

this down so the New York Philharmonic and their benefactors had decided they simply couldn't go under those conditions?

Common sense ought to apply on this issue of the liberty and the freedom of the American people to travel. There ought not be travel restrictions to Cuba at all. They ought to be gone and we ought to pass the Dorgan-Enzi bill that strikes the travel restrictions with respect to Cuba. We have not yet found a way to get it to the floor. When we do, I guarantee we will have sufficient votes on the floor of the Senate to offer the American people the freedom they should have had in the last 50 or 60 years, and that is freedom to travel. In this case that freedom has been taken from them and it is outrageous.

I mentioned Joan Slotte. When I became involved in this issue of what this embargo costs our country, I was furious to find an elderly woman riding a bicycle in Cuba and then fined \$7,300 by her government.

By the way, when she came back, her son had brain cancer so she wasn't home, she was attending to her son who had brain cancer down in California, and she didn't get the mailing to her house and then they threatened to take her Social Security away. Why? Because she was suspected of vacationing in Cuba, riding a bicycle with a Canadian bicycle group.

All of this I think is nuts and I hope at some point the New York Philharmonic will be given the license, with their benefactors, to go down and do the concert in Havana, Cuba; do the concert there. In the meantime, I hope the Office of Foreign Asset Control will take a look at this and make a new decision. They have the right to make a better decision. In my judgment they didn't make the right decision here. I hope they overturn that decision. I have written them a letter today asking them to do that. Let's use a little common sense here.

Following that, I hope Senator ENZI and I will get our legislation on the floor of the Senate and remove the travel restrictions that now impede the freedom of the American people to travel to Cuba.

The country of Cuba has been a thorn in our side for a long time; I understand that. But attempting to punish the leaders of Cuba by punishing the American people makes no sense at all. That is exactly what has happened since the early 1960s. My hope is that some day, despite the news last Friday that the New York Philharmonic has canceled this trip—my hope is some day very soon we will have a policy that doesn't have anybody canceling trips because they didn't get their license to travel. My hope is anybody can travel anywhere, representing the best of this country.

The New York Philharmonic is a wonderful cultural ambassador—to the Soviet Union, and North Korea, and Vietnam, all communist countries—and it can also be with Cuba. I hope that will happen soon.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

DEFENSE APPROPRIATIONS

Mr. MCCAIN. Mr. President, I rise today to discuss the 2010 Defense appropriations bill and the three amendments that will be called up tomorrow on C-17s, for-profit earmark competition, and a particularly egregious earmark on hypersonic wind tunnel development.

Tomorrow the Senate will resume consideration of the 2010 Department of Defense Appropriations Act. This must-pass bill provides \$626 billion for the day-to-day operations of our military, including the critical resources that support our commanders as they lead operations in Afghanistan and Iraq.

The bill also contains billions of dollars in wasteful spending, including \$2.7 billion in Member-requested earmarks and billions of dollars in unrequested weapons systems, which is where you will find \$2.5 billion for the C-17 cargo aircraft. In order to stuff these programs into the bill that the Pentagon did not request and does not want, and to enable Members to continue in their porkbarreling ways, the appropriators cut over \$3 billion in the military service operation and maintenance account.

This account is the lifeblood of our military forces. The account provides the military with funds to carry out day-to-day activities, such as the recruitment and fielding of a trained and ready force, all military training, exercises, food, weapons, spare parts, equipment repair, ship overhauls, transportation services, civilian personnel management and pay, and childcare and family centers.

At a time when stress on our force and their families is significant, we are cutting funds from this account to put into this bill unwanted C-17s and Members' pork projects. There were plenty of lobbyists around for the C-17s last week. They were here in abundance. There are others who are seeking these porkbarrel projects.

Unfortunately, there are no lobbyists for the men and women serving in the military. There are no lobbyists to provide them with the much-needed funds in order to conduct the training and the operation and the maintenance and the repair of the equipment and their pay and all of the things that are so

vital to maintaining our great military of today.

There are no lobbyists for them. So let's cut \$3 billion out of their training, out of their exercises, out of their weapons and spare parts and equipment repairs, ship overhauls, civilian personnel management and pay, childcare and family centers. Cut all of that out and put in \$2.5 billion for a C-17 that the military neither needs nor wants.

Just last month, the President spoke in Phoenix, AZ, to the Veterans of Foreign Wars. In that speech, the President's words were quite compelling about waste and porkbarrel spending in Defense bills. In that speech the President promised an end "to special interests and their exotic projects" and reaffirmed that he was leading the charge to kill off programs such as the F-22, the second engine for the Joint Strike Fighter, and the outrageously expensive Presidential helicopter.

The President went on to say:

If a project does not support our troops, we will not fund it. If a system does not perform well, we will terminate it. And if Congress sends me a bill loaded with that kind of waste, I will veto it.

Well, we will now see if the President is willing to follow through on that bold declaration. On April 6, 2009, Secretary Gates personally issued his highly touted statement on the 2010 defense budget. In that statement, he recommended, among other things, ending production of the F-22, terminating the Presidential helicopter, and completing production of the C-17 cargo aircraft. Secretary Gates said with the 205 C-17s already in the force and currently on order, the Department's analysis was that the military had enough C-17s.

While we may have won a small victory against the defense industrial complex in July, when the Senate voted 58 to 40 to kill the F-22, it appears the administration has thrown in the towel on reining in spending on the C-17. In May, the House appropriators added eight C-17s into the 2009 supplemental appropriations bill at a cost of \$2.2 billion. The Pentagon did not even blink. In July, the House appropriators again added three more C-17s to the 2010 Defense appropriations bill, and with the White House apparently having given up on any kind of fight with Congress on the C-17, and believing they had a green light, the Senate appropriators upped the number of C-17s to 10 aircraft, \$2.5 billion.

Beneath the President's Phoenix rhetoric and with \$2.5 billion in unrequested C-17s, \$2.7 billion in member earmarks and a significant cut in operation and maintenance funding, one would have expected the President and Secretary Gates to be outraged. However, we have heard barely a word of opposition from them. Although the Statement of Administration Policy raised opposition to the additional C-17s and the cuts to operation and maintenance funding, it appears the President is not getting out his veto pen to

take a stand behind his own strong rhetoric on earmarks and government waste.

I know these words will fall on deaf ears, but it is certainly not responsible for Congress to continue to load up appropriations bills—and, yes, authorization bills—with wasteful and unnecessary spending. Americans all over the country are hurting. People are losing jobs, their savings and their homes. Yet we continue the disgraceful earmarking process, elevating parochialism and patronage politics over the true needs and welfare of our men and women in uniform and the taxpayers.

If Senators think that all sounds too familiar, they are right; it is business as usual. When push comes to shove, nobody seems to really mind. The appropriators know what they need to do to keep the President from threatening to veto a defense spending bill. They know that \$2.5 billion in unrequested C-17s, \$2.7 billion in Member-requested earmarks, and cuts of over \$3 billion to the lifeblood account of our military services won't cause the President to pause a moment before signing such a bill into law. The idea of vetoing a defense appropriations bill that funds the wars in Iraq and Afghanistan is unimaginable, and that is exactly the protection sought by Members when they subscribe to unrequested, costly weapons systems and earmarks.

Servicemembers who defend our Nation around the globe are making great sacrifices. Their families back home are making sacrifices. Because we ask these heroes to forfeit so much, we in Congress should also be ready to make sacrifices. Sometimes that means doing what is best for the Nation instead of doing what is best for one's campaign. Our Nation's security and the welfare of our servicemembers are higher priorities than the favor of special interests or the opportunity to tout the bacon we are bringing home.

Despite what I think is going to happen, I believe that if the President wants to send a message that we are serious about cutting out wasteful and unnecessary and corrupting spending in Congress, he should veto this bill, and we could send it back to him in a New York minute without the pork it is so full of.

I wish to discuss the three amendments.

Tomorrow, the Senate will vote on my amendment to strike the addition of 10 unrequested C-17 aircraft. As I discussed before, the administration strongly objects to the addition of the \$2.5 billion in funding for those 10 unrequested C-17s. That brings up a very interesting question: Why would the administration threaten to veto the bill if it included the F-22s, yet strongly object to the \$2.5 billion for the 10 unrequested C-17s? It is very interesting. Given how much our airlift capacity currently exceeds operational requirements, I see no reason we should buy more aircraft. It is not just

an additional \$2.5 billion for these 10 C-17s, it is an additional \$100 million a year to maintain and operate them.

One of the great, untold stories of earmarking is that money that is used to fund special interests' projects would otherwise have been used to address the stated needs of our military services. The service chiefs who are in the best position to advise Congress of their priorities are routinely short-changed so that Senators can fund their pet projects. Each earmark requires departmental administration, and each draws manpower and resources away from critical issues facing a nation at war. I have heard that the impact of these many small earmarks is akin to death by 1,000 cuts. By my preliminary count, there are almost 700 unrequested earmarks in this bill, over 400 of which are not authorized in the National Defense Authorization Act. This represents more than \$1.3 billion in funding for unrequested, unauthorized Member interest items, \$1.3 billion that would have gone to service priorities. Some have merit. None are military priorities. A few are actually detrimental to the Defense Department. I am referring to earmarks that endure year after year, siphon funding from legitimate programs, and provide no discernable benefit to servicemembers.

Tomorrow, the Senate will cast scrutiny on one such project when we vote on my amendment to strike \$9.5 million for the MARIAH hypersonic wind tunnel research program in Montana. It has never been requested in the President's budget. It has never been authorized. Yet it has been appropriated every year since 1998. To date, total Defense appropriations for MARIAH account for \$68.5 million. The total would be \$74 million if we include unrequested earmarks through NASA; \$83.5 million if this year's earmark for MARIAH remains in the bill.

Here we are, Congress has appropriated millions for an unrequested, unauthorized program that is objectionable enough, but the MARIAH program and the contractor that supports it are case studies in the fundamental problems with the congressional appropriations process.

Let me shed a little light on that. MARIAH is a research program intended to develop technologies that would be required to build a national high-speed wind tunnel. Congress originally funded the project through NASA earmarks during the 1990s. NASA responded that they had no interest in the program. From 1998 to 2003, MARIAH was an Air Force program. The Air Force, the leader in hypersonic testing and technology, begged off the program in 2004. So the appropriators moved it to the Army. The Army has no official requirement for this capability and published a report to Congress in 2005 stating their disinterest in the program. Here is an excerpt:

The U.S. Army believes it is premature to include the MARIAH wind tunnel concept

within their budget as a program of record due to the lack of information and technical data to show that the concept is feasible. Further, the U.S. Army has yet to establish an operational requirement to justify the need for such expenditures in the Future Years Defense Program. Therefore, the U.S. Army does not plan to fund the MARIAH wind tunnel effort. . . .

Priorities change over time. I asked the Army to detail their current investment in MARIAH and explain how the Army might use this research to develop new capabilities. I received a response yesterday. Here is what the Army said:

There are no current operational requirements for a hypersonic missile program within the Army. No Army missions currently require hypersonic flight technologies. The Army does not plan to budget for hypersonic wind tunnel development in the [current or future years] since the Army does not have an operational requirement for a hypersonic missile.

Finally, when asked whether the MARIAH program provides value-added capabilities, the Army's answer was "no."

So the Army's official response and explanation sounds like their 2005 response. Unfortunately, Congress hasn't been listening. We have poured more than \$70 million into it with no sign of stopping and with no discernable return on investment. Let me repeat that: no end date, no return on investment.

One group has made out well in the endeavor. Of course, I am referring to lobbyists, including Gage LLC, whose CEO, coincidentally, had been a senior staffer to an appropriator from Montana.

The other big winner is the contractor, a company called MSE Technology Applications located, astonishingly, in Butte, MT. MSE is part of a former Department of Energy facility created in the 1970s to conduct energy research. In 1996, MSE had an agreement with DOD to privatize over the course of 5 years, and DOD provided funding to assist the privatization effort. Simultaneously, MSE executives began a pattern of hiring lobbyists, participating in fundraisers for elected Members of Congress, and taking millions of dollars in earmarks. So much for privatization. In fact, MSE itself has claimed it was entirely dependent on Federal earmarks following the so-called privatization effort.

More than a decade later, not much has changed. The Montana Standard, the local newspaper, reports that 75 percent of MSE's current business comes from Federal earmarks. According to their CEO:

Earmarks can have a negative connotation, but what they mean is we have contracts.

So this is a company that would not exist without government earmarks. What did MSE pay for these earmarks? Over \$2 million in fees to Washington lobbyists and tens of thousands of dollars in campaign contributions. We have the filings. MSE has perfected the

process of using lobbyists to secure Federal funding.

Here is the most outrageous part. In 2000, MSE executives pled guilty to making illegal campaign contributions to Federal candidates. Let me explain. According to a report provided to Congress by the Department of Justice:

MSE, Inc., an engineering corporation headquartered in Butte, Montana, pled guilty on April 27, 2000, to making contributions to federal candidates through conduits and making corporate contributions to federal candidates in violation of the Federal Election Campaign Act. The corporation agreed to pay a criminal fine of \$97,500 and a civil penalty to the Federal Election Commission of an additional \$19,500. In addition, the corporation's two principal officers agreed, as part of the corporation's probation, to perform community service by lecturing business groups throughout Montana on the prohibitions of the [Federal Election Campaign Act], and to implement a corporate compliance agreement aimed at ensuring that the company did not violate the [Federal Election Campaign Act] in the future. The corporation was sentenced on April 27, 2000, in accordance with the plea agreement.

This company has a criminal record. Yet it still receives congressionally approved earmarks, apparently on the basis of connections between it, its lobbyists, and the offices of Members for whom those lobbyists used to work.

MSE and its MARIAH project are a black hole for Federal funding. MSE executives have benefited financially on the backs of the taxpayers for many years, and the Department of Defense has needlessly wasted over \$70 million on MARIAH research that no one wants. Taxpayers' dollars put toward MARIAH were met with resistance from each Federal agency compelled to fund it by previous earmarks. These earmarks have produced no discernible return.

In light of this sordid story—\$70 million wasted over 11 years and the prospect of continuing funding for a program no one wants—I ask my colleagues to support my amendment to strike the \$9.5 million MARIAH earmark from the fiscal year 2010 Defense appropriations bill.

Finally, I have spoken for many years about the earmarking process and the corruption it breeds. I am deeply concerned over the damage it has done to our country and this institution by its continued abuse. We have made some progress in the past couple years but not nearly enough. Legislation we passed in 2007 provided for greater disclosure. While that was a good step forward, the bottom line is that we simply need more disclosure of earmarks. We need to reduce them, with the final goal of eliminating them entirely. The corruption which stems from the practice of earmarking has resulted in former Members of both the House and Senate either under investigation, under indictment, or in prison. Let's be clear. It wasn't inadequate disclosure requirements which led Duke Cunningham to violate his oath of office and take \$2.5 million in bribes

in exchange for doling out \$70 to \$80 million of the taxpayers funds to a defense contractor. It was his ability to freely earmark taxpayer funds without question.

Tomorrow, Senators will have an opportunity to vote on an amendment I have offered that requires earmarks intended for for-profit entities included in the Defense appropriations bill be competitively bid. I repeat: requires earmarks intended for for-profit entities included in the Defense appropriations bill be competitively bid. That does not seem like it should be too tough. Just competitively bid these earmarks.

By requiring full and open competition, Congress can make the process of public funding more transparent and bring to bear the benefits of competition. The results will be lower costs to the government, innovation among contractors and suppliers, and better outcomes for the American taxpayer.

I am not the first person to think this is a good idea. The President and the Appropriations Committee in the House of Representatives are both on record endorsing it. Unfortunately, to date, and despite our good intentions, Congress has not been able to make it happen.

President Obama has promised to fight "the special interests, contractors and entrenched lobbyists" that have bloated past appropriations and distorted military priorities. In March of this year, he called the awarding of earmarks for private companies "the single most corrupting element of this practice" and said funding for such projects should be evaluated with a higher level of scrutiny and subject to the same competitive bidding process as Federal contracts. I agree, but I would have gone further by calling for the elimination of earmarks altogether.

I was pleased to see our House counterparts expressed interest in competing earmarks intended for private industry. But the Senate Appropriations Committee balked at the suggestion that funding for special interest programs be subject to competition, and the result of recent Senate-House negotiations is that earmarks in the fiscal year 2010 appropriations bills will not have to be competitively bid.

I urge my colleagues to support my amendment. We must not allow this body to go back to the old ways of doing business.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

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

EXTENDING UNEMPLOYMENT BENEFITS

Mr. REED. Mr. President, I rise in support of a swift extension of the unemployment insurance benefits to help jobless people throughout this country.

Last week, we learned that the economy had shed 263,000 jobs in September and the unemployment rate increased to 9.8 percent. I grant this is a remarkable change since the first of the year when 700,000 jobs or more were being lost. Still, that is very small comfort to those people who are losing their jobs and others who are losing their benefits if we fail to act swiftly and extend unemployment benefits for additional weeks.

This is the particular case in my State of Rhode Island. We are looking at a 12.8 percent unemployment rate. There are thousands who have already exhausted their unemployment benefits, and there are another 4,500 who are estimated will lose their benefits before the end of the year. This is an extraordinary number of people who are out of work, and they are finding incredible difficulty in securing jobs.

I ask that my colleagues come together in support of an extension of the unemployment insurance benefits. The House overwhelmingly passed this legislation on a bipartisan basis. I have introduced legislation here, along with Senator LINDSEY GRAHAM of South Carolina.

This is not a partisan issue. The job losses in this country are across the Nation. They are affecting working families and people who have spent their whole lives working hard, and now they face a huge crisis—without a job—and they are facing uncertainty in the future, health care issues, tuition for college, and those things families struggle with every day.

In addition, unemployment insurance is one of those features of support that actually increases demand, accelerates the economy. The effect of unemployment insurance for each dollar is more than a dollar of economic activity generated. At this time, we are trying to jump-start the economy and move it forward and give it momentum so it doesn't falter and fall back. Unemployment insurance provides not only individual assistance, but it also assists the economy.

We are in the most severe economic downswing since the Great Depression. We have to go ahead and help people who need it and based on their work. That is one of the other values of unemployment insurance. These people are our colleagues and friends and neighbors who have worked and now they are without work. They desperately want to work. In the interim, before they are able to find a job, they need us to provide some minimal support and also to ensure that our economy continues to move forward.