

must have been afraid that reform would hurt their profits, so they self-regulated, keeping costs under control until the threat of reform had passed. Then when Republicans claimed the majority and health care reform was dropped, costs began to skyrocket. Between 1996 and 2007, the cost of health care increased by about \$102 billion every single year.

These numbers are clear. Fourteen years ago, we saw exactly what a trigger provision would look like. It simply doesn't work. What we need is a public option, plain and simple. It is time to abandon half measures. It is time to abandon empty political gestures. The evidence is clear we must make a public option a central component of the health care reform legislation. It will compete with private insurers, resulting in better coverage for everyone. It will improve health care outcomes and allow Americans to keep their current doctor. It will provide stability and security, especially if someone loses their job and needs to buy their own coverage. It will save money and reduce the burden on American businesses and families. It will not lead to a government takeover of the health care industry, as some critics have claimed. These claims have no basis in fact, and we have heard them before.

Allow me to quote a Republican Senator on the floor of this Chamber who said if a health care reform bill is enacted, "it will be the beginning of the end of private hospitals and medical insurance for individuals over 65." That is a dire prediction. These words were spoken by Senator Carl T. Curtis of Nebraska. But he wasn't talking about the current health care bill. Senator Curtis spoke these words more than 40 years ago in opposition to the Medicare law that established one of the most successful programs in American history.

A public option would not destroy private insurance. It will merely help the American people hold them accountable. As President Obama reminded us in his recent address, there are many thriving private universities in this country, even though they compete directly with public universities.

Over the weekend, I was speaking with a friend of mine who is a lawyer. He runs his own small practice, and he is proud of it. The subject of health care reform came up, and he told me he was worried. Costs went up so much, so fast that he could no longer afford to provide health care for all of his employees. He had no choice but to cut benefits or drop coverage for some of the people who worked for him.

Sadly, my friend is not alone. Thousands of American small businesses are face to face with the same tough choices. But it doesn't have to be this way. I told my friend about the public option. I explained how it would compete with private companies and the insurance industry, driving prices down, which will allow him to shop around and find the right plan for an

affordable price. He loved the idea. He told me the public option would save money and allow him to commit to the people who worked for him.

I am convinced that a public option is the best and most effective way to address the health care crisis in America today, and we can make it happen. The majority of Senate Democrats has said they would consider voting for such a measure. Only one has come out against it. So let's seize the chance to enact reform. Let's give the American people the health care choices they deserve. After all, if the public option is good enough for Members of Congress, it should be good enough for the American people. Let's extend a high-quality congressional health care plan to everyone. Let's pass a public option that will reduce costs and increase accountability. That is good policy, and it just so happens it is also good politics.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. GILLIBRAND). Morning business is closed.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3288, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, again, we are on the floor of the Senate today considering the transportation-housing appropriations bill. This is a major appropriations bill with funding for States across the country. I have been talking with a number of Senators who have amendments they would like to offer. Again, this is now the fourth day we have been on the Senate floor. We started on Thursday, we were here Friday, and we were here yesterday. We are here again today. The majority leader would like us to finish this bill tomorrow. We have other appropriations bills that need to be done and conferences to be concluded in order to meet important deadlines for this fiscal year.

Again, I want all Members to know we need them to offer their amendments, if they intend to, so we can wrap up this bill by tomorrow. I expect a few Senators will be here shortly to offer amendments. If other Senators are going to offer amendments, if they could please let us know so we could get them up in order and get votes

scheduled so we could move to conclusion on this important bill.

I yield the floor and 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. McCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2375

Mr. McCAIN. Madam President, I call up amendment No. 2375 and ask that it be made pending.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2375.

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

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

The amendment is as follows:

(Purpose: To provide that all amounts in the bill provided for congressional earmarks shall be made available for NextGen and NextGen programs)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, amounts provided in this Act for a congressionally directed spending item shall be made available to the Department of Transportation for NextGen and NextGen programs.

(b) In this section, the term "congressionally directed spending item" shall have the same meaning given such term in rule XLIV of the Standing Rules of the Senate.

Mr. McCAIN. Madam President, this amendment would take \$1.7 billion in earmarks and porkbarrel projects in this bill, 589 congressionally directed spending projects known by most Americans as earmarks, and instead redirect that money toward air traffic control modernization. Modernizing our outdated air traffic control system will positively impact all Americans, not just a favored few. It would decrease airport delays, improve the flow of commerce, and advance our Nation's air quality by reducing aircraft carbon emissions, unlike earmarks that only affect a small segment of our Nation's population and generally those Americans who happen to live in a State represented by a Senator who is a member of the Appropriations Committee.

For example, the distinguished manager of the bill had secured more earmarks than any other Member—50 earmarks—including \$2 million for a bike trail in Spokane—a bike trail. Right now, with the American people hurting all over America, we are going to spend an additional \$2 million of their money for a bike trail, and \$750,000 for a Freight Transportation Policy Institute. Madam President, \$750,000 of my taxpayers' dollars is going to be spent in the State of Washington for a Freight Transportation Policy Institute.

Other earmarks in this bill include \$500,000 for construction of a beach park promenade in Pascagoula, MS. According to Citizens Against Government Waste—an organization that has done incredible work on behalf of the taxpayers of America for many years—

The population of Pascagoula in 2008 was 23,609; if each resident of the town paid \$21.18 toward the beach park promenade, federal taxpayers, most of whom are unlikely ever to visit, would be off the hook.

That is the point. Most Americans will never benefit from these earmark projects, except for those who happen to ride bikes in Spokane, WA, or walk the beach of Pascagoula, MS.

Alternatively, all Americans are impacted daily by our Nation's air traffic control system. Every day Americans sit on a runway and miss meetings, children's soccer games, family dinners, and other important events due to air traffic control delays that could have been avoided if our Nation had a modernized air traffic control system.

Thousands of goods are delayed for delivery each day due to air traffic delays, which results in more than \$40 billion of costs each year that are passed on to consumers, according to the Joint Economic Committee. The Government Accountability Office estimates that one in every four flights is delayed. In 2007, the aviation industry recorded the second worst year for delays, with 27 percent of all flights that year being delayed. When you look at places such as the Eastern corridor, it is far worse. Although air traffic overall was down in 2008, due in part to economic factors that led airlines to reduce service, there was no significant reduction in traffic at the most congested airports, such as those in the New York and New Jersey area. Congestion and delays at key airports cascade across the entire system. Moreover, according to the FAA, even if traffic is reduced, congestion at these key airports will not be significantly reduced without implementing a modernized air traffic control system.

The airlines have called our air traffic control system "an outdated World War II radar" system. The FAA's Next Generation Air Transportation System, NextGen, will transform the current ground-based radar air traffic control system to one that uses precision satellites; digital, networked communications; and an integrated weather system. Moving from a ground-based to a satellite-based system will enable more flights to occupy the same airspace, meaning the ontime performance improvements would be a reality with triple the aircraft capacity, according to the airlines.

However, the administration and Congress have not provided adequate funding toward air traffic control modernization and instead continue to fund billions of dollars of earmarks. The FAA estimates it will cost up to \$42 billion to implement a modern air traffic control system. Congress only appropriated \$188 million for air traffic

control modernization in 2008 and \$638 million in 2009. The bill before the Senate today only dedicates \$358 million toward air traffic control modernization, but it dedicates \$1.7 billion toward earmarks. Get that: \$358 million toward air traffic control modernization, which will benefit all Americans; \$1.7 billion in earmarks.

Instead of providing Americans with something they want, which is ontime airline departures and arrivals, Congress spent close to \$1 trillion of taxpayers' hard-earned money on a stimulus bill that provided \$500,000 to build a skate park in Rhode Island, \$14 million for construction of an airport in an Alaskan town with only 167 residents that is 10 miles away from an airport, and millions to New York welfare recipients for the purchase of cell phones. Congress also spent close to \$3 billion of Americans' hard-earned tax dollars on a Cash for Clunkers Program.

At some point, at some point—and it is beginning out there, my friends. I tell my colleagues, it is beginning. It is beginning with the tea parties; it is beginning with marches on Washington; it is beginning with the demonstrations and rallies all over America. It is out there. They are sick and tired of the corruption that exists in our Nation's Capital.

I noticed the other day there was another individual who was caught up in the Abramoff scandal going on trial. That is now 22 people who have either pled guilty or been found guilty over the Abramoff scandal on which I am happy to say the Senator from North Dakota, Mr. DORGAN, and I worked. And guess what the scandal was all about. It was about earmarks. It was about porkbarrel projects. That is what that Abramoff scandal was about. That is why Duke Cunningham resides in Federal prison. That is why there are people under investigation, and there will be more indictments.

The American people are sick and tired of it. They are sick and tired of it. So we have to stop it and at least spend money on worthy projects that will impact all Americans.

Earlier this year, the President stated:

[E]armarks have been used as a vehicle for waste, and fraud, and abuse. Projects have been inserted at the 11th hour, without review, and sometimes without merit, in order to satisfy the political or personal agendas of a given legislator, rather than the public interest. There are times where earmarks may be good on their own, but in the context of a tight budget might not be our highest priority.

That is what the President of the United States says. Well, if the President of the United States is serious, he will veto this bill. He will veto the \$1.7 billion in earmarks and porkbarrel projects that are in it. And he is right; earmarks have been used as a vehicle for waste.

In 2001, the Senate passed the fiscal year 2002 Transportation appropriations bill conference report that in-

cluded an earmark for the Odyssey Maritime Discovery Center. That Discovery Center happened to be in Seattle, WA. I have a picture of it in the Chamber. The Discovery Center opened in 1998 but has seen decreased attendance year after year despite continued Federal earmarks.

As the Seattle Post-Intelligencer wrote in 2003:

Container ships and fishing nets don't scream "sex appeal". . . .

The Discovery Center procured \$250,000 from an earmark sponsored by the Senator from Washington in the fiscal year 1998 Commerce-Justice-State appropriations bill, \$3 million in the fiscal year 2002 Transportation appropriations bill, and \$475,000 in the fiscal year 2006 Commerce-Justice-State appropriations bill.

As a result of that earmark, the museum put out a press release. Madam President, I ask unanimous consent that press release be printed in the RECORD.

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

[Business Wire, Dec. 4, 2001]

ODYSSEY EXPRESSES APPRECIATION TO SENATOR MURRAY FOR SECURING \$3 MILLION FOR NEW TRANSPORTATION EDUCATIONAL INITIATIVES AND PROGRAMMING

Funding will address the development of new educational initiatives, programs and interactive exhibits.

Michael Bittner, Ph.D., Executive Director of the Odyssey Maritime Discovery Center, today expressed appreciation to U.S. Senator Patty Murray (D-Wash.), for securing \$3 million for new transportation educational initiatives, programs and exhibits for Odyssey.

"The Puget Sound region handles the second largest amount of shipping container traffic in North America, demonstrating that transportation is not only about laying asphalt. Senator Murray's unwavering commitment to educating the public about the need and value of sea transportation is integral to the Washington State economy maintaining its competitive edge in today's global marketplace. That is what Odyssey is about," said Bittner.

"Washington State is the most transportation and trade dependant state in the nation. Odyssey is in a unique position to educate our public and our children about the need to enhance our transportation infrastructure so this region can maintain and expand its status as the nation's leading gateway to the Pacific Rim," said Stanley H. Barer, Odyssey chairman and local transportation executive.

"Odyssey's exhibits and teaching materials on how inter-modal transportation works domestically and internationally go to the heart of these issues. Our annual job fair, which is attended by high school students throughout the State exposes our children to important and well-paying jobs in our transportation sector. Senator Murray has exceedingly well-served transportation and particularly this region through this appropriation. I congratulate her and thank her," said Barer.

Bittner said the federal funding will address the development of new educational initiatives, programs and interactive exhibits that educate all ages, particularly P-12 school aged children in King and neighboring counties and throughout Washington State, about the role of maritime in all daily life as well as in the regional and global economies.

ABOUT ODYSSEY, THE MARITIME DISCOVERY  
CENTER (WWW.ODY.ORG)

Odyssey is the nation's first discovery center to celebrate the contemporary links to the Puget Sound and the North Pacific—including shipping, trade, transportation, commercial fishing, recreation, and marine protection. Odyssey's vision is to be recognized worldwide as the Portal to the Pacific Experience—a one-stop, must see passageway to our waterfront; a high tech, high touch source of discovery that educates and enriches understanding of the maritime experience. Trade, transportation, fisheries, recreation, and the marine environment are central to the economic and social well being of our Pacific Northwest and global communities. Through Odyssey's innovative educational initiatives, programs and exhibits, people of all ages can discover the influence of trade, transportation and related maritime activities on our daily lives and on the regional and global economies. Located on Seattle's majestic waterfront at the Bell Street Pier 66, Odyssey features 20,000 square feet of interactive exhibits and meeting space.

Mr. MCCAIN. The press release states:

Michael Bittner, Executive Director of the Odyssey Maritime Discovery Center, today expressed appreciation to U.S. Senator Patty Murray for securing \$3 million for new transportation educational initiatives, programs and exhibits for Odyssey. "Washington State is the most transportation and trade dependent state in the nation. Odyssey is in a unique position to educate our public and our children about the need to enhance our transportation infrastructure so this region can maintain and expand its status as the nation's leading gateway to the Pacific Rim. . . . Senator Murray has exceedingly well-served transportation and particularly this region through this appropriation. I congratulate her and thank her."

In 1997, while seeking an earmark of \$250,000 for the center, Senator MURRAY said:

The Center will establish an educational link between the everyday maritime, fishing, trade, and environmental activities that occur in the waters of Puget Sound and Alaska, and the lessons students learn in the classroom. Through high-tech and interactive exhibits, over 300,000 children and adults per year will discover that what happens in our waters, on our coast lines, at our ports affects our State's and Nation's economic livelihood.

Madam President, 300,000 people—children and adults—do not show up every year; 100,000 people do not show up every year; 50,000 people do not show up every year. Madam President, 30,000 people showed up in most years.

In January 2008, the *Seattle Times* reported:

The Port of Seattle wants to stop subsidizing the money-losing Odyssey Maritime Discovery Center Museum, which owes the Port \$1.5 million in back rent and has received millions more in taxpayer assistance.

The article also stated:

Odyssey, which bills itself as the nation's only contemporary interactive maritime museum, has never hit its attendance targets. At its inception, the facility on Seattle's Pier 66 hoped to attract 300,000 visitors a year to pay its rent and operating costs. Instead, it has attracted fewer than 30,000 visitors most years. According to Odyssey's most recent available tax form, the museum received revenues of \$262,000 in 2005 and had expenses of \$1.6 million.

In fact, according to a February 2002 article in the *Seattle Times*, "the Port authority agreed to help Odyssey by taking 30,000 free tickets a year in lieu of \$21,000 in monthly payments" for rent.

However, the article continued:

Fewer than 10,000 of the visitors used the free tickets from the port.

The Discovery Center was not even able to attract visitors when the tickets were free. When the Port Commission terminated the museum's lease, a port spokeswoman stated:

It is finally acknowledging this museum isn't ever going to succeed as currently structured.

So what did Americans' hard-earned dollars get for the \$3 million earmark for "educational initiatives, programs, and exhibits"? According to a 2003 article in the *Seattle Post-Intelligencer*:

Spinner's Riddle, an informational scavenger hunt . . . At each station [participants] had to answer exhibit-based questions such as, "In the Quiet Bay, what kind of worm is listed?" The answers helped solve the riddle: "What time do sharks like to go to the dentist?"

Also available due to taxpayer dollars:

A rack of orange survival suits kids can try on, a simulator that lets you "steer" an 850-foot-long virtual container ship. . . .

Et cetera, et cetera, et cetera.

So despite \$3 million of taxpayer money spent on these interactive exhibits, attendance continued to fall, and this past year the museum closed its doors except to host private parties such as in December when it hosted a fashion show. The invitation read:

This December, treat yourself to the Best of the Best . . . the Mother of all Fashion Events. . . .

It went on to say that the museum was "re-transformed with a massive stage and runway lighting and concert-quality sound you will feel the Glitz and Glamour of a Los Angeles Red Carpet Event."

However, that was not the only earmark in the fiscal year 2002 appropriations bill that failed to perform.

Let me point out, at the time—at the time—I took to the floor and objected strenuously to this \$3 million earmark. I objected strenuously to it on the grounds—I did not know it would fail—I am not surprised it would fail, but I was not surprised. Why in the world, why in the world—should my constituents in Arizona give \$3 million to a museum that is going to fail?

It is supposed to be for much needed transportation projects. Drive around America and see whether we need to spend transportation money on a failed museum, or do we want to spend it on the things we need?

So that was not the only earmark in the fiscal year 2002 appropriations bill that failed to perform. Also tucked in—and I objected to it at the time—was "\$4.5 million for a boat that nobody wanted," according to the headline of an October 14, 2007, article in the *Seattle Times*. The article continued:

The Navy paid \$4.5 million to build the boat. But months before the hull ever touched the water, the Navy gave the boat to the University of Washington.

If we want to give money directly to the University of Washington, my friends, let's give it to the University of Washington. But this was supposed to be for the U.S. Navy. And why did the Navy do that? Because the Navy strongly stated they did not want the boat to start with. Yet the Senator from Washington, in her wisdom, decided that the Navy needed that boat. It did not need the boat.

But months before the hull ever touched the water, the Navy gave the boat to the University of Washington. The school never found a use for it either. Why would the Navy waste taxpayer dollars on a boat nobody wanted?

Earmarks were inserted into different bills to force the Navy and the Coast Guard to buy boats they didn't ask for—\$17.65 million in all, \$17.65 million in all for two boats that neither the Navy nor the Coast Guard wanted, and now one belongs to the University of Washington and the other belongs to a sheriff.

In fact, some of the boats were never even used, period. One boat was given to the University of Washington, which sold it to the Federal Government's National Oceanic and Atmospheric Association's National Marine Sanctuaries Program for a regional sanctuaries research program doing research all along the west coast. However, NOAA e-mailed my staff today and stated that this boat has been out of service since January, since there is no funding available to support a project on this boat.

According to a story that aired on PBS's "Frontline," one of the Coast Guard boats was sold to the Alameda County Sheriff's Department and, according to a sheriff's deputy, "We paid \$1 for this boat, and I don't think we actually paid a dollar, but it was turned over to us." This is a \$4.5 million boat that the Navy and Coast Guard did not want. These boats were constructed—\$4.5 million for each—and neither one was ever used by the Coast Guard or the U.S. Navy.

These are just two examples of wasted taxpayer money spent on earmarks that were not necessary and not beneficial. Instead, Congress and the administration should refocus their efforts and priorities toward improving all Americans' lives by modernizing our air traffic control system.

I ask my colleagues to support the amendment to take the \$1.7 billion in earmarked funding toward the implementation of air traffic control modernization that will improve the lives of all Americans.

There are a lot more stories out there of these earmarks and porkbarrel projects that were inserted, such as the museum and these boats the Navy and Coast Guard never wanted, and we wasted \$17.5 million.

The American people are rising. They did it over the weekend here in our Nation's Capital when tens of thousands

of them said: No more mortgaging our children's futures and no more of this earmarking, porkbarrel spending, which has spread corruption.

I ask my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I thank my colleague from Arizona for bringing this amendment to the floor. I was hoping to have the chance to discuss some points with him. But first, let me share some clarifications with my colleagues.

If I remember correctly, cash for clunkers was an executive branch decision, using money they had at their discretion. When you talk about money at discretion, huge amounts of money are going to bureaucrats in the administration, and when you look at some of the spending, I think many of us have wondered why it is being spent in that way. Regrettably, I think Congress has given the previous administration and this administration far too much money without any congressional guidelines. If one should look at article I, sections 8 and 9 of the Constitution, you would see that we in the Congress have a responsibility to make sure taxpayer money is spent in ways that are most productive. It is our responsibility. When we make a mistake, we can be held responsible. But who has ever held a bureaucrat responsible for wasting billions and billions of dollars? If my colleague from Arizona doesn't like cash for clunkers, maybe he ought to go after the people in the administration who made that decision.

He mentions a couple of instances of abuse of the earmark process. As he pointed out, those were punished criminally with criminal sanctions against the people who committed criminal activities. That is the way it should be.

We need to be able to have open and free discussions on the floor about how money is spent. That is why I welcome this opportunity to discuss the points raised by my colleague from Arizona.

He has rightfully pointed out the importance of NextGen, the new aviation traffic safety scheme and administration for the FAA. Well, we have been supporting that—the chair, Senator MURRAY, and I—for years. We put as much money into that program as can reasonably be spent this year. That is why it is such a shock to see that he would propose to throw a billion-plus dollars more into that program when it cannot be properly spent. It will then be subject to use as the administration, in its unfettered discretion, wants to use it.

We believe we must continue to monitor the NextGen progress, and when we have major programs like this, they require not only oversight by the administration but by the Congress. That is our job. We are proud to do it, and we will continue to do it. We will ask the tough questions that, apparently,

too infrequently are asked by people in the executive branch. I assure you, we have been, we are, and we will continue to be supportive of all reasonable progress and all the work that can be done on NextGen.

Let's just take one small example of what the Senator's language would eliminate. The chair and I added money for flight safety officers—people who examine airlines to make sure that those who are flying are flying safely.

Everybody heard about it and everybody still remembers, if you think about it, last winter's tragic air crash in northern New York State. There were so many things wrong. It was unbelievable: the black marks on the pilot's record, the failure to have a properly trained and disciplined copilot. The list of mistakes was unbelievable.

I had the pleasure, as I stated earlier, of going to a civic club luncheon in my home State in Mexico, MO, and a regional official for the FAA was talking about those problems. My colleagues in the civic club were astounded, and they said: Aren't you supposed to be regulating that? Isn't the FAA supposed to be regulating that?

He said: Yes, we are, but the problem is that there are not enough FDSOs—safety officers—to inspect the airplanes.

So we added money for that because all of us who fly want to see NextGen work. We know we need it. But in the meantime, while they are doing everything they can to get NextGen working, we need to have flight safety officers now because almost everyone in this Chamber and a huge number of the people we serve back in our States depend upon the FAA to ensure flight safety.

Why do we want to have oversight of NextGen? Unfortunately, the FAA has a horrendous record of program management. In fact, the FAA's air traffic modernization effort has been on the GAO's high-risk list since 1995—high risk. Our Government Accountability Office says it is high risk. Fortunately, though, through strict budgetary controls and increased congressional oversight, this program graduated from the list in 2009.

This is not the time to give the FAA hundreds of millions, or billions, of dollars with no oversight or strings attached. NextGen is a complex effort to modernize the air traffic system. Like many big issues and challenges facing the government, simply providing bundles of funding—more than they can use—is not the answer. The FAA has literally wasted billions of taxpayer dollars on similar efforts in the past. I would like to hear my colleagues who object to congressional oversight explain what they are doing to ensure that those in the administration who handle these dollars do the job better.

Some billions of dollars have been wasted and some efforts, such as LORAN-C, did not even produce a usable product after millions and millions

of taxpayer dollars were spent. Currently, 6 of the 18 major FAA modernization programs have experienced unacceptable cost growth and schedule delays. To reduce delays, increase safety, and reduce congestion, the FAA needs further oversight, not resources.

I ask my colleagues to join us in exercising, in those committees where there is jurisdiction, proper oversight of the FAA.

Madam President, I will have much more to say about the importance of congressional responsibility for the dollars we spend in this body. Far too much money now is being spent without congressional oversight. Later on, I will cite an example. When I asked a high-ranking administration official when we would have a chance to oversee a program spending billions and billions of dollars in the stimulus program, I was told: You gave us this money; it is none of your business; we are going to make those decisions. That is a recipe for disaster. We have to exercise our responsibility thoughtfully and take responsibility for what we do.

With that, I yield to the chairman.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank the Senator from Missouri for explaining very clearly why this amendment should be defeated by this body.

Senator MCCAIN has come out and offered an amendment that would take away funding from every earmark in the bill and put it into the Federal Aviation Administration's NextGen program. That is our effort to modernize the air traffic control system—a very important effort. I will speak to that in a minute.

Let me speak to the earmarks. This is not a new debate. I have stood on this floor many times, as well as other Senators, to defend the right of every Senator here to identify priorities for their home States and to advocate for them. This bill includes earmarks because the Members of the Senate have gone home and identified needs in their communities and brought them to our committee, which we have put into consideration.

It is important to note that there was abuse in the earmark system. We have now reduced earmark spending in this bill to 50 percent of what we had in 2006. In fact, the earmark spending in the bill is less than 1 percent of the total funding. But that funding is as a result of Senators who have gone home, worked with their constituents, identified projects, brought them to the committee, and we scrutinized them. Very few made it into the final bill because of the high caps we have. But they were brought to us by Senators with legitimate needs in their home States.

My concern over this amendment isn't just limited to the investments Senators have asked us to make in their States. I am greatly concerned,

as the Senator from Missouri pointed out, about what this amendment would actually do to the FAA's NextGen program, and I am a strong supporter of that. There is a need to modernize our air traffic control system. For that very reason, this bill now before us provides \$865 million for programs that are essential to the NextGen effort. But in order for NextGen to succeed, the FAA has to do more than just put money into it. It needs, as my colleague from Missouri said, strong oversight. If we hand that agency a blank check now for well over a billion dollars, which this amendment asks for, that is not the right way for this body to do oversight or ensure the responsible use of the Federal dollars over which we have oversight.

The FAA has had a long history of budget overruns and schedule increases in its capital programs. Our subcommittee has held numerous hearings on the FAA's need to manage its capital programs more responsibly.

We have heard testimony from the Inspector General of the Department of Transportation on this very issue, and until only recently, the Government Accountability Office has identified this NextGen program as a high-risk management area.

I encourage our colleagues to oppose this amendment. It is not the responsible way to fund the FAA or the Department of Transportation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### AMENDMENT NO. 2371

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2371 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 2371.

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

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

The amendment is as follows:

(Purpose: To remove an unnecessary and burdensome mandate on the States, by allowing them to opt out of a provision that requires States to spend 10 percent of their surface transportation funds on enhancement projects such as road-kill reduction and highway beautification)

At the appropriate place, insert the following:

SEC. 1 \_\_\_\_\_. None of the funds made available by this Act may be used to implement section 133(d)(2) of title 23, United States Code.

#### AMENDMENT NO. 2370

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2370 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 2370.

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

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

The amendment is as follows:

(Purpose: To fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as roadkill reduction programs, transportation museums, scenic beautification projects, or bicycle paths, if the Highway Trust Fund does not contain amounts sufficient to cover unfunded highway authorizations)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) None of the funds made available by this Act may be used for any purpose described in subsection (b) until the date on which the Secretary of Transportation certifies, based on the estimates made under section 9503(d)(1) of the Internal Revenue Code of 1986 of unfunded highway authorizations in relation to net highway receipts (as those terms are defined in that section) for the period of fiscal years 2010 through 2013, that the Highway Trust Fund contains or will contain amounts sufficient to cover all such unfunded highway authorizations for those fiscal years.

(b) The purposes referred to in subsection (a) are—

- (1) the reduction of vehicle-caused wildlife mortality or the maintenance of habitat connectivity;
- (2) transportation museums;
- (3) scenic beautification projects; and
- (4) pedestrian or bicycle facility projects.

#### AMENDMENT NO. 2372

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2372 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 2372.

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

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

The amendment is as follows:

(Purpose: To fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as transportation museums)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for a museum.

#### AMENDMENT NO. 2374

Mr. COBURN. Madam President, I ask unanimous consent that the pend-

ing amendment be set aside and that amendment No. 2374 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2374.

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

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

The amendment is as follows:

(Purpose: To determine the total cost to taxpayers of Government ownership of residential homes)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. REPORT ON COST OF GOVERNMENT-OWNED RESIDENTIAL HOMES.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the "Department"), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

(b) CONTENT.—The report required by this section shall include—

(1) the number of residential homes that the Department owned during the years 2004 and 2009;

(2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance and acquisition of homes, of home ownership by the Department since 2004;

(3) a detailed explanation of the reasons for the ownership by the Department of the homes;

(4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and

(5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

#### AMENDMENT NO. 2377

Mr. COBURN. Madam President, I ask unanimous consent, as well, to call up amendment No. 2377.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2377.

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

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

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Mr. COBURN. Madam President, I wish to spend a little bit of time talking about the problems before us in terms of transportation, and then I will go back to these amendments based on whatever the chairman wishes and however she wishes to handle the debate on these amendments.

What I think about is that right now our transportation trust fund is not growing at the rate at which our needs are growing. I do not think anybody—neither the chairman of the Appropriations Committee nor the committee that is responsible for the transportation authorization program—would disagree with that. I do not think anybody else would disagree that in a year when we are going to have a true, not an Enron accounting, but a true budget deficit of \$1.8 trillion by the time you count the money we are going to steal from Social Security and other trust funds, that we are going to have \$1.8 trillion we are going to borrow from our grandchildren, and at a time when we have, at a minimum, 130,000 bridges in disrepair in this country. And that is the Department of Transportation's own numbers. Out of 600,000-plus, 130,000 either have to have lesser loads or fewer number of vehicles going across them or do not meet the designs needed for the loads they are carrying or are crumbling and are not expected to collapse but are falling apart, that at this time we ought not to be spending our money on anything except roads and bridges.

The debate Senator MCCAIN put out here is just one way of getting at the problem. Inside the Transportation bill is a requirement that if a State gets money and they want to fix a bridge, 10 percent of the money to fix that bridge has to go to make things look nice around it. That is great if we are running a great surplus or we are not borrowing the money from our kids. But right now the fact that we mandated that obligated moneys to State highway and transportation departments, that they have to spend 10 percent of the money that is obligated on aesthetics makes no common sense. It does if we have an excess of funds. It is something to which we would all agree. But when we have the problems where we have 13,000 people a year dying because of the quality of the roads in this country—not quality of vehicles, not driver error, but the quality of roads—and we have this large number of bridges that are truly in the long run not safe, why would we be spending money on anything other than roads and bridges in a transportation project, as far as surface transportation?

I am not talking about trains and inner-city buses. I know we have to do that as well. But for the proportion that goes out, why would we not spend

that money on the real needs that are out there?

Madam President, 13,000 lives is a lot of lives. Actually, it is one of those benchmarks on which you can measure Congress. We would rather have \$5 billion worth of earmarks that make us look good at home than make sure that \$5 billion goes toward saving somebody's life by repairing a road that needs to be fixed right now—right now—not next year, not 2 years from now, right now.

Why are we going to have these things that make us look good and may be a need but may not necessarily be a priority? How many of them are a priority over the fallen-down bridges in this country?

The families who lose members because of road quality in this country do not think those are priorities. They think fixing the roads and bridges are priorities. But you see, we have a disease in the Senate and in the Congress: We think we know better. We do not want to make the tough priorities that might not sell well in a particular area in our home State that would, in fact, solve some of the major problems with transportation in this country because we will not look as good. And yet we can spend money on taxiways for airports that have six flights a day and have very few people through it and subsidize every passenger to the tune of \$130 when if they could drive an hour and find an airport, we would not have to spend any of that money on it.

Most of us drive an hour to get to the airport. But yet we do earmarks. We decide, the wisdom of us—it is pretty interesting. I heard the ranking member talk about oversight. There is not any significant oversight going on in this Congress. I almost laughed out loud. For every hearing we have, we ought to have 10 oversight hearings. We talk about we are going to say where the money goes, and then we don't follow where the money goes. We don't do our job of oversight.

The NextGen, I understand that is an important priority. I am not questioning that. But the point of Senator MCCAIN's amendment is not NextGen, it is earmarks. It is the fact that at least here is something we know is going to buy safety in aviation, whereas the rest of the earmarks are not. We have an earmarked museum in the bill. Tell me, at a time when we have 9.7 percent unemployment, we have a trust fund for transportation that is belly up, that we are stealing the money from our kids every 6 months to keep it viable rather than from the taxes of consumption of gasoline and diesel, tell me that is a priority right now when we have run a \$1.8 trillion deficit.

The fact is we refuse—we refuse—to make the hard choices in Washington. We make choices for our political purposes. We make choices for the well endowed. We make choices for the well connected, for the well heeled, whether it is beach nourishment and the hun-

dreds of millions of dollars that are made off that or it is a museum or a bike path or the restoration of a train station. Tell me where those are in terms of priorities of the 9.7 percent of Americans who do not have a job and are looking for one and the other 6 percent who are so discouraged they are not even looking anymore. Tell me why that is a priority. Senator MCCAIN's point is dead on.

There is a commonsense test, which is, would the average guy with the same amount of money fix the bridges and fix the highways or would he do the superfluous stuff, the enhancement stuff, the feel-good stuff if it were about his kids and his family? The average guy would not. But you see, we are not the average guy. We do not have to play by the rules because we know that the court of public opinion only comes after us once every 6 years, and if we can, in fact, enhance our ability to raise our campaign funds, if we can, in fact, look good to the well connected, then we are going to be able to find a way to say a message something different than what we actually did.

That is pretty cynical, but when we have 13,000 people dying on roads every year because of the quality of the roads—and those are not my numbers, those are NHTSA's numbers—wouldn't you think every dollar we have ought to fix the roads and fix the bridges and wait on the aesthetics until later? Wouldn't you think the common man with common sense would say, Let's do the most important thing first, that buys us the most safety and the best transportation effect, rather than make the politicians and their well-heeled buddies look good?

I understand why people are upset with the Congress. It is because we make decisions that do not have much connection with reality. And then after we do it and we don't do the oversight that is required, we blame it on an administration.

I thought the debate about whether we could trust the FAA—we can trust the FAA if we do the following things: make sure they will be before us every 2 or 3 weeks talking about the progress of what they are doing; making sure we are having the oversight hearings; making sure we are doing our job to make sure the bureaucracy with which we give the responsibility to carry out policy is, in fact, being held accountable and, if not, withdraw the funds through a special rescission package to make sure that since you are not acting responsibly, we are going to withdraw your money. The last time there was a true rescission in the Congress was 1995.

We talk a big game about what a good job we do in oversight and good judgment. What happens is staff members make the decision of what gets included and what does not get earmarked. Sometimes it is based on economic priorities and sometimes it is based on the economic priority of who is running for reelection.



The other problem we have is things are not very transparent here, in spite of our President's desire that they be that way. I have a couple of amendments that are going to make sure the public reports that are required in this bill are made available to the American people, not just to the committee staff; to make sure that HUD reports to Congress on homes they own and the cost to the taxpayers, not just to a committee of Congress.

AMENDMENT NO. 2371

I now call up amendment No. 2371 and ask that it be the pending amendment.

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

Mr. COBURN. Madam President, I wish to talk about what this amendment does. This amendment forbids the mandatory spending of that 10 percent of money on things that are not going to make a difference when it comes to highway safety and bridge repair. And it says that Gary Ridley, the director of the department of transportation in Oklahoma, can take all of the money and make new bridges and new roads and repair bridges and does not have to worry about taking 10 percent of the money and spending it on aesthetics.

At another time, another place, maybe we would want to do that. But with our infrastructure crumbling, and with the trust fund not with enough money because of the economic shape in which we find ourselves, to continue to mandate that every transportation department in the country has to spend a full 10 percent of their money, not on what is important, but on something somebody may like, not on something that is about safety, but on what somebody may like and what may look good, to me does not connect with common sense.

I am probably a minority in that opinion in this building, but I am not in the minority in that opinion in this country. When times are good, we can afford to make such discretionary spending mandates on the States. When times are tough, when infrastructure is in poor shape, when the quality of our roads is taking people's lives every day, and when our bridges are falling down and chunks are falling off of them and injuring people severely, as happened in Tulsa 6 weeks ago on an interstate bridge, and falls through the windshield of a car and critically injures an individual who is driving down the interstate, it is time for us to use common sense on how we spend this money.

I would make one other point; that is, that this bill, compared to last year, in terms of real numbers—not in terms of the numbers that have been spun out there—is a 22-percent increase. If you go through all the appropriations bills we are bringing to the floor and what we have already passed, it is like there is no recession going on. There is absolutely no inflation. Yet we are growing government at 12 times the rate of inflation, and we are doing it on bill after bill after bill.

There is no apology anywhere from the Appropriations Committee that we are sorry we have to spend this increased amount of money, in spite of the fact we absolutely don't have it and that we can't winnow down and make our priorities sharper and better. No, what we do is we just bump the number.

In case you are interested, if you include contract authority, there is \$75.8 billion. Even if you don't include contract authority, you have a 12-percent increase. In the HUD portion of the bill, we have a 10-percent increase. So it is not just transportation. We are increasing housing and urban development 10 percent. So there is no inflation; tax revenues are down. There is no question we have greater needs, but there is no force to say: How do we more efficiently put out the money? How do we hold those spending the money more accountable? How do we get greater value for the money we are spending? No. You know what we do? We take the credit card out of our pocket, and we put it in an ATM that says: Charge to our grandchildren and charge to our children. That is what we do. Then we come up here and we say: This is absolutely necessary.

The vast majority of families in this country today are making tough decisions—very tough decisions. They are either saying: I have a job or I am lucky to have a job or, boy, am I thankful. I don't want to end up without a job, so I think I will start prioritizing where I have to spend money. The people where one of the two workers in the family have lost a job are making those tough decisions every day: What is an absolute necessity and what isn't?

Actually, it is more than the average American. Almost every American is making those kinds of decisions today. But isn't it curious the Congress isn't? Isn't it curious we don't prioritize? Isn't it curious that it has been years—whether under Republican control or Democratic control—since we have had an appropriations bill that comes out and spends less money? Are all these agencies efficient? Could it be done in a better way to get better value with less money? Could we force savings in these branches of government?

Those questions aren't even being asked. There are no priority questions being asked. What we do is we say: Here is our 302(b) number; how are we going to spend the money, rather than seeing what is the need, how efficient is the bureaucracy utilizing that money under the policy proscriptions we give them, and what are we going to do about it? So we come out spending hundreds and hundreds and hundreds and hundreds of billions of dollars with millions of earmarks.

I heard mention about the earmarks. What the American people need to know about earmarks is this: It is not the earmark that is bad, it is the extortion that comes with the earmark. Because everybody here knows that if you

have an earmark in an appropriations bill and you don't vote for the appropriations bill, the next time you want an earmark, guess what happens. They happen to remind you that: Oh, you had an earmark in the last one, but you didn't vote for the bill. So since you are not supporting our bill, we are probably not going to be as likely to include your earmark. What does that do? The problem with earmarks is it takes the focus off what we are doing collectively in the best interest of the country and makes the focus about the individual and the State.

There is nothing in this document—which is the U.S. Constitution—that gives us the right to think about our States. When you are sworn in here, they do not say: Mr. COBURN, Oklahoma, you will uphold the Constitution as long as it protects Oklahoma. It says: You will uphold the Constitution. Our Founders knew that any State couldn't be healthy unless we as a nation were healthy. Yet earmarks undermine that every time and force us back to parochialism—not Federalism but parochialism. So we take the money from individuals in the various States, and then, through our wisdom of all knowledge in Washington, we send it back so we look good, rather than leaving the money there in the first place and letting you decide how best to spend your own money. So we don't lessen spending. We always increase it.

We claim oversight—which we never do to the level that is required with a government as big as this—and then we complain that somebody wants to eliminate earmarks, and not because the individual earmark may not be a good thing—I can't think of many earmarks that probably aren't good things—but because the earmarks aren't necessarily a priority for the Nation as a whole. That is the difference in being and enhancing statesmanship versus politics. It is OK for Oklahoma to lose for a period of time if our country gets better. I have explained that to my State.

I have refused to do earmarks for my State. The reason is we are in a big pot of trouble right now as a nation—a large pot of trouble. If you watch the dollar index in the markets, what you see happening in the last 2 weeks is the value of your savings going down because the value of the dollar is declining rapidly. Everybody knows that the money we are borrowing today will only be able to be paid back through highly inflated dollars. So what you have worked for your entire life, what you have dreamed for your kids, we are undermining here a little bit in this very bill. It is just a little bit, but a whole bunch of little bits becomes a lot.

So here we go. We don't make the priorities, we don't make the hard choices, and we increase the spending a ridiculous amount for the time we find ourselves in, knowing a good portion of the spending is going to be borrowed

from our kids. We watch the dollar flounder, knowing that the amount you have put aside for your children in the future isn't going to be worth anything. It is a pretty sick, neurotic system we are operating under because it doesn't have enough sunshine on it, and that was the purpose for Senator McCain's amendment. That is the purpose for this amendment, to have some transparency. Let's have some common sense.

Let's not force State transportation departments that need critical dollars for bridge repair and road repair to spend it on a bicycle path nobody is going to ride or a sound barrier that truly doesn't cut the sound. Let's spend it on roads and bridges. Let's not force them to make choices that are stupid. Let's trust people to do what is right.

There is another observation I would make, and then I will close. I was born in 1948, and I have seen a shift in our country in that 60-plus years. Our nature and our history used to be that we trusted American citizens. I am talking of the Federal Government. We assumed you would do the right thing. Unfortunately, today, so much of the assumption of the Federal Government—especially as it relates to the States—is on the basis that we know you are going to do the wrong thing, and we are here to catch you; that we know better, and we are going to tell you how to do it, when to do it, and where to do it.

That has come about as we have had Supreme Court rulings taking away the constraints our Founders said were necessary. It is called the enumerated powers of the Constitution. It is article I, section 8, if you want to look it up. If you read what Madison and Jefferson had to say about that, we have been totally violating the intent of what they said, what they meant, and what they knew we would say about what they meant for the last 30 years in this country. So we find ourselves in a position where we dominate with the power of dollars and taxation to the detriment of our freedom, to the detriment of common sense, and to the detriment of good will.

I am not sure how the chairman and ranking member will respond to this amendment, but for this time and this situation we find ourselves in, we ought to eliminate this mandatory 10 percent and let Oklahoma and Kansas and Texas and Kentucky and New York build bridges and highways, not build aesthetics with the money which we took from them and are now sending it back but sending it with all these restrictions on it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I wish to thank Senator COBURN for doing what we have been asking him and other Senators to do and that is to come to the floor and get their amendments offered.

I will be talking with the Senator from Oklahoma, over the next short

while, to figure out the order in moving to his amendments for votes, as he has requested. We do have another amendment that had been offered by Senator McCain, amendment No. 2375, which we would like to get a vote on before the caucus luncheons.

AMENDMENT NO. 2375

So I ask unanimous consent that amendment No. 2375 be made the pending business.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mrs. MURRAY. Madam President, we are currently working out with both sides to move to a vote fairly quickly, so I would advise Senators' offices to be ready for a vote shortly, and we will wait for that to occur here as soon as we can make that happen.

Mr. BOND. Madam President, I join with my colleague in thanking the Senator from Oklahoma for offering these amendments. We are looking at these amendments. I think they are good amendments, and I hope they can be accepted. We have some of our staff looking at the details of some of the amendments to see what impact they have. We have to determine whether there would be any untoward consequences from one of the amendments, which I think probably comes within the jurisdiction of the Environment and Public Works Committee, so I would invite them to come down and look at it.

But I thank the Senator from Oklahoma for offering his amendments and for bringing them up for discussion, and I join with my colleague from Washington, the chair of the subcommittee, in urging that we move forward with a vote. We have lots of work to do. We were on this on Thursday and Friday and Monday. Now it is Tuesday, and we have a short day, and then there is Wednesday and there is Thursday. This bill needs to be passed, so moving the amendments forward, getting votes on them, having the discussions is very important.

I thank the Chair, and I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. MURRAY. Madam President, I ask unanimous consent at 12:24 today the Senate proceed to vote in relation to the McCain amendment No. 2375, with 2 minutes prior to the vote divided and controlled in the usual form, and that no amendments be in order prior to the vote.

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

The Senator from Arizona is recognized.

Mr. McCain. Madam President, how much time do I have?

The PRESIDING OFFICER. One minute.

Mr. McCain. Madam President, the amendment would take \$1.7 billion in this bill for the 589 congressionally directed spending projects, known by most Americans as earmarks, and redirect that money toward air traffic control modernization. Every day, Americans sit on a runway, miss meetings, children's soccer games, family dinners, and other important events due to air traffic delays that could have been avoided if our Nation had modernized the air traffic control system. The Government Accountability Office estimates that one in every four flights is delayed.

A major issue, though, here as important as modernization of the air traffic control system is this bill has 589 earmarked projects on it worth \$1.7 billion when we are facing the highest deficits in the history of this country. Americans all over this country are rising and saying stop, stop this porkbarrel earmarking which breeds corruption in the Nation's Capitol.

I urge my colleagues to vote for the amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, the bill before us contains 50 percent fewer earmarks than in 2006. Importantly, these are priorities of Senators who have brought them to us. They are less than 1 percent of the bill. Even more important, what the amendment before us does, and I am a strong supporter of NextGen, is it puts money to the FAA that they cannot spend.

This is a program that does need strong oversight. We have been told that in our committee time and time again by the IG and others before us. We want to move forward on the NextGen and we want to do it in a responsible way. This amendment will give them money that they will not be able to spend.

I urge our colleagues to vote against this amendment.

I yield all of our time, move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio Mr. (BROWN), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

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



The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—68

Akaka	Gregg	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Inhofe	Reed
Bennett	Inouye	Reid
Bennett	Johnson	Roberts
Bingaman	Kaufman	Rockefeller
Bond	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brownback	Kohl	Sessions
Burris	Landrieu	Shaheen
Cardin	Lautenberg	Shelby
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	McConnell	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Franken	Murkowski	Wyden
Gillibrand	Murray	

NAYS—26

Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Bunning	Enzi	McCain
Burr	Feingold	McCaskill
Chambliss	Graham	Risch
Coburn	Grassley	Snowe
Corker	Hatch	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	

NOT VOTING—5

Brown	Cantwell	Specter
Byrd	Hutchison	

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote and to lay that motion upon the table.

The motion to lay upon the table was agreed to.

RECESS

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

Thereupon, the Senate, at 12:50 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2370, 2371, AND 2372

Mrs. BOXER. Mr. President, I have decided to come to the Chamber in my capacity as chairman of the Environment and Public Works Committee to address a number of Coburn amendments that he has either laid down or intends to lay down, and I hope we can work to defeat these amendments, as I understand them, and I want to say why.

We have a very important relationship with our States when it comes to transportation and highway programs, and we work with them on many aspects of transportation. We have something called the Transportation Enhancement Program. It is a TE program. It was created in 1991 in the ISTEA bill, and one of the purposes was to encourage investments in many areas that have been overlooked. I want to give you an example of those.

Since 1992, because of this TE Program, over \$11.5 billion has been made available to the States for some very important purposes that deal with safety, that deal with making sure our highways are kept in a condition we want to see them kept. I will give more examples of the funding. But over that period of time, that \$11.5 billion has created 399,000 jobs. Let me repeat that. This special program Senator COBURN wants to strip—and he wants to strip parts of it—is responsible for 399,000 jobs since 1992. I am here to say—because I know my friend, Senator MURRAY, agrees with me—of all the times not to visit more job losses on our people, it certainly is now. Jobs are key, and the Coburn amendment is a jobs killer.

Let me tell you about the various areas that fall under this program he is taking the ax to.

Environmental mitigation. This includes projects that address water pollution due to highway runoff. We just read a front-page story in the New York Times where we see terrible water pollution affecting our children. They had a picture of a child who has been drinking water that really has not been tested in the right way according to the law. This child's teeth all have to be capped because his teeth rotted. So we want to make sure we do not let that runoff get into waterways.

Also, we hear about wildlife mortality. Anyone who has seen the result of a crash between a car and, let's say, a deer on a road knows this is a horrific situation for all parties, and it is a matter of life or death for drivers and their passengers. That is what some of this money is used for and that is what our friend, Senator COBURN, wants to take the ax to, as far as I understand it.

Then there are facilities for pedestrians and bicyclists and safety and educational activities for pedestrians. Residents of my State are strong supporters of spending transportation funds on bicycle paths and pedestrian facilities. We all know walking and biking are forms of transportation which should not be cut but, rather, encouraged.

Other categories of TE, the transportation enhancements, that it is my understanding Senator COBURN wants to cut: acquisition of scenic easements and scenic history sites, including historic battlefield sites. Does he think that little of the history of the country that he wants to take an ax to this, scenic or historic highway programs,

including the provision of tourist and welcome center facilities? Again, tourism is one of the things we need to build up. There are many millions of jobs related to tourism, landscaping, and other scenic beautification. We all know and take pride in our communities. Highway beautification, to me, is a key part of our quality of life—historic preservation, rehabilitation, and operation of historic transportation buildings.

We have seen some of those. We have seen them in places as far flung as New York to places in St. Louis, MO, to San Francisco, CA—preservation of abandoned railway cars, including conservation and use of the cars for pedestrian or bike trails; inventory control and removal of outdoor advertising and archeological planning and research. Senator COBURN would have us believe that transportation enhancements are a low-priority project. These are investments that put hundreds of thousands of Americans to work. These are investments that improve safety, prevent pollution, save fuel, and improve the quality of life for millions of Americans.

I wonder if Senator MURRAY and I can engage for a minute here through the Chair.

What is the timing of when these amendments will be voted on? Can the chairman tell me?

Mrs. MURRAY. Mr. President, in response to the Senator from California, the Senator from Oklahoma has offered a number of amendments. We are hoping to debate them this afternoon and vote on them tomorrow morning.

Mrs. BOXER. May I ask, through the Chair, if the chairman of the subcommittee would allow me to be heard for a minute before we have a vote on any of these amendments that deal with transportation enhancement programs.

Mrs. MURRAY. Mr. President, we will make sure, as we put together the order for tomorrow, the Senator can be heard before the votes occur.

Mrs. BOXER. I thank the Senator.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2366, AS MODIFIED

Mr. WICKER. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2366, as modified.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 2366, as modified.