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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, eternal and unchangeable, shine Your light upon our path as we work today. Lord, You have led America through troubled times in the past. Be now to our lawmakers a source of life, light, and wisdom. Give them the wisdom to follow Your light and to trust You, finding their strength in Your presence. Teach them what they should think and do, so they will not stumble along the way. Replace fear with faith in You and one another, as You remove from their lives the things that thwart the doing of Your will.

And, Lord, bless today our military men and women in harm's way. Protect them from danger and sustain their loved ones.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of H.R. 1105, the appropriations bill. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus luncheons. All the amendments are before the Senate. We have seven of them. It is expected that probably five of them will require votes. So I hope Senators would come and debate their amendments. We have a number of Democrats who are wanting to speak in opposition to the amendments.

I will be discussing a time to begin voting with the distinguished Republican leader. What we are going to do is have stacked votes, and finish the votes once we start them. I hope we can do that sometime late afternoon. I do not think there are any events going on off the Hill that would prevent us from doing that. But I will be working with Senator McCONNELL to see what we can do in arranging an appropriate time to start the votes.

### RECOGNITION OF THE MINORITY LEADER

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

### OMNIBUS APPROPRIATIONS

Mr. McCONNELL. Madam President, the bill the Senate will vote on later today represents a missed opportunity. In the midst of a serious economic downturn, the Senate had a chance to show it could impose the same kind of restraint on itself that millions of Americans are being forced to impose on themselves at the moment. The bill costs far too much for a government that should be watching every dime. If the President is looking for a first bill to veto, this is it.

The original version of the bill showed no recognition whatsoever of the current economic climate. With the stock market plunging, unemployment at a 25-year high, and millions struggling to pay their mortgages, the bill sent over from the House included an across-the-board 8-percent increase in spending over last year. That is twice the rate of inflation.

Republicans in the Senate tried to cut the bill's cost. Our ideas would have saved billions of taxpayer dollars. Unfortunately, every single effort was turned aside.

The senior Senator from Arizona proposed an amendment that would have held spending in the omnibus at last year's level. The senior Senator from Texas offered an amendment that would have cut spending on the 122 programs that were already funded in the stimulus bill—the so-called double dipping that many of us warned would take place if Congress moved the stimulus before the omnibus. Remarkably, even that was too much for some. The junior Senator from Oklahoma proposed an amendment that would have cut projects that benefited a lobbying firm under Federal investigation. That too was rejected.

These Republican ideas were sensible, commonsense ways to cut spending. Unfortunately, the majority did not like any of them. This would have been irresponsible in good economic times.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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At this moment, this total unwillingness to cut a single dollar from this bill is simply indefensible.

Just as troubling as the lack of restraint is a provision to literally shut down the DC Opportunity Scholarship Program which helped 1,700 students in the District of Columbia attend private schools last year at a fraction of what the city spends per pupil on public education. This program is clearly—clearly—popular among parents, since the city receives four applications for every available slot. Yet our friends on the other side will reject an amendment to preserve it.

On this issue, it is incredibly difficult to see how the majority can match their rhetoric with their actions. It should be unthinkable to terminate a program aimed at giving inner-city students the same educational opportunities that middle-class or affluent students enjoy.

Republicans tried to improve the omnibus with commonsense proposals that Americans support. The junior Senator from Arizona proposed an amendment that would have required the Secretary of State to certify that none of the funds made available for reconstruction efforts in Gaza are diverted either to Hamas or to entities controlled by Hamas. The junior Senator from South Dakota offered an amendment that prohibits the use of funds for any effort aimed at reviving the fairness doctrine, which limited free speech until its repeal more than two decades ago. Unfortunately, the majority said no.

In the midst of an economic crisis, a government has an obligation to show restraint. But as our friends turned aside every effort to trim back spending on the omnibus bill, it became clear that many in Congress still think Government operates in a different realm of reality than the rest of the country. Apparently, they do not think the Federal Government is obligated to make any of the tough decisions that millions of American families are making every single day.

Spending and borrowing at this dizzying rate is simply unacceptable. We need to be thinking about the long-term sustainability of our economy and creating jobs and opportunity for future generations. We should have started on this bill by insisting that it include some of the hard choices on spending that Americans themselves are making every single day.

I yield the floor.

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

#### OMNIBUS APPROPRIATIONS

Mr. REID. Madam President, I direct everyone's attention to today's column in the New York Times written by David Brooks. David Brooks is a Republican columnist, conservative, but basically he is saying that the Republicans are opposing everything. It does

not matter what it is, they are opposing it. And I think that is basically what we have here today with Senator MCCONNELL. I mean, I cannot imagine how he could stand before this body, after having talked favorably of this bill in the past—and his statements have been read in the RECORD on previous occasions about how much he believed in this omnibus bill. In fact, he said—and I am paraphrasing—that there had been input by Democrats and Republicans, it had been fully vetted. But suddenly—using the David Brooks theory of Government—they are opposed to everything.

It is not helping the Republicans around this country. You have to be in favor of something. And for my friend, the senior Senator from Kentucky, to stand before this body and lament the deficits—“this spending that has to stop”—where were they during the 8 years of the red ink of George Bush? The biggest deficits in the history of this country are all held by George Bush: the unending spending on the Iraq war, not putting that in the budget in an effort to hide it from the American people—how much it cost—the tax cuts that were never big enough for the Republicans that ran us into this deep hole President Obama has inherited.

So everyone should read David Brooks. Let's have the Republicans start being in favor of something. That would be the right thing to do.

The fairness doctrine. What a ghost that does not exist. None of us wants to go back to the way it was before. It is an issue they brought up to talk about. No one wants to reestablish the fairness doctrine, Democrats or Republicans.

I know the State of Nevada is proud in determining what the education standards should be in the State of Nevada. I think we should do more in the State of Nevada. I am not happy about where our educational levels are, the spending levels in the State of Nevada. But Nevada determines that, and that is the way it is around the other 49 States, that it is a prerogative Governors have protected for many generations—that the Federal Government should stay out of local education. But when it comes to the District of Columbia, they do not count, I guess. So how would the rest of the States feel if we suddenly determined what was going to happen in those States as it related to vouchers, school choice, charter schools?

So I hope we can get these amendments out of the way and pass this legislation and go on to other things. I am sorry I had to file cloture on three nominations. I hope we do not have to take those votes because it goes in opposition to what the Republicans always told us: What right does the party in the minority have to hold up Presidential nominations or judges? We are finding that is happening. I hope we can work our way through that.

This legislation is important. It is important because it takes care of

these Government agencies that had been, over the Bush years, so underfunded, underresourced that we had—because of the 8 years of neglect—to increase spending for these Government agencies so they can do their job. I met yesterday with new Secretary of the Interior Ken Salazar. He is lamenting how the parks in our country are in such bad shape, terrible shape. The Mall out here, because the Republicans complained about the money for the Mall—there was a major feature on all public radio stations yesterday about the Mall, what terrible shape this Mall is in. It is used. It is an American landmark. But they do not want money spent on that.

When I read David Brooks this morning, I thought: Gee whiz, he has an understanding of what is wrong with the Republican Party. And no one more than a Republican can probably say it as strongly as he did. David Brooks—I have told him how on a number of occasions I disagree with his end line, but his reasoning is always brilliant, as it was today.

#### RESERVATION OF LEADER TIME

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

#### OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105 which the clerk will report by title.

The 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:

Ensign amendment No. 615, to strike the restrictions on the District of Columbia Opportunity Scholarship Program.

Kyl amendment No. 629, to provide that no funds may be used to resettle Palestinians from Gaza into the United States.

Bunning amendment No. 665, to require the Secretary of State to issue a report on investments by foreign companies in the energy sector of Iran.

Sessions amendment No. 604, to extend the pilot program for employment eligibility confirmation established in title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 for 6 years.

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

#### AMENDMENT NO. 673

Mr. CORNYN. Madam President, I ask unanimous consent to set aside any pending amendment and call up Cornyn amendment No. 673 and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 673.