

on the other side did complain early, loudly, and often.

But the pace today is worse than one-half, worse than one-third, worse even than one-fourth of the historic average.

The current Judiciary Committee hearing pace for appeals court nominees is the worst in decades.

In fact, there is virtually no current pace at all.

It has not been this way in the past, and it does not have to be this way today.

I am pleased that last night the distinguished majority and minority leaders spoke about this here on the floor and the majority leader acknowledged that “we need to make more progress on judges.”

The majority leader said he would do his very best, his utmost as he put it, to confirm three more appeals court nominees by Memorial Day, which is coming in less than 6 weeks.

I would like to point out a few highly qualified nominees who have been waiting a long time and who I hope will be included in this effort.

Yesterday, this editorial appeared in the Washington Post.

It opens with these words: “It is time to stop playing games with judicial nominees.”

The editorial correctly notes that the Senate confirmed more than twice as many appeals court nominees in the final 2 years of the Clinton administration than the Senate has confirmed so far in the 110th Congress.

Even with the three additional appeals court nominees the majority leader has pledged to confirm, we have a lot of ground to make up.

The editorial suggests beginning to make up that ground by confirming Peter Keisler to the U.S. Court of Appeals for the D.C. Circuit and Rod Rosenstein to the Fourth Circuit.

Unlike some other languishing appeals court nominees, Mr. Keisler has at least had a hearing.

But it was 624 days ago.

Mr. Rosenstein has not been waiting that long but is fully as qualified. As the Post editorial points out, he has admirers on both sides of the aisle and is an excellent and principled lawyer.

Two other Fourth Circuit nominees whose consideration by the Judiciary Committee is long overdue are Steven Matthews of South Carolina and Robert Conrad of North Carolina.

My colleagues from those States are speaking in more detail on the floor today, but I want to highlight that these fine nominees have the strong support of their home-State Senators.

Lack of such support can be a reason why a nominee does not get a hearing.

I know, because that is the reason I could not give a hearing to some Clinton judicial nominees when I chaired the Judiciary Committee.

But that is not the case with these nominees.

And in Judge Conrad’s case, this body confirmed him just a few years ago to the U.S. District Court without even a rollcall vote.

I hope that this pledge by the majority to make some much-needed confirmation progress is not just a temporary flash in the pan.

The majority leader last night suggested that there is some kind of rule that the Senate does not confirm judicial nominees after June.

He actually referred to this as the Thurmond doctrine.

I want to say to my colleagues that there is no such thing as a Thurmond doctrine, a Thurmond rule, or even a Thurmond guideline for judicial confirmations in a Presidential election year.

In 2000, the current Judiciary Committee chairman said that while things might, he said might, slow down “within a couple months of a presidential election,” that the best judicial confirmation standard was set in 1992.

Like today, his party was in the majority.

Like today, a President Bush was in the White House.

Senator Thurmond himself was ranking member of the Judiciary Committee.

In that Presidential election year, the Judiciary Committee held hearings on appeals court nominees until September 24 and the Senate confirmed appeals court nominees until October 8.

The Senate confirmed 66 judges, including 11 appeals court judges, in 1992.

So I want to dispel this judicial confirmation myth that there is any kind of rule, let alone a doctrine, that justifies shutting down the confirmation activity which I hope and trust is finally about to begin.

There is no doubt that we are way behind where we should be in the judicial confirmation process.

But it does not have to stay that way, not if we are serious about doing our duty.

As the Washington Post editorial said, the Senate “should at least give every current nominee an up-or-down vote and expeditiously process the nominees to the U.S. Court of Appeals for the Fourth Circuit.”

That would be a great place to start.

MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1195, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

AMENDMENT NO. 4146

(Purpose: In the nature of a substitute)

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4146.

(The amendment is printed in the RECORD of March 7, 2008, under “Text of Amendments.”)

Mrs. BOXER. Mr. President, I know my colleague Senator DEMINT is here to offer what will be the first amendment to this bill. I thank him, because I know he initially had several amendments. It looks as though he has boiled it down to one amendment. I know Senator INHOFE and I are glad about that. I thanked him previously for calling me and saying that he was pleased with the way we treated the transparency of this bill.

I have been given a copy of the amendment by the Senator from South Carolina. I will listen carefully to his presentation, and I will have remarks afterward. Senator INHOFE may also have some remarks prior to Senator DEMINT being recognized.

Senator INHOFE and I are hopeful we can get this completed. This is a bill that overall creates not one more penny of new spending. It will unleash into our economy, however, a billion dollars already budgeted for. That is why so many people are supporting this in real life: Construction companies, workers, transit operators. All of them have written to us. I will put those names in the RECORD. We are hopeful, if everybody cooperates today, we can get this finished. This bill isn’t rocket science. It is very simply making technical corrections to SAFETEA-LU and in places where some projects simply couldn’t go forward, replacing those projects without adding a penny of new spending. There is full transparency.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree with the comments made by the chairman. It is my understanding we are down to maybe three amendments. I have talked to Senator COBURN, who has an amendment, as well as Senator BOND. It is my hope that Senator DEMINT will be able to present his amendment. Then it is my understanding we will hold votes until early this afternoon and maybe try to get some of the others out of the way. Being a conservative, I want to make sure everybody understands: A technical corrections bill is always necessary when we have a major reauthorization of transportation. There are some things in here that are borderline. One case, in my State of Oklahoma, in Durant, I mistakenly said 200 yesterday, but it is \$300,000 on a road program that the Department of Transportation came back and said: We thought we were ready for this, but we

are not. But we are, on down the road in Idabel.

It is common sense that that is where it should be done. It is the same amount of money. I agree with the principle behind the amendment of the Senator from South Carolina, but in this case we have to have the technical corrections bill in order to go forward with a lot of the projects that have been authorized since 2005. I am hopeful we will be able to proceed along those lines.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

MOTION TO RECOMMIT

Mr. DEMINT. Mr. President, I have a motion to recommit at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to recommit H.R. 1195 to the Committee on Environment and Public Works of the Senate with instructions to report the bill back to the Senate with an amendment striking all new earmarks and spending increases for existing earmarks.

Mr. DEMINT. Mr. President, I thank the chairwoman and ranking member for setting an example for this body in how a bill should be presented to the Senate—with full disclosure, all documentation. It allows us to have an open and honest debate about any differences. There is no question about what is contained therein and what is not. In this case, we disagree on parts of this, but I don't want to begin without first saying I believe the chairwoman and ranking member have set an example for the rest of the committees.

My motion to recommit simply addresses what I believe are serious problems in developing a technical corrections bill that actually changes the legislation from one earmark to another or pluses up earmarks, takes money from an earmark that might be not needed anymore, the project is not wanted, that money is moved somewhere else. While it certainly is correct that the total cost of the bill is about the same, we do need to remember that by next year, we are projecting over a \$3 billion shortfall in the trust fund. So instead of adding to earmarks and creating new ones, it makes sense to try to save some of that money so we can fund important infrastructure projects around the country.

The motion to recommit sends this bill back to committee with an amendment that says it should be presented back to the Senate where all of the new earmarks are excluded and any additions to funding for existing earmarks is returned to the current level. What that leaves us with is a technical corrections bill, which is what this bill should be.

The administration has noted with strong concerns that the majority of the technical corrections bill is devoted to earmarks. It modifies hundreds of earmarks from the legislation

that passed in 2005. It effectively creates new earmarks, including a stand-alone section that would provide mandatory funding for a magnetically levitating rail system. The presence of excessive earmarks in the 2005 bill created significant inefficiency in the allocation of resources to fund transportation infrastructure.

I have heard regularly from the Department of Transportation of the difficulty in implementing a national transportation system with thousands and thousands of earmarks for special projects that don't necessarily match State priorities.

I encourage my colleagues to take a look at the motion to recommit. It does not kill the bill. It simply refocuses on a technical correction perspective rather than adding to earmarks or creating new ones.

I thank the chairwoman for the opportunity to offer this and thank both her and the ranking member for setting an example of how a bill should be brought to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, again, I thank the Senator for his kind comments about the way we have handled this legislation.

This amendment is, first, wrong on its face and, second, it is going to kill the bill. Of all times to try and kill what I consider a mini-economic stimulus plan, this is not one of them. We have a lot of people out of work. Many people have called Senator INHOFE and myself, and others, saying this is an important piece of legislation.

I will read the names of those people, because I believe it is important that we show the breadth of support. It is a very simple piece of legislation, but it will correct some errors. It will say, as an example, in Oklahoma—and we have them in California—and for all these 500 projects, one leg of a project might not have been ready. Let's put the funds where they can be used now, where they are ready to go. Unleashing up to a billion dollars of funds right now means tens of thousands of jobs, and we have to rebuild our infrastructure. We are doing it within the confines of the moneys that were already authorized.

Again I have said this so many times, I am sure it is boring people, but I think it is important to note who has written to Senator INHOFE and myself to move this bill: the American Association of State Highway and Transportation Officials, whose members include the Departments of Transportation for all 50 States; the American Highway Users Alliance, whose members represent millions of highway users; the American Public Transit Association; the American Road and Transportation Builders Association; the Associated General Contractors; the Council of University Transportation Centers; the National Stone, Sand and Gravel Association; the Na-

tional Asphalt and Pavement Association.

This is not one of these bills that is a matter of some intellectual debate. This means real jobs for real people and real infrastructure improvements for all the people of this Nation who count on us to keep their highway and transit systems moving.

What does Senator DEMINT do? He would send this bill back to the committee, in essence killing the bill. We passed this bill out of committee on a bipartisan voice vote on June of 2007. Here we are, moving toward June of 2008. Why on Earth would we want to stop the forward progress of this legislation? We can't afford further delay.

I am sorry my colleague has left the Chamber, but Senator DEMINT had several projects that he asked for in SAFETEA-LU. I ask unanimous consent to print a list of those projects in the RECORD.

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

DEMINT SAFETEA PROJECT REQUESTS

Senator DeMint requested 13 different earmarks in SAFETEA, totaling \$110 million dollars.

1. I-73, Construction of I-73 from Myrtle Beach, SC to I-95, ending at the North Carolina state line: \$40,000,000.
 2. Construction of I-73 from Myrtle Beach, SC to I-95, ending at the NC state line: \$10,000,000.
 3. Widening of US 278 to six lanes in Beaufort County, SC between Hilton Head Island and SC 170: \$15,000,000.
 4. Engineering, design and construction of a Port Access Road connecting to I-26 in North Charleston, SC: \$10,000,000.
 5. Improvements to US 17 in Beaufort and Colleton Counties to improve safety between US 21 and SC 64: \$10,000,000.
 6. Widening of SC 9 in Spartanburg County from SC 292 to Rainbow Lake Road: \$5,000,000.
 7. Complete Construction of Palmetto Parkway Extension (I-520) Phase II to I-20: \$3,000,000.
 8. Complete a multi-lane widening project on SC Hwy 5 Bypass in York County, SC between I-77 and I-85: \$4,000,000.
 9. Re-construction of an existing interchange at I-385 and SC 14, in Laurens County, SC: \$2,000,000.
 10. Construction of the Lexington Connector in Lexington County, SC to alleviate traffic congestion: \$2,000,000.
 11. Widening of 4.4 miles of West Georgia Road in Greenville County, SC: \$2,000,000.
 12. Extension of Wells Highway in Oconee County, SC: \$2,000,000.
 13. Demolition of the old Cooper River Bridges in Charleston, SC: \$5,000,000.
- Total: \$110,000,000.

Mrs. BOXER. All of these will bring jobs and improve transportation in the State of South Carolina. That is why I supported it, as did Senator INHOFE. That is why we all supported it. There is a number of projects contained here, 13 projects, \$110 million, Senator DEMINT has in SAFETEA-LU. Fortunately for Senator DEMINT, none of his projects required any technical corrections.

Let's take one: Construction of I-73 from Myrtle Beach, SC to I-95, ending

at the North Carolina State line. Suppose something had turned up in the engineering and they had to stop it further toward Myrtle Beach, but they couldn't go ahead with the project until they made that technical change. Then Senator DEMINT would find that the project was stymied. He is fortunate. He didn't have this problem. But a lot of us weren't so fortunate. We did have issues in our States where we had to make changes.

This legislation fixes nearly 500 descriptions for highway and transit projects. Without the changes included in the legislation, many of these projects will continue to be stuck at red lights. This isn't the time to slow down job creation. This is the time to unleash job creation. This technical corrections bill provides a green light that could unleash up to \$1 billion in transportation projects. The funding has been approved before, so we are not increasing spending. Given the current slowdown in our economy, we simply cannot afford to allow these funds to remain unused.

At the appropriate time, I am going to move to table the DeMint motion. I think we are working on an agreement to have a vote on that motion at around 2 o'clock.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I will just be a moment. I see the Senator from Florida wants the floor. But let me, first of all, say that this is right. In my State of Oklahoma, we had some things for which it took 7 years for this bill to come into reality. The reauthorization is something we should do every other year, but we did not do it.

When you pass a bill of this magnitude—and, look, I have to say there is no one person in this body of 100 Senators who is more conservative than I am. That is what all the ratings say. ACLU has me as No. 1. So it is not a matter of conservative versus liberal. This is a matter of doing what we are supposed to do. We are supposed to defend America. We are supposed to work on the infrastructure. We have been doing it since the National Highway System came into effect back in the Eisenhower administration.

But I had two changes that were in my bill. I had a light signalization that was meant to take place in Tulsa, OK. This is a modernization, using new technology. However, in the original bill, it said "Oklahoma." It did not say "Tulsa, OK," when clearly that was our intent. So the Department of Transportation of Oklahoma said: Put in "Tulsa" so we know where that belongs.

The other one, which I have already mentioned, was the \$300,000 for a project. Actually, it was a feasibility study in Durant, OK, in southern Oklahoma. Then they found out later that you are better off doing it down the road from there in Idabel. Consequently, if we are forced not to be

able to make that technical correction, we would be forced to spend \$300,000 on something we are not ready to do.

So the important thing to get across to people is that this technical corrections bill does not increase the total amount of authorizations that are taking place right now from the 2005 bill. It is the same amount. I do not want people to think it is not, because it is, and that is an irrefutable fact.

I kind of agree with the chairman of the committee when she talks about that this will kill the bill. It would if it went back and they could not move it, the House would not accept this. This is one of the most difficult things to deal with when we are doing the authorization bill because every time we finally get an agreement here, we have to go over there and get the same thing—Democrats and Republicans here and Democrats and Republicans there. I just don't want to put ourselves in a position where we send anything over there that could kill this bill because this is necessary to finally finish the implementation of the 2005 Transportation authorization bill.

So with that, I will yield the floor, and I will have more to say later.

The PRESIDING OFFICER. The senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise to speak in favor of the technical corrections bill. In large part, we have a technical correction in the bill affecting a major interstate project in Florida that needs to be passed.

Now, the story I am about to tell you is going to amaze some people of what happened.

A few years back, when we passed the highway bill, they passed the version in the House, and we passed the version in the Senate, and they got merged so they were identical. The bill was getting ready then—the same bill that had passed both Houses—to go to the President for signature. But a strange thing happened on the way to the White House because someone—identity yet unknown—went in and changed the language, which was, "Widening and Improvements for I-75 in Collier and Lee County"—a matter of \$10 million in the highway bill—and changed that to be, instead, \$10 million for a study for an interchange on Interstate 75 at Coconut Road.

Now, the long and short of it is, you simply cannot do that once it passes the House and passes the Senate in identical form and then goes to the President in that identical form for signature. Somewhere in the process of enrolling the bill to send it down to the White House, someone is not permitted to go in and change the meaning of the appropriation—in this case, \$10 million for widening Interstate 75, which has become a parking lot at 7 o'clock in the morning and 5 o'clock in the afternoon because of all the traffic. That is why we want to widen Interstate 75 in southwest Florida to six lanes instead of the existing four lanes.

Someone went in and changed the intent and wording of the bill. So what we have in the technical corrections bill is a technical correction to have the law read, in fact, what it was intended to read, and what it, in fact, did read until somebody went in and tampered with it.

Now, in the meantime, we have had correspondence from the chairman of the Committee on Transportation and Infrastructure in the House of Representatives to the local metropolitan planning organization, which has, under State law, the authority for setting up the priorities for road projects, saying to them that you need to follow the law—the law as it went to the President for signature. We have correspondence back from the metropolitan planning organization—in this case, many letters, but in the one I have in my hand to me—stating there was an error in the enrollment of the bill and the metropolitan planning organization wants the original intent of the legislation to be what governs, which is the widening of Interstate 75, and the \$10 million used for that.

So, Mr. President, I ask unanimous consent to have printed in the RECORD both of these pieces of correspondence.

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

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, January 23, 2006.

Mr. JOHN ALBION,

Chairman, Lee County Metropolitan Planning Organization (MPO), Fort Myers, FL.

DEAR CHAIRMAN ALBION: Thank you for your letter of December 21, 2005 updating the Committee Transportation and Infrastructure on the Lee County MPO's Long Range Transportation Plan and their decision to exclude the Coconut Road Interchange from its financially feasible plan. The letter further requests a "re-programming" to occur for these funds.

Section 1701 of Subtitle G, Title I of SAFETEA-LU (Public Law 109-59) contained amendments to the law located in Section 117 U.S.C. Title 23, titled High Priority Projects. The authority provided in Sec. 117 with regard to projects authorized in Sec. 1702 on SAFETEA-LU is quite clear and unambiguous. Projects for which funds are designated are available only for that project. The state in which the designated project resides is free under the terms of the law to build, or not build the project. However, the law does not provide authority for a state to use funds designated for an authorized project on some other project.

In this important sense then, the funds made available to these authorized projects are not subject to the same legal terms and conditions as formula funds.

As the second session of the 109th Congress proceeds, the Committee will, as the Committee has historically done on previous re-authorizations, work to pass into law a bill to amend SAFETEA-LU. This bill, which in previous Congresses has been titled a corrections bill, will seek to make improvements, rectify errors and modify aspects of SAFETEA-LU. With regard to Sec. 1702, my past experience on this committee suggests that where a state elects to not utilize funds designated for an authorized project, the committee will incorporate the effect of that

decision as appropriate when developing the bill. In an era of funding shortfalls, it is an important responsibility of the committee to see that all funds provided in SAFETEA-LU are in fact used for their intended benefit on the transportation system.

Sincerely,

DON YOUNG,
Chairman.

LEE COUNTY METROPOLITAN
PLANNING ORGANIZATION,
Fort Myers, FL, August 20, 2007.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON, I write as Chair of the Lee County MPO requesting that the language for the \$10 million "Coconut Road Earmark" be restored to the language that both the House and Senate approved when they voted final passage of SAFETEA-LU on 7/28/05—"Widening and improvements for I-75."

This correction to the legislation corrects an error in the enrollment of the bill. The language in the Public Law is not the same as that passed by the House and Senate. During the enrollment process, managed by Congressman Don Young (AK), someone tampered with the bill. Funds for I-75 improvements were changed to funds for a totally new Coconut Rd. interchange—a project not on the MPO priority list.

The specific requested change is as follows: Technical Amendment to SAFETEA-LU (119 Stat. 1509) [PL. 109-59, Section 1934]: The table contained in Section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1509) is amended in item number 462 by striking "Coconut Rd. interchange I-75/Lee County" and inserting "I-75 widening and improvements in Collier and Lee County, FL." The MPO has been discussing this topic for two years, attempting to understand how we received money for a project that was not anywhere on our priority list. We were told that we had no choice other than to accept it or return it. Having learned that our entire delegation and the full Congress actually voted for an MPO priority project and that it is possible to have an enrollment error corrected, on Friday August 17, 2007, the MPO voted (10 in favor, 3 opposed, 2 absent) to request this technical amendment.

On behalf of the MPO, I thank you for your assistance in this matter. If you wish to contact me, please contact me directly. I look forward to your reply to our request.

Cordially,

CARLA BROOKS JOHNSTON,
MPO Chair.

Mr. NELSON of Florida. So we come to this point. It is absolutely critical that we pass a technical correction so that the law, as it was intended by the passage in the House and the Senate, be honored. The question is, What about the tampering? Well, we need to find out.

Mr. COBURN, the Senator from Oklahoma, has taken great umbrage at this tampering. I can tell you, as the senior Senator from Florida, I am very grateful to him for him being upset and wanting to do something about this. This Senator and my colleague from Florida have signed on to an amendment by Senator COBURN trying to get to the bottom of who did the tampering and how did it occur so this kind of stuff will never happen again.

There is some question about the way Senator COBURN's amendment is

drafted, that it would be a direction to the House of Representatives which might meet some constitutional problem, in which case what we are trying to work out is that there would be a future amendment where there would be an investigation by the General Accounting Office and maybe some resolution with regard to the Justice Department saying that this matter ought to be investigated as to a violation of the laws of this country in that you cannot tamper with legislation like this.

Whatever we resolve, I hope we will get it in because we have that separate issue of the tampering that needs to be dealt with, and it needs to be exposed to the light of day so people will understand you just do not take a bill that is duly passed by the Congress of the United States and, while it is en route from Capitol Hill to 1600 Pennsylvania Avenue, change the meaning of the bill.

It is my hope that as we get into all these other issues that seem to have cropped up that have nothing to do with Interstate 75, we can get these other issues resolved so the technical correction can proceed and that we can get this particular technical correction adopted into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that at 2:15 p.m. today the Senate proceed to vote in relation to the DeMint motion to recommend the bill, and that no further amendments be in order to the motion prior to the vote; that following the conclusion of the debate this morning with respect to the motion, it be set aside to recur at 2 p.m., with the time until 2:15 p.m. equally divided and controlled between Senators BOXER and DEMINT or their designees; and that at 2:15, without further intervening action or debate, the Senate proceed to vote in relation to the DeMint motion to recommend the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. 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. BOXER. Mr. President, since we have a lull in the conversation about the technical corrections bill—and the reason for that is, frankly, it is a very straightforward bill. We know of two other amendments. We are working with Senator COBURN on his amendment dealing with an investigation into what occurred in the Coconut Road project in Florida. We know Senator BOND has an amendment which is

really not a technical correction. It goes to overturning a law that was passed which protects consumers when they are defrauded by furniture moving companies. That is his amendment. We hope he can come down here so we can get going; we can start to debate that.

But in the meantime, I have asked Senator INHOFE if he had any objection if I rose to pay tribute to 19 young Americans who were killed in Iraq who were either from California or based in California, and he had no objection to that. I don't know if I need to ask to speak as in morning business. If that is the appropriate thing, I ask unanimous consent to do so.

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

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

Mrs. BOXER. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Wyoming is recognized.

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

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

HALTING THE GROWTH OF GREENHOUSE GASES

Mr. BARRASSO. Mr. President, later today, President Bush will propose halting growth in U.S. greenhouse gases by the year 2025. In his speech at the White House, the President is expected to place significant emphasis on new technology.

I recently introduced legislation to address the challenge of how to deal with greenhouse gases. The bill is called the Greenhouse Gas Emissions Atmospheric Removal Act, or the GEAR Act.

Members of this body have discussed various proposals to regulate the output of greenhouse gases. Some advocate doing it through a cap-and-trade approach. Others have advocated a carbon tax. Such proposals are aimed at limiting future carbon output into the atmosphere. Many proposals have been introduced and debated using this approach of dealing with carbon output.

Overlooked in the debate are the greenhouse gases that are already in the atmosphere. The best science tells us that the greenhouse gases already in the atmosphere are the gases that are causing the warming of our planet. To what extent, we are not certain.

So let's resolve to find a way to remove the excess greenhouse gases that are already in the atmosphere—remove them and then permanently sequester them.

To accomplish this goal, we are, as a nation, going to need to make a significant investment to develop new technology.

The approach my legislation takes to address this is through a series of financial prizes—prizes where we set the technological goals and also define the outcomes we demand.

The first researchers who meet each criteria will receive not only a financial prize but also international acclaim.

The prizes would be determined by a Federal commission under the Department of Energy. The commission would be composed of climate scientists, physicists, chemists, engineers, business managers, and economists.

The commission would be appointed by the President with the advice and consent of the Senate. The awards would go to those, both public and private, who would achieve milestones in developing and applying technology—technology that could significantly help to slow and even reverse the accumulation of greenhouse gases in our atmosphere.

The greenhouse gases would have to be permanently sequestered, and sequestered in a manner that would be without significant harmful effects.

This is how it would work. There would be four different levels of prizes.

The first level would go to either the private or public entity that could first demonstrate a design for successful technology that could remove and permanently sequester the greenhouse gases.

Second, there would be a prize for a lab scale demonstration project of the technology that accomplishes the same thing.

Third, there would be an award for demonstrating the technology to remove and permanently sequester greenhouse gases that is operational at a larger working model scale.

Finally, there would be an award for whoever can demonstrate the technology to remove and permanently sequester greenhouse gases on a commercially viable scale.

There you have it—four different levels of development: First, to design the technology; second, a lab scale demonstration of the technology; then for a larger working model; and then, finally, the proven use of the technology on a commercially viable scale.

Well, once the technology is developed, the United States would share intellectual property rights to that technology with whomever invented it.

This bill, as drafted, does not include a specific dollar amount for each prize. Instead, it authorizes such sums as may be necessary.

The commission will be directed to report to Congress 1 year after enactment into law. The commission will recommend the levels of funding that would be necessary to achieve the goals of this act.

I believe prizes can be a unique tool in creating the technological development we need. It only seems natural that if we get all the best scientific minds thinking about the same problem, and working on it, we significantly enhance our chances of solving it.

Historically, prizes have been used to spur all types of technological development to solve big problems.

In 1714, the British Government offered the first prize of this type, and they did it for a device capable of accurately measuring longitude. John Harrison, a clock maker, was awarded 20,000 pounds for designing an accurate and durable chronometer 59 years later. This transformed our ability to sail the seas.

In 1810, the first vacuum-sealed food was produced after 15 years of experimentation. It was driven, again, by a prize offered, this time, by Napoleon. Today, vacuum sealing is still used throughout the world.

In 1909, the first flight across the English Channel was spurred by a prize offered by a newspaper.

Charles Lindbergh was competing for a prize offered by a wealthy hotel owner when he flew the Spirit of St. Louis nonstop from New York to Paris in 1927. Well, that achievement spawned what is a \$300 billion aviation industry today.

It is my hope and my goal that this legislation will foster the kind of solutions that we need to address the concerns about climate change.

What I am proposing is that we take a brand new look at climate change. With that new look, our solution will be based on removing excess greenhouse gases that are already in the atmosphere. We must think anew and we must act anew.

That line—“we must think anew and we must act anew”—is engraved on a scenic overlook along Interstate 80 between Cheyenne and Laramie, WY. It is engraved on the pedestal that holds a large-size bust of Abraham Lincoln. Lincoln was the one to have the vision for the Transcontinental Railroad.

It is now time for us as Americans to think anew and act anew about the issue of climate change and controlling greenhouse gases. Americans have always looked within ourselves for solutions. We have always had confidence in American ingenuity and American creativity to deal with the challenges of the future.

Yes, we want to protect our environment and, yes, we want a strong economy. The way to have both is by thinking anew and acting anew. It is time to use our untapped human potential and the American spirit to develop the technologies we need.

It is now time for the Senate and for Congress to find a solution to global climate change, not through limits but through imagination, innovation, and invention. I look forward to working with each and every Member of the Senate in achieving this goal.

With that, I yield the floor.
The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask my friend from Iowa if he wants to speak in morning business.

Mr. GRASSLEY. Yes, for 6 or 7 minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent that at the conclusion of my remarks, Senator GRASSLEY be recognized for up to 10 minutes.

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

Mrs. BOXER. Mr. President, first of all, I make a plea to my friends on the other side of the aisle. There are a couple of amendments out there. Senator INHOFE and I are anxious to get done with the bill. The bill is a mini-economic stimulus. It would release a billion dollars worth of projects for important highway and transit programs. It is a technical corrections bill that stays within the limits we set in terms of spending. When Senator INHOFE and I agree on something, it usually covers the spectrum. So we hope we will have a good vote.

I wanted to say something before Senator BARRASSO leaves because he mentioned the President's goals. The President says we should halt the growth of greenhouse gases by 2025—“halt the growth,” which means 18 years of nothing. What a pathetic response to a crisis that has united evangelical groups, scientists, businesses, and much of the world.

So I am just here to say—I am not going to have a debate with my good friend, whom I really enjoy as a member of our Committee, but I want to say this gives new meaning to doing nothing. When we have a crisis such as we have now and we have a small window to act and we wait 18 years, this is not talking about leaving the problems to the new President, like he is doing in Iraq. It means we are following a recipe for gloom and doom instead of looking at this problem and seeing it for what it is—an amazing opportunity.

It is interesting that my friend, Senator GRASSLEY, is here, who is so strong on ethanol. Well, this is the kind of thing we are going to do so we can get off of fossil fuel. We have other opportunities, such as cellulose. We have new ways of making cars.

I happen to drive a hybrid. It is amazing. I get over 50 miles per gallon. I sort of wave at the gas stations because I don't have to go there that often. These cars are getting better and better.

We have so many ways, but it is not going to happen if we simply say, by 2025 we will halt the growth of greenhouse gas emissions. We have to halt the growth very soon. I view it as a great opportunity for an economic renaissance in this country. If you look at Great Britain, they have cut their carbon emissions by 15 percent over the last 10 years or so. Their GDP has grown by 45 percent, and they have added 500,000 new green jobs.

I think rather than being so frightened and meek as the President is about this, we should be leading the world to this new great economic renaissance. America should be in the front, inventing these products. I know the President says he wants to invest in new technology. Unless you have a cap on greenhouse gas emissions, unless your proposal involves a cap so we get down to what is necessary to prevent catastrophe, then you are part of

the problem. You are not part of the solution. You are just making believe you are part of the solution.

I don't want to do any more than is necessary. I want to do what is necessary to reverse a real, serious, horrific problem for the world. As our intelligence community tells us, as our Pentagon tells us, if we do nothing, the ravages of global warming will be the cause of wars, will be the cause of droughts, will be the cause of famine, will be the cause of unrest, and will be the cause of refugees wandering around starving to death.

That is why so many churches have joined us, many of the great religions have joined us in this effort. We have a great group working here. I was a little bit surprised when the President sort of took on the Lieberman-Warner bill in his way. He didn't mention it by name, but he basically referred to efforts in the Senate and the dangers. Mr. President, I have been trying to get to see you on this issue. I have wanted to talk to you on this issue. I know the former Prime Minister of England, Tony Blair, spoke to you about this issue. He is coming to speak to me again. We need to work together. This should not be partisan.

Unfortunately, it is. When I and my staff were in Great Britain, we were meeting to understand what steps they have taken and how about a cap-and-trade system and the rest. What we found out was most remarkable. Each party, Labor and Conservative, was staking claim to the issue of global warming and saying to the other party: You are not doing enough. I turned to my staff and said: Oh, if I have one prayer, it is that we have a situation where that happens at home instead of this horrible fight. And if I have another prayer, it is that the Presidential candidates, Republican and Democratic, will argue over who has the best plan. That may happen, and that would be exciting. But I do not want to wait until then. I do not want to do nothing. I do not want to be part of the problem. I do not want my grandkids to say: Where was my grandma? At the moment they had a window to do something, they slammed it shut.

I am glad my friend came to speak about global warming. I hope we can continue to work together to get him on board in a more aggressive way to do more, to do our job, to fulfill our responsibility. We would never take our grandchild, put him or her in an infant seat in the car, go to a parking lot at the supermarket and leave him or her inside with the windows closed and the Sun beating down. We would not do that because we adore our children and our grandchildren, and we want the world to be better. At least we want it to be as good as it was for us.

We are so lucky. We have lived through such golden years for ourselves and our families. We have the American dream. We saw Richard Nixon step to the plate and create the Environmental Protection Agency, and

Presidents, Republican and Democratic, who have come after stand up—until now.

I say to my colleagues, we are going to have a moment come June. It is going to be a little bit different than today. Today Senator INHOFE and I are joined at the hip on this technical corrections highway bill. We are not going to be that way on global warming, but I hope we can have some bipartisanship, and JOHN WARNER has been leading the way. We need to do more instead of wait until 2025 to halt the growth of greenhouse emissions. That is too late. That is dangerously late. That is the equivalent of doing nothing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

MEDICAID MORATORIUMS

Mr. GRASSLEY. Mr. President, today the House Energy and Commerce Committee is taking up—or maybe has already taken up—consideration of a bill, H.R. 5613. This bill seeks to place a moratorium on seven Medicaid regulations until the next administration.

I know some people have concerns, because I have discussed those concerns, with these CMS Medicaid regulations. So let me be very clear that I am not unsympathetic with those concerns. I am not here to argue the regulations put forth by the administration are perfect. I have issues with some of them that I wish to see addressed.

However, the regulations do address areas where there are real problems with Medicaid. CMS is taking care of those problems, and we ought to let them move forward instead of delaying all of these Medicaid regulations at once.

As everyone knows, Medicaid is a Federal-State partnership that provides a crucial health care safety net for some very vulnerable populations, people whom we all agree we have a social responsibility to look out for—low-income seniors, the disabled, pregnant women, and children. These classes of people depend on Medicaid, and it does generally serve them well.

Medicaid is also a program with a checkered history of financial challenges that we, as fiscal conservatives—and we all brag about fiscal conservatism—ought to be concerned about, these financial challenges coming from Medicaid, sometimes not being administered the way it should be.

Quite frankly, using the term “fiscal challenges” is a gentle way of putting it sometimes. A more severe way of putting it would be that Medicaid has a history in our respective States—not every State but a lot of States—of abusively pushing the limits of what should be allowed to maximize Federal dollars that we send to them under various formulas.

I am not going to devote time in my remarks today to issues of fraud and abuse in Medicaid, but that is legitimate to talk about. I will be back with

that at another time. Instead, I want to focus on a very simple concept, and that simple concept is that Medicaid program integrity depends upon the setter for Medicaid services and the States and providers and ultimately beneficiaries having a clear understanding of the rules of the road. That is what we ought to expect out of any government program, that everybody knows how that program operates.

In this instance, States have not had clear guidance. In that case, they could be inappropriately spending taxpayers' dollars. Improper payments, wasteful spending—what does it do? It only increases the financial pressure on a very worthwhile safety net.

The Medicaid regulations that H.R. 5613 attempts to halt would halt all efforts by CMS to provide clear rules, rules of the road in very critical areas where there have been well-documented problems and most of those problems costing the taxpayers more money.

During the recent debate on the budget resolution, I entered into the RECORD a Congressional Research Service memo that showed some of the issues that exist under current law. I am not going to go into all of those issues today in detail because they are in the RECORD, but when CMS does not know how a State is billing for a service and States do not have clear guidance for how they should bill, neither Medicaid beneficiaries nor the taxpayers at the Federal or State levels are well served.

We should be, in fact, talking about fixing the regulations so that they better address real problems in Medicaid. But instead, the House of Representatives is trying to kick this can down the road to next year.

What does that mean for the taxpayers? H.R. 5613 spends \$1.7 billion to place a short moratorium on these regulations. This is only to delay the regulations until March of next year—\$1.7 billion to delay the regulations for 1 year.

I know supporters hope the next administration, whichever party that might be, whichever of the three candidates still in the race might be, will completely cancel the regulations. If these regulations were canceled, what would it cost if we tried to completely prevent these regulations from ever taking effect? It would not cost just this \$1.7 billion that is going to be spent between now and next March. It would actually cost the taxpayers almost \$20 billion over the next 5 years and almost \$50 billion over the next 10 years.

It is absolutely a farce for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to walk away from these issues. But that is what this bill, H.R. 5613, does; it walks away. Let's say it another way. It kicks the can down the road hoping the next President might walk away.

I know supporters of that bill will say they need more time. They say

they have not had enough time to study the regulations and to respond. That argument is starting to strain credibility. The public provider rule was proposed well over a year ago to study and react. The rehabilitation services rule was proposed 9 months ago for people in the House of Representatives to respond to and react.

Supporters of that bill have had plenty of time; that is, plenty of time if they wanted to make new policy. But it is obvious by these actions that their only real interest is in making these regulations go away.

This is very unfortunate because finding solutions is what we should be doing instead of kicking the can down the road. When we start talking about the integrity of the Medicaid Program, it is clarity of the rules that is most needed between the Center for Medicaid Services and our 50 States. So if you do not like the rules, that is fine, but there are tens of billions of dollars involved in this delay.

I say to my colleagues: Roll up your sleeves, or maybe I should say roll up our sleeves and let us all get to work to solve a problem that the regulations try to solve instead of kicking the can down the road. That is what we should be doing for the taxpayers. That is what we should be doing for the credibility of the Medicaid Program, a Medicaid Program that is needed, a Medicaid Program, for the most part, that serves people well. Contrariwise, putting moratoriums on all the Medicaid regulations issued by the Center for Medicaid Services is not the right answer.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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. MENENDEZ). Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion on the Boxer substitute amendment to 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 the Boxer substitute amendment No. 4146 to H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Barbara Boxer, Harry Reid, Charles E. Schumer, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon

Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller IV, Jack Reed, Ron Wyden, Dianne Feinstein.

CLOTURE MOTION

Mr. REID. Mr. President, I send a second cloture motion to the desk.

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

The 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. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Barbara Boxer, Harry Reid, Charles E. Schumer, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller IV, Jack Reed, Ron Wyden, Dianne Feinstein.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call required by those motions be waived.

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

Mr. REID. Mr. President, as I have indicated to the Chairman, and, of course, I have not had the opportunity to speak to the ranking member, but we have explained to the minority that I am filing these cloture motions—I have done so with the hope and anticipation that we need not have a cloture vote on this bill. We should finish this bill today. I hope we can do that. If not, of course, with these being filed, we will have the cloture vote Friday morning. But I hope that is not necessary. There is not a reason in the world we should not finish this bill today and go on to something else.

WELCOMING POPE BENEDICT XVI

Mr. REID. Mr. President, this morning I was honored to help welcome Pope Benedict XVI to the United States for his first papal visit to America.

In his brief remarks this morning on the south lawn of the White House, he spoke of his admiration and respect for America, our country.

His lifetime of righteousness in faith and deeds is an inspiration, not just to the more than 1 billion Catholics worldwide but to those of every faith.

As Pope Benedict XVI said shortly after his election 3 years ago:

I place my ministry in the service of reconciliation and harmony between peoples.

During my entire life, I have known the Catholic Church to be a deep well of comfort and aid to those in need and a pillar of strength in times of uncertainty.

I had a wonderful conversation this morning with Cardinal Mahony of Los Angeles. He indicated: Can we please do something on immigration? I said: We are trying. And he has been so helpful to us on this issue. I hope we can fulfill

the wishes and prayers of Cardinal Mahony and do something about immigration. Certainly, it is something that needs to be done. Comprehensive immigration reform is what we need, which he supports.

On behalf of the Senate, I certainly wish to extend my welcome to the Pope. We welcome him to America with open arms.

ONE YEAR ANNIVERSARY OF VIRGINIA TECH SHOOTING

Mr. REID. One year ago today, on a campus not far from here, southwest of where we stand, the Virginia Tech community suffered a tragedy that continues to defy our comprehension. This great university, academically sound, athletically, in many instances superior, suffered a great loss. Thirty-two lives were taken by the hand of a young man with a deeply disturbed mind and some guns.

One year from that day, we pause to honor memory of these 32 young men and women and to grieve for their friends, family, and loved ones. I would, in passing, indicate that there were others than just students killed. Our thoughts go out to those unfortunate individuals whose lives were snuffed out for no reason.

I also grieve for our country, for these bright young men and women taken from all of us before their limitless potential could be fulfilled. As we mark this sad anniversary, the terrible images of chaos, panic, and heartbreak remain woven in the fabric of that community and our common memory.

But we remember also the amazing strength of Virginia Tech's community in those days and weeks that followed, how they lifted themselves from the deepest depths of despair to find a brotherhood and sisterhood of solace, peace, and even hope. President Steger and the entire Virginia Tech family demonstrated grace and steely resolve.

I want to take particular note at this time and extend my admiration and appreciation to Governor Kaine, who has led that State with such integrity and political brilliance but with an example of all things good during the time of this tragedy. To this day, he has done a wonderful job of reaching out to the community, everyone in the State of Virginia, meeting with people, and giving them confidence that the future will be better.

Now, as then, there is little we can offer but the broad shoulders of our Nation to lean upon and help carry the heavy burden of their pain.

Mr. President, I say for those of us who suffer this time of year with allergies, being outside on the south lawn for an hour today, as indicated by my inability to stop coughing, makes me reflect on how great it is to live in the desert with no rose petals, flower petals, and pollen around. In the desert, we do not worry about that kind of stuff. But we also do not have much hay fever.

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

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

FAIR PAY RESTORATION ACT

Mr. KENNEDY. Mr. President, earlier this month, we honored the 40th anniversary of the death of Dr. Martin Luther King, Jr. Each year on this anniversary we get together and speak glowingly of Dr. King's life and work. These words are important; make no mistake. But even more important than honoring Dr. King with words is honoring Dr. King with action. Today, we have the opportunity to do that by passing the Fair Pay Restoration Act.

The right to equal pay for equal work is a fundamental right. Indeed, Dr. King was in Memphis on that fateful day in April 1968 to protest pay discrimination against African-American Memphis sanitation workers. We hope to have this legislation on the floor in the early part of next week. It involves overturning the Ledbetter case, a Supreme Court decision of recent times.

Forty years later, we are still fighting the same fight as Dr. King. We are still trying to empower workers to assert their civil rights.

Over the years, I have been proud to stand with the majority of the Congress for justice and fairness by passing strong bipartisan laws against pay discrimination. In 1963, we passed the Equal Pay Act. We followed that in 1964 with the landmark Civil Rights Act. Then we passed the Age Discrimination Act, then the Americans With Disabilities Act. Most recently, we passed the Civil Rights Act of 1991. All these laws protected workers from pay discrimination and have made our country a stronger, better, and fairer land.

These laws are just words on a page of a lawbook if workers can't get into court when employers break the law. To bring these words to life, we must today continue the work Dr. King started. This effort is necessary because last May the Supreme Court undermined the fundamental protections against pay discrimination. In the Ledbetter decision, the Court imposed serious obstacles in the path of workers seeking to enforce their rights.

Ledbetter was a textbook case of pay discrimination. Lilly Ledbetter, whom I have had the honor to meet, was one of a few women supervisors at a Goodyear Tire and Rubber Company plant in Gadsden, AL. She worked at the plant for almost two decades, consistently demonstrating that a woman can do a job traditionally done by men. She put up with teasing and taunting from her male coworkers, but she persevered and consistently gave the company a fair day's work for what she thought was a fair day's pay. What she didn't know, however, was that Goodyear wasn't living up to its end of the bargain.

For almost two decades, the company used discriminatory evaluations to pay

her less than her male colleagues who performed exactly the same work. The jury saw the injustice in Goodyear's treatment of Ms. Ledbetter and awarded her full damages. But five members of the Supreme Court ignored that injustice and held that Ms. Ledbetter was entitled to nothing at all—nothing at all—saying she was too late in filing her claim.

Under the rule in the Ledbetter case, Ms. Ledbetter would have had to file her claim within a few months of when Goodyear first started discriminating against her. Never mind that Ms. Ledbetter didn't know about the discrimination when it first began. Never mind that she had no means to learn of the discrimination because Goodyear kept salary information confidential. Never mind that Goodyear's discrimination against Ms. Ledbetter continued each and every time it gave her a smaller paycheck than it gave her male colleagues. The rule imposed by the Supreme Court reversed decades of precedent in the courts of appeal, it overturned the policy of the EEOC under Democratic and Republican administrations, and it upset the Nation's accepted definition of what is right.

This chart shows that the paycheck accrual rule was the law of the land prior to Ledbetter. In all these areas, these are the courts of appeal decisions that would have helped Ms. Ledbetter to recover. These areas are the areas where the EEOC demonstrates the paycheck accrual rule under EEOC policy, as well as these others. This small area in here shows what is now known in the Supreme Court decision as the Ledbetter decision. But this is the way the law of the land had been for years prior to this judgment and this decision.

The rule imposed by the Supreme Court reversed the decades of precedent in the courts of appeal, it overturned the policy of the EEOC under both Democratic and Republican administrations, and it upset the Nation's accepted definition as to what is fair and right.

The Court's decision turned back the clock on civil rights. Every year, thousands of workers suffer pay discrimination. The Ledbetter decision will hurt workers alleging discrimination of every kind: Sex, race, national origin, age, and disability. This chart shows 5,700 pay discrimination charges that have been brought. These here are on disability, discrimination on the basis of disability, after we passed the Americans with Disabilities Act. The dark green is on gender discrimination. The lighter green is on race discrimination; discrimination on the basis of race. This is national origin in here: 588. This is discrimination on age. All these cases—5,700—are based upon the pay discrimination that has crossed the country.

This is a real challenge. This doesn't represent the hundreds of thousands—hundreds of thousands—of cases of peo-

ple who don't know about it. This is what is happening in this country. This is what is going to continue to happen unless we overturn the Ledbetter decision.

The Supreme Court's decision in Ledbetter gives employers free rein to continue to discriminate and leaves workers powerless to stop it. The result defies both justice and common sense. We must act to restore the decency and fairness to our Nation's civil rights laws.

The bipartisan Fair Pay Restoration Act will restore the clear intent of Congress. That is the legislation we will have on the floor to act on this next week. It provides a reasonable rule that reflects how pay discrimination actually occurs in the workplace. It links the time for filing a pay discrimination claim to the date a worker receives a discriminatory paycheck—not when an employer makes a discriminatory decision. Workers shouldn't have to be mindreaders in order to protect themselves from discrimination. Workers who aren't allowed to share information about their wages shouldn't be rendered powerless to combat discrimination. This bill recognizes that workers who receive a discriminatory check today should not be out of time to file a claim simply because the employer managed to hide its illegal behavior initially.

This legislation holds no surprises. It puts the law back to what it was on the day before the Supreme Court's Ledbetter decision. So we know this legislation is fair and it is workable. There would not be any unexpected consequences. Courts would not be overwhelmed. In fact, the Congressional Budget Office has said this bill would not increase litigation costs by much and businesses would not be blindsided. We are restoring what the law was previously. Most importantly, the Fair Pay Restoration Act makes employers accountable for violating the law. Under the Supreme Court's rule, if an employer can keep its discriminatory ways secret for 6 months, it gets a free pass. Do my colleagues hear me? If they are able to keep this secret that they are discriminating on any one of these bases—any of the bases we have mentioned, including age or disability, national origin, sex or race—in any of these areas, if they are able to do that and keep that a secret for 6 months, the employers get the free pass.

They can continue to discriminate and its victims are powerless to stop the unfair treatment. It only makes sense that, if the violation continues, the right to challenge it should continue. No one should get a free pass to break the law.

The Supreme Court's decision in Ledbetter took us backward in time. It takes us farther away from our ideal of a fair and just workplace for all Americans. We have too much progress still to make, and we cannot afford a step back. With this legislation, we can at least make up the ground we have lost.

That is why this legislation has such widespread support. This chart indicates the various groups. A wide array of civil rights groups, labor unions, and religious and disability rights groups support this legislation. It includes the American Association of People with Disabilities. AARP understands what is happening in terms of age discrimination; Business and Professional Women understand the discrimination taking place against women; NAACP; the United Auto Workers and other labor organizations, too; National Congress of Black Women; Religious Action Center understands the moral implications of this issue; U.S. Women's Chamber of Commerce, and others. They all support this legislation. Many businesses also support the bill, including the U.S. Women's Chamber of Commerce, as I said. All companies that play by the rules and treat workers fairly should support this legislation.

Workers have lived for almost a year with the inequity of the Ledbetter decision. It is time to stand up for the right to fair pay. As Dr. King said so eloquently after the passage of the Civil Rights Act of 1964:

Many people felt that after the passage of the civil rights bill, we had accomplished everything. We didn't have anything else to do and we would miraculously move into a new era of freedom.

But when we opened our eyes, we came to see that the civil rights bill, as marvelous as it is, is only the beginning of a new day and not the end of a journey.

If this bill is not implemented in all of its dimensions, it will mean nothing, and all of its eloquent words will be as sounding brass on a tinkling cymbal. We must take this bill and lift it from thin paper to thick action, and go all out, all over this Nation, to implement it.

It is time to hold employers accountable for their unlawful conduct. It is time to turn the clock forward on civil rights, instead of backward. It is time to pass the Fair Pay Restoration Act.

A final comment. This is a remarkable woman, Lily Ledbetter. Here is her quote:

And according to the Court, if you don't figure things out right away, the company can treat you like a second class citizen for the rest of your career. That isn't right.

She played by the rules. She worked hard and provided for her family and was being discriminated against. Here she is again:

I hope that Congress won't let this happen to anyone else. I would feel that this long fight was worthwhile if, at least at the end of it, I knew that I played a part in getting the law fixed so that it can provide real protection to real people in the real world.

We hear a lot of speeches in this body about the importance of work and paying people fairly. We hear speeches on both sides of the aisle about this. Here we have the classic example of a hard-working, decent, fairminded woman, who is trying to provide for a family, is playing by the rules, and she is getting shortchanged on the basis of doing equal work but not getting equal pay. She finds that out and pursues her rights and receives damages, under the

rule of law in most of the States; and the Supreme Court, by a narrow margin of one, makes a decision that because she didn't know about it at the time this was started, when there was no chance in the world she would know about it because pay records are kept confidential, she is going to lose out on the fair pay she is entitled to under the protection of the law we have passed.

This body has gone on record time in and time out about fair wages for their work. We are going to have another opportunity in the next week to see whether we are going to continue this.

Let me finally say we are going back to the previous law. This isn't a new, bold idea carving out terms of the future. This is the way the law was. We are restoring the law, restoring the protections. This should have passed unanimously. How can Members of this body say no to restoring the law to what it was in the overwhelming majority of the jurisdictions of this country, on the fundamental issue of fairness that applies to virtually all workers, applies to men and women of color, men and women of disability, men and women of age, applies to national origin, and applies across the board? What are we afraid of?

We will have the chance to take this up and to take action on it and to call the roll, and the American people will understand who in this body is for fairness and treating American workers right, and who is for going back in terms of the Nation's fundamental commitment to decency and honoring hard-working people, who should be entitled to equal pay for equal work. We will find out when we call the roll the early part of next week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. TESTER pertaining to the introduction of S. 2875 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. TESTER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TAX DAY

Mr. THUNE. Mr. President, I rise to speak today on an issue that is on the forefront of most Americans' minds this week, and that is the issue of tax day. Yesterday was the filing deadline,

April 15, which comes around every year, and for most Americans it is greeted with a great deal of trepidation and anxiety.

April 15 represents the annual call of Uncle Sam, the tax collector, knocking on the doors of hard-working taxpayers, and it highlights the real tax burden that is placed on American families.

This year, Americans will work 74 days to pay their Federal taxes, 74 days to pay their Federal tax burden alone. In order to pay State and local taxes, Americans will work an average of 39 additional days. What that means is that the typical hard-working, tax-paying, law-abiding American in this country will have to work an average of 113 days to pay taxes in 2008.

If we look at a calendar, that pretty much takes care of the months of January, February, March, and April, up to the 23rd of this month. If you think about it, every American is still working this year to pay the tax man. They have not gotten to that point in the tax year when everything they make can then be dedicated to the expenses they have for their families, for their children's education, for retirement, for fuel costs—all the things we deal with in our daily lives. We are still at a point on the calendar where none of what we make can be applied to those necessities of life because we are still at a point on the calendar where everything we earn and make in this country is dedicated to paying the tax man. Literally 113 days of the calendar year of this year up until April 23, which will be next week, is dedicated to pay the tax man.

What does that mean? Another perspective: If you put it into an 8-hour work day, taxpayers are going to work 1 hour and 37 minutes every single day to pay Federal taxes, and an additional 51 minutes to pay State and local taxes.

Put that into perspective. All other categories of consumer spending pale in comparison to the annual tax burden. In fact, Americans only need to work 60 days to pay for annual housing costs, 50 days for health and medical care, 35 days to pay for their annual costs, and 29 days to pay for transportation.

So the expenses most people deal with in their every-day lives, whether, again, that is the cost of housing, health care, food, or transportation—all are basic necessities—pale in comparison to the number of days the American taxpayer works every single year to pay their tax burden.

That is a pretty remarkable chart, I think you would have to say, when you look at the tax burden and the number of days you have to pay relative to the things we spend the rest of our money on.

This year, the statistics are probably better, if you can imagine that, than they were a few years ago. In 2000, before the historic tax cuts took effect, taxpayers had to work an all-time high

of 123 days to pay their tax burden. We have gone from 123 days down to 113 days.

In that same year 2000, a record 33.6 percent of the Nation's income was dedicated to paying taxes. After the 2001 and 2003 tax cuts, Americans were able to work an average of two fewer weeks to meet their Federal tax burden. That is why we find the average American working 113 days to meet their tax liability as opposed to 123 days a few short years ago. That is attributable to the tax relief that was enacted in 2001 and 2003.

Aside from paying taxes, filling out tax returns is a burden in and of itself. We have a Tax Code that is out of control, out of date, and is imploding under its own weight. The U.S. Tax Code spans over 54,000 pages. Some of the current provisions of the code were created 40 years ago. Each year individuals, families, and businesses spend needless hours poring over IRS forms and regulations trying to make sense of the endless exercise of filing taxes. In fact, in total, taxpayers dedicate over 6 billion hours to file their taxes and spend over \$140 billion a year in compliance costs.

I read a story a couple of days ago that those who still fill out their own tax returns take an average of 34 hours to do so. That is almost a week. That is a workweek almost for most people to comply or fill out the tax return—for those who still fill out their own tax returns.

Bear in mind that a lot of Americans have gotten to the point where it is so complex, burdensome, and complicated they turn it over to a tax preparer. For those who still fill out their tax returns, 34 hours is the average they spend in complying with the Tax Code in this country.

Ironically, the complexity and uncertainty of filing taxes is only amplified by congressional action. Since 1986, we have made—I say we, the Congress—have made 15,000 changes to our Tax Code, or approximately 2 every single day. Many of these changes focus on 1- or 2-year extensions of expiring provisions.

For example, last year, Congress was unable to extend the alternative minimum tax until the IRS had published its 2007 tax return forms. Because of this delay, 13.5 million taxpayers had to wait until February 11 to file forms relative to the alternative minimum tax.

Only Congress can create a complex tax provision, such as the alternative minimum tax, and actually make it more complicated by extending it after the IRS publication deadline.

Unfortunately, the congressional leadership is simply either oblivious or unsympathetic to the tax burden on American families. Last month, the Senate Democrats called for the largest tax increase in American history. Under the Democratic budget, the reduced individual tax rates are set to expire in 20 months.

As millions of Americans have now finished coping with this year's April 15 deadline, I think it is important to point out that this deadline is going to be even more painful under the Democratic budget that passed the Senate earlier this year.

If the 2001 and 2003 tax cuts are not extended, on January 1, 2011, the 10-percent tax bracket will expire, the tax bracket that was put into effect that impacts low-income earners, lowers their tax liability and took literally millions of American taxpayers completely off the tax rolls. The 25-percent tax bracket that currently applies to earners in that tax rate bracket is going to go up to 28 percent. The 28-percent tax rate will increase to 31 percent. The 33-percent tax rate will increase to 36 percent. And the 35-percent tax rate will increase to 39.9 percent.

On top of the increased tax rates that will happen on January 1, 2010, unless we take steps to extend and prevent those tax cuts from expiring, the increased child tax credit will expire as well. Families with children are going to see their tax burden increase substantially when the \$1,000 tax credit is reduced to \$500 after the year 2010.

Additionally, the marriage penalty is reinstated. The 31 million filers who report dividend income and the 26 million filers who report capital gains income also will see their taxes on their investments go up.

Finally, the death tax will be reinstated at pre-2001 levels of \$1 million. In other words, you can exempt \$1 million worth of your income, the wealth you acquired over the years, from the death tax liability. If we think about how that impacts small businesses, farmers, and ranchers—and I can share that as someone who lives in a rural State where we have a lot of farm and ranch families. We have a lot of people with lots of assets, lots of land, lots of equipment, but they are very cash poor. When you take \$1 million anymore, with land values being what they are in a place such as even my State of South Dakota, you are going to have an awful lot of people who are going to be hit very hard by the death tax when it becomes reinstated at a \$1 million-level exemption.

Attach to that a maximum statutory rate of 55 percent—which, incidentally, is one of the highest death tax rates in the world. So literally you are going to have for people now who worked their whole lives—small businesses, farmers, ranchers—to accumulate some things to pass on to the next generation, all but \$1 million of that would be taxed at a rate as high as 55 percent.

Think about the impact that is going to have on family farm and ranch operations in this country and many of our small businesses, which is where most of the jobs in the country are generated.

In total, the average family is going to see their taxes increase by roughly \$2,300 per year. That is enough to buy several months of groceries or several months worth of health care.

It does not have to be this difficult. Congress can work in a bipartisan manner to fix our broken Tax Code and to ease the tax burden for families and small businesses.

Commissions have been convened, hearings have been held, studies have been published, and yet another tax day has passed without comprehensive tax reform.

Streamlining our Tax Code will strengthen our economy, it will improve the competitiveness of our businesses, and it will greatly ease the tax burden for all American families.

The problem is not that Washington taxes too little. The problem is that Washington spends too much. The American people, when they start spending virtually a third of their year to pay the tax burden that is imposed on them at the Federal level, the State level, and the local level, we are asking way too much and imposing way too much a burden on the working men and women in this country and those small businesses that are creating the jobs and those who are trying to pass on those operations to the next generation so we can keep family farms, ranches, and small businesses in the family, contributing, creating jobs, and paying taxes. With a confiscatory death tax, which will happen if we do not take steps to extend the tax cuts, we are going to see a lot of those farms, ranchers, and small businesses go by the wayside.

I hope the sentiment in this body, the Senate, and the House of Representatives will change to the point that we recognize the importance of extending the tax relief that was enacted in 2001 and 2003 so we do not see these steep increases in income rates and return of the marriage penalty and a decrease in the per-child tax credit, dividend, and capital gains income being taxed at much higher rates, and the death tax being reinstated. If we are successful in extending those tax cuts, I think we will see an economy that, although experiencing an economic downturn right now, will improve, will start to grow again and create jobs. If we allow these tax cuts to expire, I think it is "Katy, bar the door" in terms of the adverse economic consequences and impact it will have on this economy and on the working men and women of this country and the entrepreneurs who make it work.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mrs. BOXER. 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.

Under the previous order, the time until 2:15 shall be equally divided and controlled between the Senator from

California, Mrs. BOXER, and the Senator from South Carolina, Mr. DEMINT, or their designees.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I don't see the Senator from South Carolina here, and I don't want to presume to describe his amendment. That wouldn't be fair because he views his amendment as something that will help this bill and I view it as something that will kill this bill. Simply put, what he is saying is we need to recommit this bill to the Environment and Public Works Committee, and what he is basically saying is that we need to scrub out of this bill any changes that were made to projects.

Although Senator DEMINT wasn't here at the time, I made the point earlier that in this SAFETEA-LU bill is \$110 million worth of projects he requested. He was fortunate: all those projects seemed to be moving forward, and they do not need any technical correction. But many of us—many of us—don't have that experience. For example, Senator INHOFE explained a road project in Oklahoma where one portion of the project wasn't ready for funding and another was. So, yes, we make a technical correction. I have a similar project in my State where we have to make sure the project is changed a little bit or there are going to be some bad impacts on some of my people who live in those communities.

So there is really nothing nefarious going on here. We are just trying to get these projects moving. We are trying to give a green light to projects that are facing a red light. What that means is that about \$1 billion worth of projects could actually get started—transit projects, road projects—and we think that, at this particular time when we are suffering a recession, the last thing we should do is try to bring this bill back to the committee because, effectively, that would kill it. So I have respect for my colleague's intention here, but, in essence, if he was being completely straightforward, he would admit this is going to kill this bill.

We know how hard it is to get bills up before the Senate. This bill actually passed when Senator INHOFE was chairman of the committee, but it has languished because we haven't had a chance to bring it to the floor. Senator REID gave us time. It is a simple bill. I was hopeful it could be finished by now. I am grateful we are having a vote on at least one of the amendments—we know of another couple of amendments.

So that is really what I have to say. At the appropriate time, I am going to make a motion to table this motion, so I will return to do that, as I say, at the appropriate time.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. 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.

The Senator is advised that the time is under the control of the Senator from South Carolina.

Mr. DEMINT. Mr. President, I yield to the Senator from Virginia.

(The remarks of Mr. WARNER are printed in today's RECORD under "Morning Business.")

Mr. DEMINT. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Two minutes 25 seconds.

Mr. DEMINT. I appreciate the chairman giving me the time to speak on the bill. I am offering a motion to recommit, which will be up for a vote in just a few minutes, and it is a motion to recommit the technical corrections bill back to the EPW Committee.

The purpose of this is clear: Colleagues, we have to stop increasing spending at every point, never cutting anything and never looking for savings. On this Transportation bill, there have been a number of projects, hundreds of millions of dollars worth, that were not needed or wanted. And we need to be reminded that the highway trust fund by next year is going to be over \$3 billion in the red. With this Transportation bill, we had an opportunity to save. Yet, instead of doing that, I am afraid this technical corrections bill goes well beyond technical corrections and takes the money that would have been saved from unwanted or unneeded projects and uses it to add new earmarks to the Transportation bill that aren't in the original legislation and adds spending to existing earmarks.

My motion would recommit the technical corrections bill to the committee and instruct them to take out any new earmarks and any increases in spending for existing earmarks. What that will do is just leave the base bill, which would be, at that point, technical corrections. That is what this bill is intended to be. So I encourage all my colleagues to show some fiscal restraint and to restore this bill to a technical corrections bill.

I thank the Chair, and I yield back the remainder of my time.

Mr. INHOFE. Mr. President, I ask unanimous consent I have 1 minute to respond.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, we talked about this before. First of all, I am coming from a very conservative perspective. Looking at this and also looking at the infrastructure needs we have, we want to make sure the technical corrections bill is not killed because that will stop all the activity going on that is so desperately needed in South Carolina as well as the rest of the country.

There is no increase in the technical corrections bill in the amount of authorization. That is very important for people to know. We talk about projects and assume they are projects that were not considered before. The top line is an amount of authorization that is the same. It has not increased at all. So I contend, with all due respect to one of my closest friends and fellow conservatives, that the conservative position is to stay with the technical corrections bill.

Mrs. BOXER. Mr. President, I move to table the DeMint motion to recommit and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion to table the motion to recommit.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—78

Akaka	Durbin	Murray
Alexander	Ensign	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bennett	Grassley	Pryor
Biden	Harkin	Reed
Bingaman	Hatch	Reid
Bond	Hutchison	Roberts
Boxer	Inhofe	Rockefeller
Brown	Inouye	Salazar
Bunning	Isakson	Sanders
Byrd	Johnson	Schumer
Cantwell	Kennedy	Shelby
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Landrieu	Stabenow
Cochran	Lautenberg	Stevens
Coleman	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lugar	Warner
Dodd	McConnell	Webb
Dole	Menendez	Whitehouse
Domenici	Mikulski	Wicker
Dorgan	Murkowski	Wyden

NAYS—18

Allard	Corker	Gregg
Barrasso	Cornyn	Kyl
Bayh	DeMint	Martinez
Brownback	Enzi	McCaskill
Burr	Feingold	Sessions
Coburn	Graham	Sununu

NOT VOTING—4

Clinton	McCain
Hagel	Obama

The motion to table was agreed to.

Mrs. LINCOLN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I rise to talk about an amendment that has been filed, which may or may not be offered. I wanted to alert the Senate to the possibility of an amendment that deals with moving companies—companies that move families, move furniture, et cetera, from city to city and across State lines—in fact, move them all over the country.

This amendment touches on a bipartisan provision that the Commerce Committee handled 3 years ago, which was, I guess, led by Senators INOUE, STEVENS, Lott, and myself. We basically acknowledged that there has been a problem in the moving industry for quite some time. I don't want to go into great detail, but I will be glad to if Senator BOND comes down and offers his amendment.

I want to give a little bit of background. Basically, if you look at the statistics, since 2001, there have been about 25,000 official complaints with the Department of Transportation related to household good carriers transporting goods in interstate commerce. These complaints do cover a wide range of abusive household good carrier practices—everything from fraudulent cost estimates to lost and even damaged goods. So they really do cover the waterfront. However, the most outrageous of these complaints, in my view, is what they call "hostage goods."

What happens here is a moving company will move goods, and they will hold a consumer's possessions hostage until they pay thousands of dollars in excess of the original estimate. It is hard to believe that people would treat each other this way, but we have seen this thousands of times around the country, where a moving company will hold goods hostage because they want to chisel more money out of the customer.

Three years ago now, in the Commerce Committee, we looked at this situation. We understood the Federal Motor Carrier Safety Administration only had five employees assigned for the entire Nation when it comes to household goods and those complaints. Obviously, we had a problem. We worked on a solution. Again, this was a very bipartisan solution.

Part of the solution was to authorize State attorneys general and State consumer protection officials—they are not always AGs; it depends on the State. Usually they are attorneys general offices, but they don't have to be. It would allow the State to enforce certain Federal household goods consumer protection laws and regulations as determined by the Secretary of Transpor-

tation. This set up a partnership between the State governments and the Federal Government. We think it has been working well. We are hearing positive feedback.

State attorneys general, back in January of 2004, sent a letter, signed by 48 State attorneys general, saying they would like to have this authority. Let me tell you why. Probably, they have had similar experiences that I had when I was in the attorney general's office in Arkansas. I had a friend of mine who had moved from Florida back to Arkansas; he was moving back with his family, et cetera, et cetera. Literally, his goods—everything he owned—were held hostage by one of these unscrupulous moving companies. Naturally, as the attorney general, I thought surely we could help him. We started looking at it and learned that we were preempted by Federal law. I think he filed a complaint with the U.S. Department of Transportation, but let me ask my colleagues, who is going to be better at enforcing this and doggedly pursuing relief for their citizens, the State attorney general or the U.S. DOT in Washington—again, with five employees for the whole Nation? That is a pretty easy answer, and that is the State AGs. This is something we crafted, and we believe it is balanced. It came out of committee unanimously. There was compromise. Two Democrats and two Republicans worked together to get compromise language that we believed was fair and, we thought, served the purpose, and we believe it is good law.

I think it is important that it did come out of the committee unanimously. Again, Senator Lott took a real leadership role, and Senator STEVENS was involved and Senator INOUE was involved and I was involved. We worked hard to get this done for the committee and for the Senate and for the American people.

As part of all this, we listened to industry complaints. We really did try to go the extra mile with the industry. We even had a hearing held by Chairman Lott on May 4, 2006. We brought in witnesses and allowed moving companies to come in and talk about the situation. Basically, at the conclusion of the hearing, the committee found strong support for our safety provision, including the endorsement of the U.S. DOT inspector general and the FMCSA.

So this has been something that has been vetted, has been agreed to, has been passed by the committee and by the Senate, and it has been signed into law. We think it is a good provision.

Obviously, if there is an amendment on this today, this would not be a technical correction, this would be a big shift in policy. I think that is an important factor for colleagues to consider as they look at this.

Also, if it is offered and if, in fact, I have a chance to come back to the floor and talk about it further, I know there will be a little bit of a comparison to the Consumer Product Safety

Act and the Consumer Product Safety Commission bill that we filed a few weeks ago, and we passed it on the Senate floor 79 to 13, I believe it was.

I know there will be a little comparison, but this is very different. This is different in a number of ways. It is similar in some ways, but it is different also. And that is, with a consumer recall and with the State being able to enforce a consumer recall once that decision has been made in Washington, there may be thousands, tens of thousands, possibly millions of units of that product out in the American marketplace that has been recalled. Those products may be in warehouses or they may show up on the Internet. There are a lot of different ways they can show up. It can take literally years to get all those products out of the stream of commerce.

The moving industry is very different than that. Almost always what happens with one of these moving companies is something goes on during the move which more often than not is over a few days' period. Oftentimes, it is from one State to another State. The fact situation here is very different.

One of the reasons we are seeing an increase—and even though we passed this law, we are still seeing a fairly steady increase in these types of complaints—is the proliferation of the Internet. You can get on the Internet right now—I did this yesterday as an experiment. I clicked on something such as "cheap moving companies." I don't know exactly what I typed. Several came up. With many of these companies, what you do is click a couple of little buttons to tell how many rooms you have in the house, or something very rudimentary, and you get a quote.

For folks who know about moving, it takes a lot more than that. You cannot make a couple clicks on the computer and think you are going to get an accurate moving estimate.

My experience has been with these large companies, they have written contracts and they have procedures in place. They come out to your home, or wherever you may be, and they look at your goods. They measure, they offer various services for crating, boxing, and all this kind of jazz. They can look, do their measurements and calculations and give you an estimate down to the penny. More often than not, those estimates are very accurate.

The problem is not so much the name-brand companies. I am sure there are occasional problems with them. But the problem we are trying to get to is these companies that are fly by night, many based on the Internet, many of them you do not know with whom you are dealing.

What we are trying to do is clean up this industry and help the American public in any way we can.

Since we passed this legislation, you would think you would see an amazing drop in statistics. We have seen the numbers grow a little bit. Again, it has been fairly steady. We feel as though

we do not have accurate numbers yet. We are actually going to request a GAO study to allow them to do their analysis and see how our provision is working. I think what we will find, once the numbers come in and are analyzed, is some good movement in the right direction.

One point that is important is that under SAFETEA-LU, the FMCSA did not add that many employees. It went from 5 employees to 11 employees. That is still a very small number of employees to do this all over the country. Hopefully, the State attorneys general will be able to help resolve these matters that are very good for the people in their States.

Madam President, I don't know if Senator BOND is going to offer his amendment. He told me earlier he thought he would. I hope he does not. If it does require a vote, certainly I will ask my colleagues to vote against his amendment. If he, in fact, does offer his amendment, I would like to have a chance to respond to Senator BOND. I know Senator BOXER and a few others have indicated their interest in doing that as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4538 TO AMENDMENT NO. 4146

Mr. COBURN. Madam President, I ask that the pending amendment be set aside and at the appropriate place amendment No. 4538 be inserted into the Boxer substitute.

The PRESIDING OFFICER. The Senator may propose an amendment to that substitute.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. MCCAIN, Mr. OBAMA, Mrs. CLINTON, and Mrs. MCCASKILL, proposes an amendment numbered 4538 to amendment No. 4146.

Mr. COBURN. Madam 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 create a bipartisan, bicameral special committee to investigate the improper insertion of an earmark for Coconut Road into the conference report of the 2005 highway bill after both chambers of Congress had approved identical versions of the conference report)

At the appropriate place, insert the following:

SEC. . COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Con-

ference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, \$10,000,000 was allocated for "Widening and Improvements for I-75 in Collier and Lee County".

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, \$10,000,000 was allocated for "Coconut Rd. interchange I-75/ Lee County".

(3) A December 3, 2007, article in the Naples Daily News noted, "Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: 'Coconut Rd. interchange I-75/Lee County.'"

(4) Page 824 of Riddick's Senate Procedure notes that "Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made."

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of \$10,000,000 to the "Coconut Rd. interchange I-75/Lee County" calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the "Committee").

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses

and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 1, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

Mr. COBURN. Madam President, I am on the floor this afternoon because a few years ago something happened in Congress that should never have happened. What happened is a bill passed the House and a bill passed the Senate. A bill that both Houses agreed to was changed before it went to the President. We do not know where it was changed or who changed it. We do not know the details of it. There has been speculation in the press, but we do not have any real knowledge of how this happened. But there is a principle, and the principle is, if we cannot trust what we agree to in both bodies of Congress will be sent to the President, then everything we pass has to be suspect.

This is a hard amendment to offer because there is a lot of angst around looking at ourselves and looking at the problems. But the one thing we do know is the American people expect the process to be one that is open, one that is accurate, and that when the President gets a bill, it truly represents what the Congress intended.

What actually happened? On the highway bill conference report passed by Congress, item 461, there were widening improvements for the I-75 corridor in Collier and Lee Counties in Florida. What actually went to the President was different. This was changed to Lee County only and for an interchange. Somehow that got changed. This money has been rejected three times by the citizens and their elected representatives in that area because they do not want an interchange. What they wanted was to widen I-75 in terms of hurricane evacuations.

As I said, we do not know how this happened. There is press speculation. We don't know if it occurred in the Senate. We don't know if it occurred in the House. What we do know is it did occur, and nobody can dispute the fact. And this bill, thanks to Chairman BOXER, corrects that and puts it back to what the original intent of Congress was, what Congress intended originally.

Some will say: Now that we fixed it, we don't need to do anything about it.

But the problem the American public has in terms of confidence in us is that we will do the right thing, and the right thing is to figure out how something such as this happened and make sure it never happens again and put in the safeguards so we know it will not happen again. I believe it is time for Congress to look at this issue and fix it.

Many of my colleagues say we are treading on dangerous water because if this occurred in the House, we are forcing the House to look at something, one body telling the other body to do something. We don't know where it occurred.

The amendment I am offering creates a committee of Members, four from the House, four from the Senate, that will look at this issue and make appropriate recommendations to the appropriate bodies; that is, the House Committee on Official Conduct and the Senate Ethics Committee or any law enforcement officers.

I understand that there will possibly be a second-degree amendment, and this ought to be offered and made, that the Justice Department look at this. That can certainly happen in due time, but there is this little issue of separation of powers. We have the responsibility in Congress to do what is right.

It is very interesting the debates we have had, especially in this Congress, about separation of powers and not wanting the executive branch to take power away from us. However, we are thinking about offering a second-degree amendment that would do that.

I believe in the people in this body. I believe we all do not like that this happened. I believe we all want to see that it never happens again. The best way to do this is to have an investigation, two Members appointed by the Speaker and two Members appointed by the minority leader in the House, two Members appointed by the majority leader in the Senate and two Members appointed by the minority leader in the Senate. So we have eight Members reporting back to us what happened and making recommendations to the appropriate committees, not necessarily to us.

As we all know, Senate ethics investigations, as well as House investigations in terms of official conduct, are not public. We don't know if something is going on regarding this issue now. But what we do know is something happened, and we ought to be about fixing it.

My worry is if we modify this amendment or we do not agree to this amendment, this is going to be the feeling of the American public: Is this political? Can we not control the rules of our own body in terms of enrollment?

It is interesting what Jefferson said when he talked about this in his manual. He described what should and shouldn't be done when a bill has passed both Houses of Congress.

The House last acting on it, notifies its passage to the other and delivers

the bill to the Joint Committee on Enrollment, who sees it is truly enrolled in parchment. When the bill is enrolled, it is not to be written in paragraphs but solidly, all in one piece, that the blanks between the paragraphs may not give room for forgery.

That is, in essence, what happened in this case. Now, that is not a case for the Justice Department to investigate at this time. That is a case for us to investigate and look at our own rules. The fact is, something went terribly wrong on the way of a bill going to the President that was different than both Houses of Congress passed.

I understand the angst of someone coming from the Senate and saying this ought to happen, and I understand we don't want to get in a fingerprinting mode. But if the House agrees with this in conference, it will happen; and if they do not agree with this in conference, it won't happen. But what should happen in the Senate should be that we look at this so we can create the confidence that the American people deserve to have in this body to know that when we pass a bill out, that the bill we passed is actually the bill the President signs.

I am thankful to the Transportation Committee and Chairman BOXER and Ranking Member INHOFE for clarifying this and fixing it. It is right that it should be done. It is right that the original intention of it should be done. But that is not good enough. That is not good enough for the American public. I understand the desire of the chairman of the committee to move this out of our hands and into the Justice Department's hands, but I have some problems with that. One is this idea of separation of powers. What other powers are we going to give up when we can't handle a simple investigation into what went wrong during the process of enrollment?

The second thing is, my legal staff tells me we cannot mandate to the executive branch what they will and will not investigate. So should they choose not to investigate this, we will have been no further down the road. But the 100-percent guarantee that it will get investigated is if we have Members of both bodies investigate this and come to a resolution so it does not happen again.

It doesn't matter whose bill it is, and it doesn't matter which party's bill it is. If a bill, no matter whose bill it is, is changed, it affects the whole country, and it affects the confidence in this body. This is an ethical issue for us, if in fact it involved the Senate.

The easy thing would be not to offer this. That is easy; you don't make other Senators uncomfortable with you; you don't have the chance that the House could be upset at what we are suggesting in a conference, if they agree to us jointly in investigating this. We could sweep it under the rug as if it never happened because we corrected it. But it did happen. And by not investigating it, it means it can happen again.

This is not without precedent. I believe in 1982 or 1992, this same thing happened and it didn't get investigated. It just got changed. So here we have it happening again, and only because of some very good work in the press were we made aware of it. Consequently, we ought to be the ones to fix it. We ought to take responsibility for our actions and we ought to correct the problem that happened with this, wherever it may be. If it happened in the House, the House should correct it. If it happened in the Senate, the Senate should correct it. But at least we ought to know the details of how and why, and then, if appropriate, a referral, if in fact that is justified. If it was a simple clerical error, we will know that. If it was more than that, we will know that.

The fact is, by not doing this, what we are saying to the American people is, oops, we had a mistake that is paramount to the quality and the clarity of how this body functions, and we believe it is not a grave error. Well, I happen to disagree. It is an entirely egregious error because it impacts every other piece of legislation.

If I as a Senator can no longer trust that the bills we pass in Congress, after they are enrolled, are exactly what we pass, then I now have to spend the time looking at every bill after it has been enrolled to make sure it matches. None of us has the time to do that. That is what we entrust the Secretary of the Senate and the Clerk of the House for.

So somewhere along the way, something changed. We need to know that. We don't need to play the same political games. We don't need to play a partisan game with it, because nobody knows for sure who did what. What we do need to do is to do the hard work of looking at what went wrong and making the appropriate changes.

I note there are several cosponsors, and the Presiding Officer is one. She has been a great addition to our body because she seeks clarity and transparency in what we do here; also Senator MCCAIN and Senator OBAMA, as well as Senator MARTINEZ and Senator NELSON of Florida. They are the two Senators where this had the most impact.

I don't come to the floor lightly saying we want to poke at people, but I do think it is important for the integrity of our body that we, along with the House, get to the bottom of it. It was my hope we could work this out without trying to refer it to the Justice Department. If in fact it needs to get there, it will get there after appropriate investigation.

To bypass us and give up our power to correct things that are wrong with our rules—not laws, our rules—seems to me to be the antithesis of what we have debated so many times in this Senate over the past 9 to 15 months about the executive power encroaching on the Senate. Now we are ready to give that power away for something that is duly ours and set a precedent

that we are going to ask the Justice Department to investigate us? We ought to be investigating ourselves.

We have the integrity, we have the quality, we have the people, and we have the goodwill of all the Senators of this body and all the Members of the House to do that. Because the institution is more important than any one of us. What we do for the American people has to be more important than any one of us. So it is my hope—I will not take much more time—the Senate will concur.

This is done with all sincerity. I am pointing a finger at no one. But I think if we do not do this, by a second amendment that takes it away, what we will have done is to abrogate our responsibility in terms of the clarity of our purpose and the quality of our work. And if we choose to do that, here is what we will find. We will find another notch down the confidence in Congress by the American people, if we refuse to look under our own bed sheets for our own bedbugs and give that responsibility away.

I appreciate the help of the staff of the committee. They have been very forthright in working with us. As I have said before, I appreciate Senator BOXER's cooperative attitude on this. We disagree on how best to handle this, and I understand her right as the chairman and as a Member of this body, but my hope is we don't give away powers that are ours. The separation of powers is a very important concept in this body, and to abrogate our responsibility and appoint it somewhere else, when we don't have the facts—that can always happen afterwards.

In fact, this amendment states that appropriate referrals will be made to both Ethics Committees of the House and Senate and to law enforcement, if necessary. So my hope would be that we could vote this eventually and look at it. I think it is paramount for the quality of our work.

Madam President, I reserve any time I may have, and I look forward to the comments of the chairman.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, when I learned about this whole issue of what went on in a very devious way related to a highway project, I was very glad Senator COBURN called it to our attention. Where we are right now is the best way to handle this, and this is where there is a bit of a disagreement.

I am concerned, as I look at the Senator's solution here. Essentially, what he has is the House and Senate selecting Members to go on this special committee, and I believe that injects politics into it right away. We can all say we are going to be objective, and so on and so forth, but I think people get the sense, oh, that is a Republican, and he may feel one way; or she is a Democrat, she may feel one way; or I saw that person going to dinner with another Senator or another House Member this way.

I am chair of the Ethics Committee, so I know it is very hard to be totally objective, and you must be in this circumstance. But I think the appearance of a conflict of interest in setting up this committee is something I would rather avoid. So I think that Senator COBURN has done everything in his power to set up a way to investigate this that is fair, but my feeling is there is a better way to go.

As a matter of fact, I am going to offer an amendment to the underlying substitute, and I would ask the Parliamentarian if I need to lay aside the pending amendment in order to do that.

The PRESIDING OFFICER. The Senator does not need to do that. The amendment is in order at this time.

AMENDMENT NO. 4539

(Purpose: To call for a review by the Department of Justice of allegations of violations of Federal criminal law)

Mrs. BOXER. I send an amendment to the underlying substitute to the desk.

The PRESIDING OFFICER. The clerk will report.

Mrs. BOXER. Do I need to ask for its immediate consideration?

The PRESIDING OFFICER. That is automatic. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4539 to the text of the committee substitute to be inserted:

At the end of the amendment, insert the following:

SEC. . . DEPARTMENT OF JUSTICE REVIEW.

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109-59 to ascertain if a violation of Federal criminal law has occurred.

Mrs. BOXER. Madam President, I thank the clerk for reading. That is it in its entirety. We call attention to the exact problem that occurred in the bill, the exact project, without naming it. It is explained here. We know it is the Coconut Road project.

This is not a sense of the Senate. This is a very direct amendment that says the Department of Justice shall review these allegations and they shall ascertain if a violation of Federal criminal law has occurred.

So what we do, by taking it into this realm, we take it out of the realm of politics. Senators selected by the Senate to be on this investigation committee of something that happened over in the House; House Members selected by the House to investigate, to me it injects politics into the process.

Secondly, if you read the Constitution and you see the speech and debate clause, you understand that this raises constitutional issues—the Coburn amendment—as to whether one part of Congress can investigate another. I don't want to see this whole thing collapse like a deck of cards because we did something unconstitutional. We know that the Justice Department,

when there is an allegation of improper behavior, we know when there is a possibility here of laws being broken, they have the clear obligation and responsibility, and now we are, in essence, telling them they must review this.

In our conversations, one of the things Senator COBURN was worried about was that the Department of Justice could not use the subpoena power. I have looked at that and what I have found is that is not true. In the case of the Jefferson investigation, it was because there was no warrant. That was the problem. There was some narrow issue involving that. Clearly, this investigation would be appropriate.

Also, we don't give up anything here, I say to my colleague. Consistent with applicable standards and procedures, that is what we say. The Department of Justice shall review, consistent with applicable standards and procedures. No new rules, no new laws, no new ways, and very clearly done.

Frankly, if I might say, I am so angry about this. I am so upset about this. I am sick about this. I think it is very possible people ought to go to jail here. A Senate and House committee can't send anybody to jail. They simply can't. They could make a referral to Justice, but they can't do it.

I am saying I think what we are doing here, by requiring that the Justice Department—by saying, "They shall review allegations," I think is a much better way to go. It keeps politics out of this, it keeps constitutional questions about the debate clause out of this, and it gets to the heart of this, which is, if there was a crime, the person ought to go to jail or the people ought to go to jail.

Let's get right to the point instead of setting up some political committee. They will call hearings and the press will come and people—Senators will make speeches and make their careers. I can just see this thing. I can see this coming. I want to avoid a circus. I want to put somebody in jail if they did something wrong. That is why I think this particular amendment I am offering is the way to go.

I do respect my friend. I certainly am looking forward to having votes on both of these, but I do think this simple amendment we have here will get to the bottom of this, which is where my friend wants to go. He wants to punish the people who have done something wrong. That is what I think we do here.

I will be happy to yield the floor because I see my colleague would like to respond.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, first of all, I thank the chair for her words. I stated that this amendment language is based on a very big precedent established in 1992 in this body with a joint committee of Members of Congress to look at the rules in both Houses, to look at the processes in both Houses. There is a precedent. There is not a

problem with the debate clause. I think that is not a prudent argument to be against this.

The Justice Department will eventually get this if, in fact, we find out there was a crime. I also make the point that nobody knows right now where this occurred. At least I don't. Nobody knows what the facts are, so the assumption we are making that we would be involved in investigating the House is—we do not know that. At least I certainly do not know it, and I have kind of been looking at this for quite some time. So it is an assumption that we are going to have, necessarily, an investigation of the House. We may be having an investigation of the Senate.

The fact is, we have a good precedent for this. This was a Joint Committee on the Organization of Congress, H. Con. Res. 192, in the 102nd, and it looked at everything. It didn't just look at one specific thing. So there is precedent for it.

More important is the separation of powers issue. What we are saying to the American public is we do not have the power to control our own body and that we have to ask the Justice Department to come in and do it. If there is a criminal violation, they certainly ought to be involved in that, but we do not know that yet.

First of all, these are the rules of the Senate. They are not law. We are asking them to investigate the rules of the Senate, not a law; therefore, we are giving power to the executive branch, we are asking the executive branch to come in. My great worry—there is no question, Senator BOXER's amendment will do this. It will get an investigation, if they will come and do it—there is no way we can force them to come and do it—and we will get to the bottom of it.

But I am worried about the integrity of the body, saying to the American public that we cannot police ourselves; we cannot do it; we do not want to take the heavy lifting it is going to take. And I do not believe a four-by-four panel of two Democratic Senators, two Republican Senators, two Democratic Congressmen, and two Republican Congressmen—and this committee has the right to not do any of this in public if they do not want to. The committee totally gets to do this. Nobody wants a circus. I am even reticent that I am actually here making this point. I think it is a pox on our body that this happened, but I think it needs to be addressed.

My hope is that people will not take a partisan viewpoint on how they vote. My hope is they will think about the institution of Congress, they will think about the separation of powers, they will think about the difference between laws and rules of the Senate and rules of the Congress. Then, if a referral needs to be made to the Justice Department, we would do that, but that would most appropriately come from our Ethics Committees, not from this

committee—after a referral from this committee to the Ethics Committee.

The chair of the Ethics Committee cannot say whether they are looking at this right now. They may be. They may not be. We do not know. The Justice Department cannot say whether they are or not. So we do not know what is happening.

The point is, something needs to happen. I worry that when we tell the American public we are not capable of looking into our own dysfunction, that, in fact, what it says is that we give up power to the Justice Department to look at how we enroll bills and whether we violated the rules under how we do it. I have a real concern with that. I have tremendous concern with that, especially since we made such a large issue of separation of powers in this Congress.

I will make one other point, and it is not to demean the Senator from California. If this were important to the committee, why was your amendment not part of the committee mark? If, in fact, the committee was enraged over this, why was this not a part of the original committee mark?

Mrs. BOXER. Is that a question to me?

Mr. COBURN. Why have we not addressed this in the original committee mark or the substitute? We corrected it—and I said, while the Senator was out, I was thankful that the problem was corrected. But the issue of how it got changed is not in the committee mark.

This amendment, this second-degree amendment, comes on the fact that we are trying to offer what I think is a cogent way that has precedent in both the House and Senate for solving this. That is probably just an oversight because I know the Senator cares deeply about this. I know she was upset about it. With everything they had to do to bring this bill to the floor as quickly as they did, that is probably what happened. But the fact is, we are at this point. If the body wants the Justice Department—if we want to give up that power to the Justice Department, the body will vote that, and that is fine.

The last point I will make, and I will not continue on a lot further, is this does not force the House to do anything. Let me tell you why. This bill will go to a conference committee, I believe, of which Chairman BOXER will be the head, and all the House has to say is: We disagree with this; we do not want to do this; we do not want to have a committee look into this. The House has that option, and if it does not agree to it, it will not come out of the conference committee and we will not do anything on it.

The same is true of her amendment in terms of the Department of Justice. But it is important for the American people to know whether something happens on it and whether we do it in a way that emboldens and strengthens the institution of Congress or weakens it.

AMENDMENT NO. 4540 TO AMENDMENT NO. 4539

Before I yield the floor, I have a second-degree amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4540 to amendment No. 4539.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Conference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, \$10,000,000 was allocated for “Widening and Improvements for I-75 in Collier and Lee County”.

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, \$10,000,000 was allocated for “Coconut Rd. interchange I-75/ Lee County”.

(3) A December 3, 2007, article in the Naples Daily News noted, “Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: ‘Coconut Rd. interchange I-75/Lee County.’”

(4) Page 824 of Riddick's Senate Procedure notes that “Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made.”

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of \$10,000,000 to the “Coconut Rd. interchange I-75/Lee County” calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the “Committee”).

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 2, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

Mr. COBURN. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, let me just say to my friend, I am the chair of the Environment and Public Works Committee. I am not the chair of the Judiciary Committee. I just want to say for the record, in defense of my committee members all, that we fixed this problem in this bill. We fixed the problem in the bill. Do I support the Justice Department going after the evildoers and putting them in jail? You bet I do. But—I hate to say it—in Environment and Public Works, that is not our role. I support what the Senator is trying to do here. So let's get that clear.

On page 86, here it is fixed, in section 110. I want to make that clear, that our committee did the right thing and fixed this problem.

My friend is right, there was a committee to look at the rules. But if all he is doing is looking at rules—and I know he is not—then what is the point? I want to look at what happened. My friend himself talked about fraud. The fact is, we better get to the bottom of this, and all this committee is going to do is look at rules. Frankly, I don't think it is doing much. I would much rather put people in jail. The proper way to do that is to call on the Justice Department to look at these crimes be-

cause, to me, it is the crimes that concern me. I think what they did, on the face of it, going in the dead of night, is certainly not allowed in our rules—at least my interpretation of the rules. That, to me, is not.

I tell you right now, in our committee we are pretty tough on this. We are not allowing people to change things.

Everything that is in this technical corrections bill—and that is why Senator DEMINT praised us—is on the Web site for all to see. We believe in transparency.

What this is about is getting to the bottom of allegations of serious crimes—bribery. Bribery. That is why I do believe at the end of the day let's keep politics out of this issue.

I can tell you right now, the Senators who get on this committee are going to have the flashbulbs going off in their faces, they are going to make a big to-do about this, and they are not going to talk about rules, they are going to talk about crimes. The sad thing is, even if they got to the bottom of it, at the end of the day the committee cannot put anybody in jail. The Justice Department can.

The speech and debate clause is really clear. I know my colleague in the chair is a very prominent attorney. If you look at section 6, article I, it clearly says:

... for any Speech or Debate in either House, they shall not be questioned in any other Place.

So our attorneys are saying the way this is set up, A, you have politics in it; B, you have a constitutional problem, probably; and C, it is a lot of hoopla, a lot of cameras, and at the end of the day we want to put people in jail. That is what we are talking about, really, at the end of the day.

Looking at the Senator's own document on page 5, he says the committee shall share its findings, share its documents, share its information, and so on, with various groups.

I just believe to be tough you have to get the Justice Department involved. When there is a knock on the door from the Justice Department, you will get to the bottom of this. That is what the Boxer amendment does.

I hope people who really want to be tough will do the tough thing, not set up some committee that is going to give Senators and House Members a chance to make political points, and the public will look at us and say this is just a great big show, but really get to the bottom of it and get the Justice Department into this now. There are reports that they are looking at some issues, but there is nothing to say that they are looking at this particular problem.

That is what I have to say. My friend is right to bring this up. I am glad. When the press said: What do you think? I said: Good for him for bringing this up. I am sorry we were not able to agree on the right approach, but I feel very good about the approach I have

come up with here. I look forward to our colleagues voting on this at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I will just make one comment.

First of all, the chair of the EPW Committee is very gracious. I appreciate her words, and I intended no disrespect for her in terms of her effort. I know she supports this effort to get to the bottom of it. But I would make a correction. We only say we should share with three people: the appropriate law authorities and the appropriate ethics committees of both the House and the Senate.

We did not envision a show. I would envision that the people who might be on this committee would take this very seriously; that, in fact, it probably would not be open hearings but, rather, closed, and that, in fact, we would get to the bottom of the problem.

But either way we get to the bottom of the problem, I am happy we are going to get there. I think it is important that we get there. As I outlined, I think the integrity of what we pass, no matter how we get there, as long as we can ensure the integrity, I will be satisfied we have done that. I am not sure we will get that.

The final point I would make is we will be setting a precedent. Let us not forget, we will be setting a precedent that the Congress says the Justice Department should investigate us. That is a big precedent. That is a big precedent. I am not a lawyer. I do not know if it has happened before, but I do not like that precedent. I don't like it at all. Because I think the integrity of this body is far greater than that. I think Members of this body are far above that, that we do not need the Justice Department to investigate us. I think we can investigate ourselves and we need to demonstrate to the American public that we do have the will and courage to do the disciplined thing and do the right thing and to solve the problem.

Then if a referral is needed to the Justice Department, we should give it. But I have great qualms, great worries about ceding to the Justice Department the power to investigate us. My own personal experience is, we do not know where they will go. We do not know that they will stick on us. The point is, this is a big precedent I would worry about setting.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, if I might respond to my friend, No. 1, we do not cede a thing. We do not give up anything. As a matter of fact, we stay consistent with applicable standards and procedures, and this cannot be a fishing expedition. We say the Department of Justice shall review allegations of impropriety regarding item 462 in section 193(4)(C) of Public Law 109-

59, to ascertain if a violation of Federal criminal law has occurred.

The question is, to me: Will the people or persons who did something wrong be punished? At the end of the day, that is what I am about. I am not about big committee hearings and special committees and the rest. Listen, I am not about that. I am about: We have a lot of work to do for the American people. My friend used words—"fraud," he said. He said "fraud." He already used it. And in his own resolution he says: If they find that there was such fraud, which he already thinks there was—which, by the way, I think it was worse than that, but that is what I think from what I know.

There needs to be proof here. I do not mean to leap ahead too far. He says he is going to refer it to the proper law enforcement. Why can't I say: Well, that is a bad precedent. I do not get it. The difference between what the Senator is doing and what I am doing is I am saying: It looks bad, as if there were a crime committed; we are not sure. Let's get right to the heart of it, and let's go after it.

Here, what my friend is doing, he says: Before we tell them to look at it, we are going to have these hearings. By the way, in his own words, he is going to put the findings on the Internet, he is going to publish them. I have been around here long enough to know what a circus is. I have been involved in a lot of investigations on a lot of committees, and what I want is justice done. I do not want political theatre. I want justice done. I will tell you why. When justice is done and someone goes to jail—we have seen a few people from the other side walk off to jail—that sends the best possible message.

I do not think it ought to be delayed by hearings. Sometimes what happens is, it holds up a Justice Department investigation when there are public hearings going on. I have been in that circumstance too. So I say, here we have two options. One sets up this elaborate committee, and the other one says: Let's get to the heart of this, go after these bad actors, put them in jail. I think that is the better way to go.

I guess I have said it a hundred ways to Sunday. I would stand on those remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I certainly appreciate hearing the debate on the amendments of the technical corrections of the highway bill.

I want to take a little detour for a moment. I ask unanimous consent to speak as in morning business.

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

NIGERIAN DETAINING

Mr. TESTER. Madam President, I rise to speak on a matter that has been of great concern this week to not only the Governor of the State of Montana and Senator BAUCUS, but to my colleagues from the State of Washington, Senator CANTWELL and Senator MURRAY.

Four Americans were detained last weekend in Nigeria. They have been held in Nigeria until today. Today they were released. It is an enormous relief to all of us and particularly to those families, that Sandy Cioffi, Tammi Sims, Clifford Worsham, and Sean Porter will soon be reunited with their loved ones.

Nigeria's State Security Service has been overseeing their custody since Saturday afternoon, more than 100 hours. They were charged with no crime. They were in the country legally. They did nothing wrong. So we worked closely to try to get these folks released, and it did happen. It is particularly of importance to me because one of the people who was detained is a lady by the name of Tammi Sims. Tammi is from Joplin, MT, which is a stone's throw away from my hometown. I have been in regular contact with her family since last weekend, and they have been worried sick. But now we have reason for hope. We will not be celebrating, however, until Tammi is reunited and the others are reunited with their families here in the United States. We will continue to keep our fingers crossed, and Sharla and I will continue to pray for Tammi and the rest of the group until they are back here on American soil.

I do, however, want to take a minute to thank the consular affairs section of the U.S. Embassy in Nigeria, who were so very helpful in getting information about these individuals back to my office and to the families of those folks. I also thank the dedicated Foreign Service officers of the State Department. They do this kind of work all over the world, probably every day, but it is not until one of your own is in need of assistance that you appreciate their work, and I do.

I also thank some of my other colleagues, including Senator FEINGOLD, Senator BROWN, who also expressed support for these folks. I thank them for that. This is a good day, and hopefully those folks will be back in their home country very soon with their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

CONGRATULATING DOVER AIR FORCE BASE

Mr. CARPER. While we are talking as in morning business, I wish to continue the detour, although I may take a little different direction.

As the Chair and my colleague from Montana probably know, each year our military bases in this country go through a competition in which Air Force bases are evaluated against other Air Force bases, and naval installations against other naval installations, Marine Corps against others, Army installations against other Army installations.

For 23 years or so the Air Force has been comparing their bases in a friendly competition called the Commander in Chief's Installation Excellence Award. During that period of time, it is my understanding that no mobility command, no airlift base, if you will,

such as Dover, has ever been honored as the best of the best.

Yesterday I was visited here on Capitol Hill by COL Steve Harrison, who is the active-duty wing commander for the Dover Air Force Base, and he gave me this letter announcing the good news, that Dover Air Force Base has been selected for this high honor.

As an old naval flight officer, I remember often my squadrons on the naval bases where I was located participating in ORI exercises, operational readiness exercises. This is not an ORI. This is a competition which digs in deep and looks at things other than how well you fly your airplanes and meet your readiness requirements and meet your mission, although that is part of it.

This is a competition that also involves how you care for your people; what kind of workspaces do you provide for the folks who are on your bases, the uniformed, nonuniformed personnel? How do you look out for the families of those military personnel? How well do you think outside the box in trying to address the problems and challenges you face? What kind of commitment do you have to innovation in the delivery of the service you provide to support our military forces?

There are over 100 Air Force installations throughout this country. To have been chosen as the one that is believed to be most worthy of receiving this award this year is a matter of great pride, not only for the men and women who wear the uniform at the base, not only for the civilians who work there, and for the families, not only for the Air Force retirees in our State—and there are a lot of them who served at Dover Air Force Base—not only for the folks who live in Dover, the civilian population in central Delaware, this is a matter of pride for all of Delaware.

We have one active-duty installation, actually active duty and a reserve wing at Dover Air Force Base. We have an Air Guard installation up north in our State that we are very proud of. They fly C-130s. But this one, Dover Air Force Base, is very special to the people in our State. They fly C-5 aircraft, which are among the largest aircraft in the world. To be from a little State, and to be the home of one of the biggest aircraft in the world, gives us bragging rights that little States do not often get.

We have C-5B aircraft, about 18 of those at our base. We are getting a new squadron, a squadron of brand new C-17 aircraft that will complement our C-5s. The C-5s will be modernized in the years to come.

Dover Air Force Base has not only wonderful people, a terrific tradition and reputation, but will also have the new C-17s and maybe the first modernized C-5s. We will be ready to go to work and do our job.

Among the things pointed out in the recognition of Dover Air Force Base is

that they have secured, I think in the last year or so, October 1, last fiscal year, October 1, 2006 through September 30, 2007, among other things, they have secured some roughly \$50 million in milcon projects. I hope our delegation, Senator BIDEN, Congressman CASTLE and I, was helpful in that process. We are grateful to our colleagues for the support of that funding.

During that period of time, we opened a brand new air freight terminal that cost, over several years, about \$77.5 million. The efficiencies that will flow from that new cargo-handling facility will actually pay for that facility within 2 years. Now, whenever companies are looking for a way of a return on investment, the idea that you can get a return on investment in 5 years or maybe even 10 years is not deemed very bad. We will realize a return on this investment for our new cargo-handling facility, our air freight terminal, within 2 years of bringing it on line.

What we have done at the base in terms of privatizing the housing and providing enlisted and officer personnel with better housing for themselves and their families is something we greatly appreciate. Also, in the Air Force, they conduct roughly every 400 or so days an inspection called an isochronal inspection. The isochronal inspections that are now being provided for C-5 aircraft take place not only for the air mobility command C-5S but for those that are in the Air Reserve components and the C-5s that are part of the Air National Guards are all done at Dover Air Force Base.

The good news is not only are they done at Dover, because they are done at the Air Force base with people who know how to do this work, trained to do it, they are able to greatly reduce the amount of time it takes to produce the isochronal inspection—not to diminish the quality, the thoroughness of that inspection, but to reduce the time. Since time is money, we are saving some money there for the taxpayers.

Dover Air Force Base provides over one-quarter of all the Department of Defense airlift requirements. They have for some time. With the new cargo-handling facility coming on line, we expect to see that number go up. I understand in the last year or so, the last fiscal year, they completed more than 20 antiterrorism and force protection initiatives.

So to the team at Dover Air Force base that very much is a team, the active-duty wing, the Reserve wing, which works seamlessly together in providing airlift capabilities for our country and around the world, this old naval flight officer salutes you on a job well done. On behalf of every single Delawarean, congratulations and God bless. Keep up the great work.

Mr. BIDEN. Madam President, yesterday, the Secretary of Defense announced the 2008 Commander in Chief's Awards for Installation Excellence.

These awards honor the best installation for each service. For the first time in the 23-year history of the award, the Air Force winner is a mobility base, Dover Air Force Base. Out of 117 Air Force installations, Dover AFB was chosen as the absolute best.

I cannot say that I was surprised. I believe they won because of the tradition of excellence imbued in each man and woman working at Dover.

It started in 1941, when the 112th Observation Squadron of the Ohio National Guard arrived to set up antisubmarine operations at the new Dover airfield. That mission and the others that helped America and her allies win World War II began an enduring tradition of excellence. In 1948, the airfield was officially named Dover Air Force Base and the Nation moved into its Cold War posture. Some may not know this, but for 7 years, 1951-1958, Dover was home to fighter squadrons defending American airspace.

In 1955, one of Dover's best known missions came to the base, the Aerial Port Mortuary. For over 70 years, the Dover team has given fallen Americans an honorable and compassionate homecoming. While it is only one mission on the base, every generation of air men and women stationed at Dover has taken pride in honoring America's heroes and ensuring the grace and dignity of their return to our Nation and their families.

By the late 1950s, Dover was transformed into a mobility base, under the Military Air Transport Service, which became Military Airlift Command, and eventually became Air Mobility Command. Since 1973, Dover has been home to America's largest military transport aircraft, the C-5. Just last year, the Nation's second largest military transport aircraft, the C-17, was added to the base. As home to the Nation's great airlifters, Dover has always been busy—supporting American forces in every military engagement from Vietnam to Grenada to Panama to the first gulf war to the Balkans to Afghanistan and Iraq; supporting our Israeli allies with critical supplies during the Yom Kippur War; evacuating Americans from Iran in 1978; assisting with clean-up from the devastating Exxon Valdez oil spill; assisting Central American nations, Turkey, and Taiwan that have experienced devastating earthquakes; providing humanitarian aid around the globe after major natural disasters; and supporting Presidential travel around the world. This dual mission, to provide lethal force and vital humanitarian aid, makes Dover critical to America's use of both hard and soft power and has made it all the more important that every generation serving at Dover carry on the tradition of excellence.

This year, Dover's tradition of excellence and the entire Dover team have been recognized with the Commander in Chief's Award. What does it mean to be the best base in the Air Force? It means that the entire Dover team has

found innovative ways to make the absolute most of the resources they have. They have not only saved the taxpayers money, they have also given the warfighter more capability.

They have also been unstinting in giving back to the local community and the larger Delaware community. The Dover team is not just the air men and women serving on the base. It is also their families, civilians working on base, the businesses that support base operations and life, the State and local government that support base needs, and the entire Delaware military community working together to give the State and the Nation the very best.

Let me give you some examples from the seven categories that were considered in the competition. Keep in mind that all of these accomplishments occurred in 1 year. They were only possible because the people at Dover, despite full-time, 365/24/7 operations in support of Iraq and Afghanistan, constantly challenged themselves to do more and to do it better.

First, improvements to the infrastructure of the base and the working environment were considered.

Dover opened a state-of-the-art, \$77.5 million Air Freight Terminal that increased cargo capacity and efficiency through Dover by 50 percent. The base also invested \$53 million in a major runway improvement project and another \$3.5 million to repair 183,000 square feet of taxiway, improving both the efficiency and safety of airfield operations. After a close analysis of their budget, the Dover team found \$32 million to use for base improvements, including a \$5 million renovation of a squadron operations building, C-5 recapitalization, and projects needed for the C-17 squadron setup. Thoughtful planning allowed Dover to keep the bed down of a new C-17 squadron on schedule because base personnel proactively made \$780,000 necessary basic infrastructure improvements. In addition, they installed solar lights on the runways and reinforced the taxiway so that C-17 aircrews could do navigation training and combat off-load training.

Dover also improved security operations by installing over 450 removable bollards on the base, including some at the gate in a "Lazy S" curve to prevent reverse entry threats. The bollard installation reduced the force protection squadron's time spent on contracting by 50 percent, freeing them for security missions. Security was further enhanced by the installation of a \$450,000 crash-rated airfield gate, U.S. Transportation Command's No. 1 priority for force protection, and by the use of radiological detection equipment to screen over 91,000 trucks in 1 year alone. This valuable equipment, valued at \$150,000, was obtained by base personnel at no cost. In addition, by renovating the Security Forces firing range at a cost of \$4.8 million, the base was able to increase the range's capacity by 15 percent and save 1,000 manhours per year.

Second, improvements to the quality of life on the base were considered.

Dover has pioneered Air Mobility Command's privatization effort for base housing. Dover built 240 homes in 2007 and was named the 2007 Outstanding Housing Installation Team-Privatized Location for the Air Force. The \$250 million housing project is the benchmark for the command and will ultimately increase the housing standards for 980 families when complete in 2009. Dover's Services Squadron was recognized as Air Mobility Command's 2007 Youth Program of the Year and the Outdoor Recreation Program earned the Air Force's 5-Star Program Award. Quality of life for airmen was further enhanced by finalizing the design of a \$13 million, 144-room dormitory that exceeds command standards and will be a model for other bases.

Keeping the Dover team, including families, healthy is critical to a high quality of life. Dover is the only base in the command with 100 percent of its pharmacy technicians nationally certified. In addition, the base was first in the command and third in the Air Force for flu immunization rates, at over 99 percent.

Third, efforts to enhance the productivity of the workforce were considered.

Dover has taken the lead role in reducing the time needed for Isochronal, ISO, inspections and, as a result, was made the regional center for all east coast C-5 Isochronal inspections in July of 2007. This is the first such regional facility in the Air Force. Historically, an ISO inspection took up to 38 days to complete. The 436th Maintenance Team reviewed the entire process to increase velocity while maintaining quality. This led the team to one record-breaking effort in which an ISO inspection was completed in only 13.2 days. These initiatives were also a key reason the 436th Maintenance Squadron won the 2006 Air Force Maintenance Effectiveness Award.

In order to reduce the time planes are on the ground, the 436th Maintenance Squadron did a complete review of how they maintained ground equipment. As a result, they were able to reduce the steps each mechanic takes from 763 to 73, saving 29.7 minutes per inspection, while reducing wait time by 34 minutes. They also saved 63.7 minutes per inspection or 26.54 manhours per year and vacated 17,660 square feet of floor space to be designated for other use. The cellular work design they came up with is considered the benchmark for such designs in the command and is a model of how the Air Force Smart Operations for the 21st century initiative and use of Lean Six Sigma, a process improvement approach first used in the private sector, can make better use of existing resources.

The Dover Operations Group improved throughput for aircraft by creating the only C-5 one-stop/jet-side service system in the Air Force. The

Required Flight Manual, Flight Information Publications, weapons and tools needed by an aircrew for a mission are delivered directly to the aircraft. This reduces travel time by 20 minutes, allowing a 12-percent reduction in the C-5 launch sequence and providing more duty days for the crews to complete their missions.

Dover was able to reduce the amount of time needed to overhaul and rebuild C-5 jet engines, TF39, by 12 days, going from 75 to 63 days. The process improvement also allowed two production crews to be reassigned to other sections, regained five critical manning positions, and saved 36 manpower positions and \$3.8 million in operating costs. On the whole, by reducing wasted motion for support equipment and tools, the 436th Maintenance Group has saved 73.3 annual man-days and expedited engine repairs so that they are done 5 days faster than the original standard and freeing 1,944 square feet of floor space for other work.

Another key initiative was the effort to ensure that Basic Post Flight inspections be done within 10 hours of mission completion. This initiative was begun in 2005 by the Dover Maintenance Group Commander and brought completion time down to 6 hours, a 40-percent improvement. The complete process review improved Home Station Logistics Reliability rate by 40 percent and overtime man hours were reduced by 75 percent. Overall, this means the team saved 23,000 labor-hours and \$1.168 million. The mission benefits included the following: a reduced number of tail swaps, increased number of aircraft ready for flight, reduced number of late take-offs, and dramatically improved efficiency in the launch sequence of events.

The Dover team also ensured a seamless transition for the new C-17 squadron, ensuring that Dover's first C-17 was able to fly its first combat mission within 36 days of arrival. In the squadron's first month, they had a 100-percent on-time departure rate and a 99-percent mission capable rate.

In addition, once investigators were done with the 2007 C-5 crash scene, Dover personnel took the initiative to save and recover parts. Their efforts ensured that 127 parts were recovered, inspected, and restocked into the Air Force supply system, saving \$7 million.

Fourth, increases in customer satisfaction or improvements in customer service were considered.

Today, Dover's key mission, or customer service, is to support operations in Iraq and Afghanistan. Twenty-seven percent of the entire Department of Defense airlift requirement last year went from Dover. The 3rd and 9th Airlift Squadrons flew more than 8,000 hours, with more than 2,000 combat hours and 460 combat missions. The two squadrons combined airlifted 59.4 million pounds of cargo and more than 12,000 passengers.

Dover is the second busiest en route airfield in the Department of Defense.

It supported 3,000 en route missions in 2007 with a 95-percent departure reliability rate.

In addition, Dover assisted America's diplomatic efforts and the State Department by supporting foreign military sales to 32 countries, handling 85 missions and 950 tons of cargo.

The Dover team also made sure that it provided the best possible services to military personnel and their families on base. Access to mental health care was increased by 35 percent, despite a 40-percent decrease in manning. This exceeded the command's goal for access by 20 percent. In order to keep basic operations functioning, the Communications Squadron answered 99 percent of their 2,700 assistance requests within 2 days. That is 4 percent better than the Air Force standard.

In an effort to improve safety and provide instantaneous responses to emergencies with existing resources, the Civil Engineer Fire Department teamed with the Medical Group to provide 24/7 ambulance service. The Medical Group Airmen who provide ambulance response are now co-located at the emergency call center at the base Fire Department.

Fifth, efforts to encourage bottom-to-top communication and team problem solving were considered.

Dover has been a true leader in implementing Air Force Smart Operations for the 21st century. The key to the success of this initiative to make operations more streamlined and "lean" has been clear communication and a team approach. In recognition of this excellence, Dover has hosted numerous training sessions for units from five major commands, Air Force senior leaders, and for the Royal Air Force. Dover instructors have trained 4,200 students in Basic Lean Awareness including a program at the First Term Airmen Center.

Dover is the first base in the command to have two fully qualified level-2 facilitators. These facilitators certified seven level-1 facilitators and trained another 20 level-1 students. They have successfully made operations more efficient in over 50 areas in just 1 year. In addition, Dover's trainers ensured that 210 future Ramstein Air Force Base and Charleston Air Force Base facilitators understood the basics of lean initiatives. These efforts won the Dover team praise from the Logistics Director at Air Mobility Command Headquarters.

Sixth, the promotion of unit cohesiveness and the recognition of outstanding individual effort was considered.

The Dover team won two Department of Defense, one Secretary of the Air Force, 12 Air Force, and 93 Air Mobility Command Awards in 2006. In addition, they won the 2007 U.S. Small Business Administration Award for the State of Delaware. One critical example of why these awards were won is in antiterrorism, where they won command honors for the ninth consecutive year for best

antiterrorism and force protection programs. Dover was able to obtain \$1.2 million in Combating Terrorism Readiness Initiative Funds that it used to resolve installation vulnerabilities, resulting in winning the Department of Defense's Best Antiterrorism Operational Unit in 2006 and the Department of Defense's Best Antiterrorism Program Manager Awards for 2007. The Dover team won these awards by completing over 20 antiterrorism and force protection initiatives that created a hard target security signature. These efforts paid off by deterring Fort Dix terrorists from attacking Dover AFB. This event permeated Air Force culture and is commonly referred to as the "Dover Effect."

Seventh, the promotion of energy conservation and environmental safety, including compliance, remediation, and stewardship, was considered.

The maintenance squadron at Dover was able to dramatically improve the process for cleaning ground equipment while also making it more environmentally sound. Formerly all ground equipment had to be moved to a separate wash facility primarily used for aircraft. Through careful research, a completely self-contained wash system with zero environmental impact was selected, designed, and installed in the ground equipment facility. This decreased travel time from 190 hours to 12 hours a year, a 94-percent savings. This increased the capability and availability for ground equipment, alleviated contractual issues that had arisen with the old cleaning system, and reduced the chance for aircraft delays. The new process is environmentally friendly and captures, filters, and recycles all waste water.

Dover also received the 2006 Secretary of Defense Environmental Restoration Award for Best Environmental Restoration Program for its restoration of natural resources used to support the base's warfighting mission. Dover reached the Defense Department's environmental goals 4 to 8 years ahead of schedule. Activities at Dover Air Force Base which earned this award include, but are not limited to: obtaining regulator signatures on six Records of Decision for 39 sites in 6 months; achieving Response Complete status at 27 of Dover's 59 sites; opening up 54 acres of formerly restricted land for use in supporting the base's mission; and completing Remedial Designs and Work Plans for 17 sites in only 3 months.

In addition, Dover won the 2006 Air Force General Thomas D. White Environmental Award which recognizes the efforts of installations and individuals to improve environmental quality, restoration, pollution prevention, recycling, and conservation of natural and cultural resources. Dover is 6 years ahead of schedule in its environmental remediation program.

These are the areas that the selection committee looked at when it decided which base was the best in the

Air Force this past year. It is obvious that in every area, the Dover team took seriously the challenge to improve base operations and the quality of life wherever possible. From the smallest process improvements to the largest investments in critical infrastructure, Dover personnel found ways to do more. The result is not just that they upheld the base's long tradition of excellence, they surpassed it. In so doing, they have truly given our Nation their best and have made me and every Delawarean proud. We have always known Dover is the best in the Air Force. It is time the rest of the Nation knew about your excellence.

Congratulations, Dover Air Force Base!

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SALAZAR. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

FIREFIGHTERS KILLED IN COLORADO

Mr. SALAZAR. I come to speak in regard to three firefighters killed in the State of Colorado in the last day and a half. These three firefighters are part of the legion of first responders who make sure they are keeping us safe day in and day out. In Colorado, in the last day we have had three significant fires that have broken out: one in Crowley County, one in El Paso County in Fort Carson, and a third in Garfield and Pitkin Counties in Carbondale.

The fire in Crowley County, we had two volunteer firefighters who gave their lives fighting that fire. They are John Schwartz and Terry DeVore. To them, their families, we appreciate their sacrifice, serving as first responders often do, putting their lives on the line to make sure communities are protected.

In the case of Gert Marais, who was fighting the fire at Fort Carson and whose plane crashed while he was fighting the fire, to his family we also send our condolences and appreciation.

These are unusual fires for us in Colorado. Usually we get to fire season during the dry times of July and August, September and October. This year in particular we have had moisture that is on average about 200 percent over a normal year in all of our southern river basins, which is seemingly unprecedented. But the fires have been driven by high winds, and the damage has been significant.

In Ordway in Crowley County, a rural and remote part of our State, much of the town of Ordway has been devastated; 1,100 people who live in the town had to be evacuated because of the fire. I have been in Crowley County and Ordway many times in my public

life. It is one of those counties in Colorado which is part of that forgotten America. It is rural and very remote. Thousands upon thousands of acres of land within Crowley County have been dried up as the water that irrigated those fields has been taken to so-called higher economic uses of the city, the cities of Pueblo, and Colorado Springs, and the Denver metropolitan area.

It is this fire that caused extensive damage to the town of Ordway and has also created the devastation.

I am certain the 1,100 citizens of Ordway, as devastated as they are in the aftermath of the fire, are also very rich and powerful in spirit. With that power of spirit, they will rebuild the town and the community. I will be there, along with my colleagues, to do everything we can to help them rebuild.

I appreciate the efforts of Governor Ritter and the Federal agencies that have been so responsive to the issues created by these fires in Colorado.

VISIT OF POPE BENEDICT

I also rise to speak concerning the Pope's visit to America. This morning, along with many of my colleagues in the Senate, I participated in greeting the Pope upon his arrival at the White House with President and Mrs. Bush.

It is a momentous occasion for all of us who come from a Roman Catholic tradition to have Pope Benedict visit America. It is our hope that as he comes to Washington and then goes to New York and visits Ground Zero and also addresses the United Nations, one of the things the Pope will do is to talk about what he is here to do, and that is to talk about how it is that we are one global community. As we deal with the issues that confront our world today, whether they relate to terrorism or poverty, disease or the issue of global climate change, at the end of the day it is important to recognize that the hope and optimism of humanity is bound up in how we work together as one people. It is a message of hope and optimism.

We have looked forward to his visit to America and to the inspiration that he will give to 300 million Americans, as well as the over 50 million Catholics we have in the United States.

Some years ago, in 1993 and 1994, we prepared for and held World Youth Day where Pope John Paul II came to the United States and visited many of us in Colorado. He had a mass at Cherry Creek State Park which was attended by over 500,000 young Americans from throughout the United States as well as the world. It was a celebration of World Youth Day in Denver. It was characterized as one of the most peaceful gatherings of a crowd that size in the history of the State, a crowd that size, in terms of the peacefulness of it, probably in the United States. It left a legacy not only in Colorado but across the United States and the world about the hope and optimism that we see in America and in the world, so much of it through the eyes of our young people.

Today, for me, as I greeted the Pope in Washington, DC, at the White House, I was reminded about the hope and optimism which is part of the legacy John Paul II left when he came to visit in Colorado now some 15 years ago.

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.

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

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

Mrs. BOXER. Mr. President, the majority leader will be coming out shortly to let Members know what is happening. But I can tell everybody that this bill is being slow walked. This is a simple bill. This is a mini-economic stimulus bill. It would release \$1 billion of highway trust fund moneys to build roads, to fix bridges, to run transit systems, and it got caught up in Presidential politics, investigations—everything you can think of—while the people wonder what we are doing.

This bill, simple as it is, would create about 50,000 new jobs at a time when we know—it is worse than a middle-class squeeze. It is really a middle-class struggle that is going on, and people are worried. They are worried about their homes, they are worried about everything, and this bill will create jobs.

So what we have is a classical slowdown, with Presidential politics being involved dealing with the gas tax that funds the highway trust fund. That is fine, but just let everybody know from where it is coming. The only amendments to this bill—the only amendments—come from the Republican side. I offered one as a side-by-side to Senator COBURN's, which I think is a good amendment. My amendment will not bring down this bill. Others will.

Here is where we are. We have a simple bill. It passed a year ago in the House. It passed, I believe it was June of 2007, under the leadership of Senator INHOFE. Actually, it was under my leadership but with the work of Senator INHOFE, both of us working together, bipartisan, bicameral.

I want to show you, Mr. President, who is strongly supporting this bill: the American Association of Highway and Transportation Officials, that is departments of transportation officials of all 50 States; the American Highway Users Alliance, millions of highway users throughout the country; the American Public Transit Association, transit systems from across the country; the American Road and Transportation Builders Associations, more than 5,000 members of the transportation construction industry; Associated General Contractors, more than 32,000 contractors, service providers, and suppliers; the Council of University Transportation Centers, more than

30 university transportation centers from across the country; the National Stone, Sand and Gravel Association, companies producing more than 92 percent of crushed stone and 75 percent of sand and gravel used in the U.S. annually; the National Asphalt and Pavement Association, more than 1,100 companies that produce and pave with asphalt.

These are real people who are willing, ready, and able to build and rebuild our infrastructure, to build and rebuild our transit systems. This bill is a no brainer. Instead, it is caught up in all of these negotiations right now. Whether we vote tonight or not, we are going to find out soon enough from Senator REID. But, Mr. President, let me say to my colleagues on both sides of the aisle, Senator INHOFE and I really wanted to get them a good bill. Senator INHOFE and I really wanted to get this work done quickly. We did all our homework. We put everybody's name on the Web site, so we complied with the new ethical rules. Senator DEMINT said he was very pleased with the standard we set for transparency.

These projects are ready to go. They are ready to go in Brooklyn, they are ready to go in Manhattan, they are ready to go in San Francisco, they are ready to go in Atlanta, and they are ready to go in Oklahoma. They are ready to go in every State of the Union. I say to all these good people who told us how much they want this bill to move: Please contact the Republican leadership and tell them to play Presidential politics another day with amendments that are not germane, with amendments that don't belong on this bill. Today pass this legislation.

There is too much talk around here and not enough action. We passed a stimulus bill. We did it in a bipartisan way, but we all know there is more to be done. This little bill will create tens of thousands of good-paying jobs in America, doing something that has to be done. But, no, we cannot finish it. We had one vote so far on an amendment by Senator DEMINT. We defeated it, which was important because it was a killer amendment. It says to me people want this bill.

This is the status. We are waiting for some type of agreement. This whole thing is being slow walked. We look forward to hearing from the majority leader as to whether there will be any more votes this evening. But as far as this Senator is concerned—I know I speak for Senator INHOFE—we want to get this bill done. But people are slow walking this bill. We are going to do our best to see if we can get this logjam stopped. But at this point, we have not been able to do it.

Tens of thousands of jobs are in jeopardy, and 500 various transit projects already paid for are in jeopardy. What a shame we cannot go forward. What a shame we are in another slowdown by my friends from the other side of the aisle. It is very discouraging.

Again, as the eternal optimist, I will return to this place tonight, if we can

continue working, or tomorrow after we come in after we pay our respects to the Pope.

MORNING BUSINESS

The PRESIDING OFFICER. (Ms. CANTWELL). The Senator from California.

Mrs. BOXER. Madam 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.

Mr. BROWN. Madam President, I ask unanimous consent to speak up to only 5 minutes as in morning business.

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

TRADE POLICY

Mr. BROWN. Madam President, there has been a lot of controversy in the last couple of weeks about the President's sending the Colombia so-called free trade agreement to the House of Representatives. Under this unusual law, there is something called fast track procedure. Fast track procedure—this is a lot of inside baseball—changes the way we do business in the House and Senate. Trade law is the only issue that changes the way that we do business. On no other issue that comes in front of the House and Senate, except the budget, are there limits on amendments, are there limits on required up-or-down votes, timetables—all of that. The Senate rules do not apply on that legislation. It is the only time—in part because of who has written trade policy in this country in the last 20 years.

We have seen trade agreements that always look out for the interests of the drug industry, look out for the interests of the insurance industry, of banking interests, of energy interests. But we have not seen trade policy written in this country, negotiated by the President of the United States, the U.S. Trade Representative, that has shown any of the same concern for workers, for the environment, for food safety, for the safety of consumer products. That is why we have seen what happened with all the toys that came into this country from China. It should not have been a surprise to us that at Eastertime, that at Christmas, that at Halloween last year, that consumer products, especially toys for small children, came into this country that were dangerous. It should not have surprised us because it was somewhat inevitable because of the way we do trade policy in this country.

Professor Jeff Weidenheimer, a professor of chemistry at Ashland University, about 10 miles from where I grew up in north central Ohio, took his class to test children's toys last fall at Halloween and then did it again at Christmas and did it again at Easter. In case after case, they would go to a toy store