

the bill needs to be online for 72 hours so we and the American people can read it? Shouldn't we read the bill we are voting on, and shouldn't we know how much it costs before we start voting on it?

Mr. MCCAIN. The Senator is exactly right. Again, wouldn't it be nice for our constituents—by the way, many of them come to the townhall meetings with a sign that says “Have you read the bill?”—to let them read the bill too. Wouldn't it be nice if every American citizen who wanted to could go online and read the legislation and give us their ideas and thoughts as to how we could make it better?

May I mention—I hate to keep coming back to this issue of medical liability—a PricewaterhouseCoopers study says defensive medicine could cost us as much as \$200 billion annually. If we are interested in savings, why don't we go right at that? Do we need a demonstration project someplace around America? I don't.

May I mention one other point, and I would be interested in my colleagues' views on it. This proposal also levies new taxes on medical devices. Why in the world would we want to do that? Medical devices and the best technology in the world are developed in America, but they are very expensive as they are. Why would we want to levy new taxes on medical devices when we know very well that if the insurance company is paying for them, the insurance company passes on those increased costs to the insured, thereby increasing the cost of health insurance in America. Why would we want to do that?

Mr. ISAKSON. It is raising the cost to the consumer because a lot of those types of things that are being taxed are purchased discretionarily and are not covered. They are paid for out of the pocket of the consumer. When you tax the medical device, you are just raising the cost of the medical device to the consumer.

Mr. MCCAIN. What the other side is trying to do is expand government, expand coverage, and yet, at the same time, reduce costs. You cannot square the circle. That is why they keep bumping into—every time there is a new proposal and to make things more expansive and more available, they run into escalations in costs and how we are going to pay for it.

I believe our constituents, again, have figured it out—a reestimate of a \$7 trillion to \$9 trillion deficit over 10 years, a some \$700 billion stimulus package that may have stimulated Wall Street but, frankly, in my view from being home a lot, has not stimulated Main Street and is not having an effect on unemployment in America, to say the least. The neighboring State of California now has 12.2 percent unemployment. They cannot get to where they want to go without increasing that deficit and debt burden that we are laying on future generations of Americans.

I wish they would sit down with us. I wish we could sit down together, start from the beginning, knowing what we know—we have all been well educated by this process—knowing what we know now, knowing what we can do to reduce health care costs in America and make it affordable and available. Unfortunately, as we watch the machinations going on in the Finance Committee, that has not happened yet.

Mr. ISAKSON. I completely concur with the Senator from Arizona and the Senator from Tennessee. There is common ground, but you have to be willing to find it. So far that has not been the case. When we get to that point, we can solve a lot of the American peoples' problems. Just ramming through something we cannot read, we cannot quantify, we cannot score is not the way to go about it.

Mr. ALEXANDER. If there is one point we would want to make, it is this. It is such an ambitious program. The stakes are so high. This is no abstract debate. The reason people are turning up at town meetings is because this is about their health care insurance and also whether your government is going to go broke in the next few years, dumping a lot of burdens on our children and grandchildren.

What we are saying is we need to read the bill and know how much it costs before we start voting on it. We need to read the bill. It needs to be online 72 hours. That is a modest request, it seems to me. That is a short period of time. Then we need to know how much it costs. Does it raise our premiums or lower them? Does it cut your Medicare, or does it not cut your Medicare? Does it increase the national debt, or does it not increase the national debt? We need to know the answers to those questions. It would be the height of irresponsibility for us to begin debating a bill that affects 17 percent of the economy at a time when our debt is going up so rapidly without having, one, read the bill and, two, knowing exactly what the nonpartisan Congressional Budget Office tells us every provision costs.

Mr. MCCAIN. Can I tell my friend, if the American people are able to know the details of this legislation, I think they would be surprised to know that the new taxes—the medical devices, the prescription drugs and other tax increases—they begin in the year 2010, 3 years before the provisions in the bill for “reform” are implemented. So for the next 3 years, the cost of health care and health insurance goes up due to the new taxes and fees, but the so-called reforms are not implemented—why did they do that?—so that the actual costs, as we cost it out over a 10-year period, are disguised by beginning the taxes and not implementing the reforms, which then the Congressional Budget Office can give a cost estimate which is less than, frankly, what it actually is if you put the reforms in at the same time as the tax increases.

That is a little complicated, but I think Americans need to know that.

Mr. ISAKSON. My only comment in closing is simply this: The Senator is exactly right. Once this horse is out of the barn, you can never put him back in. We have to get it right to begin with. We need to go back to the drawing board, have a bill we can read, and a bill we can afford.

Mr. ALEXANDER. I thank the Senator from Arizona and the Senator from Georgia. They said what we believe. We need to stop, start over, and get it right. Above all, we—it seems such a basic thing to say it is almost embarrassing to say it on the Senate floor—we need to make sure we read the bill before we vote on it, and we need to make sure we know what it costs before we vote on it. Those two things are minimum requirements.

From the Republican side, we want to reduce health care costs, and rather than try a comprehensive health care reform of the whole system, we would like to work step by step in the direction of reducing costs in order to re-earn the trust of the American people. Senator MCCAIN and Senator ISAKSON have outlined a series of steps ranging from eliminating junk lawsuits against doctors to allowing small businesses to pool their resources, all of which would help reduce costs. I thank the Senators.

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

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

The 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 (Mr. CASEY). Without objection, it is so ordered.

#### DEFENSE APPROPRIATIONS

Mr. MCCAIN. I rise to address the issue of the Department of Defense Appropriations Act for fiscal year 2010, which is the pending business before the Senate.

The funding provided in this legislation is very crucial. We need to support our commanders as they lead operations in Afghanistan, Iraq, and elsewhere, and care for the men and women who are in the military, including making sure they are provided for, as well as our wounded warriors. But I also note with great concern and alarm, dismay, and even disgust that billions of dollars in wasteful earmarks, unrequested, unauthorized, have again found their way into this legislation. As I have said before, these are serious times, and we as a Congress are required to make serious decisions, tough decisions, that may go against the special interests.

I need not remind my colleagues that we are at war or that the national debt is growing ever larger. Recently, there was a reestimate of the deficit for the next 10 years from \$7 trillion to \$9 trillion. We are facing deficits of unprecedented proportions. Yet the spending

goes on here like, as some people have said, a drunken sailor. I do not use that phrase anymore because I never knew a sailor, either drunk or sober, with the imagination Members of Congress have, which is best epitomized in this bill, as I will point out in several provisions. We cannot afford the waste. We cannot afford it. It is our duty to fully support the funding for our national defense and ensure that each dollar we spend is spent wisely in delivery of the stated need and not on special interests.

The Appropriations Committee has provided \$626 billion in total funding for the Department of Defense—\$498 billion for the base budget and \$128 billion for ongoing military operations in Iraq and Afghanistan. Interestingly, it is \$3.9 billion less than the President's budget request, and the bill further reduces the Defense programs requested by the Pentagon to make room for \$2.5 billion in C-17 cargo aircraft slated for termination by the administration and about \$2.7 billion—I repeat, \$2.7 billion—in earmarks and special interest items.

I have long talked about the broken appropriations process and the corruption it breeds. I remain deeply concerned over the damage done to our country and the institutions we are so proud to serve in by their continued abuse.

While we have made some progress on the issue in the last couple of years, we certainly have not gone nearly far enough. Legislation we passed in 2007 provided for greater disclosure of earmarks, and that was a good step forward. But the bottom line is, we simply do not need more disclosure of earmarks, we need to eliminate them. We need to eliminate them. We should adopt the practice that was the practice here for a long time, up until recent years, that we didn't appropriate unless it was authorized.

In the years that I have been here, I have seen a tremendous shift in the authority and responsibility from the authorizing committees to the appropriating committees and a commensurate rise in earmarks and corruption. I know my colleagues do not like to hear me use the word "corruption," but we have former Members of Congress residing in Federal prison. We had a Congressman from California who used to list the appropriations he was able to get in one column and in the other column the amount of money he received for earmarking those appropriations. That is corruption.

It is not responsible for us to continue to load up appropriations bills with wasteful and unnecessary spending. Americans all over this country are hurting. People are losing their jobs, their savings, their homes. So what are we doing? We continue the disgraceful earmarking process, elevating parochialism and patronage politics over the true needs and welfare of this Nation. I will be pointing out during the course of this debate a number

of examples of that corruption, which I think is really unacceptable to the American people. By the way, that is one of the reasons the American people have risen up in an unprecedented manner in demonstrations against the way we do business here in Washington.

So I want to be clear, disclosure is good. But it was not inadequate disclosure requirements which led Duke Cunningham to violate his oath of office and take \$2.5 million in bribes in exchange for doling out \$70 to \$80 million of taxpayers' funds to a defense contractor. It was his ability to freely earmark taxpayer funds without question.

A lot is said during campaigns. A lot of promises are made. Unfortunately, some are not kept. The President of the United States pledged during his campaign that he would work to eliminate earmarks. The Speaker of the House promised to "drain the swamp."

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

The President went on to say:

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

If the President means those words, this legislation should be vetoed in its present form by the President of the United States.

He went on to say:

We will do right by our troops and taxpayers.

He is right. We should do right by our troops and taxpayers.

The bill has at least \$5.2 billion in programs the Pentagon does not need and did not ask for—\$5.2 billion.

The President last month put on an all court press to terminate the F-22 program in the face of congressional determination to continue funding the production of the aircraft. So why was the President so adamant about terminating the F-22 while at the same time possibly giving a free ride to 10 unrequested C-17s in this bill at a cost of \$2.5 billion? How can one differentiate between a fighter aircraft that the Pentagon says further production is unnecessary from a cargo aircraft that the Pentagon says the current fleet, coupled with those on order, is sufficient to meet the Pentagon's needs, even under the most stressing situations? Why has the administration, including the Secretary of Defense, been silent on \$2.7 billion in Member-requested earmarks? These

are questions for which I do not have a good answer.

What I do know is that the appropriators did not add \$5.2 billion to the bill to pay for the unrequested additions but, rather, secured this additional funding by offsetting programs in other parts of the bill.

So what did the appropriators decide to cut to make room for most of these unrequested earmark and porkbarrel projects?

They reduced \$900 million from the President's request for the Afghanistan Security Forces Fund at a time when the one thing we are in agreement on is that we need to increase the size of the capability of the Afghan Army and security forces. It is a key component of the U.S. strategy in Afghanistan. So they cut it by \$900 million. Reducing funding in the account runs counter to our ground commanders' plan for the Afghan forces to assume a greater share of responsibility for security as quickly as possible.

Equally as incredible, the bill reduces over \$3 billion in operations and maintenance accounts through direct cuts and cuts mandated in other provisions in the bill based on economic assumptions and excess cash balances.

The administration strongly opposes these cuts and in their Statement on Administration Policy said, "These reductions would hurt force readiness and increase stress on the military people and equipment."

This account is the lifeblood for our military. The operations and maintenance of our men and women in the military and the equipment they use is absolutely vital. So what did we do? We took \$3 billion out of operations and maintenance and put it in those porkbarrel projects, including the C-17. The account provides for services with funds to carry out day-to-day activities such as recruitment and fielding of a trained and ready force, all military training and exercises, food, weapons, spare parts, equipment repairs, depot maintenance, ship overhauls, transportation services including aviation fuel, Navy and Marine Corps steaming days, civilian personnel management and pay, and childcare and family centers.

One thing in this debate about Afghanistan that almost everyone is in agreement on is that our equipment is wearing out and that we are way behind in the repair and replacement of spare parts, equipment—all that is necessary for our Active-Duty Forces and our Guard and Reserve, who are practically, for all practical purposes, Active Duty. And we are looking at—and I have guarded confidence that the President will agree to General McChrystal's and Petraeus' and Admiral Mullen's recommendation. We will need more money for operations and maintenance because we will be sending more men and women and equipment to Afghanistan. So what did they do? What is in this bill? A \$3 billion reduction. Well, what is in its place? I will be going over some of the projects that are in its place.

One of the more egregious items in the legislation we are considering today is the addition of \$2.5 billion for 10 C-17 Globemaster cargo aircraft.

First, let's have a little background.

Recognizing that the Department's total requirement for 180 C-17 aircraft has been well exceeded for 3 consecutive years, the Bush administration had actively tried to close down the production line for the C-17s. Nonetheless, earlier this year, the House Appropriations Committee Defense Subcommittee, added eight more C-17s for \$2.25 billion to the 2009 supplemental spending bill, a bill that is supposed to be used to fund the wars in Iraq and Afghanistan. The final version of that bill included all eight of these aircraft. When the subcommittee met later to consider the 2010 Defense appropriations bill, it went ahead and added three more.

This is a little hard to see, this chart, but it is an interesting one. These are the C-17s that were originally in the Air Force budget. These are the C-17s, in red, that have been added by Congress. Each year—each year—the Department of Defense and the administration have said: Enough. We have enough C-17s. Obviously, that has not been the case.

It brings us to where we are now—well in excess of requirements, continuing to spend billions of dollars for aircraft we do not need. Including the 8 C-17s in the 2009 supplemental, the Department has bought now a total of 213 C-17s. The original requirement was 180.

According to the most recent Statement of Administration Position, the administration “strongly objects” to the addition of \$2.5 billion in funding for 10—count them: 10—unrequested C-17 airlift aircraft. The Department's own analyses show that the 205 C-17s in the force and on order, together with the existing fleet of C-5 aircraft, are more than sufficient to meet the Department's future airlift needs even under the most stressing conditions.

In no uncertain terms, Secretary Gates has stated that the military has no need to buy more C-17s. So here we are, my friends, with a \$3 billion cut in operations and maintenance, which any observer, much less the administration, the Secretary of Defense, and the Joint Chiefs, says, is vital to continuing our operations and the well-being and protection of the men and women in the military, and we are adding \$2.5 billion for more C-17s. What kind of a tradeoff is that?

Secretary Gates has stated the military has no need to buy more C-17s. While Secretary Gates called the C-17 “a terrific aircraft”—and I agree—he stressed earlier this year that the Air Force and the U.S. Transportation Command “have more than necessary [strategic airlift] capacity” for airlift over the next 10 years. Nonetheless, continuing C-17 production would cost about \$3 billion per year from 2010 onward.

In connection with the fiscal year 2010 budget request, the President not only requested no funding for additional C-17s but also recommended this program for termination. Particularly in light of today's financial constraints, continuing to spend billions of dollars for more C-17s we do not need is becoming increasingly unsustainable. For these reasons, I will be offering an amendment to strike the additional 10 aircraft.

Given how much our airlift capacity currently exceeds operational requirements, I see no reason why we should buy more of these aircraft—at a minimum, before key analyses on the subject, such as the Institute for Defense Analyses' review and the Department of Defense Mobility Capabilities and Requirements Study are completed.

I will be proposing an amendment shortly that I hope will correct this egregious action on the part of the Appropriations Committee. The men and women in the military, who are fighting and putting their lives on the line, deserve a lot better than that.

I want to talk for a few minutes about earmarks. The practice of earmarking is detrimental to the Department and, with increasing frequency, to Members themselves. The guilty pleas of former Members of Congress, congressional staffers, and lobbyists illustrate how earmarks have been used to corrupt the legislative process. Check the polls. The trust and confidence on the part of the American people in the Congress of the United States is at an all-time low, and deservedly so.

By my preliminary count, there are almost 700 unrequested earmarks in this bill, over 400 of which are not authorized in the fiscal year 2010 National Defense Authorization Act. That represents more than \$1.3 billion in funding for unrequested, unauthorized, Member-interest items. It is unacceptable. It is the constitutional duty of Congress to provide the Department of Defense the resources it needs while providing the oversight our constituents demand. We have a fiduciary obligation to the American taxpayer, and every time we tuck pork into an appropriations measure, we shun that responsibility.

One of the great untold stories of earmarking is that the money, which is diverted to special-interest projects, would have otherwise been used to address the stated needs of our military services. The money does not come from anywhere but the taxpayers' wallets and purses. But the service chiefs, who are in the best position to advise Congress of their priorities, are routinely shortchanged so that Senators and Congressmen can fund their pet projects.

A sampling: \$9.5 million is in this bill to fund research in Montana on hypersonic wind tunnels, called MARIAH—M-A-R-I-A-H. This self-licking ice cream cone has been with us, earmarked and unrequested, since 1998.

The Air Force, leader in hypersonic testing and technology, lost interest in 2004, so appropriators moved the program to the Army. The Army has no official requirement for this capability and published a report in 2005 stating their disinterest in the program.

To date, the Army has no plans to fund the MARIAH wind tunnel effort, as they have stated in their budget documents. That has not kept the Congress from pouring more than \$70 million into it—more than \$70 million—with no discernible return. One group has done very well in the deal, however. Of course, I am referring to lobbyists, including Gage LLC, whose CEO, coincidentally, had been a senior staffer to an appropriator from Montana. I intend to offer an amendment to strike this earmark in the bill, and I can assure you, you will hear more from me on this.

We have spent more than \$70 million on a project that has had no return, that the military has said they have no interest in pursuing.

Another earmark is \$5 million to the battleship USS Missouri Memorial Association. This is a private organization which owns and operates this battleship as a museum in Pearl Harbor. I am aware that the association plans to put the Missouri in drydock and refurbish it, and also aware it was not part of the donation agreement that the Defense Department would pay for required maintenance.

I am all for Navy ships being placed in places where Americans can see and appreciate the great service and sacrifice of the men and women in the military, the Navy and Marine Corps in particular. The deal was that the Defense Department would not, that they would take care of the maintenance of it, that they would take care of whatever the needed expenses are. So here is \$5 million.

Another earmark is \$25 million for the National World War II Museum in New Orleans, to help pay for the construction of new facilities as part of a \$300 million expansion. This privately funded museum opened in 2000 and, through the help of the Louisiana delegation, has already received \$13 million in Department of Defense funds tucked into previous appropriations bills.

Again, if the members of the Appropriations Committee wish to go through the authorization process and have this project authorized, I would be more than willing to consider it.

Another appropriation is \$13.8 million for five different earmarks pertaining to nano-tuber research. Of the almost 800 earmarks I mentioned earlier, hundreds are for high-tech research or devices. I ask my colleagues whether they are capable of weighing the merits of specific technologies they fund in this bill.

Another earmark is \$20 million for a center at the University of Massachusetts “dedicated to educating the general public, students, teachers, new Senators, and Senate staff about the

role and importance of the Senate.” This center was neither requested in the President’s budget nor authorized by Congress. Certainly a legitimate question should be whether \$20 million should be appropriated for a project that has nothing to do with the defense of this Nation. It may be a worthwhile project. Why couldn’t we get it authorized?

Another earmark is \$10 million, as usual, to the University of Hawaii for a program called the Panoramic Survey Telescope and Raid Response System, Pan-STARRS. On the surface, this program seems like a reasonable need for the Air Force as a part of its Space Situational Awareness efforts. Unfortunately, the Air Force will not be getting much return on this investment since it will only be allowed to use the telescope 5 percent of the time.

Let’s get that straight. The Air Force is paying \$10 million so the telescope could be developed and maintained, and they are going to get to use it 5 percent of the time. In dollar figures, the Air Force pays \$10 million to the university and receives \$500,000 in return. What is more, the Air Force has not, in the 9-year life of this earmark, requested a single dollar for this program. So since 2001, the Air Force has been forced to spend more than \$75 million of its budget allocation on a program it does not want—but might be able to use—only to be denied use 95 percent of the time.

I do not dispute that some of the earmarks listed in the bill have value. I am sure they do. But I protest the process by which Congress ignores priorities of the armed services so that Members can deliver tax dollars to their constituents for programs which may have nothing to do with the defense of our Nation, and at a time when we can least afford to misuse resources. We all know the economy has taken a beating over the last year. Unemployment is just under 10 percent, and the national debt is \$11.8 trillion. So we are going to provide \$20 million to a center with a purpose to extol the virtues of the Senate?

The issues we face as a nation require all of us to make sacrifices—all of us. It is about time we started setting an example.

In today’s Washington Post is an article written by Jeffrey Smith, entitled “Defense Bill, Lauded by White House, Contains Billions in Earmarks.” Mr. President, I ask unanimous consent that article be printed in the RECORD.

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

[From the Washington Post, Sept. 29, 2009]  
 DEFENSE BILL, LAUDED BY WHITE HOUSE,  
 CONTAINS BILLIONS IN EARMARKS  
 (By R. Jeffrey Smith)

Sen. Thad Cochran’s most recent reelection campaign collected more than \$10,000 from University of Southern Mississippi professors and staff members, including three who work at the school’s center for research on polymers. To a defense spending bill slated

to be on the Senate floor Tuesday, the Mississippi Republican has added \$10.8 million in military grants earmarked for the school’s polymer research.

Cochran, the ranking Republican on the Appropriations subcommittee on defense, also added \$12 million in earmarked spending for Raytheon Corp., whose officials have contributed \$10,000 to his campaign since 2007. He earmarked nearly \$6 million in military funding for Circadence Corp., whose officers—including a former Cochran campaign aide—contributed \$10,000 in the same period.

In total, the spending bill for 2010 includes \$132 million for Cochran’s campaign donors, helping to make him the sponsor of more earmarked military spending than any other senator this year, according to an analysis by the nonprofit group Taxpayers for Common Sense.

Cochran says his proposals are based only on “national security interests,” not campaign cash. But in providing money for projects that the Defense Department says it did not request and does not want, he has joined a host of other senators on both sides of the aisle. The proposed \$636 billion Senate bill includes \$2.65 billion in earmarks.

President Obama has repeatedly promised to fight “the special interests, contractors and entrenched lobbyists” that he says have distorted military priorities and bloated appropriations in the past. In August, he told a convention of the Veterans of Foreign Wars that “if Congress sends me a defense bill loaded with a bunch of pork, I will veto it.”

But the White House instead sent a generally supportive message to the Senate about the pending defense bill on Friday, virtually ensuring that the earmarks will win final congressional approval. For the most part, the White House lauded the bill’s proposed funding for the wars in Afghanistan and Iraq, as well as its cancellation of three programs that Defense Secretary Robert M. Gates has been particularly eager to kill this year: the F-22 fighter plane, a second engine for the F-35 fighter and a new presidential helicopter program.

The bill, however, would add \$1.7 billion for an extra destroyer the Defense Department did not request and \$2.5 billion for 10 C-17 cargo planes it did not want, at the behest of lawmakers representing the states where those items would be built. Although the White House said the administration “strongly objects” to the extra C-17s and to the Senate’s proposed shift of more than \$3 billion from operations and maintenance accounts to projects the Pentagon did not request, no veto was threatened over those provisions.

The absence of such a threat provoked Winslow Wheeler, director of a military reform project at the Center for Defense Information, to describe Obama’s stance as “too wimpy to impact behavior.” Wheeler, who earlier criticized the House for approving a version of the bill that includes extra C-17 planes, \$2.7 billion worth of earmarks and other projects that Gates dislikes, said that “as a long-time Senate staffer who has read these documents for years, my interpretation of it is that the House-Senate conference will listen politely . . . and then do as it pleases.”

Senior Obama aides responded that the White House never sought to fix the problem of earmarks in one year. “The president has been clear from Day One: He wants to change the way business gets done in Washington,” Thomas Gavin, a spokesman for the Office of Management and Budget, said Monday. “The results speak for themselves. Earmarks in the defense appropriations bills are down 27 percent in the House and 19 percent in the Senate. This is an important step forward in the president’s drive to shape a government that is more efficient and more effective.”

Those figures are the most flattering the White House could have used: They refer to the number of earmarks in the bills, not total spending. Total spending on military earmarks in the Senate declined by only 11 percent from the \$3 billion approved by Congress last year.

“Despite the fact that earmarks are down, there’s still nearly 800 . . . for projects that rose to the top by dint of political power rather than project merit,” said Ryan Alexander, president of Taxpayers for Common Sense. “The president needs to take a harder line against waste and political gamesmanship, particularly in the defense bill, which is paying for two wars.”

There is, however, wide bipartisan support in Congress for diverting funds to political donors or home-state causes.

Sen. Daniel K. Inouye (D-Hawaii), chairman of the Senate Appropriations Committee, ran a close second to Cochran’s \$212 million in earmarks this year, having added 37 earmarks of his own worth \$208 million, according to the tally by Taxpayers for Common Sense.

Almost all of Inouye’s earmarks are for programs in his home state, and 18 of the provisions—totaling \$68 million—are for entities that have donated \$340,000 to his campaign since 2007. His earmarks included \$24 million for a Hawaiian health-care network, \$20 million for Boeing’s operation of the Maui Space Surveillance System and \$20 million for a civic education center named after the late senator Edward M. Kennedy.

“Many of my earmarks are intended to support investment in small businesses working to hone new and innovative technologies that will better protect and support our soldiers during a time when our nation is at war,” Inouye said in a statement Monday.

In Cochran’s case, the proposed earmarks would benefit at least two entities that hired his former aides. The manager of Mississippi operations for Colorado-based Circadence is R. Bradley Prewitt, whose biography on the company’s Web site states that he was counsel and campaign manager to Cochran from 1997 to 2002. The University of Southern Mississippi, which would receive \$10.8 million in Cochran earmarks, paid \$40,000 to a firm that employs Cochran’s former legislative director, James Lofton, to help lobby on defense appropriations, according to the firm’s Senate registration.

“Senator Cochran takes his responsibilities on the Appropriations Committee very seriously,” spokesman Chris Gallegos responded Monday. “Senator Cochran does not, and never will, base his decisions on campaign contributions.”

Mr. MCCAIN. Quoting from the article:

President Obama has repeatedly promised to fight “the special interests, contractors and entrenched lobbyists” that he says have distorted military priorities and bloated appropriations in the past. In August—

As I mentioned—

he told a convention of the Veterans of Foreign Wars that “if Congress sends me a defense bill loaded with a bunch of pork, I will veto it.”

Mr. President, this bill fits that description.

It goes on:

The bill, however, would add \$1.7 billion for an extra destroyer the Defense Department did not request. . . .

It talks about the C-17s and “the Senate’s proposed shift of more than \$3 billion from operations and maintenance accounts to projects the Pentagon did not request, no veto was threatened over those provisions.

I want to say again, I am sure the managers of this bill will somehow try to justify this transfer out of operations and maintenance into the C-17. It is not a credible argument. It is not a credible argument.

The absence of such a threat provoked Winslow Wheeler, director of a military reform project at the Center for Defense Information, to describe. . . .

Senior Obama aides responded that the White House never sought to fix the problem of earmarks in one year. "The president has been clear from Day One: He wants to change the way business gets done in Washington". . . .

One thing I know about egregious practices, if you do not stop them early in an administration, you never will. It will be alleged that earmarks are down less than they were before, it is an important step forward, and the sponsors of the bill will say earmarks are down 27 percent in the House and 19 percent in the Senate.

Those figures are the most flattering the White House could have used: They refer to the number of earmarks in the bills, not total spending. Total spending on military earmarks in the Senate declined by only 11 percent from the \$3 billion approved by Congress last year.

"Despite the fact that earmarks are down, there's still nearly 800 . . . for projects that rose to the top by dint of political power rather than project merit," said Ryan Alexander, president of Taxpayers for Common Sense. "The president needs to take a harder line against waste and political gamesmanship, particularly in the defense bill, which is paying for two years."

Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The bill is not yet pending.

Mr. MCCAIN. I thank the Chair.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2558

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2558.

Mr. MCCAIN. Mr. 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 strike amounts available for procurement of C-17 aircraft in excess of the amount requested by the President in the budget for fiscal year 2010 and to make such amounts available instead for operation and maintenance in accordance with amounts requested by the President in that budget and for Operation and Maintenance, Army, for overseas contingency operations)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) REDUCTION OF AIRCRAFT PROCUREMENT, AIR FORCE, FOR EXCESS AMOUNTS FOR C-17 AIRCRAFT.—The amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby reduced by \$2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C-17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft, with the amount of the reduction to be allocated to amounts otherwise available for the procurement of such aircraft.

(b) AVAILABILITY FOR OPERATION AND MAINTENANCE.—The amount appropriated by title II for Operation and Maintenance is hereby increased by \$2,438,403,000, in accordance with amounts requested by the President in the budget for the Department of Defense for fiscal year 2010.

(c) AVAILABILITY FOR OPERATION AND MAINTENANCE, ARMY, FOR OVERSEAS CONTINGENCY OPERATIONS.—The amount appropriated by title IX under the heading "OPERATION AND MAINTENANCE, ARMY", is hereby increased by \$61,597,000.

Mr. MCCAIN. Mr. President, the amendment strikes funding in the Defense appropriations bill for 10 C-17 Globemaster aircraft that we neither need nor can afford. My amendment also redirects those funds to critically important operations and maintenance accounts which the appropriators have seen fit to cut.

At about \$250 million per aircraft, the total cost to the taxpayer of the C-17 earmark in this bill is \$2.5 billion. But how are we paying for these aircraft? With the cuts made in the bill, it appears much of the offset for paying for the 10 aircraft falls on the O&M accounts. So why are we buying C-17s we don't need and can't afford while at the same time reducing overall O&M accounts by \$3 billion?

I am sure the managers of the bill will justify this cut in operations and maintenance. I would rely on the judgment of the Secretary of Defense and the Chairman and members of the Joint Chiefs of Staff who will tell us they need this money for operations and maintenance.

I hope my colleagues understand what this really means. If this bill passes with these cuts, the Air Force in particular will be forced to decrease funding for training, equipment, depot maintenance, and the restoration and modernization of air bases across the United States, and they would not be alone. The Army, Navy, Marine Corps, and National Guard would also come out on the wrong end of these cuts and

would be forced to reduce funding for facilities sustainment, training, and recruiting.

After 8 years of war, the Army's equipment readiness has fallen to truly worrisome levels. In testimony before the Armed Services Committee this year, Secretary of the Army Pete Geren said:

Predictable and timely funding is key for us to be able to operate an organization the size of the United States Army. . . . When funding is unpredictable, it makes it very hard to plan long term.

I have seen a hollow Army, deeply degraded in the decade after Vietnam and again during the drawdown of the 1990s. Today's forces are not in such dire straits as those, but 8 years of war has taken its toll on the Army, Marines, Guard, and Reserve component ground forces. As GEN George Casey said: "The current demand for our forces exceeds the sustainable supply."

Particularly in a time of war, I urge my colleagues to invest in the recapitalization of our ground forces—not funding aircraft we neither need nor can afford with those investments.

Finally, I wish to mention the Army Reserve and National Guard, which are, as General Casey described, "performing an operational role for which they were neither originally designed nor resourced." In my view, any cut to their operations and maintenance accounts will retard the ability of these components to fit and deploy for missions at home or abroad. And I am sure the Secretary of Defense would say he would like a lot more because of the wear and tear and degradation that already exists to much of our equipment and capabilities.

We can and must do better. Left uncorrected what we would do in this bill is effectively fund the purchase of new aircraft that we neither need nor can afford with critical sustainment money. That would have a significant impact on our ability to provide the day-to-day operational funding that our service men and women and their families deserve.

Let me turn briefly to the merits of the C-17 earmark itself. If some of these remarks sound familiar, that is because I was on the floor of the Senate less than 3 months ago speaking about C-17s when the Senate Appropriations Committee earmarked eight of these cargo aircraft in the 2009 supplemental appropriations bill at a cost of \$2.25 billion. That is right. In just 3 months, the Appropriations Committee has set aside nearly \$5 billion for 18 C-17 aircraft that we don't need, the Pentagon doesn't want, and we can't afford.

Against that backdrop, over the last 3 years the White House has actively been trying to close down the C-17 production line, asking for as much as \$500 million per year to shut down the line. But over that same period, the appropriators have been working in the exact opposite direction to ensure continued funding for the program in supplemental war funding bills—bills that