

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

are supposed to be used to fund the wars in Iraq and Afghanistan.

So despite that the Democrat Department of Defense's overall requirements for C-17s continue to sit at 180, the appropriators have required the Department to buy through fiscal year 2009 a total of 213 C-17s, and they have done so before two key studies have been completed.

This chart illustrates what is going on. Marked in red we see the C-17s the appropriators have added. Why? Because our service men and women need them? No. In 2007, 2008, 2009, and 2010 the Air Force budgeted money to close the line each and every year.

Is the reason some sort of new stimulus package which will create new jobs? No. That is because, as I mentioned, they have had three dozen more C-17s than the Air Force has needed. In fact, right now, the backlog of C-17s is such that Boeing will not begin building these aircraft earmarked by the appropriators for another 2 years.

In the bill we are debating today, the 10 C-17s the appropriators want to fund will bring the total number of C-17s the Senate Appropriations Committee has added above any validated military requirement to 44. Enough is enough.

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

Secretary Gates has likewise very clearly said that the military has no need to buy more C-17s. While Secretary Gates called the C-17—and I agree—a "terrific aircraft," he stressed earlier this year that the Air Force and 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.

There is little reason why, 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. In light of today's financial exigencies, continuing to spend billions of dollars for C-17s the Pentagon doesn't need and can't afford is becoming increasingly unsustainable. More so than almost any other earmark I have discussed on the Senate floor, this earmark shows our priorities are just about the opposite of where they should be.

For that reason, I am persuaded by the strength of Secretary Gates's opposition, and I find unacceptable the apparent source of funding for this earmark and urge the Members of this body to support my amendment. As I mentioned before, the amendment would redirect money from buying the

C-17s we don't need and can't afford to critically important operations and maintenance accounts that are the lifeblood of our troops and their families.

So we have a choice with this amendment. We can either continue to fund an airplane that the military neither wants nor needs, or we can restore the cuts in funding in operations and maintenance which, according to the testimony of every military leader, is badly needed and wanted. The body will be presented with that choice.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. KAUFMAN). Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

#### INVESTING IN EDUCATION

Mr. BROWN. Mr. President, as Congress awaits health reform and climate change, we must also remember that education is another one of the great moral issues of our time.

Last week, my Washington office was honored to have DeAnthony Cummings serve as an intern for the day. He was 1 of only 60 students selected nationwide who traveled to Washington to participate in Job Corps Day, 45 Years of Building Lives and Launching Careers. For more than four decades, Job Corps centers around the Nation have provided vocational academic training for nearly 3 million economically disadvantaged young Americans.

DeAnthony is enrolled at the Cincinnati Job Corps Center where he is serving his second term as class president. Several months ago I visited with him and his friends at Job Corps. As the eldest sibling, DeAnthony wants to set a good example for his family. He says Job Corps is preparing him for college, where he wants to study psychology and political science. He told me he wants to run for elective office someday to serve his country. He deserves an educational system that helps him get there.

In the coming weeks, the Senate will take up a major bill to expand student aid and education funding at no additional cost to taxpayers. For aspiring college students such as DeAnthony, the bill would move all Federal student loans to the more efficient and less costly public direct loan program. The \$87 billion in savings over 10 years can be invested in educational opportunities for our students—for future teachers and doctors and engineers and scientists and computer technicians and farmers.

The bill will protect a student's purchasing power of a Pell grant by ensuring that the maximum grant grows faster than inflation. Senator CASEY

from Pennsylvania, who is with us today, worked with me last year to raise those Pell grants that hadn't been raised in 5 or 6 years to get them to the place where students had more opportunity to go to school. For students attending college today, the maximum Pell grant is now \$5,350, a historic high.

By eliminating wasteful subsidies to lenders, we can make college more affordable and focus our attention on retention and students' success. That is where one of the Nation's most valuable resources plays a critical role. The community college system is essential to training our most talented workers and students for new jobs in new industries. Last month, the New York Times reported how Sinclair Community College in Dayton focuses on jobs not just degrees.

President Obama's American Graduation Initiative has proposed investing \$12 million in community colleges and increasing the number of community college graduates by 5 million over the next decade. Dr. Jill Biden, one of the Nation's most eloquent voices on community colleges, has said:

Community colleges change lives and serve as a gateway to opportunity for students at all stages of their lives and careers.

A few months ago, at a constituent coffee in Washington, I met an Ohioan who inspired me. Denee, from Columbus, grew up with 13 different foster care families and spent time with the Department of Youth Services. But she believed that better things were ahead for her. She worked hard, earned her GED, enrolled in Columbus State University, and is now finishing nursing school and will start a new job in the fall. Legislation such as the Building Student Success Act, which I recently introduced, will help community college generate a better outcome for their students. It is that type of Federal investment that will help presidents of Ohio's colleges and universities provide the resources for student success on campuses all over my State.

For the last 2 years, I have held the Ohio College Presidents Conference which brings together presidents of Ohio's 2- and 4-year colleges and universities to craft education policy in Washington that meets the needs of Ohio's students. Some 55 college presidents each of the last 2 years have attended and shared their experiences and ideas and views and best practices with one another. Much of what we discussed is what President Obama has explained before: that it is not enough for our economy just to recover, we must rebuild it, and that starts in our classrooms.

Reforming Federal student loan programs frees up resources to modernize schools and strengthen early childhood education. The impact of these investments will, of course, span generations. Student loan reform gives us an opportunity to address another problem that has become more acute because of the economic crisis. Too many of our Nation's students are signing away their

economic future when they sign up for college.

In 2007, 63 percent of Ohio graduates of public colleges finished school with an average debt of \$21,000; 75 percent of Ohio graduates of private colleges finished school with an average debt of \$22,700.

Private loans typically, though, have higher interest rates that can top 18 percent and have fewer repayment options than loans administered directly by the U.S. Department of Education.

According to an analysis by the Project on Student Debt, nearly two-thirds of private student loan borrowers didn't exhaust their Federal loan eligibility. That is why I introduced the Private Student Loan Debt Swap Act.

Under my debt swap bill, if you have an expensive and unaffordable private student loan, you can use your remaining Federal student loan eligibility to pay off or at least pay down some of that loan. By swapping expensive private loan debt, sometimes with local banks or national banks at 18 percent interest, with low-cost Federal student loans capped at under 7 percent, borrowers could much more readily repay their loans.

This legislation wouldn't increase government spending; in fact, it will likely reduce it. Expanded Pell grants and a strong debt swap bill would help Ohioans such as Kimberly, a schoolteacher from Toledo. During college, she took out private student loans, expecting that she would consolidate them after graduating. After accepting a teaching position, her lenders would not consolidate the loans because of the economy. Kimberly is a teacher at a low-income Head Start school, so she doesn't make as much money as a teacher in a public high school. She has four loans, with four different interest rates, which are all significantly higher than Federal student loan rates.

Kimberly should not have to spend the rest of her career paying off her loans or as she writes:

I knew that I would be paying out my loan long after graduating, but at this point, someone else will have to pay out the loan after I'm gone.

Imagine that. She thinks she will never be able to fully pay this loan back because of the exorbitantly high interest rate charged by the banks.

Private student loans with enormous interest rates are driving young Americans into never-ending debt. There is no American dream within reach in that scenario for the Kimberlys of the world, just a sense of helplessness and hopelessness.

That is why this student reform bill is so important. John F. Kennedy said once: "Our progress as a nation can be no swifter than our progress in education."

In Portsmouth, Lima, Mansfield, Marietta, Toledo, Akron, Gallipolis, and Mason, we have leaders in our community, such as Kimberly, teaching in our classrooms, or, such as Denee, healing people in our hospitals.

Years from now? DeAnthony Cummings should be able to stand in this Chamber representing Ohio because there was an education system that believed in him.

The student aid reform bill is part of the progress we seek—that will allow a child, a working mother or an older worker to believe that in this Nation, if you work hard and play by the rules, you, too, can have part of the American dream.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, there is no doubt that there may be things in the Defense budget that you could characterize expensive, overbudget, and behind schedule programs. But the C-17 aircraft is not one of them, which is why it is so bewildering—and disappointing—that some of this Chamber's well-known budget hawks are opposed to a model procurement program and a boon for the taxpayers.

While the most important concern, of course, is for our warfighter and national security—which I will go into in more detail in a moment—let me address what seems like the primary concern for some of my colleagues: the budget.

Investing in the C-17 is actually a better use of taxpayer dollars than the obsolete and unreliable C-5A. C-17s are planes we need and can afford. The Government Accountability Office has found it would take seven rehabbed and remanufactured C-5As, at a cost of \$924 million to the taxpayer, to equal the capability of just one new C-17. They have to have that airlift. Right now, the C-5A is part of it. But it cannot continue as it is. You can get a C-17 for a lot less than you can remanufacture and rehab one of the old C-5As, and that doesn't even work so good.

My biggest concern, of course, is national security. Some of my colleagues have attacked the C-17 as a special interest item. I agree. Investing in the C-17 is in the special interest of our warfighters and it is critical to our national security interests and it gives us the heavy lift air mobility we require these days.

The C-17 is a proven, combat-tested airlift capability that is essential to the fight we are in right now, and it has been a workhorse in Iraq and Afghanistan.

As some of my colleagues have mentioned, we are at war. I couldn't agree more that this is our primary concern, which is, again, why the C-17 is so important. With the war in Afghanistan heating up and the war in Iraq continuing, our airlift needs are only growing.

The Congressional Research Service has indicated that the C-17 was designed to fly 1,000 hours per year over 30 years. But as our overseas commitments have grown, some aircraft have even reached 2,400 flying hours in a single year. My colleague from Arizona pointed out that equipment is being

worn out quickly in Iraq and Afghanistan. That is no doubt true. But one key piece of our equipment there is our heavy airlift capability. The heavy usage, in addition to the growth of the Army and Marine Corps, the logistics difficulty of getting supplies into Afghanistan, and the need for increased humanitarian/smart power missions in Afghanistan, Iraq, and elsewhere in the world are all reasons why I urge my Senate colleagues to support the provision in the bill that would add the long lead time purchase we need right now to make sure we can continue to purchase the C-17s as the needs develop.

Some opponents may argue that the Department of Defense and the President don't want more, that they have enough C-17s and C-5s to do the job. However, with a 50-percent readiness level, a per hour operating cost of \$29,000, and 40 maintenance man-hours per 1 hour of flight, the C-5A represents ineffective and costly iron.

By replacing these obsolete, ineffective, and costly C-5As with new C-17s, which this Congress has allowed the Department of Defense to do by lifting a truly special legislative interest prohibition, saying in the past they could not retire them, we could save money, provide a more reliable capability for our warfighter, and preserve industrial capability for the future.

I have talked about the importance of investing in our airlift capability for our warfighter and our efforts in Afghanistan and Iraq. But as America's only large airlift production line, the C-17 production line, if ended, would put at risk our Nation's long-term security. Eliminating the only large airlift production line in the United States would demonstrate a lack of understanding and appreciation for the skill sets and efforts needed to build these aircraft.

Without a follow-on program, and because we have already shrunk our aerospace defense industrial base to such a low level, once these skilled workers, the engineers, designers, and their expertise are gone, we do not get them back.

If we lose the skilled engineers, designers, and dedicated workers, we could be forced to turn to Europe or Russia for our future large airlift needs. More and more, this national talent and industrial workforce, which manufactures the critical and unique equipment that helps us fight and win our wars, is being eviscerated.

Without additional funding, our aerospace engineering, design, and manufacturing base will atrophy.

This will put at risk our competitiveness on the global market, our ability to address future airlift requirements, and put at risk 30,000 American jobs stretched across 43 States.

This isn't about preserving jobs in tough economic times, although I believe the administration certainly missed a big opportunity in the stimulus bill to recommend stimulating the economy in defense production. They

didn't put a single dollar in defense production needs, which is where we have tremendous needs.

The C-17 addresses a shortsighted decision on the part of the administration. That decision took for granted the capacity and innovation of our defense industrial base, but we cannot afford to let that wither because their proposal put out of work the people who have designed these aircraft. We have found, in the past, when we have shut down acquisition lines, the skilled engineers leave. One example is they went to work at Disney. That is great. That is good work, but it is not protecting our national defense.

After the draconian defense cuts during the Clinton administration, the arsenal of democracy consolidated and shrank to a point where any further consolidation will result in an irreversible loss in competition, innovation, and industrial capacity.

C-17 production will shut down in 2010 without these 10 aircraft, and restarting production would be incredibly difficult and expensive—according to the GAO, up to \$1 billion.

The GAO study further noted that “careful planning is needed to ensure the C-17 production line is not ended prematurely and later restarted at substantial cost.”

Additionally, the GAO found that “both the manufacturer and Air Force agree that shutting down and restarting production would not be feasible or cost-effective.”

Keeping the C-17 line open is critical not only for our national defense but for thousands of American workers who rely on this aircraft for their livelihood.

With the waning demand for commercial aircraft and a lull in military fighter jet production, it is more critical than ever to maintain the aerospace industrial base that runs the only remaining wide-body assembly line in the United States.

I urge my colleagues to exercise their constitutional authority and not go along with what I believe will be shown very shortly, if we make the decision, to have been very shortsighted. This is a decision that we, in our constitutional responsibility, can and must make.

We cannot afford disastrous defense cuts coming out of the OMB, which is why we fought and won the effort in committee earlier. It is critical—and that colleagues join with me in supporting the managers on the floor to fight a shortsighted attempt to eviscerate our warfighter's airlift capability and our Nation's industrial base. Both are critical elements for the long-term security and future of our country.

I urge my colleagues to join me in opposing the McCain amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. 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. JOHANNIS. Mr. President, I ask unanimous consent to speak as in morning business for about 12 minutes.

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

#### HEALTH CARE

Mr. JOHANNIS. Mr. President, many have come to this Chamber and have talked about their constituents and the concerns that have been expressed to us about health care and how their families would be directly impacted. The frustration driving many of those individuals who have written to us, picked up the phone, attended a town-hall meeting continues. They worry we are not listening.

The biggest misconception is that those who are raising concerns about the President's health care proposals believe that somehow they are defending the status quo. That could not be further from the truth.

We can all agree that health care costs are rising at rates that create hardships across our country. They impact families and businesses, and ultimately they are not sustainable for Federal and State budgets.

There are many things I believe upon which there would be very universal agreement. For example, I support insurance market reforms that increase access to insurance for people who have preexisting conditions. Many of us do in the Senate. I support allowing small businesses to band together to bring down health insurance premiums. Many here do. I support subsidies for those who truly cannot afford insurance to help them buy down their premiums, their deductibles or copays. Again, many here could. I support real malpractice reform that would curb costs by reducing defensive medicine. Again, many here do.

These commonsense reforms and others we could mention could be the cornerstone of what I believe would be a truly bipartisan solution to our health care crisis. But I believe the current proposals have veered in a very different direction. I cannot support so-called reform that lowers the quality of our health care, compromises the doctor-patient relationship, and drastically increases costs for Americans. Yet I worry that the provisions working their way through the Senate Finance Committee appear to do precisely that—increase costs and jeopardize quality. I do not believe it is the kind of health care reform Americans have sent us to Washington to enact.

In our current economic crisis, the last thing American families need is to see more of their paychecks going to pay taxes. This legislation presents a “darned if you do, darned if you don't” scenario. It taxes you if you have insurance and it taxes you if you don't.

People who depend on medical devices will see prices rise. So will indi-

viduals who take prescription drugs. States will have to raise money to pay for what I regard as an unfair unfunded Medicare mandate. Having been a Governor, I can tell you there are limited choices in State budgets, and State budgets are in crisis today. They are either going to have to raise taxes to somehow find the revenue to deal with that mandate, or they are going to have to do something equally unpleasant; that is, cut programs. Which State programs do you think Americans will want to sacrifice so Washington can have its way with the States in the Medicaid unfunded mandate?

I can tell you from experience, cutting programs is an impossible decision. So is raising taxes. States should not be put in a difficult position again and again by an overreaching Federal Government. Employers will be taxed in order to pay for required health care insurance for their employees. These taxes will create financial heartburn that no doctor's prescription can ease.

This legislation will require every American to have health insurance, with limited exceptions, and not just any health insurance. It requires health insurance that meets specific qualifications the bureaucracy in Washington will dictate.

The Finance Committee bill would require you to spend a certain share of your income before becoming eligible for health insurance subsidies. Under the original Finance Committee proposal, the Congressional Budget Office estimated that an individual who makes \$32,400 a year—not a lot of money—would be required to pay \$4,100 in health care insurance premiums before becoming eligible for a subsidy. That individual would also be required to pay, on average, \$1,600 in copayments and deductibles. These individuals would be required, through the government mandate, again, to spend 18 percent of their income on health insurance. Surprisingly, the cheaper catastrophic coverage some would prefer would not be considered a so-called qualified plan; therefore, not an option.

Furthermore, if you choose not to have health insurance that meets these qualifications, you could be forced to pay out as much as \$1,900 in additional taxes per family.

The Internal Revenue Service will be knocking on your door to make sure you literally buy into federally dictated health care reform efforts.

I have heard from many Nebraskans who feel as if this individual mandate is a direct assault on their freedom. Most people do not like the notion that Washington tells them how to live their lives. Imposing an individual mandate tax rubs Americans the wrong way. Not only are we telling them they must buy insurance, but we are telling them what kind of insurance they must buy.

I know some, including our President, argue this is not a tax; rather, it is simply a shared responsibility. The very language in the Finance Committee plan clearly states this is a tax,

and it brings in about \$20 billion. Where is the President's promise that he would not raise taxes on individuals who make under \$250,000 a year? Well, it is nonexistent. Last week, this was made clear during the Finance Committee markup. When asked about the effect of this individual mandate tax on the middle class, the chief of staff for the Joint Committee on Taxation responded:

We would expect that some people paying would make less than \$250,000.

For hard-working families, the individual mandates will load them up with a fancy benefit plan covering services they may not want or need. They will be required to buy it or their government will penalize them.

This is a complex and a fundamental shift in how we approach health care in our great country, indeed, in how much the government dictates the health care decisions of each and every American.

Furthermore, this legislation raises money by taxing insurance companies, medical device manufacturers, and prescription drug manufacturers. Does anybody doubt for a minute that will be passed on to the average guy? There is little doubt that these increased taxes will lead to higher premiums, more expensive medical equipment, and higher drug prices for Americans. These industries will compensate for the added tax by raising prices, ultimately raising the cost of health care in this country.

Additionally, this plan is likely to decrease research and development in the health care sector, which has been a major driver of innovation and improvement in health care quality. Creating policy that decreases the quality of our health care makes no sense. It is counterproductive. Requiring employers to provide health insurance to their employees or be fined or taxed does not make sense. The Finance Committee proposal is expected to collect \$27 billion worth of those fines or taxes. In tough economic times, with unemployment almost in double digits and forecasts to go into double digits, putting more requirements and mandates on job creators and job sustainers is counterproductive. Employers will think twice about hiring more workers.

There is little doubt that these increased taxes will lead to higher insurance premiums, more expensive medical equipment, and higher drug prices for Americans. These industries will compensate by raising their prices. They simply will.

I fear low-income Americans will suffer the most. They need those jobs. We must carefully evaluate the details of this legislation and ensure that our attempts to make things better, which I believe we can do in a bipartisan way, do not ultimately make things worse. I suggest that in tough economic times, creating legislation that increases the cost of health care, that raises taxes is not true health care reform.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### MAJORITY PARTY MEMBERSHIP ON CERTAIN COMMITTEES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 290.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 290) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, with the filling of Senator Kennedy's seat by the State of Massachusetts, we are now rearranging the committees. Some have been vacant since his death.

I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 290) was agreed to, as follows:

#### S. RES. 290

*Resolved*, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burriss, and Mr. Kirk.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, and Mr. Bennet.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burriss, and Mr. Kirk.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Vice Chairman), Mr. Bingaman, Ms. Klobuchar, Mr. Casey, Mr. Webb, and Mr. Warner.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as the Senate realizes the business today is the administration's fiscal year 2010 Defense budget proposal, our Committee on Appropriations, as everyone knows, in the regular order, had hearings and took advantage of advice from testimony and suggestions received by other Senators on and off the committee about the provisions of this important legislation. It sets out, as the Senate appreciates, the funding that will be permitted by the Department of

Defense for the next fiscal year. So the subject we have today before us is specifically an issue involving a funding provision in the administration's fiscal year 2010 Defense budget proposal.

The administration proposed several funding cuts for weapons programs they deemed unneeded. The Senate Appropriations Committee, in its hearings and in its deliberations, reviewed each of the proposals and generally agreed with the recommendations set forth in the administration's budget submittal.

This bill does not include additional funding for F-22 aircraft, the Presidential helicopter, the Joint Strike Fighter alternate engine, the combat search and rescue helicopter, the Kinetic Energy Interceptor, and several other programs which were proposed for funding cuts by this administration.

The C-17 aircraft is an area where we did not agree. The committee proposed \$2.5 billion be included in the bill for 10 additional aircraft. As we all know, the Defense Department is not infallible. It was wrong and overruled by Congress when it recommended program terminations of the F-117 stealth fighter and the V-22 Osprey.

The C-17 is the current backbone of our strategic airlift capability, and it will be for decades to come. C-17s are being utilized all over the world at a much faster pace than previously anticipated. While they comprise only 60 percent of the Air Force's strategic airlift fleet, they are flying 80 percent of all worldwide strategic airlift missions.

This demand for C-17 lift capability is only going to grow as new airlift missions emerge. Other missions we know about already are rapid deployment of theater missile defenses, counterinsurgency operations, as well as growing airlift demands for an expanding Army and Marine Corps.

Failure to fund the C-17 will result in the United States shutting down its airlift manufacturing base at a time when the demand for airlift is likely to grow. Allowing the C-17 supply base and production line to shut down and then trying to reconstitute it would cost billions of dollars and take years to accomplish.

The Quadrennial Defense Review and the upcoming Mobility Capability and Requirements Study are reassessing our strategic airlift requirements. Until those requirements are reevaluated, the C-17s should be included in this bill. The Air Force Chief of Staff has stated that he believes 205 C-17s and 111 C-5s are needed to meet strategic airlift requirements and that procuring more than the 205 C-17s already purchased should involve a light reduction and retirement of C-5A aircraft.

Prior to enactment of the fiscal year 2009 Supplemental Appropriations Act in June of this year, the Air Force was prohibited from retiring the older and less capable C-5As. Now that the Department has authority to retire these aircraft, we should replace a number of