He also led by example, returning more than $4.2 million in unspent office funds to the U.S. Treasury.

As the Republican leader of the Interior Appropriations Subcommittee, Senator ALLARD worked to shape the Nation's spending priorities.

His work on the Internet Tax Nondiscrimination Act helped keep access to the Internet tax-free.

He also worked to increase military benefits, including legislation to increase the death benefits for families of fallen heroes from $12,000 to $100,000.

I will miss working with him in this Chamber, and I will miss his friendship and support on the issues that matter most to America.

LARRY CRAIG

Mr. President, LARRY CRAIG has a long history of service to the people of Idaho.

In 1974, he was elected to the Idaho State Senate, where he served three terms before winning the 1980 race for Idaho's first congressional seat.

He was re-elected four times before winning a U.S. Senate seat in 1990.

As chairman of the Veterans' Affairs Committee, he assured that the health care needs of our Nation's veterans were addressed, and he helped increase the number of claims processors to try to help veterans receive the benefits they deserve, with fewer delays.

Throughout his career, Senator CRAIG has been a forceful advocate for commonsense, conservative solutions to our Nation's problems.

He has been a leader in the battle for lower taxes, private property rights, and greater accountability in government.

He has been recognized by national groups, including Citizens for a Sound Economy, Citizens Against Government Waste, Watchdogs of the Treasury, and the National Taxpayers Union Foundation.

He is also one of America's foremost defenders of the second amendment.

I wish Senator CRAIG well in his retirement.

CHUCK HAGEL

Mr. PRESIDENT, I have really enjoyed working with CHUCK HAGEL.

Senator HAGEL honorably served our country by enlisting in the U.S. Army during the Vietnam war.

While in Vietnam, he received the Vietnamese Cross of Gallantry, Purple Heart, Army Commendation Medal, and the Combat Infantryman Badge.

After working as Deputy Administrator of the VA, he became a successful entrepreneur and business leader.

In 1996, CHUCK HAGEL was elected to the U.S. Senate.

Six years later, he was overwhelmingly reelected with over 83 percent of the vote, the largest margin of victory in any statewide race in Nebraska history.

His knowledge and experience building a business and creating jobs was invaluable to the Senate.

He was a leader on the Foreign Relations Committee and represented the U.S. Senate admirably as chair of the Senate Global Climate Change Observer Group.

On a personal note, he always sent me a souvenir from the College World Series in Omaha when the University of Texas or Rice University was in the Finals, which I am proud to say was almost every year.

I will miss CHUCK HAGEL, and I wish him well.

JOHN WARNER

Mr. President, JOHN WARNER is a Senator who has served his country heroically.

During World War II, at the age of 17, he enlisted in the U.S. Navy. At the outbreak of the Korean war in 1950, Senator WARNER interrupted his law studies and started a second tour of Active military duty.

Senator WARNER's next public service began with his Presidential appointment to be Under Secretary of Navy in 1969. He served as Secretary of the Navy from 1972 to 1974.

Following his work there, JOHN WARNER was appointed by the President to coordinate the celebration of America's bicentennial.

Beginning in 1978, Senator WARNER has been elected to the Senate five times. In 2005, Senator WARNER became the second-longest serving U.S. Senator from Virginia in the 218-year history of the Senate. Now serving in his 30th year in the Senate, Senator WARNER rose to become chairman of the Senate Armed Services Committee. In that capacity, and throughout his career, he has shown unwavering support for the men and women of the Armed Forces.

Every time I am with JOHN WARNER, I learn something new, valuable, insightful or humorous. He is truly a unique blend of a military leader, country gentleman, historian, great storyteller and statesman. His hard work and devotion will be missed by all his friends in the Senate.

PETE DOMENICI

Mr. President, last, but certainly not least, I would like to speak about my great friend, Senator PETE DOMENICI of New Mexico.

The longest serving U.S. Senator in New Mexico history, PETE has been a respected leader on some of the most important issues of our time, including energy security, nuclear proliferation, and fiscal responsibility.

PETE was first elected to the U.S. Senate in 1972 and is serving his sixth term.

PETE is the ranking member of the Senate Energy and Natural Resources Committee, having previously served as its chairman following a long tenure in charge of the Senate Budget Committee.

When he became chairman of the Energy and Natural Resources Committee in 2003, PETE put his years of legislative experience to work to craft the first major comprehensive Energy bill since 1992.

Many thought that the task was nearly impossible, but Senator DOMENICI gained bipartisan consensus and passage of the Energy Policy Act of 2005. This new energy law created incentives to accelerate U.S. development of its own energy resources—including solar, wind, and nuclear power.

Then, in late 2006, DOMENICI engineered the enactment of a new law that will open areas of the Gulf of Mexico for energy exploration. This could yield 1.26 billion barrels of American-owned oil and 5.8 trillion cubic feet of natural gas in the near future.

Senator DOMENICI's commitment to America's prosperity is also exemplified in his work to make the U.S. more competitive in the global marketplace. He is a coauthor of the America Competes Act, a landmark bill that will force substantial changes to promote science and technology education and ensure that the United States does not lose its place as the world's innovation leader.

Senator DOMENICI is a nationally recognized advocate for people with mental illness, having written the 1996 Mental Health Parity law to ensure fair insurance coverage for people who suffer from that disease.

PETE has also been a champion in promoting New Mexico's economy. He has worked to ensure equal opportunities for women and minorities. He has worked to find consensus on difficult environmental issues. It has been a true honor to serve with him. The Senate will truly miss his leadership, and I will miss his friendship. Indeed, we will miss all our departing friends. I wish them well.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

LILLY LEDBETTER FAIR PAY ACT

• Mr. KENNEDY. Mr. President, in addition to the many other vital matters the Congress has considered this year, the issue of pay equity remains of critical importance. The Lilly Ledbetter Fair Pay Act would restore a fair rule for filing claims of pay discrimination based on race, color, gender, national origin, religion, disability, or age. This measure, which passed the House last year, has broad public support, and I hope the Senate will pass it as soon as possible. I ask unanimous consent to include in the RECORD a series of letters of support for the bill which I have received from civil rights and workers' organizations.

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

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington DC, April 16, 2008.

Dear SENATOR: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest and most diverse civil and human rights coalition, representing persons of color, women, children, labor unions, individuals with disabilities, older Americans, major religious groups, gays and lesbians and civil liberties and human rights groups, we urge you to co-sponsor and vote for the Fair Pay Restoration Act (S. 1843) to correct the Supreme Court's misinterpretation of Title VII regarding when a pay discrimination claim is timely filed.

S. 1843 whose companion measure, H.R. 2831, passed the House of Representatives July 31, 2007, is necessary to ensure that victims of workplace discrimination receive effective remedies. Title VII requires individuals to file complaints of pay discrimination within 180 days of ''the alleged unlawful employment practice.'' In Ledbetter v. Goodyear Tire & Rubber, decided on May 29, 2007, the Supreme Court held that the 180-day statute of limitations should be calculated from the day a pay decision is made, rather than from when the employee is subject to that decision or injured by it. The Court's decision in this case was a sharp departure from precedent and would greatly limit the ability of pay discrimination victims to vindicate their rights. Moreover, it has implications beyond Title VII, including for pay discrimination claims brought under the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act. Congress must make clear that a pay discrimination claim accrues when a pay decision is made, when employees are subject to that decision, or at any time they are injured by it, including each time they receive a paycheck that is reduced as a result of the discrimination.

As Justice Ginsburg pointed out in her dissent in Ledbetter, Congress has stepped in on other occasions to correct the Court's cramped interpretation of Title VII. The Civil Rights Act of 1991 overturned several Supreme Court decisions that eroded the power of Title VII. As Justice Ginsburg sees it, ''[o]nce again, the ball is in Congress' court.'' We agree and urge you to act expeditiously and reaffirm that civil rights laws have effective remedies,

Thank you for your time and attention to this important matter. If you have any questions. please feel free to contact Nancy Zirkin at (202) 263–2880 or Zirkin@civilrights.org, or Paul Edenfield. LCCR Counsel, at (202) 263–2852 or Edenfield@civilrights.org.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Executive Vice President.

NATIONAL WOMEN'S LAW CENTER.
Washington, DC, January 24, 2008.

DEAR SENATOR: On behalf of the National Women's Law Center, I am writing in support of S. 1843, the Fair Pay Restoration Act. S. 1843 would reverse the Supreme Court's decision in Ledbetter v. Goodyear Tire & Rubber Co. and help to ensure that individuals subjected to unlawful compensation discrimination are able to effectively assert their rights under the federal anti-discrimination laws. The bill would reinstate prior law to make clear that pay discrimination claims accrue whenever a discriminatory pay decision or practice is adopted, when a person becomes subject to the decision or practice, or when a person is affected by the decision or practice, including whenever s/he receives a discriminatory paycheck. A companion bill, H.R. 2831, has already been passed by the House of Representatives, and we urge you to enact S. 1843 without delay.

The Supreme Court's Ledbetter decision severely limits workers' ability to vindicate their rights by requiring that all charges of pay discrimination be filed within 180 days of the employer's originally discriminatory decision. The Court's decision upends prior precedent and is fundamentally unfair to those subject to pay discrimination. Under the Ledbetter rule, victims of pay discrimination have no recourse against—and employers are immunized from liability for—the discrimination once 180 days have passed from the employer's initial decision, even when the discrimination continues into the present. The Ledbetter decision thus creates incentives for employers to conceal their discriminatory conduct until the statutory period has passed. As Justice Ginsburg noted in her dissent, after that time the Ledbetter rule renders employers' discriminatory pay decisions ''grandfathered, a fait accompli beyond the province of Title VII ever to repair.''

The decision also ignores fundamental workplace realities. Pay information is often confidential, and few employees have concrete information about the decisions underlying their own compensation, let alone the compensation of their coworkers; in fact, many employers explicitly forbid their employees from discussing their wages. And unlike other forms of discrimination, pay discrimination is not manifested as an adverse action against the employee. As a result, an employee may experience compensation discrimination for a long time before he or she is aware of it. In addition, while employees may be reluctant to challenge wage disparities that are small at the outset, the disparities can expand exponentially over the course of an employee's career, as raises, bonuses, and retirement contributions are calculated as a percentage of prior pay.

The Fair Pay Restoration Act responds to each of these problems in a modest and targeted way—and indeed is the only legislative approach that will fully address the obstacles created by the Ledbetter decision. The Act will promote voluntary compliance with the anti-discrimination laws; because each discriminatory paycheck, rather than simply the original decision to discriminate, triggers a new claim filing period, employers have a strong incentive to eliminate any discriminatory pay practices. The Act will also ensure that employers do not benefit financially from discrimination; while under the Ledbetter decision, employers whose compensation decisions are not challenged within 180 days get a windfall from continuing this discrimination, the Act will hold employers accountable for ongoing discrimination.

The Act also responds to the ways in which pay discrimination is manifested in the workplace, as well as to its impact over time. And it allows employees to assess the validity of their claims before challenging compensation discrimination. Under the Ledbetter rule, employees who wait to challenge suspected pay discrimination run the very real risk of forfeiting their right to any relief whatsoever. Ledbetter thus creates the incentive for employees who suspect that they have been subject to pay discrimination to immediately file a charge with the Equal Employment Opportunity Commission. The Act will remove the incentive to file preemptive charges and litigation—a result that serves neither employees nor employers.

Moreover, the Act will restore a clear and familiar way of evaluating the timeliness of compensation discrimination claims. Far from imposing a new or unfair rule on employers. the Act simply reinstates the law that had been applied by the EEOC and nine of the twelve federal courts of appeals before the Ledbetter decision. Accordingly, most courts and the EEOC, as well as most employers, are already familiar with the rule. In addition, both employers and employees benefit from the certainty created by the rule, which ensures that both plaintiffs and defendants will be able readily to determine the timeliness of claims.

Finally, the Act will in no way lead employees to delay challenges to pay discrimination. To the contrary, employees will continue to have every incentive to challenge pay discrimination as soon as possible. For one thing, the Act leaves unaltered Title VII's two-year limitation on the recovery of back pay. As a result, a plaintiff who delays filing a pay discrimination claim will continue to sacrifice the recovery of any pay s/he is owed for periods that predate the two years preceding her charge.

More than four decades after Congress outlawed wage discrimination based on sex, women continue to be paid, on average, only 77 cents for every dollar paid to men. This persistent wage gap can be addressed only if women are armed with the tools necessary to challenge sex discrimination against them. And it is critical that Congress reaffirm that civil rights laws have effective remedies, and that all those subject to pay discrimination are entitled to challenge continuing discrimination against them.

We urge you to enact S. 1843, the Fair Pay Restoration Act, without delay. Please feel free to contact Jocelyn Samuels, Vice President for Education and Employment, with any questions.

Sincerely,

MARCIA GREENBERGER,
Co-President.

NATIONAL PARTNERSHIP FOR
WOMEN & FAMILIES,
Washington, DC, April 17, 2008.

Re Fair Pay Restoration Act, S. 1843.

DEAR SENATOR: On May 29, 2007, the Supreme Court issued a decision in Ledbetter v. Goodyear Tire & Rubber Company reversing a well-established legal standard and weakening severely protections against pay discrimination that have been critical for women in the workplace. We write to urge you to support the Fair Pay Restoration Act, S. 1843, which would correct this decision by restoring the timeliness standard used to determine whether pay discrimination claims have been filed in a timely manner. Without this legislation, protections against pay discrimination are little more than an empty promise and equal employment opportunity becomes an unattainable ideal.

BACKGROUND

Lilly Ledbetter, the only woman supervisor in her division at the Goodyear plant, sued Goodyear for sex-based pay discrimination under Title VII of the Civil Rights Act of 1964 (Title VII) after learning that she was paid substantially less—15 to 40 percent—than her male colleagues. A jury awarded Ms. Ledbetter over $3.2 million, which was later reduced to $360,000 ($300,000 in compensatory and punitive damages and $60,000 in backpay) due to Title VII's damages caps.

A sharply divided Supreme Court ruled that Ms. Ledbetter's claim was time-barred because she waited too long to file her claim. Title VII requires employees to file within 180 days of ''the alleged unlawful employment practice.'' The Court calculated the deadline from the day that Goodyear allegedly made a discriminatory pay decision, rather than—as decades of precedent recognized—from the day Ms. Ledbetter received her last discriminatory paycheck. Because Ms. Ledbetter filed her charge more than six months after the pay decision, the Court concluded that her claim must fail, even though she continued to make less money due to her sex for many years after that decision and within 180 days of when she flied her charge.

RESTORING THE TIMELINESS STANDARD FOR PAY DISCRIMINATION CLAIMS

The Fair Pay Restoration Act (FPRA) would amend Title VII to make clear that an unlawful employment practice occurs (1) when a discriminatory compensation decision or other practice is adopted, (2) when an individual becomes subject to a discriminatory compensation decision or practice, or (3) when an individual is affected by the application of a discriminatory compensation decision or other practice, including each time compensation is paid. This legislation thus would reinstate the rule that had been in place for decades—the paycheck accrual rule—which provides that the 180-day time limit for filing a charge of discrimination with the EEOC begins to run anew after each discriminatory paycheck is received.

A STEP BACKWARD

The Ledbetter decision is a step backward for women and for any employee alleging pay discrimination under Title VII. Despite Title VII's guarantee of equal employment opportunity, the Court's ruling would leave many victims of pay discrimination without an effective remedy, even when their rights have been violated. If allowed to stand uncorrected, this decision authorizes employers to violate Title VII's bar on pay discrimination with impunity as long as they do not get caught within 180 days. Now employers will have every reason to try to avoid liability simply by keeping pay disparities hidden during the Title VII charge-filing period.

THE DECISION DISREGARDS WORKPLACE REALITIES AND DISCOURAGES INFORMAL RESOLUTION OF DISPUTES

The Supreme Court's decision ignores the realities of the workplace and the realities of pay discrimination. Because pay information is often confidential, employees are rarely able to uncover such discrimination and file claims quickly. In addition, pay disparities can start small but grow in significance as the impact of raises—often set as a percentage of prior pay—accrues over time. Employees might be reluctant to raise a pay discrimination claim at the outset over a minor salary discrepancy, when they have incomplete or insufficient information. Now they must assume discrimination in every situation and file claims preemptively—and potentially prematurely—to preserve any ability to challenge discriminatory pay decisions.

The Ledbetter decision, therefore, likely will have the unintended consequence of encouraging an immediate adversarial response to any questions regarding pay. Employees who take the time to ask questions and gather accurate information to determine whether they have a claim, under Ledbetter, risk having their claims rejected as untimely. Many claims that might otherwise be resolved informally will be raised in a more adversarial setting and create a greater potential for protracted litigation. As a result, Ledbetter actually undermines one of Title VII's primary goals—informal resolution of disputes.

IMPACT ON WOMEN'S WAGES AND CLOSING THE WAGE GAP

Although the Court paints the discrimination that Ms. Ledbetter faced as long past, the pay discrimination that Ms. Ledbetter and so many others have endured is current and very real. Many women are all too painfully aware that there is nothing ''long past'' about the consequences of discriminatory pay practices—they have a present-day impact as they accumulate and grow over time. A woman loses ground every day she is paid less pursuant to a policy of discrimination. Unfortunately, this decision effectively disregards the real economic impact of pay discrimination. Further, pay discrimination is responsible for a significant portion of the wage gap experienced by women and people of color. The Supreme Court's decision makes it even more difficult for women workers and employees of color to close the wage gap.

The decision in this case is not merely about sex discrimination. Rather, it has broader implications for all pay discrimination claims under Title VII, which bars discrimination in compensation not only on the basis of sex, but also on the basis of race, color, religion, and national origin, and other antidiscrimination laws, including the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act. Accordingly, this bill amends the timeliness standard for pay discrimination claims under those laws as well.

RESTORING THE LAW IMPOSES NO UNFAIR BURDEN ON EMPLOYERS

Prior to the decision in this case, the EEOC, the majority of lower courts, and the Supreme Court each allowed pay discrimination claims to proceed on the basis of the issuance of a paycheck that paid an employee a discriminatory wage. The Court's decision in Ledbetter marks a reversal in the law. The proposed FPRA would restore the previous legal standard without placing an unfair burden on employers.

Although employers have suggested that a decision in favor of Ms. Ledbetter would have left them defenseless against an onslaught of pay discrimination suits going back many years, this rhetoric strains credulity. There is no evidence that employers were inundated with stale pay discrimination lawsuits prior to Ledbetter, and there is no reason to believe that a return to the state of the law pre/Ledhetter would cause such a result now. Moreover, not only would undue delay make it that much more difficult for a worker to prove a claim of pay discrimination, but it also could provide an employer with a defense—called laches—to challenge unreasonably delayed claims.

CONCLUSION

The Court's unduly restrictive interpretation of Title VII effectively guts the law's protection against pay discrimination, leaving many victims of pay discrimination without a remedy. Legislation is necessary to insure that all workers receive a fair, nondiscriminatory wage and the opportunity to participate in the workforce on equal ground.

Sincerely,

DEBRA L. NESS,
President.

NATIONAL WOMEN'S POLITICAL CAUCUS,
September 23, 2008.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.
Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR SPECTER: Thank you for your continued leadership on H.R. 2831, the Lilly Ledbetter Fair Pay Act. I am writing on behalf of the National Women's Political Caucus (NWPC) to endorse this important piece of legislation and to support the analysis contained in a letter sent to you by Sue Johnson, President of the Alaska Women's Political Caucus, one of our state affiliates.

The National Women's Political Caucus was founded in 1971 on the principle of achieving and protecting equal rights for women, and this includes equal economic rights for women. One fundamental tenet of our organization is fighting all forms of discrimination, and this especially includes fighting pay discrimination in the workplace. The Lilly Ledbetter Fair Pay Act provides a way to ensure equal pay for equal work and to equip women with a vital tool to combat pay discrimination. With so many women heading up their households and being the sole income earners, it is all the more important that their work is fairly and equally compensated so that they may provide for their families.

The National Women's Political Caucus and I appreciate your steadfast work on issues of fundamental importance to women, and stand behind your efforts in the passage of H.R. 2831.

Sincerely,

LULU FLORES,
President.

ALASKA WOMEN'S POLITICAL CAUCUS
Anchorage, AK, September 23, 2008.

Hon. EDWARD KENNEDY
U.S. Senate, Washington, DC.
Hon. ARLEN SPECTER
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR SPECTER: On behalf of the Alaska Women's Political Caucus (AWPC). I write to thank you for your continued leadership on H.R. 2831, the Lilly Ledbetter Fair Pay Act. The AWPC is an affiliate of the National Women's Political Caucus (NWPC), a bipartisan multicultural organization dedicated to increasing women's participation in the political field and creating a political power base designed to achieve equality for all women. NWPC and its hundreds of state and local chapters support women candidates across the country without regard to political affiliation through recruiting, training, and financial donations. AWPC focuses on wining equality for women and supporting candidates who support AWPC's goals. Of the upmost importance to breaking the glass ceiling restricting women, is making certain that women can assert their right to remain free from pay discrimination at work.

H.R. 2831 IS THE RIGHT SOLUTION FOR ALASKA'S WORKING WOMEN

Alaska is part of the Ninth Circuit, which for years (along with a majority of the other federal circuits), recognized the ''paycheck accrual rule'' in employment discrimination cases. Under Title VII of the Civil Rights Act of 1964, an employee has 180 days a discrimination act to file a claim. Before the Ledbetter v. Goodyear decision, if an employee in Alaska brought a federal claim for pay discrimination, the courts recognized

that each new paycheck started a new clock because each paycheck was a separate discriminatory act. This meant that our workers in Alaska were able to bring a timely claim as long as they could show that they had received a paycheck lessened by discrimination in the required time period. This had been the law in Alaska's federal courts for years: See Gibbs v. Pierce County Law Enforcement Support Agency, 785 F.2d 1396 1399 (9th Cir. 1986) (''The policy of paying lower wages . . . on each payday constitutes a 'continuing violation'.'') (internal quotation omitted).

Unfortunately, in May 2007, in Lebetter v. Goodyear, the Supreme Court overturned this common-sense practice that plaintiffs and employers in Alaska had come to rely upon. Now, if an employee does not know about the discrimination within just a few months of the employer's illegal behavior there is nothing that can be done—she can't have her day in court or ever get her hard-earned wages back.

Certainly, in tough economic times, workers should be able to earn and keep their fair wages. The Lilly Ledbetter Fair Pay Act, H.R. 2831, would reinstate this common-sense paycheck accrual rule. H.R. 2831 merely clarifies that pay discrimination is not a one-time occurrence starting and ending with a pay decision, but that each paycheck lessened due to discrimination represents a continuing violation by the employer. It is a very modest bill and is the right answer for Alaska's working women.

SENATOR HUTCHISON'S LEDBETTER ''ALTERNATIVE'' IS NOT THE RIGHT APPROACH

The clear, measured approach taken in H.R. 2831 is the only way Congress can reverse the effects of the Ledbetter decision. A newly-introduced bill from Senator HUTCHISON (R–TX), S. 3209, purports to offer a solution for victims of pay discrimination. But, in reality, Ms. Hutchison's legislation would fail to correct the injustice created by the Ledbetter decision, would create new, confusing, and unnecessary hurdles for those facing discrimination, and would flood the courts with premature claims and unnecessary litigation.

The approach of S. 3209 fails to recognize the basic principle that as long as discrimination in the workplace continues, so too should employees' ability to challenge it. It is the wrong approach for working women, who depend on every rightfully-earned dollar. Every time an employer issues a discriminatory paycheck, that employer violates the law, and victims of that discrimination should be afforded a remedy.

Moreover S. 3209 would create new legal hurdles for employees by requiring employees to show they filed their claims within 180 days of when they had—or should have had—enough information to suspect they'd been subjected to discrimination. This ''should have'' known standard would encourage employees to prematurely file discrimination claims based on mere speculation or office rumors of wrongdoing just to preserve their rights within the 180-day time frame. This novel standard is not just bad for employees, but also for employers who would be burdened with unnecessary litigation and increased costs. Far from creating a new legal standard, in contrast, H.R. 2831 would merely restore the law prior to the Ledbetter holding and fairly protect employees' day in court.

The AWPC commends you for helping to help make equal pay for equal work a reality by supporting H.R. 2831 as the best solution for the problems created by the Ledbetter decision.

Sincerely,

SUE C. JOHNSON,
President, Alaska Women's Political Caucus.●

NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT

Mr. INHOFE. Mr. President, I would like to explain why there are objections to bringing up H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act of 2008. As has been mentioned by several of my colleagues on the floor today, the Highway Bridge Program in its current form needs to be reformed to make it more useable for States. Unfortunately, H.R. 3999 hinders, rather than strengthens, States' abilities to address their greatest bridge priorities. It would force States to follow a risk-based system developed in Washington to prioritize the replacement or rehabilitation of bridges. There is great concern that this one-size-fits-all approach would not allow for important local factors, such as seismic retrofit. This legislation also forces States to spend scarce resources on new procedures that will provide little or no new information to State bridge engineers.

SAFETEA–LU will expire on September 30, 2009. Any major policy changes at this point in the process will distract from the overall goal of completing a comprehensive bill on time. For that reason, a policy change of this magnitude should be handled in the context of reauthorization. Furthermore, it is counterproductive to attempt to fix our crumbling infrastructure through piecemeal efforts. Comprehensive reform is necessary and should be addressed in a holistic approach in the reauthorization bill the Environment and Public Works Committee will work on in the coming months.

There has been a lot of press about the poor condition of the nation's bridges in the wake of the Minnesota tragedy. Our bridges are certainly in need of additional investment, but the roads on the National Highway System, NHS, are actually in greater need. According to the Federal Highway Administration, FHWA, the Nation's bridges receive an average of 15 percent less funding from all levels of government than the maximum amount that could be economically invested. In contrast, the roads on the NHS receive 78 percent less funding than the maximum economic level.

This is not to say that there are not enormous bridge needs. These are simply 20 year averages, and much more could be economically invested in the short term. According to the same study by the FHWA, $62 billion could be invested immediately in a cost-beneficial basis. It is critical, however, to view investment in the Nation's highways and bridges in a comprehensive fashion.

The authors of H.R. 3999 tout one of the benefits of the bill is that it prohibit transfers from the current bridge program to other highway programs. I would like to take a few minutes to explain that while that sounds good, it will not accomplish what the authors of the bill want. Many States rely on the flexibility allowed under the Federal highway program to transfer money in between core highway programs as an important cash and program management tool. This flexibility in the bridge program is needed by States as bridges are enormous, ''lumpy'' investments and it often becomes necessary for States to wait a few years between major bridge replacements. If they did not do so, bridges would consume too much of their highway resources to address nonbridge needs. This bill would prohibit all transfers from the bridge program on the incorrect assumption that all transfers are bad.

Many States find the bridge program requirements too bureaucratic and prefer to replace or rehabilitate structurally deficient bridges using more flexible programs. These States transfer money out of the bridge program and then obligate those same dollars to structurally deficient bridges. Also, when bridges are being replaced or rehabilitated as a part of a larger project, States frequently transfer money into a single category of funding that can be used on the entire project. Because of the narrow eligibility of Highway Bridge Program funds, the flexibility to transfer funds is oftentimes necessary and does not necessarily detract from the goals of the Highway Bridge Program.

H.R. 3999 incorrectly assumes that all bridge construction and reconstruction is done through the bridge program. In fact, only about 55 percent of obligations on bridges are through the Highway Bridge Program. The remaining obligations of funds on bridges, about $2.4 billion, are done using other categories of funding. By prohibiting transfers, H.R. 3999 would effectively punish States that are spending more on bridges than is provided in bridge funding, by denying them an important cash and program management tool.

In addition, H.R. 3999 requires States to follow a risk-based system developed in Washington to prioritize the replacement or rehabilitation of bridges. Many fear that this will produce a ''worst first'' approach to replacing and rehabilitating our bridges an approach that is widely criticized among economists as it costs far more money than a targeted approach. In many aspects of government this is a prudent method to make decisions, but the approach set forth in this bill lacks the cumulative factor analysis required to make