OMNIBUS APPROPRIATIONS

Mr. CARDIN. Mr. President, I take the floor in defense of one of our most successful environmental statutes. Since its nearly unanimous passage in 1973, the Endangered Species Act has protected nearly 2,000 species from extinction. That success has contributed significantly to the economic benefit of this Nation. According to a study by the Fish and Wildlife Service, wildlife-related recreation—meaning hunting and fishing and wildlife watching—generated more than $122 billion in revenue in 2006. So this statute has protected wildlife diversity and has protected our economy.

In my home State of Maryland, wildlife watching generated over $1 billion in revenue and sustained over 10,000 jobs.

In December of 2008, the Bush administration finalized two rules that undercut the success of the Endangered Species Act. Now, that was in December of 2008, after the elections, after Senator Obama was elected President of the United States. The Bush administration issued two regulations in an effort to undermine the Endangered Species Act.

One rule undermines important safeguards for all threatened and endangered species. The other withholds key protections from the polar bear.

I believe it is critical the safeguards that have worked to protect endangered species for decades be reinstated. Section 429 of the fiscal year 2009 Omnibus Appropriations Act would give the Secretaries of Interior and Commerce the authority they need to do that. It will allow the Secretaries to reverse the Bush administration's midnight regulations and reinstate the regulations previously in place.

To understand why this special authority is needed, I think it is helpful to understand how devastating the rule changes are. So let me say a little bit about the two rules President Bush put in place.

For decades, under section 7 of the Endangered Species Act, Federal agencies have consulted with scientists at the Fish and Wildlife Service or the National Marine Fisheries Service to make sure an agency's planned actions do not jeopardize a threatened or endangered species.

In line with a long record that expressed a low regard for science, in December, 2008, the Bush administration finalized a rule that effectively eliminated the critical role scientists play in the section 7 system of checks and balances. What the Bush administration regulation did was to allow a Federal agency to avoid consultation with the scientists in making its determination as to whether there was an impact on an endangered species.

Professional scientific organizations argued, came out and said, quite frankly, this is unacceptable. The agency does not have the capacity to make a determination as to whether a species is endangered by the action of the agency. They do not have the budget. They do not have the expertise. And, quite frankly, they have a different mission. So the impact of this regulation could have a devastating impact on the protection—legitimate protection—of wildlife.

Now, some of my colleagues argue that requiring consultation with independent scientists will slow infrastructure projects funded through the recently passed American Recovery and Reinvestment Act. But let me remind my colleagues that the projects that are ready to go have already gone through this environmental review. They are ready to go. They will not be delayed as a result of section 7 of the Endangered Species Act. We are ready to proceed. And as President Obama recently said:

> With smart, sustainable policies, we can grow our economy today and preserve the environment.

But, quite frankly, these changes to the consultation rule were not the only regulations the Bush administration issued. We had the one that would compromise consultation with scientists in issuing the appropriate safeguards under the Endangered Species Act. The other was specifically aimed toward the polar bear. The new rule granted no new protections to the polar bear. Now, the President's regulations said differently, but that is not the case. The special rule not only denied additional protections normally provided under the Endangered Species Act, but it set a bad precedent for weakening ESA safeguards.

The new rule does not require plans to monitor, minimize, or mitigate impacts that could harm the bears. And the rule does not allow scientists and agencies to even consider climate change as a factor that could injure polar bears.

Last year, I had the opportunity, along with members of the Environment and Public Works Committee, to visit Greenland. We saw firsthand what is happening in regard to the loss of the snow caps and the impact it is having on the polar bear population.

Global climate change is clearly affecting the future stability of the polar bears, and the regulation that was issued in December compromises that. It is quite clear why. Seven editorials from newspapers in 32 States oppose the Bush administration's efforts. Dozens of wildlife, scientific, and environmental organizations oppose the change. In addition, eight State attorneys general, including the attorney general of Maryland, have filed suit to have these regulations withdrawn.

So we have an amendment that has been offered. The amendment would take out of the omnibus bill the additional authority we want to give to the agencies so that they can reverse the midnight changes attempted by the Bush administration. I would urge my colleagues to reject that amendment. Let's not compromise the protections we have in the Endangered Species Act that allow Federal agencies to have the best information before they take action on their projects. It is what we should be doing. It does preserve the diversity of wildlife in this Nation. It maintains the leadership of the United States on these types of issues. It is the right policy. We should go through regular order when we change it. The Bush administration did not do that. They did this as a last-minute gesture of the Bush administration. Let's restore the status quo, and then let's look at the normal regulation process for modifications that may be needed.

I would urge my colleagues to reject the amendment offered that will undermine the Endangered Species Act.

With that, I yield the floor.

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

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

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

Mr. MARTINEZ. Mr. President, I rise this morning to speak once again about the pending bill before the Senate—the very large and significant omnibus spending bill—but more specifically about provisions in this bill that have very little to do with spending and have a lot to do with foreign policy, including provisions relating to U.S. and Cuban relations. I decided to inform the Senate of a few things that are in this morning's press and why what this bill will do makes so little sense for the United States at this moment in time and why it would be a mistake for us to approve the current bill.

The current bill is an attempt to, frankly, usurp from the Executive the prerogative to conduct foreign policy. In his campaign, the President indicated there were some things he wanted to change about U.S. policy toward Cuba relating to travel and remittances. I would hope that would be done in the order of Presidential prerogatives and not by a legislative fiat but that, as it is done, it is done in a way that is conducive to the best interests of our Nation and the best interests of our long-term foreign policy objectives. Unfortunately, it is being done in a haphazard way, without real clarity about the implications it will have relating to what is attempting to be done.

One of the issues relates, more importantly than all, perhaps, to agricultural business trade with Cuba. This is a $780 million-a-year business which is now done by the Cubans paying cash before they can receive the goods, before the goods leave our ports. This was done in the prior administration because, in fact, the Cuban Government was not exactly playing it as it was supposed to. The shipments would get to Cuba and then payment would not be there when the goods arrived, but maybe 30 days later, maybe 60 days

later, and it was all of a sudden creating a problem. So we fixed the problem, and American farmers are protected. They get to sell their goods to Cuba—and $780 million is not an insignificant amount of sales—they get paid in cash, and they get paid before the goods leave the port. That makes a lot of sense for America. It may not make a lot of sense for Cuba because it is an inconvenience. But I don't think we should be making policy to the convenience of a brutal, dictatorial regime so close to our shores and which is a hostile and avowed enemy of the United States.

But what happened today in the news that is of interest? Well, several things. Let's see, how do we begin. There has been great hope that there will be change in Cuba because Raul Castro is now in charge. I remember as a child always hearing that Raul Castro was the enforcer; that Fidel was the nice guy and Raul was the tough guy. Raul Castro is credited with over 500 deaths under his supervision in the first months of the revolution. In addition to that, he is the head of the armed forces—the armed forces where an Air Force plane was directed by him and authorized by him to shoot down civilian airplanes in the Florida straits, killing three Americans and an American resident. That was done to an unarmed civilian aircraft.

So there is great hope that this guy is going to be somehow an agent of change, is going to be an agent of pragmatism, and is going to be someone who is less ideological. I remember hearing all the time how the real ideologues were Raul Castro and Ernesto Guevara. Those were the two ideologues. They were the real Communists. It was Raul Castro who first went to the Soviet Union and made deals with them about beginning this arms buildup that led to the missile crisis that put the world in peril.

So now we are talking about the future of Cuba. So he has had a shakeup. He has really had a military coup. If it was anyone else other than a romantic revolutionary in Cuba, the U.S. press would be talking about this as, in fact, a military coup, which is really what has happened. He has tightened the circles.

There is an article today by the AP which talks about the closing of the ranks. The fact is that the only rays of hope, the only people under 75 years of age in any position of significant leadership—Carlos Lage and Felipe Perez Roque have both been ousted. Worse than that, now Fidel Castro has said they were undignified, or some other term such as that, which means they have now fallen into disgrace, never to be heard from again, and they are not going to be the future leaders. Many people thought Carlos Lage was the logical next successor. Nobody really knows who will be leading Cuba in the future. But much like the sclerotic Soviet Union leadership of the time before Gorbachev where they were passing around the titular head of government from one 80-year-old to another, the Cubans are doing the very same thing. It is the same old guard. Ramiro Valdes, an enforcer, a tough guy, a hard-liner, no-nonsense, ''kill them first, ask questions later''—that is who is really the effective No. 2 to Raul Castro today. So there is no real hope of change with this bunch in charge.

Here is the other thing that is of significance and importance to our U.S. interests. This is not about the interests of the Cuban Government: If we buy agricultural products from you, then you become a lobbyist for us and you advance our agenda, and at the top of that agenda is we don't want to have to pay cash when we pick up the goods. We want credit. We want the goods to be paid for when they get to Cuba, in our own sweet time, which is really nothing more than another way of eroding the trade sanctions we have with Cuba.

So there is another article today in the Miami Herald talking about Cuban influence in Venezuela spreading. Now, we know Hugo Chavez is not a friend of the United States. We also should remember that for almost 50 years now, Fidel and Raul Castro and their band of collaborators have not been friends of the United States. They, in fact, have been avowed enemies of the United States and continue to be at every international forum, at every place where they can be heard.

So this story today in the Miami Herald tells us that some 40,000 Cubans are now working in Venezuela, and of course Cuba receives 90,000 to 130,000 barrels of oil a day as a subsidy to continue their work and their repression of the Cuban people and the terrible living conditions they are in. So they are in public education, which is a way of controlling minds and hearts.

I remember how the first Ministry that went to an avowed Communist after Defense was Education. Armando Hart became the head of Cuba's Education Ministry back in the early 1960s. It is a way of controlling what people are reading, what people are studying, because education is subverted for political propaganda purposes to wash the minds of young people. Now, this sounds all Cold War-ish and it sounds like crazy stuff, but it is going on today.

So with Cuba's help, in addition to that, sources within the Venezuelan military say that Cuban military experts control several security circles that protect President Hugo Chavez. He doesn't trust his Venezuelans. He has to have his Cuban thugs there to keep him alive and protect him. They have penetrated strategic areas of the armed forces and the central government, including the situation room and Venezuela's Presidential palace. So they run his security, they run his situation room, the equivalent of our White House, and Cuban advisers play a critical role.

Now, why is that important? Well, it is important because it shows the linkage, the alliance, the partnership, the working together of Venezuela and Cuba to try to spread their brand of anti-Americanism and socialism throughout Latin America where they are having, frankly, significant success with Venezuela's oil wealth and with Cuba's know-how of the security apparatus and control.

That is all working very well for them because, see, here is the next news item in that same article in the Miami Herald. It also mentions that an additional area where the Cubans are providing their dark expertise is in that of policing. They are working as advisers to the police forces throughout the country, and Cuban advisers will play a critical role. It won't be long before we will be seeing the Committees for the Defense of the Revolution coming to a neighborhood near you in Venezuela. That is unfortunate, and that is bad for the Venezuelan people.

But here is now another thing not in the policy interests of the United States, another headline: This morning, Chavez orders expropriation of Cargill's rice plant. Another Miami Herald story. Well, the last I knew, Cargill is an American company. The last I knew, American investors invested their good money and have processing plants in a company based in Minneapolis, MN, and they operate in Venezuela. They invested in good faith. In good faith, they attempted to provide a service to the Venezuelan industry and commerce. So now we find out it is a purposeful, continuing attempt to expropriate, without appropriate compensation, American properties.

We go full circle. This is how the Cuban trade sanctions began under the Eisenhower administration—it almost sounds comical now. The fact is that it began because of Cuba's expropriations of American property in Cuba without proper compensation and in violation of every international law and rule in existence. So today we find that, in partnership, the Cubans and Venezuelans are once again continuing this advance of anti-Americanism, of expropriation of American properties, of taking out each and every one.

I believe this article details that Empresas Polar, another private enterprise, is no longer going to be private because the government is taking it over. Over the past year, Chavez has nationalized Venezuela's largest telephone, electric, and cement companies. His government is also negotiating compensation for a takeover of the country's biggest steelmaker, Sidor. So, as we can see, it is a pattern of government control. From the police forces that are being trained now by the Cubans—have been, really—to the security apparatus around President-for-life Hugo Chavez, to everything else that goes on around them, we find that the Cuban presence is there and is continuing and is ever-present.

So at a time when all of this is taking place, at a time when just today

these three articles are in our news media—this is just today, by the way. There are things such as this every day about what is going on in Latin America right under our noses. So on this very day, when these three news articles—we are probably going to take a vote tonight where we are going to pass a spending bill that contains provisions dealing with foreign policy issues that have not been through hearings, that have not had the consultation and input of the executive branch, and we will just go headlong into that. This is not to mention, by the way, the 9,000 earmarks—some of which are very questionable and some of which are by a company under Federal investigation as we speak—and a tremendous amount of spending that completely violates what the President said would be the change and the hope that the American people had, that there would be a new day, that we would be looking at every line in the budget and we would be looking at all the spending with a fine-tooth comb, and, by golly, there will not be earmarks because I will stop earmarks. I remember the President saying that. I wish today he would stand up and live up to those campaign promises.

It is a very lame excuse to say that this is last year's business. This is happening on a Democratic majority watch in both Houses of the Congress. This is happening on the watch of a President who promised differently during his campaign. So whether it be because of what is in this bill as it relates to spending or whether it is by the overreach of seeking to dictate foreign policy in a very misguided and mishandled way, where, frankly it isn't really clear where we are left if the provisions in this bill are passed as to how the U.S. Government will enforce its regulations that are now being disbanded.

It is making a real mess and mockery of the process. For a lot of those reasons, I hope my colleagues on both sides of the aisle will consider whether it is wise to support this bill, whether it is, in fact, a good idea or whether we should be looking at ways in which we can allow reason to prevail and put the best interests of the United States first, not the best interests of the agricultural import Cuban company that forces those whom they buy product from to sign a memorandum of understanding, where they agree to lobby on behalf of Cuba's agenda. One of the top items of that agenda is this issue of not having to pay cash as the goods leave the port.

I know the chair worries about the rice farmers in Arkansas. It is great they can sell rice in Cuba. Rice to Cubans is like potatoes to the Irish. We love to eat rice with every meal. It is great that Arkansas is selling rice to Cuba. Isn't it great also that those rice growers from Arkansas are getting paid for it? The last thing we need in these economic times is to provide credit to a country that is uncreditworthy. They have the worst credit in the world, save one other country. I would like to know what is that country. Out of every country in the world, only one country has worse credit than Cuba. So to the second worst credit country, we are going to give them credit as they purchase food rather than simply allow the current business to continue; $780 billion is not a bad piece of business.

It is going great. It ain't broke. Don't fix it. This bill seeks to fix that and more in a misguided and wrong way, which I know is not in the best interest of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise in support of the Fiscal Year 2009 Omnibus Appropriations Act.

Before I begin, I want to commend Chairman INOUYE for his leadership in bringing this bill forward. Over the course of this grueling week of debate, he has done his best to ensure that this process has been civil, open, and transparent. In doing so, he has protected the authority and responsibility of the Congress to shape the funding priorities of this country.

I would be remiss if 1 did not recognize the work of Senator BYRD, who laid the groundwork in the Appropriations Committee last year, winning bipartisan support for nearly all of the bills that comprise this legislation.

Finally, I wish to acknowledge the work of all of the subcommittee chairs, but in particular, Senator MIKULSKI, for her support in helping address the needs of New England's lobster and groundfish harvesters who continue to be severely impacted by Federal regulations and catch restrictions and face the prospect of losing not only their livelihoods but a way of life. Because she has been such an effective advocate for the watermen of Chesapeake Bay, she has recognized, perhaps more than anyone outside New England, the economic and cultural importance of our fishing communities, as well as the strain they are under.

Mr. President, setting aside the fact that we must pass a bill now in order to avoid a Government shutdown, the fact is this is the right bill for us to pass.

It will, as I indicate, avoid disruption of essential services to the Nation at a time when the American people demand and need the support of a functioning Government.

This legislation complements the American Recovery and Reinvestment Act by funding additional programs that will save and create thousands of jobs. It includes continued investments in transit, highway, and water infrastructure. These kinds of investments are sorely needed throughout the country. In Rhode Island, trucks and other large vehicles must be diverted from a key stretch of the interstate because of concerns about its structural integrity. This is a disruption in commerce that Rhode Island and the region can ill-afford. This package includes funding to help speed the repairs at this important stretch of highway.

The bill will also ensure we are investing in the institutions that are responsible for protecting the public interest, but have fallen down on the job. Indeed, over the course of this decade, we have witnessed the unraveling of essential regulatory agencies, from the Consumer Product Safety Commission to the Food and Drug Administration, often with alarming results. Certainly, the failure to provide adequate resources for these agencies has been a major contributor to their failures. With the supplemental appropriations bill passed last year and continuing with this legislation, we have begun to reverse the effects of years of chronic underfunding. Senator DURBIN, in response to the concerns that Senator DODD, and I raised with respect to funding for the Securities and Exchange Commission, SEC, worked to increase funding for the Commission in this bill. The additional $37 million provided here will give the SEC resources to aggressively investigate and prosecute fraud that cost taxpayers and investors billions of dollars. Coupled with systemic reform within the Commission, this funding will help restore investor confidence and integrity to our markets.

Thanks to the efforts of Senator HARKIN, this legislation also continues to invest in our most valuable national resource—our people. As the successor to the late Claiborne Pell, I am gratified that this omnibus bill substantially increases funding for the grant bears his name. This legislation, together with the funding provided in the economic recovery package, will help boost the maximum Pell grant by $619 to $5,350 in fiscal year 2009. It is worth noting how far we have come. Just 2 years ago, the maximum Pell grant was stuck at $4,050—the same level it had been funded at over the previous 4 years.

To supplement Pell grant and other higher education assistance, this legislation maintains funding for the Leveraging Educational Assistance Partnership, leveraging additional need-based grant aid and support services for our neediest students and families. It also boosts funding for the teacher quality enhancement grants by $17 million to improve college teacher preparation programs and ensure that every classroom in America has a high-quality teacher.

The bill increases funding for the state library program under the Library Services and Technology Act to $171.5 million. I have long advocated for this funding level because it is the amount necessary to reach a key goal included in the 2003 reauthorization of the Museum and Library Services Act that I authored to double the minimum State allotment. This additional funding will help libraries respond to the

demand for free access to all types of information and digital and online service. With the economic crisis we are suffering through, libraries have become critical centers for guidance and career services for unemployed workers as they search for jobs, and families as they search for the diversion that a public library can provide in very difficult economic times.

The bill increases funding for the National Institutes of Health by almost $1 billion, which will fund 10,600 new research grants. I strongly supported the historic doubling of NIH funding between 1998 and 2003. Regrettably, since 2003, our investment in science has eroded. As a result, only 24 percent of research projects are currently funded, compared to 32 percent in 1999. I am glad that with the economic recovery bill and this bill, we will reverse that trend and invest in lifesaving research that will result in cures and treatments for debilitating diseases.

The bill increases funding for community health centers by $125 million, which will provide access to an additional 470,000 uninsured Americans. In my State, this program just awarded a grant to a health clinic that was on the verge of shutting its doors. The funding is a lifeline that saved 25 jobs, and could create another 22 jobs within the next 18 months. More important, the center will provide primary health care, mental health counseling, and dental care to those who have lost their jobs, and with them their health insurance, during this economic crisis. This will keep people healthy and reduce health care costs in the future.

The bill increases support for health care workforce programs, which is critical to increase access to primary care and to address the nursing shortage that our country faces.

Lastly, the bill increases funding for immunizations by $30 million, which will provide vaccinations to an additional 15,000 children. Immunizations are one of the most cost-effective ways to improve health and an important component in transforming our health care system to prevent sickness, and not just treat it.

Mr. President, for all of these reasons and more this bill makes the right investments in our country and I urge its passage.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Madam President, I wish to discuss the DC voucher program, officially the DC Opportunity Scholarship Program. This is a program that was established in 2004 to provide low-income families with scholarships to attend private schools in the District of Columbia.

The legislation we are debating, unfortunately, makes it harder for that program to continue. The fiscal year 2009 omnibus legislation includes language that would end the scholarship program in September 2010, and it says we could not continue it by appropriation, which is unusual. It would also add the requirement that the DC City Council would have to approve whatever we did.

That is a very unwise situation, I believe. The U.S. Secretary of Education, Arne Duncan, said yesterday that poor children getting vouchers to attend private schools in the District of Columbia should be allowed to stay there. He said that to the Associated Press. I am reading from that article where it says that Secretary Duncan opposes vouchers. But he says essentially that Washington is a special case, and kids already in private schools on the public dime should be allowed to continue.

To quote him directly, he said that ''I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning. . . . I think those kids need to stay in their school.''

I think Secretary Duncan is right. I also think—and I said this at his hearing—that Secretary Duncan is the best of the distinguished appointments President Obama has made. He can be a real help to the children in this country. I look forward to working with him.

I am an original cosponsor of an amendment that Senators ENSIGN, LIEBERMAN, GREGG, VOINOVICH, KYL, DEMINT, BROWNBACK, and CORNYN have introduced that would solve this problem, that would remove the language from the omnibus bill that would make it harder for the DC Voucher Program to continue.

I think we should also take note that DC Mayor Adrian Fenty and Chancellor Michelle Rhee, both of whom are acting courageously to try to improve the schools in the District, favor keeping the program.

The Washington Post, the Chicago Tribune, the Wall Street Journal editorial pages have all voiced support of this program since this omnibus language was introduced in the House. The DC program is being singled out.

I understand this may cause some problem with some House Members who would rather see us not amend the bill that came to us, but that is our job. This is the Senate. That is the House of Representatives. If, in a great big bill that spends $410 billion, we see some things that need to be improved, we ought to have a chance to improve them. In this case, there is broad agreement with the President's Education Secretary and many others that the DC kids need this and deserve this. There are 1,700 children currently attending private schools in DC using these opportunity scholarships of up to $7,500 a year.

I make this point to call attention to the DC voucher program and the importance of making certain we have a chance to amend the omnibus bill—the bill before us—so we do not make it harder for the DC voucher program to continue. If that means we have to go on into next week in order to have a sufficient number of amendments, then we should do that.

I appreciate the fact that the majority leader has adopted this year, as he should, the practice that the Senate is a place that is distinguished primarily by virtually unlimited debate and virtually unlimited amendments and then we vote. So a premature conclusion to this bill before we have a chance to improve it, such as keeping the DC voucher program, I think would be unwise.

Madam President, I ask unanimous consent to have printed in the RECORD the Associated Press article, the Washington Post editorial, the Chicago Tribune editorial, and the Wall Street Journal editorial.

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

US SCHOOLS CHIEF WANTS DC KIDS TO KEEP VOUCHERS

(By Libby Quaid)

WASHINGTON.—Education Secretary Arne Duncan said Wednesday that poor children getting vouchers to attend private schools in the District of Columbia should be allowed to stay there even as congressional Democrats work to end the program.

His remarks, in an interview with The Associated Press, put the Obama administration at odds with Democrats who oppose the program because it spends public dollars on private schools.

Duncan opposes vouchers. But he said Washington is a special case, and kids already in private schools on the public dime should be allowed to continue.

''I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning,'' Duncan told said. ''I think those kids need to stay in their school.''

Democrats in Congress have written a spending bill that would effectively end the program after next year. The bill says Congress and the city council would have to OK more money, which is unlikely.

A vote is expected later this week.

Lawmakers, in a statement accompanying the bill, said no new children should be enrolled in the program. And they said D.C. schools chancellor Michelle Rhee should take steps to minimize any disruption for kids as they transition back into public schools.

The issue of vouchers exposes a deep fissure between Republicans, who support them, and Democrats, who oppose them.

Republicans insist that parents deserve a choice if their kids are in failing schools, saying vouchers create competition that puts pressure on public schools to do better.

Democrats say it is impossible to expect public schools to do better while precious public dollars are being siphoned away to private schools.

''I don't think vouchers ultimately are the answer,'' Duncan said. ''We need to be more ambitious. The goal shouldn't be to save a handful of children. The goal should be to dramatically change the opportunity structure for entire neighborhoods of kids.''

The voucher program in Washington has been an exception in the debate over vouchers. Because of the sorry state of public

schools in the nation's capitol, some Democrats were willing to allow it in 2003 when a Republican-led Congress created the voucher program.

And while big-city school superintendents generally oppose vouchers, Rhee, the schools chancellor, has said she is open to the District's voucher program.

''I don't think vouchers are going to solve all the ills of public education, but parents who are zoned to schools that are failing kids should have options to do better by their kids,'' Rhee told The New York Times recently.

The D.C. program gives scholarships to about 1,700 poor kids so they can attend private schools.

It is the only federal voucher program in the country. Other cities and states have similar programs—vouchers are available in Milwaukee, Cleveland, Florida, Utah, Arizona and Georgia—but they are paid for with local tax dollars.

Several states offer tax credits to help pay for private school, but those are also local and not federal programs.

Obama sent mixed messages on vouchers during his presidential campaign. He told the Milwaukee Journal Sentinel in February 2008 that he was open to vouchers if research showed they work. But his campaign swiftly backtracked, issuing a statement saying Obama had always been a critic of vouchers.

Supporters of the District's voucher program are quick to point out that Obama's daughters attend a private school in Washington, Sidwell Friends School, that also has students whose tuition is paid through the voucher program.

When asked about Duncan's remarks, Sen. Lamar Alexander, R–Tenn., said the education secretary was ''exactly right.''

''Senators should listen to him by voting this week to continue funding vouchers for DC schoolchildren,'' Alexander said.

[From The Washington Post, Mar. 2, 2009].

'POTENTIAL' DISRUPTION?

ENDING D.C. SCHOOL VOUCHERS WOULD DASH THE BEST HOPES OF HUNDREDS OF CHILDREN

Rep. David R. Obey (Wis.) and other congressional Democrats should spare us their phony concern about the children participating in the District's school voucher program. If they cared for the future of these students, they wouldn't be so quick as to try to kill the program that affords low-income, minority children a chance at a better education. Their refusal to even give the program a fair hearing makes it critical that D.C. Mayor Adrian M. Fenty (D) seek help from voucher supporters in the Senate and, if need be, President Obama.

Last week, the Democrat-controlled House passed a spending bill that spells the end, after the 2009–10 school year, of the federally funded program that enables poor students to attend private schools with scholarships of up to $7,500. A statement signed by Mr. Obey as Appropriations Committee chairman that accompanied the $410 billion spending package directs D.C. Schools Chancellor Michelle A. Rhee to ''promptly take steps to minimize potential disruption and ensure smooth transition'' for students forced back into the public schools.

We would like Mr. Obey and his colleagues to talk about possible ''disruption'' with Deborah Parker, mother of two children who attend Sidwell Friends School because of the D.C. Opportunity Scholarship Program. ''The mere thought of returning to public school frightens me,'' Ms. Parker told us as she related the opportunities—such as a trip to China for her son—made possible by the program. Tell her, as critics claim, that vouchers don't work, and she'll list her children's improved test scores, feeling of safety and improved motivation.

But the debate unfolding on Capitol Hill isn't about facts. It's about politics and the stranglehold the teachers unions have on the Democratic Party. Why else has so much time and effort gone into trying to kill off what, in the grand scheme of government spending, is a tiny program? Why wouldn't Congress want to get the results of a carefully calibrated scientific study before pulling the plug on a program that has proved to be enormously popular? Could the real fear be that school vouchers might actually be shown to be effective in leveling the academic playing field?

This week, the Senate takes up the omnibus spending bill, and we hope that, with the help of supporters such as Sen. Joseph I. Lieberman (I–Conn.), the program gets the reprieve it deserves. If it doesn't, someone needs to tell Ms. Parker why a bunch of elected officials who can send their children to any school they choose are taking that option from her.

[From the Chicago Tribune, Mar. 3, 2009]

A VOTE FOR IGNORANCE

''If there was any argument for vouchers, it was, 'Let's see if it works.' And if it does, whatever my preconception, you do what's best for kids.''—Barack Obama, Feb. 13, 2008.

There's a novel concept—approaching education policy with the paramount goal of helping students rather than, say, teachers unions or school bureaucracies. So novel, in fact, that within days of making that statement, Obama thought better of it. ''Senator Obama has always been a critic of vouchers,'' his campaign declared.

Now Democrats in Congress are lining up to oppose this alternative rather than waiting to see if it works. In the giant spending bill passed last week by the House, they cut off money for the only federally financed voucher program in the U.S.

It's in Washington, D.C., which has among the worst schools in America. A 2007 report found that fewer than half of the capital's grade-school pupils are proficient in reading or math—and results are worse in higher grades.

In 2004, Congress financed a pilot program to give some 1,900 children vouchers to attend private schools.

It's a modest undertaking, providing just $7,500 per child—less than a third of what the District of Columbia spends per pupil in public schools. It only begins to satisfy the demand for educational alternatives, since more than 7,000 kids applied for the vouchers. Ninety-nine percent of the recipients, by the way, are black or Hispanic, with an average family income of less than $23,000.

But vouchers are anathema to many in the Democratic Party because teachers unions feel threatened by the prospect of more children going to non-union private schools. So this bill says there will be no more money for the program after this year and directs the head of D.C.'s public schools to ''promptly take steps to minimize potential disruption and ensure smooth transition'' for kids who will be forced back into schools their parents found wanting.

Democrats to kids: Tough luck.

What's the hurry here? This experiment has yet to run its course, with only two years' worth of data assessed so far. Patrick Wolf, a University of Arkansas professor who is leading the assessment, found that children who got vouchers have performed no better than those who were turned down. But he says there have been ''large positive effects'' on their parents'' satisfaction.

And there are reasons for hope. Of the 10 studies of existing voucher systems, says Wolf, nine found significant academic improvements.

President Obama doesn't need to be told about the deficiencies of Washington's public schools: He rejected them in favor of a private school for his daughters.

Ask how many members of Congress send their children to public schools in D.C.

They are pushing through legislation that is grossly unfair fashion toward 1,900 children and their parents who don't have the luxury of paying for private schools.

We need more information about the effects of school vouchers. Should Democrats in Congress have their way, we won't get it.

If they want to end the experiment at such an early stage, it's not because they think it's failing, but because they fear it's working.

[From the Wall Street Journal, Mar. 3, 2009]

WILL OBAMA STAND UP FOR THESE KIDS?

Dick Durbin has a nasty surprise for two of Sasha and Malia Obama's new schoolmates. And it puts the president in an awkward position.

The children are Sarah and James Parker. Like the Obama girls, Sarah and James attend the Sidwell Friends School in our nation's capital. Unlike the Obama girls, they could not afford the school without the $7,500 voucher they receive from the D.C. Opportunity Scholarship program. Unfortunately, a spending bill the Senate takes up this week includes a poison pill that would kill this program—and with it perhaps the Parker children's hopes for a Sidwell diploma.

Known as the ''Durbin language'' after the Illinois Democrat who came up with it last year, the provision mandates that the scholarship program ends after the next school year unless Congress reauthorizes it and the District of Columbia approves. The beauty of this language is that it allows opponents to kill the program simply by doing nothing. Just the sort of sneaky maneuver that's so handy when you don't want inner-city moms and dads to catch on that you are cutting one of their lifelines.

Deborah Parker says such a move would be devastating for her kids. ''I once took Sarah to Roosevelt High School to see its metal detectors and security guards,'' she says. ''I wanted to scare her into appreciation for what she has at Sidwell.'' It's not just safety, either. According to the latest test scores, fewer than half of Roosevelt's students are proficient in reading or math.

That's the reality that the Parkers and 1,700 other low-income students face if Sen. Durbin and his allies get their way. And it points to 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.

This double standard is largely unchallenged by either the teachers' unions or the press corps. For the teachers' unions, it's a fairly cold-blooded calculation. They're willing to look the other way at lawmakers who chose private or parochial schools for their own kids—so long as these lawmakers vote in ways that keep the union grip on the public schools intact and an escape hatch like vouchers bolted.

As for the press, complaints tend to be limited to the odd column or editorial. That's one reason it was so startling back in 2000 when Time magazine's Tamala Edwards, during a live televised debate at Harlem's Apollo Theater, asked Al Gore about the propriety of sending his own son to private school while opposing any effort to extend the same choice to African-Americans without his financial wherewithal. As CNN's Jeff

Greenfield would note later in the same debate, Mr. Gore ''bristled'' when Ms. Edward's put the question to him.

Virginia Walden-Ford, executive director of D.C. Parents for School Choice, wouldn't mind making a few more politicians bristle. ''I'd like to see a reporter stand up at one of those nationally televised press conferences and ask President Obama what he thinks about what his own party is doing to keep two innocent kids from attending the same school where he sends his?''

As for Sidwell, the school has welcomed the Opportunity Scholarship program. Though headmaster Bruce Stewart declines to get into either politics or the Obamas, he says that a program that gives parents more educational options for their children is not only good for their kids, it's good for the community. Plainly he's not doing it for the money: Even the full D.C. voucher covers only a small fraction of Sidwell's actual costs.

All of which leaves the First Parent with a decision to make: Will he stand up for those like his own children's schoolmates—or stand in front of the Sidwell door with Mr. Durbin? It's hard to imagine white congressional Democrats going up against him if he called them out on an issue where they have put him in this embarrassing position. This, after all, is a man who has written of the ''anger'' he felt as a community organizer, when his attempts to improve things for Chicago school kids ran up against an ''uncomfortable fact.''

''The biggest source of resistance [to reform],'' he said, ''was rarely talked about ... namely, the uncomfortable fact that every one of our churches was filled with teachers, principals, and district superintendents. Few of these educators sent their own children to public schools; they knew too much for that. But they would defend the status quo with the same skill and vigor as their white counterparts of two decades before.''

Let's just say that Sarah and James Parker—and thousands just like them—could use some of that same Obama anger right about now.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, the Senator from Tennessee is a friend of mine. He has served as Secretary of Education, we talk about education issues, and we share a common admiration for the new Secretary of Education. But I would like to correct, while he is still on the floor, a few of the things he said.

Five years ago, the Bush administration said, for the first time in the history of America, we will create a federally funded voucher program. Here is what it says: Federal taxpayers' dollars will be given to parents of students in the District of Columbia—Washington, DC—who want to put their kids in private schools. The Federal Government will pay a certain amount of money in tuition vouchers to those schools on behalf of the students and their parents.

It was a 5-year experiment, and there was a lot of controversy associated with it. Some of us were skeptical. I offered three amendments to this DC voucher program. The first amendment I offered in the Appropriations Committee said that all the teachers in the voucher schools—the private voucher schools—have to have a college degree. The amendment was defeated. It was defeated because those pushing for voucher schools said that is going to stop creativity, it is going to confine these schools, and we should let them do what they are going to do.

I didn't buy that because, frankly, we impose those standards on public schools across America, but my amendment was defeated.

Now, the second amendment I offered said the DC voucher schools—the buildings themselves—had to pass the fire safety code of the District of Columbia for teaching children. All right? The amendment was defeated. Those pushing the voucher program said: You know, you don't get it. This is about a creative approach to education. It may not be the traditional classroom setting. We defeat your amendment.

The third amendment said: Well, in fairness, if the argument is that voucher schools are better than DC public schools, there ought to be a common standard to judge them. So my amendment said they shall take the same achievement test—the voucher school students and the public school students—so we can then compare apples to apples. My amendment was defeated, and the argument was voucher schools have to be allowed this creativity to think anew and to try different things. I don't buy it.

So I started with real skepticism and I voted against this program. Now, in the ensuing time—the 4 or 5 years—1,700 students have received Federal subsidies to go to private schools. It is the only place in America I know where that is happening. The idea, of course, was that at the end of this experimental authorization period, we would try to step back and ask: Was this a good idea? Was it good for the kids, good for the families, good for the District of Columbia, and our Nation?

That was the idea behind it. This law creating these DC voucher schools was to expire this year in June. Now, my committee funds the District of Columbia, the Federal funds that go into it, and so we said: You know, that may be too abrupt. It may not be fair. So what we will do is we will extend through the 2009–2010 school year the DC voucher schools, but somebody has to step back and take a look at this and ask: Is it working?

When the Government Accountability Office went to take a look at it, they said that some of these schools are world class—these voucher schools—and some of them end up being classes taught in the basement of a private church in the District of Columbia by people who don't have the competence to teach.

Now, the Senator from Tennessee doesn't want that to happen in his State, and I don't want it to happen in my State, and I certainly don't think it should happen here on our watch. So I extended this program 1 year, and it is in the hands of Senator JOE LIEBERMAN. Senator LIEBERMAN is the chairman of the Committee on Homeland Security and Governmental Affairs. He gave his personal assurance to the Members of the Senate that there will be a hearing and an attempt to markup reauthorization of this program. That is the orderly process, it is the sensible process, and at the end of the day we are going to learn a lot about the voucher schools and how they are doing.

Now, in the meantime—and I know the Senator from Tennessee knows this—I would say we have a new school chancellor in the District of Columbia who is trying her very best to bring reform to public education. I know some of her proposals are controversial, but I think she is on the right track to bring in quality teachers and a quality learning environment in the public schools. So let us look at this thing in the perspective of an experiment for 5 years, that was extended 1 year by this bill, that we can take an honest look at and ask: Did it work?

Put aside for a moment whether you agree the Federal Government ought to put money into the hands of families to send kids to private schools and ask the basic question: Did it work? Are the students better off? Are they learning more? That is a legitimate question, and I want to know the answer, and I will bet the Senator does too. In the meantime, we should provide an environment for the public schools in the District of Columbia to have real reform, and that involves some money, I am sure, but it ought to be money we invest wisely as we invest in the voucher schools. There have been a few articles that have been inaccurate about the DC voucher program, and I wished to present my point of view on that program while the Senator from Tennessee is still here. I wish to move to another topic, unless he wants to address a question, which I would be happy to entertain.

Mr. ALEXANDER. I thank the Senator from Illinois, and I look forward to working with him on helping the District of Columbia, including the mayor and the superintendent in the District who would like for this to continue.

The question I have is: Why is it necessary for this legislation to insist that the program end in September of 2010 and that we add the provision the city council would have to approve it if it is continued by the Congress?

Usually, when we have education programs whose authorization runs out, we continue them for a while as we go through the analysis the Senator talked about, such as the Higher Education Act which took us 6 years or the Head Start Act which took us 3 or 4 years or No Child Left Behind or so many others. Why is it necessary that we even address the ending of this program in this legislation?

Mr. DURBIN. I might say, in response to the Senator from Tennessee, that is a legitimate question. When the law was written, that is what it said: This program will expire. The authorization will end. I have extended it in

this bill an additional year so we can take the time not to push the kids out of the classrooms and take the time to make the judgment whether it is working.

One of your colleagues, whom you vote with frequently and who sits behind you, from Oklahoma, who has this passion about authorizations, he says: You know, you do an authorization bill, and you are talking about spending money. I don't happen to agree with him. I think it takes an appropriation in addition to an authorization. But if an authorization has any meaning, particularly when dealing with a new venture, in terms of Federal taxpayer dollars going to private schools, I think we owe it to everybody—the taxpayers as well as the parents, teachers, and kids—to ask the hard questions.

If the GAO comes in and tells us someone somewhere in the District of Columbia has created what they call a voucher school so that their wife can declare herself principal and their daughter can declare herself a teacher and the kids can sit in a building which doesn't have a fire exit, I am a little worried about that. I don't think we ought to go on with business as usual in that situation, and I would like to at least have an honest appraisal.

I would say to the Senator from Tennessee, it is my impression Senator LIEBERMAN of Connecticut is leaning toward the voucher school program, so he doesn't come to this with prejudice against it. I would not presume that is his ultimate position, but I think he will be an honest broker. He will bring all the facts out. I think that is why we are here, and I think it is a legitimate exercise of our responsibilities.

Mr. ALEXANDER. I thank the Senator from Illinois, and would only note that Senator LIEBERMAN is a cosponsor of the amendment we would like to have a chance to vote on.

AMENDMENT NO. 607

Mr. DURBIN. Madam President, there is an amendment pending—and it is an amendment offered by Senator WICKER of Mississippi—which is one of those red-hot amendments that gets people riled up around here because it deals with a controversial issue, and that is the issue of abortion.

Of course, many of us have stated our positions on the record time and again, but this comes down to a specific element here. What Senator WICKER does is to strike the language in the bill that permits funding of the U.N. Population Fund for six limited purposes. He has stated that his reason for doing so is to make certain we don't put money into China, where there is evidence of coercive abortion and involuntary sterilization; and he certainly says he doesn't want Federal funds to be spent for the promotion of abortion anywhere in the world.

I would say there are two elements of the bill which I would recommend to all Members before they vote on the Wicker amendment, which I hope they will oppose. Page 763 of the bill—it is a big one, but I will point you to the specific page, 763—says:

> . . . none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization:

A flatout prohibition. It is already there. Then when it comes to the issue of China, which has been the centerpiece of this debate about coercive abortions and involuntary sterilization, there is a long section—page 929—which I will refer my colleagues to. The net result is this. It says in the first paragraph:

> Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

So we ask the Secretary of State to go to New York and find out how much money is going to China, where we suspect coercive abortion and involuntary sterilization. The second paragraph says we will then deduct that amount of funds from any money that goes to the United Nations for family planning.

So it is specific, and we are specific in terms of these practices. We can't spend any money for these practices; and, secondly, no money to the People's Republic of China which is not set off by a reduction in the Federal investment.

Now, let me tell you why this amendment not only ignores the clear language of the bill but should not be passed. There are six limited purposes for which we are trying to use the U.N. Population Fund, and they are, among other things, to reduce genital mutilation and obstetric fistula and to provide voluntary family planning and basic health care to women and girls.

It has been my opportunity and honor to visit Africa. In one of those visits, with Senator BROWNBACK of Kansas, we went to the Democratic Republic of Congo, which doesn't get the publicity of many places in Africa, but it has been one of the killing fields. There have been thousands—maybe hundreds of thousands—of people killed in this region. It has been torn back and forth since the Rwandan genocide, with the exploitation of minerals. The net result has been the poorest people on Earth, smack dab in the center of Africa, have been pushed out of their villages and into refugee camps, and they have been victimized by guerilla soldiers.

Well, I went to a hospital in Goma, which is in the Democratic Republic of Congo. It is one of those places where you think if God has a bad day, the first thing he does is look at Goma because they have had it all—poverty, disease, all the strife of guerrillas and all the war that revolves around them and, to put the icing on the cake, a volcano which erupts with regularity. These poor folks get it in every direction. But there in Goma was a hospital called DOCS hospital. DOCS hospital is sustained and financed by protestant churches in the United States. It has a modern surgical suite, paid for by the United Nations.

When you go to this hospital, you see women lined up in a row, hanging onto their meager belongings, waiting for the chance to be admitted to the hospital. Why? Because this is the only place within hundreds of miles where they can go for surgical treatment of what is known as obstetric fistula. Obstetric fistula—I will try to describe it; not being a doctor—is the result of early pregnancies, long labors of young girls, rape, terrible mutilation that occurs and causes serious problems for these women. They become incontinent, they are unable to join their families, they are shunned by their villages. This is their only hope. They come to this hospital and they wait. They sit in the dust in the road hoping—and it is sometimes weeks later—to be seen by a doctor. They cook outside and help one another, and then they may go through a surgery. At the end of the surgery, they end up two to a bed trying to recuperate. Some of them, because they are so badly mutilated, have to go through multiple surgeries and wait month after weary month while a handful of surgeons and nurses do heroic jobs in trying to put their lives back together.

Is that worth putting some money into? Is it? Is it worth saying to the U.N. Population Fund: Can you help these people? Can you bring in some doctors, some surgeons to treat them? They are victims, helpless victims, who are trying to put their lives back together. I think it is money well spent.

I have a friend of mine named Molly Melching. Molly Melching is in Senegal. She was in the Peace Corps there, and after her service in the Peace Corps she decided to stay on. She has created an organization called Tostan. Tostan is trying to stop the ritualistic genital mutilation of girls. It is horrible, and it is dangerous. Village by village, tribe by tribe, Molly is making progress, and I think that is the right thing to do, for the dignity of these young girls and for the role of women in these African societies. Is it worth money from the United Nations Population Fund? I think it is.

And voluntary family planning, we have ascribed to that particular goal in America, that women should have a choice to plan their families with their spouse and with their conscience. I think the same thing, short of abortion, should be available through the United Nations Population Fund. Unfortunately, the Wicker amendment strikes the language which permits funding for those purposes. It is not right.

We know you cannot spend the money here for coercive abortion, we

know you cannot spend the money here for involuntary sterilization, we know if you spend the money in China we are going to take it away from the United Nations.

This amendment goes too far. I urge my colleagues, particularly those who are of a persuasion that opposes abortion and believe they should oppose it in every circumstance, give women in the poorest countries on Earth the option of voluntary family planning. Do something for these poor women who have been victimized by rape and war, and these young pregnancies that unfortunately cause so much damage to their bodies. Give them a chance to put their lives back together. Also, when it comes to genital mutilation, the United Nations should be in the forefront of promoting modern treatment of women and not leave ourselves in the distant dark past of these tribal customs. I am sure Senator WICKER does not intend for this to happen, but I am afraid that is the result of it.

I urge my colleagues to oppose the Wicker amendment.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent that a vote with respect to amendment No. 607, as modified, occur at 12:10—that is the Wicker amendment; that there be 45 minutes of debate with respect to the amendment prior to the vote, equally divided and controlled between the leaders or their designees, that no amendment be in order on the amendment prior to a vote in relation thereto.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

OMNIBUS APPROPRIATIONS ACT, 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Wicker modified amendment No. 607, to require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization.

Thune modified amendment No. 635, to provide funding for the Emergency Fund for Indian Safety and Health, with an offset.

Murkowski amendment No. 599, to modify a provision relating to the repromulgation of final rules by the Secretary of the Interior and the Secretary of Commerce.

Cochran (for Kyl) amendment No. 634, to prohibit the expenditure of amounts made available under this Act in a contract with any company that has a business presence in Iran's energy sector.

Cochran (for Inhofe) amendment No. 613, to provide that no funds may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

Cochran (for Crapo (and others) amendment No. 638, to strike a provision relating to Federal Trade Commission authority over home mortgages.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I ask unanimous consent I may speak for 10 minutes as in morning business.

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

Mr. SPECTER. I have sought recognition to comment about the pending bill. As I reflect on it, I am speaking on the bill and do not need to put it in morning business. It is on the bill itself.

I note the majority leader has filed a motion for cloture and it is scheduled for 9:30 tomorrow. We may vote on it today. But whenever we vote on it, there are some observations I have. I want to give my thinking on the issue. My current inclination is to vote against cloture because there has been insufficient time to offer amendments.

This omnibus bill contains most of the budget process and there are a great many amendments pending. I compliment the majority leader for moving from the position of blocking all amendments. We have had considerable discussion last year, and even before that, about a practice of majority leaders taking procedural steps known as—there is an arcane procedure, inside-the-beltway talk—filling the tree, stopping amendments being offered and then moving to cloture. I have opposed cloture and have urged that regular order be followed in allowing amendments to be offered.

The unique feature about the Senate is that any Senator can offer virtually any amendment at virtually any time on virtually any bill. That, plus unlimited debate, makes this a very extraordinary body where we can focus public attention on important matters of public policy and acquaint the public with what is going on and seek to improve our governance.

The majority leader has objected to quite a number of amendments coming up. Looking over the list, there are quite a number of amendments which I believe merit consideration. Senator GRASSLEY has tried to advance amendment No. 628. He did again this morning. There was an objection raised to it.

Senator SESSIONS has sought to offer amendment No. 604 and he has been blocked on four occasions from offering this amendment on the economic stimulus.

Senator VITTER has a number of amendments, one of which is amendment No. 636, involving drug reimportation from Canada.

Senator ENSIGN has amendment No. 615, cosponsored by Senator VOINOVICH, Senator KYL, Senator DEMINT, Senator BROWNBACK, and Senator CORNYN, which would deal with a subject where they are seeking to have a vote.

I do not necessarily agree with all of these amendments. In fact, as I review them, there are some I disagree with. But I believe Senators ought to have an opportunity to offer amendments.

Yesterday the Senate voted on an issue involving Emmett Till, and many Senators voted against that amendment, as I understand it, to avoid having an amendment agreed to on the omnibus which would require a conference with the House of Representatives. I think it is something we ought to decide on the merits, as to the amendment, without respect to having a conference.

Regular order under our legislative process is to exercise our judgment on amendments. Then, if the Senate bill is different from the House bill, if an amendment is agreed to, then you have a conference. That is the way we do business. That is regular order. To determine how you are going to vote on an amendment in order to avoid a conference seems to me to be beside the point.

If there were some emergency, some reason to avoid a conference, perhaps so. But there is time to have a Senate bill which disagrees with the House bill and to have a conference and iron it out on regular order. Whenever we depart from regular order, it seems to me, we run into potential problems. The institutions of the Senate have been crafted over centuries. The Senate is smarter than I am, certainly, and perhaps smarter than other Senators. But I think we ought to follow the regular order. That is why I am disinclined to vote for cloture.

I know the majority leader wants to move this bill, but we have time to take up these amendments. If we move on into additional sessions of the Senate later this week, later tonight, later next week, then I think that is what ought to be done and Senators ought to have an opportunity to offer these amendments.

In the absence of any other Senator seeking recognition, 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. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. What is the parliamentary situation?

The PRESIDING OFFICER. At 11:25 the Senate will begin 45 minutes of debate on amendment No. 607, and the time will be equally divided.

Mr. LEAHY. Are we still in morning business?

The PRESIDING OFFICER. No, the Senate is on the bill.