

1,200 congressional requests and testified at over 300 congressional hearings. Their work produced hundreds of improvements in government operations and produced significant financial savings for the American taxpayer.

The Congressional Budget Office, the CBO, also funded in this bill, actually received emergency funding in the supplemental that passed last week to further strengthen their workforce, allowing for timelier production of analyses for congressional offices.

I do not know how a spending freeze can be proposed to an agency that desperately needed this kind of help to do their job here so we can do our jobs here in Congress.

It does not make sense. I know for a fact that my colleagues depend on the CBO, that office, perhaps now more than ever before, for analysis related to health care costs, energy, and the current financial crisis.

The agencies funded in this legislative branch work for Congress. Quite simply, if you reduce their funding, you will reduce the service we receive here in Congress at an important time when we are facing important legislation. So we are a little spoiled here. But that is because of the great service we are used to receiving from the Government Printing Office to the Congressional Research Service to the Capitol Police who maintain our security, and the security of those who are in our buildings and on our grounds. These are agencies and staff that also support Congress. That is their mission. I think we owe it to them to at least to fund the cost-of-living increase for these dedicated public servants. The vote will determine whether you think your staff deserves a cost-of-living adjustment in 2010, and whether you think our Capitol Police deserve to be paid overtime with the long hours they work, risking life and limb to keep us and the thousands of Americans who visit here each year safe in the Capitol complex.

Every elevator operator, every construction worker, every plumber, every electrician, every maintenance person, every parking lot attendant, virtually every employee you encounter here in the Capitol complex, including staff present here today, is paid from this appropriations bill.

I could go on and I could go on. But I have to admit, I did not realize what a lot of those folks did until I started working on this bill. But now I do.

It is my responsibility, and the responsibility as well of the ranking member, to do what we think is right by these employees and these agencies.

I respectfully urge my colleagues to vote no on this motion.

How much time does the Senator need in response?

Mr. VITTER. I might need an additional 3 minutes to wrap up.

Mr. NELSON of Nebraska. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. In summary, let me try to clarify and rebut a few points. First, to say that this bill is a 2.4-percent increase over last year's is complete fiction, because that assumes the stimulus into last year's number. In fact, last year's number, because of the stimulus—and the stimulus was a one-time bill, not a normal fiscal year bill.

No. 2, last year's bill, as I mentioned, was an 11-percent increase over the previous year, three times the rate of inflation.

No. 3, I wanted to give the committee maximum flexibility in making this modest cut. But there are plenty of suggestions I would have. I would be happy to offer specifics. I will offer one right now. The Open World Leadership Center Trust Fund, \$14.5 million. That would be almost a quarter of the savings I am asking for. That is a program to bring governmental officials from Russia and Eastern European republics to tour the United States. I am sure it is a nice idea, but I think there would be a lot of American families in the middle of this recession who would ask, is that essential? Is that core to what we are doing in government in very tough economic times? Do we actually need to do this?

We can find those savings. That program alone is a quarter of the savings my motion to commit would require. We can find those savings clearly without touching Capitol Police overtime, without touching cost-of-living increases for employees.

Finally, there are millions of American families who are not dealing with any increase this year in their incomes. They are dealing with a huge decrease. They are dealing with a huge decrease in savings. So can't we simply live with the same dollar amount as we did in the legislative branch last year? I think the huge majority of Americans would find that a very reasonable and a very modest goal.

I yield the reminder of my time. The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I move to table the Vitter motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—65

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

NAYS—31

Barrasso	Ensign	Kyl
Bennet	Enzi	Martinez
Brownback	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Gregg	Risch
Coburn	Hatch	Sessions
Corker	Hutchison	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	
DeMint	Klobuchar	

NOT VOTING—3

Byrd	Inhofe	Kennedy
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The motion was agreed to.

Mr. NELSON of Nebraska. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SERVICE OF SUMMONS AGAINST AND RESIGNATION OF SAMUEL B. KENT, JUDGE OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Pursuant to rule IX of the Rules and Procedures in the Senate when Sitting on Impeachment Trials, the Secretary of the Senate will now swear the Sergeant at Arms.

The SECRETARY OF THE SENATE. Do you, Terrance W. Gainer, solemnly swear that the return made by you upon the process issued on the 24th of June, 2009, by the Senate of the United States, against Samuel B. Kent, is truly made, and that you have performed such service as therein described: So help you God?

The SERGEANT AT ARMS. I do.

Madam President, I send to the desk the return of service I executed upon service of the summons upon Judge Samuel B. Kent yesterday, June 24, 2009, at 4:30 p.m., at Devens Federal Medical Center, Ayers, MA, accompanied by a statement of resignation executed by Judge Samuel B. Kent following service of the summons, and to be effective June 30, 2009.

The PRESIDING OFFICER. The return of service and accompanying statement of resignation will be spread upon the Journal and printed in the RECORD.

The documents are as follows:

The foregoing writ of summons, addressed to Samuel B. Kent, United States District Judge, and the foregoing precept, addressed to me, were duly served upon the said Samuel B. Kent, by my delivering true and attested copies of the same to Samuel B. Kent, at Devens Federal Medical Center on the 24th day of June, 2009, at 4:30 p.m.

TERRANCE W. GAINER,  
Sergeant at Arms.

Dated: June 24, 2009.

Witness: Andrew B. Willison, Deputy Sergeant at Arms.

I, Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, hereby tender my resignation as a Federal District Judge effective 30th June 2009.

SAMUEL B. KENT.

Dated 24 June 2009.

Witnessed: Terrance W. Gainer; 4:44 p.m., Andrew B. Willison.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that the Secretary of the Senate be directed to deliver the original statement of resignation executed by Judge Samuel B. Kent on June 24, 2009, to the President of the United States and to send a certified copy of the statement of resignation to the House of Representatives.

I further ask unanimous consent that a copy of the statement of resignation be referred to the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent established by the Senate on June 24, 2009.

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

#### ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, there will be no more votes today. We will have no session tomorrow. When we come back a week from Monday, we will have a number of votes beginning at 5:30.

As I have told everyone more than once, the next 5 weeks after we get back are going to be jam packed with stuff to do. Members should understand that we will have votes on Mondays and Fridays, with one exception which has already been announced: It is July 17. We hope we don't have to have weekend sessions. We have a lot to do. Everyone knows the workload we have. I would hope that we understand the amount of work we have to do. We are going to be in a week longer than the House of Representatives, as everyone knows. Because of our rules, we can't move as quickly as they do. We have an immense amount of work to do. We have the Sotomayor nomination. We have Defense authorization that was reported out of committee today by Senators LEVIN and McCAIN. That is something that is very important for the military and to the American people. We have other appropriations bills we have to work on. We have health care. We are going to move as far as we

can on that during that period of time. So we have a lot of work to do.

Also, on July 14, there will be no votes after 2 p.m. These are arrangements I made with one of the Senators, and this will be good for the entire body. So there will be no votes after 2 p.m. on July 14.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 1366 TO AMENDMENT NO. 1365

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1366 to amendment No. 1365.

Mr. McCAIN. 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 the earmark for the Durham Museum in Omaha, Nebraska.)

On page 27, strike lines 5 through 10 and insert "mission."

Mr. McCAIN. Madam President, the amendment is very simple. It strikes from the bill an earmark of \$200,000 for the Durham Museum in Omaha, NE. Let me be very clear. I hold no grudge against the museum or the sponsor of this earmark. On the contrary, I hold my colleagues from Nebraska in very high esteem, and I have no doubt that the museum does wonderful work. Thanks to modern technology and Wikipedia, it has a very nice description of the Durham Museum, formerly known as the Durham Western Heritage Museum in downtown Omaha, NE, dedicated to preserving and displaying the history of the U.S. western region and it is housed in Omaha's Union Station.

I am sure it is a very fine place. I am sure it gets lots of visitors from all over the great State of Nebraska. The only problem is, as I understand from reading the bill, which sometimes some of us don't do, this is a bill that is entitled "Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2010, and for Other Purposes." Well, obviously, the distinguished manager of the bill found another purpose but certainly none that has the slightest connection to the city of Omaha or the State of Nebraska, except the Senator happens to be from that State. He maybe even resides in that city.

The reason I am taking the floor is because Americans are hurting right now. Americans all over this country are hurting right now. I go downtown in my city, my hometown of Phoenix, AR, and I see people closing store fronts. I see people not able to make their house payments or people not

able to pay their medical bills, and \$200,000 would mean a lot to them; \$200,000 is not a small sum.

So the fact is, I don't question the merits of the program. I don't question that the Durham Museum is probably a nice place to visit. I do question when we are going to stop earmarking porkbarrel projects because of the influence or clout of Members of the Senate.

I want to repeat, I do not question that this museum is a fine museum. I do question—and any objective observer would question—how in the world that has a place on appropriations of the taxpayers' dollars for the legislative branch. I don't think the Durham Museum is in the legislative branch of government unless I am badly mistaken, and I am sure I am not.

Here we are with trillions of dollars of deficit—\$1.2 trillion for TARP, \$410 million for the Omnibus appropriations bill, which was loaded with 9,000 unnecessary and wasteful earmarks, tens of billions of dollars to the domestic auto manufacturers, and we passed a budget resolution totaling \$3.5 trillion. Now we have a bill totaling \$3.1 billion to run the legislative branch of government.

As has been widely trumpeted, this bill is less than that requested. What it is also, though, is 3 percent more than it was last year. How many Americans are able to get 3 percent more money than they had last year? It is over \$76 million more than last year's bill. So is this a big deal, \$200,000? Probably not, with the trillions of dollars that we seem to throw around here.

But I am serving notice on my colleagues that I and some of my other colleagues are going to come to the floor and challenge these earmarks. We have to stop doing business as usual while we are committing generational theft and mortgaging our children's future.

Since it is going to be about 10 days or so before we will have a vote on this amendment—as the majority leader mentioned, we are not going to have anymore votes—I ask unanimous consent that before the vote I have 5 minutes and the Senator from Nebraska have the time he needs before the vote that will take place at the pleasure of the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I respect greatly my colleague from Arizona and his concern about spending. As was noted, the increase in the spending requested in the