all of the work done by the subcommittee chairmen and ranking members to draft the omnibus.

Continuing resolutions hinder the ability of agencies to meet the needs of our communities and address changing circumstances. We must enact this legislation in order to have a more effective and responsive Federal Government in dealing with many of the problems that our Nation is confronted with currently. This legislation improves access to health care, education, housing, and economic development opportunities. It also provides essential support for financial literacy programs, transportation infrastructure investments, sustainable energy development, natural resource preservation, and investor protection efforts.

This bill will help further promote medical research. Investments in medical research have tremendous potential to improve the lives of so many people by developing better methods to prevent, detect, and treat different illnesses. I am also proud that the legislation increases the ability of our federally qualified community health centers to better meet the medical needs of our communities.

The fiscal year 2009 omnibus bill will help ensure that our Nation's students are prepared for the challenges of the 21st century. This includes funding for programs to help disadvantaged students reach their potential as well as funding to help recruit and retain highly skilled and talented teachers. The fiscal year 2009 Omnibus also includes $1.2 million in funding for Impact Aid. Impact Aid assists school districts that have lost property tax revenue due to the presence of tax-exempt Federal property, including Indian lands and military bases. It is vital to a State like Hawaii where there is a significant military presence.

This legislation also provides vital resources for housing. Ten million dollars is provided for the Native Hawaiian housing block grant, which is administered in the State of Hawaii by the Department of Hawaiian Home Lands, DHHL. DHHL is the largest affordable housing developer in the State of Hawaii. Although these resources provide only about one-tenth of the DHHL's spending, it is extremely important to support additional home ownership opportunities for residents throughout Hawaii.

I also appreciated the inclusion of funding for the Laiopua 2020 Community Center. Economic Development Initiative resources will facilitate the development of this comprehensive community center. The community center will improve the quality of life for residents in the growing Kona community by increasing access to social services, recreational facilities, and educational and economic opportunities.

The omnibus provides a slight increase in resources for the Community Development Block Grant, CDBG, Program. CDBG provides essential Federal resources to help meet the specific needs of communities. In Hawaii, our counties utilize CDBG resources to help provide affordable housing, assist the homeless, expand day care facilities, provide meals to low-income families, strengthen our medical infrastructure by making physical improvements to our community health centers, and expand opportunities to help individuals with disabilities find employment.

This bill provides essential resources intended to improve our Nation's financial literacy lending and improve individual understanding of economics and personal finance. This bill includes $1.447 million in funding to implement the Excellence in Economic Education Act, which promotes economic and financial literacy among students in kindergarten through high school. An additional $1.6 million is provided for the Department of the Treasury's Office of Financial Education to increase access to financial education and protect consumers against predatory lending. Also, I applaud the inclusion of a directive in the bill that requires the Internal Revenue Service, IRS, in consultation with the National Taxpayer Advocate, to educate consumers about the costs of refund anticipation loans and expand access to alternative methods of obtaining timely refunds.

The act also will improve our roads, transit, and airports; strengthen Hawaii's transportation infrastructure; and increase the mobility of our residents.

Provisions contained within the act enable the U.S. Army Corps of Engineers to address our Nation's critical navigation, flood control, and environmental restoration needs. I was pleased that more than $1.6 million was provided for Hawaii projects.

Recognizing that shoreline erosion threatens upland development and coastal habitats along much of Hawaii's shoreline, I worked to provide funding for a regional sediment management demonstration program to further understand the dynamics of complex coastal processes and promote the development of long-term strategies for sediment management. On the island of Molokai funding has been provided to complete a much needed water resource study in order to more effectively manage ground-water resources. Wise stewardship and management at a watershed level has a significant impact on the health and quality of numerous natural resources. Inclusion of funds to address stream management and restoration is critical for Hawaii. These resources will assist and protect communities in Hawaii from destruction caused by severe weather and flooding, as well as promote conservation and revival of our islands' ecosystems.

The fiscal year 2009 omnibus includes provisions that will go a long way to improve advancements in science and technology, as well as enhance U.S. competitiveness. In Hawaii and the Pacific, we are uniquely confronted by climate fluctuations and its impact on the public, economic development, and health of our ecosystems and wildlife. I am proud to have supported the inclusion of $1.75 million for the International Pacific Research Center at the University of Hawaii to conduct systematic and reliable climatographic research of the Pacific region. Improving our understanding of climate variability empowers us to use data and models to mitigate adverse impacts.

Hawaii is home to some of the world's most critically threatened and endangered species, including the endemic Hawaiian monk seal. For years I have been an advocate for the conservation and recovery of the critically endangered monk seal and other cetaceans in the Pacific. The National Marine Fisheries Service issued the first Hawaiian monk seal recovery plan in 1983 and a revised plan in 2007. The Hawaiian monk seals are vulnerable due to a variety of influences, including human disturbances of birth and nursery habitats, entanglement in marine debris, and commercial fisheries. In the last 50 years the Hawaiian monk seal population has fallen by 60 percent. To address this need, I worked to include $2.6 million in this act to address female and juvenile monk seal survival and enhancement, as well as efforts to minimize monk seal mortality. In addition, these funds will strengthen coordinated regional office efforts for field response teams and enhance implementation of the 2007 recovery plan.

The preservation of our national parks, forests, and public lands has been a priority of utmost importance. Public lands are valued assets that must be properly managed for the benefit of all Americans and future generations. I am encouraged that the act supports the preservation of our natural landscapes, furthers conservation of wildlife, expands water resource assessment, and fosters wise management of our Nation's natural resources.

Given the unique needs of Hawaii, I supported funding in the Fiscal Year 2009 omnibus to fortify the preservation of four endangered Hawaiian

waterbirds located within the James Campbell National Wildlife Refuge, as well as combat the threat of invasive species on our natural and cultural heritage. Invasive species are the primary cause of decline in Hawaii's threatened and endangered species, and cause hundreds of millions of dollars in damage to Hawaii's agricultural industry, tourism, real estate, and water quality. Funding will continue the ongoing, collaborative, interagency, and community-based effort to address invasive species impacts. Such joint action, cooperative agreements, and collaboration will be needed to control invasive species that are crossing geographic and jurisdictional boundaries.

I am pleased that the omnibus supports the development of sustainable and clean energy. We must continue to invest in development and implementation of energy from renewable, efficient sources as this Nation transitions away from foreign oil. Our energy security and independence depend on conducting advanced research and better utilizing energy from sources including the sun, wind, ocean.

Included in the act is $3.1 million to support the ongoing Hawaii-New Mexico Sustainable Energy Security Partnership. In order to develop, demonstrate, and deploy technologies that enhance usage of renewable resources, the Partnership evaluates electric and transportation infrastructure, tests technologies, and provides sound science to inform debate and the implementation of public policy. Building upon its successful development of a comprehensive model of the transportation and electricity infrastructures on the Big Island and Maui, these funds will be used to support promising projects identified for implementation on those islands, as well as extend efforts to evaluate and address the energy infrastructure needs on Oahu and Kauai.

I am encouraged by the inclusion of funding to improve Hawaii's infrastructure and nurture sustainable agriculture production. Our agricultural industry is a key component of our State's economy, and I have long supported the policies and programs cultivating opportunities for our farmers and rural communities. Further, funds supporting research, extension, and teaching efforts are necessary as we prepare a skilled and thriving workforce focused on developing sustainable solutions that improve the health of our environment, as well as the quality and efficiency in production.

Another important provision I want to highlight is the critical support included for the Securities and Exchange Commission, SEC, to better protect investors. I will continue to work with the SEC to ensure it has the statutory authority and resources necessary to better protect and educate investors and promote market stability.

In conclusion, I want to thank the senior Senator from Hawaii for all of his extraordinary efforts to develop and shepherd this comprehensive bill through the legislative process. The Nation and our home State of Hawaii will benefit tremendously from its passage.

Mr. LEVIN. Mr. President, Congress will hopefully with this vote finally complete action on the fiscal year 2009 appropriations bills. This bill addresses some of the Nation's critical needs. It also addresses some of Michigan's special needs such as protecting the Great Lakes, improving our transportation infrastructure, and supporting our manufacturers and small businesses. In addition, it supplies our local law enforcement with tools they need to protect our citizens and provides support for our communities to help our most vulnerable citizens during this economic crisis.

This bill includes funding for a number of important Great Lakes programs. With the funding in this bill, the Thunder Bay Marine Sanctuary and Under Water Preserve will be able to complete the exhibits in the new visitor's facility. The bill provides a $2 million increase for the Great Lakes Legacy program which has made a positive impact on the Lakes by removing contaminated sediment. This bill also provides funds to the Corps of Engineers to complete construction of the permanent dispersal barrier in order to stop Asian carp and other invasive species from entering the Great Lakes.

I am pleased that funding of over $50 million that I requested for dredging and other operation and maintenance needs for Michigan's ports and harbors was included in this bill. The Great Lakes navigational system faces a backlog of 16 million cubic yards of dredging needs, which has had very real negative impacts on Great Lakes shipping. Several freighters have gotten stuck in Great Lakes channels, ships have had to carry reduced loads, and some shipments have simply ceased altogether. While an increase in some water levels is helping somewhat in this regard, the Great Lakes navigational system has an accumulation of maintenance needs. The additional funding that was included will help address this backlog, and I will keep working to increase appropriations and the budget so this important maritime highway, so that one of the lowest cost ways to transport supplies to industry and products to consumers, is not impeded.

The bill also provides $17 million to the Corps of Engineers for the Soo Lock replacement project, which would serve as a backup for the current Poe Lock. Total annual shipping on the Great Lakes exceeds 180 million tons, over half of which goes through the Soo Locks. Funding for the lock is critical to ensuring that this system remains operational.

This bill provides a boost in funding for our Nation's transportation infrastructure which will put people to work while improving mobility, safety and competitiveness in Michigan and around the country. The bill provides $15.39 billion for the Federal Aviation Administration, an increase of $865 million over the fiscal year 2008 levels. Included in that total is $9.04 billion for Federal Aviation Administration operations that would be used to improve safety and air traffic organization, and to increase the hiring and training of air traffic controllers and aviation safety inspectors. The bill provides $40.7 billion in highway funding, $483.9 million above fiscal year 2008 levels. It also provides $1.45 billion for the National Railroad Passenger Corporation, Amtrak, a $128.1 million increase over the fiscal year 2008 level. It also provides $10.1 billion for Federal Transit Administration, $773 million over fiscal year 2008 levels.

This bill also includes a number of programs to help technology companies and manufacturers in Michigan and throughout the country, including funding for the Manufacturing Extension Partnership, MEP, and the Technology Innovation Program, TIP. The bill includes $110 million for the MEP program. President Bush proposed to eliminate the program in his fiscal year 2009 budget. MEP is the only Federal program dedicated to providing technical support and services to small- and medium-sized manufacturers. MEP is a nationwide network of proven resources that enables manufacturers to compete globally, supports greater supply chain integration, and provides access to information, training and technologies that improve efficiency, productivity, and profitability. In fiscal year 2007 alone, based on services provided in fiscal year 2006, MEP helped to: create or retain over 52,500 jobs, generate more than $6.765 billion in sales, and stimulate more than $1.65 billion in economic growth. MEP is needed now more than ever as our small and medium manufacturers struggle to survive in this serious recession.

The bill includes $65 million for the Technology Innovation Program, TIP, the successor to the Advanced Technology Program, ATP. While slightly less than the fiscal year 2008 level it is still significant given the fact that President Bush proposed zeroing out the program in his fiscal year 2009 budget. TIP is a cost-sharing program that promotes the development of new, innovative products that are made and developed in the United States, helping American companies compete against their foreign competitors and contribute to the growth of the U.S. economy. During this terrible recession the TIP program is an important way to stimulate job growth and high technology R&D in the United States.

I am pleased that this bill continues the current ban on using Federal funds for future Federal contracts to so-called ''inverted'' U.S. companies that, to avoid certain U.S. taxes, have reincorporated in an offshore tax haven country but left their offices and production service facilities here in the

U.S. We should not further reward inversion by granting them Federal contracts. It is unfair to the U.S. companies left to operate on an uneven playing field, and it is unfair to the rest of our taxpayers who pay their fair share.

The fiscal year 2009 omnibus bill includes an increase in funding over fiscal year 2008 in a number of important areas at the Department of Energy. In particular, this bill includes $273 million for advanced vehicle technologies, an increase of $58 million over fiscal year 2008, with additional funding included for research and development on advanced battery technologies. The bill also includes $217 million for biomass and biorefinery systems, an increase of $17 million over fiscal year 2008, which should allow for continued and increased support of innovative technologies for production of ethanol and biofuels produced from cellulosic materials. The omnibus also includes modest increases for both solar and wind energy research and development that will contribute to ongoing efforts to improve the efficiency and decrease the cost of commercialization of these technologies. I am also pleased that this bill includes additional new funding for loan guarantees for advanced innovative technologies, specifically providing up to $18.5 billion for loan guarantees for renewable energy, energy efficiency, and manufacturing that will be available for important projects such as biofuels production and advanced battery manufacturing.

This bill includes a significant increase in several areas of funding for science and technology. Within the Department of Energy, this bill includes an increase of $754 million for the Office of Science, which will increase federal support for basic research and support the goals and programs of the America Competes Act, which called for a doubling of the U.S. investment in science over 10 years. It also includes increases in science programs at the National Science Foundation and the National Institute of Standards and Technology, both of which have a significant role to play in development of advanced technologies that will keep the U.S. competitive in the global market.

This legislation provides funding for state and local law enforcement and crime prevention. It includes much needed funding for the Community Organized Policing Services, COPS, program, which provides our police departments with the technology and training tools needed to prevent and detect crime and for the Office of Justice Programs that provides funding for Byrne justice assistance grants, juvenile justice programs, and drug courts. It also provides $415 million to the Office on Violence Against Women so that we can better prevent and prosecute violent crimes against women. Finally, I am pleased that the legislation includes $185 million for interoperable radio systems.

During this economic crisis, it is especially important that this bill includes vital funding for our Nation's nutrition, housing and economic development programs that will provide much-needed help to our communities. This bill includes increased funding for the Supplemental Nutrition Program, SNAP, and the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, which help provide nutritious food to many in this country who are in need. It also includes increased funding for public and affordable housing programs that provide housing to low-income Americans and $1.7 billion, which is $91 million above the 2008 funding level, for homeless assistance grants which provide rental assistance, emergency shelter, transitional and permanent housing, and supportive services to homeless persons and families to help break the cycle of homelessness and to move homeless persons and families into permanent housing. In addition, this bill provides $3.9 billion, $34 million above the 2008 funding level, for the community development block grant, CDBG, program which will fund community and economic development projects to revitalize our communities.

This bill includes funding I requested for the redevelopment of part of the old Tiger Stadium and its ball field. This funding will help the surrounding community move forward on a plan to preserve part of the old Tiger Stadium and its ball field as a premier baseball field for youth leagues and to redevelop part of the stadium structure and adjacent land to be used for retail shops and restaurants and other commercial and entertainment attractions. This funding will not only help preserve this part of Detroit and baseball history, but also bring much needed jobs and economic activity into this neighborhood and to the city of Detroit.

I am glad that we have finally completed the fiscal year 2009 appropriations bills. While it is unfortunate that we once again had to consider nine different bills packaged into a single omnibus spending measure, I am very pleased that this bill includes funding for many important national programs and projects that will especially benefit Michigan. It is my hope that we will be able to complete a timely, open and transparent appropriations process in the coming year.

Mr. ROCKEFELLER. Mr. President, these are difficult times in our country. American families are facing challenges that we have not seen in decades, we have record budget deficits, and we are fighting two wars.

The national economic crisis is affecting so many people across our Nation and in West Virginia, and we must give the economic recovery plan time to do what it was designed to do—create jobs and reinvest in the American dream.

In West Virginia, factories and businesses are closing their doors. Unemployment rose in all 55 counties in January 2009. Our statewide unemployment rate jumped from 4.4 percent in December to 6.2 percent in just 1 month. And February and March have brought additional plant closures, and more employees have lost their jobs.

As we work in Congress on ways to get our economy back on track and create new jobs, I stand ready to help and take bold action that will deliver real, workable solutions to families. And I am committed to working with our State leaders to do everything we can to bring opportunities to West Virginia.

It is very important that we in Congress do everything possible to uphold the public trust, protect taxpayer dollars, and show with our actions and not just our words that we take seriously our obligation and honor to serve the people.

One of the ways the legislation before us today, H.R. 1105, the Omnibus Appropriations Act of 2009, does that is by prohibiting the annual cost-of-living pay adjustment, COLA, for Members of Congress from taking effect in calendar year 2010. This is a good, small, but important step, and I thank our leadership for including this important provision. Now is not the time for an increase in the COLA for Members of Congress.

I represent constituents who earn $25,000 to $35,000 annually, and the notion that we in Congress would allow a COLA increase for ourselves, while they are just trying to put food on the table and make ends meet, is completely unacceptable. Given the state of the economy, and the income and job losses across this Nation, I strongly oppose a congressional pay increase in this bill.

I also strongly support efforts to suspend permanently the automatic congressional COLA. It will be some time before our economy turns around and the American people feel a sense of financial security again. And especially in a recession, any congressional pay increase should be subject to an up-or-down vote each year, and not simply occur automatically.

That is why I am glad to be a cosponsor of S. 542, legislation introduced by Majority Leader REID to repeal the provision of law that provides automatic COLAs for Members of Congress. I do not believe we should amend the pending bill to do this—the amendment, like so many others offered by the minority over the past week, is really a Trojan horse to kill or delay the Omnibus Appropriations Act, which is already overdue and meets our basic obligation to keep the government running. But the issue is an important one, deserving of immediate action and I appreciate the leader's commitment to act quickly on it.

I believe having transparency, accountability, and an up-or-down vote on the COLA every year makes a lot of sense—both for Congress and the American people. The American people deserve to be represented by Members of Congress who are in touch with the everyday struggles of the very people

who elected them. Just like their family budgets, Congress has to budget and live within our means and make careful spending decisions based on our most pressing priorities.

I support this bill today because it is the absolutely right thing to do and West Virginia families deserve no less.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise to support the Omnibus Appropriations Act and encourage my colleagues to vote for cloture.

This bill provides additional resources so our Government will be better able to meet the challenges of the economic crisis we face today.

I would remind my colleagues that without enactment of this bill, the Securities and Exchange Commission will not get the additional funding it needs to increase the integrity of the financial markets. The Federal Housing Administration will have to stop helping families facing foreclosure to refinance into affordable mortgages at the worst possible time for such a stoppage to occur.

The Food and Drug Administration will not receive the funding it needs to significantly increase the number of food and medical product safety inspections, both domestic and overseas, that it could otherwise perform.

If the Omnibus is not enacted, $550 million less would be provided for the FBI to protect our Nation and our communities from terrorism and violent crime. Not passing this bill means 650 fewer FBI special agents, and 1,250 fewer intelligence analysts and other professionals fighting crime and terrorism on U.S. soil.

In conclusion, I ask the fundamental question: Will the United States be better off in the next year, and will the Federal Government be in a better position to help lead our country out of this deep recession, if we pass this bill? The answer is obviously, yes. It is in America's best interests to close the book on the last administration and to help the new administration hit the ground running.

Now is not the time to relitigate past policy battles. Now is the time to clear the decks and look to the future. For all these reasons, I urge my colleagues to join me in supporting cloture on H.R. 1105.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I know the hour is a bit advanced, so I will not take much time. I think it is pretty clear what the outcome of this vote will be, so I will not take a lot more time of this body. I have spent a lot of time on the Senate floor in the last week or so talking about this legislation before us.

I think there are a couple things that need to be mentioned again. Somehow it seems to be accepted around here that earmarks are a standard practice and that they have been going on forever, and it is somehow the purview of the Appropriations Committee to do these earmarks, which Americans have become pretty familiar with, I am happy to say, in the last week or so.

That is not so. It is not so. In 1991, there was a total of 537 earmarks for the entire appropriations process. This evil has grown, and it has grown, and it has grown—to the point where we now have close to 9,000 earmarks. All we are asking is to authorize. We have talked a lot about the individual earmarks. But the fact is, they are not authorized. I heard one of my colleagues today, on this side of the aisle, say: Well, the authorizing committees are too busy. Really? Really? So all we are asking is to go back to what this body had done and the Congress had done for a couple hundred years; that is, authorize the projects.

So what has happened? It has grown and grown and grown. Today, a former staffer on the Appropriations Committee pled guilty in Federal court. What did it have to do with? It had to do with earmarks, and we have former Members of Congress now residing in Federal prison because of this gateway drug, as my colleague from Oklahoma, Senator COBURN, calls it.

So last November the American people, as I am keenly aware, voted for change. They voted for change, and somehow we are saying: This is last year's business—only this is funding this year's operations.

So we will vote to pass this bill, and the message is, my friends and colleagues, that it is business as usual in Washington, while unemployment is 8.1 percent and employers have to cut another 651,000 jobs.

So if the President were serious about his pledge for change, he would veto this bill. He will not. Now, he will say we are going to outline a process of dealing with this problem in a different way. I quote from Mr. Gibbs:

. . . and that the rules of the road going forward for those many appropriations bills that will go through Congress and come to his desk will be done differently.

Well, the first chance we get to show people change is business as usual in the Senate and the House. It is very unfortunate. It is very unfortunate. We should not be astonished at the low approval ratings we have here when Americans see the expenditure of their hard-earned tax dollars in the projects we have talked about in the past without scrutiny, without authorization, and certainly not in a fashion the American people want their tax dollars spent. So we will invoke cloture and we will move forward. The bill will go to the President's desk, he will sign it, and the signal to the American people is: You voted for change, but you are not getting any change today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

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

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, before yielding the time so we can vote, I wish to commend and thank the distinguished Senator from Hawaii for his leadership of the Appropriations Committee, particularly in our negotiations that we have had with Members of the other body. We are not legislating in a vacuum. These proposals and provisions of this bill have been carefully reviewed by our committee. In this case, it includes I think about seven bills that were individually written and proposed to the full committee by the subcommittees, after a series of hearings reviewing the administration's requests for funding, listening to outside groups that had opinions and views about the level of appropriations for many accounts and programs. But our true leader who deserves praise for this final work product, as I said, is the distinguished Senator from Hawaii.

I yield back the remainder of our time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Has all time been used, Mr. President?

The PRESIDING OFFICER. Yes.

Mr. REID. Mr. President, the order that is now in effect indicates that if there are 60 votes on this cloture vote, there will be just a voice vote on final passage. I ask the Chair if that is factual.

The PRESIDING OFFICER. The yeas and nays have not been ordered on the measure.

Mr. REID. So that is the understanding we have. If that, in fact, is the case, then we would—this will be the last vote today.

People are asking: What are we going to do the rest of the week? First of all, we are going to spend the rest of this week on nominations. We are going to try to get one up tomorrow that we can debate and hopefully vote on. We may not be able to do that.

I would say to everyone there has been a lot of pent-up desire to come out and give speeches on other issues. I think we will have plenty of time to do that tomorrow. So we will set aside a couple hours, at least, tomorrow for morning business. I look forward to this vote and ending this long process on this appropriations bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 1105, the Omnibus Appropriations Act:

Harry Reid, Daniel K. Inouye, Bernard Sanders, Tom Udall, Patrick J. Leahy, Ron Wyden, Christopher J. Dodd, Benjamin L. Cardin, Mark R. Warner, John

D. Rockefeller IV, Debbie Stabenow, Patty Murray, Richard Durbin, Edward E. Kaufman, Jim Webb, Mark Begich, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Roland W. Burris.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on H.R. 1105, an act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNS).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—62

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

NAYS—35

Barrasso	DeMint	Lugar
Bayh	Ensign	Martinez
Bennett	Enzi	McCain
Brownback	Feingold	McCaskill
Bunning	Graham	McConnell
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hatch	Sessions
Collins	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Crapo	Kyl	

NOT VOTING—2

Johanns	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. INOUYE. Mr. President, I wish to recognize the staff of the Senate Committee on Appropriations. Since I assumed the chairmanship of the committee less than 2 months ago, on January 21, the staff of the committee has accomplished some extraordinary things.

The committee held a markup on the American Recovery and Reinvestment Act less than a week after I assumed the gavel, on January 27. We passed the Recovery Act on Februay 10, held an open conference with the House and then passed the conference report on February 14. On February 17, the President signed the Recovery Act into law.

The committee then moved immediately to take up the 2009 Omnibus Act, which we have passed today. I want to recognize the many late nights, the weekends, and the lost family time that have all been sacrificed by staff in order that we might accomplish the passage of two significant appropriations bills in less than 2 months.

As is our tradition, the committee operated in a fully bipartisan fashion in all of our efforts, and our nonpartisan support staff did their usual superb job of allowing the policy staff to complete their work under such tight deadlines.

Without the hard work, dedication and extraordinary effort of all the staff members of this committee, we would not have passed the Recovery Act or the 2009 omnibus. As the chairman of this committee, and on behalf of the American people who they serve so well, I thank them for their exceptional efforts and for providing me such an outstanding start to my time as leader of this committee.

I submit the names of all of the staff members of the Senate Appropriations Committee for the RECORD.

The list is as follows:

Carrie Apostolou, Arex Avanni, Michael Bain, Dennis Balkham, Gabrielle Batkin, Katie Batte, Ellen Beares, Rebecca Benn, Suzanne Bentzel, Lisa Bernhardt, Jessica Berry, Rob Blumenthal, David Bonine, John Bray, Dale Cabaniss, Art Cameron, George A Castro, Doug Clapp.

Roger Cockrell, John J. Conway, Erin Corcoran, Carol Cribbs, Margaret Cummisky, Teri Curtin, Allen Cutler, Scott Dalzell, Rebecca Davies, Nicole Di Resta, Mary Dietrich, Drenan Dudley, Fitz Elder, Kate Eltrich, Christina Evans, Bruce Evans, Alycia Farrell, Erik Fatemi, Kate Fitzpatrick.

Leif Fonnesbeck, Galen Fountain, Jessica Frederick, Lauren Frese, Brad Fuller, Barry Gaffney, Colleen Gaydos, Paul Grove, Katy Hagan, Adrienne Hallett, Diana Hamilton, Ben Hammond, Jonathan Harwitz, Lila Helms, Stewart Holmes, Charles Houy, Doris Jackson, Virginia James, Rachel Jones.

Jon Kamarck, Dennis Kaplan, Kate Kaufer, Charles Kieffer, Peter Kiefhaber, Jeff Kratz. Mark Laisch, Richard Larson, Ellen Maldonado, Nikole Manatt, Stacy McBride, Matthew McCardle, Meaghan McCarthy, Rachel Milberg, Mark Moore, Fernanda Motta, Ellen Murray, Scott Nance.

Hong Nguyen, Nancy Olkewicz, Scott O'Malia, Thomas Osterhoudt, Sudip Parikh, Melissa Petersen, Brian Potts, Dianne Preece, Bob Putnam, Erik Raven, Gary Reese, Tim Rieser, Peter Rogoff, Betsy Schmid, Rachelle Schroeder, Chad Schulken.

LaShawnda Smith, Renan Snowden, Reggie Stewart, Goodloe Sutton, Rachael Taylor, Bettilou Taylor, Christa Thompson, Marianne Upton, Chip Walgren, Chris Watkins, Jeremy Weirich, Augusta Wilson, Sarah Wilson, Brian Wilson, Franz Wuerfmannsdobler, Michele Wymer, Bridget Zarate.

The PRESIDING OFFICER. Under the previous order, cloture having been invoked, all postcloture time is yielded back. The question is on the third reading and passage of the bill.

The bill (H.R. 1105) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on passage of the bill.

The bill (H.R. 1105) was passed.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. REID. 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 Illinois is recognized.

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 73, which was submitted earlier today.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 73) authorizing expenditures by committees of the Senate for the periods March 1, 2009, through September 30, 2009, and October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 73) was agreed to, as follows:

S. RES. 73

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2009, through September 30, 2009, in the aggregate of $69,152,989, for the period October 1, 2009, through September 30, 2010, in the aggregate of $121,593,254, and for the period October 1, 2010, through February 28, 2011, in the aggregate of $51,787,223, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2009, through September 30, 2009, for the period October 1, 2009, through September 30, 2010, and for the period October 1, 2010, through February 28, 2011, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the