

the public can see them. He has brought this entire process further into the light of day, allowing constituents, the news media, and outside watchdog organizations to track how taxpayer dollars are spent.

But a funny thing has occurred. Some of our Republican friends who have used earmarks to serve their constituents for years suddenly have had a change of heart and jumped on the anti-earmark bandwagon. In fact, the Republican leader, who in the past brought home hundreds of millions of dollars to his State of Kentucky, has done an about-face in calling for an earmark ban.

The hypocrisy of these new earmark critics is outrageous. Here is what the critics never mention: Earmarks do not add one cent to the deficit, not a single cent. We heard that from our leader here, from Senator INOUE.

When Congress includes an earmark in an agency's budget, it is not increasing that budget. It is specifying how a portion of the funding should be spent based on their understanding of their State's needs. After hearing many requests all of us do, they can evaluate which ones they see as the most important. It is a voice of reason and understanding.

The fact is the Founding Fathers gave Congress the power of the purse when they wrote the Constitution. Directing funding to specific projects is one way Congress exercises this power.

If we eliminate earmarks, we will transfer our funding powers to the President, and that is not the way the Constitution is structured. It undermines the authority the Founders placed on us two centuries ago.

The people who work in the Federal agencies here in Washington include some of America's best and brightest, but they simply do not necessarily know the needs of our States as well as we do. This debate over earmarks is nothing more than a distraction from the pressing issues on which we should be focused.

I call on my colleagues to consider the facts and not the rhetoric. Do not be misled. Do not allow the truth to be mangled, misconstrued, and misrepresented. Earmarks help create jobs and help millions of Americans through their lives, especially now in this stressful period where we have people who are afraid they are going to lose their jobs after many years of loyal support or, still, lose their homes because they cannot afford the mortgages they were sold.

So I urge my colleagues to oppose the Coburn amendment because it will not solve a single problem we face. I hope we will use our time for more constructive debate. I would suggest that everybody who talks in opposition to earmarks, congressionally designated programs, say now on this floor—take an oath that you will in your own State announce the fact you are opposing the earmarks that were proposed for it. Tell the people back home that you are

going to deny their right to accept these things because it is dirty, because it is unclean, and they say that it goes only to those who contribute large sums of money.

If you want to look at those who contribute large sums of money, look at that side of the aisle. They dwarf what we do in our debate about where funding goes and where funding stops.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LAUTENBERG. Will the Senator yield?

Mr. INHOFE. Let me ask if I could extend my time by 5 minutes. Is there objection?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOTICE OF INTENT TO OBJECT

Mr. WYDEN. Mr. President, consistent with Senate Standing Orders and my policy of publishing in the RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to proceed to S. 3804, the Combating Online Infringement and Counterfeits Act, COICA.

Promoting American innovation, and securing its protection, is vital to creating new, good-paying jobs. But it is important that the government reach an appropriate balance between protecting intellectual property and promoting innovation on the one hand and the freedom to innovate, share expression, and promote ideas over the Internet. I am concerned that the current version of COICA has this balance wrong; it attempts to protect intellectual property in the digital arena in a way that could trample free speech and stifle competition and important new innovations in the digital economy.

Of perhaps greater concern, the sweeping new powers offered to the U.S. Department of Justice under COICA are granted without giving due consideration to the consequences. COICA may not only be ineffective at combating copyright infringement and the distribution of counterfeit goods, it gives license to foreign regimes to further censor and filter online content to serve protectionist commercial motives and repressive political aims. Until these issues are thoroughly considered and properly addressed, I will object to a unanimous consent request to proceed to the legislation.

COMBATING MILITARY COUNTERFEITS ACT

Mr. WHITEHOUSE. Mr. President, I rise to speak about a bill I recently introduced: S. 3941, the Combating Military Counterfeits Act of 2010. This bill will help protect America's Armed Forces from the risk of defective equipment by enhancing the ability of prosecutors to keep counterfeit goods out of the military supply chain.

The safety of our servicemembers and the success of their missions depend upon the proper performance of weapon systems, body armor, aircraft parts, and countless other mission-critical products. Unfortunately, America's military faces a significant and growing threat: the infiltration of the military supply chain by counterfeit products. These counterfeit products do not meet military standards, putting troops' lives at risk, compromising military readiness, and costing taxpayers millions in replacement costs. In the case of microelectronics, counterfeit parts also provide an avenue for cybersecurity threats to enter military systems, possibly enabling hackers to disable or track crucial national security applications.

Let me give you a few examples from a recent report by the Government Accountability Office:

The Defense Department discovered in testing that it had procured body armor that was misrepresented as being "Kevlar." Think about that: a criminal sold fake body armor to the military, putting our troops' lives at risk just to make a buck. The law must provide strong deterrence and harsh sanctions for such conduct.

And in another example, a supplier sold the Defense Department a personal computer part that it falsely claimed was a \$7,000 circuit that met the specifications of a missile guidance system. As my colleagues may know, military grade chips are required to withstand extreme temperature, force, and vibration. Chips that don't meet those specifications are prone to fail—for example, when a jet is at high altitude, when a missile is launching, or when a GPS unit is out in the field. The possible tragic consequences of such equipment failing are unthinkable.

And the increasing number of counterfeits has broad ramifications for our national security. A January 2010 study by the Commerce Department, for example, quoted a Defense Department official as estimating that counterfeit aircraft parts were "leading to a 5 to 15 percent annual decrease in weapons systems reliability." And the risk is growing. The Commerce Department study, which surveyed military manufacturers, contractors, and distributors, reported approximately two and a half times as many incidents of counterfeit electronics in 2008 as in 2005. It is only going to get worse as the high prices of military grade products attract more and more counterfeits. Consider, for example, that before fleeing the country, the supplier that sold a counterfeit \$7,000 circuit for a missile guidance system had been paid \$3 million as part of contracts worth a total of \$8 million.

We should also evaluate this bill in the context of the relentless cyber attacks America weathers every day. The chip might not only be counterfeit, it might be the carrier for dangerous viruses and malware that may create