Mr. FEINGOLD. Mr. President, I am disappointed that we are about to begin the 2010 fiscal year having enacted just one appropriations bill. I am even more disappointed that we passed a continuing resolution, airdropped into the Legislative Branch appropriations bill, that provides money to continue the wars in Iraq and Afghanistan. While I am pleased that the President has committed to withdrawing our troops from Iraq by the end of 2011, this redeployment schedule is too long and may undermine our ability to combat al-Qaida while straining our Armed Forces unnecessarily. In addition, while the President is right to focus on Afghanistan and Pakistan, I remain concerned that his strategy for those countries does not adequately address, and may even exacerbate, the threats to our national security we face in Pakistan.

We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be providing funds to continue those wars without, at a minimum, engaging in a serious debate about their effects on our national security.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to and the motion to reconsider is considered made and laid upon the table.

The concurrent resolution (H. Con. Res. 191) was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 6:30 p.m.

Thereupon, the Senate, at 5:40 p.m., recessed until 6:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

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

The legislative clerk read as follows:

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

Pending:

McCain amendment No. 2558, to strike amounts available for procurement of C–17 aircraft in excess of the amount requested by the President in the budget for fiscal year 2010 and to make such amounts available instead for operation and maintenance in accordance with amounts requested by the President in that budget and for Operation and Maintenance, Army, for overseas contingency operations.

AMENDMENT NO. 2558

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2558 offered by the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. Mr. President, I again quote from a letter from the Secretary of Defense:

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. . . . 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 capabilities somewhere else in the defense program.

I understand there will be a budget point of order. I wish to tell my colleagues we will be voting up or down on this issue because if this is defeated, I will have another amendment simply to kill this unneeded, unnecessary porkbarreling exercise in the power of lobbyists in our Nation's Capital.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am prepared to go right to the heart of the underlying amendment rather than go through this point of order, but let me just point out that there are those who have supported a provision in the fiscal year 2010 Defense Authorization bill that would prohibit the Defense Department from retiring the 40-year-old C–5As. These are the people who are now promoting this amendment to kill the C–17. In effect, the proponents of the McCain amendment are tying the hands of the Air Force, by requiring the Pentagon to upkeep a fleet of C–5s—aircraft that are outdated, costly to operate, and are less capable than the C–17. The Air Force should be allowed to replace them with C–17s and not be forced to waste hundreds of millions of dollars to extend the life of the C–5.

It is less costly to build a C–17 than it is to repair a C–5. That is the reality. If we are looking for cost savings and deficit reduction, then what the committee has advocated actually makes more sense fiscally to do. But instead, the McCain amendment in effect promotes a 40-year-old aircraft, getting older by the day, rather than an aircraft like the C–17 that has the capability of landing almost anywhere on the globe for that matter, highly versatile.

We have nearly 100,000 new troops who have been added to our armed services in 4 years. We need to have an airlift capacity that meets our larger force's needs. I urge the rejection of the McCain amendment.

Mrs. BOXER. Mr. President, I rise today to express my continued support for the C–17 cargo aircraft program and urge my colleagues to retain funding for 10 additional aircraft in the fiscal year 2010 Defense appropriations bill.

The C–17 is critical to our national security and our ability to efficiently carry out important missions around the world. Not only is this aircraft an indispensable asset in supporting military and humanitarian missions in countries like Iraq, Afghanistan and Sudan; it has a proven record of versatility and high performance, and it sustains jobs that are essential across 43 States—including my home State of California.

First, I would like to talk about the types of missions where we use the C–17. According to the Air Force's budget justification for 2010, the C–17 ''is a major element of America's National Military Strategy and constitutes the most responsive means of meeting U.S. mobility requirements. . . . The C–17 will perform the airlift mission well into this century.''

The C–17 is essential to our missions in Iraq and Afghanistan particularly because of its versatility. It is used to transport equipment, supplies and our service members. For example, the C–17 can land on a dirt runway to deliver needed supplies in remote regions of Afghanistan.

We also use the C–17 to evacuate our wounded men and women from Iraq to Germany, and then back to the United States for treatment. And in some instances, it has even been used to transport our service members across a combat zone, reducing the risks that they face when they travel on land by convoy.

And the uses don't stop there. The C–17 is used to deliver humanitarian supplies. In January of this year, a C–17 delivered 18,000 pounds of supplies to Nicaragua, one of the poorest nations in the Western Hemisphere.

The C–17 has also been used to bring relief to Americans, including during Hurricane Katrina. It can deliver a 100-bed, fully equipped hospital to nearly any area with an unimproved airstrip.

This is an amazing capability, and one we cannot afford to lose.

Second, the C–17 has a proven record of performance. Quite simply, it is the workhorse of our military. And we are using them at a much higher rate than the Air Force originally intended.

C–17s have flown over 1.3 million flight hours since 2002. Many are flown at 150–180 percent of their anticipated flight hours.

According to the Congressional Research Service, the C–17 was designed to fly 1,000 hours per year over 30 years, but the fleet has averaged 1,250 hours per aircraft over the last ten years. Some have even reached 2,400 flying hours in a single year.

And finally, the C–17 is the last strategic airlift production line in the Nation. Every day 30,000 employees from 43 states go to work in direct support of the C–17. In addition to those 30,000 direct jobs, over 100,000 workers depend on this production line. In my home State of California, 13,800 people work on the C–17. And 19,200 worker's have an affiliation with this aircraft.

Too many American jobs depend on this vital program. Before we take any action to shut down the line, we must be absolutely certain that we have all of the aircraft we need.

We cannot take the chance that we ''may'' have enough aircraft, particularly without reviewing two studies that are due by the end of the year.

The Department of Defense Mobility Capabilities and Requirements Study and the congressionally mandated study being done by the Institute for Defense Analyses will determine if our airlift requirements are being met.

We expect these studies to be complete by the end of this year. Without the results of these studies, we cannot determine that our Nation's airlift capability has been met. It would be incredibly shortsighted to shut down this production line without that information.

I urge my colleagues to join me in maintaining funds for the C–17, and to defeat the McCain amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I make a point of order that the pending amendment violates section 302(F) of the Congressional Budget Act of 1974.

Mr. MCCAIN. Mr. President, I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

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

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The yeas and nays resulted—yeas 34, nays 64, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—34

Alexander	Franken	Nelson (FL)
Barrasso	Gregg	Sanders
Bennet	Kaufman	Sessions
Cardin	Klobuchar	Specter
Carper	Kohl	Thune
Coburn	Kyl	Udall (CO)
Conrad	LeMieux	Vitter
Corker	Levin	Voinovich
Dorgan	Lugar	Warner
Ensign	McCain	Webb
Enzi	McConnell	
Feingold	Merkley	

NAYS—64

Akaka	Durbin	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennett	Grassley	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Schumer
Burr	Isakson	Shaheen
Burris	Johanns	Shelby
Cantwell	Johnson	Snowe
Casey	Kerry	Stabenow
Chambliss	Kirk	Tester
Cochran	Lautenberg	Udall (NM)
Collins	Leahy	Whitehouse
Cornyn	Lieberman	Wicker
Crapo	Lincoln	Wyden
DeMint	McCaskill	
Dodd	Menendez	

NOT VOTING—2

Byrd	Landrieu

The motion was rejected.

The PRESIDING OFFICER. On this vote, the yeas are 34, the nays are 64. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

Mrs. MURRAY. 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.

SIGNING AUTHORIZATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions for the remainder of today, Wednesday, September 30.

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

Mrs. MURRAY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I wish to ask the managers this. I have three amendments I wish to have called up and placed in order. One is amendment No. 2580, one is amendment No. 2581, and the third is amendment No. 2575.

The first is to strike the amount for the C–17 aircraft, which is not subject to a point of order, I am told. The second is to add $2.5 billion for operations and maintenance, which is also not subject to a point of order. The third one is to have testimony before Congress by General McChrystal and General Petraeus before the Congress of the United States.

I would be glad to agree to a brief debate on all three of those amendments, and I will be glad to enter into a time agreement or whatever their desires are on all three. On the first two, the issue has been debated pretty well. I would only need a few minutes. On the third, I think it is pretty straightforward, calling for the testimony of General McChrystal and General Petraeus before the Congress of the United States.

I call up those amendments and ask for their consideration in sequence.

The PRESIDING OFFICER. Is there an objection to considering the amendments en bloc?

Mr. MCCAIN. Not en bloc, in sequence.

The PRESIDING OFFICER. Is there objection to the amendments being brought up in sequence? Will the Senator specify the sequence?

Mr. MCCAIN. I ask unanimous consent that amendments Nos. 2580, 2581 and 2575—I call up those amendments. I think that is my right.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I inquire of the Senator from Arizona, who said the first two were in order because they strike and replace money, is the Senator saying the same about the third amendment? Is it in order on an appropriations bill?

Mr. MCCAIN. I believe it is in order. I will be glad to have a vote on whether it is a violation of any of the Senate rules.

Mr. DURBIN. I will not object to the first two. On the third, I will object until we have a chance to look at it more closely.

Mr. MCCAIN. I thank the Senator.

Parliamentary inquiry: Do I have the right to call up an amendment that is filed?

The PRESIDING OFFICER. Yes, one amendment at a time.

AMENDMENT NO. 2575

Mr. MCCAIN. Mr. President, I call up amendment 2575 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2575.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for testimony before Congress on the additional forces and resources required to meet United States objectives with respect to Afghanistan and Pakistan)

At the appropriate place, insert the following:

SEC. ____. (a) TESTIMONY BEFORE CONGRESS ON MEETING UNITED STATES OBJECTIVES ON AFGHANISTAN AND PAKISTAN.—The officials specified subsection (b) shall each be made available, by not later than November 15, 2009, to testify in open and closed sessions before the relevant committees of Congress regarding recommendations for additional forces and resources required to achieve the objectives of United States policy with respect to Afghanistan and Pakistan stated pursuant to section 1117(a) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1907).

(b) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Commander of the United States Central Command.

(2) The Commander of the United States European Command and Supreme Allied Command, Europe.

(3) The Commander of United States Forces–Afghanistan.

(4) The United States Ambassador to Afghanistan.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I call up amendment No. 2580 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? The Senator from Illinois.

Mr. DURBIN. Reserving the right to object, it is my understanding—

Mr. MCCAIN. I am not seeking unanimous consent.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. Sorry. I thought the Senator made a unanimous consent request.

Mr. MCCAIN. I just called up the second amendment.

The PRESIDING OFFICER. The Senate requires unanimous consent to consider an additional amendment.

Mr. MCCAIN. I see.

Mr. DURBIN. I say to the Senator from Arizona, our mutual friend, Senator LEVIN, asked to be on the floor when the first amendment was being considered. I have to say, on his behalf, that I will object to moving to another amendment until he has a chance to come to the floor and debate the Senator's first amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator. We will certainly accede to his request. I would like to tell my colleagues that I do not intend to conclude debate on this legislation until such time as we have straight up-or-down votes on the two amendments about which I talked. One is striking the funding for the C–17, $2.5 billion and adding $2.5 billion for operations and maintenance. I will be glad to discuss it with the managers of the bill how that sequence will take place, how much debate. I do not intend to hold up the bill in any way. I just wish to tell my colleagues I want consideration and recorded votes on both of those amendments.

What we have done tonight by not waiving the budget, the rule, is an outrage and is going to damage very badly the men and women who are serving this country because we are not giving them the equipment they need to operate in harm's way—120,000 of them in Iraq, 68,000 of them in Afghanistan. That is the opinion of the Chairman of the Joint Chiefs of Staff, General Petraeus, General McChrystal, and the Secretary of Defense. It is a remarkable moment—a remarkable moment—in the history of the Senate, although I have seen it happen before. Congratulations to the lobbyists from Boeing. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2555, AS MODIFIED

Mr. JOHANNS. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask that amendment No. 2555 be called up. With that, I am sending a modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

Mr. JOHANNS. Before we go to the reading, if I could send a modification to the desk.

The PRESIDING OFFICER. The clerk will report the amendment as modified.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNS] proposes an amendment numbered 2555, as modified.

Mr. JOHANNS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure the availability of not less than $30,000,000 for High Priority National Guard Counterdrug Programs)

At the appropriate place, insert the following:

SEC. ____. (a) HIGH PRIORITY NATIONAL GUARD COUNTERDRUG PROGRAMS.—Of the amount appropriated or otherwise made available by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'', up to $30,000,000 shall be available for the purpose of High Priority National Guard Counterdrug Programs.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the purpose specified in that subsection is in addition to any other amounts made available by this Act for that purpose.

Mr. JOHANNS. Mr. President, I rise briefly this evening to speak about this amendment. The amendment would help maintain, in fiscal year 2010, the current level of funding for the National Guard's counterdrug efforts throughout the United States. It is important legislation.

As a Governor, as a mayor, I can tell you what I think everybody knows. One of the toughest problems we face in this Nation is fighting drug abuse and addiction and putting the tools in place to deal with that.

We all know firsthand that drug addiction rips families apart and tears communities down. It is accompanied by an endless parade of violence.

Reducing drug abuse and crime was a top priority of mine as mayor and Governor. In part because of steps we took, we were able to bring crime numbers down. I am proud of that.

I know drugs are not a unique challenge to Nebraska. It is a national challenge. Meth distributors commonly commit violent crimes as they traffic in methamphetamine. Meth users often commit property crimes, burglary, and identity theft. This drug is an enormous burden on public health departments and treatment centers in our region. Meth-related violence and child abuse have also strained local foster care systems, not only in our State but in other States. Because of its highly addictive nature, it takes longer treatment programs and it has a very high recidivism rate. Treatment, needless to say, is enormously difficult.

In the face of this problem, we need to keep up our pressure on drug trafficking groups and work on providing more consistent funding to Federal, State, and local drug task forces. The National Guard's Counterdrug Support Program has been supporting law enforcement and community-based drug reduction coalitions now for 20 years. However, this program often faces considerable uncertainty over its funding, and that hampers operations. Consistent funding would allow police to keep many of the same officers in the drug task force. This would improve communication between multiple different law enforcement agencies, and it would increase their effectiveness.

Rural States are especially hurt by cuts and uncertainty in their counterdrug budgets, since they often have a great deal of territory to cover with very small departments.

To get to the crux of this amendment, my amendment would help address these problems by helping restore counterdrug funding back to its level last year. We are just asking for a level budget. Last year, Congress added $22.5 million to the President's level of funding. The year before it added $20 million. While the Defense authorization this year authorized an additional $30 million in counterdrug support, it was not included in the appropriations bill.

This money goes across our country, all 50 States, and some of our territories. Our counterdrug operations depend on the funds.

If the current shortfall continues, the National Guard would not be able to effectively support law enforcement in their fight against drugs. Our law enforcement and National Guard personnel must be given the tools they need to carry on this battle.

Tonight, in a very large appropriations bill, I ask what I believe is a very necessary amount of money to help fight this war on drugs in your State, Mr. President, in mine, and across this country. I urge my colleagues to support the amendment. My hope is there will be a very bipartisan, strong statement that we stand behind this very important piece of this budget.

For the record, if it is acceptable—and I don't know if there is an agreement on this or not—but I want to indicate for the record that I will be more than happy to move this amendment with a voice vote.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I congratulate the Senator for bringing to the attention of the Senate this suggested change. We have no problem with having this amendment adopted on a voice vote, if that suits the manager on the other side.

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 2555, as modified.

The amendment (No. 2555), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. INOUYE. 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, I wonder if the managers would allow me to make a unanimous consent request on a totally other issue, the issue dealing with the highway trust fund, at this time. I will take about 2 or 3 minutes; is that all right?

Mr. COCHRAN. I have no objection to the Senator discussing her suggestion.

UNANIMOUS CONSENT REQUEST—H.R. 3617

Mrs. BOXER. Mr. President, we are in a very bad situation with the highway trust fund. We are working very hard on both sides of the aisle to resolve it. Senator INHOFE and I are absolutely in agreement on what we should

do. But yet still there is objection from the other side of the aisle, our Republican friends. I wish to explain where we are, and then I am going to make a unanimous consent request.

In the SAFETEA–LU program, which was the last highway bill, there was an $8 billion rescission that was made. The promise at that time years ago was that we would fix it in the days, months, and years ahead. It was not fixed, and if we don't repeal the rescission tonight, what will happen immediately is that there will have to be layoffs, there will have to be cancellation of contracts, and the order will go out from here to our States. Mr. President, 17,000 jobs are on the line. We have to repeal this rescission. It translates into about $300 million.

I have been working with Senator INHOFE, and we reached agreement and, frankly, the leaders, I believe, reached agreement that what we ought to do is repeal this rescission and, as a paid-for, cut the TARP money because we know that a lot of those funds have been paid back, cut that program by the equivalent of $300 million. We would repeal the rescission, everybody keeps working, the contracts are still going, and we pay for this repeal by cutting $300 million from TARP, the Toxic Asset Relief Program, not very popular in the country, I might add.

I have to say I asked the administration for some other ideas and they had none. I believe in pay as you go. So I said to Senator INHOFE that I was with him on this. He and I are in agreement.

At this time, I am going to make this formal unanimous consent request to repeal this rescission and pay for it by cutting TARP.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3617, received from the House and at the desk; that the Boxer substitute amendment at the desk be considered; further, that the Boxer-Inhofe second-degree amendment with an offset be considered and agreed to, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I rise to object. My understanding is there is an objection on our side of the aisle relative to this approach. Thus, I rise this evening to object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, let me say how, frankly, shocked I am at this objection. We have the chairman of the EPW Committee, the ranking member of the EPW Committee—this is an amendment that was brought to us by Senator KIT BOND of the other side of the aisle. I do not understand how the Republicans can take this position when we can see these contracts abrogated as a result of our lack of action.

I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I ask if the Senator from California will yield for a question. If the objection of the Senator from Nebraska holds and if the Republican side of the aisle does not change its position, it is my understanding that there will be a rescission of some $8 billion, which means cutting the highway funds going to Nebraska, the highway funds coming to Illinois, and the highway funds coming to California; is that what the outcome will be because of the objection from the other side?

Mrs. BOXER. I think, with due respect to the Senator from Nebraska, that he is saying that several of his colleagues will not allow this to go through. I don't want to blame him for this. He is the messenger.

But the bottom line is, the $8 billion in authorizing numbers translates to $300 million in contracting authority. So as of tomorrow morning, unless this is reversed, we are going to see cuts to the highway program of $300 million. And it has to be made from existing contracts, so people in your State, in my State, in Kentucky, in the State of the Senator from Nebraska—all of our States are going to suffer. There will be 17,000 people thrown out of work because the Republicans cannot agree with the chairman of the EPW, the ranking member, and both leaders.

Mr. DURBIN. If the Senator from California would further yield, so what the Republican side is objecting to is that we would take money out of the toxic asset relief program—money that was sent to the banks, if you will recall, to help them out of their troubles—and put it into the highway trust fund to save or create 17,000 jobs across America, and if we don't, we stand to lose those jobs—the Republican side is objecting to that?

Mrs. BOXER. The Republican side has objected to an agreement reached by myself and Senator INHOFE and I believe the two leaders that would say we are going to replenish the highway trust fund, we are going to repeal the rescission that was done and as a result the States will be shorted $300 million, and it is my understanding that starting tomorrow morning a lot of these contracts will be canceled or delayed unless we fix this. We could fix it at a later date, but every day that goes by, it makes it more difficult because we are operating under a midnight deadline tonight.

Mr. DURBIN. If the Senator would yield for one last question, just so that I understand, the result of the Republican objection is that we are going to protect the TARP funds, the toxic asset relief program funds that were used to bail out banks, at the expense of jobs for people across America at a time of high unemployment? Is that the result of that objection?

Mrs. BOXER. My friend is right. But I want to give credit to Senator INHOFE. He is with us. There are many Members on his side of the aisle, however, who are letting this happen. But my friend has it exactly right. The Republicans who are objecting to this are protecting the toxic asset relief program and they are jeopardizing 17,000 jobs across America.

I am as stunned as you are, and I guess I am going to try one more time. If I hear another objection, we will leave it for another day. I will try it one more time. Maybe I have convinced my friend. Maybe my friend needs to leave the floor.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3617, received from the House and at the desk, and that the Boxer substitute amendment at the desk be considered; further, that the Boxer-Inhofe second-degree amendment with an offset be considered and agreed to, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the measure appear in the appropriate place in the RECORD as if read, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska.

Mr. JOHANNS. Let me, if I might, through the Chair, inquire of the Senator from California if the Senator would renew her request with one change: to include a different second-degree amendment from Senator VITTER which would provide an offset from non-defense and non-veteran stimulus funds.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Well, that is easy. If you believe we have a recession, if you believe the unemployment rate is too high, why in God's green Earth would anyone recommend cutting the economic recovery fund, the fund that is providing stimulus and that is putting people to work? I absolutely would not agree to that. That particular fund is giving money back to taxpayers in tax breaks. It is fixing highways and bridges and all the other. Why on Earth would we cut that when we can cut the toxic asset relief program—the TARP money—that went to the wealthiest banks? Why on Earth would we take away jobs from working people and allow the bankers to keep their little fund up there?

No way. We will object to that approach.

Mr. JOHANNS. Mr. President, then I do raise an objection. And here is the point, in fairness to the process here. There are many who believe that the TARP money, which was originally designed to buy toxic assets, has drifted so far away from its original purpose that we haven't kept faith with the taxpayer who paid the bill for all this. On the other hand, the stimulus—which, incidentally, I did not support—

had money in it to do highways and that sort of thing, and that is where the objection is coming from.

So I do stand to object, and I continue the objection.

Mr. DURBIN. Would the Senator yield for a question?

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Whether the Senator voted for the stimulus bill or not—and I know he did not—the stimulus bill provided tax breaks for working families, provided money for his State and mine for infrastructure projects that will build highways and bridges and create jobs, and it is halfway through. They haven't really finished all the spending on that.

In the midst of this recession, you are suggesting that the way to save the 17,000 highway jobs is to cut the jobs that are being created by the stimulus package? Wouldn't it be better to take the money away from these banks that have received billions of dollars, that have been bailed out over and over, than to take it at the expense of working people in Nebraska and Illinois?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. I thank the Senator from Illinois for that question, but here is what I would say. You can restart the debate on the whole stimulus plan, and I can point to you the promises that were made of all the jobs that were going to be created, and I can point to you the evidence that in fact that has not occurred. But the argument tonight was, look, if we can just get our hands on some TARP money, then we can do all these things. And we are saying, well, look, if the promise of the stimulus was to create jobs, let's use the stimulus. Why not use that fund?

But fundamentally here is the problem. People came to the American people and said: Look, our credit is melting down, our financial system is in serious shape, and the solution to that problem is to buy toxic assets. And low and behold we bought car companies, we bailed out insurance companies, and it just goes on and on. And that is why the objection is coming from over here because this isn't anything near what TARP was intended to do.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I will be brief, but the Senator from Nebraska just made the argument against TARP. That is where we want to take the money from to protect these jobs. The Senator said the TARP money was misspent, and we are saying we agree with the premise; that this is a better place to take money rather than to take it away from tax cuts to working families in the stimulus or the infrastructure projects that generate jobs.

I don't know that the Senator from Nebraska wanted to assume this role this evening. Occasionally, many of us are cast in these roles where we are objecting on behalf of other people who are not here. But I think when he reflects on this debate tonight, he will understand why Senator BOXER's approach to this is the most reasonable one. We are trying to protect 17,000 jobs across America. We are going to take the money out of the TARP funds from banks, and I think it is money well spent to create jobs across the United States. But to take it away from the stimulus program is to take away money that is going right now, today, into Nebraska for tax relief for your working families and into Illinois for the same.

I am sure most Republicans would agree that tax relief is a good thing. I myself think it is a good thing for working families. So I think what Senator BOXER has suggested is a much more responsible approach.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. DURBIN. I will yield.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I think sometimes these debates go off on tangents and they are hard to follow. They get caught up in a lot of rhetoric. But I think this one tonight says it all to me. We have to ask ourselves a question: Whose side are we on? Whose side are we on? Tonight, we know what side the Republicans are on.

We are ready to save 17,000 jobs and to do it by paying for it out of the money that was given to the biggest banks in this Nation—the banks that got away scot-free while Americans suffered, whether they were shareholders or workers, taxpayers all. We want to take that money from the big banks; they want to take it from the working people, the working families of America, the ones who are out there getting their hands dirty and building the roads and the bridges. That says more about the differences here than many of the other things we do, and I am stunned.

I particularly want to again thank Senator INHOFE for stepping up. He tried his best. He spoke to all his Republican friends, and he couldn't get this. But you know what, we are not going to give up. We will have this battle on the floor. We will. We will get time for this, and we will get agreement on offering these two offsets. You just had a taste of what the debate will be, and it will be a tough debate, and I look forward to it. But I am very stunned that tonight we couldn't cross the aisle that divides us tonight. We should have. We should have done that for all the States—the red States and the blue States, all the States, the United States—because all are going to lose these jobs. We can say we stood here at 7:30 on this night and we had a program that would easily stop those layoffs, easily stop them, but our colleagues on the other side wanted to protect the big banks. I will take that argument back to my home State, but I am not happy we couldn't resolve this.

Mr. DURBIN. I thank the Senator from California for yielding for a question, and I agree.

I yield the floor.

Mr. LEVIN. Mr. President, I am pleased the Senate is debating a short-term extension of the surface transportation bill SAFETEA–LU. With the fiscal year ending at midnight tonight this is an urgent matter. We cannot afford to let Federal highway programs authorizations expire. It would be a disaster if transportation projects across the nation were halted because we failed to extend their authority. Congress needs to rewrite the surface transportation bill, but that will take some time. This short-term extension allows the program authority to continue until a longer reauthorization bill can be passed.

Importantly, the Senate bill includes language to repeal the 2009 rescission contained in the SAFETEA–LU bill that required that on September 30, 2009—today—$8.7 billion of apportioned contract authority provided to states for investment in infrastructure be rescinded. This rescission could require states to de-obligate projects in order to free up the rescinded contract authority if they don't have contract authority balances. This is critical to Michigan and all the other States across the Nation that cannot afford to have Federal infrastructure funding cut at a time of severe budget constraints. The rescission repeal language would ensure that Michigan and other States do not lose these needed Federal transportation funds. Michigan's share of the rescission is estimated to exceed $260 million or roughly 25 percent of its fiscal year 2009 apportionments.

Congress has been strong in its support for transportation infrastructure funding as a way to create jobs and jump start an economic recovery during the severe economic downturn. For instance, Congress provided $27 billion for highway projects in the American Recovery and Reinvestment Act. Congress also recently provided an additional $7 billion to the highway trust fund in order to keep it solvent on top of the $8 billion that it added to the trust fund last year. It would make no sense to undermine the recovery efforts and jeopardize the health of our surface transportation system by allowing an $8.7 billion cut in highway funding to go through tonight.

Time is of the essence in restoring these needed transportation funds to every State in the Nation. I hope this important legislation will be adopted immediately by the Senate and the House of Representatives.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

2016 OLYMPICS

Mr. BURRIS. Mr. President, more than 100 years ago, four American cities competed to host the world's Columbian Exposition. Elected leaders and proud citizens traveled here to Washington to make the case for their hometowns. After much debate, Congress decided that the exposition would take place in the center of the American heartland—Chicago, IL.

The Chicago delegation had made the strongest case and shown the most pride and conviction in their city. They bragged that their hometown on the beautiful banks of Lake Michigan was the perfect site for the Columbia Exposition and that no other city could compare. Folks from Chicago argued so long and so hard that a reporter referred to their hometown as ''that Windy City,'' and the nickname, of course, has stuck throughout the years.

The Columbian Exposition of 1893 was a resounding success. Almost one-fourth of the entire U.S. population came to Chicago, and the city overflowed with happy visitors from across the country and all over the world.

Today, Chicago remains an economic and cultural center of America. The city that hosted the Columbian Exposition has boomed into a world-class metropolis. And once again the proud citizens of the Windy City have stepped forward to make the case for our hometown.

In 2016, 10,000 athletes from more than 200 countries will come together to celebrate the human spirit. Tourists, visitors, and millions of dollars will flow into a single place as a part of the greatest spectacle on Earth.

The whole world will be watching the city that hosts the Olympic Games, and in 2016 that city should be Chicago, IL. From Lake Shore Drive to the West Side, it is a diverse and inclusive city that represents the very best of what it means to be American. It has always been a global leader in culture, art, architecture, commerce, sports, and even cuisine.

I know Chicago will shine on the world stage in 2016, just as it did more than a century ago. The Olympic and Paralympic Games are a powerful force for global unity. It is time to bring the games back to the United States.

President Obama understands what the Olympics will mean to our Nation and for Chicago. New construction and infrastructure improvement will revitalize the Midwest; tourist dollars from all over the world will begin flowing to American businesses once again; jobs will be created, revenue will increase, our local economy will be jolted back to prosperity as we prepare to host the games.

It doesn't stop there. This impact will also be felt at the national level. Foreign visitors who travel to the Olympics in Chicago will also stop in Los Angeles, New York, Baltimore, Miami, Seattle, New Orleans, and a dozen other cities during their stay in the United States. The international spotlight will be focused on America and it will bring prosperity and good will. That is why I support President Obama's decision to travel to Copenhagen in support of our Olympic bid.

Some have criticized this trip. Some say it is an unnecessary distraction from the challenges we face. But I believe it is just the opposite. It shows that the President is more focused than ever on bringing economic prosperity and international prestige back to the United States.

A few days ago I was meeting with the mayor of Chicago and I told Mayor Daley that I thought the President and the First Lady would go to Copenhagen. There was some consternation as to whether he was going to appear, but because of the importance of the Olympics to Chicago and the Nation, I knew the President's decision was going to be made that would allow him to make an appearance in Copenhagen. I know they are proud Chicagoans, and I am pleased they have decided on strong support for their hometown. The trip will be a short one, but it could make a world of difference for Chicago and for America, because this is not just about Chicago or Illinois, it is about bringing the Olympic Games back to the United States of America. The Olympics will be a boon to our economy and they will strengthen our friendship with other nations.

By appearing before the International Olympic Committee in person, President Obama can make the case that America is ready to lead once again, ready to light the torch of cooperation and prosperity for all of the citizens of the world. He can show the committee that Chicago is by far the best choice among the four remaining finalist cities. For the athletes, world-class training facility and event locations would be very close together, allowing for convenience and ease. For visitors, outstanding public transportation and modern infrastructure would make all events easy to attend. For residents of the city and people all across the United States, Chicago would shine on the world stage and dollars would pour in from across the globe to make it clear it is alive and well in my hometown.

The Chicago 2016 Committee recognizes the importance of the games in renewing old friendships around the world as well as establishing new ones. Its ideals and the value of ''friendship through sport'' is at the heart of the city's Olympic bid.

Let us support President Obama as he travels to Denmark in hopes of bringing the Olympics and Paralympic Games back to the United States. They are a powerful, inspiring force for unity in a world divided. Let us come together once again to welcome the people of every continent to our shores. Just as the people of Chicago did more than 100 years ago, let us celebrate our Nation by sharing one of the greatest cities with all of the world, by sharing its greatest city with the rest of the world, that great city on the lake—Chicago.

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

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

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk with respect to the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Daniel K. Inouye, Harry Reid, Sheldon Whitehouse, Patty Murray, Jon Tester, Jack Reed, Ben Nelson, Richard Durbin, Mark Begich, Bill Nelson, John F. Kerry, Edward E. Kaufman, Charles E. Schumer, Frank R. Lautenberg, Carl Levin, Byron L. Dorgan, Daniel K. Akaka.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the bill at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Daniel K. Inouye, Harry Reid, Sheldon Whitehouse, Patty Murray, Jon Tester, Jack Reed, Ben Nelson, Richard Durbin, Mark Begich, Bill Nelson, John F. Kerry, Edward E. Kaufman, Charles E. Schumer, Frank R. Lautenberg, Carl Levin, Byron L. Dorgan, Daniel K. Akaka.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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