

not, there will be affordable choices for you that cannot be taken away. We will protect Medicare, we will not raise taxes on the middle class, and we will not add a dime to the deficit.

Mr. President, debates are great. But the reason—my being a trial lawyer—you have a judge determining what happens in a trial is because the judge makes sure what takes place is honest from both parties. Here we do not have that kind of a judge. So people can come to the floor and make the most false accusations, and it is up to us to explain to the American people whether what they are saying is true. Just because someone comes to this floor and says something, it does not mean it is true. And the complaint of my friends on the other side of the aisle about Michigan and Rhode Island and Oregon and Nevada getting special consideration is false.

Mr. President, I ask the Chair to put the Senate in recess at this time.

#### RECESS

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

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President Pro Tempore.

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

The ACTING PRESIDENT pro tempore. The Senate will come to order.

The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I rise today in support of the rule XXVIII point of order to be raised by Senator MCCAIN against the Legislative Branch appropriations bill.

I voted against this bill the first time it came through the Senate and now it is even worse. In fact, we violated one of our new ethics rules we talk so much about in the Senate and in the House where these conference bills cannot contain a provision that was not part of either the House or Senate bill. We call that "air dropping." But we air-dropped some significant things into this bill, violating our own ethics rule.

First, we added a 1-month continuing resolution that funds our government since we haven't finished our work here

in the Congress, but we also added a \$4 billion bailout for the Postal Service into this conference report bill, again, violating our own ethics rule. The air-dropped provisions are undemocratic. There was no debate or transparency. Like earmarks, it is another tactic politicians use to have an end run around our constitutional limits.

It is also wrong for Congress to fund itself while allowing all other government agencies to operate under a short-term continuing resolution. In 1995, President Clinton vetoed the legislative branch bill for this reason:

Congress should not take care of its own business before it takes care of the people's business.

If we are going to pass a continuing resolution, it should cover the entire government until we can have a transparent process that the American people can see. The only reason these tricks are pulled is that politicians don't want people to see what we are doing.

Even worse than the process that has been used for this legislation are the policies contained within it. Around the country, families and businesses are having to tighten their belts because of the recession. Many are out of work. At the same time, we are increasing our budgets dramatically here. This legislative branch bill itself has increased nearly 6 percent versus last year, despite the growing debt and the serious economic problems we are having as a country.

Just a couple of statistics from the bill: We have increased spending 128 percent for the House office buildings; a 155-percent increase for the Government Printing Office; a 6.2-percent increase for the Senate whip offices; a 4.3-percent increase for Senate leader offices; a 4.1-percent increase for Speaker PELOSI's office; a 4.3-percent increase in the Vice President's office; and don't forget a \$200,000 earmark for a museum in Nebraska.

If we were in prosperous times and had plenty of money, surpluses, then perhaps some of these increases would make sense, but not at a time when we see all Americans hurting and having to tighten their belts.

This is one of the smaller increases compared to the ones that have gone through in the last couple of weeks. We are spending our Nation into bankruptcy. Our debt is almost as large as our entire economy, and growing by \$1 trillion every year. Long-term deficits for Medicare and Social Security are more than \$100 trillion. We have no idea how we are going to keep our promises to seniors. When will all this end?

The head of the World Bank, a former U.S. Trade Representative, is questioning whether the U.S. dollar will long remain the world's reserve currency because of our spending and because of our debt. A few weeks ago I noted that some officials in Zimbabwe were concerned about America, our spending and our debt, and what could

happen to our currency. They have good reason to. A friend of mine who returned from Zimbabwe brought me one piece of their currency. This is a 100 trillion dollar bill from Zimbabwe. It is so worthless he gave it away as a souvenir. They are worried about our debt. We need to be worried about it too.

This bill also includes a \$4 billion bailout for the Postal Service, the third bailout they have gotten in 8 years. But the money is not contingent on any reforms within the Postal Service, so the underlying waste will continue and require another bailout in the next year or two. Why would we bail out the Postal Service without any requirement that they reform their policies, the policies that have led to this mess? There are some very obvious things we could do. We could save \$50 million by stopping paying employees an average of 45,000 hours of standby time. We could close unnecessary post offices. There is a long list of things we could do to reform the Post Office so that we don't continue to bail them out with taxpayer money, but there is nothing in this bill about doing that. It is only another bailout, another giveaway. So simply bailing them out will only prolong the problems and cost the taxpayers more money.

In sum, if we look at the legislative branch bill, it is bad policy, it has followed a bad process, and it continues this out-of-control spending and debt for our country. It does not deserve our vote.

I thank you, Mr. President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I note the absence of a quorum.

Mr. COBURN. Mr. President.

The ACTING PRESIDENT pro tempore. Does the Senator from Nebraska withdraw his request?

Mr. NELSON of Nebraska. Without objection, yes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to spend a little bit of time today talking to my colleagues and the American people about where we are. I don't know of a better description of where we are than this sign. The President said and some in the House have said that certain facts about health care reform are indisputable, but nobody will dispute this one: Forty-three cents out of every dollar we spend this year, we borrow against the future of our children; 43 cents out of every dollar the Federal Government spends. What does that come to per family? What that comes to is \$15,603 per family—every family in this country—we borrowed against this year.

The reason I came down to the floor—I have a lot of problems with both the CR and this bill, but I want to know where the leadership is in America today. We are in tough times, and if

there ought to be one bill the Congress passes with no increase in spending, it ought to be the bill that pays for the things we do. The reason it ought to be that bill is because we ought to lead by example. What we are saying with this legislative branch bill is that, you know what, there is just not 5 percent to cut in our efficiency. Nothing could be further from the truth.

Every year I have been here, I have been allocated a certain amount of money for my office. In no year have I turned back less than 18 percent of that money, 460-some thousand bucks. We didn't spend it because we know how to run things efficiently and effectively.

That is a misnomer for the Federal Government, as led by the Senate, as exemplified by this bill.

So what have we done so far this year? Here is what we have done. Here is where the 2009 increases were, and here is what we are proposing this year. This doesn't take into account any of the money we spent in the stimulus or any of the money in the emergency appropriations we passed or that we wanted to increase the baseline.

Last year, we increased our own budget by 10.88 percent. Inflation was minus last year; there was a negative inflation. So we had an infinity, as far as recognizing the increase of our own budgets, because, in fact, the costs actually went down in America. CPI declined. This year, we are at a 1.4-percent CPI increase year over year, from September 30 to September 30.

Legislative branch is almost three times what inflation is; Homeland Security, four times inflation; Energy and Water—because they got such a large bump with the stimulus bill, we only increased it 1.41 percent. Every other bill, such as Agriculture, is 12.68 percent; but if you look at it, it is almost 22 percent. The THUD bill is 22.54 percent. Interior is 16.28 percent. Here is the inflation rate, 1.6 percent.

Where is the leadership? That is what the American people ought to ask. I don't fault the chairman. He is given a number and he is supposed to meet it. I fault our leadership. Things are never going to change until we model the behavior that will set the example to cause everything else to change. When we don't have the self-discipline and the courage to make hard choices in the running of our own offices and our own facilities, how can we ever expect anybody else in the rest of the government to do that?

You heard Senator DEMINT talk about what kind of shape we are in. Our debt today is \$11.790 trillion. That is going to double in the next 5 years. It is going to triple in the next 10 years. Medicare is an unfunded liability. For Medicare alone, it is \$89 trillion. What are we doing? Why are we not—Democrats and Republicans alike—saying the problem is in our leadership? The problem is the example we set. We can't even hold our own expenses flat at a time when the rest of

the country is making the most difficult choices. Every family and every business is in tough times, and we are flying through it because we don't have to lead by example. We don't want to make hard choices.

There is something lacking in America today. It is sorely lacking. The trouble we are in isn't partisan. It is not one party or the other. It is the combined leadership of this country that fails to recognize the depth and severity of the problems before us, and then it is compounded by not making the hard choices and leading by example to give us a result that will change that path. No other appropriations bills have passed Congress. There have been no conference reports passed for this year. The one that we are going to pass is the one for us. That doesn't fit with any sense of reality to the average family in this country.

Today, it was released that we have a 16-percent approval rating. That is way too high. That is way too high. Leadership is about sacrifice, giving up something so somebody else can gain. We have none of it in any of these appropriations bills we have passed. But they have not gone to the President because we don't have conference reports. Then we have the gall to bring in our budget at three times the inflation rate for us and pass it as the only one. Everybody else will be frozen, with minor exceptions, in the CR. Everybody else—the rest of the government—cannot plan. They don't know what they can do. But we are going to make sure we take care of us. That is exactly why we have a 16-percent approval rating.

I struggled a long time with whether I would seek my seat in the Senate again. Quite frankly, I came down to the fact that, other than three or four of us, nobody in the Senate is speaking about the real long-term problems. Nobody is thinking long term. What we are thinking about is short-term parochial instances such as the \$200,000 the chairman put in for his own State. It may be a great project, but now is not the time to do that. It sends a signal to the rest of America that I am going to take care of me and the heck with you. It is the wrong message. Yet we are going to do it anyway. We are going to say: Oh, well, never mind. It is a good cause, \$200,000 doesn't matter.

When we are growing up, our parents try to teach us a lot of things. It becomes the small things that are important. This legislative branch bill is a small bill compared to all the others we are going to pass. But it is big on symbolism because this is never going to change until we change. The symbolic act of passing this bill, where we are increasing our own expenses three times the rate of inflation, when most people in this country are spending less money on everything they do, some by choice, some out of fear, and some out of absolute circumstances that they have no control over—yet we pass a bill for us that makes us look absolutely foolish in Americans' eyes. America

gets it. We don't. This is an embarrassing time for us as a country. The reason is because there is a difference between what the American people expect and what we are delivering. It is not about Republicans or Democrats. People are scared. What is the future going to be like? I can tell you. If, in fact, we don't reestablish frugality and common sense in how we fund our expenses and every other aspect of the Federal Government, what we will see is the diminishment of the greatest magnitude of freedom this country has ever seen. We are starting to see it. Where do you think we got the 43 percent we are borrowing? We got most of it from people outside this country. They now have an influence over our ability to remain free because they control the money strings.

This isn't just a rhetorical statement. We know—and I put it on the floor 10 times—nobody disputes that there is at least \$350 billion worth of waste, fraud, and duplication in the Federal Government. Not one time in any of the bills that have come through this Chamber have we addressed the significant causes of those problems or addressed fixing it to right them. When we make amendments, they are defeated but not on party-line votes; they get defeated by the appropriators. The greatest power in the Senate is not Senator HARRY REID, it is the Appropriations Committee.

Consequently, when we try to fix the problem, we have a united front that says parochialism and short-term thought is much more important than the long-term future of the country, and our political positions are more important than the health of this Nation. Consequently, tonight, even after points of order will be raised—and I plan on raising some myself—we will pass this. Everybody will say the shower from COBURN is over and we can keep on doing what we have done.

America, don't let us get away with this. Don't let us lead by this poor example. Don't let us not sacrifice in our own offices so we can create the kind of leadership that is necessary to right this ship. This is the worst display I have seen in my years of service in the Congress. It is not about the details. It is the very fact that we have the audacity to take care of us before we take care of the rest of America. We have the audacity to increase our own budgets, which are fat.

If I can turn back the large amount of money I turn back every year, and every office could do the same thing, we could cut significant moneys from this bill. But we don't have the courage, the spine or the backbone that every American family has today—the actual guts to make hard choices. So we ignore them because it is so easy to take the credit card and say charge it to the next generation.

Yesterday, I heard Senator SCHUMER go after several members on the Finance Committee over Medicare. He

said: You can't be against this. You are for Medicare, aren't you? Sure, Medicare is great.

The only problem is, the unfunded liabilities with Medicare are going to cripple our economy starting in 2017. Alexander Tyler said all republics die, all republics fail. They fail at that moment in time when the vast majority of the citizens of the republic figure out they can vote themselves something from the Public Treasury.

Is it morally acceptable for us to continue to steal from our children? Is it morally acceptable to take opportunity away in this great land of freedom? Or will we sit back some day and tell our grandchildren about what it used to be like to be free in this country? All republics fail because all republics become deficit ridden.

It does not have to be that way for our country. Real leadership, real courage, real clarity of character says that now is the time, whether you are a Democrat or a Republican, to lead on the issues that will solve the problems in front of this country. This bill doesn't do it. As a matter of fact, this bill conditions more apathy and less confidence in the country and rightly so. We are not going to see that level of confidence come back to the Congress until we start paying attention to the long-term needs of this country and making those decisions in a way that doesn't have any consideration of our political position whatsoever, but every consideration about the truth, welfare, and long-term viability of our country. This bill doesn't do it.

The fact that this bill is used as a vehicle to fund the rest of the government, and we put us ahead of everybody else, to me, sends a very clear message to America: It is time to change who is here. It is time to send new people here. It is time to have people who are more interested in the country than their political careers or their party.

We example the worst of Washington politics and the worst of parochialism when we put us first and our desires first and our careers first, rather than the long-term viability of this country.

The CR contained in this bill violates the budget resolution—violates 311 of the Budget Act. It is all over the place. Even though we will raise points of order, we probably will not win. But when we don't win on that, America, you ought to ask why didn't we win. It will be because the Members of this body think more about their budgets than they do yours. They think more about their comfort than they do yours. They think more about their future than they do yours. It is very easy to solve this situation. What should happen is the legislative branch should be frozen like everybody else in the country, and we should pass bills coming out of conference committee as soon as we can, and we ought to work hard on doing that. Then we ought to pass a CR tonight that is free of this, that doesn't violate the Budget Act.

I want to make one more point talking about the \$4 billion and the postal provisions. There are a lot of great people who work for the U.S. Postal Service. There is no question about it. They are a victim of technology today more so than anything else. The fact is we use electronics rather than the mail, and the first-class mail volume and the volume for second and third-class items is going to go down. There is nothing the post office is going to be able to do to turn that revenue around. There is nothing. And that is not the average postal worker's fault. But the postal portion that came out of the Homeland Security Committee contained a very key component that has been ignored in this CR, and that was this: the negotiation of labor rates in this next round. Heretofore, they have never taken into consideration the financial health of the post office. Some of us find that kind of strange, but they never have. But there was an amendment that was agreed to in the committee that said: This time, when you arbitrate the language for the postal service employees, you have to consider the health of the post office, because that is where the revenue comes. Well, that has been conveniently left out of this CR. It passed out of committee. Yet we didn't put it here.

What does that mean for the post office? That means when we go to negotiate the labor agreements, the fact the post office is going to lose \$8 billion or \$10 billion next year—they will lose at least \$8 billion this year, maybe even \$12 billion or \$14 billion next year—there won't be any consideration given in evaluating the labor contracts. Any other business whose revenue is declining rapidly that ignores the revenue side and ignores expense increases is sure to fail.

As Senator DEMINT said, this is the third time in 5 years we have tried to put a patch on the U.S. Post Office, and this patch is only going to last for 1 year. It is not going to solve anything. We are going to ignore the hard choices that need to be made both by the postal employees and the post office in order to fix this so it is not a drain.

That is what I am talking about—the failure to lead. We duck the hard problems. We don't want to offend anybody. What we have to do is to start thinking long term. We have to start being about a vision of America that is financially healthy, and we have to swallow the hard, tough medicine of getting there.

We are setting an example with this bill that says we don't care; it doesn't matter. So America is disgusted. And that is what it is when 16 percent have confidence in us. I guarantee a large percentage don't—84 percent. A good portion of that is disgust with us. You know what. I am disgusted too. I know the individuals in this body. They are great people. But there has to be a change in the dynamics of the thought and the reasoning or we are going to

suffer the consequences. Actually, we are not; our kids are. They are going to suffer the consequences.

I will end with this point. If you were born today—September 30, 2009—in this country, the first present you get for your birthday is an IOU for \$400,000. Because when you take all our unfunded liabilities and apply to it the living segment of Americans over the next 70 years, their portion of our indiscretion is \$400,000. It just takes simple math: Take 5 percent interest—and none of us can probably borrow any money at 5 percent interest—and that is \$20,000 a year for the first 20 years of their life they are going to have to pay the interest on. So what does that come to, 20 years times \$20,000? Now we are at \$800,000 before they are out of college.

How in the world will they ever own a home? How will they ever send their kids to college carrying that kind of load? There is one of two answers to it: We either enter into the real world and start making the hard decisions and fixing the programs that are broken and eliminating the waste, fraud, and abuse, or we devalue our currency and everybody's assets in this country are going to shrink by about another 30 percent in terms of their real value.

That is the answer.

But those are inconvenient truths. We don't want to talk about them. We don't want to talk about the consequences of our actions. A former President said: Freedom is a precious thing. It's not ours by inheritance alone. It is never guaranteed. It has to be fought for and defended by each and every succeeding generation.

How do you fight for freedom when you owe \$800,000 and you are not out of college yet? How do you do that? When will we start to take the shackles off the next two generations? When will we start to eliminate the burden of our excesses on our children?

We are not far from a time when it is going to be too late to reverse this course. The international financial market is signaling that now. Wouldn't it be wise for us to lead with courage, to make tough choices, and truly secure the freedom of our children and grandchildren?

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided between the majority and the minority.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

#### SOUTH PACIFIC EARTHQUAKE AND TSUNAMI

Ms. MURKOWSKI. Mr. President, before I turn to the Legislative Branch appropriations bill and the continuing resolution that is under discussion, I wish to take a couple of brief moments to speak about the very devastating earthquake and tsunami that hit American Samoa, also Samoa, Tonga, and the other islands that are in the region, and offer my thoughts and prayers to those who have lost loved ones in this disaster.

As we saw yesterday, an earthquake in the range of 7.9 to 8.3 in magnitude occurred about 120 miles from American Samoa. It was followed by three aftershocks, all of about 5.6 in magnitude. These are incredible earthquakes we are seeing. Even the aftershocks are enormously significant. When we think back to the earthquake that hit Alaska in 1964, it was about 7.9 on the Richter scale. We in Alaska remember that most vividly.

To appreciate what American Samoa and the islands in the region have been hit with—it is incredible. According to the media reports, these earthquakes caused four tsunami waves approximately 15 to 20 feet high. They struck the island 25 minutes after the quake, reaching up to 1 mile inland. There are reports from residents on the island that the quake lasted 2 to 3 minutes. That is an eternity when the earth is rocking underneath you, and then to know that these tsunamis came in so quickly after those earthquakes. I understand that as of this morning there are 24 confirmed deaths in American Samoa and many more in Samoa, Tonga, and the other islands. This number is likely to rise as many individuals remain missing and unaccounted for. The President has declared American Samoa a major disaster area, and we have FEMA teams that are heading to the area now.

To those who have family members and loved ones in American Samoa, the White House and FEMA will be holding a teleconference this evening at 7 o'clock p.m. eastern time. Hopefully, we will have more information available at that time. I understand that few landlines are working and getting updates has been difficult. As far away as Alaska is from American Samoa, we have a surprisingly large Samoan and Tongan population in my State, so I know there are people at home in Alaska who are worried about their families and their loved ones. Hopefully, we will have more updates on that.

Again, my thoughts and my prayers go out to those who have lost loved ones and to those in American Samoa affected by this terrible event.

Mr. President, I want to speak this afternoon on the conference report that is accompanying H.R. 2918, the Legislative Branch appropriations bill, as well as the continuing resolution for fiscal year 2010.

Before I speak to the specifics of the legislative branch agreement, I would like to make clear my very strong objection that this continuing resolution that will be part of this was made part of the legislative branch conference report. This was done at the last minute. It was done at the direction of the House majority. It precludes amendments and careful consideration of all the issues.

The conferees were not offered an opportunity to concur in this process. This is what is known around here as air-dropping, where new material, new matter is inserted into a conference agreement that has not been considered by either body. We didn't take it up in the Senate. They didn't take it up in the House. What we have in front of us is a pretty onerous example. We have rules here in the Senate against air-dropping. I think we have good reason for those rules.

While it has been said that this is a clean CR, certainly there are items that are contained within this CR that represent important policy decisions and go beyond simply funding the Federal Government for another month. Provisions in this so-called clean CR include one relating to the Postal Service. This is Postal Service reform. The authorizing committee has been working on this for some time. There is another example related to the extension of surface transportation reauthorization.

We had time a week ago to take a freestanding continuing resolution through the normal process in both the House and in the Senate. We would have been able to present that bill to the President before the end of today, before the end of our fiscal year. I am very disappointed that normal process was not followed.

As I understand it, the reason this occurred was the House majority's desire to prevent its minority from offering motions to recommit the bill.

So here we are, last day of the fiscal year, and we clearly have to continue the critical operation of the Federal Government. But I do want to make clear this was not the right process for us to follow.

I have enjoyed the opportunity I have had to work with my chairman on the Legislative Branch Appropriations Subcommittee. We worked hard to produce an appropriations bill that we believed was reasonable and fair and balanced. We greatly reduced the scope of the budget, and we finished our work in a timely manner. We had some very substantive committee hearings. It was a good process. I was pleased in that process.

So it seems more than a little bit troublesome that we, with a very small appropriations bill coming out of the

Legislative Branch Subcommittee, working quite concertedly to make sure we did work the committee process in an appropriate manner, should be hung with the continuing resolution at the very end. It is more than just a bit ironic.

At this time I would like to speak to the Legislative Branch portion of this conference report. Again, I want to thank my chairman, Senator NELSON, for his work. I also want to recognize and thank the full committee chairman, Senator INOUE, and our ranking member, Senator COCHRAN, for the support they provided in getting the Legislative Branch conference put together.

Aside from the continuing resolution I just mentioned, I think it is fair to say our conference was without controversy. The final agreement meets the high priority needs of our legislative branch.

Now, Senator NELSON and I are both new to the Appropriations Committee, and we worked well together on this. We did our best to see that the legislative branch served as a model for others within the Federal Government. We worked to tighten our belt wherever possible. We funded only the highest priority initiatives.

In looking at the appropriations bill itself, funding for the legislative branch totals \$4.65 billion, and while the agreement is \$44 million over the level the Senate passed, the increase is due to items that the House had included. We were able to make reductions below the Senate-passed level in certain areas, such as our Senate office budgets.

The bill is about 4 percent over fiscal year 2009. This is a big improvement, considering that when they came to us initially with the request for the legislative branch it was about a 15-percent increase. So we were able to scale it back.

The conference agreement enables us to meet the highest priorities that have been identified by the Architect of the Capitol, in looking at health and safety, building improvements, particularly in the Library building and the projects that reduce the deferred maintenance in our buildings.

We recognize if we do not address deferred maintenance, it does not go away; it continues and, unfortunately, that pricetag continues as well.

The bill continues the efforts of the Architect of the Capitol to improve energy efficiency with over \$14 million in funding designated for this purpose. Also, within the Library of Congress, we managed to include funding to begin to update the agency's information technology infrastructure.

For about a decade, there have been no increases to IT within the Library. Yet most of the users of the Library are virtual users. I had an opportunity, a couple of weeks ago, to meet with Dr. Billington, the Librarian of Congress. He was showing me some of the incredibly historical documents, old maps

from the 1800s from Russia where they were mapping Alaska. Some documents we looked at, the only way I would ever have an opportunity to view them is if I were able to visit the Library of Congress.

Well, now, most of that, much of that incredible history is available through the Internet. So Alaskans, in a classroom thousands of miles away, can access the treasures we have within our Library of Congress.

The information technology infrastructure was clearly Dr. Billington's highest priority. I believe this investment will ensure that millions of people who access the Library through its Web site will be able to find what they are looking for. It is phenomenal.

Similarly, within GPO, the Government Printing Office, we funded the final increment for updating GPO's Web site to ensure that government publications can also be easily accessed and searched.

Also, the bill provides the final increment of funding to complete the merger of the Library of Congress Police into the Capitol Police. This is a project that was initiated years ago by Senator BENNETT when he was chairman of the subcommittee about a decade ago. It has been promoted by each of the successive chairs and ranking members to improve the security of the Capitol Complex. Today, the Library of Congress Police officially join with the Capitol Police in a ceremony that is taking place this afternoon at the Library.

So this is good news for them. Congratulations need to go out to the men and women of the Capitol Police and the Library Police who worked very hard to ensure that this initiative happened relatively seamlessly.

So there are good initiatives within Legislative Branch appropriations. I am pleased to have been able to work with Senator NELSON closely on these, and I am pleased with the product we have moved through our subcommittee.

Were it not for the add-on that we had just last week, I would be standing before you and saying this is almost a perfect product. We recognize we must deal with the ongoing funding of our Federal Government. It is the last day of the fiscal year, and a continuing resolution must advance.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent the time be divided equally between both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### DEFENSE APPROPRIATIONS

Mrs. FEINSTEIN. Mr. President, I come to the floor essentially to oppose the McCain amendment to the Defense appropriations bill, which would stop production of the C-17 Globemaster III Airlifter.

The McCain amendment would cut funding approved by the Appropriations Committee to maintain an important national asset in the C-17 program.

Without the inclusion of this funding, the production line would begin to shut down this year, and the last plane would roll off the line in mid 2011, as opposed to mid 2012 if these additional 10 planes, which are in the Defense bill, are, in fact, funded.

I believe the funding is important, and the risk of losing the production line without filling the C-17 need is real. The concern is timing. If this amendment passes, suppliers will be notified within months that their contracts have been terminated. It will become virtually impossible to restart production.

By then it will be too late to take into account the impending Quadrennial Defense Review, the QDR, and a Mobility Capabilities Requirement Study which will assess whether, in fact, we truly have enough C-17s in the fleet. It is my view that failure to fund this aircraft would be a tremendous blow to the future readiness of the military.

Now, why do I say that? The C-17 has been essential to our combat operations in Iraq and Afghanistan, as well as humanitarian missions worldwide.

It is the most flexible and versatile transport in the U.S. military today and the only one capable of flying troops and cargo directly from air bases here to the front lines of Afghanistan and Iraq.

Even more important is what the C-17 carries on the way back from the front line. It is a vital component of aeromedical evacuations of our troops to Ramstein Air Force Base in Germany.

Finally, it should not be forgotten that the C-17 contributes to peacekeeping and humanitarian relief missions worldwide. It has become a welcome site to victims of the tsunamis in Asia and the victims of hurricanes along the gulf coast. But that alone is not enough to justify it. Simply put, as former Air Force Chief of Staff, GEN Mike Moseley, has said: "The C-17 is worth its weight in gold."

With so many capabilities and so many complimentary things said about it, it is no surprise the Air Force has been "flying the wings off the C-17."

To make this point, let me read from the House committee report for the 2010 Defense appropriations bill.

The C-17 is the workhorse of the theater, flying 50 percent of all sorties for the U.S. Transportation Command over the last 24 months. While the aircraft is designed to fly

1,000 hours per year over 30 years, over the last 10 years the C-17 fleet has averaged 1,250 hours per aircraft, with some aircraft flying in excess of 2,400 hours in a single year.

That is over 200 percent more. This heavy usage is reducing the expected service life of the aircraft.

So what does this mean? It means C-17s are being utilized much more than anticipated. It means the C-17 is carrying more of the workload than expected. It means C-17s flown today may not be available for as long as we thought they would.

This brings us to the second issue. If not the C-17, what are the other options available?

The C-17 is a complement to a decades-old military transport, the C-5. The oldest C-5As are an average of 39 years old and will require literally billions of dollars in engine and avionics upgrades to keep flying. We don't yet know the exact cost, but as with many modernization programs, it will likely only go up.

The GAO clearly stated last year that DOD would need to fully modernize seven C-5s to attain the equivalent capability achieved from acquiring one C-17 and the cost would be three times more. So we need to modernize seven C-5s at three times the cost of a new C-17 to get the equivalent capability of one C-17. This makes no sense to me.

The C-5A has been unreliable, with a readiness rate barely over 50 percent. The Air Force has been asking for years for authorization to retire some of the aircraft. As those aircraft are retired, the C-17 will be expected to cover the gap left behind.

So we have to ask: How are taxpayer dollars better spent? Are they better spent maintaining and upgrading a 40-year-old, unreliable aircraft at three times the cost, or are they better spent adding C-17s to an already overtaxed fleet? I believe the answer is clear.

Those in Congress who advocate for shutting down the line are doing so prematurely.

Later this year, a Mobility Capability Requirements Study will be released that will address the future airlift needs of the military. One thing we know this country lacks is strategic lift. By that I mean to rapidly move troops and equipment to wherever those troops and equipment are needed. The staging of a military operation takes time because we lack strategic lift.

The Department of Defense is also actively working on the next Quadrennial Defense Review which will take a comprehensive picture of what tools our forces will need in the coming years.

Previous studies that have analyzed our airlift needs did not take into account planned increases in the number of Army and Marine Corps personnel.

We have more troops that need to be moved, including 30,000 additional personnel authorized by the Senate during consideration of the Defense authorization bill in July. These studies also did

not take into account new combat vehicle programs for the Army as well as the needs of the new Africa command.

All of this has to be figured into this mobility review. In fact, the GAO has expressed concern about the calculations used by the Defense Department's previous studies and recommended significant changes for the next mobility capabilities study.

The GAO also found that because the Department of Defense did not identify specific airlift requirements in its previous mobility capabilities study, it could not determine how the DOD concluded that the current number of C-5s and C-17s was adequate. That is the basis on which the Pentagon has weighed in saying we will do with what we have, in essence. The GAO is saying that no specific airlift requirements in the previous study were even considered on which one could base a recommendation such as "leave it as it is."

To me, this indicates we are not in a position to shut down the last strategic airlift production line in the country.

I understand this has been identified as a congressional jobs program. To a great extent, I disagree with that view. There are many of us who have followed the C-17 program for years. We know what a mistake it would be to end production of this aircraft prematurely.

The distinguished chairman of the Defense Appropriations Committee, Senator INOUE, agrees. Therefore, the committee has added these 10 planes, \$2.5 billion in the bill for these 10 additional C-17s.

In his introductory statement for this bill, he identified other times the Defense Department was wrong to determine a program termination, and he listed the F-117 stealth fighter, which was a great tool in fighting in the Gulf War and Bosnia; the V-22 Osprey, now a favorite of the Marine Corps; and Central Command, which the Department proposed eliminating.

It is clear the Department of Defense doesn't always get it right. Already we know we may be faced with a White House request to add another 40,000 troops that will need to be air lifted to Afghanistan. Whether that happens or not, I don't know. But I do know we have a remaining 8,000 to complement the 60,000 already there who need to get to Afghanistan before the end of the year.

Earlier this year, the administration fought hard against programs they felt were not necessary. This included aircraft such as the F-22 which, it was argued, was not being used in Iraq and Afghanistan. Instead they advocated for systems that support the current missions of the military. That is what the C-17 does.

The C-17 is being used at 125 percent of its anticipated flying hours in support of the wars in Iraq and Afghanistan. It is the only aircraft capable of flying many of the missions the Air Force is asked to fly. That is exactly

the kind of system we need more of. It takes troops, supplies, equipment directly to the front lines where it can land on unpaved runways and on runways nearly half the length of those needed to land a C-5. That is a real asset because it means we get closer with the troops, the supplies, the equipment to where they need to go.

Finally, from a business perspective, keeping the line open preserves the option for several other countries to purchase C-17s of their own.

Other governments are actively pursuing contracts to buy C-17s. The opportunity to maintain good-paying U.S. jobs would be lost if the line is shut down. Ten planes, one plane a month, essentially keep the line open for approximately an additional year over when it would shut down otherwise.

When I think where our military investment should go, I agree it should go toward ensuring we have the capability to bring our troops and supplies to where they must fight and where they are needed, to bring our injured servicemembers to the medical care they require, and to maintain a program that sees heavy use in supporting the wars we are fighting today.

This is exactly the wrong time to remove these 10 C-17s which are already in the Defense appropriations bill. The future is uncertain. It is uncertain with respect to Afghanistan, with respect to Pakistan, with respect to Iran, with respect still to Iraq, with respect to a number of other places in the world.

Where we are short is strategic airlift. The most efficient, most effective airlifter we have is the C-17. I strongly support its inclusion in this bill, and I thank the chairman of the Appropriations Committee, the distinguished Senator from Hawaii, DANIEL INOUE.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

PRaising NICOLE NELSON-JEAN

Mr. KAUFMAN. Mr. President, I rise once again to recognize the service of one of America's great Federal employees.

In recent months, President Obama has spoken of his vision of a world free from the threat of nuclear weapons. While nuclear disarmament remains a long-term project, there are important steps already being taken right now toward that goal.

The public servant I will speak about today has already distinguished herself

as a top-notch negotiator on nuclear proliferation issues for the Department of Energy.

When Nicole Nelson-Jean was just 28 years old, she led a delegation of Energy Department negotiators in an effort to secure Russian nuclear materials in Siberia. Based out of our Embassy in Tokyo, Nicole had to overcome the skepticism of her Russian counterparts, who were not accustomed to negotiating with someone her age. Remember, she was 28. But she quickly won their respect and developed a working relationship that enabled them to move forward on technical assistance and create a joint training and service center in the Russian Arctic for securing nuclear material.

After this achievement, Nicole was made director of the Department of Energy's Asia Office. She distinguished herself in that position for 2 years, also serving concurrently as energy attaché to our ambassador in Japan.

In 2006, Nicole was tapped to head the Global Threat Reduction Initiative for North and South America which runs projects in over 90 countries to remove radiological material from nuclear reactors and reconfigures them from processing weapons-grade highly enriched uranium to those processing the type used for peaceful purposes.

Following her success in that role, Nicole was appointed to serve as Director of the United States Mission to the International Organizations in Vienna, Austria. While there, she helped secure passage of the IAEA's Nuclear Security Resolution, which is now the central international statute used to prevent nuclear terrorism.

When asked about her work as a public servant, Nicole said: "Personally, I don't think that there's anything more important than the national security of our country," and that "service is in my blood."

Earlier this summer, Nicole returned to the United States to begin a 10-month program at the National Defense University as a counter-terrorism fellow.

She is just one of countless Federal employees who, even though they are highly educated and experienced, continue to immerse themselves academically in their career fields.

As I have stated before from this desk, our Federal employees combine great intellect and a passion for service. The result is a Federal workforce that excels.

Without Nicole and those like her, our government could not carry out the policies, such as nuclear arms control, that keep the American people safe and free.

I call on my fellow Senators to join me in thanking Nicole Nelson-Jean and all the outstanding men and women of the Department of Energy for their contribution to our Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. McCAIN. Mr. President, during the intervening time allowed that I have been allocated, I intend to speak on two issues. One is the point of order under rule XXVIII against the pending legislation, H.R. 2918, the Legislative Branch Appropriations Act for Fiscal Year 2010. The other issue I wish to speak about is the amendment I have pending that calls for the \$2.5 billion that has been appropriated for the acquisition of unneeded and unwanted C-17 aircraft to be allocated to operations and maintenance which has been cut by some \$3 billion, which, obviously, is vitally important to the men and women who are serving in the military so they have the proper equipment and capabilities to defend our Nation in the two wars in which we are engaged and around the world.

First, I will raise a point of order—and I will formally raise it when the manager chooses for me to do so—so this legislation is not permitted to proceed to full consideration. Specifically, as is known, rule XXVIII is a rule that precludes conference reports from including policy provisions that were not related to either House or Senate versions of the legislation as sent to conference. This \$4.7 billion piece of legislation was bloated enough; however, conferees took this opportunity to airdrop into the bill's conference a "continuing resolution" to continue funding the operations of the government through October 31, having, obviously—certainly not according to the rules of the Senate—any relation to the appropriations bill. By including a CR or continuing resolution, we are precluded from offering amendments to modify it.

That is why we have the rule that you don't put these things in conference reports because it then inhibits and actually prohibits Members from trying to amend and perfect the legislation. So it is a direct assault on how we do business in the Senate, by adding a very mammoth piece of legislation to what is a very small piece of legislation designated to allow the legislative branch to receive the funding it needs.

It is particularly troublesome, since conferees are treating the resolution as a Christmas tree—reauthorizing and extending several programs; forgiving billions of dollars of the Postal Service's debt; increasing funding for the Census Bureau—and not simply just a stopgap measure to allow the government to continue operating at last year's levels. Specifically, the continuing resolution provides \$3.9 billion more than last year for the Census Bureau; \$3.85 billion more than last year

for the Veterans Health Administration; it frees up funds for the Postal Service that is severely in the red by lowering the payment it must make into the trust fund intended for future retiree health benefits, which are obligations, to \$1.4 billion from \$5.4 billion last year. It extends the authorization for the highway program; intelligence program; stop-loss payments to U.S. troops; restrictions on funding to Guantanamo Bay; housing assistance programs; flood insurance programs; religious worker, physician, and investor VISA programs; use of e-verify and much more.

I wish to warn my colleagues: If we allow this kind of procedure to go forward in the Senate, it will deprive every single Member of the Senate of his and her right to amend legislation because, unless this point of order is upheld, we have only two choices: a "yea" vote or a "nay" vote, up or down. That flies in the face of the fundamentals upon which the Senate functions.

You may be in favor of all these programs. You may think we need, right away, \$3.9 billion more for the Census Bureau. You may think we need—and we probably do—more money for the Veterans Health Administration. Who is going to oppose more money for the Veterans Health Administration if it is brought up as a single bill? Certainly not this Member and not anybody I know. But what we are doing here, by putting the continuing resolution as part of the least controversial of all appropriations bills, is setting very dangerous precedence for this body. My colleagues should have no doubt about it.

There is a little book we give out all the time. We give it out all the time. We send it to schoolchildren all over America. It is called "How Our Laws Are Made." On page 43 it says:

The House conferees are strictly limited in their consideration of matters in disagreement between the two Houses. Consequently, they may not strike or amend any portion of the bill that was not amended by the other House. Furthermore, they may not insert new matter that is not germane to or that is beyond the scope of the differences between the two Houses.

Let me tell my colleagues what else we tell schoolchildren and young people all over America:

A report that contains any recommendations which extend beyond the scope of differences between the two Houses is subject to a point of order in its entirety unless that point of order is waived.

So why don't we—if I am defeated here—and I may be—why don't we change this book. Why don't we have a resolution from the Senator from Nebraska who put this in, along with his \$300,000 museum, to change this book so we don't mislead schoolchildren all over America in a pamphlet that says how our laws are made.

There is no reason why the majority can't bring the continuing resolution to the floor as a stand-alone piece of legislation. A Christmas tree of fund-

ing increases and authorizations deserves floor consideration and discussion, rather than a process by which the appropriators unilaterally decide how, when, and where what is deserving of getting a 30-day extension and which programs are able to expire. The American people deserve better.

Just this morning, Politico, a newspaper published here in Washington, wrote a story: Lawmakers jack up spending for themselves: \$500,000 for townhalls.

The article goes on to say:

Congress is on the verge of giving itself a bump in its annual budget—even as local governments, families, and businesses across the country are tightening their belts in the worst recession in decades.

The measure includes a hodgepodge of new funding for lawmakers: a \$500,000 pilot program for Senators to send out postcards about their town hall meetings—

Is there any Member of Congress in the Senate who needs to send out a postcard to tell our constituents that we are having a townhall meeting? Really: \$500,000.

—\$30,000 for receptions for foreign dignitaries and \$4 million for consultants.

There's \$15.8 million for salaries for the Senate Appropriations Committee—plus an extra \$950,000 for the committee's administrative expenses.

So here we are with people not—Americans can't have an office because they have lost their jobs, and conferees have included \$50 million to refurbish congressional offices. While millions of American families risk losing the roof over their head, appropriators have set aside millions to replace the roof of the Rayburn House Office Building. While millions of Americans have seen their income and household budgets decrease significantly this year, Congress has provided a 5.8 percent increase over last year to cover Congress's expenses and salaries. Millions of small businesses across America have been forced to shut down or severely cut expenses. Somehow, Congress sees fit to provide itself with a 5.8 percent increase. Incredible. Millions of Americans are seeing their hours cut or their salaries slashed. This conference report includes an 8.4 percent increase over fiscal year 2009 for salaries—for salaries.

According to the House committee report, this is to:

Allow for compensation improvements beyond inflation for the staff of Member offices, especially among younger staff where current salaries are often less competitive.

I have had no difficulty with people applying for work in my office. Maybe the managers of the bill have.

If this weren't enough, the conference report retains an earmark from the Senate bill of \$200,000 to support a photo exhibit at the Durham Museum in Nebraska. So people who are having trouble making mortgage payments and putting food on the table are probably a little bit surprised, although maybe they shouldn't be. National unemployment is at almost 10 percent, public debt is close to \$2 trillion, the deficit is projected to hit \$1.6 trillion

this year, and we go on spending. We go on spending.

I ask my colleagues, in supporting this point of order, to block this bill from full Senate consideration and allow Congress to rethink its priorities.

So I raise a point of order that the legislation violates rule XXVIII.

Mr. NELSON of Nebraska. Mr. President, I move to waive all applicable rule XXVIII points of order and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays are ordered.

The Senator from Arizona is recognized.

#### DEFENSE APPROPRIATIONS

Mr. McCAIN. Mr. President, now I wish to make some final remarks about the amendment that cuts \$2.5 billion that the Defense Appropriations bill uses to fund 10 C-17 Globemaster aircraft, planes which the Secretary of Defense says the Pentagon doesn't need and that the President didn't ask for, and restores that money to the critical operations and maintenance accounts that support military training, readiness, flying and steaming hours and depot maintenance that is so crucial to our Armed Forces in wartime.

Let me make it clear to my colleagues what I am doing. We are taking the \$2.5 billion that has been appropriated for the purpose of procuring 10 additional C-17s and transferring that money back to the operations and maintenance account I described—training, readiness, flying, steaming hours, et cetera—to make up for the cuts—or at least mostly to make up for the cuts—that have been made in O&M funding.

I understand a budget point of order will be lodged against the amendment. Let me make it clear to my colleagues: We will have an up-or-down vote on this amendment. So if it fails, I will have two more amendments, separate amendments, one that cuts the C-17 and one that adds funding to operations and maintenance funding if this pending amendment of mine is challenged on a technical basis.

I agreed with Secretary Gates when he said the military has no more need to buy more C-17s. The fact is, the Air Force and the U.S. Transportation Command: "Have more than necessary [strategic airlift] capacity" for airlift over the next 10 years.

Mr. President, I received a letter from the Secretary of Defense. I ask unanimous consent that it be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,  
Washington, DC.

Hon. JOHN MCCAIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCAIN: The President's defense budget request has requested no additional C-17s. This position is based on the

Department's firm judgment that we have acquired sufficient number of C-17s to meet the nation's military needs. The C-17 airlifter remains a valuable military asset that will serve as the backbone of the nation's strategic airlift fleet for decades to come. However, continuing to purchase C-17s in numbers beyond what is required simply diverts limited resources from other more pressing military needs. More specifically, the \$2.5 billion it will cost to purchase 10 additional C-17s plus the \$100 million per year it will cost to operate them will invariably result in a reduction in critical warfighting capability somewhere else in the defense program.

Sincerely,

ROBERT M. GATES.

Mr. McCAIN. Mr. President, I will quote partially from the letter:

The President's defense budget request has requested no additional C-17s. This position is based on the Department's firm judgment that we have acquired a sufficient number of C-17s to meet the Nation's military needs.

Let me point out what is really important about this letter:

More specifically, the \$2.5 billion it will cost to purchase 10 additional C-17s, plus the \$100 million per year it will cost to operate them, will invariably result in a reduction in crucial warfighting capability somewhere else in the defense program.

So the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, all of our military leaders, and the highly respected Secretary of Defense say not only that they don't want any more C-17s, but if we spend this \$2.5 billion and the \$100 million annually required to maintain them, there will be a reduction in critical warfighting capability somewhere else in the defense program.

We are in two wars. We have 68,000 young Americans in Afghanistan—and most likely more to come—and 120,000 in Iraq, and we are going to buy 10 more C-17s when they need their equipment maintained and they need to be replaced and they need to fly and they need to have the best capability in combat.

President Eisenhower warned us about the military industrial complex. It is not the military industrial complex anymore; it is the industrial complex. You cannot walk through the hallways without bumping into a lobbyist from Boeing. Of course, there are subcontractors all over America, absolutely. But this is really egregious because they have taken money from the operation and training capabilities and readiness capabilities—that is what operations and maintenance money is all about—and cut it below the request our military and the Secretary of Defense and the President think is vitally needed, and they added 10 additional aircraft that no one in the military—the Air Force included—believes is needed.

This is a young Presidency, and this will be a defining moment in the Presidency. If I am defeated by Boeing today, then it will be up to the President to decide whether to veto this bill. If we don't turn this down here, then we will be sending a signal to every lobbyist in this town—and there are

thousands—that if you lobby hard enough and you have enough subcontractors, you can do anything.

This is a very important amendment at this particular time in our history, while we are fighting two wars and we have a new administration. If we defeat this amendment, we will also be contradicting the opinion of perhaps one of the most highly regarded individuals in America, and, of course, that is our Secretary of Defense.

Mr. President, I have already asked for the yeas and nays on this amendment. I believe we can do a better job for the American people and the men and women in the military than what is being attempted by the Defense Appropriations Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise to associate myself with the comments of the Senator from Arizona on rule XXVIII and on the issue of planes. I also want to point out that we are violating the budget this body has with this bill.

I understand the situation in which the Senator from Nebraska finds himself. His bill is in the wrong place at the wrong time, and people threw a lot of baggage on it, and it was inappropriate that it was thrown on.

One of the most inappropriate things is a \$4 billion bill that is being sent to the taxpayers of America to bail out the Postal Service. This wasn't a surprise. This didn't come on as, oh, my gosh, we don't have \$4 billion to pay our pension funds. This occurs because of something that occurred in 2006, when we bailed out the post office the last time. Everybody knew it was coming. This train has been coming down the track, the track has been straight, and we have seen it for a long time. So suddenly this bailout, which the taxpayers will have to pay for, gets thrown on the Senator's bill. I regret that. It makes his bill out of whack relative to the budget.

This is the last day of the fiscal year. We have already spent all the money. In fact, we spent a little bit more too, but we spent all of the money in the budget. We are over outlays and all of the BA has been spent. Suddenly, out of the clear blue sky, on the last day of the budget, we are going to spend another \$4 billion.

We passed the budget, so let's stick with the budget. That is the idea. I think the American people are getting tired of us spending money we don't have, especially since it is theirs and their grandchildren's. It goes right on the debt, by the way. All I am asking this body to do is live by the budget we passed.

I intend to make a point of order under rule 311 of the Budget Act, which says you cannot exceed what you said you budgeted for. It is a simple Budget Act. We pass a budget, and if you go over it, there is a point of order that

you should not waive. So we should not spend \$4 billion we don't have.

Again, this was not the doing of the Senator from Nebraska. He plays no role in this other than being the unfortunate baggage car passing through Congress when somebody decided to stick this on his bill.

At this point, I will make a point of order that the pending conference report would cause the aggregate level of the budget authority and the outlays for fiscal year 2009 as set out in the most recently agreed to concurrent resolution on the budget, S. Con. Res. 13, to be exceeded. I raise a point of order under section 311(a)(2) of the Congressional Budget Act of 1974.

Mr. NELSON of Nebraska. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act, and 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. GREGG. Mr. President, I will simply note that there were two other Budget Act points of order against this item in the bill. I presume he is asking on behalf of leadership to waive them all.

It is really inappropriate that we should waive the whole Budget Act and spend \$4 billion we don't have on the last day of the fiscal year. So I hope Members will look at this. This can be corrected in other ways. We can find ways to offset this money. It can be done on another bill with the proper offsets. Therefore, I hope my colleagues will sustain what they passed, which was the budget for this year, on the last day of the budget enforcement for the year.

I yield the floor.

Mr. NELSON of Nebraska. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. 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. INOUE. Mr. President, I rise today to speak in support of the motion to waive the rule XXVIII point of order being made against the conference report for containing a continuing resolution provision allowing the government to maintain normal operations until October 31, 2009.

Today is the last day of the fiscal year. As I noted earlier, our men and women in uniform are fighting on two fronts. On the homefront, our economy is at a critical stage in its recovery.

Our Federal agencies provide essential services every day of the year to our men and women in uniform, to our veterans who have returned from war, to homeowners and workers struggling to recover from the downturn in our

economy, and to businesses and maritime commerce reliant on weather forecasts and data. These are just a few examples of a multitude of critical services we must maintain by passing this conference report with the continuing resolution provision included and having it sent to the President for his signature.

This point of order is made and raised against the conference report based on the fact that this continuing resolution was added to it without being included in either the House or Senate versions of the bill. While the vice chairman and I are not inclined to add provisions outside the scope of the conference, there are occasions when it is necessary. This is one of those times.

As chairman of the Appropriations Committee, I have worked diligently with my colleague and vice chair, Senator COCHRAN, to return the appropriations process to regular order.

When we finally received the administration's budget—and may I ask my colleagues to recall that it was in May of this year—we worked nonstop, holding budget hearings with the agencies, analyzing their budget proposals, and marking up and reporting out all 12 bills in 4 months. Eleven of them were reported out before the August recess. I might add that the Senate Appropriations Committee reported nine of these bills by a vote of 30 to 0—unanimous—and the other three by a vote of 29 to 1—one vote in opposition. The Senate is currently considering the Defense bill, the seventh appropriations measure to come to the floor.

We have made great progress in our efforts to return to regular order and pass individual bills, but we are not there yet. We need to pass this continuing resolution so that our agencies can continue to operate while we conclude our business. In fact, today we had our second and third conferences with the House, and I am happy to report that both conferences have concluded in harmony and a report will be forthcoming to the Senate floor. Several more are scheduled for the rest of the week. This short-term continuing resolution, which is clean and does not contain what I consider controversial matters, will give us time to consider a good number of appropriations bills under regular order.

For my colleagues who may be interested in specific details regarding the impact of a government shutdown, here are just a few examples:

For veterans who have served, all nonemergency health care, including elective surgeries, would be deferred. This means that those veterans whose medical needs are not life-threatening or an emergency would have to wait to see their doctors. The end result would be rationing health care, causing significant waiting times for appointments, which would, of course, spill over after the shutdown has ended.

A government shutdown would suspend much of the work Treasury staff is doing to promote economic recovery

and would impact transportation funding that also plays an important role in supporting the economic recovery and putting people back to work.

A government shutdown could derail the 2010 census, for example. Even a brief shutdown could jeopardize the accuracy and timeliness of the constitutionally mandated 2010 census, which everybody is depending upon for numbers. Specifically, the Census Bureau could be forced to abandon or delay the hiring of tens of thousands of temporary enumerators. Under a government shutdown, the census would be unable to continue setting up field operations needed to count our citizens.

A government shutdown would halt highway, transit, and motor carrier safety programs, which would disrupt State and local efforts to maintain and improve our Nation's transportation infrastructure, and would impact upon commuters and movers of goods.

A government shutdown would lay up NOAA's entire fleet of ships, including the hydrographic vessels, which would stop any current nautical charting operations for the purpose of navigation. Even navigation service conducted by the private sector under NOAA contracts would cease and any data processing would be put on hold.

Our Nation's physical oceanographic real-time system would not be maintained, eliminating live environmental information, such as tides and currents that coastal pilots rely on when safely guiding huge vessels in and out of our ports. Imagine what would have happened if this shutdown was in place at this moment. The knowledge that we have of the Samoan disaster would not be available to us, simply put.

Maritime commerce, which accounts for 90 percent of our Nation's imports and exports, would be dramatically slowed and the risk of an environmental disaster would be heightened.

Mr. President, I could continue on with other services being impacted by the shutdown, but I think you have got the gist of it.

Twice in the past 4 years—in 2006 and 2007—the Congress passed a similar type continuing resolution as a provision to a conference report. Yes, they had CRs in the conference report in 2006 and 2007. In 2006, the Republican-led Congress passed a continuing resolution provision by a vote of 100 to 0. In 2007, a Democratic-led Senate passed a conference report with a continuing resolution by a voice vote—unanimous. It is not a partisan issue and it should not be a partisan issue today.

With that, I urge my colleagues to vote to waive any point of order against the Legislative Branch conference report because of the continuing resolution.

Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED  
SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 2918 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. 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. INOUE. Mr. President, on behalf of the leader, I ask unanimous consent that upon disposition of the conference report to accompany H.R. 2918, the Senate then stand in recess until 6:30 p.m. today; that upon reconvening at 6:30 p.m., the Senate resume consideration of H.R. 3326 and there be 2 minutes of debate prior to a vote in relation to the McCain amendment No. 2558, with the time equally divided and controlled in the usual form; with no amendment in order to the amendment prior to the vote; that upon the use of the 2 minutes, the Senate then proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the agreement be modified so that after the first vote, the following votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the motion to waive any points of order under rule XXVIII. The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 61, nays 39, as follows:

[Rollcall Vote No. 300 Leg.]

## YEAS—61

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Gillibrand | Nelson (NE) |
| Baucus    | Hagan      | Nelson (FL) |
| Bayh      | Harkin     | Pryor       |
| Begich    | Inouye     | Reed        |
| Bennet    | Johnson    | Reid        |
| Bingaman  | Kaufman    | Rockefeller |
| Boxer     | Kerry      | Sanders     |
| Brown     | Kirk       | Schumer     |
| Burr      | Klobuchar  | Shaheen     |
| Byrd      | Kohl       | Specter     |
| Cantwell  | Landrieu   | Stabenow    |
| Cardin    | Lautenberg | Tester      |
| Carper    | Leahy      | Udall (CO)  |
| Casey     | Levin      | Udall (NM)  |
| Cochran   | Lieberman  | Voinovich   |
| Conrad    | Lincoln    | Warner      |
| Dodd      | McCaskill  | Webb        |
| Dorgan    | Menendez   | Whitehouse  |
| Durbin    | Merkley    | Wyden       |
| Feinstein | Mikulski   |             |
| Franken   | Murray     |             |

## NAYS—39

|           |           |           |
|-----------|-----------|-----------|
| Alexander | DeMint    | LeMieux   |
| Barrasso  | Ensign    | Lugar     |
| Bennett   | Enzi      | McCain    |
| Bond      | Feingold  | McConnell |
| Brownback | Graham    | Murkowski |
| Bunning   | Grassley  | Risch     |
| Burr      | Gregg     | Roberts   |
| Chambliss | Hatch     | Sessions  |
| Coburn    | Hutchison | Shelby    |
| Collins   | Inhofe    | Snowe     |
| Corker    | Isakson   | Thune     |
| Cornyn    | Johanns   | Vitter    |
| Crapo     | Kyl       | Wicker    |

The PRESIDING OFFICER. The yeas are 61, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER (Mr. NELSON of Florida.) The Senator from New Hampshire.

Mr. GREGG. Mr. President, this is a very simple point of order. It simply says: A budget was passed. This is the last year of the budget. We have spent all the money under the budget. We should not add another \$4 billion to the budget that is going to go directly to the debt our children will have to bear.

So let's vote in favor of supporting the budget that we passed. Let's vote against adding \$4 billion of more debt to our children's backs. We can correct the problem this issue confronts without adding to the deficit and the debt, and we can correct it without doing violence to the budget which was passed by the majority.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, it is important that this motion pass just like the previous one. If we do not get this done, we are sitting with a continuing resolution that will not be in effect, and we will be in trouble moving forward.

So just as the other one, I ask my colleagues to vote aye on it as they have in the past.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, will the Senator from Nebraska yield the remaining time to me?

Mr. NELSON of Nebraska. I will yield.

Mr. GREGG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Nebraska has 20 seconds remaining.

Mr. GREGG. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 12 seconds remaining.

Ms. COLLINS. Mr. President, the Senator from New Hampshire is correct that this should not have been done this way and that the Postal Service needs fundamental reform. But the fact is, the Postal Service cannot afford to

pay the \$5.4 billion that is due on October 1.

The CBO says this provision has no budget impact. So I urge a vote against the JUDD GREGG point of order.

Mr. GREGG. Mr. President, if it had no budget impact, the point of order would not lie. It actually does have a \$4 billion budget impact. That will be added to the debt. It can be corrected. We can still pass the continuing resolution by supporting this point of order.

I ask Senators to vote no on the motion to waive.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 61, nays 39, as follows:

[Rollcall Vote No. 301 Leg.]

## YEAS—61

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Franken    | Murray      |
| Baucus    | Gillibrand | Nelson (NE) |
| Bayh      | Hagan      | Nelson (FL) |
| Begich    | Harkin     | Pryor       |
| Bennet    | Inouye     | Reed        |
| Bingaman  | Johnson    | Reid        |
| Boxer     | Kaufman    | Rockefeller |
| Brown     | Kerry      | Sanders     |
| Burr      | Kirk       | Schumer     |
| Byrd      | Klobuchar  | Schumer     |
| Cantwell  | Kohl       | Shaheen     |
| Cardin    | Landrieu   | Specter     |
| Carper    | Lautenberg | Stabenow    |
| Casey     | Leahy      | Tester      |
| Cochran   | Levin      | Udall (CO)  |
| Collins   | Lieberman  | Udall (NM)  |
| Conrad    | Lincoln    | Warner      |
| Dodd      | McCaskill  | Webb        |
| Dorgan    | Menendez   | Whitehouse  |
| Durbin    | Merkley    | Wyden       |
| Feinstein | Mikulski   |             |

## NAYS—39

|           |           |           |
|-----------|-----------|-----------|
| Alexander | Ensign    | Lugar     |
| Barrasso  | Enzi      | McCain    |
| Bennett   | Feingold  | McConnell |
| Bond      | Graham    | Murkowski |
| Brownback | Grassley  | Risch     |
| Bunning   | Gregg     | Roberts   |
| Burr      | Hatch     | Sessions  |
| Chambliss | Hutchison | Shelby    |
| Coburn    | Inhofe    | Snowe     |
| Corker    | Isakson   | Thune     |
| Cornyn    | Johanns   | Vitter    |
| Crapo     | Kyl       | Voinovich |
| DeMint    | LeMieux   | Wicker    |

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. NELSON of Nebraska. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is agreeing to the conference report to accompany H.R. 2918.

Mr. NELSON of Nebraska. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 302 Leg.]

## YEAS—62

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

## NAYS—38

|           |           |           |
|-----------|-----------|-----------|
| Alexander | DeMint    | LeMieux   |
| Barrasso  | Ensign    | Lugar     |
| Bennet    | Enzi      | McCain    |
| Bennett   | Feingold  | McCaskill |
| Bond      | Graham    | McConnell |
| Brownback | Grassley  | Risch     |
| Bunning   | Gregg     | Roberts   |
| Burr      | Hatch     | Sessions  |
| Chambliss | Hutchison | Shelby    |
| Coburn    | Inhofe    | Thune     |
| Corker    | Isakson   | Vitter    |
| Cornyn    | Johanns   | Wicker    |
| Crapo     | Kyl       |           |

The conference report was agreed to. Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before we recess—I know there is an order—I ask unanimous consent that I have 1 minute and Senator INHOFE have up to 2 minutes to address the Senate on an issue unrelated to the conference report that was just adopted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from California.

Mrs. BOXER. Mr. President, I wish to let colleagues know on both sides of the aisle that Senator INHOFE and I are working very closely together as chair and ranking member of the Environment and Public Works Committee to resolve an issue which, if we do not resolve, is going to result in job losses. Senator INHOFE will expand on that.

We have to repeal a decision that was put into the last highway bill, SAFETEA-LU. We know what we want to do. We know how we are going to fund it. It will be deficit neutral. It will keep people working. It will help our States. If we do not do it, we are going to see layoffs, and nobody wants to see layoffs when we are in this difficult economic time.

So I am very pleased to be here to inform colleagues we are working very hard, and we have very few objections, if any. We will get back to colleagues later in the evening on this issue.

Mr. President, I yield the floor and will listen with great interest to my colleague from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me thank the chair of the Environment and Public Works Committee—a position I held at one time, but I am the ranking member for the minority. This is a huge issue. This is one we cannot let go unattended. Tonight at midnight this thing expires. So we have to do it. Let me compliment Senator BOXER in being willing to go to some extremes that, quite frankly, I did not know she would be able to agree to.

What is at stake right now is about \$500 million of projects that will have to be canceled. If you cancel these projects—these contracts have already been let—we are talking about lawsuits. We are talking about around 17,000 jobs being lost unless we are able to fix this recession thing and to get it offset. Well, that is what is going to happen.

We are drafting an amendment right now. I know the hour is late. I know we are going to come back for a vote at 6:30. But I think this absolutely has to be done, and I think it will be done. I am looking right now for any of the Republicans who might be objecting to this so I can talk to them. Quite frankly, I do not think there will be objection on our side.

The highway money at risk would put people to work, unlike much of the so-called stimulus. So I think we have an opportunity now to do this, and it is only going to be done because of the cooperation between the chairman of this committee and myself as ranking member.

So let's do everything we can. I say to the Senator, I think you have come up with a solution. We have, together, come up with a solution. Let's make it happen.

Mrs. BOXER. Thank you very much, Mr. President.

#### MAKING TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 2918

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 191, which the clerk will report by title.

The legislative clerk read as follows: A concurrent resolution (H. Con. Res. 191) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918.

Thereupon, the Senate proceeded to consider the concurrent resolution.

Mr. INOUE. Mr. President, one of the must-pass items in the continuing resolution regards the U.S. Postal Service.

Under current law, each year the Postal Service is required to cover the health care costs of retirees and provide an actuarially determined rate for future costs of health care.

These funds are required to be placed into a trust fund to be invested.

Because of the recession as well as the increased reliance on the Internet for personal communications, the Postal Service is experiencing financial difficulties.

Working with members of the authorizing committees of both Houses,

the Committee crafted a short-term solution for this problem which would allow the Postal Service to reduce the amount it would otherwise be required to invest this year.

The impact of the amendment is it allows the Postal Service to retain \$4 billion to pay for its ongoing cost of operations.

Let me be clear, this provision will not provide any additional taxpayer dollars to the Postal Service.

It doesn't mean that current health benefits of our postal workers would be shortchanged.

It does assume that when the recession ends and profitability returns to the Postal Service the funding they would need to invest in future health care costs would probably increase.

Some might want to decry this amendment because it is scored by the congressional budget amendment as a net loss to the Treasury.

It should be noted that the proposal will not require additional discretionary funds to be expended.

The provision will, on the other hand, do a great deal to preserve the financial solvency of the Postal Service.

This amendment should not be controversial.

It does not add costs to the taxpayer.

It was an item that was in keeping with the needs of the Postal Service; and, it was an item that has the support of the chairman of the authorizing subcommittee with jurisdiction over the matter.

This needs to be done today and I would urge my colleagues to vote to waive any points of order that might be raised in relation to this matter.

Mr. LEVIN. Mr. President, currently the Nation's unemployment rate is higher than it has been since 1983. In my home State of Michigan, the unemployment rate is 15.2 percent—5.5 percent higher than the Nation's unemployment rate of 9.7 percent. Translated into real people, this means that 14.9 million Americans are unemployed, of which, more than 735,000 are living in my home State.

Michigan provides a little more than 450,000 individuals with unemployment benefits. As of September 18, more than 26,000 Michiganders have exhausted much needed unemployment benefits and by the end of this year, this number will rise to more than 100,000 folks. Since the beginning of this year, Michigan has been losing on average of 27,000 jobs per month. Our people need help.

It is critical that we provide assistance to individuals who are straining to make ends meet by ensuring that their much needed unemployment insurance benefits do not run out. We need to provide support to those individuals who are struggling to find jobs so that they do not lose their homes and are able to put food on the table.

We must extend unemployment insurance benefits and swiftly pass an unemployment insurance extension, so the President can sign this bill into law quickly.