

[economic] crisis, because this project would have given nothing but trouble.”

If it sounds like Moscow has already discounted this sweeping strategic concession from Washington, experts suggest that's because Russia's foreign policy establishment had been expecting such a decision, at least since Obama hinted that he might give up the missile defense scheme during his summit with Russian President Dmitry Medvedev in Moscow last July.

“We've been getting signals since last Spring that made it seem almost certain that the missile defense plan would be set aside,” says Fyodor Lukyanov, editor of Russia in Global Affairs, a leading Moscow foreign policy journal.

#### NEW ARMS DEAL NOW WITHIN REACH, BUT CONCESSIONS ON IRAN?

Mr. Lukyanov says the only predictable result of key importance is that negotiations for a new strategic arms reduction treaty to replace the soon-to-expire 1991 START accord are now likely to meet the December deadline for a fresh deal.

“Now we can be sure the new START agreement will be completed on time, because the vexing issue of missile defense and how it affects the strategic balance has been removed for the time being,” he says. “That's quite an important matter.”

But while Russian experts say the move can only contribute to a warmer dialogue between Moscow and Washington, they say no one should expect any reciprocal concessions from the Kremlin on issues of key concern to the U.S., such as Iran.

#### WHY RUSSIA HAS OPPOSED MISSILE DEFENSE

Washington has consistently argued since news of the proposed missile defense shield emerged in 2006 that it was intended to protect Europe and the U.S. from a rogue missile attack from Iran or North Korea and not to undermine Russia's strategic deterrent.

Moscow has retorted that those threats are merely theoretical, but Russia's dependence upon its aging Soviet-era nuclear missile force for its national security would be deeply affected if the American scheme were to go forward.

“Iran isn't going to have any long-range missiles in the near future anyway,” says Alexander Sharavin, director of the independent Institute of Military and Political Analysis in Moscow.

“The U.S. evidently doesn't want to quarrel with Russia, now that Moscow is collaborating in such areas of importance to the U.S. as Afghanistan,” where Moscow has enabled a resupply corridor through former Soviet territory to embattled NATO forces, and offered other forms of cooperation, he says.

#### RUSSIANS EXPECT ANOTHER U.S. CONCESSION—ON NATO EXPANSION

Mr. Lukyanov says “it's possible” Russia may be more pliable on the issue of tough sanctions against Iran, a measure it has strongly resisted in the past. He says that in a recent meeting with foreign policy experts, President Medvedev introduced a new tone by remarking on his contacts with Arab leaders who are deeply worried about Iran's alleged drive to obtain nuclear weapons.

“It may be that Russia will be more amenable, but this is a deeply complicated issue,” he says. “On Iran, and other regional conflicts, the differences between Moscow and Washington are deep, and that hasn't changed.”

Russian experts also say they believe the Obama administration will quietly set aside the other issue that has infuriated Moscow over recent years: the effort to expand NATO into the former USSR by including Ukraine and Georgia.

“I wouldn't expect any formal statements to this effect, but it's more or less clear that

the issue of NATO enlargement is off the table for the time being,” says Lukyanov.

#### POSTPONED, NOT CANCELED

So why isn't sunshine breaking and a new era of strategic accord dawning between Moscow and Washington?

“Nothing has been canceled, missile defense has just been postponed,” says Lukyanov. “For awhile this topic is off the agenda, but later it will return. So, for now the political situation may improve, but the underlying pattern of relations is unlikely to change in any basic way.”

And Russian hawks might see the dropping of the missile shield as weakness in Washington and press the Kremlin for even less compromise on key U.S.-Russia issues.

“I think the reaction of Russia's leadership will be positive on the whole,” says Mr. Sharavin. “But Russian hawks are very likely to find faults, and use this to build up their own positions.”

Who's the new right-wing prophet advising the Kremlin?

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 10 minutes and that the time be charged against Senator LEAHY's time.

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

#### FINANCIAL REGULATORY REFORM

Mr. TESTER. Mr. President, I rise to say a few words about an issue that has been front and center in my office for the past 12 months—reforming regulation of our financial markets.

I am a family farmer. In my neck of the woods, farmers usually don't sit around and talk about economic policy and Wall Street financial institutions.

But I do guarantee you that where I come from, everybody talks about common sense and why so much common sense seemed to be missing when America's financial industry almost collapsed a year ago.

Everyone in my State felt the impact of what happened when Lehman Brothers caved in, when Fannie and Freddie hit a dead end, when AIG went belly up, and when we saw daily headlines about bank mergers and bailouts.

We all paid a price because of a few greedy actors on Wall Street and no refs on the playing field. That price was \$700 billion of taxpayer money. I opposed that bailout because it rewarded the wrong people, and I was concerned about its ability to create a single job for our small businesses or help one family farmer. I think it was a bad deal for Main Street.

Last year, I asked Treasury Secretary Paulson—a former chairman of Goldman Sachs—about why this happened. His answer: “I don't know.”

Where I come from, answers such as that aren't good enough, and terms such as “too big to fail” don't make any sense at all. It is time to make some changes.

After what we have been through over the past year, it is clear we need to reform the rules that keep America's financial industry on our side.

How? Well, it is going to take a lot of hard work, honesty, and common sense.

We have already started. I have teamed up with some of my friends in the Senate, from both parties, to co-sponsor the TARP Transparency Act. Our bill will better track the money being used to get the financial industry back on its feet because it is taxpayer money and because taxpayers deserve no less.

Over the course of the past year, the Senate Banking Committee has held countless hearings on regulatory modernization. The administration has put forth a good-faith effort in working with Congress in the massive legislative overhaul. Government has worked with the financial industry and consumers to outline the goals of sweeping new financial regulatory reform.

I don't believe comprehensive financial reform will guarantee we are safe from financial crises, but, if done right, it can provide folks with adequate protection, it can bring confidence back into the marketplace, and it can minimize the risk of a financial meltdown similar to the one we barely weathered last fall.

Unfortunately, there are those who don't believe comprehensive reform should be on the front burner. They are now lobbying to protect their own self-interests, their own profits, and the status quo over consumer protection.

That is why we need to use this 1-year anniversary as a reminder to act now to protect consumers and investors, to close the loopholes in our regulatory framework, and to ensure that no company is too big to fail.

We must regulate derivatives; supervise financial companies that have been outside the scope of regulation, thereby creating a level playing field; ensure that there is strong supervision of all financial firms—not just depository institutions; build on the bipartisan success of the credit card legislation and pass mortgage reform to protect consumers; combine the numerous banking regulators into a more simple, streamlined, commonsense structure that is capable of supervising 21st century financial institutions; create an entity that will protect taxpayers from future financial corporate failures and minimize the need for further government action; increase capital standards to prohibit institutions from growing too big to fail; and we must ensure that those companies selling mortgages and securities keep some skin in the game by holding onto a portion of the underlying asset to keep them honest.

As we move forward with regulatory reform, I will be working hard to eliminate any unintended consequences, specifically as it relates to community banks and credit unions.

In Montana, when we talk about the banking industry, we are talking about community banks and credit unions. They are the good actors. They don't live on the edge. They didn't get into the Wall Street shenanigans that caused this mess.

Montana's community banks and credit unions serve their towns and communities reliably and safely. We are fortunate in Montana to not have had a bank fail in over 10 years. We also have one of the lowest rates of mortgage defaults and foreclosures in the Nation. We have had very few problems as it applies to predatory subprime loans.

The community banks and credit unions are not the problem. I wish to make sure we do not place excessive fees or regulatory burdens on these small but very important institutions, such as the community banks.

Over the course of the coming weeks and months, I plan to work with Senator DODD, the chairman of the Senate Banking Committee, and all my colleagues toward commonsense reform that will increase supervision and transparency of the financial markets, that will bring back investor confidence, and that will protect consumers and safeguard us from another situation where the greed of Wall Street penalizes hard-working families.

Earlier this week, the President spoke on Wall Street. He said:

We are beginning to return to normalcy.

But he warned that:

Normalcy cannot lead to complacency.

I couldn't agree more. That is what we in Montana call common sense.

Mr. President, I yield the floor. I suggest the absence of a quorum and ask that the time during the quorum call be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I wish to speak today on President Obama's nominee for the Second Circuit Court of Appeals—a court one step below the U.S. Supreme Court—Judge Gerard Lynch.

I have carefully reviewed Judge Lynch's background and his rulings as a district court judge. He is a Columbia law graduate and a former Federal prosecutor in the Southern District of New York. For the most part, he has been a very good district judge. He is exceedingly capable and a man of high integrity.

After reviewing his record and responses to questions from the Senate Judiciary Committee, I decided to support his nomination. I do so because I believe he will adhere to his judicial oath which requires judges to administer justice without respect to persons, to do equal right to the poor and the rich, and to faithfully and impartially discharge and perform their duties under the Constitution and laws of the United States and not above it.

In responses to my questions, Judge Lynch affirmed that circuit courts

have no greater freedom than district courts to decide law outside the bounds of precedent, but they must apply the law and the precedent to which they are bound.

Judge Lynch also stated that a judge is to "apply the law impartially" and "should not identify with either side" in a case.

Even though I will support Judge Lynch and admire him and enjoyed meeting with him, I want to share some concerns about his rulings and some statements he has made over the years that I think are matters that ought not go unremarked before his confirmation.

The role of a judge is to follow the law regardless of personal politics, feelings, preferences, or ideology. I think, for the most part, he has done that in his cases.

One case that is troubling, however, is *U.S. v. Pabon-Cruz* in which Judge Lynch attempted to get around the jury process and the sentencing process because he believed a mandatory minimum sentence required by Congress of 10 years for a conviction of receiving and distributing child pornography was unduly harsh.

He announced that he would tell the jury about the penalties in the case, which is not appropriate. In its order prohibiting Judge Lynch from informing the jury about what the punishment would be in the case, the Second Circuit, on which he now seeks to sit, expressly stated that Judge Lynch's "proposed jury instruction regarding the penalties the defendant faces if convicted is a clear abuse of discretion in light of binding authority."

Judge Lynch disagreed with the Second Circuit's decision, calling it a "mistaken conclusion." Judge Lynch clearly believed he had the right to ignore precedent and established law and inform the jury about the penalties that were applicable upon their verdict of guilty so that the jurors, in effect, would have an opportunity to ignore the law and choose not to apply it because he did not think the penalty was fair, apparently.

I am disappointed by the fact that Judge Lynch appears to believe this sentence was inappropriate, but more importantly, that he should have been allowed to invite jury nullification, which is, in effect, to say to a jury: You don't find the defendant guilty if you think the punishment is inappropriate.

In response to one of my written questions, Judge Lynch said that while he accepts the ruling of the Second Circuit, he continues to believe his instincts were correct. He stated:

The rationale for this decision—

Of the Second Circuit which reversed him—

which I fully accept, in light of the ruling of the Second Circuit, was erroneous—was that unlike most cases in which the jury fully understands the seriousness of the crime charged, in that case the jury may have misperceived the relative seriousness of the two overlapping charges in the case.

Judge Lynch's actions in that case are especially disconcerting when considered in light of his written remarks criticizing the textualist approach to constitutional interpretation.

In a 2001 speech on the Supreme Court's decision in *Apprendi v. New Jersey*, Judge Lynch stated:

I would like to welcome—

Talking here about Justice Scalia and Justice Thomas—

also to a more realistic, more flexible, and in the end more honest way of protecting the constitutional values they share.

Judge Lynch, in effect, endorsed this flexible judicial philosophy and advocated it previously.

Concern over his statements in previous years contributed to my vote against his nomination to the U.S. District Court on that occasion.

In a 1997 law review article entitled "In Memoriam: William J. Brennan, Jr., American"—that is, of course, Justice William Brennan for whom he formerly clerked—Judge Lynch admonished the successors of Justice Brennan that they must also engage in constitutional interpretation "in light of their own wisdom and experience and in light of the conditions of American society today."

In that same article, Judge Lynch stated he personally believed it was a "simple necessity" that the Constitution "be given meaning for the present." Judge Lynch's praise for Brennan's "present-day meaning" approach included the opinion that Justice Brennan's "long and untiring labor to articulate the principles found in the Constitution in the way he believed made most sense today seems far more honest and honorable than the pretense that the meaning of those principles can be found in eighteenth- or nineteenth-century dictionaries."

So I have a problem with that speech from 1997 and that strong statement of adherence to the doctrine that Justice Brennan was the foremost advocate of a living constitution and that words don't have fixed meanings; that you can make them say what you want them to say to affect the result you think is appropriate today.

The Constitution is a contract with the American people. We have every right to amend it through the amendatory process, but judges don't have a right to amend it based on what they perceive it to mean. Based on what? What information have they received that makes them think they have a better idea of what the Constitution ought to mean than how it has been interpreted for 200 years?

This is a serious matter because judges are unelected. They have a lifetime appointment, and we give them that because we want unbiased, objective analyses. But it doesn't mean they are empowered to update the Constitution to make it say what they would like it to say today. They are not empowered to do that. In fact, it erodes democracy when they do that because the elective branches, those of us in

this Senate, are accountable. Judges aren't accountable.

Another of Judge Lynch's cases that bears mention is *United States v. Reyes*. In that case, a police officer asked a defendant drug dealer, who had not yet been read his Miranda rights, whether he had anything on him that could hurt the officer or his field team. Even though the defendant had not been frisked, Judge Lynch concluded the defendant was the subject of a custodial interrogation under Miranda, and that before the police officer could ask whether he had anything to endanger the officers, he had to warn him of his Miranda rights. As a result, Judge Lynch excluded from the record statements that the defendant made at that time which implicated him in the crime.

The Second Circuit—the circuit which he will now serve on—reversed Judge Lynch, holding that the public safety exception was in fact applicable and that the cases Judge Lynch had relied upon in his ruling were distinguishable. The court noted that drug dealers often have hypodermic needles or razor blades on their person that could pose a danger to police officers. Additionally, the defendant was not handcuffed at the time of the arrest and could have reached for a concealed weapon. The Second Circuit also noted that the questions asked by the officer were “sufficiently limited in scope and were not posed to elicit incriminating evidence,” and the police “cannot be faulted for the unforeseeable results of their words or actions.”

Judge Lynch has also advocated that Miranda warnings be administered for searches, which has never been the case. In a symposium commentary, Judge Lynch proposed a Miranda-type rule for searches that would invalidate consents to search unless the party whose consent is sought is first advised that he or she has the constitutional right to refuse such consent.

Well, Miranda was never required by the Constitution. It was a prophylactic protective rule the Court conjured up. Somehow the system has survived it, but it has done some damage in terms of not getting the kind of admissions and confessions you might otherwise get. That is just a fact. At any rate, to expand that now to searches, which has never been done, I think is an unhealthy approach.

You might say: Well, theoretically, if you are going to do these Miranda interviews you could do it on searches. But I would just note that Miranda itself is a protective rule, not a mandated constitutional rule.

I mentioned the foregoing issues because they are of great concern to me. It appears, notwithstanding, in the vast majority of his cases, Judge Lynch has been a very careful judge who has followed the law. He has stated that he understands that circuit judges are “bound by Supreme Court and prior circuit precedent, and their job is to apply, fairly and accurately,

the holdings and reasoning of such precedent.”

Given his commitment to do that, I will vote for him, and I hope he will continue his excellent service on the bench, but that he will interpret the law as written and will refrain from imposing personal views in his decisions.

It is unfortunate, and I am concerned also, that the President, in his nominations, is moving a number of people for the Federal bench that are clearly activists. Many of them don't have the length of time on the bench that Judge Lynch does, or his skills as a judge, frankly, and it is causing us some concern, and we will have some real debate about it.

The nomination of Judge David Hamilton for the Seventh Circuit Court of Appeals raises that issue and concern with me. The White House has said it intended to send a message with his appointment, and I would say that it did. Judge Hamilton's appointment is significant. Instead of embracing the constitutional standard of jurisprudence, Judge Hamilton has embraced President Obama's empathy standard. Indeed, he said as much in his answers to questions for the record following his confirmation hearing in the Judiciary Committee.

He rejects the idea that the role of a judge is akin to that of an umpire who calls balls and strikes in a neutral manner. Rather, he believes a judge will “reach different decisions from time to time . . . taking into account what has happened and its effect on both parties, what are the practical consequences.”

Judge Hamilton also appears to have embraced the idea of a living constitution. The last time I was at the Archives Building, I saw a parchment from 1789—not breathing. It is a document. It is a contract. It guarantees certain rights to every American, and judges aren't empowered to rewrite it, to make it say what they think it ought to say today.

In a speech in 2003, Judge Hamilton indicated a judge's role included writing footnotes to the Constitution. When Senator HATCH questioned him about these comments in a follow-up question, he retreated somewhat, but then gave a disturbing answer to the next question about judges amending the Constitution or creating new rights through case law and court decisions. This judicial philosophy has clearly impacted Judge Hamilton's rulings during his time as a district court judge. He has issued a number of controversial rulings and has been reversed in some noteworthy cases.

For example, he ruled against allowing a public, sectarian prayer in the Indiana State Legislature and was reversed by the Seventh Circuit.

He ruled against allowing religious displays in public buildings and was unanimously reversed by a panel of the Seventh Circuit.

He blocked the enforcement of a reasonable informed consent law dealing

with abortion matters for 7 years. He continued to block enforcement of that law and was eventually firmly and forcefully overruled by the Seventh Circuit for being in violation of the law.

Judges, the State, and other people spent all kinds of money, and attorney generals of the State spent money and time and effort to litigate these matters, and finally winning, but, in effect, the people of the State, for 7 years, were unable to enforce a constitutional statute their duly elected representatives had passed.

That is the power of an unelected Federal judge sometimes, and we need to be sure judges who go on the bench understand they are not allowed to do that. They are supposed to be a neutral umpire. If the case law and the Constitution say this is a good statute, they need to affirm it whether they like it or not, whether they would have voted differently or not. If he wants to be in the legislature and vote on the statutes, let him seek that office.

A Federal judge must be able to dispense rulings in a neutral fashion so the emblem that hangs over the Supreme Court, which has been embraced by the American people—equal justice under law—can be carried out in every aspect of a legal proceeding. A judge must put aside political views which may be appropriate as a legislator, executive, or an advocate, and interpret the law as it is written. He must keep his oath to uphold the Constitution first and foremost.

As I have said before, the Constitution is a contract between the American people, especially in a government of limited powers that is established by the people. It is a judge's duty to abide by the Constitution and protect and defend it and all the laws duly passed by Congress that are consistent with that Constitution. We have preserved our Nation well by insisting that our judiciary remain faithful to the plain and simple words of the Constitution and the statutes involved.

So, Mr. President, I am impressed with the skill, the legal ability of Judge Lynch, whose nomination is before us today. I have reviewed his record carefully. I have listened to his answers. I have seen some of his speeches. In a few cases, they cause me concern. But I think giving deference—and appropriate deference—to the President's nomination, he should be confirmed. I will ask my colleagues to support the confirmation.

But I want to say that all of us in this body, as well as judges, have a duty to preserve and defend our Constitution. You can erode the Constitution in a number of ways, and one way it can be changed and altered impermissibly is when judges redefine the meaning of words. So when a judge says we shouldn't resort to 18th century dictionaries, that makes me nervous. What does that mean? You just give a new definition to the word, the one that people ratified—the amendment they passed and ratified, which

had a certain meaning and was understood to have that meaning? Now that you are on the bench, and you think it shouldn't be enforced that way, and you would like to see a different result, you just sort of amend it or write a footnote to it? I don't think that is good judicial policy, and I feel an obligation—I think a number of us in this Senate do—to confirm good judges—men and women of character and ability and faithfulness to our laws and Constitution—but also raise the concerns that we have and to use every bit of our ability and strength to oppose nominees who won't be faithful to those high ideals that have made us a nation of laws and made us prosperous and free.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### TRANSPORTATION APPROPRIATIONS

Mr. DEMINT. Madam President, I wish to speak to an amendment of mine that is to be on the floor on the transportation bill in a few minutes. It is an amendment that would cut funding to a particular airport in Pennsylvania. I wish to discuss why we are targeting this particular cut.

As all of us know, all over America for the last several months, millions of Americans have come out to TEA parties and townhalls, expressing concern and even anger over the level of spending and borrowing and debt we are incurring here in Congress; the concern about all the new taxes we are talking about; the takeover of everything from General Motors to insurance companies. People are concerned, I think for a lot of good reasons.

The question is now, particularly after the hundreds of thousands of people gathered in front of the Capitol last Saturday from all over the country, expressing many of those same concerns: Is anybody listening? Is anyone here listening?

It reminds me of a couple of weeks ago when my 2½-year-old grandson was spending the night with my wife and me. He was sleeping in another room, and we have these intercoms that everyone knows about. He knows about the intercom and how it works, so when he got up in the morning, as usual about 6:30 or something, he said: I am up. Is anybody home?

He kept saying: Is anybody home? Is anybody home? I knew he was going to keep saying it until I got up and went in and got him up.

I think that is the question Americans are asking us here in Congress: Is anybody home? A lot of people last weekend, when I was here, said: Keep

speaking for us. Someone has to speak for us. These were not mobsters, they were not the right wing. They were Americans, moms and dads with kids in strollers, grandpas and grandmas, here from all over the country, of all political parties, who know enough to say we cannot keep spending and borrowing, and the more we spend, the more waste and fraud there is.

All of us here seem to agree, especially at campaign time: Oh, we need to cut out the waste and fraud. But no matter what we bring up to cut, even if we pick the most egregious waste the Government Accountability Office comes up with every year and says these are the most wasteful and inefficient programs, we can put them on the floor of the Senate for a vote and we cannot cut them.

Where do we begin, when all we seem to do, week after week, month after month, year after year, when all of us come in from all around the country and for every problem we see we have a new government program or an earmark or something that is supposed to fix it? Everything adds to the deficit. We never make those tough decisions about cutting anything.

My amendment actually cuts something. It was not my invention. I have learned about it over countless television documentaries on the Congressman John Murtha Airport in Johnstown, PA. It is a small airport that over the last 20 years has received \$200 million in taxpayer funds. This is an airport that only has 3 flights a day, an average of a total of 20 passengers a day. All of those three flights come to Washington and they are always mostly empty. The people who buy the tickets spend about the same amount per ticket as the taxpayers' subsidy for those tickets.

Earlier in the year, after we passed the stimulus package, another \$800,000 went to this airport to pave the alternate runway that is seldom used. After I brought up this amendment to discontinue funding—and I want to make this clear; this is on this bill, the transportation bill, and it only discontinues funding for 1 year. It is not permanent. It does not discontinue any funding related to defense or the military, so the National Guard and others continue to use it. The Defense Department can spend whatever they want on this airport. It is just that the Department of Transportation cannot spend any more money to subsidize air traffic from this airport.

It also does nothing to cut any safety funds for air traffic control. It is a couple of paragraphs that say enough is enough, this airport has received an inordinate amount of money. It has equipment it doesn't even use, millions for radar equipment that is not even staffed. Again, 3 flights a day, only to Washington, DC, with less than an average of 20 passengers a day. Most of the time there are more airport security people in this airport than there are passengers.

This is not some partisan attack. In fact, if you will remember, the bridge to nowhere, which was a Republican project, was exposed by Republicans. It helped America see an example of waste and abuse. That is what this amendment is about. It is not an attack on any party or any State, it is just an example that has been brought to light by countless media sources all over the country of us wasting money—not just one time but year after year.

If my amendment is not agreed to, another \$1.5 million of subsidies will go to this one airport because their Congressman likes to fly back and forth from a local airport. Many Americans have to drive an hour or two to get to an airport. Folks in Johnstown could drive an hour to Pittsburgh Airport if the tickets were too expensive from Johnstown. This is not a particular attack on a Congressman or a State or community. It is a beginning. It is a demonstration that here in the Senate we get the message. We are listening. We are actually home and we are going to speak for those millions of Americans who say enough is enough, we cannot keep spending and borrowing and creating debt.

For every dollar we spend here, about half of it now is borrowed. We are actually on our knees begging countries such as China to loan us some money so we can pay some of the debt that is coming due. Yet we keep creating cash for clunkers and "Fannie Travel," which is a travel promotion agency we created a couple of weeks ago. Now we are passing a spending bill that is about 23 percent over what it was last year. At a time with down economics, Americans out of jobs, we are increasing spending that much.

With this amendment we are saying we can make a tough decision. We can begin the process of starting to cut waste and fraud. But the reason so many people are going to vote against this amendment is there is a code here: I will support your spending for your State if you will support mine. I will not mess with the spending in your State if you won't mess with mine. We have been doing it for years, so we have been adding earmarks and projects in all of our States, supporting each other, and the budget and the spending get bigger and bigger and no one has the courage to say no, we have to stop.

A few of us did on the bridge to nowhere. Thanks to millions of Americans saying you are right, we were able to stop that one project. But we are still spending like there is no tomorrow.

I am asking my colleagues to agree we can cut one thing, one thing that is obviously wasteful and unfair. It is not fair to ask taxpayers all over the country to subsidize half of every ticket that is bought in a little airport in Johnstown, PA. They are not helping all the other Americans around the country or all the other small airports. Certainly small general aviation airports have gotten Federal funds but nothing to this degree.