like the means used by the terrorists. But we will prevail. We will rebuild buildings at Ground Zero. We will rebuild the network—slowly, but surely—that protects us at home. We will rebuild the strength of America abroad to fight terrorism and adapt. And we will prevail. But we will also never forget, never forget those people, some of whom were friends of mine, a guy I played basketball with as a kid in high school, a firefighter from the neighborhood in which I was raised, a businessman, very successful, who helped me on my way up—we will never forget them, never. We will resolve that their memory will importune us to be better as individuals and as a nation.

Mr. DOMENICI. Madam President. I would like to take a few moments to remember the Americans who were killed in the terrorist attacks of September 11, 2001.

In the 6 years since terrorists carried out the September 11 attacks, our Nation has not forgotten the innocent Americans who were killed, one of whom was Al Marchand from Alamogordo, NM, a flight attendant on United Airlines flight 175 and one of the first casualties on this horrific day. Neither have we forgotten the heroic policemen and firefighters who lost their lives trying to save fellow Americans or our brave men and women in uniform who have served their country in the war on terror. I do not believe Americans will ever cease to remember the shock and sadness we all felt that day.

September 11 also serves as a reminder that there are many in this world who would harm us and that we must remain vigilant. In the last 6 years we have made great progress in making sure America is secure and I am proud of the contribution many of my fellow citizens from New Mexico have made to strengthen our defenses against terrorist attack. The men and women at Sandia and Los Alamos National Laboratories have worked hard to develop many of the technologies that now help us detect terrorist threats. Many members of the New Mexico National Guard have been deployed to Iraq, Afghanistan, and the global war on terror as well as many active duty members of the Armed Forces who are stationed in or are from New Mexico. All these service men and women are doing a fantastic job and we should not forget to thank them for their service and the scarifies they have made to keep us safe.

Although the Islamic extremists behind the attacks sought to break our will and erode our freedom, they were unsuccessful on both fronts. Our liberty is dearer to us now, and we are reminded of that each day, as our nation continues the war against terror that these terrorists began 6 years ago.

I hope New Mexicans will take a moment today to reflect on the tragedy of 9/11, the Americans who lost their lives and the loved ones they left behind and pay tribute to the individuals who serve and defend us today.

Mr. SMITH. Madam President, I rise today in remembrance of the 2,974 Americans who lost their lives on September 11, 2001. They were family, friends, and neighbors going about their everyday lives. They were airline passengers, office workers, emergency personnel, and public servants. They were men, women, and children of every age and color. Yet they were targeted all the same, as citizens of a nation upholding the principles of freedom and personal liberty. We did not invite this extreme act of violence, nor will we soon forget the heroes who gave their lives that day. My prayers are with their families and the survivors of this unprovoked, cold-blooded attack.

Many brave Americans fought back that Tuesday morning, and many others have continued the fight these last 6 years. The United States has not suffered another 9/11 because we have pursued al-Qaida on our terms, attacking them where they plan and train before they can reach us at home. Many Oregonians have paid the ultimate price to protect their friends, family and country. For them, America is eternally grateful.

September 11 exposed the vulnerability of free societies to acts of terrorism. In response, Congress acted to improve our intelligence gathering and law enforcement agencies. These improvements have protected this country from further attacks. Today, we are better prepared to face this ideological battle of the 21st century, but we must never become complacent.

As today's ceremonies commemorate those fallen in New York City, the Pentagon, and Pennsylvania, may we also remember those Americans on the battlefield fighting to protect us back at home. Their courage and dedication testifies to the endurance of free men against all adversaries. God bless liberty and all those devoted to its preservation.

RECESS

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

Thereupon, at 12:25 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENTS OF TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am going to shortly ask for unanimous consent in order to set up the next vote at 4 o'clock. I am waiting for the ranking member to return. He should be here shortly.

I see a Senator on the floor. If I could ask the Senator from Kentucky, does he wish to request time to speak?

Mr. BUNNING. Mr. President, I wish to speak, yes.

Mrs. MURRAY. Mr. President, I will yield for the Senator from Kentucky to speak for a few minutes, and then I will come back, and we will try to get unanimous consent, again, to set the vote at 4 o'clock.

I remind all Members of the Senate on both sides that the majority leader has asked us to finish this Transportation/Housing bill by tonight. We are going to be here late. Members do need to get their amendments to the floor, get them offered. We will work our way through them. But it is imperative we understand from everyone as soon as possible what business they need us to accomplish. Again, we expect to finish this bill by tonight.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I am dismayed at the lack of consideration given to Senator CORNYN's resolution on General Petraeus and the troops. I condemn the comments made by the Democrats concerning our commander in Iraq, General Petraeus. The vendetta against our military must stop.

It sickens me to hear the comments some Democrats are making against General Petraeus. By attacking his character and reputation, these Democrats are attacking all our men and women in the military. On behalf of all these proud men and women who sacrifice their lives every day for our Nation, I am here to say these actions and accusations have no place in public discourse.

Americans do not attack the character of those who risk their lives to protect us. The lies, deceit, and disinformation the Democratic propaganda machines are feeding to the American people must stop.

To suggest that our troops and General Petraeus are motivated by politics rather than patriotism and love of our country is wrong. It diminishes the sacrifice each of them makes and their families have made in Iraq, Afghanistan, and many other places around the world.

These attacks are made by some of the same people who voted on January 26—this year—to unanimously confirm General Petraeus.

At this time, Mr. President, I ask unanimous consent to have printed in the RECORD rollcall vote No. 33.

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

U.S. SENATE ROLL CALL VOTES 110TH CONGRESS—1ST SESSION

As compiled through Senate LIS by the Senate Bill Clerk under the direction of the Secretary of the Senate

VOTE SUMMARY

Question: On the Nomination (Confirmation Lt. Gen. David H. Petraeus, U.S. Army, to be General)

Vote Number: 33.

Required For Majority: ½.

Nomination Number: PN178.

Nomination Description: Lt. Gen. David H. Petraeus, in the Army, to be General.

Vote Counts: Yeas, 81; Nays, 0; Not Voting, 19.

Vote Date: January 26, 2007, 09:45 a.m.

Vote Result: Nomination Confirmed.

Alphabetical by Senator Name

Akaka (D–HI), Yea
Alexander (R–TN), Yea
Allard (R–CO), Yea
Baucus (D–MT), Yea
Bayh (D–IN), Yea
Bennett (R–UT), Yea
Biden (D–DE), Yea
Bingaman (D–NM), Yea
Bond (R–MO), Yea
Boxer (D–CA), Not Voting
Brown (D–OH), Yea
Brownback (R–KS), Yea
Bunning (R–KY), Yea
Burr (R–NC), Yea
Byrd (D–WV), Yea
Cantwell (D–WA), Not Voting
Cardin (D–MD), Yea
Carper (D–DE), Yea
Casey (D–PA), Yea
Chambliss (R–GA), Not Voting
Clinton (D–NY), Yea
Coburn (R–OK), Not Voting
Cochran (R–MS), Yea
Coleman (R–MN), Yea
Collins (R–ME), Yea
Conrad (D–ND), Yea
Corker (R–TN), Yea
Cornyn (R–TX), Yea
Craig (R–ID), Not Voting
Crapo (R–ID), Yea
DeMint (R–SC), Yea
Dodd (D–CT), Yea
Dole (R–NC), Yea
Domenici (R–NM), Yea
Dorgan (D–ND), Not Voting
Durbin (D–IL), Yea
Ensign (R–NV), Yea
Enzi (R–WY), Yea
Feingold (D–WI), Yea
Feinstein (D–CA), Yea
Graham (R–SC), Not Voting
Grassley (R–IA), Yea
Gregg (R–NH), Yea
Hagel (R–NE), Yea
Harkin (D–IA), Yea
Hatch (R–UT), Yea
Hutchison (R–TX), Yea
Inhofe (R–OK), Yea
Inouye (D–HI), Not Voting
Isakson (R–GA), Yea
Johnson (D–SD), Not Voting
Kennedy (D–MA), Yea
Kerry (D–MA), Not Voting
Klobuchar (D–MN), Yea
Kohl (D–WI), Yea
Kyl (R–AZ), Not Voting
Landrieu (D–LA), Yea
Lautenberg (D–NJ), Yea
Leahy (D–VT), Not Voting
Levin (D–MI), Yea
Lieberman (ID–CT), Yea
Lincoln (D–AR), Yea
Lott (R–MS), Not Voting
Lugar (R–IN), Yea
Martinez (R–FL), Not Voting
McCain (R–AZ), Not Voting
McCaskill (D–MO), Yea
McConnell (R–KY), Yea
Menendez (D–NJ), Yea
Mikulski (D–MD), Yea
Murkowski (R–AK), Yea
Murray (D–WA), Yea
Nelson (D–FL), Yea
Nelson (D–NE), Yea
Obama (D–IL), Yea
Pryor (D–AR), Yea
Reed (D–RI), Yea
Reid (D–NV), Yea
Roberts (R–KS), Not Voting
Rockefeller (D–WV), Yea
Salazar (D–CO), Yea
Sanders (I–VT), Yea
Schumer (D–NY), Yea
Sessions (R–AL), Yea
Shelby (R–AL), Yea
Smith (R–OR), Not Voting
Snowe (R–ME), Yea
Specter (R–PA), Yea
Stabenow (D–MI), Yea
Stevens (R–AK), Not Voting
Sununu (R–NH), Yea
Tester (D–MT), Yea
Thomas (R–WY), Not Voting
Thune (R–SD), Yea
Vitter (R–LA), Yea
Voinovich (R–OH), Yea
Warner (R–VA), Yea
Webb (D–VA), Yea
Whitehouse (D–RI), Yea
Wyden (D–OR), Yea

Grouped by Vote Position

YEAs—81

Akaka (D-HI)
Alexander (R-TN)
Allard (R-CO)
Baucus (D-MT)
Bayh (D-IN)
Bennett (R-UT)
Biden (D-DE)
Bingaman (D-NM)
Bond (R-MO)
Brown (D-OH)
Brownback (R-KS)
Bunning (R-KY)
Burr (R-NC)
Byrd (D-WV)
Cardin (D-MD)
Carper (D-DE)
Casey (D-PA)
Clinton (D-NY)
Cochran (R-MS)
Coleman (R-MN)
Collins (R-ME)
Conrad (D-ND)
Corker (R-TN)
Cornyn (R-TX)
Crapo (R-ID)
DeMint (R-SC)
Dodd (D-CT)
Dole (R-NC)
Domenici (R-NM)
Durbin (D-IL)
Ensign (R-NV)
Enzi (R-WY)
Feingold (D-WI)
Feinstein (D-CA)
Grassley (R-IA)
Gregg (R-NH)
Hagel (R-NE)
Harkin (D-IA)
Hatch (R-UT)
Hutchison (R-TX)
Inhofe (R-OK)
Isakson (R-GA)
Kennedy (D-MA)
Klobuchar (D-MN)
Kohl (D-WI)
Landrieu (D-LA)
Lautenberg (D-NJ)
Levin (D-MI)
Lieberman (CT)
Lincoln (D-AR)
Lugar (R-IN)
McCaskill (D-MO)
McConnell (R-KY)
Menendez (D-NJ)
Mikulski (D-MD)
Murkowski (R-AK)
Murray (D-WA)
Nelson (D-FL)
Nelson (D-NE)
Obama (D-IL)
Pryor (D-AR)
Reed (D-RI)
Reid (D-NV)
Rockefeller (D-WV)
Salazar (D-CO)
Sanders (I-VT)
Schumer (D-NY)
Sessions (R-AL)
Shelby (R-AL)
Snowe (R-ME)
Specter (R-PA)
Stabenow (D-MI)
Sununu (R-NH)
Tester (D-MT)
Thune (R-SD)
Vitter (R-LA)
Voinovich (R-OH)
Warner (R-VA)
Webb (D-VA) .
Whitehouse (D-RI)
Wyden (D-OR)

Not Voting—19

Boxer (D-CA)
Cantwell (D-WA)
Chambliss (R-GA)
Coburn (R-OK)
Craig (R-ID)
Dorgan (D-ND)
Graham (R-SC)
Inouye (D-HI)
Johnson (D-SD)
Kerry (D-MA)
Kyl (R-AZ)
Leahy (D-VT)
Lott (R-MS)
Martinez (R-FL)
McCain (R-AZ)
Roberts (R-KS)
Smith (R-OR)
Stevens (R-AK)
Thomas (R-WY)

Grouped by Home State

Alabama: Sessions (R-AL), Yea; Shelby (R-AL), Yea.

Alaska: Murkowski (R-AK), Yea; Stevens (R-AK), Not Voting.

Arizona: Kyl (R-AZ), Not Voting; McCain (R-AZ), Not Voting.

Arkansas: Lincoln (D-AR), Yea; Pryor (D-AR), Yea.

California: Boxer (D-CA), Not Voting; Feinstein (D-CA), Yea.

Colorado: Allard (R-CO), Yea; Salazar (D-CO), Yea.

Connecticut Dodd (D-CT), Yea; Lieberman (CT), Yea.

Delaware: Biden (D-DE), Yea; Carper (D-DE), Yea.

Florida: Martinez (R-FL), Not Voting; Nelson (D-FL), Yea.

Georgia: Chambliss (R-GA), Not Voting; Isakson (R-GA), Yea.

Hawaii: Akaka (D-HI), Yea; Inouye (D-HI), Not Voting.

Idaho: Craig (R-ID), Not Voting; Crapo (R-ID), Yea.

Illinois: Durbin (D-IL), Yea; Obama (D-IL), Yea.

Indiana: Bayh (D-IN), Yea; Lugar (R-IN), Yea.

Iowa: Grassley (R-IA), Yea; Harkin (D-IA), Yea.

Kansas: Brownback (R-KS), Yea; Roberts (R-KS), Not Voting.

Kentucky: Bunning (R-KY), Yea; McConnell (R-KY), Yea.

Louisiana: Landrieu (D-LA), Yea; Vitter (R-LA), Yea.

Maine: Collins (R-ME), Yea; Snowe (R-ME), Yea.

Maryland: Cardin (D-MD), Yea; Mikulski (D-MD), Yea.

Massachusetts: Kennedy (D-MA), Yea; Kerry (D-MA), Not Voting.

Michigan: Levin (D-MI), Yea; Stabenow (D-MI), Yea.

Minnesota: Coleman (R-MN), Yea; Klobuchar (D-MN), Yea.

Mississippi: Cochran (R–MS), Yea; Lott (R–MS), Not Voting.

Missouri: Bond (R–MO), Yea; McCaskill (D–MO), Yea.

Montana: Baucus (D–MT), Yea; Tester (D–MT), Yea.

Nebraska: Hagel (R–NE), Yea; Nelson (D–NE), Yea.

Nevada: Ensign (R–NV), Yea; Reid (D–NV), Yea.

New Hampshire: Gregg (R–NH), Yea; Sununu (R–NH), Yea.

New Jersey: Lautenberg (D–NJ), Yea; Menendez (D–NJ), Yea.

New Mexico: Bingaman (D–NM), Yea; Domenici (R–NM), Yea.

New York: Clinton (D–NY), Yea; Schumer (D–NY), Yea.

North Carolina: Burr (R–NC), Yea; Dole (R–NC), Yea.

North Dakota: Conrad (D–ND) Yea; Dorgan (D–ND), Not Voting.

Ohio: Brown (D–OH), Yea; Voinovich (R–OH), Yea.

Oklahoma: Coburn (R–OK), Not Voting; Inhofe (R–OK), Yea.

Oregon: Smith (R–OR), Not Voting; Wyden (D–OR), Yea.

Pennsylvania: Casey (D–PA), Yea; Specter (R–PA), Yea.

Rhode Island: Reed (D–RI), Yea; Whitehouse (D–RI), Yea.

South Carolina: DeMint (R–SC), Yea; Graham (R–SC), Not Voting.

South Dakota: Johnson (D–SD), Not Voting; Thune (R–SD), Yea.

Tennessee: Alexander (R–TN), Yea; Corker (R–TN), Yea.

Texas: Cornyn (R–TX), Yea; Hutchison (R–TX), Yea.

Utah: Bennett (R–UT), Yea; Hatch (R–UT), Yea.

Vermont: Leahy (D–VT), Not Voting; Sanders (I–VT), Yea.

Virginia: Warner (R–VA), Yea; Webb (D–VA), Yea.

Washington: Cantwell (D–WA), Not Voting; Murray (D–WA), Yea.

West Virginia: Byrd (D–WV), Yea; Rockefeller (D–WV), Yea.

Wisconsin: Feingold (D–WI), Yea; Kohl (D–WI), Yea.

Wyoming: Enzi (R–WY), Yea; Thomas (R–WY), Not Voting.

Mr. BUNNING. You will notice on this vote that not one Senator—not one—voted against General Petraeus. During the debate on his confirmation, no one questioned his integrity or ability to complete his mission—a mission the Senate gave him by confirming him. And now, nearly 9 months later, how do we greet him when he comes back to deliver a progress report on Iraq that we requested, the Democrats, also, in Congress requested? Instead of thanking him for his sacrifices and listening to him deliver his report, many Democrats who voted to confirm him are either attacking his personal character or not defending him from a personal smear attack by their allies at MoveOn.org. I cannot believe this slanderous campaign started before they even heard one word of General Petraeus's report.

I read a quote from an anonymous Democratic Senator in the Politico newspaper this morning. I want to share it with this body today. This Democrat, who did not want to give his or her name, made the following statement:

> No one wants to call [Petraeus] a liar on national [television]. The expectation is that the outside groups will do this for us.

I do not even know where to begin to describe my disgust with that one. It shows that the attack on General Petraeus is a coordinated attack by MoveOn and its allies.

Here is just some of what my Democratic colleagues have been saying:

> I don't think General Petraeus has an independent view.

Here is another one:

> At the end of the day, these are not totally independent free agents. They are an appendage of the administration.

And another:

> The fact that there are questions about General Petraeus' report is not surprising. . . . By the general's admission, the so-called surge has not achieved its goal. . . .

Wrong. I cannot believe these false statements have been made on the

floor of this Senate. It is outrageous to condemn a unanimously confirmed general and question his patriotism for this country simply for political sake.

I know many of my friends on the other side of the aisle are good, decent people. But I have to say, I am amazed that more of them have not denounced this kind of smear campaign.

The folks from MoveOn accuse General Petraeus of ''cooking the books.'' Is this because his counterinsurgency operation and the surge in Iraq are seemingly having positive results? Democrats are talking out of both sides of their mouths, and it is time for them to stop talking and start listening. Instead of taking political advice from leftwing activist groups, Democrats should actually take time to listen to General Petraeus's report.

I cannot tell you how disgusted I was to see the full-page ad yesterday in the New York Times—which cost $167,000; that is what it cost—questioning the character of a four-star general who only 9 months ago had the support of this entire body.

These tactics are insulting and should be condemned. In my book, the people who resort to this type of below-the-belt mudslinging are no patriots.

I happen to know General Petraeus. He is a good friend of mine and a good friend of the Commonwealth of Kentucky from his days as the commanding officer of the 101st Airborne Division. He is a brave patriot of the highest moral character and has made immeasurable sacrifices for our country. He has spent the last 4 years deployed from his home, from his family and his loved ones, overseas serving this great Nation. Three of these years he has spent in Iraq, where he has worked tirelessly to build security and stability throughout the country. His efforts are seeing positive results.

To suggest he is driven more by politics than by his love of our country may possibly be the lowest political attack I have ever seen in my time in the Congress. In the 4 years I have known him, not once did General Petraeus bring up politics—not once. I have no idea what he is—whether he is a Democrat or a Republican. In all of our discussions, including the hour I spent with him alone in my office before he left for Iraq to implement the surge, I do not believe the word ''Democrat'' or ''Republican'' was ever used. What I do know is he is a great patriot. He does not deserve to come home to be greeted by personal political attacks, especially by the very Democrats who asked him to come home and give us this report 9 months ago.

Let me be clear to my Democratic colleagues: Using leftwing attack groups such as MoveOn to discredit General Petraeus—these are the worst of the worst. Any politician willing to sacrifice the long-term security of the United States in an attempt to salvage a short-term political career is beyond deplorable. I will not stand for it. Our military will not stand for it. And the American public will not stand for it.

Just yesterday, a poll by the same New York Times reported that 68 percent of Americans trust the military commanders more than the Democratic Congress when it comes to Iraq policy. The American public supports our military. It is time for Congress to echo this support.

Yesterday, in my office, I had the opportunity to sit down one on one with a young, brave Kentuckian who had just returned from a long deployment in one of Iraq's hotspots. At the end of our visit, he turned to me and made one request. He asked for Congress to support the troops.

How can we expect General Petraeus and our troops to successfully complete their mission when we keep attacking them and threatening to cut off their funds? I promised this young man my support and will continue to do all I can to support our troops.

As we find ourselves 6 years from this tragic event, this terrorist event that occurred on September 11, 2001, we must not forget there are those out there who still want to harm us. The freedoms we enjoy daily are protected by the brave men and women who serve in our Armed Forces, including General Petraeus and the young man with whom I visited in my office yesterday.

To all of those who suggest General Petraeus should be called ''General Betray Us,'' I have a message for you: You are the ones betraying our troops and the American people. You are giving aid and comfort to our enemies. We used to try people who did this as traitors.

Just 5 months ago, the Senate Democratic majority leader was quoted as saying:

> No one wants us to succeed in Iraq more than Democrats.

Well, I say to my friend, the majority leader, stand by your words. Let's focus on succeeding in Iraq and for once show a united support for our troops.

Every night, my wife Mary and I take about 10 minutes at 9 p.m. and say prayers for our troops and pray for the safety and security of our Nation. I suggest to all who are listening and who are in this body to do likewise. Maybe Democrats should take a moment of silence and stop criticizing our commanders and troops.

Mr. President, I ask unanimous consent that at a time determined by the two leaders today, the Senate proceed to a vote on the adoption of the Cornyn resolution, the text of which is the exact language of the amendment which Senator CORNYN offered this morning. Further, I ask consent that if the resolution is agreed to, the preamble be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, as Members know, we are currently debating the Transportation and Housing appropriations bill that funds incredibly important infrastructure, from airports to highways to bridges to housing programs. The majority leader has instructed us to finish this bill by tonight. We have a number of amendments before us that we need to work through. Therefore, I will object, and I remind all Senators that next week, in just a few short days, we will be moving to the Defense authorization bill and a debate on Iraq with numerous opportunities for Senators to bring forward issues relating to that. So I will object at this time.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. CARPER. Madam President, I feel compelled to respond to the comments of my colleague and friend from Kentucky. There are hundreds, literally hundreds of organizations throughout the country that are loosely supportive of the Republican Party, just as there are hundreds of organizations in this country that are loosely supportive of the Democratic Party. If one of those Republican organizations makes a particular charge or assertion, that does not mean that every Member of the U.S. Senate or the House, Republican in nature, or the administration believes or agrees with that assertion any more than one should believe that an assertion—in this case by an advertisement paid for by MoveOn.org—is reflective of the views of all of us. It is not. I found the advertisement distasteful, disappointing, and, frankly, not reflective of the views I hold and I suspect the views that almost everybody in the Senate, Democrat or Republican, holds.

I don't know General Petraeus well, but I do know him to be a decent and honorable person, a good leader; someone who has given really the majority of his life to serve the people of our country, sometimes in dangerous and harmful situations; someone who is willing to spend not just months but years away, separated from his family, in support of our country and serving as he has pledged to do, as he has sworn to do. He is someone who, in my own experience with him, is a straight shooter. He calls them like he sees them. He gives us the good, the bad, and the ugly. He did 2 months ago when several of us were over in Iraq and met with him and Ambassador Crocker.

I wish to speak for a moment as a veteran, a Vietnam veteran. My friend, Senator BUNNING, talked about the question of the lack of respect and support our troops receive maybe from those of us on this side of the aisle. I couldn't disagree more. I remember what it was like 30, 35 years ago when

those of us who served overseas in an even less popular war in Southeast Asia, the lack of support we received, not so much from the Congress but from the American people. That was then. This is now. I think as a nation we learned a lot from the way we treated veterans back at the end—during and at the end of the Vietnam war. We have vowed not to make that same mistake. There is great support and affection for our troops, the men and women who serve in the Army, Navy, Air Force and Marines, as great now as I have ever seen it.

While not everybody supports the war this administration has gotten us into, we support our troops. We provided money again and again and again. The Presiding Officer has led the fight to make sure we not only provide our troops with what they need in Iraq or in Afghanistan but to make sure the Veterans' Administration has the money it needs to meet the needs of our veterans when they come back to us harmed, injured, and in some cases maimed for life. I am one of those who come here—and I know many others—who come here to work together, and I want us to get things done.

General Petraeus, when he has talked to me—and I have heard him testify, and he is literally testifying again today on the Senate side—what he has said over and over again is there is not going to be a military victory, definitive military victory in Iraq as we would think of having occurred in other wars we have fought. The victory is going to be a political victory, if there is to be one, and my earnest hope is that there will be one. In part, what the surge is about is to provide a space for the Iraqi political leaders to make some tough decisions they have been unwilling—unable to make for the last 2 years. How are they going to divvy up and share their oil revenue? The potential is enormous. How are they going to share power among the different factions? What will they give the Baathists, the civilian arm of Sadam's regime? What role will they have in terms of helping the country go forward? Are they going to have elections? Are they going to amend their Constitution, as they promised to do 2 years ago, to protect minority rights? Those are things the Iraqis need to do. Those are tough decisions they need to make. They have been unwilling to make them. We are providing for them, hopefully, a greater calm, a little bit less hostility in which they can meet and deliberate and hopefully reach some kind of consensus. That is what we are endeavoring to do.

One of the roles for us here in the Congress is we play an oversight role, overseeing the administration's conduct of the war after getting us into this war. That is appropriate, and that is our constitutional responsibility. We also have the responsibility and an opportunity to try to put pressure—hopefully in a positive way—on the Iraqi leaders to do what they need to do if they are going to have a country. We have been very forthright in telling them again and again and again. My hope is that they begin to listen. If they do, then all of the sacrifice, the lives, the injuries, the money we have spent will not have been in vain—will not have been in vain. If they don't take advantage of the opportunities they have now and in the months ahead, they will have squandered this opportunity because the American people, as generous as we are, as supportive as we are of democracies here and around the world, we are not going to stand by forever and give up our own lives—the welcoming back of the dead, to care for those who have been maimed—we are not going to do this forever. There is a limited period of time.

Back to General Petraeus, basically what he has said—and I heard him say it as recently as today—is the Iraqis have an opportunity to save their country. We can't do it for them. We can help provide an environment where they can make those tough decisions. We are endeavoring to do that. We can open the door; they have to walk through it. My hope is that they will.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2794

Mrs. MURRAY. Mr. President, I call up amendment No. 2794 on behalf of Senator BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. BINGAMAN, proposes an amendment numbered 2794.

The amendment is as follows:

(Purpose: To make a technical correction)

On page 55, line 13, strike ''106–49'' and insert ''106–69''.

Mrs. MURRAY. That amendment has been cleared on both sides. I know of no further debate on this amendment.

Mr. BOND. We have nothing on this side.

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

The amendment (No. 2794) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2799

Mrs. MURRAY. Mr. President, I call up amendment No. 2799 on behalf of Senator OBAMA and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. OBAMA, proposes an amendment numbered 2799.

The amendment is as follows:

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability)

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default or the assessment is the subject of a non-frivolous administrative or judicial appeal.

Mrs. MURRAY. Mr. President, this amendment has been cleared on both sides.

Mr. BOND. It is cleared on this side.

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

The amendment (No. 2799) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2823

Mrs. MURRAY. Mr. President, I call up amendment No. 2823 on behalf of Senators SCHUMER, CLINTON, MENENDEZ, LIEBERMAN, LAUTENBERG, and DODD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. CLINTON for herself, Mr. SCHUMER, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. DODD, proposes amendment numbered 2823.

The amendment is as follows:

(Purpose: To require a report on plans to alleviate congestion and flight delays in the New York/New Jersey/Philadelphia Airspace)

On page 147, between lines 8 and 9, insert the following:

SEC. 414. Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a report detailing how the Federal Aviation Administration plans to alleviate air congestion and flight delays in the New York/New Jersey/Philadelphia Airspace by August 31, 2008.

Mrs. MURRAY. Mr. President, this amendment has been cleared on both sides. I know of no further debate.

Mr. BOND. There is no further debate on this side.

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

The amendment (No. 2823) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2803

Mrs. MURRAY. Mr. President, I call up amendment No. 2803 on behalf of Senator SCHUMER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. SCHUMER, proposes an amendment numbered 2803.

The amendment is as follows:

(Purpose: To clarify how the Secretary of Housing and Urban Development shall manage and dispose of multifamily properties owned by the Secretary)

On page 131, strike lines 5 through 20, and insert the following:

SEC. 220. Notwithstanding any other provision of law, in fiscal year 2008, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

Mrs. MURRAY. Mr. President, this amendment has been cleared on both sides.

Mr. BOND. There is no objection on this side.

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

The amendment (No. 2803) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, with that, we have now cleared several amendments. We are again, for the information of all Senators, working to come up with a time agreement. We expect to have a vote in a little more than an hour, as soon as it has been cleared on the Republican side.

Again, we are going to finish this bill tonight. All Members need to get their amendments to the floor, and we will work our way through as many as possible. It will be a late night. It will be less of a late night the sooner we get amendments to the floor.

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

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

Mr. GREGG. Mr. President, I rise to address this issue now because, as I understand, there is a bit of a lull here. I congratulate the managers for wanting to get the bill completed.

I want to continue this discussion that has been going forward today on the treatment of General Petraeus by the group MoveOn.org relative to the advertisement they ran, which has been shown on the floor a number of times, which referred to him as ''General Betray Us.'' I think it was a despicable act. I think it crosses the line, where someone who has dedicated his life to defending this Nation would be subjected to this type of a personal assassination, personality assassination, character assassination. It is totally inappropriate.

The troops serving us in Iraq are doing so because they believe unalterably in the cause of America. They believe what this Nation stands for is good and right. They are putting their lives on the line to make sure we can maintain the freedoms that are so critical to us. You can disagree with the policies on Iraq—and I have a lot of reservations about them, especially my severe concerns about what is happening with the Government of Iraq in both the area of creating a coalition government and stability, and specifically in the area of corruption.

But what you cannot argue with and what should not occur is to say to our troops who are out there every day facing danger and, obviously, a lethal threat, that we do not support them. Yet when you impugn in such a gratuitous and vicious way the integrity of their commander in the field, you clearly impugn the troops in the field also. It is wrong, and it should not be tolerated.

General Petraeus has a record which is extraordinary. He has dedicated almost four decades, I believe, to the military service of this country. He has received the Bronze Star, along with innumerable other decorations. He commanded the 101st Airborne. He has been to Iraq on three tours and spent the last 4 years overseas away from his family. He has put in place an initiative in Iraq which he generally believes, as his testimony has shown both yesterday and today before the House and the Senate, is making progress in a number of critical areas relative to the war on the ground, relative to fighting the Islamic terrorists who wish to do us harm.

Yet before he even got to the Senate or to the House to testify and make his case as to why he felt his policy, the policy he is pursuing as the general in command, is the correct policy and should be sustained, before that could even occur, his character was attacked in the most vicious way by people who oppose the war.

Opposing the war is a legitimate position. There are very strong arguments in that area. I do not happen to agree with many of them, but I respect those arguments when they are made substantively and appropriately. But when an organization, such as MoveOn.org, which is a national organization of dramatic influence, steps out and runs a full-page ad at the cost of $160,000 in the New York Times which has as its title, ''Is he General Petraeus or General Betray Us,'' that is an inexcusable, vicious and petty act and not becoming of our society and a democracy generally.

The other side of the aisle—and I have the greatest respect for Members on the other side of the aisle relative to their commitment on this issue—the other side of the aisle said: It is not us doing this. Let's remember that MoveOn.org identifies with and openly claims to be a major player in the caucus of the Democratic Party. In fact, this weekend in the New York Times, the lead spokesman for MoveOn.org said—and I paraphrase here—but he said: I meet regularly with the Democratic leaders of the Senate, and I talk almost daily to the Democratic staff of the Democratic leaders of the Senate.

Earlier in the year, MoveOn.org—and I believe it was the same individual, and I again paraphrase—said of the Democratic Party: We bought it, it is ours, we are going to dominate it. I see in New Hampshire that MoveOn.org is being one of the most aggressive arms of the Democratic Party in our State. They are the ones carrying the message relative to the war, relative to the Democratic leadership in our State, that is for sure.

So I think this attempt now to step away—the attempt isn't even occurring. But this statement by MoveOn.org, which is so over the top and so outrageous and so inexcusable in its treatment of an American soldier and the troops he commands, should be repudiated openly. It should be repudiated by this Senate because it is wrong. It is common decency that we should repudiate it.

Yet we see on this floor that procedural mechanisms are being used to protect MoveOn.org. That is what is happening here. Rule XVI, a procedural mechanism in this Senate, has been used to keep a very reasonably innocuous sense of the Senate from being brought forward to a vote. It doesn't take very long to vote on something such as this. We could set up a vote in 10 minutes.

What does this sense of the Senate, which is so inappropriate that it has to be knocked down by a procedural action, say? It says:

(b) Sense of the Senate.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force—Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all of the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attacks on General Petraeus by the liberal activist group MoveOn.org.

I think it is No. 3 that must bother my colleagues on the other side of the aisle, which is causing us not to be able to go to a vote on this amendment, that we would repudiate, probably from a financial standpoint, one of the biggest contributors to the efforts to fight the war and that organization, which openly claims to essentially be an arm of the Democratic Party, would be repudiated on the Senate floor. But they deserve to be repudiated.

Honestly, if an organization which identified itself with the Republican Party—I cannot think of any that we have that has the type of money that MoveOn.org has because we don't have any George Soroses funding us or any organization such as that, but if we did have such an organization and they did something such as this, I would immediately want to repudiate it because somebody of the character and commitment of General Petraeus does not deserve this attack. He came back to testify because he was asked to come back to testify by committees which are majority committees, committees where the majority is controlled by the Democratic leadership of the Congress. Yet before he gets here to testify before those committees, there is a clear attempt to discredit him personally because they do not like the message. So instead of attacking the message, they decided to kill the messenger or attempt to at least undermine the messenger. That is the goal of this ad, nothing more than a petty attempt to basically undermine the message General Petraeus has to deliver: We are going to attack him who is the messenger, which is gratuitous, inappropriate, inaccurate, unfair, and vicious, quite simply vicious, calling him ''General Betray Us.''

So if the majority party does not subscribe to this message, then they should allow us to offer this resolution right now while he is in town, while he is testifying before the Senate today and before the House yesterday. They should not ask us to wait until next week to correct this egregious act and to go on record to repudiate this egregious act. They should not use a parliamentary procedure to defend MoveOn.org. No, we should have a vote right now on this resolution, this sense of the Senate.

So at this point, I ask unanimous consent, Mr. President, that rule XVI not apply to this sense of the Senate and that a procedural attack on this sense of the Senate not be in order.

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Mrs. MURRAY. Mr. President, I object.

Mr. GREGG. Mr. President, I further ask unanimous consent that we immediately move to a vote on this resolution stating we support General Petraeus as general in the field, we support his men and women who are fighting for us, and that we reject the despicable ad of MoveOn.org.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, I regret the decision by the majority party to not allow us to proceed in this manner, to help us give this good man his fair hearing.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. 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. 2816, AS MODIFIED

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Klobuchar amendment be the pending amendment, and the amendment be modified with the changes that are at the desk.

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

The amendment, as modified, is as follows:

On page 20, between lines 13 and 14, insert the following:

I–35W BRIDGE REPAIR AND RECONSTRUCTION

For necessary expenses to carry out the project for repair and reconstruction of the Interstate I–35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, as authorized under section 1(c) of Public Law 110–56 (121 Stat. 558), up to $195,000,000, as otherwise eligible under the emergency relief program of the Department of Transportation, to remain available until expended, *Provided*, That that amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress): *Provided further*, That the Federal share of the costs of any project funded using amounts made available under this section shall be 100 percent in accordance with section 1(b) of Public Law 110–56 (121 Stat. 558).

Mrs. MURRAY. Mr. President, I would again notify Members that we are likely going to have a vote here in about 35 minutes. We are working toward an agreement on that. But I notify Members to come to the floor for a vote in a short while.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. I ask unanimous consent that at 4:15, the Senate proceed to a vote on a motion to table the Coburn amendment No. 2810 and that Senator COBURN be allowed the last 10 minutes prior to the vote in order to speak on his amendment. I further ask unanimous consent to preclude any other amendments prior to the Coburn amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2795

Ms. LANDRIEU. I ask unanimous consent that the pending amendment be set aside. I call up amendment No. 2795 and ask for its immediate consideration.

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

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2795.

Ms. LANDRIEU. I ask unanimous consent that reading of the amendment be dispensed with.

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

(Purpose: To provide funding for 3,000 units of permanent supportive housing for homeless, disabled, and elderly persons in the State of Louisiana, and for other purposes)

On page 114, between lines 18 and 19, insert the following:

PERMANENT SUPPORTIVE HOUSING

For the provision of 3,000 units of permanent supportive housing as required under the Road Home Program of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $70,000,000, of which $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), and $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.): *Provided, That* the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further, That* notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further, That* subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph: *Provided further, That* the amounts provided by this paragraph are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution of the budget for fiscal year 2008.

Ms. LANDRIEU. Mr. President, I thank the Senator from Washington for her leadership in managing this bill. We have had many important amendments discussed, and, of course, the Transportation and HUD appropriations bill is one of the most important of all of our appropriations bills. It covers all of our transportation infrastructure, including mass-transit and housing initiatives and others. I could not let this opportunity go by without offering an amendment that is one important piece of an overall puzzle for recovery in my State. It is my sincere hope that we can pass this amendment today, but if not, I am willing to work with the distinguished chair and ranking member to incorporate this provision in the appropriate legislative vehicle.

We are still struggling, despite the wonderful amounts of money from volunteers particularly and time from volunteers and appropriations that have come from Congress to help rebuild homes, we are still struggling from a catastrophic flood in south Louisiana, primarily in southeast Louisiana in the city of New Orleans, that region, St. Bernard Parish, Plaquemines Parish, Orleans Parish, parts of Jefferson, and others. There was also tremendous flooding in the southwest part of the State caused by Hurricane Rita, which came 4 weeks after Hurricane Katrina.

While the country is used to dealing with hurricanes and we have all had large ones and small ones and ferocious ones and minor ones to deal with, we have never, at least in the last 100 years or so, dealt with the devastation following the levee breaks and flooding and pumping systems that collapsed that should have worked. I tell people, if they can just imagine what the Netherlands would look like if the little guy with his finger in the dike—if it didn't work one day and the dike broke and the Netherlands basically went underwater. It is a country, and it is much smaller than the United States. In fact, it would fit inside of Louisiana. But, nonetheless, it is a very powerful economic engine in Europe. To have that dike and levee system fail and the catastrophe that would result in large measure is kind of what happened in New Orleans and the region.

You can imagine the difficulty of rebuilding 200,000-plus residences, some individual, single-family, owner-occupied homes, some homes that were rented, nonsubsidized, and then the rental subsidized sections of the city, public housing, affordable housing, workforce development housing—there are many words to describe these types of housing.

I come to say that rebuilding this housing stock is quite a challenge for our delegation. Congress can provide vast amounts of tax credits, grants, loans, and waivers but these benefits will not spur recovery if we cannot get people back into their homes. That is where recovery must start and end. For example, in Louisiana alone we had over 20,000 businesses destroyed. Business cannot open their doors if their workers have nowhere to live. Louisiana also had 875 schools destroyed. Again, teachers cannot come back to school and teach our children if they do not have a roof over their heads. So a fundamental piece of recovery in the gulf coast is to allow disaster victims to return home and rebuild.

The amendment I offer today for consideration—I thank Senator MURRAY for being such an outstanding leader on previous appropriations bills to try to push this issue for additional funding and help—is specifically to complement or parallel our efforts for helping homeowners get back. There is a bill, S. 1668, the Gulf Coast Housing Recovery Act, which is coming through the Banking Committee which is going to help our public housing residents and workforce development housing. This is because we lost thousands of units of public subsidized housing. I am pleased to work alongside Senate Banking Committee Chairman CHRIS DODD to hopefully secure a hearing on this important bill in the coming weeks and to work with my colleagues to usher it out of committee as soon as possible.

In regards to this bill, I should note that the recovery of public housing is one area that has not received much national press attention, even though prior to Hurricane Katrina, the Housing Authority of New Orleans—HANO operated over 7,000 public housing units, with about 5,100 units occupied. These residents, just like renters and homeowners, have a right to return home. We must provide them with the means and opportunity to do so. S. 1668, which I have mentioned would provide the means and opportunity necessary to make this happen.

I will not go into great detail on this legislation today but given its importance to my state, and the entire gulf coast, let me summarize the main provisions in this bill. First, this bill sets out a process to allow New Orleans area public housing residents to return home. Next, it strikes a good balance between the redevelopment priorities of HANO, developers, and public housing residents to responsibly rebuild better affordable housing units in New Orleans. Lastly, this bill creates home ownership opportunities, spurs community development, and gives a hand up to community nonprofits.

As evidence of the merits of this bill and the balanced approach we have established, I will ask that a copy of an August 27, 2007, Washington Post editorial be printed in the RECORD. This editorial clearly outlines the need for this legislation, how it will allow responsible mixed-income development, and how if it is passed today, responsible developers could begin construction tomorrow if they meet requirements in our bill. They are not burdensome requirements, instead they ask developers to consult with residents, ensure that when they tear down public housing units that they are providing for sufficient replacement units of affordable housing. Given that our State has over 5,000 displaced public housing residents, thousands of people who were on the waiting list pre-Katrina to get into public housing, and a further 12,000 homeless individuals, I do not feel this is unreasonable to require that affordable housing stock be replaced, not lost, during this housing crisis.

I note that according to a June 2007 report by PolicyLink, a national research institute, rents have increased as much as 40 to 200 percent since the storms, leaving few apartments affordable to families making less than the area median income. That is why the amendment I am discussing, and S. 1668 are so important. The amendment I offer today is included as an authorization in S. 1668 and I would urge my Democratic and Republican colleagues to support this bill as I would ask their consideration of this amendment today.

This amendment is an amendment which will help close the loophole for the elderly, the disabled, and the homeless. In particular, there are a group of people who are too frail or fragile to live on their own, yet they do not belong in a hospital. We have many people—I am sure in the State of the Presiding Officer, in Pennsylvania, and I

was in Philadelphia last night, a magnificent city—I am sure you can think of many places in Philadelphia where there are homes or apartments for disabled elderly, for adults who are not older but they are disabled through an accident or injury. They don't belong in a hospital. They can't be left alone. But it is sort of group housing, many times run by Catholic Charities. Sometimes they are run by other nonprofit organizations. We need that kind of housing desperately to help us get back, to take care of the most fragile people in our city who are still today without shelter. It would help those most at-risk, and those who really need the help most in my state. You can imagine the challenge to take care of this group under normal circumstances. But here we are, dealing with a catastrophe, trying to provide housing for thousands of people now returning to the city in a fragile situation. It is our obligation as a city, as a State, and as a nation to help. So that is basically what my amendment does.

I note that the Senate has already passed this amendment. It already passed this body as part of H.R. 4939, the emergency supplemental which was enacted last summer. However, much to my chagrin, and to those working on this issue in my State, this important provision was taken out by the House in final negotiations on the supplemental. So the Senate has already in some measure passed this particular proposal. I am offering and talking about it today to ask the Senate to consider this 3,000 units of supportive housing for the elderly, the disabled, and the homeless—the most fragile of our population. This is not necessarily the working population. These people can't work. They are too old to work, they are too weak to work, or they are too sick. But it is, of course, our obligation to help provide them with permanent and safe places to live. We all have a percentage of the population. No matter where you live, in the Northwest or in the Northeast or in the South, a percentage of the population has been overlooked.

With this in mind, we have to fight to get our homeowners back in their houses who are workers and business owners and professionals and upwardly mobile middle-class individuals. We have to fight hard to get our renters back. Some renters are upwardly mobile and middle class, some very wealthy. They just choose not to own a home. There is another group of renters that are in subsidized rentals because they have to be because they are working at minimum-wage jobs. There is a whole other group of people who are neither homeowners, young and vibrant, in the middle class and younger, although they might have been at one time. They are not in regular rental units. They are the fragile population. We have virtually provided no additional funding for them. That is what my amendment attempts to do. People are living with relatives. People are making ends meet. This amendment would provide $70 million for 3,000 units of permanent supportive housing to assist these at-risk residents.

As I mentioned, I was able to put this in the Senate-passed version of the emergency supplemental but, unfortunately, it was taken out. Therefore, I am here to show my support for this proposal, to respectfully ask the chairman and ranking member who are handling this appropriations legislation to consider this important proposal again today. If it can't be adopted by this body today, I would like to ask them whether they would be supportive of including this in the next supplemental that comes before the Senate. I see the chairman of the committee on the floor. I would appreciate knowing if Senator MURRAY is supportive of this amendment.

Mrs. MURRAY. Mr. President, the Senator from Louisiana has raised a critically important issue with regard to the need of the disabled and homeless citizens in Katrina-impacted areas she knows so well. We are going to be developing a supplemental appropriations bill in a very short time which we anticipate will include provisions as it relates to Katrina. The Senator does have my commitment that I will work with her to see what we can do to address that critical need within the supplemental.

AMENDMENT NO. 2795, WITHDRAWN

Ms. LANDRIEU. I thank the Senator from Washington.

With that commitment and the opportunity to speak on this important issue today—I know there are other amendments that will be considered—I am willing to withdraw my amendment at this time and will offer it again at an appropriate time.

The PRESIDING OFFICER. The amendment is withdrawn.

Ms. LANDRIEU. I ask unanimous consent to have the previously mentioned article printed in the RECORD.

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

[From the Washington Post, Aug. 27, 2007]

HOME SWEET HOME

Public housing advocates are gearing up for a sit-in at the offices of the Housing Authority of New Orleans tomorrow. Their frustration is understandable. Two years after Hurricane Katrina scattered residents to communities outside the Crescent City, most have yet to return home. But the protesters' goal of getting the displaced back into their old units is wrong. While the historical significance of those structures is undeniable, so is their history of being forlorn concentrations of poverty.

To tour the barracks-style apartment complexes of New Orleans is to see the best and worst of public housing. Because most of them were built in the 1940s, a walk into one of their cramped units is a walk back in time. For instance, residents can't run water in the bathtub and the bathroom sink at the same time. Warmth in the winter is provided by space heaters. For the most part, the old projects are cut off from the flow of the city because the city's streets don't go through them. Now, if you go to the redeveloped Fischer and St. Thomas complexes, you'll see the best in modern public housing. Warehousing of the poor and marginalizing them from the larger community are out. Modeled on HOPE VI developments, these are mixed-income neighborhoods of townhouses. The homes are spacious. The appliances are new. The sense of hopelessness that envelops Iberville, the one fully functioning old-style public housing project, is not present.

The U.S. Department of Housing and Urban Development wants to bring four other old public housing estates into the modern era. But a lawsuit by the Advancement Project, a Washington-based civil rights organization, has stopped HUD from doing so. The lawsuit accuses the agency of cleansing African Americans from New Orleans by keeping the four public housing projects shuttered. It demands a right of return for all New Orleans public housing residents, and it demands that those families go back to the units they fled on Aug. 29, 2005. Until the case goes to trial in November, those families will have to wait. This is unconscionable. Yes, they should return. But they should return to something much better than they left.

At least one developer, Enterprise Community Partners, which has been chosen by HUD to redevelop the Lafitte project, has committed to providing a new public housing unit to every family that lived there before in what would become a mixed-income community. A bill sponsored by Sens. Christopher J. Dodd (D–Conn.) and Mary Landrieu (D–La.) would make what Enterprise is voluntarily doing the law.

Donna Davis, 52, has lived in the projects since she was 9. The pride in her two-story townhouse in the new Fischer complex was plainly evident as she toured a visitor around. When asked what she would say to people afraid of HUD's redevelopment plans, Ms. Davis looked to her own experience. ''We lived [in Fischer] and stayed there,'' she said. ''Now it's time for us to grow and open up . . . to see how good we can all live.'' If the Dodd-Landrieu bill passes, the Advancement Project should drop its lawsuit. Returning public housing residents deserve to have Ms. Davis's experience.

AMENDMENT NO. 2816

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I ask unanimous consent that I be permitted to display four charts during debate on the Klobuchar amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I have consulted with everyone. As much as I would like to comply with the Senator, if we make it four, it is going to be six, it is going to be eight. I think we need to keep to it a modicum that works for all Senators. At this point, I apologize, but I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. COLEMAN. Mr. President, I rise in support of an amendment offered by my colleague from Minnesota, Senator KLOBUCHAR, and myself. The amendment is only a few lines long, but it truly embodies the Minnesota spirit of perseverance and rebuilding in light of enormous tragedy.

Most of us in the North Star State won't ever forget the tragic event that befell our largest city on ''eight one'' of this year. Just after 6 p.m. on that day, the main transportation artery in

the heart of Minneapolis, the Interstate 35W bridge, fell into the Mississippi River, killing 13 people and wounding more than 100 others. The images that began to appear on national news within minutes of the collapse are still too difficult to describe with words, and the view behind me only begins to outline the magnitude this disaster has had on the Twin Cities and our entire region. The pictures hardly describe the extent of the tragedy.

As I mentioned on the floor of this body when Senator KLOBUCHAR and I returned from surveying the damage of the bridge collapse firsthand within hours of the tragedy, this area of the Mississippi River is one of Minnesota's most historic. It was here that Father Louis Hennepin named the falls of St. Anthony, pictured behind me upstream from the wreckage. You can also see Cadwallader Washburn's and Charles Pillsbury's flour mills that sprang up along these falls, defining an era of growth in our State and earning Minneapolis the title of ''The mill city.'' These structures, these falls, and this river include so much of our State's history and identity, sitting on the headwaters of North America's greatest waterway. This is truly the heart of the heartland.

As I said on August 2, when this bridge fell, part of our Minnesota identity fell with it. Within 60 hours of the bridge's collapse, we in the U.S. Senate took action and committed the necessary Federal resources to rebuild this structure and to rebuild it quickly. I thank my colleagues once again, as I thanked them before we adjourned for the August recess, for their commitment to the people of Minnesota and to reacting decisively when an emergency strikes in our Nation.

The actions we took in this body before recess set out a blueprint for the future of the I–35W bridge and the entire Twin Cities region. We provided authorization for emergency funding, $55 million of which was sent to the Minnesota Department of Transportation almost immediately to begin reconstruction of the bridge. We provided immediate assistance in transit funding, including $5 million to assist the Twin Cities in their most immediate transportation needs including detours and temporary busing, and other Federal resources, such as Navy dive teams used to recover bodies under conditions in which there was no visibility, with current, twisted metal, steel, and concrete. Without these resources, we would not have been able to move so quickly to bring some measure of closure to families who have suffered so much.

Regional transportation administrators descended upon the Twin Cities. Across the board, we reacted in a way that showed we were there to help and assist in recovery and in rebuilding. That was a good thing. But while these efforts were an important start, the bridge rebuilding process is steaming ahead with bid letting for the bridge this week. I received a letter today from Assistant Transportation Commissioner Bob McFarlin from the Minnesota Department of Transportation.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

MINNESOTA DEPARTMENT OF TRANSPORTATION,
Saint Paul, MN, September 11, 2007.

Hon. NORM COLEMAN,
Russell Senate Office Building,
Washington, DC.
Hon. AMY KLOBUCHAR,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR COLEMAN & SENATOR KLOBUCHER: On behalf of the Minnesota Department of Transportation, I want to thank you and Congress once again for the quick response in authorizing $250 million in emergency relief funding to help the state respond to the I–35W bridge collapse. Congress and the entire federal government's incredible response has greatly facilitated the ability of the state to recover from this tragedy.

Now the state is looking to Congress to quickly appropriate the $250 million in emergency funding. The Untied States Department of Transportation has made available $55 million of the $250 million which is helping pay the initial costs of recovery, cleanup, traffic re-routing, and bridge replacement. However, this $55 million and the state's cash flow will likely be depleted by October 2007.

The Minnesota Department of Transportation is proceeding with bid-letting for the bridge replacement on or about September 19th with award by the end of September. Construction would commence in mid-October.

If the $250 million in federal emergency relief funding is not appropriated soon, the state will be in a difficult financial situation in trying to quickly replace this bridge and keep other construction projects on schedule.

Sincerely,

BOB MCFARLIN,
Assistant to the Commissioner.

Mr. COLEMAN. At the impressive pace the Minnesota Department of Transportation is moving toward rebuilding this essential structure, this letter states the funding we have already appropriated for reconstruction will likely run out by the middle of October, thwarting the otherwise amazing progress we are making in recovery from this horrible tragedy.

The Minnesota Department of Transportation will in all likelihood receive funding someday from the Federal Government to complete reconstruction of this bridge. That is not at question. We authorized that funding before we adjourned. What the amendment before us would do is simply expedite receipt of this funding so the State can continue its reconstruction process on this critical project. We all know it is not easy to pass a bill around here. The people of Minneapolis and the Twin Cities are still dealing with an emergency, and they need emergency funding now. The reconstruction of the bridge stops when the money runs out. Who knows when we will have another chance to provide funding for this horrible tragedy.

The time is now. We have a Transportation appropriations bill before us with a transportation emergency in our backyard. I ask my colleagues to help us rebuild, to help us recover, and to do so today for a brighter future and a brighter tomorrow for the people of Minneapolis and the people of Minnesota, and, in fact, the people of the entire region.

I urge support for the Klobuchar-Coleman amendment.

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

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. 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 Senator from Oklahoma is recognized until 4:15.

AMENDMENT NO. 2810

Mr. COBURN. Mr. President, we are going to be voting on an amendment very soon, amendment No. 2810. The whole point of this amendment is to reorder our priorities in terms of transportation. We have had significant debate on whether certain ongoing projects will be harmed.

We have seen a Department of Transportation inspector general's report that lists five problems with what is happening right now. Basically, the conclusion of the report is earmarks are not the most effective or efficient use of funds—noncompetitively awarded transportation earmarks.

Let me say that again. Noncompetitively awarded transportation earmarks reduce funding for each individual State's core transportation funding. They are not in unison with DOT strategic research goals. As a matter of fact, the research institute has oftentimes gone around with earmarks. They provide funds for projects that would otherwise be ineligible for transportation funds. They disrupt the agency's ability to fund programs as designated when authorized funding amounts are exceeded by what they call overearmarking. That is the technique where we put in an earmark, congressionally directed spending, but we do not put enough money in to pay for that congressional spending, so that excess money goes against the rest of the transportation priorities. Then, finally, many low priority earmarked projects are being funded over higher priority nonearmarked projects.

This is a simple amendment that says we are not going to spend money on earmarks unless they are for roads and bridges at this time. It does not stop earmarks; it just slows them down and says: Whoa. This is a lower priority than what we are doing.

In this bill are over 500 earmarks that come right now to $2.8 billion. Mr.

President, $2.8 billion would go a long way in terms of fixing the tremendous number of bridges that are structurally deficient in this country. That is just with the National Highway System. That does not have anything to do with State transportation highways.

The real question for this body—and there have been many claims made against this amendment. No. 1, this amendment will not lessen the amount of money that goes to State transportation departments. That money can be rerouted so certain things such as transit initiatives will not have to stop. But what it will say is, the Senate is on record for saying the highest priority ought to have the highest priority.

Minnesota is a tragic example of the misplaced priorities we have. Of the billions and billions of dollars, well over 10 percent of the last Transportation bill—authorization bill—and a significant amount of this bill will be spent on projects that are not a priority for a State, are not a priority for national transportation, but are our priorities. We can differ on what the low level priorities are, but nobody can deny we have a significant problem with structurally deficient bridges in this country.

We are going to spend $600,000 on horse-riding facilities, $5.9 million on a snowmobile trail, $8 million on a parking garage, $532,000 just on one particular earmark for a pedestrian trail, $1.25 million for a day center and park-and-ride facility, $3 million for dust control mitigation, and $2.75 million for the National Packard Museum when we have bridges falling down?

I think we have plenty of room to reorder our priorities. This amendment does not eliminate any earmark. What it does is delay it. There is no question about it. But the purpose is to put us in touch with the American people saying: First things first. This does not eliminate addressing the 13,000 people who die every year on unsafe roads. Those funds are still available.

We heard from the Senator from Missouri that 400 people succumbed to accidents related to bridges in the last year. The fact is, we have had almost 40,000 people die a year on our roads. A third of that is secondary to alcohol excess. But another third of that is associated with unsafe roads and bridges. That is according to the Department of Transportation.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Department of Transportation inspector general and an accompanying Executive Overview of Report AV–2007–066 of the Department of Transportation.

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

DEPARTMENT OF TRANSPORTATION,
OFFICE OF INSPECTOR GENERAL,
Washington, DC, September 7, 2007.

Hon. TOM COBURN,
Ranking Member, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COBURN: We have enclosed the results of our review of congressional earmarks within Department of Transportation (DOT) programs, which we conducted in response to your request. Specifically, you asked that we conduct an independent analysis of the cost, oversight, and impact of congressional earmarks for the most recent fiscal year.

We determined the total number and dollar amount of congressional earmarks within DOT programs for fiscal year 2006, the inclusion of earmarks in DOT's annual planning and evaluation process, and the effects of earmarks on DOT's mission and goals.

This report provides our analysis of selected programs within the Federal Highway Administration, the Federal Transit Administration, and the Federal Aviation Administration; these agencies accounted for 99 percent of the earmarks (both in number and dollar amount) in DOT for fiscal year 2006.

We want to express our appreciation to the Department and the various stakeholder organizations for their cooperation during this review.

If I can answer any questions or be of further service, please contact me or Todd J. Zinser, Deputy Inspector General.

Sincerely,

CALVIN L. SCOVEL III,
Inspector General.

INTRODUCTION

Over the past year, there has been considerable interest and debate over congressional earmarks. According to the Government Accountability Office, an earmark is a congressional directive in legislation to a Federal agency to spend a specific amount of its budget for a specific entity, project, or service. Earmarking differs from the general appropriations process where Congress grants a lump sum to an agency to distribute according to the agency's authorized, transparent, statutory criteria and merit-based decision-making processes.

In a memorandum published in January 2006, the Congressional Research Service reported that during the 10-year period from fiscal year (FY) 1996 to FY 2005, the number of earmarks within Department of Transportation (DOT) appropriations acts and accompanying conference reports increased by more than 1,150 percent—from 167 earmarks in FY 1996 to 2,094 earmarks in FY 2005. The amount of dollars earmarked also increased by more than 314 percent—from $789 million in FY 1996 to about $3.27 billion in FY 2005 (see figure). Although down in numbers from FY 2005, DOT's FY 2006 appropriations included 1,582 earmarks, of which 1,516 were specifically identified in the conference report accompanying the act.

Not only do earmarks originate in the appropriation process, but they also enter the process through program authorizations. Recent DOT re-authorizations have included a significant number of specific projects with associated funding directed to specific state and local agencies or locations. For example, the current DOT authorization for surface transportation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), accounted for 6,474 (80 percent) of DOT's 8,056 earmarked projects for FY 2006. As with most DOT program authorizations, SAFETEA–LU is a multi-year (5 years—from FY 2005 to FY 2009) authorization with specified percentages of appropriated funds authorized each year for the given agencies, programs, and activities.

In August 2006, Senator COBURN—then Chairman of the Senate Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security—requested that we conduct an independent analysis of the cost, oversight, and impact of congressional earmarks. As Senator COBURN requested, we defined an earmark as a provision of law, directive, or an item represented in any table, chart, or text contained within a joint explanatory statement or a report accompanying an appropriations or authorization bill that identifies an entity, a program, project, or service and the amount of assistance the Federal agency is to provide.

Consistent with Senator COBURN's request, we determined (1) the total number and amount of earmarks within DOT for FY 2006, (2) the inclusion of earmarks in DOT's annual planning and project evaluation processes, and (3) the effects of earmarks on DOT's mission and goals.

We focused our analysis on earmarks within DOT's programs administered by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA), because these three Operating Administrations accounted for 99 percent of the earmarks for FY 2006 (both in number and dollar amount) in DOT. Exhibits A through E provide details on: (A) the total number and dollar amount of earmarks by program with DOT for FY 2006; (B) earmarked projects that bypassed established selection and review processes or planning and programming processes; (C) our analysis of earmarks' impact on agencies' programs; (D) stakeholders interviewed; and (E) our objectives, scope and methodology, and related audits. We conducted this review between December 2006 and August 2007, in accordance with generally accepted Government Auditing Standards as prescribed by the Comptroller General of the United States.

In February 2007, the President signed a joint resolution passed by Congress that provided appropriations for FY 2007 with a moratorium on earmarks. Section 112 of this joint resolution states that ''any language specifying an earmark in a committee report or statements of managers accompanying an appropriations act for FY 2006 shall have no legal effect with respect to funds appropriated'' under the joint resolution.

The Office of Management and Budget has taken steps to enforce the joint resolution by requiring that Federal agencies only fund projects or activities that are ''specifically identified in statutory text'' and ''in accordance with authorizing law, using statutory criteria, such as funding formulas, eligibility standards, and merit-based decision-making.''

EXECUTIVE OVERVIEW

Overall, we identified 8,056 earmarked projects within the Department's programs that received more than $8.54 billion for FY 2006 (see exhibit A). Of the 8,056 earmarked projects for FY 2006: 66 earmarked projects were specified in the text of the appropriation act; 1,516 earmarked projects were specified in the conference report accompanying the appropriation act; 6,474 earmarked projects were identified in the appropriation act's accompanying conference report sections referring to distribution of FY 2006 authorized funding as directed by SAFETEA-LU.

FHWA, FTA, and FAA accounted for 99 percent of these earmarked projects, both in

number (8,011 of the 8,056 projects) and dollar amount (about $8.49 billion of the more than $8.54 billion). FHWA had the highest number of earmarked projects at 6,556, and FTA had the highest percentage of its FY 2006 appropriation earmarked at 28 percent.

Generally, before a capital or research project can receive DOT funding, either discretionary or formula, it must be the product of a planning process. Planning for highway, transit, and airport improvement projects takes place at the local, state, or Federal levels. For highway and transit projects, each metropolitan planning organization (MPO), in cooperation with the state and public transportation operators, must develop a long-range transportation plan and a short-range transportation program for the urbanized areas within the state. Integral to the planning process is an evaluation of factors such as a project's enhancement of mobility, maximization of safety and security, relief of congestion, financial viability, and protection of the environment. The planning process culminates in a list of projects to be funded within 4 years.

To be eligible for Federal funds, a project must be part of the Transportation Improvement Program (TIP), which is approved by the MPO and the Governor, and the State's Transportation Improvement Program (STIP), which is approved by the Governor, FHWA, and FTA. Subsequent to the planning process, FHWA and FTA select projects to receive discretionary grants based on their merits as reflected in the transportation plans. For formula grants, the states make the selections based on their priorities and in cooperation with the MPOs and local officials.

To be considered for funding under the Airport Improvement Program (AIP), a project would be part of the national Airport Capital Improvement Plan (ACIP), which is formulated by FAA in cooperation with states, planning agencies, and airport sponsors. In all cases, the planning process culminates in a list of priority projects to be funded within a given time frame.

However, our review of 7,760 earmarked projects valued at $8.05 billion within FHWA, FTA, and FAA programs disclosed that 7,724 of the 7,760 projects (99 percent) either were not subject to the agencies' review and selection processes or bypassed the states' normal planning and programming processes. For example, 125 AIP projects, totaling almost $201 million, were earmarked for FY 2006. Of the 125 earmarked projects, 72 (about 58 percent), totaling $132.4 million, were on FAA's list of candidates to receive AIP funds for critical airport planning and development projects—the remaining 53 projects were not. These 53 projects, totaling about $68.5 million, would not have been considered for funding in FY 2006 if they had not received earmarks.

There were earmarked projects we reviewed that were evaluated as ''highest'' priority projects and would have been fully funded regardless of being earmarked. For example, the New Starts Program is the Federal Government's primary financial resource for supporting locally planned, implemented, and operated transit fixed ''guideway'' systems. From heavy to light rail, from commuter rail to bus rapid transit systems, these projects have improved the mobility of millions of Americans; helped to improve air quality; and fostered the development of more viable, safe, and livable communities.

However, earmarks may not be the most effective or efficient use of funds on programs within FHWA, FTA, and FAA. Many earmarked projects considered by the agencies as low priority are being funded over higher priority, non-earmarked projects. For example, for FY 2006, FAA considered 9 of the 10 new earmarked projects, totaling $31.5 million, in its Tower/Terminal Air Traffic Control Facility Replacement Program within the Facilities and Equipment account to be low priority projects that would not have received funding without the earmarks. Funding these new low priority projects in FY 2006 added to the already substantial backlog of replacement projects from earmarks in prior fiscal years and caused FAA to delay the planning of its higher priority replacement projects by at least 3 years.

Some earmarks are providing funds for projects that would otherwise be ineligible. For example, for FY 2006, 16 of 65 earmarked projects, totaling more than $14 million, in FHWA's Interstate Maintenance Discretionary Program did not meet statutory program criteria and would not have received funding were it not for a section in DOT's appropriations law that allows funding for earmarks that do not meet the statutory requirements of the program.

Mr. COBURN. An investigation by the inspector general found the following: For 2006, there were 8,056 earmarks within the Department of Transportation program, with a total of more than $8.54 billion, or over 13 percent of DOT's appropriation. So for one in seven and a half dollars, we have directed the spending, and for most of them, it is against the highest priority things we should be funding. So thinking about the risks, thinking about the costs, thinking about our standing in terms of doing what we should be doing to make sure the highest ordered priorities are taken care of—that the bridges that are structurally deficient will be addressed, that the highways that do not meet or exceed a good or acceptable level of safety—we ought to be redirecting this money in that direction. That is what this amendment is about.

We get three choices. We can table the amendment, as I think the motion will be made so we do not have to deal with it, saying we should not change our priorities. We can say yes, and we can renew the faith in the American people that we understand we are here to do priority work. We are not necessarily here to do the next best thing for our political careers.

However you slice it, many of the earmarks are great things. They are great needs which have to be met at some point in time. But most of the earmarks that go for the bridges and roads will not be affected by this amendment at all. The ones that will be affected are those earmarks which are not a priority.

I know we are going to have a vote. I want to give the subcommittee chairman, as well as Ranking Member BOND, a chance to answer this debate. I will say I plan on offering this amendment in another form, if this amendment goes down, limiting it and more directing it, if in fact that is the case.

But we have a duty to do what is in the best interest of our transportation needs in this country. I realize there is a debate, and I realize there is disagreement with me on this issue. But it is going to be hard for us as a body to justify 500 separate earmarks that do not address the bridges in this country, will not help us assess that.

Earlier today, Senator MURRAY alluded to the $1 billion increase. Well, that is true, but we did not increase the money; we just made it toward the Transportation fund. The trust fund will run out of money a year earlier. So all we did was speed up spending that is allowed in the trust fund that we have today, and that will be consumed more quickly. I agree we probably should do that. But we will, in fact, have to address this issue, and it is about priorities.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have had a good discussion with the Senator from Oklahoma earlier in the day. Just to recap for those who may have missed it after he gave his eloquent pitch, I would say on behalf of those of us who worked on the bill—certainly the great leadership of our chair, the distinguished Senator from Washington—that when we put in earmarks, when we target specific investments to our State, they reflect the judgment of each Member of this body on what is important in his or her State based on what we hear from elected officials, transportation officials, and community leaders who say these are their top priorities.

Now, my friend from Oklahoma is earmarking money for bridges. If he believes Oklahoma is not putting in an adequate share of its money for bridges, then we would be happy to entertain earmarks. But don't tell us to earmark ours. I work with the Missouri Department of Transportation officials. They say our highest needs are mostly in highways. We don't want to lose that money from highways.

The PRESIDING OFFICER. The question is on the Coburn amendment.

Mrs. MURRAY. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 82, nays 14, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—82

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

NAYS—14

Barrasso	Cornyn	Grassley
Burr	DeMint	Isakson
Chambliss	Ensign	Kyl
Coburn	Enzi	McCaskill
Corker	Feingold	

NOT VOTING—4

Craig	McCain
Dodd	Obama

The motion was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 2816, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 2816, as modified. There is no further debate and I ask for its adoption.

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

The amendment (No. 2816), as modified, was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator CORNYN be recognized to offer an amendment related to Mexican trucking at 6 p.m.; that there then be 60 minutes of debate with respect to the Cornyn amendment and the pending Dorgan amendment No. 2797 and that the amendments be debated concurrently, with the time equally divided and controlled between Senators DORGAN and CORNYN, or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote in relation to the Dorgan amendment, to be followed by 2 minutes of debate, equally divided and controlled as noted above, prior to a vote in relation to the Cornyn amendment; that no amendments be in order to any amendments covered in this agreement prior to the vote; that after the vote with respect to the Dorgan amendment, the vote time be limited to 10 minutes for the remaining amendment in this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I know the Senator from Oklahoma is on the floor and will be offering an amendment in a minute. Prior to his offering that amendment, I ask that the Senator from Minnesota, Ms. KLOBUCHAR, be given 2 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I thank the Senators for working on a bipartisan basis. I thank Senators MURRAY and BOND for their work on this issue and for passing the appropriation for the funding to fix the I–35W bridge in Minneapolis.

The Senate acted incredibly quickly after this tragedy occurred—August 1. The next day, Senator COLEMAN and I were there. We saw this tragedy firsthand and the heroic responses of our rescue workers in Minnesota. Ordinary citizens were diving into the water; they didn't know whom they would find and they didn't know the danger. They rescued people. It could have been so much worse. Our citizens came together and now this Senate comes together. I thank them for this. We are losing about $400,000 a day. This was a major thoroughfare in our town and in our Twin Cities area.

We are going to rebuild. On the day that we went and saw the shards of steel and the broken bridge that had flopped into the middle of the Mississippi River, I said that bridges in America should not fall down. This bridge did. When bridges in America fall down, we must rebuild. By taking this important action today to fund the rebuilding of the bridge, the Senate has started that process. I thank my colleagues. I thank Senator COLEMAN for cosponsoring my amendment. We will now move on to rebuilding our bridge and bringing our beautiful Twin Cities area back to where it was.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, there is some confusion about my amendment. I think we have reached an agreement, and we will shortly be sending up my amendment No. 2796, as modified. I believe it will be accepted on both sides. So we will stand by for that to happen.

I yield the floor.

Mrs. MURRAY. Mr. President, the Senator is correct. We have been working with Senator INHOFE, and we believe we have a modification. As soon as that is written up, we hope to get an agreement and move that amendment forward.

Mr. INHOFE. I thank the Chair.

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. COBURN. 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 Senator is recognized.

AMENDMENT NO. 2811

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2811.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2811.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of funds made available under this Act for bicycle paths so that the funds can be used to improve bridge and road safety)

At the appropriate place, insert the following:

SEC. ____. None of the funds made available under this Act may be spent for bicycle paths or bicycle trails.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Mr. President, maybe this will not be as painful an amendment. Again, referencing what Senator KLOBUCHAR said today about repairing the bridge that has collapsed and cost 13 people their lives and many others injuries, we decided not to order priorities with the last amendment but hopefully will give a little bit better consideration to this one.

About 2½ weeks ago, a friend of mine, who has been a friend for over 20 years, talked me into getting a bicycle. I have to say I have markedly enjoyed that exercise. This amendment says that for the $12 million to $18 million in this bill, which is not clear how much is actually for bicycle paths, we should not be spending money on bicycle paths for our own leisure, comfort, and exercise when we have bridges that are falling down. It is very straightforward. It prohibits funding bicycle paths until we have our bridges and highways in order. Through the years, we have spent hundreds of millions of dollars on bicycle paths. It is great, it

is fun, they are enjoyable, but it isn't as important for us to have fun and enjoyment as it is for us to be responsible in repairing the roads and bridges in this country. This is simply a prohibition that says for the funds that are in this appropriations bill for bicycle paths, we are saying, no we won't spend that money; we are going to spend the money on fixing roads and bridges.

I guess one could say we could do both. We can fix the roads and bridges and we can have bicycle paths. The problem is this body adopted an amendment creating another billion dollars for bridges just yesterday, and what that does is shorten the life of the trust fund. What it does is move the empty, the zero on that fund to 2009. We have addressed some of that, but we haven't addressed it near to the need I believe we should.

I ask my colleagues to give some thought about whether bicycle paths or the safety of our people in cars on bridges and roads in this country is more important.

I will give some examples. There is $3 million for three bike trails in Illinois. Illinois has 290 structurally deficient bridges.

There is $500,000 for the CEMAR Trail in Iowa. Iowa has 61 structurally deficient bridges.

There is $500,000 in Maryland. Maryland has 43 structurally deficient bridges on the National Highway System.

Mississippi has $2.2 million earmarked for bicycle trails and has 28 structurally deficient bridges.

Missouri has $750,000 for the Heart of America bicycle/pedestrian bridge and has 123 structurally deficient bridges on our National Highway System.

North Dakota has $800,000 for the Lewis and Clark Legacy Trail and has nine structurally deficient bridges.

The State of Washington, the chairman's State, has three bike earmarks, $3 million, and 76 structurally deficient bridges.

West Virginia has 98 structurally deficient bridges, but yet $1 million is going to the Paw Paw Bends Trail in Morgan County.

That is not the complete list. I can go on. I have five more pages of States around the country.

It is interesting that in Chesapeake, VA, the council voted in June to build a 2-mile bicycle path estimated to cost $16 million. That is to be paid for with federally earmarked funds and a match. The mayor of that city, in arguing against this expenditure, cast the lone vote, saying: It reminds me of a bridge somewhere to nowhere. You are talking about Government spending. To spend that kind of money on a bike path that would rarely be utilized is astounding to him. The traffic in that area, pedestrian and bike, is four people per day.

I don't deny that it is a wonderful experience that many millions of Americans are getting to enjoy the bike paths we build. The question is, Should we stop for a while and do what we should be doing with our other transportation needs?

A quote from Mary Peters, Secretary of Transportation, is the following:

> Americans would be shocked to learn that only about 60 percent of the gas tax money they pay today actually goes into highway and bridge construction. Much of it goes to many, many other areas. Ten to 20 percent goes into areas that are not directly transportation related.

Bike paths and trails happen to fit into that category.

The highway trust fund was set up to build highways and maintain bridges. When 40 percent of it is not used to maintain highways or build bridges, we have missed the priorities the American people have asked for.

The last time the gas tax was increased in 1993, it was 4.3 cents. We have had many people say we need a tax increase on transportation dollars to afford the Transportation bill. I don't believe that is true at all. I believe we ought to be spending the money on true transportation needs—roads and highways and transit—and we should have less of the other.

I ask unanimous consent to have printed in the RECORD an article from the Minnesota Star Tribune recently that noted the significant amounts of money that have been spent in that State on bicycle paths at the same time the chairman of the Transportation Committee did not allocate the funds, along with the State, to effectively solve the problems of the I–35 bridge.

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

[From the Minnesota Star Tribune]

> [Minnesota Congressman Jim] Oberstar played a lead role in crafting the 2005 bill as ranking Democrat on the House Transportation Committee. In the bill, Congress allocated about $4 billion a year for bridge reconstruction and maintenance. It designated about the same amount—about $24 billion over a five-year period—for member earmarks in a bipartisan porkfest.
>
> Ironically, $24 billion is almost exactly the amount that Oberstar now says we must raise through new taxes to prevent future bridge collapses.
>
> Oberstar's earmarks were among the highest for any member, totaling $250 million. What did they fund?
>
> Not repair of the I–35W bridge, though the state had identified cracks in the bridge as a major concern in 1999. Oberstar's earmarks, which included many road-related projects, also provided $25 million for Twin Cities bicycle and pedestrian trails and lanes, and such ''high priority'' items as $471,000 for the Edge of Wilderness Discovery Center in Marcell.
>
> He did slip in $1.5 million for a new bridge in Baxter—for the Paul Bunyan bike trail.
>
> Oberstar, an avid cyclist, has lavished federal gas-tax dollars on bike trails for years. In 1991, he spearheaded legislation that first allowed Highway Trust Fund monies to flow to state bike trails.
>
> Now Oberstar, has taken his enthusiasm for bikes a step further. He recently amended a federal aviation law to allow airports to spend federal funds on bike storage facilities.

Mr. COBURN. I will limit my debate on this amendment and try to come back to the Chamber. I ask unanimous consent that the pending amendment be set aside and that we call up and consider amendments Nos. 2812, 2813, and 2814, as a block of three amendments, to be debated en bloc and then to be voted en bloc. I ask for their consideration to be available or time be made available to consider those amendments when I have time to come back to the floor.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. MURRAY. 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 Senator is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that a vote in relation to Coburn amendment No. 2811 occur upon disposition of the Cornyn amendment relating to Mexican trucks and that no amendment be in order to the Coburn amendment prior to the vote; that there be 2 minutes for debate prior to a vote with respect to the Coburn amendment, with the vote time limited to 10 minutes.

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

Mrs. MURRAY. Mr. President, my understanding is that the Senator from Oklahoma is going to come back and debate his amendment that he combined. Can he let us know what time he will be back so we can make sure we are able to fit in that debate time so we can possibly add the votes on those amendments onto the end of the votes we now have starting at 7 as well?

Before the Senator from Missouri speaks, let me say that when the Senator from Oklahoma comes back, then we will try to work with him to get a time agreement to vote as well at the 7 o'clock time so we can have four votes and move expeditiously to finish this bill tonight.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, before my friend from Oklahoma leaves, we talk a lot about safety. This is one of the problems when we try to take a meat ax to all earmarked programs in the States that have been worked out. I was working on another amendment, so I didn't hear whether he mentioned the $750,000 for the Heart of America Bridge in Kansas City. But in the interest of full disclosure, yes, we put in a retrofitting of a bridge to provide a barrier-separated crossing for bicyclists and pedestrians crossing the Missouri River from north Kansas City to downtown Kansas City.

Mr. COBURN. Mr. President, will the Senator yield for one moment?

Mr. BOND. I will be happy to yield.

AMENDMENTS NOS. 2812, 2813, AND 2814, EN BLOC

Mr. COBURN. Mr. President, I made an error in terms of calling up my

amendments. I ask unanimous consent that the pending amendment be set aside and that amendments Nos. 2812, 2813, and 2814 be called up.

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

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes amendments numbered 2812, 2813, and 2814, en bloc.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2812

(Purpose: To remove an unnecessary earmark for the International Peace Garden in Dunseith, North Dakota)

At the appropriate place, insert the following:

SEC. 232. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for facility renovation at the International Peace Garden in Dunseith, North Dakota; Provided, That the amount made available for grants for the Economic Development Initiative is reduced by $450,000, and the amount made available for the Community Development Fund is reduced by $450,000.

AMENDMENT NO. 2813

(Purpose: To ensure that no funds made available under this Act shall be used to carry out any activity relating to the design or construction of the America's Wetland Center in Lake Charles, Louisiana, until the date on which the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and the State of Louisiana, certifies to Congress that all residents of the State of Louisiana who were displaced as a result of Hurricane Katrina or Rita in 2005 are no longer living in temporary housing)

At the appropriate place, insert the following:—

SEC. _____. Notwithstanding any other provision of Act, no funds made available under this Act may be used to carry out any activity relating to the design or construction of the America's Wetland Center in Lake Charles, Louisiana, until the date on which the Secretary of Housing and Urban Development, in consultation with the Administrator of the Federal Emergency Management Agency and the State of Louisiana, certifies to Congress that all residents of the State of Louisiana who were displaced as a result of Hurricane Katrina or Rita in 2005 are no longer living in temporary housing.

AMENDMENT NO. 2814

(Purpose: To prohibit the use of funds for the construction of a baseball facility in Billings, Montana, and to reduce the amounts made available for the Economic Development Initiative and the Community Development Fund)

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act—

(1) none of the funds made available by this Act may be used for the construction of a new baseball stadium that is replacing Cobb Field in Billings, Montana;

(2) the amount made available by this Act for grants for the Economic Development Initiative is reduced by $500,000; and

(3) the amount made available by this Act for the Community Development Fund is reduced by $500,000.

AMENDMENT NO. 2811

Mr. BOND. Mr. President, the reason we put in a barrier on this bridge between north Kansas City, a vibrant growing community, and, of course, the heart of Kansas City, MO, is that many people cross that bridge on foot and on bicycles. The traffic is getting so heavy that there is great danger to the pedestrians and bicycle riders. For those who like exercise and like conserving energy, many people commute between north Kansas City and Kansas City, MO, by foot or on bicycles. But for them to continue to do that, they need to be separated from the traffic.

I drive on the streets of Washington, DC, where bicyclists are not separated from traffic. It is always with great fear and trepidation as I am driving in two lanes of traffic coming to work in the morning and I see a bicyclist riding down the street between us. I just hope and pray that I am not the one who hits that bicyclist and that nobody hits them.

But if we are going to have bicyclists using roadways, please, let's put a barrier to separate the bicyclists and the pedestrians from the traffic. If we are talking about safety, I believe this is one of the easiest points to understand, and that is why I object so strongly to saying that any earmark we put in our States that deals with bicycles should be struck.

Where is the sense in this body to tell the people of Kansas City and north Kansas City they cannot have a protected pedestrian and bicycle means of ingress and egress between north Kansas City and regular Kansas City? It makes so much sense that I really hate to bring it up. That is what this amendment would do. That is why I will strongly oppose the amendment.

The PRESIDING OFFICER (Ms. STABENOW). The distinguished Senator from Washington.

Mrs. MURRAY. Madam President, I join my colleague from Missouri in opposing the amendment that has been offered by Senator COBURN. Under the SAFETEA–LU authorization bill, that is the surface transportation authorization law, the bill that defines all of the transportation projects for the country, communities are required to prepare comprehensive transportation plans in order to receive Federal highway and transit grants. Those plans have to include the communities' plans for bike and pedestrian pathways. We set that policy because these plans are meant to be comprehensive, and our national policy has been to recognize bike and pedestrian pathways as one component of an entire, complete transportation system. They can't constitute the largest part of the system, but a plan that ignores that element is not complete.

Now, there are three reasons our national transportation policy has recognized the role of bike and pedestrian paths in the role of transportation authorization. There is safety, there is mobility, and there is our healthy communities about which we are all concerned. When we put in adequate bike paths and walkways, what we are essentially doing in many of our communities is protecting the safety of our families and our neighbors. In many of our communities, without those paths, many more bicyclists and pedestrians would be forced to commute with regular vehicle traffic.

Everyone on bicycle or on foot is vulnerable when they are mixed in with heavy traffic. But I contend our school-aged children are often the ones who are the most vulnerable, and that is why it is extremely important that we protect these kinds of pathways in our transportation bills.

When we put in place these bike paths and walkways, we also provide essential mobility to a lot of people who can't afford to drive a car, who don't have a car, or for disability reasons can't drive a car. These are people who sometimes can't afford the daily travel by car, but they have their bike. They might like to travel by bus or a transit vehicle, but perhaps there aren't any available and so they are on our bikeways, bike paths, and walkways, and they need a mode of transportation within our communities as well.

It wasn't very long ago I happened to read an article in the Washington Post about informal bike and pedestrian paths showing up all over northern Virginia. These are just foot paths now, apparently, and not much more than grassy areas where commuters come and go on a daily basis. From the story, it said most of the people walking along these paths can't afford to commute by train or by car. They are walking to their jobs every day. These jobs don't pay a lot. These families need to get to work to support their families, and so they are walking on these pathways all over northern Virginia, the story tells us. The unfortunate part of that story, as I read it, is that these bike and pathways crossed over four lanes of traffic, many times without any traffic signals to accommodate them. So those commuters who are walking on these paths scrambled every day to get across four lanes of traffic because the transportation system didn't protect them as bicyclists or as pedestrians.

So mobility is important and safety is important. But, finally, we all recognize that having healthy communities is an important part of our country today. In recent years, we have all become aware of how our physical infrastructure affects our daily lives, and too often people find themselves trapped in cars by a transportation network that will not allow them to walk or bike to work, which can be an important part of an exercise regime for many who choose that. So these bike paths and walkways provide an alternative to cars and help make our

communities more healthy and more like neighborhoods.

When the Senate passed the last Transportation authorization bill, the so-called SAFETEA–LU, that bill recognized that bike and pedestrian pathways were one component of a complete transportation system for our communities. The President signed that bill into law. Today, if we choose to pick out this one mode of transportation and say we are not going to have bike paths or walkways, that we are excluding that from transportation funding, we would be making, on the floor of the Senate today and in the Transportation appropriations bill, a major shift in our transportation policy.

So I hope our colleagues will take a serious look at this amendment and realize that it will affect the safety of many of our citizens who commute to work, to school, and those who, in their daily lives, don't have a car or who choose to walk for their own personal health or ride a bike for their own personal health.

I hope the Senator from Oklahoma will wait to have this discussion when we are back on the floor during the reauthorization bill, which will be occurring during the next couple of years, and he will then have an opportunity to make his arguments at that time during the surface transportation debate. But today we are not considering an authorization bill. We are considering a transportation appropriations bill. And, yes, it does include an alternative for many people in this country, which is part of their transportation. It is part of their commute to work or to school or their daily lives, and it is an essential part of this bill.

So I urge my colleagues to vote no on the Coburn amendment, and we will be having that vote certainly after 7 o'clock.

AMENDMENT NO. 2796, AS MODIFIED

Madam President, I ask unanimous consent to set the current amendment aside and call up amendment No. 2796 and send a modification to the desk.

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

The amendment, as modified, is as follows:

On page 147, between lines 8 and 9, insert the following:

SEC. 414. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration to transfer the design and development functions of the FAA Academy in their entirety or to implement the Air Traffic Control Optimum Training Solution proposed by the Administrator in its entirety prior to September 30, 2008.

Mrs. MURRAY. Madam President, I believe there is no further debate on the amendment.

The PRESIDING OFFICER. If there is no further debate the question is on agreeing to the amendment.

The amendment (No. 2796), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY. Madam President, I see the Senator from Montana is on the floor at this time and wishes to be recognized.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I have a question for the Senator from Oklahoma.

I have a statement that applies to servicemen going off to war in Iraq from the State of Montana, which does not apply to this bill. It is a statement I want to make as in morning business. If the Senator from Oklahoma has something applicable to this bill and he is time sensitive, I would defer to him, if he wishes.

Mr. INHOFE. No. I would respond to the Senator from Montana that we just adopted my amendment, as modified, and that is the reason I was on the Senate floor at this time.

Mr. TESTER. I thank the Senator.

Madam President, first of all, I have a few comments to make about the bill. I thank the Senator from Missouri and the Senator from Washington for their great work on this bill. I would hope that the Senate would pass this bill as it is because I think it is a good piece of legislation that fits the needs of our country very well.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2797

Mr. KYL. Madam President, I want to speak for a moment about the amendment of the Senator from North Dakota relating to the cross-border trucking demonstration program. That is the long title for the pilot project to allow U.S. trucks to travel into Mexico carrying cargo and to allow a certain number of Mexican trucks, after inspection, to travel into the United States carrying products for delivery here. This program has actually been planned over the past 14 years, but the Senator from North Dakota has an amendment that would deny the entry of Mexican trucks into the United States on the grounds that the trucks participating in this program do not meet the same safety standards as U.S. trucks and, therefore, would be unfit for U.S. roads. If that were true, I would agree. But it is not true. I very much understand the Senate's role in protecting the safety and security of people on our highways, protecting the American public. But in my view, the Dorgan amendment ignores the numerous safety and inspection standards which are set in place by the Department of Transportation under this demonstration program. In fact, the whole point of the demonstration program is to show that a safe regime for cross-border trucking can exist in a way that benefits both Mexico and the United States.

First, let me emphasize the minor impact the Mexican trucks will actually have on our U.S. highway system. The Department of Transportation authorized a maximum of 100 Mexican trucking companies to participate in the 1-year demonstration program, the same number of U.S. trucking companies that would be allowed to participate in Mexico. Preliminary information indicates there will be approximately 500 to 600 vehicles involved. According to statistics released by the National Trucking Association, 5.1 million commercial trailers were registered in 2004 for business purposes here in the United States. Clearly, the 500 to 600 Mexican trucks compared to 5.1 million American trucks is a pretty miniscule number compared to our trucking industry as a whole.

As I mentioned, proponents of the Dorgan amendment claim that Mexican trucks are too dangerous for U.S. roads. However, Mexican trucking company drivers and vehicles participating in this demonstration program must overcome multiple layers of safety and inspection standards before operating in the United States. Let me describe in detail the mandates the Mexican companies must meet to qualify for this demonstration program.

The first layer of safety is an application process whereby any trucking company that wishes to participate in the demonstration program must complete a 38-page application dealing with business activities, cargo content, safety records, safety rules, and other required information. If a Mexican trucking company fails to meet any of those DOT standards, the application is denied. The next layer of safety and inspection standards is a preauthorization safety audit. This measure mandates that U.S. Federal inspectors must conduct a thorough safety audit of each Mexican trucking company business at the carrier's headquarters in Mexico before it is granted authority to operate beyond U.S. border commercial zones. So U.S. inspectors will be at the Mexican trucking company site in Mexico performing this inspection, not only of the vehicles but of the entire operation. That is a major inspection. It seems to me it is a major way that we preliminarily qualify these Mexican companies for operation here.

Our inspectors must verify that the Mexican companies are complying with the following U.S. standards: U.S. hours of service regulations, drug and alcohol testing for each driver—these are completed by U.S. labs, by the way—insurance with a U.S. insurance company—so this business of not being insured in the United States is not correct—adequate driver qualifications, and a vehicle maintenance program. If the company passes the compliance test, then the inspectors conduct a full front-to-back review of each truck, which takes 45 minutes per vehicle, and they interview every driver who will participate in the program. These are U.S. inspectors in Mexico at the company site.

They then do a 45-minute inspection of the trucks, and they have to meet the same safety standards as U.S. trucks traveling on our highways. If the company passes the pre-authorization safety audit, each truck is then given a safety decal and that decal is only valid for 90 days. So each truck will have to undergo a bumper-to-bumper inspection every 3 months. Each truck is also given a unique decal. Every time the truck crosses the border, Department of Transportation inspectors at the border look for that decal. They verify that the driver is the one the company has certified for that truck, and they check English language proficiency and licensing requirements. They do all of that at the border.

Finally, every vehicle and driver participating in the project will be subject to roadside inspections, just as U.S. and Canadian drivers are. If at any point a Mexican truck fails to comply with just one of the safety requirements, the truck and the driver will be placed out of service immediately. The Mexican trucking company will then be subject to disciplinary action. All of these safety and inspection standards ensure that Mexican trucking companies, vehicles, and drivers participating in the demonstration program abide by the same or, in some cases, even stricter safety standards than U.S. and Canadian trucking companies, drivers, and vehicles operating in the United States.

Clearly, the Department of Transportation has worked hard to develop safety and inspection standards designed and intended to protect American highways and the public. It is for that reason that we should not support the Dorgan amendment.

Remember, this is a pilot project, a demonstration project. To ensure that its results are adequately reported to us and that the Department of Transportation makes no changes without notifying the Congress, Senator CORNYN has offered an amendment that will add those additional precautions. Of course, those are worthwhile and I will support that. The bottom line is, those people who fear that Mexican trucks will not be held to the same safety standards as U.S. trucks in America are incorrect. They will receive the two inspections in Mexico, another inspection at the border, and the potential for an inspection anywhere else on the highways, just as American trucks. Those inspections are performed by U.S. inspectors.

It is worth giving this program a chance—a demonstration program only—to see whether it will work. If it turns out it is too much trouble and expense, it doesn't work, the Mexican drivers are not qualified, the trucks don't meet the standards, whatever else, then we can adjust our program. But let's give the demonstration project a chance to also show that maybe our neighbors to the South deem it important enough for their vehicles to travel in the United States for their own commercial purposes that they care about this program and they are going to make it work. If they do, it is much more efficient and much cheaper for American consumers, if those Mexican trucks can travel in the United States, because the alternative is to offload the cargo in Mexico, reload it onto an American vehicle, and then have it come into the United States, a very lengthy, time-consuming, and costly process.

The United States has always been a trading nation. It is our history. Americans have benefited throughout the centuries because we have been a trading nation. Our neighbors, Canada and Mexico, like to buy American products. They have things to sell to American consumers. Some of the finest tomatoes we are eating right now come through the port of entry in Nogales, AZ. I see the trucks lined up every time I go down there. They are great products. Because they come in, they are fresher, less expensive, and they can be even more fresh and less expensive if they don't have to offload the cargo and reload it onto American carriers to be transported to final destination.

This is a way of demonstrating that we can make our commerce more efficient and less costly and speed products to market, if the Mexicans will do their part and verify that their vehicles are safe on American highways. Why not give them the chance? That is all this demonstration project does.

To those who say: We don't think they will meet our standards, this is the time to tell. I think it would be unfair to American consumers if we try to prejudge that and say there is no way it can work so we are not even going to give it a chance. We should give it a chance. Then we can evaluate it. Then we can make our decision. In the meantime, the Department of Transportation inspection demonstration project should go forward. The Dorgan amendment should be defeated. The Cornyn amendment should be adopted.

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. TESTER. 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. 2814

Mr. TESTER. Madam President, I rise today to speak in opposition to an amendment Senator COBURN is going to be offering in a few minutes. I rise today to say a few words about a construction project this amendment is potentially eliminating. It is a construction project that is generating a lot of excitement and community pride in my home State of Montana.

While campaigning for this Senate seat this time last year, I repeatedly said I support appropriations for projects that improve our Nation's infrastructure—projects such as safer bridges, better water canals, better highways, and improvements to our Nation's economic development. That is why I am following this project in Billings, MT, very closely. The project is a major effort by the people of Billings to reinvigorate their city's economy by rebuilding a well-known landmark—Cobb Field. Right now, crews are already working on the new stadium. Once finished, it will serve as a venue for sports, concerts, and art fairs throughout the year. It will attract visitors from all over the region.

The people of Billings are very proud of Cobb Field and the role it plays in their community. That is why they voted to raise their own taxes by over $10 million to rebuild this stadium. They understand how important it is to be proud of a place where they can gather as families, host visitors, and enjoy American pastimes.

The people of Billings also understand that the new Cobb Field will be a major economic boost. It will be an asset to the entire region. That is why I have requested the Senate invest $500,000 in this project. Believe me, it will go a long way in Billings—a community that has already done its part.

I believe this is a pretty darn reasonable request. The community development fund in this appropriations bill specifically sets aside money for projects that boost economies in cities such as Billings. What is the community development fund for if it is not for good community development projects such as this?

I am asking my colleagues not to remove any Federal funding in this community project. Instead, I stand before you to ask for a small investment in economic development for a growing community to provide jobs, tourism, and overall economic growth.

While running for this Senate seat, I criticized Congress for sneaking in projects in the dead of night, attaching them to spending bills behind closed doors without any accountability. It happened a lot more often than most people think. Our Government spent a lot of money without properly vetting it through Congress.

For the better, times have changed. I stand before you today to vigorously

defend why I requested this funding project in the light of day. I am going to bat for it because Cobb Field deserves the funding. There are no secrets here, there is no waste—just a good, worthwhile community project that will only make a very special place in my home State even better.

I am not going to let Cobb Field strike out. It is too much of an investment by Montana folks who work hard and raise families. They are taking it upon themselves to make their home better, and I will do everything I can to help.

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

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. 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. 2832

Mr. BOND. Mr. President, shortly, I hope we will be able to clear my amendment No. 2832, which deals with mitigation assistance to eliminate the default and foreclosure of mortgages of owner-occupied single family homes. As we all know, the subprime market collapse has caused great distress in the marketplace and in many of the entities that are engaged in issuing these subprime loans, and others, including hedge funds, which were dealing in the secondary market with them.

I am not so much concerned if large institutions made bad gambles. We don't want to engage in the moral hazard of bailing out large financial institutions that get out too far on the fringe and find out that interest rates rise and they can't make the profits they thought. But we are very much concerned about the individual homeowners who may find that this subprime crisis is costing them their housing.

Therefore, this amendment we propose would take $100 million from the HOME program within HUD to allow for foreclosure mitigation activities. The amount would go to organizations such as FHA, Neighborhood Reinvestment Corporation, and State Housing Finance agencies to help identify foreclosure alternatives and offer some homeowners, specifically in subprime mortgages, an alternative to the prospect of foreclosure.

Recently published data from the Mortgage Bankers Association for the second quarter of this year shows that one in seven U.S. homeowners was delinquent in their payments. Delinquencies in general rose to the highest levels since 2002, to 5.1 percent of all mortgages, not just subprime. These estimates also show that more than 600,000 homeowners are facing the prospect of foreclosure and repossession.

These numbers are the tip of the iceberg. Action needs to be taken to ensure that where possible, good borrowers who happen to be in the subprime category are not unfairly hurt by the housing downturn facing this Nation. While price corrections are natural, and perhaps needed in some markets today to balance against speculation and overt risk-taking, rapid rates of foreclosures will only build additional inventory in an already flush housing market and may lead to an overcorrection and a true recession in the housing market. Depending on the severity of the housing downturn, this could create a major drag on other aspects of our economy and pull us into a recession.

However, we should not be quick to attempt to bail out or otherwise create moral hazard in the mortgage markets. This amendment, therefore, seeks to build cooperation between entities and the Federal Government needed in the future in terms of preventing foreclosures and preventing a truly catastrophic mortgage crisis. I strongly believe this is a good step forward to help stem the tide of foreclosures without bailing out risky lenders and speculators from the market. I urge my colleagues to accept this amendment.

I would also note that sometimes people who have limited incomes may not be in a position to buy a home but may be better off renting. I have been in rental housing in my lifetime, as many of us have been. I think the recent efforts by the administration to push for home ownership without regard, in too many instances, to the ability of the homeowners to meet the payments is pushing the envelope too far. Some of the no-downpayment schemes that have been offered have put not only homeowners at risk but whole neighborhoods at risk, where one or two foreclosures may totally cripple a vulnerable, but otherwise healthy, housing neighborhood.

So we need to take a look carefully at the subprime market. We also need to look at those practices which unnecessarily put at risk families of modest income who may not be able to take on the responsibilities and the financial burdens of home owning but would be better off renting.

So with that, I yield the floor, and I look forward to hearing our colleagues talk about Mexican trucks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mrs. MURRAY. Mr. 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. 2800, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 2800.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. DURBIN, proposes an amendment numbered 2800.

Mrs. MURRAY. I ask unanimous consent that the amendment be modified as presented to the desk.

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

The amendment, as modified, is as follows:

(Purpose: To amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant programs)

On page 137, between lines 17 and 18, insert the following:

SEC. 232. Paragraph (4) of section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this paragraph, with respect to any fiscal year beginning after the date of the enactment of this sentence, the cities of Alton and Granite City, Illinois, may be considered metropolitan cities for purposes of this title.''.

AMENDMENTS NOS. 2832; 2800, AS MODIFIED; AND 2845 EN BLOC

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside, and that the following three amendments be considered en bloc: amendments Nos. 2832; 2800, as modified; and 2845.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, these en bloc amendments have been cleared on both sides. I know of no other debate.

Mr. BOND. No objection on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments en bloc.

The amendment (No. 2800), as modified, was agreed to.

The amendments (Nos. 2832 and 2845) were agreed to, as follows:

AMENDMENT NO. 2832

(Purpose: To establish mitigation activities and alternatives to mortgage foreclosure when viable and to reasonably ensure the long-term affordability of any mortgage assisted under this amendment)

On page 95, after the period at the end of line 25, begin with the following new paragraph:

Of the overall funds made available for this account, up to $100,000,000 may be made available for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Secretary of Housing and Urban Development (''Secretary, ''the Department'') is authorized to provide, or contract with public, private or nonprofit entities (including the Neighborhood Reinvestment Corporation and Housing Finance Agencies) to make awards (with up to a 25 percent match by an entity of the amount made available to such entity) (except for the match, some or all of the award may be repayable by the contractor to the Secretary, upon terms determined by the Secretary) to provide mitigation assistance to eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure, including mortgages known as subprime mortgages;

(2) These loss mitigation activities shall only be made available to homebuyers with mortgages in default or in danger of default where such activities are likely to ensure the

long-term affordability of any mortgage retained pursuant to such activity; No Federal funds made available under this paragraph may be provided directly to lenders or homeowners for foreclosure mitigation assistance. An entity may use its own funds (including its match contribution) for foreclosure mitigation assistance subject to repayment requirements and the regulations issued by the Secretary;

(3) Loss mitigation activities shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, the possible purchase of the mortgage, refinancing opportunities or the approval of a work-out strategy by all interested parties, and an assessment of the feasibility of the following measures, including:

(I) waiver of any late payment change or, as applicable, penalty interest;

(II) forbearance pursuant to the written agreement between the borrower and servicer providing for a temporary reduction in monthly payments followed by a reamortization and new payment schedule that includes any arrearage;

(III) waiver, modification, or variation of any term of a mortgage, including modifications that changes the mortgage rate, including the possible elimination of the adjustable rate mortgage requirements, forgiving the payment of principal and interest, extending the final maturity rate of such mortgage, or beginning to include an escrow for taxes and insurance;

(IV) acceptance of payment from the homebuyer of an amount less than the stated principal balance in financial satisfaction of such mortgage;

(V) assumption;

(VI) pre-foreclosure sale;

(VII) deed in lieu of foreclosure; and

(VIII) such other measures, or combination of measures, to make the mortgage both feasible and reasonable to ensure the long-term affordability of any mortgage retained pursuant to such activity.

(4) Activities described in subclasses (V) (VI) (VII) shall be only pursued after a reasonable evaluation of the feasibility of the activities described in subclasses (I), (II), (III), (IV) and (VIII), based on the homeowner's circumstances.

(5) The Secretary shall develop a listing of mortgage foreclosure mitigation entities with which it has agreements as well as a listing of counseling centers approved by the Secretary, with the understanding that an eligible mortgage foreclosure mitigation entity may also operate as a counseling center.

(6) Any mitigation funds recovered by the Department of Housing and Urban Development shall be revolved back into the overall mitigation fund or for other counseling activities, maintained by the Department and revolved back into mitigation and counseling activities

(7) The Department shall report annually to the Congress on its efforts to mitigate mortgage default. Such report shall identify all methods of success and housing preserved and shall include all recommended efforts that will or likely can assist in the success of this program.

AMENDMENT NO. 2845

(Purpose: To permit pilots to serve in multicrew covered operations until attaining 65 years of age)

On page 16, beginning with line 8, strike through line 2 on page 18, and insert the following:

SEC. 115. MULTICREW COVERED OPERATIONS SERVICE BY OLDER PILOTS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end thereof the following:

"§ 44729. Age standards for pilots

''(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.

''(b) COVERED OPERATIONS DEFINED.—In this section, the term 'covered operations' means operations under part 121 of title 14, Code of Federal Regulations.

''(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

''(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

''(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

''(d) SUNSET OF AGE-60 RETIREMENT RULE.—On and after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

''(e) APPLICABILITY.—

''(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 may serve as a pilot for an air carrier engaged in covered operations unless—

''(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

''(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

''(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

''(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

''(g) MEDICAL STANDARDS AND RECORDS.—

''(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

''(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

''(h) SAFETY.—

''(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

''(2) LINE EVALUATIONS.—Not later than 6 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.

''(3) GAO REPORT.—Not later than 24 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

''44729. Age standards for pilots''.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time just used be equally divided from both sides between now and the hour of 7 o'clock. I remind all of our colleagues that at 7 o'clock we will be having three votes on the amendments that are pending.

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

Mr. DORGAN. Mr. President, if I could inquire of the Senator from Washington, my understanding is that from 6 to 7, there was to be debate on the two amendments, Senator CORNYN's amendment and my amendment, which will then be voted on as side-by-side amendments at 7 o'clock, and that I would be allotted half the time.

Mrs. MURRAY. That is correct.

Mr. DORGAN. So let me ask unanimous consent that I be allowed to speak for 5 minutes on the Coburn amendment that I believe he has spoken about already dealing with the Peace Garden outside of that block of time, and following that 5-minute presentation, the remaining time would be split between myself and Senator CORNYN or his designee. I am not asking that the vote be extended; I am just saying that between now and 7 we are splitting the time with respect to the truck amendments.

If I have 25 minutes, that is fine.

Might I ask with respect to the Peace Garden amendment, will there be 2 minutes on each side prior to the vote on that amendment?

Mrs. MURRAY. Mr. President, let me let the Senator know that between votes we will have time for the Senators to discuss the amendments.

AMENDMENT NO. 2797

Mr. DORGAN. Mr. President, this issue of Mexican long-haul trucking into this country is an important issue, and I have offered an amendment that is very simple. It is an amendment that is supported by a number of groups: The Advocates for Highway and Auto Safety, Citizens for Reliable and Safe Highways, Parents Against Tired Truckers, Public Citizen, the National Farmers Union, the Teamsters, the Transportation Trade Department of the AFL–CIO.

In a newspaper article this morning, the American Trucking Association, which represents the trucking business, and which, by the way, supported the North American Free Trade Agreement, said today it has ''grave concerns'' about the Mexican trucking pilot project.

Here is the story: We passed NAFTA, the North American Free Trade Agreement. I didn't vote for it. It was a horrible trade agreement, and it has demonstrated over the years to be a trade agreement that does not represent our country's interests. We turned a very small trade surplus with Mexico into a huge trade deficit. But aside from that, in the passage of NAFTA, it was to harmonize at some point in the future the ability to do long-haul trucking across Canada, the United States, and Mexico, but it was never anticipated that it would start in circumstances where there were not equivalent standards and/or enforcement with respect to safety.

So I have very strong concerns because I don't think there is any evidence presented anywhere in this Chamber during this debate that we have equivalent standards and enforcement with respect to safety, and therefore I don't believe we ought to allow, at this point, the pilot project to go forward that will have long-haul Mexican trucks coming into this country now.

Now, let me describe a couple of things. First of all, it is coincidental, perhaps, but yesterday, a great tragedy occurred in Mexico, and I will describe it with this story that I saw yesterday morning. A terrible truck accident occurred where 37 people were killed; 150 people were injured in the blast. It left a crater of up to 65 feet, and that was because one of the trucks was hauling explosives in Mexico. This is a great tragedy, this accident; so many people were killed. Here is the crater in the road in Mexico. One of the trucks was carrying explosives. This was in a mining area.

According to newspaper reports, the driver of the truck that was carrying the dynamite was trying to overtake another truck carrying 25 tons of explosives in a trailer. The chief of police in the State where the accident took place said the truck was not equipped to carry explosives. The driver of the truck that was carrying the explosives fled the scene, and the bishop of the Catholic diocese in the area, the capital of the border State where the crash happened said:

> It's not possible to understand how a truck with 25 tons of explosives could drive on the highway with no type of protection.

Now, we know what would happen in this country if you were driving a truck with explosives on board. We have safety requirements that are stringently enforced. You have to have vehicles in front and vehicles behind and proper signage. That was not the case yesterday in Mexico. I am not suggesting that is a circumstance which would exist in this country, but I am saying we don't have equivalent standards between this country and Mexico—not yet. Some day, when they exist, I will not complain about a pilot project, but today I will complain about it because those equivalent standards don't exist.

Mr. President, the inspector general's report described the following. I mention that report because last Thursday, at 7:30 in the evening, the IG issued a report. The report was required because of an amendment I offered, and others, that said the Department of Transportation cannot move to begin a pilot project of having long-haul Mexican trucks come into this country until the IG has done a report. The IG did a report, and at 8:30 the Department of Transportation, 1 hour later that evening—apparently they had taken a speed-reading course—decided it was going to implement the pilot project right then.

Here is what the IG report says:

> While the DOT officials inspecting Mexican trucking companies took steps to verify on-site data, we noted that certain information was not available to them. Specifically, information pertaining to vehicle inspections, accident reports, and driver violations maintained by Mexican authorities . . .

What does that mean? It means the most important information by which you would judge whether we ought to allow long-haul trucks to come into this country from Mexico is not available. They go on to say that they were able to get some if they were able to obtain it from the company's records by the generosity of the company. But no data bank was available. The information wasn't available. They were not able to get information about vehicle inspections, accident reports, and driver violations. I am sorry, that is the ball game, as far as I am concerned.

This is about safety. We developed standards in this country to provide basic safety for the American people. If you want to obliterate those standards, go ahead, but it won't be with my support and vote. The Department of Transportation is making a mistake, in my judgment. I mentioned the three areas that we are taking on faith because we could not get the information, and there is no such data bank. Does that make you feel comfortable? It doesn't me.

There are a whole series of questions and problems raised in the IG's report. Yet we are told that we have enough information, let's just proceed. I don't think it is wise to proceed.

My colleague from Texas is going to offer an amendment that will say: No, no, let's let this proceed and see what happens. My colleague from Arizona said let's go ahead and try this and see what happens. We are going to see what happens? No, no. In my judgment, we ought to certify the ability to have long-haul trucking coming from Mexico into this country when we have decided there is safety for American drivers and safety on American roads and that we have been able to determine that equivalent enforcement and equivalent standards exist. That is not now the case. The IG's report demonstrates that. So I don't understand the rush. What is the requirement for speed and why the urgency? Why not stand up for the standards we have created in this country?

If I might, I believe I have a copy of the IG's report. I will read something else. On page 2, it says that the Federal Motor Carrier Safety Administration, which is part of the Department of Transportation, agreed to develop a plan to check every truck every time. They are saying: No, it is going to be fine; we are going to check every truck coming across the border every time. But they say that as of July 2007, no coordinated, site-specific plans to carry out such checks were in place. They say they would have the plans by August 22, 2007, but we have not received any outlines or any completed plans.

They say this:

> In our opinion, not having site-specific plans developed and in place prior to initiating the demonstration project will increase the risk that project participants will be able to avoid the required checks.

Once again, they say that we will check every truck every time. The IG says that the way it works is we now have a greater risk and they will be able to avoid the required checks. That is not from me, it is from the IG's report.

So I offer on behalf of myself and Senator SPECTER an amendment—bipartisan, with a good many cosponsors—that says let's stop this pilot program. It should not have been initiated last Thursday. The House of Representatives already voted to do so by voice vote. The House has done this already. I hope the Senate will do the same this evening.

My colleague will offer an amendment that sounds as if it is wrapped in a bouquet of flowers. The very last sentence says: Let's fund this project. So we can skip the preamble and say: Do you want to fund this project or not? Do you believe we ought to have long-haul trucks from Mexico under these circumstances at this time or don't you? If you believe we are not ready, that there is not and will not be at this point equivalent standards and enforcement and, therefore, assured safety for the American people, if you believe that—and I think the evidence is clear—then you vote for the amendment I have offered with Senator SPECTER and others. If you believe we should proceed with this long-haul Mexican trucking coming into our country at this moment, then vote with Senator CORNYN and his amendment.

I hope most Members of the Senate will reject what a colleague of mine said last evening. This amendment is just making Mexico a bogeyman, I think is what he described. This is much more serious than that. There will be people driving up to 4-way stop signs in this country or driving down a 2-lane or 4-lane road in this country next to an 18-wheeler, and the American people want to know whether that has an equivalent inspection to what we have. Do they have logbooks and records, and are they obligating themselves to the same requirements as this country? The answer, quite clearly, in my judgment, looking at what the IG has said, is that there is nobody in this Chamber who can give that assurance, and if that is given, it is given without any documentation at all.

I have other things to say. I want others to proceed to make their case. I hope to be able to close the debate this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I think it would be helpful for Members of the Senate to recount the history of this pilot program because it demonstrates that this pilot program was adopted as part of the treaty obligations of the United States, dating back to 1993. I know that seems like a long time ago. It was certainly long before I got in the Congress. But I do believe this is relevant to the debate.

Of course, in 1993, the North American Free Trade Agreement, NAFTA, was adopted. But, relevant to this amendment, it had the requirement that signatory countries—in other words, Canada, Mexico, and the United States—are to give each other access to each other's long-haul commercial trucks. There was initially a refusal to enact the provision with regard to Mexican trucks, and in 1995 Mexican trucks were to have been given full access to four U.S. border States.

In 2000, under NAFTA, this 1993 treaty obligation, Mexican trucks would have been given full access throughout the United States.

In 2001, this matter was taken to a NAFTA arbitration panel, which ruled that the United States is in violation of its commitments under NAFTA and must open up its highways to Mexican trucks.

In 2001, Congress passes the 2002 Department of Transportation appropriations bill, which set 22 safety-related preconditions for opening the border to long-haul Mexican trucks.

In 2002, the Secretary of Transportation, Norman Mineta, announced that all of the preconditions—those 22 safety preconditions—had been met and directed the Federal Motor Carrier Safety Administration to act on the Mexican application.

In 2003, the Ninth Circuit Court of Appeals delayed implementation of this provision. But then, in June of 2004, the U.S. Supreme Court reversed the decision of the Ninth Circuit and ruled that Mexican trucks could operate in the United States pursuant to the 1993 NAFTA treaty.

In 2007, the administration announced a pilot project to grant Mexican trucks from 100 transportation companies full access to U.S. highways.

In May 2007, the Iraq war supplemental mandates that any pilot program to give Mexican trucks access beyond the border region cannot begin until U.S. trucks have similar access to Mexico and requires a report of the Office of the IG.

In September 2007, the Office of the IG issued its report. The next day, the administration issued its first permit to enter the United States under the program.

I wish to address the concerns many of my constituents have addressed to me regarding the Mexican truck demonstration program because I think we ought to be guided by the facts and not solely by fear. I understand, however, the fear people have of unsafe trucks coming into the United States. Frankly, I would not for a moment tolerate that, nor do I believe would any Member of the Congress. I firmly believe the American people must have confidence that their family's safety is not endangered by any truck, whether it be Mexican, American, or Canadian.

As my colleagues know, as I have just recounted, the United States is under a treaty obligation through NAFTA to open our interior to long-haul trucks from Canada and Mexico, just as they are required to open their highways to American truckers. I believe we should live up to our treaty obligations, and I say that even if I don't necessarily agree with them because they are, as a matter of fact, the law of the land, and whether I agree with it or the Senator from North Dakota agrees with it, once the matter is adopted as a treaty obligation of the United States, it is litigated not only by the NAFTA arbitration panel but by the Ninth Circuit Court of Appeals and the U.S. Supreme Court, and I think his opinion or mine about whether it is something we prefer to happen becomes pretty much a moot point if we are to be a nation of laws and respect the judgments of the courts, even if we don't happen to like it.

I do believe we have a high obligation, however, to ensure that the trucks on our roads live up to the high standards of safety the American people demand. So I think it is important for people to understand what this demonstration program entails because there has been misinformation about it.

Under this program, 100 precertified Mexican trucking companies would be able to expand operations beyond the U.S. border zones. At the same time—and this is an important part of the deal—100 U.S. trucking companies would be allowed to operate in Mexico. This is not a one-way street; it is a two-way street when it comes to international trade and commerce. As required by Congress, Mexican trucks must have a U.S.-based insurance policy, must comply fully with hours of service regulations, must maintain vehicles to U.S. carrier standards, and drivers must be able to communicate in English so they can understand the instructions of law enforcement and other safety personnel. They must also pass drug and alcohol testing requirements.

Many of the safety provisions included in the program the Department of Transportation has adopted, in fact, go well beyond what Congress has required to date. I am here today to have a real debate about safety and what we in Congress can do to take concrete steps to ensure the highest standards of truck safety.

The solution to me is simple, and it is embodied in my amendment, which we will have an opportunity to vote on. My amendment, for the first time, will make it U.S. law that every truck participating in the demonstration program must be inspected every 3 months to the same standard as U.S. trucks. Every driver entering this country under the program will have to verify compliance with safety requirements, and they would have to do so every time they entered the United States.

The Department of Transportation's inspector general will be required to certify soon after the program is fully implemented that the Department has, in fact, inspected every truck and verified every driver. This is the Department of Transportation of the United States Government; no other government. They must verify every truck inspection and verify every driver. If the inspector general of the Department of Transportation fails to

certify such, then funding for this program will be automatically suspended.

Under this approach, for the first time, we will statutorily enshrine in American law the principle that we inspect and certify every Mexican truck that enters the United States through this program.

It is also worth noting that this will be the first time in the history of the program that there will be an actual congressional requirement for the inspector general to certify the program. Previously, Congress has only required the inspector general to review the program.

Finally, my amendment will require the administration to provide 60 days' notice to Congress should they wish to extend or otherwise continue the demonstration project. Such notice will give this body ample time to consider the merits of the program as implemented and what modifications, if any, we want to make.

By moving forward on a conditional basis with a threat of a full shutdown if the inspector general finds the program is noncompliant, we will further incentivize the Department of Transportation to strenuously enforce the safety inspection and verification requirements under this new law.

It is also worth noting that the Department has already taken a ''go slow'' approach—I am glad they have—planning to allow only up to 25 carriers per month into the program in the first 4 months. Even at the height of the program, the Department expects a maximum of 500 to 600 trucks to participate, compared to the millions of domestic and Canadian trucks that currently operate on our roads.

I have heard the claim has been made that there are no site-specific plans for each point of entry to ensure compliance with new verification and inspection standards. The Department of Transportation did, in fact, develop site-specific plans for all 25 commercial crossings in full coordination with Customs and Border Protection, and other relevant agencies, although they did not finish them in time for the inspector general's data collection.

Furthermore, the inspector general raised concerns about training of State enforcement officials. Of course, any time a new policy is enacted, there will be challenges as personnel become accustomed to the new rules. That is why the Department has conducted and will continue to conduct rigorous training with State enforcement officials. And it is important we not look to training as a one-shot deal. Many of the lessons on how best to ensure the safety of trucks entering this country will be learned on the ground.

I believe that instead of trying to kill this program, which will violate the treaty obligations of the United States of America as interpreted by the U.S. Supreme Court and international arbitration panels, we in the Congress have a duty to find workable solutions that ensure as much as humanly possible the safety of trucks on our roads and make sure, whether they be American trucks or Mexican trucks or Canadian trucks, that they are all held to the same high standard.

My amendment will do this, and I urge my colleagues to support it.

Mr. President, I reserve the remainder of our time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 12 minutes 6 seconds; the Senator from Texas has 13 minutes 49 seconds.

Mr. DORGAN. Mr. President, I intend to close debate, if possible, at some point. Does the Senator from Texas have other speakers?

Mr. CORNYN. Mr. President, we are checking, and we will be able to let you know momentarily.

AMENDMENT NO. 2842

Mr. President, I call up my amendment No. 2842 to the pending bill and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2842.

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

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

The amendment is as follows:

(Purpose: To ensure that every motor carrier entering the United States through the cross-border motor carrier demonstration program is inspected and meets all applicable safety standards established for United States commercial motor vehicles)

On page 70, between lines 20 and 21, insert the following:

SEC. 194. (a) Not less frequently than once every 3 months, the Secretary of Transportation shall inspect every commercial motor vehicle authorized to enter the United States through the demonstration program to ensure that every participating commercial motor vehicle complies with all applicable safety standards established for United States commercial motor vehicles.

(b) The Secretary of Transportation shall conduct an on-site preauthorization safety audit of every motor carrier domiciled in Mexico that participates in the demonstration program to ensure compliance with all applicable safety standards established for motor carriers domiciled in the United States.

(c) The Secretary of Transportation shall verify, at the point of entry, the safety compliance of every motor vehicle and motor vehicle operator that enters the United States through the demonstration program to ensure that every motor vehicle and motor vehicle operator meets all applicable safety standards established for United States commercial motor vehicles and motor vehicle operators.

(d)(1) Not later than 120 days after the commencement of the demonstration program, the Inspector General of the Department of Transportation shall submit a certification to Congress that the Secretary of Transportation is in compliance with this section.

(2) No funds made available under this Act may be used for the demonstration program if the Inspector General fails to submit the certification required under paragraph (1).

(e)(1) Not later than 60 days before implementing a cross-border motor carrier inspection program based on the demonstration program, the Secretary of Transportation shall submit written notification that describes the Secretary's intention to implement the inspection program to—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The Secretary may not implement the inspection program if Congress passes a law that terminates the program.

(f) In this section—

(1) the term ''commercial zones'' means the commercial zones along the international border between the United States and Mexico; and

(2) the term ''demonstration program'' means the cross-border motor carrier demonstration program that authorizes motor carriers domiciled in Mexico to operate beyond the commercial zones along the international border between the United States and Mexico.

(g) Of the amounts appropriated for the Office of the Secretary under this title, sufficient funds shall be made available to the Secretary of Transportation to carry out this section.

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

Mr. DORGAN. Mr. President, I ask the Senator to withhold his request for a quorum call.

The PRESIDING OFFICER. Does the Senator withhold?

Mr. CORNYN. Yes.

Mr. DORGAN. Mr. President, will you notify me when I have 7 minutes remaining?

The PRESIDING OFFICER. The Senator will be notified.

Mr. DORGAN. Mr. President, the amendment that has just been described on page 4 ends with:

Of the amounts appropriated for the Office of the Secretary under this title, sufficient funds shall be made available . . . to carry out this section.

This is simply a mechanism to say let's just do this; let's fund it.

The point I have made is very simple. There is no treaty that would require this Senate to decide to have something happen on our highways that we believe not to be safe. There is no treaty that requires us to open our borders to long-haul Mexican trucking at this moment unless we believe there is safety and soundness to that proposal. I do not believe that is the case.

Let me again describe the three conditions that represent the problem. The suggestion that every truck will be inspected every time is simply not the case. On page 2, it says, from the inspector general's report, that it will not be the case:

In our opinion, not having site-specific plans developed and in place prior to initiating the demonstration project will increase the risk that project participants will be able to avoid the required checks.

This is not a legal issue; frankly, it is a safety issue. The question of accident reports, vehicle inspections, driver violations, the fact there is no national database—that is not me saying that, that is the inspector general—there is no national database, there is no database they can go to get this information, the fact that this information doesn't exist means that we don't know what the consequences will be.

One of my colleagues earlier said: Let's try it. That is probably fine, if he feels like pulling up to a four-way stop sign next to an 18-wheeler to try it and see whether there were vehicle inspections that were adequate or whether it has a driver who might have had three drunk driving accidents or perhaps 10 speeding violations nobody knows about because there is no database. Let's try it? How about let's not try it with our families or with the families of other Americans.

Sheryl Jennings McGurk describes her family's experience. I ask unanimous consent to have printed in the RECORD a two-page statement from this woman, Sheryl Jennings McGurk.

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

STATEMENT FROM SHERYL JENNINGS MCGURK IN SUPPORT OF DORGAN-SPECTER AMENDMENT, SEPTEMBER 11, 2007

On behalf of all members of my family, including my parents and nephew lost in 2005 in a horrendous and unnecessary crash with a large truck that should never have been where it was, I strongly support the Dorgan/Specter amendment that will prevent any spending to carry out the Mexican truck pilot program begun by the federal government last week. We hope that telling the story of what happened to my family will help prevent others from going through what we have and what we will continue to go through for the rest of our lives.

My husband Sean and I were married on June 6th, 2004. This was an extraordinarily special day for us because it was also my parent's 45th wedding anniversary. They were married following my father's graduation from the first class of the United States Air Force Academy in 1959. I had a very close relationship with my mom and dad, they were not just my parents but they were also my best friends! They asked us to share this date with them forever and of course we accepted, hoping to be blessed with a long and happy marriage. It was a special day shared by our family.

My mom, Marie Jennings, was a beautiful, stylish, lady and her bouncy and adventurous personality was the perfect compliment to my dads more serious and quiet demeanor. My mom served our country first as the wife of an Air Force officer, and next as a mom, raising myself and my two older brothers, David and Bob; swim team, soccer, boy scouts, girl scouts, you name it, we kept her quite busy! We moved across the country and around the world. As we grew up, she decided to use her talents by working for the federal government as a civil servant and she did so, for 25 years.

My dad was an officer and gentleman! He retired as a colonel after 27.5 years. He served first as a fighter pilot in Vietnam where he was awarded the Distinguished Flying Cross. He later became a test pilot and an instructor pilot. During his career he flew almost all the planes the AF had at the time. He loved to fly and had recently been recertified so he could fly with his friend to attend an air show in Oshkosh, WI. During his career, he still made time to be my dad as a soccer coach, a ski buddy, and a private tutor. Later on he decided to continue to serve his country by teaching high risk youth at Hollywood High School in Los Angeles, young adults at the University of Phoenix and he also volunteered teaching for free at private schools.

My nephew, David Michael Jennings, was a great kid! He was my brother David's only son and the first grandchild. He was born in Beavercreek, Ohio. He was active in high school. He played football, the French horn in the marching band, ran track, and was active in the Spanish and math clubs. David was an Eagle Scout, quite an honor for any young man. He was active in his community and his church. He volunteered as team captain for Relay for Life and the Special Olympics. Upon graduating high school, he left home to live with my parents and attend junior college. He was completing his sophomore year at Mira Costa College where he was a Student Ambassador and active in student government. He sponsored a 5K run for charity and beach clean-ups in Carlsbad, CA. He was transferring to UCSD in the fall.

On February 15th, 2005, just 8 months after we were married, my mom and dad started out on exciting journey to visit my oldest brother, Bob, his wife Sandy, and their youngest grandson, Jack. David volunteered to take my parents to the airport. Unfortunately, their journey was cut short only 30 miles from their home in Carlsbad, CA.

It was around 5 a.m. A truck from Mexico was headed north on I–5 when the driver thought he was having mechanical issues. He pulled his truck off the freeway to check it out. At that time he decided he would not be able to get his truck from where he now was to Los Angeles where he needed to deliver his goods. He decided to take his truck back onto the freeway and headed south. It was a bad decision. His truck proceeded to break down in the middle of the freeway. My parents and nephew never had a chance.

This accident was 100 percent avoidable. The truck had numerous safety issues and should not have been operating in the United States. For this, our lives are forever changed and we lost three of the most incredible people. This loss has left a hole in our lives that cannot be filled. To lose your mom, your dad, and your nephew; all at once; is indescribable. Your world changes in an instant.

Please help ensure this doesn't happen again. Vote for the Dorgan/Specter amendment. Safe roads are everyone's responsibility.

Mr. DORGAN. Mr. President, she describes an accident south of Los Angeles that took the life of several members of her family, an accident that was totally avoidable, she says. I quote her last paragraph:

> The accident was 100 percent avoidable. The truck had numerous safety issues and should not have been operating in the United States. For this, our lives are forever changed and we lost three of the most incredible people [from our family].

This was a truck from Mexico headed north on I–5, a truck that had mechanical problems, a truck that had numerous safety issues. Three people are dead. This is not a legal issue, not for the Senate; this is a safety issue. And if you believe that you have all of the assurances you need that this will be safe, then I understand your vote. But if you look at what the inspector general report says clearly—the inspector general report says we don't have information on these key issues, the issues we would need to know before we decide to allow long-haul Mexican trucking into our country.

As I indicated earlier, the American Trucking Association is an association that supported the North American Free Trade Agreement. Clayton Boyce, the vice president of public affairs for the American Trucking Association, said today, in fact:

> The group has grave concerns about how the pilot project will be carried out and whether it will be safe.

Even though they supported NAFTA. Let me say that again. The American Trucking Association said:

> The group has grave concerns about how the pilot project will be carried out and whether it will be safe.

I don't believe this is a legal issue.

The PRESIDING OFFICER. The Senator is advised that he has 7 minutes remaining.

Mr. DORGAN. This Congress has the right to make decisions about safety on our highways. We made those decisions in many ways with respect to our internal regulations, our internal standards, and we enforce those standards, but that equivalent enforcement does not exist in Mexico at this point. If it existed, we would have a database in Mexico that would tell us immediately and quickly accident reports on drivers and vehicles, vehicle inspections, and driver violations. No such database exists, and that is the problem. That is why I think this pilot project is unwise. It is why Senator SPECTER, I, and others have offered an amendment to stop this pilot project.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yield yields time?

The Senator from Texas.

Mr. CORNYN. Mr. President, I guess I have to agree with the distinguished Senator from North Dakota that there is no legal issue because, frankly, the legal issues have all been decided, all the way up to the U.S. Supreme Court and by the NAFTA arbitration panel. So, in effect, the mandate to allow Mexican trucks that meet high safety standards is the law of the land. The question is whether we are going to comply with it in a way that protects the safety of the driving public in America.

My amendment makes clear that we should maintain and mandate high standards, and my amendment does that. I would never tolerate an unsafe truck on our American highways, particularly on Texas highways. I don't care whether it comes from Mexico or Canada or from the United States, we should not tolerate unsafe trucks. What my amendment does is it makes sure that those high safety standards are enforced and maintained.

I have to ask: How does it look if we are going to hold trucks coming from Mexico to a different standard than we are with trucks coming from Canada? The suggestion is that because trucks are coming from Mexico, they are somehow incapable of meeting these high safety standards. I can tell my colleagues, as somebody who comes from a border State with 1,600 miles of common border with Mexico, there are challenges along the border, but legal trade and legal commerce are important to the people in Texas, and they are important to the people of the United States.

For every truck entering into the United States from Mexico that has to be tested, if it fails to pass a test, it will be put out of service; for every truck that is going to come into the United States under NAFTA, a truck will be able to travel from the United States into Mexico.

So this is a matter of enforcing free trade requirements that are part of the law of the land that have been litigated all the way up to the U.S. Supreme Court and about which there isn't any controversy. The only question that remains is whether we are going to treat trucks from Canada and trucks from Mexico the same. I submit we should, and we should hold both to the high standards of public safety which my amendment will require. And as I said earlier, if in fact trucks participating in this program must be inspected every 3 months, the same standard as U.S. trucks, every driver entering the country under this program would have to verify compliance with safety requirements and they would have to do so every time they enter the United States. If in fact the Department of Transportation's inspector general fails to certify that the program actually makes sure every truck is inspected and every driver is verified—if the inspector general fails to certify to such—then funding for this program would be automatically suspended.

So under my approach, for the first time, we will enshrine the principle that we inspect and certify every single truck, whether it comes from Mexico or whether it comes from Canada, that would enter the United States under this program.

I know that previously a letter from the Secretary of Transportation has been made part of the CONGRESSIONAL RECORD here which addresses some of the concerns raised by the Senator from North Dakota with regard to border license checks of drivers working for Mexican carriers. The Department of Transportation has noted that there is a required check of the commercial driver's license of each driver of a Mexican domiciled carrier crossing the border. So I believe the concerns raised by the distinguished Senator from North Dakota have been addressed by the Department of Transportation, and given the stringent inspection requirements and public safety requirements of my amendment, I believe that is what my colleagues should support, one that is compliant with what in essence is the law of the land and which will protect the safety of the public.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, let me yield 3 minutes to Senator BROWN, and as I do that, let me say to Senator BROWN, as I have said previously, the Cornyn amendment, in the last sentence, says let us just fund the pilot project. It has a lot of bouquets wrapped around it, but in the end it says, let us just fund this project. That is why I believe we should pass the Dorgan, Specter, et al., amendment.

I yield 3 minutes to Senator BROWN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I thank my friend from North Dakota.

Senator DORGAN has reviewed the numerous reasons why this pilot program doesn't make sense. It doesn't make sense to compromise safety laws, whether it is road safety, food safety, toy safety, or truck safety. Unsafe trucks on our roads, unsafe food on our tables, or dangerous toys in the hands of our children, all of this is part of a larger issue. It is about trade.

It would be easier if it weren't. It would be easier if we didn't need strong trade rules to ensure truck safety and food safety and product safety, but it simply doesn't work that way. If we don't require China to export products as safe as those manufactured in the United States, our children will be exposed to lead paint and loose parts. If we don't write trade deals, as Senator DORGAN says, that prohibit unsafe trucks from our roads, more Americans—count on it—will be killed on our highways. Yet we write trade deals that compromise and compromise and compromise away the safety standards that protect our children, our pets, our roads, and ourselves.

Why should we agree to a trade deal that turns product safety into a reactive recall-driven enterprise? Not because it serves our families but because it serves multinational corporations. Why should we agree to trade deals that compromise road safety? Not because it serves our families but because it serves multinational corporations.

Too often in both Chambers in this Congress we write trade deals that ignore consumers, coddle corporations, produce massive trade deficits, ensure unsafe imports, and export U.S. jobs. Instead, we could write trade rules that respect U.S. law and promote U.S. exports. We could write trade rules that keep our roads safe, our food and toys safe, that are fair to U.S. trading partners, and best for America's families. But it means letting go of expedient, shortsighted, lopsided free trade deals and embracing a new model.

Instead of trade deals designed to benefit top management and multinational corporations, we should write trade deals designed to benefit everyone else. I am sure the benefit of those trade deals will ultimately trickle down to the Nation's CEOs. U.S. road safety laws make sense. Voting for the Dorgan amendment and voting against the Cornyn amendment demonstrates respect for those rules.

I urge my colleagues to vote accordingly.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes remaining, and the Senator from Texas has 8 minutes 44 seconds.

Mr. DORGAN. Mr. President, in the interest of finishing, I will use my 3 minutes.

Let me say that when I said this is not a legal issue, my point is whether it has been in the courts or not, we make the law. We will determine tonight our destiny. That is our responsibility here in this Chamber. Because we write the law and make the law, we will determine what the safety standards will be for America's roads tonight. My colleague from Ohio says it very well, in my judgment.

There is an old saying: Never buy something from somebody who is out of breath. There is a kind of breathless quality to what the Department of Transportation did last Thursday night. They get the IG report at 7:30; at 8:30 they announced, we made a decision: We got the report, studied it—we have some of the fastest lawyers in the world waiting on this—and away we go. Well, let me talk about what they missed. They missed the three key points with respect to the standards of safety, because the inspector general's report said there is no databank, no massive information with respect to accident reports, vehicle inspections, or driver violations in Mexico with Mexican trucking.

The fact is they do not have equivalent enforcement in Mexico. That is just a fact. If you think there is equivalency between Canada, the United States, and Mexico, you just miss it.

I had a trucker call me yesterday who said, look, I do this for a living, and I pull up at truckstops all over this country. I pull up in the short-haul areas 25 miles from the border, and I have talked to a lot of Mexican truckers and looked at their equipment. He said, if there are people who think there are equivalent standards, they are daydreaming.

Let me say this, finally. Everything about NAFTA has gone haywire, to use a term of art. Everything. They said pass NAFTA, the trade agreement with Mexico and Canada, and things will be great. Well, we passed it. Guess what. We turned a small surplus into a huge trade deficit. They said what it will mean is low-skilled, low-wage jobs will move to Mexico. Well, guess what. The three biggest exports to Mexico are automobiles, automobile parts, and electronics. All the products of high-skilled labor. Those are the jobs we lost. Huge deficits, and we lost a lot of

important and good jobs. They said, we are going to cut the tariffs for accentuating trade between the two countries. Just months later, Mexico devalued the peso 50 percent, and all the gains in the tariff cut were gone and then some.

So all of it is wrong. All of it has redounded against this country's interest. And now the latest chapter is to say, you know what, we are required to at this moment, notwithstanding what the inspector general says, notwithstanding that there is no databank with respect to vehicle inspections and drivers records, and so on, we are required to allow long-haul Mexican trucks into this country. Well, we are not required to do that.

We are a body of lawmakers in the Senate and we ought to do what the House has already done. I hope by passing my amendment we will say to the Department of Transportation that they may not go forward with this pilot project because this is an issue of safety and we stand for safety in this country.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, I wish my distinguished colleagues from North Dakota and Ohio would take ''yes'' for an answer. I agree with them. Public safety is No. 1. That is what my amendment guarantees. It guarantees inspections of trucks whether they come from Mexico or domestic American trucks or whether they come from Canada.

The U.S. Federal inspectors perform and Mexican trucking companies must pass a preauthorization safety audit conducted in Mexico by Americans prior to granting authority to operate beyond the U.S. border commercial zones. This audit includes inspection of vehicles the company intends to use in long-haul operations in the U.S. and a thorough inspection of the company's records to ensure compliance with Federal safety regulations. Vehicles not inspected cannot be used for long-haul operations in the United States. Every inspector reviews Federal safety regulations with the carrier, including those governing driver hours of service, to ensure the carrier is knowledgeable of and comprehends the Federal Motor Carrier Safety regulations.

This is not about safety, because we all agree that is nonnegotiable, and my amendment protects public safety. So what is it about? It is apparently about protectionism; it is apparently about fear of competition in the marketplace. It is fear of free trade, which, to my way of looking at things, provides new markets to American producers, new opportunities, more revenue, and creates more jobs right here at home.

Why in the world would we want to do anything that would discourage job creation and greater prosperity here at home by opening up new markets and new opportunities to American producers? We can try the way of protectionism versus free trade, but I guarantee you that is a net loser for the American worker.

So if this is about safety, then we certainly all agree. If this is about fear of competition and discriminating against Mexican trucks that are required to meet the same high safety standards as trucks that come from Canada, then I think that sends a very bad signal and not something the Senate should endorse.

Mr. President, I ask my colleagues to support my amendment.

If all time has been yielded back or expired, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator may yield back his time. The Senator from North Dakota has no time at present.

Mr. DORGAN. Mr. President, might I ask, we have a vote ordered by unanimous consent at 7 o'clock; is that correct?

The PRESIDING OFFICER. The vote is to take place at the expiration or yielding back of time or at 7 p.m.

Mr. DORGAN. Mr. President, I wonder if I might take 2 to 3 minutes to respond to Senator COBURN's amendment, which we will vote on, I believe, during this group of votes.

I ask unanimous consent to use the time between now and 7 p.m. to respond to the amendment offered by Senator COBURN for which I have not had an opportunity to speak.

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

AMENDMENT NO. 2812

Mr. DORGAN. Mr. President, Senator COBURN has an objection to legislative directed spending for something called the International Peace Garden. He apparently believes that is unwarranted spending. Many of my colleagues perhaps will not know it by the International Peace Garden, but it is an institution that has been around since the 1930s. It has been supported at various times by the Government of Canada and by the Government of the United States. It exists between the United States and Canada and is a wonderful and a remarkable place. I would encourage all of my colleagues to visit the International Peace Garden at some point.

We have a substantial number of buildings at the International Peace Garden that are in some disrepair. The Government of Canada and the Government of Manitoba have agreed to participate in some funding. The amount of funding that is in the appropriations bill is $450,000, and it represents the kind of commitment that our Federal Government has made in the past to maintain this wonderful institution called the International Peace Garden.

We are proud of that institution, and sufficiently so that we put it on our license plates in North Dakota—The Peace Garden State. We are enormously proud it exists in our State. But as I have indicated previously, the Congress has, on previous occasions between the 1930s and today, assisted in some funding, very minimal funding, to upgrade some facilities there. The facilities are in substantial disrepair. The Government of Canada has made a commitment for some funds, and we wish to match those funds, so that is the purpose of this rather small earmark, but an earmark or legislative-directed funding, nonetheless.

It is very important and will perform a very important purpose at the International Peace Garden. I hope the citizens of America are as proud of the existence of this peace garden as I am. The peace garden actually reflects the determination and the dedication of two wonderful neighbors, the United States and Canada, and the peaceful co-existence that has existed for some long while.

It has also been a place in which seminars have taken place, a band camp exists there, and so many other things occur that are a wonderful reflection of the best that is in all of us, those of us from the United States and Canada.

My hope is my colleagues would agree with me, the amendment by the Senator from Oklahoma is not a worthy amendment. Let us do what the Government of Canada has already done and recognize the worth of the International Peace Gardens and dedicate a very small amount of funding to try to respond to its facilities' needs.

I yield the floor.

AMENDMENT NO. 2797

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2797 offered by the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—75

Akaka	Conrad	Klobuchar
Alexander	Corker	Kohl
Barrasso	Crapo	Landrieu
Baucus	Dodd	Lautenberg
Bayh	Dole	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Lincoln
Boxer	Ensign	McCaskill
Brown	Enzi	Menendez
Brownback	Feingold	Mikulski
Byrd	Feinstein	Murray
Cantwell	Graham	Nelson (FL)
Cardin	Harkin	Nelson (NE)
Carper	Hatch	Obama
Casey	Inhofe	Pryor
Chambliss	Inouye	Reed
Clinton	Isakson	Reid
Coburn	Johnson	Roberts
Coleman	Kennedy	Rockefeller
Collins	Kerry	Salazar

Sanders	Snowe	Voinovich
Schumer	Specter	Warner
Sessions	Stabenow	Webb
Shelby	Tester	Whitehouse
Smith	Thune	Wyden

NAYS—23

Allard	Domenici	Lugar
Bennett	Grassley	Martinez
Bond	Gregg	McConnell
Bunning	Hagel	Murkowski
Burr	Hutchison	Stevens
Cochran	Kyl	Sununu
Cornyn	Lieberman	Vitter
DeMint	Lott	

NOT VOTING—2

Craig	McCain

The amendment (No. 2797) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mrs. DOLE. Mr. President, on rollcall vote 331, I voted ''nay'' when it was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2842

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided for debate prior to a vote in relation to the Cornyn amendment.

The Senator from Texas.

Mr. CORNYN. Mr. President, my amendment mandates that the Department of Transportation can inspect Mexican trucks, Canadian trucks, and American trucks by exactly the same high public safety standards.

If, in fact, under this pilot program those requirements are not met, it defunds this pilot program that is part of our compliance with our 1993 treaty agreements under NAFTA.

I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if you voted to shut down this program of long-haul trucks into the United States from Mexico, Senator CORNYN says: You were wrong. In his amendment, page 4, it says: We shall fund, sufficient funds shall be made available to the Secretary of Transportation to carry out this section.

The reason I believe that is inappropriate is the inspector general last Thursday night said this: They could not get information about Mexican trucks with respect to vehicle inspection, accident reports, and driver violations. Why couldn't they? Because there is no database available. None available.

There will come a time when this is just fine, but it is not now. The first and most important concern at this point is safety on the roads of this country. I hope those who voted for the Dorgan-Specter amendment will decide to vote against the Cornyn amendment, which funds the very program against which the Senate has just voted.

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

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 29, nays 69, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—29

Alexander	Collins	Lieberman
Allard	Cornyn	Lott
Bennett	Crapo	Lugar
Bond	DeMint	Martinez
Bunning	Domenici	McConnell
Burr	Grassley	Murkowski
Carper	Gregg	Stevens
Chambliss	Hutchison	Sununu
Cochran	Isakson	Vitter
Coleman	Kyl	

NAYS—69

Akaka	Feingold	Nelson (NE)
Barrasso	Feinstein	Obama
Baucus	Graham	Pryor
Bayh	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Hatch	Roberts
Boxer	Inhofe	Rockefeller
Brown	Inouye	Salazar
Brownback	Johnson	Sanders
Byrd	Kennedy	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shelby
Casey	Kohl	Smith
Clinton	Landrieu	Snowe
Coburn	Lautenberg	Specter
Conrad	Leahy	Stabenow
Corker	Levin	Tester
Dodd	Lincoln	Thune
Dole	McCaskill	Voinovich
Dorgan	Menendez	Warner
Durbin	Mikulski	Webb
Ensign	Murray	Whitehouse
Enzi	Nelson (FL)	Wyden

NOT VOTING—2

Craig	McCain

The amendment (No. 2842) was rejected.

Mrs. MURRAY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, I share Senator COBURN's concern for our Nation's bridges, but I must oppose his amendment. We cannot fund our Nation's infrastructure on the backs of crucial road safety projects that save tax dollars and lives.

The Senator's amendment specifically eliminates crucial funding for bike and pedestrian trails in Illinois and across the country. His amendment will have seriously adverse consequences for millions of Illinois residents.

The Federal transportation programs do provide flexible funding for States and localities to set aside Federal money for bike and walking trails, yet States tend to fund trails as a last resort—only if they can't use that money for roads and intersections.

For example, in fiscal year 2006, States rescinded $602 million of Transportation Enhancements funds, 15 percent of all rescissions in that year. A more proportional share would have been closer to 3 percent. The Congestion Mitigation Air Quality program, or CMAQ, accounts for approximately 4–5 percent of highway apportionments each year but CMAQ funds have accounted for about 20 percent of total highway funds rescinded in recent years.

CMAQ and Transportation Enhancements are the major sources of funding for bicycle facilities in cities and communities across the country.

Given such drastic rescissions at the State level, communities are increasingly approaching Congress for help to fund their local trail construction and expansion projects.

Incorporating bike and pedestrian trails and access into transportation systems and planning is essential for safety.

Bicycling and walking currently account for 10 percent of trips and 13 percent of fatalities nationally, but receive less than 2 percent of Federal transportation funds.

In Illinois, such fatalities are worse than the national average. For example, 15.1 percent of traffic deaths in Illinois in 2000–2001 were people on foot or bicycle.

It is no coincidence that Illinois' numbers of pedestrian and bike fatalities were so high at that time, considering that we did not spend any of our Federal safety dollars on bicycle or pedestrian projects between 1998–2001.

With that lack of investment, this is no time to cut funding. The U.S. Department of Transportation knows this as well. In its policy statement entitled ''Accommodating Bicycle and Pedestrian Travel: A Recommended Approach,'' the U.S. DOT states:

> There is no question that conditions for bicycling and walking need to be improved in every community in the United States; it is no longer acceptable that 6,000 bicyclists and pedestrians are killed in traffic every year, that people with disabilities cannot travel without encountering barriers, and that two desirable and efficient modes of travel have been made difficult and uncomfortable.

My hometown of Springfield, IL, has been trying to keep pace with trail access and pedestrian safety even while the road system is growing. The Interurban Trail was started several years ago with assistance from State, Federal and local resources. Approximately 5 miles in length, the trail extends from Springfield to the Village of Chatham with little to no vehicular cross traffic or intersections.

I have been on the trail and let me tell what I see. People on bikes, hikers, joggers, walkers, moms and dads with

strollers. The community loves the trail. The Springfield Park District estimates tens of thousands of users each year.

Regional planners are building on the Interurban Trail as the starting point for future development of other trails, including the Sangamon Valley Trail.

And it's not just recreational. Many residents of Chatham and Springfield use this trail system as an alternative to roads for commuting to and from work.

Unfortunately, a major new construction project to extend MacArthur Boulevard threatens the Interurban Trail.

The Interurban Trail needs to be relocated because of the construction and several new high speed intersections.

This proposed amendment would mean the bike and walking trails in Springfield either shut down or go through new, high-speed intersections that we know statistically are likely to result in loss of life.

This amendment would be a huge step backward for safety in transportation.

The CDC has shown that since the mid-70s, the prevalence of overweight and obesity has increased sharply for both adults and children. Data from two CDC surveys show that among adults, the prevalence of obesity increased from 15 percent in 1980 to 33 percent in 2004.

A 2003 study shows that by the age of 40, a nonsmoking obese woman loses 7.1 years of life expectancy, and a nonsmoking obese man loses 5.8 years.

And the obesity epidemic is spreading to our children at an alarming rate. In 2004, an estimated 9.9 million children and teens were considered overweight. They are taking in too many empty and fat-laden calories and not exercising enough.

Moreover, physical activity need not be strenuous to be beneficial. For example, CDC research shows that adults benefit tremendously from moderate exercise, such as 30 minutes of brisk walking most days of the week.

Multilane roads have replaced sidewalks and bike paths. Children's play spaces are far away or unsafe. Designing communities so that children have ample opportunity for physical activity is in our country's best interests.

These bike and trail projects promote exercise and healthy physical activity like biking, walking and running. They also give people the option of walking or biking to get to work, school or shop.

Manteno, IL, is working to accomplish just that. The village of Manteno has developed a plan to create a village-wide trail system to connect existing parks, schools, and community-use buildings.

The project proposes 15,000 linear feet of a 10-foot-wide trail for walking, for bicycles and for wheelchairs. The north section will connect county Highway 9 to Lake Manteno Road and Maple Street—creating access to three of the town's four public schools where none now exist.

Having already installed nearly 3,000 feet of trails and raised nearly $130,000 to continue the project, the trail system will promote alternate forms of transportation throughout the village.

The village of Manteno supports this trail funding, including the village chamber of commerce, the school district, the Village President, the village trustees, and the local Parks and Recreation Commission.

Given our increasing dependence on foreign oil and increasing traffic congestion, we need bike and pedestrian trails to save gas and minimize congestion.

These bike and trail projects can spur economic development and bring increased economic activity and tourism for a small investment.

The Grand Illinois Trail, GIT, is a great example. This Trail was first conceived of in the mid-1990s by the Illinois Department of Natural Resources and is overwhelmingly supported by cities and villages, forest preserve and conservation districts, as well as commerce and community-based organizations.

The Grand Illinois Trail is a loop that circles northern Illinois stretching from Lake Michigan to the Mississippi River and back—over 500 miles in all. It encompasses smaller trails such as the Great River Trail in Savanna, IL, and the GIT Carbon Cliff.

Approximately 90 percent of the route is in place and you can bike, hike, horseback ride, cross country ski, snowmobile, and canoe through the scenic landscape of northern Illinois and along Chicago's Lakefront, Illinois' beautiful rivers, historic canals and scenic country roads.

One goal of this loop trail is to ensure safe passage from one local trail to the next. In Savanna, IL, a new trail leading to town is cut off from the highly popular Great River Trail by a frightening 1.4 mile stretch of Illinois 84—a real safety issue for bicyclists and hikers using the trail.

The Grand Illinois Trail is supported by the Illinois Departments of Commerce and Community Affairs and Transportation, the Illinois Historic Preservation Agency, the Illinois Chapter of the Rails-to-Trails Conservancy, The League of Illinois Bicyclists, the Illinois Trail Riders and the Illinois Association of Park Districts.

Trails are becoming common in residential neighborhoods. Development plans for homes, apartments, and townhouses often include footpaths to enhance recreational opportunities and property values.

Bike and pedestrian trails bring customers to local businesses and have been used as cheap, effective ways to spur downtown redevelopment across the country. A modest investment into bike-friendly design can bring huge economic benefits.

Aurora, IL, is nearing completion of the Fox River Trail in northern Illinois. The last gap in the region's 50+ mile Fox River Trail is in downtown Aurora.

Elgin, a village close in size and location to Aurora, completed its Fox River Trail gap to help spur successful downtown redevelopment. Similarly, Naperville, IL, has over 100 people biking to their commuter rail station daily, partly due to their bike network. Aurora wants to repeat these successes.

This amendment would take away an important economic tool and would bring decreased investment and economic activity to towns that need it.

Tailpipe emissions from automobiles and trucks account for almost half of Chicago's air pollution, contributing to asthma and other respiratory problems suffered by more than 650,000 people in Metropolitan Chicago.

The U.S. Environmental Protection Agency has noted the benefits of alternative modes of transportation for reducing transportation emissions while also reducing traffic congestion.

The 2001 U.S. National Household Travel Survey tells us that in metropolitan areas more than 40 percent of trips are two miles or less—a very manageable bike ride and more than one-quarter are just one mile or less. Furthermore, the data shows that within the 28 percent of the trips that are one mile or less in urbanized areas, 66 percent are made by car.

These short trips are the most polluting and the easiest to switch to bicycling.

At a time when these communities are seeking to reduce traffic congestion, improve air quality, increase the safety of their neighborhoods, and decrease petroleum dependence, bicycles offer a relatively simple, energy-saving alternative to driving.

Bicycles have no carbon emissions and don't contribute to smog. If each of the three million households in northeastern Illinois walked or biked just one mile every day, we would reduce daily vehicle emissions by more than 1800 kilograms.

Senator COBURN has called these projects pork-barrel spending. This flies in the face of the overwhelming local support for these modest projects.

Bike and pedestrian projects have the most support from the communities back home, from the block associations and bike groups who use the streets and know that without this Federal investment, the streets will continue to not be adequate to walk, jog, or bike on.

Beyond community support, these trails actually connect communities. Look at the trail along the Calumet River in Chicago's Southland. This project, referred to as the Cal-Sag Trail, is a 26-mile nonmotorized corridor that is carved into racial and socio-economic chunks along the alignments of major transportation corridors: major streets and intersections, expressways, rail lines, the Calumet-Sag itself.

These transportation facilities are also barriers when they serve as convenient boundaries when planning housing, economic opportunities, school affiliations, and other issues related to quality life. The Cal-Sag Trail has the potential to help cross all of those lines, connecting many types of neighborhoods that exist in the regions, allowing anyone, regardless of ability or background, free passage to resources and opportunities—it will be the first trail development in the region that raises the social equity of all the communities it serves.

A majority of the public—53 percent—favors increasing Federal spending to build more bike paths for easier and safer bicycling, even if it means fewer gas-tax dollars go to building roads.

Half of the public—50 percent—favors requiring new road construction and maintenance projects to include bicycle paths, even if it would mean less room for cars and trucks.

And the projects that the Senator intends to cut come to us directly from the people who do not have the usual flashy, well-funded advocacy campaigns we are used to here in the Congress.

This was very apparent during debate of the last transportation bill. Of the 1,912 registered lobbyists affiliated with the Transportation bill, only three represented bicycling.

They didn't need lobbyists because we all heard from the local citizens and small businesses on the street about the need for us to make our roads and streets safer. And we incorporated that need into the last transportation bill and these projects continue that effort.

Besides those who bike by choice, Government agencies should have an obligation to make transportation safer for those who bike—or walk—out of necessity—often for economic—or age—reasons.

8.3 percent of American households do not own cars, including 26.5 percent of those with incomes under $20,000—2001 National Household Travel Survey. Transit is not the entire answer for these people—many of whom rely on bikes to get around.

Therefore, I urge my colleagues to join me in opposing this amendment.

AMENDMENT NO. 2811

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided for debate prior to a vote in relation to Coburn amendment No. 2811.

The senior Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are now going to move to a Coburn amendment. We will have 2 minutes equally divided and a vote. We are very close to finishing this bill. There are some amendments in a managers' package on which we are moving rapidly forward. We have a couple of Senators who may require a vote on an amendment and final passage. In the next vote, we are going to try to work out a final agreement on whether to have those votes tonight or the first thing in the morning. But if we can get a final list of amendments, we will let all Senators know, by the end of the next vote, what the path forward is, following this vote.

I believe the Senator from Oklahoma wants to speak on this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, he yields back.

The PRESIDING OFFICER. Is all time yielded back?

Mrs. MURRAY. Mr. President, I yield back.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the Coburn amendment.

Mr. COBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma will state his inquiry.

Mr. COBURN. Mr. President, I asked for the yeas and nays.

The Chair asked whether there was a sufficient second. There was a sufficient second. And then a motion was made to table.

The PRESIDING OFFICER. The yeas and nays on the amendment do not preclude a motion to table.

Mr. COBURN. Thank you.

The PRESIDING OFFICER. The clerk will call the roll on the Murray motion to table the Coburn amendment.

The legislative clerk called the roll.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 80, nays 18, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—80

Akaka	Casey	Feinstein
Alexander	Clinton	Gregg
Barrasso	Cochran	Hagel
Baucus	Coleman	Harkin
Bayh	Collins	Hatch
Biden	Conrad	Hutchison
Bingaman	Corker	Inouye
Bond	Dodd	Johnson
Boxer	Dole	Kennedy
Brown	Domenici	Kerry
Brownback	Dorgan	Klobuchar
Byrd	Durbin	Kohl
Cantwell	Ensign	Landrieu
Cardin	Enzi	Lautenberg
Carper	Feingold	Leahy
Levin	Obama	Specter
Lieberman	Pryor	Stabenow
Lincoln	Reed	Stevens
Lugar	Reid	Sununu
McCaskill	Roberts	Tester
McConnell	Rockefeller	Thune
Menendez	Salazar	Voinovich
Mikulski	Sanders	Warner
Murkowski	Schumer	Webb
Murray	Shelby	Whitehouse
Nelson (FL)	Smith	Wyden
Nelson (NE)	Snowe	

NAYS—18

Allard	Cornyn	Isakson
Bennett	Crapo	Kyl
Bunning	DeMint	Lott
Burr	Graham	Martinez
Chambliss	Grassley	Sessions
Coburn	Inhofe	Vitter

NOT VOTING—2

Craig	McCain

The motion was agreed to.

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

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I am sorry to take the time of the Senate, but this amendment affects the State Senator WEBB and I are proud to represent, and there are just some mistaken facts I want to clear up in the record.

The proponent of the amendment said that this thing would cost $16 million, a bike path, but in effect it ended up costing $1.2 million. The bike path was a part of a larger project of $210 million under the SAFETEA-LU law, and there was no earmark that we can find. It was required by the Federal authorities to build a bike path as replacing a bridge. So I am sorry. I tried to help my colleague, but I just got this information. I have been in a hearing all day, or most of the day, in the Armed Services Committee. But I will amplify this for the record. I apologize, but I felt it important that the record be corrected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to associate myself with the remarks of the senior Senator from Virginia and express my appreciation to him for having caught this inaccuracy that was being spoken about on the floor.

With that, I yield the floor.

Mr. WARNER. Mr. President, if I might add, we were both at the hearing in the Senate Armed Services Committee when the staffs frantically contacted us to try to correct this factual error.

Mr. REID. Mr. President, I will shortly ask that a quorum call begin. We are very close to being able to have something worked out. I have had conversations with my Republican counterpart. What we will do—and the staffs are working on a unanimous consent agreement—we have maybe a Coburn amendment, we have a DeMint amendment, and we have two Menendez amendments. That is likely all we have to finish this bill. We want the debate

to be completed on all of these amendments except for we have asked—Senator KENNEDY has asked and Senator DEMINT has asked that they have 20 minutes equally divided in the morning. That will be the only debate in the morning. We will debate the rest of the amendments tonight and we will vote on them in the morning. I think that is in keeping with what my colleagues on the other side of the aisle think would be the best way to dispose of this. I think they are right.

So I am going to suggest the absence of a quorum, and we will see if we can get the staff to bring that out to us very quickly. It should be within the next few minutes.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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 senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have a short statement with respect to a vote we are going to take tomorrow.

AMENDMENT NO. 2814

In one of my favorite movies, a baseball field is built in the middle of Iowa and becomes a mecca for baseball players and fans that seemingly come from anywhere and everywhere to watch baseball. Today in Billings, MT, folks are hoping that the popular movie ''Field of Dreams'' was right. ''If we build it, they will come.''

Baseball is America's game. It is part of what defines us as Americans. There is something special about sitting in the bleachers on a summer's evening, eating peanuts, and watching a good baseball game. For over 60 years now, the best venue to watch a baseball game in Montana has been historic Cobb Field in Billings—Montana's largest city.

Opening in 1948, Cobb Field is the longtime home of the Billings Mustangs, a minor league baseball team. It also serves NCAA baseball as well as American Legion baseball.

Many notable professional baseball players—Dave McNally, George Brett, Trevor Hoffman, Rob Dibble, Paul O'Neill, and Stormin' Gorman Thomas, to name a few—have at one time called Cobb Field ''Home.''

Unfortunately, Cobb Field is an above-ground wooden structure stadium that is not compliant with building codes. Despite several major renovations and repairs, the stadium continues to deteriorate at an increasing rate due to water damage and wood rot. Conditions are unsafe for Montanans who want to watch a baseball game, particularly for children and Montanans with disabilities.

To solve this problem, the people of Billings have decided to build a new stadium to replace Cobb Field. In March, the city broke ground on this new stadium.

The new stadium will be a state-of-the-art venue that will meet the needs and wishes of the citizens of Billings to have a facility that can be a safe, multi-use venue to host baseball games, concerts, festivals, and markets.

More importantly, the new stadium will be an economic development center located in one of Billings' oldest neighborhoods in need of a shot of revitalization.

This new stadium will spur redevelopment efforts that are so needed in this area of downtown Billings. Over 100,000 people attended events at Cobb Field last year. For a state with 900,000 people, that's a lot. With the new stadium, it is estimated that there will be a 100 percent increase in ticket sales.

Last November, voters approved a bond election authorizing the city of Billings to sell bonds up to $12.5 million to design a new 3,500-seat baseball and multi-use stadium. The people of Billings have stepped forward with the lion's share of the costs of the stadium. In addition, Montanans have donated over $2 million in private pledges to offset the taxpayers' costs of repaying the $12.5 million in bonds.

Because of the local funding that has been secured for the project, our Montana delegation has requested $500,000 in Federal funding to support the funds that the local community has already stepped forward with.

I have fought hard over the years for my home State of Montana. My colleague from Montana, Senator TESTER, has done the same. Each year, I make requests to the Appropriations Committee to provide funding for worthy Montana projects. I stand behind the requests I make.

A vote for the Coburn amendment is a vote against me and the people of Montana. We will remember.

This is such a small amount of Federal dollars compared to the contribution the people of Billings are making that I believe voting for Cobb Field is something Montanans prefer, but I think the people across this whole country who are big baseball fans would also agree.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: Is the floor open for debate?

The PRESIDING OFFICER. It is open for debate.

Mr. REID. Mr. President, if the Senator would be kind enough to withhold for a moment. We just want to get Senator BOND so we can do the unanimous consent agreement, and then you would be recognized first as soon as they finish that. Would that be OK?

Mrs. HUTCHISON. If I could be the first recognized after the unanimous consent.

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

The PRESIDING OFFICER. The senior Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I now ask unanimous consent that the following be the only amendments, other than a managers' amendment that has been cleared by the managers and the leaders, remaining to H.R. 3074; that no second-degree amendment be in order prior to a vote in relation to the amendment: Coburn amendments 2812 and 2814 en bloc; DeMint amendment relating to Davis-Bacon; Menendez amendment No. 2826; Menendez amendment No. 2834; that there be 2 minutes for debate prior to each vote, with the time equally divided and controlled in the usual form; that after the first vote in the sequence, the remaining votes be limited to 10 minutes; that upon disposition of the listed amendments, the bill be read the third time, and the Senate proceed to vote on passage of the bill; that the Coburn and Menendez amendments be debated during today's session; that when the Senate resumes consideration of the bill on Wednesday, September 12, there be 20 minutes of debate with respect to the DeMint amendment, with the time equally divided and controlled between Senators DEMINT and KENNEDY, or their designees; and that no points of order be considered waived by this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, Mr. President, I had difficulty hearing the Senator. On the DeMint amendment, did I hear there was no time limit?

Mrs. MURRAY. No.

Mr. MENENDEZ. I have no objection.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have not yet worked out with the minority our being able to go to conference on this. We feel positive we can do that tomorrow. We need to do this. We are in the process of going to conference on the three bills we have already passed. We had meetings at the White House today. We believe it is most appropriate to send the President bill after bill rather than a big bunch at the same time. We hope that by tomorrow we can work it out so we can go to conference. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, with that agreement, Senators should understand that tomorrow morning we will come in, there will be 20 minutes of debate between Senators DEMINT and KENNEDY on the DeMint amendment. We will go immediately to the four votes on amendments, with final passage to be completed in the morning. With that, there will be no more votes tonight.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to talk about this bill and to bring

up an issue that I think is going to become more and more apparent as a problem for our Interstate Highway System. I had hoped to offer an amendment that would attempt to begin to solve this problem, but the managers have resisted having authorization on an appropriations bill, and I understand their concern. However, this is an issue that must be dealt with. If we cannot deal with it on an appropriations bill, hopefully, next year we can begin to discuss the alternative for the next authorization of highway funds, and certainly, it is a universal issue that must come up.

This is the issue. There is more and more interest in putting tolls on highways. Well, I think if a local government or State government wants to have a toll highway, they should go through all of the processes—a vote of the people, or a vote of the elected officials—so the elected officials are accountable to do that.

Our Interstate Highway System was created in the Eisenhower administration for the purpose of having a free highway system that would connect our country all the way from the West to the East, from the North to the South. It was for security purposes but also for commerce.

The highway fund was created because the Western States were small and they did not have the capability to raise the funds to build their highways. Many States are donor States and have built these highways—especially out in the West. State leaders are now trying to take these Federal highways and put tolls on them and use those highway tolls for other purposes—in some cases, for mass transit; in some cases, it would be going into other State projects.

I think this is a dangerous precedent. It is dangerous to start taking highways built with Federal taxpayer dollars and put tolls on them and, in some cases not even reimburse the Federal taxpayers. I still think it would be wrong to allow the buyback of a Federal highway by a State and then for the State to put a toll on it. In some cases, we are looking at tolls being put on an entire freeway—not just one lane but the entire freeway.

In fact, I think if you want to toll a lane on a Federal highway to build a new lane to add to the number of free lanes that are there, that would be acceptable. I also think you have some avenues to use the right-of-way that is in place to toll and build a new freeway with that toll. But to take an existing interstate highway and toll every lane, when it has already been paid for by the Federal taxpayers, is absolutely wrong, and we must have a vehicle to address this issue.

Now, I have talked to the chairman of my State highway commission, and he has suggested that this might be an option that Texas wants to do. I object strenuously to Texas doing that, and I am going to do everything I can to keep our Texas taxpayers from paying for another opportunity to use a road that they have already paid for. I am going to resist that. But the chairman of the highway commission did make a very important point, and that was, just tell us what the rules are. There are not rules that lay out how we can address the transportation issues in the States, and I think every State is probably facing this problem. He was honest enough to say just give me the rules, tell me what I can do, and we will work with that.

Of course, a donor State such as ours is sensitive to the fact that we don't get back one dollar for every dollar that is put into the highway system. I think we have done a better job at a time when we start looking at parity in the highway fund, and I think a fair conclusion would be that the Interstate Highway System has been built and let's make sure that every State now has the ability to use its own taxpayer funds to build its own roads. I think parity should be the end result, and I think we should be there now. Unfortunately, for a lot of history and a lot of nostalgia about the Interstate Highway System, that is not a fight that we can have today. It is not a fight that we will be able to solve tonight.

I do want to bring to the attention of the Senate the fact that we should not allow, on a piecemeal basis, one highway segment at a time, to all of a sudden wake up and find that we don't have an Interstate Highway System that is in place as it was created to be—a free highway for the citizens of this country to be able to travel anywhere in our country on an interstate system that works. We are going to wake up to this scenario if we allow what is happening right now to continue unabated. So I am going to do everything I can in my power to see that this scenario does not occur. I am going to do everything in my power to see that Texans do not have tolls put on our Federal highway system. I think we need a policy that would be nationwide, so that every taxpayer who has already paid for these roads would not be tolled again for the ability to go and use those roads. We are not going to solve that problem tonight, but it is going to be a major effort I will make in the future to solve this problem. I ask the authorizing committee, when they do reauthorize the highway program, which will have to be reauthorized within the next 2 years, to address this issue with an eye toward equity, with an eye toward protecting our taxpayers and, most important, with an eye toward keeping the original intent and mission of the Interstate Highway System—to have a free Interstate Highway System that works for our country and does indeed complete the United States of America both in security and commerce.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 2812

Mr. CONRAD. Mr. President, the Senator from Oklahoma has an amendment pending before the body that would strike funding for the International Peace Garden in my State of North Dakota. This measure calls for a modest amount of money—$450,000—to support the International Peace Garden. The International Peace Garden has been a proud monument to the history of good relations between the United States and Canada for many years.

Canada contributes, the State of North Dakota contributes, and the Province of Manitoba contributes. There has been a history of Federal support, and now the Senator from Oklahoma, for some unknown reason, has picked out the International Peace Garden as something to eliminate from Federal support.

This is a story from October of last year in the Minot Daily News, saying: ''Peace Garden Is In Need: Garden In Dire Need Of Money For Repairs, Operations.''

Why on earth the Senator from Oklahoma has picked on the International Peace Garden as something to eliminate leaves me scratching my head. This is a picture of the International Peace Garden. It is on the border between our country and Canada. It stands as testimony to the peaceful relations we have enjoyed on this border for our history. You can see in this photo these are absolutely beautiful gardens, with these memorial towers. This is the site of an international music camp that is conducted every year, which is world class. It is has attracted some of the world's greatest musicians.

For some reason, the Senator from Oklahoma says none of this has any value. Let's just cut it all, eliminate all $450,000, which, I might say, is a modest amount of money in the context of an International Peace Garden. This is a monument on the grounds of the garden, which consists of girders from the World Trade Center. Our Governor and the Manitoba Premier were just here today to commemorate the 9/11 anniversary. The Senator from Oklahoma says this has no value.

Sometimes things that are not a road or a bridge or a battleship have value. The International Peace Garden has value. The people of North Dakota provide money to support it. The people of Manitoba provide money to support it. The Government of Canada provides money to support it. I hope this body will reject the amendment of the Senator from Oklahoma.

Why is there any validity to saying there is no justification for Federal support for an international peace garden? I honestly don't know what argument the Senator from Oklahoma advances to say this has no value.

Let me indicate where the International Peace Garden is. It is right here, almost equidistant between the Pacific Ocean and the Atlantic Ocean. The International Peace Garden stands in the middle of my State of North Dakota in Dunseith.

This is a headline, again from last year, in the Fargo Forum, the biggest newspaper in my State. It says: ''On the border of withering. The International Peace Garden supporters seek measures to keep alive iconic crossborder park.''

I have been at the International Peace Garden many times. It is an inspirational setting. It is something that I think anyone who visits the more than 2300 acres of—more than 2300 acres of the most spectacular gardens I have ever seen in my life anywhere in the world. Why the Senator from Oklahoma believes we ought to eliminate any Federal support for this peace garden that is dedicated to the extraordinary relationship we have had with our border to the North absolutely eludes me.

For him to suggest this has no value, has he ever been there? Has he ever talked with the officials of Canada who have generously supported this institution? Has he talked with the people of Manitoba or the people of North Dakota? I am certain not because he would find in my State, which is a very conservative State, that there is very strong support for the International Peace Garden. This is a point of pride in our relations with our neighbors to the North.

More than that, it sends a signal to the world about the value the American people put on peace. Do we have the strongest military in the world? Absolutely, and we are proud of it. Do we have the greatest economic strength of any country in the world? Yes, and we are proud of it. Do we lead in many areas in terms of human accomplishment, science, the arts? Absolutely, and we are proud of it.

We also should send forth the signal that we are a country that believes in peace, and we strive for peace because that is part of the American character, too. And this International Peace Garden sends that message. It certainly sends that message to the people of Canada who are among our closest allies, who have stood with us in every crisis. Who, when the tragedy of 9/11 occurred, were the first people to our side? It was our neighbors to the North in Canada.

This International Peace Garden, again more than 2300 acres of stunningly beautiful and inspirational gardens, stands as a memorial to that extraordinary relationship between our countries. Certainly, it is worth the expenditure of $450,000 to reinvigorate this symbol of respect.

I urge my colleagues to reject the amendment of the Senator from Oklahoma.

I thank the Chair and yield the floor.

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

AMENDMENT NO. 2826

Mr. MENENDEZ. Mr. President, pursuant to the unanimous consent agreement, I call up amendment No. 2826 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself and Mr. LAUTENBERG, proposes an amendment numbered 2826.

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

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

The amendment is as follows:

(Purpose: To require a study by the Government Accountability Office on the efficacy of strategies used by the Federal Aviation Administration and the Department of Transportation to address flight delays at airports in the United States)

On page 18, between lines 2 and 3, insert the following:

SEC. 116. (a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT ON FLIGHT DELAYS.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration for the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign until the Comptroller General of the United States submits the report required by subsection (c).

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the efficacy of strategies employed by the Administrator of the Federal Aviation Administration and the Secretary of Transportation to address flight delays at airports in the United States.

(2) CONTENTS.—The study required by paragraph (1) shall include an assessment of—

(A) efforts by the Administrator of the Federal Aviation Administration to induce voluntary schedule reductions by air carriers at Chicago O'Hare International Airport;

(B) the mandatory flight reduction operations instituted by the Administrator of the Federal Aviation Administration at LaGuardia Airport and Ronald Reagan Washington National Airport;

(C) the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign; and

(D) any other significant efforts by the Administrator of the Federal Aviation Administration or the Secretary of Transportation to reduce flight delays at airports in the United States.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report including—

(1) the results of the study required by subsection (b); and

(2) recommendations regarding which of the strategies described in subsection (b) reduce airport delays most effectively when employed for periods of 6 months or less.

Mr. MENENDEZ. Mr. President, I appreciate the great work the Senator from Washington, Mrs. MURRAY, as well as the distinguished Senator from Missouri, Mr. BOND, have done in crafting a bill with very tough parameters and to do so on a whole host of issues that are critical to the country's future. I look forward to being supportive of the bill overall.

I hope from our conversation with the committee that, in fact, two amendments I will be offering, or versions thereof, will be accepted by the committee.

Mr. President, this amendment, which I offer along with my colleague Senator LAUTENBERG, is about flight delays that we have been experiencing throughout the country. In my home State of New Jersey, Newark Liberty International Airport is one of the most delayed airports in the country. About half its flights were delayed this summer. These delays are unacceptable. Delays often mean a vacation cut short, a missed business meeting, or less time with loved ones.

There are environmental consequences, as very often delays take place on the runway with the idling of engines and the emissions therefor. They are a demoralizing experience, an experience punctuated by long waits, little communication, and often no recourse.

When I speak with the FAA and the airline industry about how to solve the problem, I hear two things. First, they say we need to upgrade air traffic control equipment, and I am wholeheartedly supportive of that effort, and I believe this bill sets us on the path for an eventual technological upgrade of the entire air traffic system.

Second, I hear the FAA's airspace redesign in the New York/New Jersey/Philadelphia region will also ease delays. I have a difficult time, having viewed what they came out with, to believe that, in fact, is going to be largely accomplished by the very fact that we are looking, at best, at seconds, eventually reducing delays by less than 20 percent. It seems to me by fanning out arrivals and departures, there might be a slight decline in delays, but this slight reduction in delays probably will not even be noticeable. Some have calculated this benefit to be as low as 25 seconds saved per flight.

I have been advocating with the FAA that they look at a variety of other issues, as well as deal with flight delays in the New York-New Jersey region. I wrote a letter asking the FAA to examine comprehensive, short-term solutions, such as whether temporary limits on operations should be placed on all of the regions' airports. I also asked them to examine whether priorities should be given to larger planes, particularly during periods of extreme congestion. Finally, at the very least, the FAA should have a meeting with all the regions' airports and discuss the possibility of voluntary flight reductions.

It is interesting to me that the letter I sent to the Administrator today—the Administrator came out and said to the industry: You better seriously considering getting your schedules together and figuring out a reduction in the amounts of scheduled flights you have because if you don't do so, you may end up with a Federal response to that extent.

So I think the Administrator, rightfully so, is trying to get the industry to do that what it needs to do I believe both for the industry and the flying public. These short-term solutions I propose will not require years to implement or billions of dollars in new funds. Instead, they require sensible planning on how to allocate the scarce resource of a seat on an airplane.

This has been done in other parts of the country. We have seen in the past FAA successfully address air delays by holding scheduled reduction meetings with airlines or even capping the number of flights, as they do at Reagan National and LaGuardia.

This amendment would largely have the GAO, an independent body, make sure that we have a study within a very short time, 120 days, to tell us how the tools that the FAA has used in other places in the country can be available to conquer flight delays in the short term and not simply wait for long-term, expensive solutions that only address a fraction of the problem. I do believe an independent study would be incredibly helpful.

In addition to airspace redesign, we look at the other critical issues of delay that have an economic consequence and an environmental consequence and a quality-of-life consequence as well.

I look forward to the committee adopting a version of this amendment.

AMENDMENT NO. 2834

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set the pending amendment aside and ask that amendment No. 2834 be called up.

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

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 2834.

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

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

The amendment is as follows:

(Purpose: To provide additional funding to the Secretary of Housing and Urban Development to implement guidance in connection with assisting persons with limited English proficiency and to provide for an offset of such increase)

On page 73, line 8, strike ''$252,010,000'' and insert ''$251,630,000''.

On page 110, line 23, strike ''$52,000,000'' and insert ''$52,380,000''.

On page 111, line 6, strike the period and insert the following: '': *Provided further*, That of the funds made available under this heading, $380,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited english proficiency in utilizing the services provided by the Department of Housing and Urban Development.''.

Mr. MENENDEZ. Mr. President, I have in my hand the Federal Register for the Department of Housing and Urban Development. Basically, what it has done is said that under title 7 of the Civil Rights Act, they are going to have private property owners throughout the country have to devise a series of documents. Instead of HUD having a uniform document, all of these documents will be crafted by the individual private sector entities across the country.

What that is going to do is shift an enormous financial burden on private property owners across the country and, equally as important in my mind, in pursuit of title 7 of the Civil Rights Act, it is going to lead to huge litigation across the country because we can have a variety of documents all for the same purposes being drafted in dozens, literally hundreds of different ways. That, in my mind, does not make common sense as it relates to the shifting of the burden on private property owners across the country, and it certainly does not make common sense in terms of having a uniform documentation that can ensure that at the end of the day, we do not see the courts flooded with different interpretations of those documents.

We simply put a very modest amount, but from all the parties who are engaged with this we have determined $380,000 will ultimately ensure we do not shift this huge burden on all the private property owners across the landscape of the country and, at the same time, have uniform documents that won't lead us to a flood of lawsuits and preserve the very essence of what the title 6 Executive Order the Bush administration is pursuing under title 6 can be accomplished. I think that makes eminent sense.

I look forward to the committee's acceptance of the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, it is almost 9 p.m. on the east coast, and out in California, where I used to live when I was in the Navy, I guess it is almost 6 o'clock. For the most part, here on the east coast, people have made their way home from work and school and they have finished their dinners and are getting ready to call it a day. Out on the west coast, they are still stuck in traffic. Between here and there are different variations of those two conditions.

I wish to start off by expressing my thanks to Senator MURRAY and to Senator BOND and members of their subcommittee for putting together what I think is a strong and a thoughtful bill. It is a challenge because we don't have unlimited resources to do that. It was a lot of work. So thanks to you and your staffs for providing the leadership.

I wish to talk a little about the importance of investing in our infrastructure. Maybe it is a bit different from what others have said today and earlier this week on this matter. I used to serve on the Amtrak board of directors when I was Governor, nominated by President Clinton to serve, and I actually come from a family of railroaders. My grandfather, on my father's side, was a railroader, and he took me and my sister on our first train ride when we were about 5 years old in West Virginia. I have been interested in trains, I suppose, ever since.

I think a lot of people feel that passenger rail was in its heyday in the first part of the last century. I suppose, to some extent, that is true. To a lot of people, passenger rail service is something that was big then and not so important now. They might be right. But I have a hunch that in some ways the best days for passenger rail could lie ahead in this country.

Our oldest son came home a couple of weeks ago from visiting Europe with some of his friends, and they had a chance to travel throughout Europe and the continent and to ride some terrific trains and also to ride some that weren't so terrific. My family and I were in Italy last summer, and we had a chance to ride some terrific trains, too, but also some that were not so terrific. But in a place where populations are fairly dense, in a place where the geography is actually rather compact, a lot of folks ride trains, as we know, and they invest a lot of their money in rail service.

They do so for reasons we ought to consider. They invest in passenger rail because they have congestion on the highways. They invest in passenger rail because they have congestion around their airports and in their airspace. They invest in passenger rail because they have concerns about dependence on foreign oil. They want to reduce their dependence on foreign oil. They invest in passenger rail because they want to reduce the emission of harmful materials or substances into and foul their air.

When you think about it, we have similar concerns in this country too. We have congestion on our highways. We can see it all across the country tonight, from east to west, as people are heading for home after work. We can see it around our airports almost anytime we try to fly out of an airport. Whether it is an airport in Seattle or Columbus or Cincinnati or Cleveland or whether it is an airport in Philadelphia, which is a suburb of Wilmington, DE, we have concerns about congestion on our highways and in the air in America.

We have concerns about our enormous dependence on foreign oil. Almost 60 percent of our oil comes from places beyond our borders and a lot is controlled by people who don't like us very much and some places that are fairly unstable. I am convinced every time I fill up my old Chrysler Town and Country minivan, which now has 175,000 miles on it—pretty dependable car—that I am putting money in the pockets of people around the world in some of those unstable places and who are going to use our money to hurt us. That is not too smart.

So we have that concern that we share with folks in other places around

the world that invest in passenger rail. We have problems with air quality. We have great concerns with climate change and global warming, and we need to address this sooner rather than later.

The answer to addressing all those concerns is not just passenger rail, but it is part of the tool in the toolbox. It is an arrow in the quiver. It is something we are starting to awaken to in this country and say, hey, maybe this is part of the answer.

One of the encouraging things to me about this legislation is it acknowledges that passenger rail is part of the answer and it provides a bit more money for Amtrak, certainly a good bit more money for Amtrak than the administration requested, and a good bit more than was provided in the current fiscal year. It allows Amtrak to continue to upgrade the Northeast corridor so we can take these trains that will go 125 or even 150 miles an hour and be able to use them more effectively at speeds approaching 125 or 150 miles per hour, to shorten the travel times between major destinations on the east coast and, by shortening U.S. travel times, to get more people to ride the trains.

Believe it or not, more people are riding the trains these days. I saw some ridership numbers the other day that I found encouraging. I saw an interesting piece in the Wall Street Journal—not a big advocate of better passenger rail service—and they mentioned that ridership on Amtrak nationwide is up this year about 6 percent. Ridership on the Acela Express, the high-speed trains in the Northeast corridor, is up about 20 percent. In places in the Midwest, the Chicago to St. Louis run, ridership is up about 50 percent this year. Out on the west coast, where they invest a lot of money in passenger rail, not just Federal money but a lot of local money, State money, their ridership is up about 15 percent. So people are starting to wake up to the idea that passenger rail might be a part of the solution.

I think it is terrific in this legislation that we think the Federal Government has some obligation to be a part of helping us to capture that potential. One of the reasons why more people are starting to ride trains is because we get tired of sitting in airports waiting to get on an airplane. We get tired of sitting on the airplane at the gate. We get tired of waiting for our airplane to take off as we sit on the taxiway or the runway until we finally get released from air traffic control.

Ontime performance for Amtrak nationwide is about 70 percent, about the same as airlines. But ontime performance for Acela Express, the high-speed express service, is almost 90 percent. Almost 90 percent. A lot of those trains are being run full these days. Part of the success for Amtrak, not the whole solution but part of it, is to make the express service, the Acela Express service—which is very popular, very much in demand, and is a premium service that people pay a lot of money to ride—to use the monies generated from that service to use as a cash cow to help support the other train service Amtrak provides where, frankly, they don't make the kind of money or generate the kind of revenues such as those generated by the Acela Express.

There is a complement to the legislation that is before us tonight in terms of the Amtrak investment. There is complement legislation that has been offered by Senator LAUTENBERG, Senator LOTT, myself, and others that is called the Passenger Rail Investment and Improvement Act of 2007. It is basically a reauthorization for Amtrak and says: Let us not worry about a line or let us not stop with a line in an appropriations bill, however important that is—and it is important—but let us look at the whole system nationwide and come up with ways we can provide, on an ongoing basis, for a more cost-effective service, maybe better quality service, and to provide incentives for States to invest in that service as well as the Federal Government.

It is legislation I hope we will take up on the floor. Believe it or not, we passed it about year and a half ago as an amendment to an appropriations bill, but it died in conference. We hope to take it up on its own and pass it. Representative OBERSTAR, in the House, has indicated a strong interest in working with us on companion legislation, and my hope is we will do that.

One last thing I wish to mention. For the last couple years, Senator VOINOVICH and I have spent a fair amount of time talking with one another and with others, and having people talk to us, about the need for investing in our infrastructure—not just passenger rail but investing in our infrastructure. And not just highways and bridges but wastewater treatment systems, clean water systems, flood control systems, and levees—infrastructure in a broader context.

As a politician, I have been a State treasurer, a Congressman, a Governor, and now a Senator. I know from experience that we love having ribbon cuttings. We like to cut a ribbon on a new highway or to open a new bridge. We like to have a ribbon cutting on a new runway at an airport or a new terminal. We like to build things that are new. We don't always want to spend the money to maintain what is not new or what once was new and now has begun to degrade in its quality. Senator VOINOVICH and I have introduced legislation that has been passed without a dissenting vote in the Senate which says that even though maintaining our infrastructure isn't the sexiest of issues, it is an issue that demands our attention.

What we propose is to set the stage for the next administration and the next Congress in a way that will better ensure that we address our aging infrastructure. And for a couple of reasons: One, for health and safety reasons; two, for economic reasons; and, three, for competitive reasons, to enable us to have a more vibrant economy and be competitive with the rest of the world in which we are competing and cooperating.

One of my colleagues tonight was talking to us about delegating our responsibilities to commissions, and she expressed her dismay that we did so much of that. Sometimes creating a commission is not so good an idea; other times, it can be a very good idea, as we saw in 1982. Social Security was about to go under, and so we created a blue-ribbon commission, led by Alan Greenspan, with a lot of good people on it. That led to a nearly unanimous consent agreement in 1983 about what we needed to do to save Social Security, literally from its demise that year. So we know from experience that commissions can serve a most positive purpose. The Postal Reform Commission, which the President appointed a couple years ago, worked with us in the Congress, and we passed very good legislation to bring the Postal Service into the 21st century.

What Senator VOINOVICH and I came up with is an infrastructure commission that would hopefully tee up for the next President and the next Congress a game plan, if you will, for investing in our infrastructure. Our proposal would call not just for looking at roads, highways, bridges, not just rail transit, not just airports, not just wastewater treatment, not just levees and flood control systems, but really to look at our entire infrastructure broadly and see what needs to be addressed 5 years from now, 10 years from now, 15, 20, 25 years from now, what the priorities should be and how might we pay for that.

Our legislation calls for this Commission, eight members: two appointed by the President, two by the leaders of the House and Senate, majority leaders in the House and Senate—Speaker of the House, majority leader in the Senate—and one each by the minority leaders of the House and Senate, eight in all. As it turns out, four would be appointed by Republican officials and four would be by Democratic officials, and their charge would be to come back to us after the 2008 election—really, I think, sometime into 2009—and say this is a game plan. By working on it for the next year and a half, trying to build consensus, we would have a starting-off point in that next administration, with hopefully some buy-in from the new President and from our new Congress, to get started.

In any event, our colleagues here in the Senate said that this idea had some merit. They were good enough to give it unanimous support. It was introduced in the House by a Representative from Minnesota named Ellison, Keith Ellison. We are hopeful the House will take up the measure and we can send it to the President before this year is out.

I would make a mistake before concluding if I didn't also express my

thanks to the chair, Senator MURRAY, and to our ranking member on the committee for supporting some of the projects that are important to our congressional delegation—Senator BIDEN, Congressman CASTLE and myself and others whom we are privileged to represent. A lot of people who drive through my State ride up and down on I–95. Sometimes they have to wait for a while to get through a toll booth. There is some money in here to reduce that congestion and those delays. There is money in here to widen I–95 a bit and enable traffic to move expeditiously through our little State. That is important. We have money for improving the transit service in the northern part of the State where there is a lot of congestion and helping to move traffic up and down the coastal part of our State where a lot of people come in the summer and even in the fall months to visit places such as Rehoboth Beach and Bethany and Dewey and Lewes.

We are grateful for all of those investments in Federal dollars and more. They will benefit us in the State of Delaware, but because so many people travel through our State—we are only about 50 miles wide and roughly 100 miles long, but a lot of people drive through Delaware, travel through Delaware on trains and other means of transportation, their own vehicles—we want to make sure they can move through more quickly, have less congestion, put less bad emissions into the air, and save some gas. We think this legislation will help do all of those things.

That is pretty much what I wanted to get off my chest tonight. I thank you for the opportunity to do it and look forward to tomorrow morning when we convene again and have an opportunity to vote on a few more amendments and hopefully then, as a body, rise up and pass this legislation and be prepared to go to conference with our friends from the House of Representatives.

Ms. SNOWE. Mr. President, today I filed an amendment that will reform the Small Business Administration's, SBA, historically underutilized business zone, HUBZone, program. As ranking member of the Senate Committee on Small Business and Entrepreneurship, one of my top priorities is to champion our Nation's small businesses and to promote their needs and concerns.

My amendment capitalizes on and enhances the HUBZone program, which helps to bring small businesses to distressed regions across our country. The HUBZone program stimulates economic development and creates jobs in urban and rural communities by providing Federal contracting preferences to small businesses.

The SBA's most recent data shows the Federal Government met only 2.1 percent of its statutory 3 percent HUBZone agency-wide ''goaling'' requirement. HUBZone small businesses represent only $7.2 billion of the total $340 billion allocated toward small businesses in fiscal year 2006.

My amendment would expand the reach of the HUBZone program. First, it would include, as a HUBZone, the communities impacted by a military base closed by a BRAC round. Under current law, only the military base itself qualifies as a HUBZone. My amendment would include surrounding communities which become economically devastated by the base closure.

My amendment also requires the U.S. Department of Housing and Urban Development to complete a feasibility study, with legislative recommendations, for addressing the issue of extending HUBZone status to rural impoverished regions that would otherwise qualify as a HUBZone region but for being located in a county with a metropolitan statistical area. It is imperative that we address this inequity that impacts rural regions across the country, including the Penobscot region in my home State of Maine.

The fact is small businesses are the driving force behind our Nation's economic growth, creating nearly three-quarters of all net new jobs and employing nearly 51 percent of the private sector workforce. My amendment enhances the HUBZone program which creates more jobs and helps our Nation's poorest regions.

Mr. KOHL. Mr. President, I rise today to support amendment No. 2818, offered by colleagues, Senators DURBIN, SNOWE, COLLINS, KERRY, and myself. This amendment would limit the amount of operating funds a small public housing authority will lose each year if they decide to opt out of asset management.

The Department of Housing and Urban Development issued a final rule on September 19, 2005, that outlines procedures for public housing authorities to convert to asset management accounting. In the recent past, Congress has urged the Department to review and postpone the conversion process due to lack of guidance and difficulty many PHAs are facing to implement the new plan. Small PHAs are having an extremely hard time converting to asset management due to lack of funds and staff. Most of these agencies only have one or two people in the central office and their operating subsidy has been continuously underfunded. The Transportation, Housing and Urban Development Appropriations legislation includes language that will allow small agencies to opt out of asset management; however their operating fund subsidy will be reduced each year they do not convert.

This amendment would help PHAs which operate 250 units or less and opt out of asset management by limiting the amount of money their operating subsidy can be reduced each year to 5 percent. In Wisconsin, numerous agencies have expressed their support for the stop-loss provision. For example, the Eau Claire Housing Authority would lose half of their subsidy by 2012, the Beloit Housing Authority would lose over $20,000 in operating funds in the first year and an additional $10,000 each year until 2012, and the Ladysmith Housing Authority, located in Rusk County, would lose over $15,000. These are just three examples out of the 46 agencies in Wisconsin that would be negatively impacted by HUD's rule if this amendment is not adopted.

It is imperative that these agencies stay operational. They serve the housing needs for the low-income and elderly in rural communities across the country. I urge the adoption of this important amendment.

Mr. CARDIN. Mr. President, I rise today in strong support of a strong bill, H.R. 3074, the Transportation and Housing funding bill for fiscal year 2008. I congratulate Chairman MURRAY and Ranking Member BOND for producing a bill that invests in America's critical infrastructure and housing needs.

This bill faces a veto threat from President Bush because it exceeds the funding levels he proposed back in February by about 5 percent. I congratulate my colleagues on the Appropriations Committee, however, because the increased funding fits within the overall budget adopted by the Senate earlier this year. That budget has a smaller deficit than the one proposed by the President. We have different spending priorities than President Bush. But I am confident that the priorities reflected in this bill are America's priorities. The Appropriations Committee is to be congratulated for bringing us a bill that meets our needs and does so in a fiscally responsible fashion.

The tragedy of the I–35 bridge collapse in Minneapolis this summer sent an alarm throughout the Nation. We need to embark upon a significant reinvestment in America's aging infrastructure. This bill makes an initial downpayment on this reinvestment. The bill also contains increases in other programs above the President's budget request. These, too, represent a much-needed investment.

The Hope VI Housing Program is designed to revitalize severely distressed public housing. The President wanted to spend just $1 million on this program which is so important to our aging cities such as Baltimore. This bill, I am proud to say, increases the funding level for Hope VI from $1 million to $100 million.

Several other housing programs get needed boosts as well. The section 202 program for low-income seniors is $160 million above the President's request. In addition, the bill contains an innovative voucher program, not requested by President Bush, which would provide section 8 vouchers to homeless veterans.

This bill also contains a major increase in the funding level for the community development block grant program, providing more than $1 billion above the President's request. The

CDBG block grant program has spawned successful development and redevelopment in locations across the Nation. Its track record of success is visible in the revitalized neighborhoods in both urban and rural communities across Maryland and America.

The President had zeroed out the successful Brownfields redevelopment program, but this bill provides $10 million. The brownfields programs operated by HUD, which is funded in this bill, and by EPA, which is separately funded, have been enormously successful. All across Baltimore we see former manufacturing facilities returned to productive use because of these programs. We have seen successful brownfields redevelopment projects in Hagerstown, in Prince George's County, and other sites across the State of Maryland. Our experience is not unique. This is a wonderful program, and I am proud that this bill reverses President Bush's misguided attempt to eliminate the Brownfields redevelopment program in HUD.

Amtrak will receive nearly $1.5 billion in this bill, a $570 million boost over the President's request. Baltimore's Penn Station served more than 900,000 passengers on Amtrak in fiscal 2006. The BWI Airport station in Lithicum, MD, had more than 560,000 boardings and deboardings in fiscal 2006. Amtrak plays a vital role in our national transportation system, posting a record ridership of 24.3 million passengers last year. This bill provides Amtrak with the funding necessary to continue all current services and improve railway infrastructure.

The list of programs that are critical to America and given appropriate funding resources in this bill is long. The major funding levels in this bill, from transportation to housing, represent a sensible investment in America.

In Maryland there are a number of specific provisions that I also want to highlight. The bill contains transportation funding for projects that will help Maryland cope with the major influx of workers and their families associated with the most recent round of Base Realignment and Closures, or BRAC. Harford County, MD, is home to the Aberdeen Proving Ground. This bill contains $3 million for BRAC-related transportation projects in the immediate vicinity of the Base.

Similarly, the bill contains $3 million for improvements on Maryland Route 355 in the area of the National Naval Medical Center in Bethesda, which will now be home to the Walter Reed Hospital operations. As many of my colleagues know, traffic in this area is already very challenging, so this funding is especially important to help us adapt to the infusion of additional workers at NNMC-Bethesda.

Money is also included for two Transit Center operations. The Bi-County Transit Center in Langley Park will serve bus passengers in Montgomery and Prince George's County. The Central Maryland Transit Operations Facility in the middle of the State is also funded at $1 million. We must make sure that transit programs are our first option as we try to move increasing numbers of people in congested areas that suffer from poor air quality. This bill makes that key investment in Maryland.

The bill provides $13 million for the final design of MARC commuter rail improvements and rolling stock. As thousands of Maryland commuters can attest every day, the MARC commuter rail service is filled to capacity every workday. These funds will help to meet the needs of a growing system.

The Transportation title also contains $500,000 to buy an unused railroad bridge in Baltimore. Funding will be used to assess, acquire, and restore the old CSX Railroad Bridge across the Middle Branch of the Patapsco River. That bridge will serve as the vital connecting link for the Gwynns Falls Trail, a highly valued pedestrian and bike path that traverses Baltimore City.

The Housing and Urban Development title also includes funds for several Maryland-specific projects.

The east Baltimore workforce development project will receive $200,000 as part of a comprehensive program to bring jobs, training and neighborhood revitalization to a distressed east Baltimore neighborhood.

Montgomery County Long Branch pedestrian linkages project is funded at $400,000. This project will create pedestrian-friendly linkages from apartment complexes to the public resources and commercial core of the Long Branch neighborhood in Montgomery County.

Colmar Manor is a small town just over the State line from the District of Columbia in Prince George's County. The Colmar Manor Community Center, which will serve four of the port towns along the Anacostia River, will benefit from the $600,000 provided in the bill.

Mr. President, $500,000 in funding will support environmental education for underserved students in the Baltimore area at the new Irvine Urban Outreach Center.

This bill addresses the needs of America and it addresses the needs of Maryland. I am proud to support it and encourage my colleagues to join me in doing so.

Mr. CONRAD. Mr. President, I rise to offer for the Record the Budget Committee's official scoring of H.R. 3074, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for fiscal year 2008.

The bill, as reported by the Senate Committee on Appropriations, provides $51.1 billion in discretionary budget authority for fiscal year 2008, which will result in new outlays of $47.3 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $114.6 billion.

The Senate-reported bill is $7 million below the subcommittee's 302(b) allocation for budget authority and is $286 million below its allocation for outlays. Section 218 of the reported bill exempts the Government National Mortgage Association from the requirements of the Federal Credit Reform Act of 1990. Because the Federal Credit Reform Act is under the jurisdiction of the Budget Committee, this provision is subject to a point of order pursuant to Section 306 of the Budget Act. No other points of order lie against the reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

[Spending comparisons—Senate reported bill (in millions of dollars)]

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget authority	156	50,900	51,056
Outlays	156	114,465	114,621
Senate 302(b) Allocation:			
Budget authority			51,063
Outlays			114,907
House-Passed Bill:			
Budget authority	156	50,582	50,738
Outlays	156	114,349	114,505
President's Request:			
Budget authority	154	47,809	47,963
Outlays	154	112,613	112,767
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) Allocation:			
Budget authority			−7
Outlays			−286
House-Passed Bill:			
Budget authority	0	318	318
Outlays	0	116	116
President's Request:			
Budget authority	2	3,091	3,093

H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

[Spending comparisons—Senate reported bill (in millions of dollars)]

	Defense	General purpose	Total
Outlays	2	1,852	1,854

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

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

AMENDMENTS NOS. 2829; 2852; 2817; 2819; 2820; 2830; 2831; 2850, AS MODIFIED; 2839, AS MODIFIED; 2846, AS MODIFIED; 2848, AS MODIFIED; 2857; 2859; 2825, AS MODIFIED; 2837, AS MODIFIED; 2856; AND 2834 EN BLOC

Mrs. MURRAY. Mr. President, I call up the managers' package at the desk, noting that there are a number of these with modifications. I ask unanimous consent that the package be considered en bloc and agreed to.

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

The amendment (No. 2834) was agreed to.

The further amendments were agreed to, as follows:

AMENDMENT NO. 2829

(Purpose: To require a study by the Government Accountability Office on the efficacy of strategies used by the Federal Aviation Administration and the Department of Transportation to address flight delays at airports in the United States)

On page 18, between lines 2 and 3, insert the following:

SEC. 116. (a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON FLIGHT DELAYS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the efficacy of strategies employed by the Administrator of the Federal Aviation Administration and the Secretary of Transportation to address flight delays at airports in the United States.

(2) CONTENTS.—The study required by paragraph (1) shall include an assessment of—

(A) efforts by the Administrator of the Federal Aviation Administration to induce voluntary schedule reductions by air carriers at Chicago O'Hare International Airport;

(B) the mandatory flight reduction operations instituted by the Administrator of the Federal Aviation Administration at LaGuardia Airport and Ronald Reagan Washington National Airport;

(C) the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign; and

(D) any other significant efforts by the Administrator of the Federal Aviation Administration or the Secretary of Transportation to reduce flight delays at airports in the United States.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report including—

(1) the results of the study required by subsection (a); and

(2) recommendations regarding which of the strategies described in subsection (a) reduce airport delays most effectively when employed for periods of 6 months or less.

AMENDMENT NO. 2852

(Purpose: To enable States to receive federally guaranteed loans for the benefit of nonentitlement areas)

On page 137, between lines 17 and 18, insert the following:

SEC. 232. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

AMENDMENT NO. 2817

(Purpose: To ensure that the Secretary of Housing and Urban Development awards capital fund bonuses to deserving high-performing public housing authorities)

On page 87, line 9, strike the period and insert the following: '': *Provided further*, That, notwithstanding any other provision of law or regulation, or any independent decision of the Secretary, during fiscal year 2008, the Secretary shall, in accordance with part 905.10(j) of title 24, Code of Federal Regulations and from amounts made available under this heading, award performance bonuses to public housing agencies that are designated high performers under the Public Housing Assessment System for the 2007 fiscal year.''.

AMENDMENT NO. 2819

(Purpose: To increase support for infrastructure improvements at tribal colleges and universities, with an offset)

On page 109, line 13, strike ''$59,040,000'' and insert ''$61,440,000''.

On page 109, line 23, strike ''$2,600,000'' and insert ''$5,000,000''.

On page 113, line 1, strike ''$175,000,000'' and insert ''$172,600,000''.

AMENDMENT NO. 2820

(Purpose: To expand the scope of the Inspector General's investigation of rail service disruptions and other delays in the delivery of certain commodities)

On page 70, line 7, insert ''potatoes, specialty crops,'' after ''ethanol,''.

AMENDMENT NO. 2830

(Purpose: To require the Secretary of Housing and Urban Development to establish and maintain on the homepage of the website of the Department of Housing and Urban Development a direct link to the website for the Office of the Inspector General of the Department of Housing and Urban Development)

At the appropriate place, insert the following:

SEC. _____. Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall establish and maintain on the homepage of the Internet website of the Department of Housing and Urban Development—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Housing and Urban Development; and

(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Housing and Urban Development.

AMENDMENT NO. 2831

(Purpose: To require the Secretary of Transportation to establish and maintain on the homepage of the website of the Department of Transportation a direct link to the website for the Office of the Inspector General of the Department of Transportation)

At the appropriate place, insert the following:

SEC. _____. Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish and maintain on the homepage of the Internet website of the Department of Transportation—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Transportation; and

(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Transportation.

AMENDMENT NO. 2850, AS MODIFIED

The Administrator of the Federal Transit Administration may conduct a study of the public transportation agencies in the urbanized areas described in section 5337(a) of title 49, United States Code (referred to in this section as ''agencies'').

(b) The study conducted under subsection (a) shall—

(1) analyze the state of repair of the agencies' rail infrastructure, including bridges, ties, and rail cars;

(2) calculate the amount of Federal funding received by the agencies during the 9-year period ending September 30, 2007, pursuant to—

(A) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

(B) the Transportation Equity Act for the 21st Century (Public Law 105–178); and

(C) the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (Public Law 109–59);

(3) estimate the minimum amount of funding necessary to bring all of the infrastructure described in paragraph (1) into a state of good repair; and

(4) determine the changes to the rail modernization formula program that would be required to bring all of the infrastructure described in paragraph (1) into a state of good repair.

(c) Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that contains the results of the study conducted under this section.

AMENDMENT NO. 2839, AS MODIFIED

On page 95, line 25, strike the period and insert the following: '': *Provided further*, That, from amounts appropriated or otherwise made available under this heading, $25,000,000 may be made available to promote broader participation in homeownership through the American Dream Downpayment

Initiative, as such initiative is set forth under section 271 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821).''.

AMENDMENT NO. 2846, AS MODIFIED

On page 137, between lines 17 and 18, insert the following:

SEC. 232. Not later than 90 days after the date of enactment of this Act, the Secretary of Housing and Urban Development may—

(1) develop a formal, structured, and written plan that the Department of Housing and Urban Development shall use when monitoring for compliance with the specific relocation restrictions in—

(A) the Community Development Block Grant entitlement program; and

(B) the Community Development Block Grant State program that receives economic development funds from the Department of Housing and Urban Development; and

(2) submit such plan to the Committee on Appropriations of both the Senate and the House of Representatives.

AMENDMENT NO. 2848, AS MODIFIED

On page 137, between lines 17 and 18, insert the following:

SEC. 232. (a) REQUIRED SUBMISSIONS FOR FISCAL YEARS 2007 AND 2008.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development may submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives for fiscal year 2007 and 2008—

(A) a complete and accurate accounting of the actual project-based renewal costs for project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) revised estimates of the funding needed to fully fund all 12 months of all project-based contracts under such section 8, including project-based contracts that expire in fiscal year 2007 and fiscal year 2008; and

(C) all sources of funding that will be used to fully fund all 12 months of the project-based contracts for fiscal years 2007 and 2008.

(2) UPDATED INFORMATION.—At any time after the expiration of the 60-day period described in paragraph (1), the Secretary may submit corrections or updates to the information required under paragraph (1), if upon completion of an audit of the project-based assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such audit reveals additional information that may provide Congress a more complete understanding of the Secretary's implementation of the project-based assistance program under such section 8.

(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR 2009.—As part of the Department of Housing and Urban Development's budget request for fiscal year 2009, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives complete and detailed information, including a project-by-project analysis, that verifies that such budget request will fully fund all project-based contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in fiscal year 2009, including expiring project-based contracts.

AMENDMENT NO. 2857

(Purpose: To prohibit the Federal Transit Administration from using funds appropriated under this Act to promulgate regulations to carry out section 5309 of title 49, United States Code)

At the appropriate place, insert the following:

SEC. ____. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code.

AMENDMENT NO. 2859

(Purpose: To limit the amount available for the Urban Partnership Congestion Initiative under section 5309 of title 49, United States Code)

On page 50, line 21, insert ''*Provided further*, That of the funds available to carry out the bus program under section 5309 of title 49, United States Code, which are not otherwise allocated under this Act or under SAFETEA–LU (Public Law 109–59), not more than 10 percent may be expended to carry out the Urban Partnership Congestion Initiative:'' after ''5309(b)(3):''.

AMENDMENT NO. 2825, AS MODIFIED

At the end of the sections under the heading ''GENERAL PROVISIONS'' at the end of title I, add the following:

SEC. 1___. PROHIBITION ON IMPOSITION AND COLLECTION OF TOLLS ON CERTAIN HIGHWAYS CONSTRUCTED USING FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL HIGHWAY FACILITY.—

(A) IN GENERAL.—The term ''Federal highway facility'' means—

(i) any highway, bridge, or tunnel on the Interstate System that is constructed using Federal funds; or

(ii) any United States highway.

(B) EXCLUSION.—The term ''Federal highway facility'' does not include any right-of-way for any highway, bridge, or tunnel described in subparagraph (A).

(2) TOLLING PROVISION.—The term ''tolling provision'' means section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212);

(b) PROHIBITION.—

(1) IN GENERAL.—None of the funds made available by this Act shall be used to consider or approve an application to permit the imposition or collection of any toll on any portion of a Federal highway facility in the State of Texas—

(A)(i) that is in existence on the date of enactment of this Act; and

(ii) on which no toll is imposed or collected under a tolling provision on that date of enactment; or

(B) that would result in the Federal highway facility having fewer non-toll lanes than before the date on which the toll was first imposed or collected.

(2) EXEMPTION.—Paragraph (1) shall not apply to the imposition or collection of a toll on a Federal highway facility—

(A) on which a toll is imposed or collected under a tolling provision on the date of enactment of this Act; or

(B) that is constructed, under construction, or the subject of an application for construction submitted to the Secretary, after the date of enactment of this Act.

(c) STATE BUY-BACK.—None of the funds made available by this Act shall be used to impose or collect a toll on a Federal highway facility in the State of Texas that is purchased by the State of Texas on or after the date of enactment of this Act.

AMENDMENT NO. 2837, AS MODIFIED

On page 70, between lines 20 and 21, insert the following:

SEC. 1____. The Secretary of Transportation may conduct a study of the use of non-hazardous recycled aggregates and other materials, including reused concrete and asphalt, in highway projects, to the maximum extent practicable and whenever economically feasible and consistent with public health and environmental laws.

AMENDMENT NO. 2856

(Purpose: To strike the prohibition on the use of appropriations by Amtrak to support routes on which deep discounts are available)

On page 44, strike lines 6 through 13 and insert ''of this Act.''.

Mrs. MURRAY. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2826 WITHDRAWN

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Menendez amendment that was previously agreed to be voted on in the morning be withdrawn; that is, Menendez amendment No. 2826.

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

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

MONTANA'S 819TH RED HORSE SQUADRON

Mr. TESTER. Mr. President, I know that over the last 6 years every Senator has had to send some of their sons and daughters in their State off to war, but today is the first time as a Member of this body I have had to see so many members of a squadron in my State deployed. So it is with great pride that I rise to honor the 400 air men and women of the Air Force's 819th RED HORSE Squadron. About one-half of this squadron is deploying today for training in Wisconsin before going to Iraq later this year.

Over the last decade, Malmstrom Air Force Base in Great Falls, MT, has been the home of the 819th RED HORSE Squadron. For the uninitiated, RED HORSE stands for rapid engineer deployable heavy operation repair squadron engineer. Basically, these are the men and women who rebuild Air Force facilities overseas, such as runways. They also have spent considerable time in Iraq rebuilding schools and homes. These are men and women who do some truly wonderful work.

In a previous deployment to Iraq in 2005, the squadron was involved in 130 construction projects on 12 different bases in Iraq. The 819th has served in Afghanistan and Qatar. In every place they have taken on complicated engineering projects for the U.S. Government but have also done outstanding work with locals to rehabilitate housing and provide residents with everything from coloring books for kids to new washing machines.

It is a combination of accomplishment, strength, and generosity that represents the best of our Nation.

This afternoon, as the men and women of the 819th begin to train for