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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, great is Your faithfulness. All that we have and are is Your gift to us. Gratitude is the memory of the heart. We remember Your goodness to us in the friends and fellow workers who enrich our lives.

Today we want to thank You for those who make it possible for this Senate to do its work so effectively. We praise You for the parliamentarians and clerks, the staff in the cloakrooms, the reporters of debate, the doorkeepers, Capitol Police, elevator operators, food service personnel, and those in environmental services. And Lord, the Senators would be the first to express gratitude for their own staffs who make it possible for them to accomplish their work.

As a Senate family we join in deep appreciation and affirmation of Elizabeth Letchworth as at the end of August she retires as Secretary for the Minority. We praise You for this distinguished leader, outstanding professional, loyal friend to so many, and faithful employee of the Senate for 26 years. From her years as a Senate page to the position of an officer of the Senate, and in all the significant positions she has held in between, she has displayed a consistent dedication to You and patriotism in her service to our Nation through her work in the Senate. Bless her and her husband, Ron, as they begin a new phase in the unfolding adventure of their lives. Lord, thank You for the privilege of work and good friends with whom we share the joy of working together. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of S. 1246, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers.

Pending:

Lugar amendment No. 1212, in the nature of a substitute.

Voinovich amendment No. 1209, to protect the Social Security surpluses by preventing on-budget deficits.

The PRESIDENT pro tempore. The majority whip, the Senator from Nevada, is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will resume consideration of the Agriculture supplemental authorization bill. But at 11 o'clock this morning we will vote on cloture on the Transportation Appropriations Act, which has been pending for some time. The Senate will remain on the Transportation act until it is completed. Senator DASCHLE has also said that this week we are going to complete the Agriculture supplemental authorization, the VA–HUD appropriations, and the Export Administration Act.

CLOTURE MOTION

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

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 102 (S. 1246) a bill to respond to the continuing economic crisis adversely affecting American farmers:

Tom Harkin, Harry Reid, Jon Corzine, Max Baucus, Patty Murray, Jeff Bingaman, Tim Johnson, Edward M. Kennedy, John D. Rockefeller, Daniel K. Akaka, Paul D. Wellstone, Mark Dayton, Maria Cantwell, Benjamin E. Nelson, Blanche L. Lincoln, Richard J. Durbin, Herb Kohl.

The PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, it is with regret that we are filing this cloture motion this morning. Obviously, it won't ripen until Friday. I don't know that there is any debate about the importance of getting this legislation finished. This is an emergency. This is a commitment that we must make prior to the time we leave, in large measure because the Congressional Budget Office has indicated they will not score it as money that can be utilized. We would not be able to commit the money prior to the time we leave.

We all know the stakes. But when Senators come to the floor and offer amendments on Medicare lockboxes on an emergency issue such as this, it is a clear indication that we are not really very serious about finishing this legislation on time.

I reluctantly will also ask for a vote to reconsider the Transportation appropriations bill at 11 o'clock this morning. That will at least temporarily take us off of Agriculture and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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move us back onto the highway legislation, the Transportation appropriations bill, because that, too, is a critical piece of legislation that has to be addressed before we leave. We have made that very clear.

I tell all of my colleagues that there will be no respite tonight, if Senators choose to use the full 30 hours, which is their right, prior to the time we go to final passage. We will be in all night long. There is no other recourse.

I want to put my colleagues on notice that will happen. I regret the inconvenience, but that is what we will have to do in order for us to finish this bill.

It is my expectation that if that also happens while we continue to negotiate to find some solution to this Agriculture bill—and let me applaud him while he is on the floor. The chairman has done an outstanding job of getting us to this point. And I, as always, have great admiration for our ranking Member of this committee as well. We couldn't have two better legislative partners than the two of them.

I am hopeful that over the period of time we are now debating the Transportation appropriations bill, and maybe even the VA–HUD bill, we can come to some resolution on this question. But clearly, no one should misinterpret what we are going to be doing this morning. We will continue to be on this bill for whatever length of time it takes to complete it and to do it right. I regret that it may be Friday, Saturday, or Sunday. But if that is the case, that is exactly what we are going to have to do.

I want to make sure that Members understand this delay is unfortunate. We are not apparently serious enough if we are going to be making up lockbox amendments. We have to use this time as productively as possible.

It seems to me that the best way to do that is to now take up the highway bill, finish it, and perhaps move to HUD–VA, and return—as we will—to the Agriculture emergency supplemental bill as soon as it is appropriate to do so.

I wanted to share that with my colleagues to make sure Members know what the exact schedule is likely to be for the remainder of the day. They should expect a very late night tonight if the 30 hours that is required prior to the time we go to final passage would be consumed prior to the time we have the ability to vote.

I expect a vote at 11 o'clock on the cloture motion on the Transportation appropriations bill.

I yield the floor.

The PRESIDENT pro tempore. What is the will of the Senate?

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, at 11 o'clock today there is, in my estimation, a very important vote. It is a vote that will allow the Senate to move on and complete another appropriations bill. This will make four bills we have completed during this year.

Last year at this time we had completed eight appropriations bills, and it was done, as the Presiding Officer will recall, by the minority diving in and helping the majority pass those bills. A lot of them—as all appropriations bills are—were very contentious and had a lot of amendments tied to them.

In the minority, I was given the assignment directly by our leader and the ranking member, the now-chairman, of the Appropriations Committee to do what I could to work through these amendments. And we did a good job. We helped the then-majority, I repeat, pass eight appropriations bills.

We are struggling to get through four. And we are going to do five before the break. I certainly hope we can do that. We can do it. The leader said we are going to do it.

This vote at 11 o'clock will terminate a very prolonged debate on something I believe we should have gotten out of here and taken, as is done in all legislative processes, to conference, where it would be worked out.

The issue of contention is one that deals with NAFTA, the North American Free Trade Agreement, and how trucks coming from Mexico are treated in the United States.

The House of Representatives, in their appropriations bill dealing with transportation, in effect, said there will be no Mexican trucks coming into the United States. However, in the Senate, Senator SHELBY and Senator MURRAY crafted what appeared to me to be a very reasonable process to determine what processes would be allowed for Mexican trucks to come into the United States.

We have a couple Senators who have been leading this effort who have said it is not good enough. Well, maybe it isn't, but it was something on which the two managers of this bill spent weeks of time. I say if people do not like it—and we understand the President of the United States does not like it—take the matter to conference, where the views of the White House are always listened to, and I will bet there would be a compromise worked out.

That is my belief. The way it is now, we are not completing the work that has to be done.

In the State of Nevada, we badly need a Transportation appropriations bill. I don't know what the rest of the 49 States want, but if we don't have a Transportation appropriations bill, it will do, in many instances, irreparable damage to the people of the State of Nevada. Las Vegas, the most rapidly growing city in America; Nevada, the most rapidly growing State, we need help.

Last year we needed to build one new school every month to keep up with the growth in Las Vegas. That has changed. Now we need to build 14 schools a year in Clark County to keep up with the growth of the area. We need roads. We need bridges. We need other programs this Transportation bill will take care of, including some programs that deal with mass transit.

I certainly hope the vote on cloture will allow us to move on and complete the legislation. The President has made his point clear. My friends, Senator GRAMM of Texas and Senator MCCAIN, have made their point very clear. They have done a good job of explaining what they believe. They believe this legislation is a violation of NAFTA. I personally disagree, having studied it, but they might be right. But take it to conference; deal with the House. Their provision, under any view, especially under the view of Senators MCCAIN and GRAMM, is much more in violation of NAFTA than our reasonable approach.

I can think of many places in the State of Nevada that need this highway bill. For example, there is money in this bill for a new bridge over the Colorado River to take pressure off Boulder/Hoover Dam. The only way to get across the Colorado River in that area is a road that goes over the dam. That traffic backs up for 5, 6, 7, 10 miles sometimes. People wait for hours to get across. Not only is it bad for commerce; it is dangerous. Think what a terrorist could do at Hoover Dam. It supplies the power to southern California and parts of Nevada. Through that system comes the water for southern California and for parts of Nevada.

Many years ago, we authorized a new bridge over the river. We are now funding it. Part of that money is in this bill. It is extremely important for Arizona and Nevada. Not far from where that new bridge will be is the place I was born, Searchlight, NV. That is the busiest two-lane highway in the State. I hate to have my children, when I am in Searchlight, come to visit me because of the road. I am afraid because of the danger of the road. I worry when I know they are coming until I see them come into my little house. I worry about them. That road is the busiest two-lane highway in the State of Nevada. It is dangerous. People are passing. They don't know how to drive on the two-lane highways, especially when there is so much traffic.

There is money in this bill to provide for doubling the lanes of traffic halfway, and then the next year hopefully we can do the rest of it. It means not only making roads safer but allowing commerce to proceed more rapidly.

Regarding I–15, the road between southern California and southern Nevada will be benefited if we pass this highway transportation bill. There are things in this bill that are very important to the State of Nevada. If we had all 100 Senators speaking, the same

would apply. I hope we can invoke cloture on this at 11 o'clock. It is extremely important for the country. I hope it can be done. Then we can get off of it quickly, and we will not have to spend the whole night here if we do. Many of us have already signed up for the night.

Mr. President, I will yield the floor, but I ask that because of a tragedy that occurred in Senator DAYTON's State in the last 24 hours, he be allowed to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota, Mr. DAYTON, is recognized.

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

Mr. DAYTON. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I come to the Chamber this morning to express my frustration to my colleagues about where we are as a Senate in trying to resolve some very important issues for the American people: A Transportation appropriations bill on which I understand we will have a cloture vote at 11, and if cloture is successful, then we will be on that bill, I would guess, through its duration. That, therefore, replaces the current activity on the floor of dealing with the Supplemental Ag Emergency Act of 2001 that many of us believe is very important.

What is most important about this particular legislation is the timeliness of needing to deal with it before the August recess.

I also understand that the majority leader filed cloture on the Ag supplemental. That could ripen on Friday. If it does, and we are not on that debate until Friday, then we will work through the weekend.

There is a complication in dealing with the Ag supplemental emergency legislation prior to the weekend. If we differ from the House-passed version—and it is very possible that we will—those differences will have to be worked out. We know that is called a conference. A conference committee will be convened, appointed by the leaders of both Houses, to work out our differences. And from that committee will come a report on which this body must act.

The House plans to go out on late Thursday or early Friday for their August recess and may well not be here to act on a bill they acted on some time ago. In fact, they acted on it a number of weeks ago, recognizing the very critical nature of this emergency funding, and believed they would have it done in a timely fashion.

The bill passed by the House 6 weeks ago, and here we are now in the late hour prior to the traditional August recess trying to resolve our differences on this issue. And those time lines create a very real problem.

I have a letter from the Congressional Budget Office that I requested yesterday from Dan Crippen. I asked a very simple question: If we fail to act, what happens to the $5.5 billion that is in the budget for this emergency spending purpose? Basically, he said that it goes away. In other words, the scoring necessary to fall within the budget resolution would not be gained because the amount of money—the $5.5 billion—could not be expended before the September 30 deadline. Therefore, it would fall into next year. And what would happen to the money? Well, it would go to pay down debt. That is not all bad, but I think those of us who are concerned about the plight of production agriculture in this country—and farmers have really had it very tough—recognize that the chairman of the authorizing committee, who is in the Chamber, and the ranking member, have tried to resolve this issue and bring some relief.

There is a difference, though, in the House version of that relief and the Senate version of that relief. That difference may not get worked out. Yesterday, the Senator from Indiana, Mr. LUGAR, our ranking member on the authorizing committee, offered the House version; it was narrowly defeated. If we had passed it, it would be on its way to the President's desk possibly today or tomorrow. It could well be signed into law before we even leave for the August recess. If that were true, there is no question that the Department of Agriculture would have time to cut the checks, and the money would be expended before the September 30 end of fiscal year timing that would cause this money to disappear, to go away, or in other words, be applied to the debt.

I must tell you, Mr. President, that I don't agree totally with the House version. There are provisions in the Senate bill that I would like to see us work our differences out on with the House. But that may not be possible at this moment. If we strive for the perfect, we may end up not serving the need of American farmers and ranchers in a way that I think this Senate intends to and wants to, and we should.

So it is a question of timing. It is a question of how we deal with this issue on the floor and the give and take that is going to be necessary over the last days before the August recess to resolve this, to comply with the wishes of the majority leader to get Transportation done, get the Agriculture supplemental done and, I believe, VA–HUD. I and others have insisted that we try to respond in an appropriate way to the President and the nominees he has sent to the Senate to be confirmed so that he can run the Government—at least the executive branch of Government, which he is charged with doing and which the American people elected him to do.

There are 25 or 30 nominees who should have been confirmed weeks ago, who could be in place now making decisions at agency levels and district or regional levels of agencies, and they are not in place today. The human side of that little story and that equation is that many of these nominees have young families and they need to have them in place before the end of August because kids are going back to school. And these are not wealthy people. They need to sell their home where they live to buy a home here in the Washington, DC, area. They can't do that largely because the Senate has not responded in a timely and appropriate fashion in some instances.

That is too bad. I hope we can—at least for those who have had hearings and have been dealt with in the appropriate fashion before the authorizing committees and the committees of jurisdiction—we ought to get them confirmed before we adjourn for the August recess. There are others I wish we had hearings on.

Obviously, there is foot dragging—I believe that—on the part of some chairmen who have philosophical differences. I guess my point is that there is a lot of work to get done, and that work is going to depend on our willingness to come together on some of these issues as to cloture now. And to move to Transportation when we have not resolved the Mexican trucking issue is really amazing to me. We have a very simple compromise to be worked out on that. If we haven't worked that out, my guess is that we run the limit of the Transportation timing of cloture, and then we go to Agriculture and, my goodness, that puts us into next week. That is not going to make for a lot of happy campers in the Senate. But then again, let us stay and let us do our work appropriately. That is necessary and appropriate. That is the choice of the majority leader to bring us to that point. I guess that is the burden of leadership.

At the same time, there is one most time-sensitive issue of all that we are talking about, and that is this Emergency Agriculture Assistance Act of 2001. Oh, we can muscle up and say: House, stay in place, do your work before you leave town. The only problem is, they did their work 6 weeks ago and we are now just doing our work. So it is not really, shall I say, kosher to suggest that they ought to stay in town beyond their time for adjournment. Maybe we ought to say: Get it done Senate, and get it done now.

Let's agree on something that we can come together quickly on and not deprive the American food producers of a little bit of relief from some very difficult price squeezes and now some difficult input costs of energy and other requirements. Those are the issues before us.

The Congressional Budget Office, in the letter I have, makes it very clear:

Get it done, get it signed, and the Department of Agriculture cuts the checks before September 30, or this money, in fact, goes away and we have lost the opportunity to expend $5.5 billion for the American agricultural producers.

Of course, Mr. President, as you know, as chairman of the Appropriations Committee, dollars are short and needs are great. As we move now into September and October, with new fiscal reports out about a recession and a waning total surplus, our flexibility gets limited.

So I urge Senators to come to like mind and deal with that which we can deal with now before we move on to other issues because at 11 o'clock, I assume cloture will be gained and our window of opportunity to work and help the American farmer begins to close. We should not allow that to happen.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa, Mr. HARKIN, is recognized.

Mr. HARKIN. Mr. President, I have listened very carefully to the comments of my friend and colleague from Idaho. I say to my friend from Idaho that right now we could be in conference with the House—the Agriculture Committee—right now, this morning, but for the fact that on his side of the aisle we are being held up. We reported this bill out of committee. We debated it in committee. We had our votes in committee. On a 12–9 vote this bill was reported out.

In good faith, the ranking member, my good friend from Indiana, offered an amendment yesterday to go to the House bill. It was fully debated. I thought it was a good debate. And we voted, as we are supposed to do. That didn't succeed. Then, I think the proper thing is to go ahead and vote up or down on the bill we reported from the Agriculture Committee, I say to my friend from Idaho, and let us go to conference and work out the difference.

Yesterday morning, the chairman of the House Agriculture Committee was present on the floor along with the ranking member. I indicated to both of them if we could finish the bill today—meaning yesterday—we could meet today. There are not that many differences in the House and Senate bill. The difference really is in money. There are not big policy differences that, when you go to conference, require a lot of time to work out. Money differences can be worked out. I still believe if we can get to conference with the House, we can probably be through with the conference in a few hours. But we can't go because we can't get to a final vote on this bill.

Let us look at the record. Last Friday, I say to my friend from Idaho, we had to file a cloture petition on the motion to proceed to get to the Agriculture bill. That chewed up a couple of days right there. When we finally had the vote, I think it was 95–2 to go to the bill.

When we finally got on the bill—and I thought we had a good day yesterday. We had our debate yesterday on the major substance of whether we would go with the committee bill or a substitute. That vote was taken. It was a close vote, but it was a vote nonetheless. One side won and one side did not. It seemed to me, at that point we were ready to go.

We have no amendments on this side of the aisle. Yet last night, I believe it was the Senator from Ohio on that side of the aisle who offered a lockbox amendment on this emergency Agriculture bill. That did not come from this side. That is going to delay it even more.

I say to my friend from Idaho, but for the delay on your side of the aisle, we would be sitting in conference at 10:40 a.m. on August 1, maybe even with a view to wrapping it up by noon. But they will not let us go to conference.

I thought we were operating in good faith yesterday. There was an amendment offered again on a dairy compact. I thought maybe we would have to vote on that, too. Okay, fine. Then that was withdrawn. I thought, hope springs eternal; that maybe that would be the end of it and we could go to third reading.

No, there was more delay. Now we have a lockbox amendment that has absolutely nothing to do with this bill. That is going to delay it even further. I understand now, I say to my friend from Idaho, we are in the position of maybe filing a cloture petition on the bill itself just so we can get to a vote on it.

We may have some difference of opinion on how much we ought to be putting into the emergency package for Agriculture, but we had that debate in the Agriculture Committee. We had those votes both in committee and in the Chamber.

Again, we had to file cloture on the motion to proceed, and now maybe we will have to file cloture on the emergency bill. I do not think this is the way to handle an essential bill like this.

The PRESIDENT pro tempore. The time of the majority has expired.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I will be brief. I appreciate the frustration just expressed by the chairman of the authorizing committee who is managing this supplemental. He has every right to be frustrated. This is an important issue, and I have expressed that.

I must say when we got to dairy compacts yesterday, we all know that was a bipartisan issue. It was not driven by one political side or the other. Both sides wanted to debate that issue, and there was a period of time when it was talked about and then it was withdrawn, as the chairman said. It was withdrawn with the anticipation it would be reoffered today, or it would have been debated yesterday and probably debated long into the evening, and we might still well be debating that issue today.

There is an outstanding issue that is yet to be resolved on both sides, even if we can agree to go to final passage, and that would be the dairy compact issue. That is, without question, a bipartisan issue. As a filler, yes, one of our colleagues came and offered a lockbox amendment.

I agree that could fit anywhere. It does not necessarily find itself appropriately on an Ag supplemental appropriations bill or an emergency spending bill, but it can fit there. What is important is there is one large issue left unresolved, and that is the dairy compact extension, as I understand it, and that one writes itself very clearly as a bipartisan issue. If it has been resolved, I am unaware of it. I follow that issue closely because it is an important issue to me and my State.

I do not believe we are ready to go to final passage on Agriculture unless those who are intent on offering amendments to deal with dairy compacts, either the Northeast or the opportunity to extend that authority to other areas of the Nation, have resolved their differences and plan not to offer the amendment. If that is the case, then I suggest that is resolved. I understand there are no dilatory tactics holding this bill from a third reading and final passage.

I yield the floor.

Mrs. CARNAHAN. Mr. President, I am pleased to have the opportunity to express my support for the Emergency Agricultural Assistance Act of 2001. I commend Senator HARKIN for his leadership on this, his first piece of legislation as the chairman of the Senate Agriculture Committee.

The bill provides much needed relief for our farmers and farm communities. The market loss assistance payments will provide an immediate boost to the sagging farm industry in Missouri.

I am especially grateful to Senators HARKIN and LEAHY for their assistance in providing $25 million in relief to farmers whose crops have been damaged by an invasion of armyworms. Armyworms marching through Missouri have left a trail of crop destruction and economic loss in their wake. The armyworm is a caterpillar only about one and a half inches long, but they march in large groups, moving on only after completely stripping an area. Last winter's unusually warm weather and this summer's drought have conspired to make life easy for the armyworm and hard for the farmer.

Thousands of farmers across southern Missouri have been devastated. One official at the Missouri Department of Agriculture said that this year's invasion is the worst he has seen in his 38 years at the Department. Damage reports are still being compiled, and it may be a while before we know the full extent of the damage. We do know that in Douglas County 3,281 farms lost more than 50-percent of their hay and forage crop. In Wright County it is 2,430 farms.

The armyworms work extremely fast. Jim Smith, a cattle farmer in Washington County, completely lost 30 acres of hay field and most of the hay on another 30 acres. He said that he did not even know he had armyworms until 20 acres had been mowed down ''slick as concrete'' by the insects. In his 73 years on the farm, Mr. Smith says this is the worst he has ever seen.

Dusty Shaw, a farmer in Oregon County, normally harvests 80–100,000 pounds of fescue grass seed which is used all over the Nation for lawns and turf building. This year, however, all 1,000 acres of his seed fields were eaten by armyworms. Even at a conservative estimate of 20 cents a pound, this represents a loss of $16,000 for Mr. Shaw.

This invasion has had severe economic consequences for my State. Missouri is second in the nation in cattle farming. With nothing to feed their cattle, farmers are forced to sell yearlings early and liquidate parts of their herd. The U.S. Department of Agriculture estimates that Howell County lost over $5 million and Oregon County has already lost over $3 million. With little or no hay crop this summer, farmers will have no hay reserves this winter. The effects of this infestation will be felt long into the next year.

It isn't just the farmers that are suffering economic loss. When the farmers hurt financially so do the feed merchants, farm supply dealers and gas stations. Dusty Shaw told me he is only buying what he has to. The fences will have to hold for another year, the barn will have to hold out the snow for another winter, and the fields will have to do with less fertilizer than last season.

The funds provided in this bill will help these farmers feed their cattle, and keep their farms. So I support this bill, I look forward to its speedy passage in the Senate, and hope it is soon signed into law.

The PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will comment briefly on the colloquy we are having on the responsibilities with regard to the Agriculture bill. I respect very much my colleague from Iowa, the distinguished chairman of the committee, pursuing this vigorously, as I am.

Without being repetitious, let me point out even if the bill were in conference as of 10:45 this morning, it is unlikely we would have success.

The predicament I have pointed out and others have pointed out is an important one; namely, our conference has to find a result in a bill that will be signed by the President of the United States.

The President of the United States visited with Senators on the Hill yesterday. It is not conjecture. The President indicated we ought to take seriously our budget responsibilities. The President said this directly to us.

In addition, both the distinguished chairman of the committee and I have received from the President's advisers this message, and let me quote some relevant paragraphs: The administration strongly opposes S. 1246, the bill that came out of the Agriculture Committee, because spending authorized by the bill would exceed $5.5 billion, the amount provided in the budget resolution and the amount adopted by the House.

If S. 1246 is presented to the President at a level higher than $5.5 billion, the President's senior advisers will recommend he veto the bill.

When the President of the United States then comes to the Hill, as he did yesterday, and asks Senators whom he addressed to do their duty, this is not conjecture. I have tried to say in every way I can it seems to me we ought to take the President seriously.

I offered the House language yesterday, not because I was author of the language or find all of that language to be perfection, but it is a bill that has passed the House. It is a bill that, if adopted by the Senate, would make a conference unnecessary. It is a bill the President would sign immediately, which would guarantee that money goes to farmers.

I am prepared to accept the fact we have debated this thoroughly, and the Senate, by a vote of 52–48, chose to go another way; namely, to try out for size the $7.5 billion.

Apparently, Senators who had an interest in the bill felt it was worth the gamble. I hope the farmers who are watching this debate understand that.

I do not see many farmers on this floor. I do not see very many people even intimately involved in agriculture, with the exception of my dear friend from Iowa, Mr. GRASSLEY, who, I know, has a son managing a farm and working the soil out in Iowa, and my modest efforts in Indiana. I still do take responsibility for that farm, do the market plan, try to understand crop insurance, try to understand the bills we do. I am not certain there are too many people here who are going to be affected by this bill.

We have a lot of advocates for farmers, a lot of people pleading the farmers' case, a lot of people saying, ''I feel your pain,'' and this goes on hour by hour. In terms of direct assistance that makes any difference to farmers, not a whole lot is happening.

I sincerely respect the right of any Senator to plead the case for any number of farmers he wants to plead for, but I hope ultimately common sense will dictate this is an emergency. We have heard that if we do not act the money goes away. If, in fact, we are not going to be able to act and have a bill the President signs, no money will go to any farmers from all of this effort. That is the unfortunate truth of the debate.

I do not know how we arrive at a solution. Presumably, if we had a conference, to take one hypothetical, and the distinguished Senator from Iowa sat down with Mr. COMBEST and Mr. STENHOLM or others around the table, our distinguished House Members have already told us: Take the House bill. They came here yesterday. They were in the aisle right here about a quarter after 12. They said: Please, we are planning to leave Thursday, tomorrow. The distinguished Senator from Iowa said we can all work it out; there is not much difference—just money—involved in this bill.

There is all the difference from $7.5 billion and $5.5 billion. Maybe our conference would come to $5.5 billion. We could confer and accept the House bill because that is the one the President will sign, or we could speculate and say the President really did not mean it. After all, Presidents bluff, advisers send over these letters; OMB really did not mean it; this was all meant to color the flavor of the debate; let's try them on; let's settle for, say, $6.5 billion; let's split the difference as honest people might do. Try that one on for size.

We will try to get it back through the House and the Senate. We hope the House is still there at that point to pass the bill. Let's say the corporal's guard remains and they wave it on.

Then the President says, unfortunately: You did not hear me, but you had better hear me because this is likely to happen again and again with appropriations bills. This is a pretty small bill in comparison to things I am going to have to face down the trail, but I am prepared to do my duty; I hope you are prepared to do yours. And at last he vetoes the bill. We are gone at that point, and the American farmers have no money.

I do not mean to be repetitive, but this is a fairly straightforward situation without great complexity. It is a test of wills. The Senate may decide the President really did not mean it or the President should not mean it or, on reflection, he will not mean it. Maybe that is right, but that is not the President I saw eyeball to eyeball yesterday at noon.

We are looking at a very straightforward situation that I hope will be resolved. The resolution of it is to accept the House language and to get on with it. Any other course of action now is to have a rather protracted situation ending with a veto, and that would be a misfortune for the Senate and for American agriculture.

I yield the floor.

The PRESIDING OFFICER (Mr. INOUYE). Who yields time?

Mr. LUGAR. I yield to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Reserving the right to object, how long does the Senator intend to speak?

Mr. COCHRAN. My request was to speak for up to 5 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that following the statement of the Senator from Mississippi, I be given 2 minutes to speak before the vote on the cloture motion.

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

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

TRANSPORTATION APPROPRIATIONS

Mrs. MURRAY. Mr. President, in every part of our country, Americans are frustrated by the transportation problems we face every day.

We sit in traffic on overcrowded roads.

We wait through delays in congested airports.

We have rural areas trapped in the past—without the roads and infrastructure they need to survive.

We have many Americans who rely on a Coast Guard that doesn't have the resources to fully protect us.

We have many families who live near oil and gas pipelines and who want us to ensure their safety.

Our transportation problems frustrate us as individuals, and they frustrate our Nation's economy—slowing down our productivity and putting the brakes on our progress. It is time to help Americans on our highways, railways, airways, and waterways, and we can, by passing the Transportation appropriations bill.

For months, Senator SHELBY and I have worked in a bipartisan way—with almost every Member of the Senate—to meet the transportation needs in all 50 States.

You told us your priorities—and we found a way to accommodate them. We have come up with a balanced, bipartisan bill that will make our highways safer, our roads less crowded, and our country more productive. And now is our chance to put this progress to work for the people we represent.

Our bill has broad support from both parties. It passed the subcommittee and the full committee unanimously. Now it is before the full Senate—ready for a vote—ready to go to work to help Americans who are fed up with traffic congestion and airport delays.

Today, I hope the Senate will again vote to invoke cloture so we can begin working on the many solutions across the country that will improve our lives, our travel, and our productivity.

This vote is about two things: fixing the transportation problems we face; and ensuring the safety of our transportation infrastructure.

If you vote for cloture, you are voting to give your communities the resources they need to escape from crippling traffic and overcrowded roads.

If you vote for cloture, you are saying that our highways must be safe—that trucks coming from Mexico must meet our safety standards—if they are going to share our roads.

But if you vote against cloture, you are telling the people in your State that they will have to keep waiting in traffic and keep wasting time in congestion.

And if you vote against cloture, you are voting against the safety standards in this bill. A ''no'' vote would open our borders to trucks that we know are unsafe—without the inspections and safety standards we deserve. This is not about partisanship or protectionism. It is about productivity and public safety.

I want to highlight how this bill will improve highway travel, airline safety, pipeline safety, and Coast Guard protection. First and foremost, this bill will address the chronic traffic problems facing our communities.

In fact, under this bill, every State will receive more highway construction funding than they would under either the President's request or the levels assumed in TEA–21. Our bill improves America's highways. Let's vote for cloture so we can begin sending that help to your State.

Second, this bill will improve air transportation. It will make air travel more safe by providing funding to hire 221 more FAA inspectors. Let's vote for cloture so we can begin putting those new inspectors on the job for our safety.

Third, our bill boosts funding for the Office of Pipeline Safety by more than $11 million above current levels. Let's vote for cloture so we can begin making America's pipelines safer before another tragedy claims more innocent lives.

Fourth, this bill will give the Coast Guard the funding it needs to protect us and our environment. Let's vote for cloture so we can begin making our waterways safer.

These examples show how this bill will help address the transportation problems we face. This vote is also about making sure our highways are safe—so I would like to turn to the issue of Mexican trucks. And I want to clear up a few things.

Some Members have suggested that Senator SHELBY and I have refused to negotiate on this bill. That is just not the case. As I have said several times here on the floor, we are here, we are ready, and we are listening. And we have also had extensive meetings bringing both sides together.

Last week, our staffs met several nights until well after midnight. One day our staffs met from 2 o'clock in the afternoon until 3 a.m. in the morning. We have worked with all sides to move this bill forward. But I want to point something else out to those who say we must compromise, compromise, compromise.

The Murray-Shelby bill itself is a compromise. It is a balanced, moderate compromise between the extreme positions taken by the administration and the House of Representatives. On one hand, we have the administration—which took a hands-off approach to let all Mexican trucks across our border—and then inspect them later—up to a year and half later.

Even though we know these trucks are much less safe than American or Canadian trucks, the administration thinks it is fine for us to share the road with them wihtout any assurance of their safety. At the other extreme, was the ''strict protectionist'' position of the House of Representatives. It said that no Mexican trucks can cross the border, and that not one penny could be spent to inspect them.

Those are two extreme positions. The administration said; Let all the trucks in without ensuring their safety. The House of Representatives said; Don't let any trucks in because they are not safe.

Senator SHELBY and I worked hard, and we found a balanced, bipartisan, commonsense compromise. We listened to the safety experts, to the Department of Transportation's inspector general, to the GAO and to the industry. And we came up with a compromise that will allow Mexican trucks onto our highways and will ensure that those trucks and their drivers are safe.

With this balanced bill, free trade and highway safety can move forward side-by-side. This bill doesn't punish Mexico—and that is not our intention. Mexico is an important neighbor, ally, and friend. Mexican drivers are working hard to put food on their family's tables. We want them to be safe—both for their families and for ours.

NAFTA was passed to strengthen our partnerships, and to raise the standards of living of all three countries. We are continuing to move toward that goal, and the bipartisan Murray-Shelby compromise will help us get there. Because right now, Mexican trucks are not as safe as they should be.

According to the Department of Transportation inspector general, Mexican trucks are significantly less safe than American trucks. Last year, nearly two in five Mexican trucks failed their safety inspections. That compares with one in four American trucks and only one in seven Canadian trucks. Even today, Mexican trucks have been routinely violating the current restrictions that limit their travel to the 20-mile commercial zone.

We have a responsibility to insure the safety of America's highways. The Murray-Shelby compromise allows us to promote safety without violating NAFTA. During this debate we have heard some Senators and White House aides say that they think ensuring the safety of Mexican trucks would violate NAFTA.

I appreciate their opinions. But with all due respect, there is only one authority, only one official body, that decides what violates NAFTA and what doesn't. It's the arbitral panel established under the NAFTA treaty itself. That official panel said:

The United States may not be required to treat applications from Mexican trucking

firms in exactly the same manner as applications from United States or Canadian firms . . .

U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.

It is that simple. We can ensure the safety of Mexican trucks and comply with NAFTA—and this bill shows us how with commonsense safety measures.

Under our bill, when you are driving on the highway behind a Mexican truck, you can feel safe. The administration's plan is far too weak. Under the administration's plan, trucking companies would mail in a form saying that they are safe and begin driving on our highways.

No inspections for up to a year and a half. The administration is telling American families that the safety check is in the mail. I don't know about you, but I wouldn't bet my family's safety on it. I want an actual inspector looking at that truck, checking that driver's record, making sure that truck won't threaten me or my family.

The White House says: Take the trucking company at its word that its trucks and drivers are safe. Senator SHELBY and I say: Trust an American safety inspector to make sure that truck and driver will be safe on our roads. This is a solid compromise. It will allow robust trade while ensuring the safety of our highways. The people of America need help in the transportation challenges they face every day on crowded roads.

This bill provides real help and funds the projects that members have been asking for. Some Senators would hold every transportation project in the country hostage until they have weakened the safety standards in the Murray-Shelby compromise. That is the wrong thing to do.

Let's keep the safety standards in place so that when you're driving down the highway next to a truck with Mexican license plates you will know that truck is safe. Let's vote for safety by voting for cloture on this bill.

So in closing, this vote is about two things: Helping Americans who are frustrated every day by transportation problems and ensuring the safety of our transportation infrastructure.

Voting for cloture means we can begin making our roads less crowded, our airports less congested, our waterways safer, our railways better, and our highways safer.

Those who vote for cloture are voting to begin making progress across the country and to ensure the safety of our highways.

Those who vote against cloture are voting to keep our roads and airports crowded and to expose Americans to new dangers on our highways.

The choice is simple, and I urge my colleagues to vote for cloture so we can begin putting this good, balanced bill to work for the people we represent.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. Under the previous order, the hour of 11 o'clock having arrived, the motion to proceed to the motion to reconsider and the motion to reconsider the failed cloture vote on H.R. 2299 are agreed to.

The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2299, the Transportation Appropriations Act:

Pat Murray, Ron Wyden, Pat Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, Robert C. Byrd, Jim Jeffords, Daniel K. Akaka, Bob Graham, Paul Sarbanes, Carl Levin, John D. Rockefeller IV, Thomas R. Carper, Barbara Mikulski, and Tom Daschle.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 2299, an act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—100

Akaka	Crapo	Inouye
Allard	Daschle	Jeffords
Allen	Dayton	Johnson
Baucus	DeWine	Kennedy
Bayh	Dodd	Kerry
Bennett	Domenici	Kohl
Biden	Dorgan	Kyl
Bingaman	Durbin	Landrieu
Bond	Edwards	Leahy
Boxer	Ensign	Levin
Breaux	Enzi	Lieberman
Brownback	Feingold	Lincoln
Bunning	Feinstein	Lott
Burns	Fitzgerald	Lugar
Byrd	Frist	McCain
Campbell	Graham	McConnell
Cantwell	Gramm	Mikulski
Carnahan	Grassley	Miller
Carper	Gregg	Murkowski
Chafee	Hagel	Murray
Cleland	Harkin	Nelson (FL)
Clinton	Hatch	Nelson (NE)
Cochran	Helms	Nickles
Collins	Hollings	Reed
Conrad	Hutchinson	Reid
Corzine	Hutchison	Roberts
Craig	Inhofe	Rockefeller
Santorum	Snowe	Torricelli
Sarbanes	Specter	Voinovich
Schumer	Stabenow	Warner
Sessions	Stevens	Wellstone
Shelby	Thomas	Wyden
Smith (NH)	Thompson	
Smith (OR)	Thurmond	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Who seeks recognition?

The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate has now, by a vote of 100–0, moved forward to a time where we can finally go to final passage on the Transportation appropriations bill. I hope that occurs sooner rather than later. All of us have constituents who are waiting in traffic for us to make sure we do the right thing for the infrastructure of this country.

As I have said before, Senator SHELBY and I have worked very hard together. I commend him and his staff, and our staff, for the many hours they have worked to get to the point where we have a bill that represents the important needs of our country—whether it is our airports, our waterways, our highways, our infrastructure. I think we have done a good job with that.

There have been a lot of remarks over the last several weeks regarding the Mexico truck provision. I want to submit for the RECORD a letter from members of the Hispanic caucus in the House.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

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

WASHINGTON, DC,
July 31, 2001.

Hon. PATTY MURRAY,
Hon. RICHARD C. SHELBY,
Senate Appropriations Committee, Subcommittee on Transportation, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS MURRAY AND SHELBY: We are writing to express our disbelief over comments we have read implying that the truck safety measures that you have included in the Transportation Appropriations Bill for Fiscal Year 2002 are somehow ''anti-Hispanic'' or ''anti-Mexican.'' As you know, when the Transportation Appropriations Bill passed the House, an amendment was adopted that prohibited any Mexican trucks from being granted authority to operate in the United States during Fiscal Year 2002. In a seemingly less extreme approach, the Senate version of the bill, as drafted by your subcommittee, includes several provisions intended to address obvious safety concerns regarding Mexican trucks that have been voiced by impartial and knowledgeable observes such as the U.S. Department of Transportation Inspector General.

The issue of safety on our highways is not an ''Hispanic issue.'' All Americans are equally at risk from unsafe conditions on our highways for all Americans and we share that goal.

Sincerely,

Ed Pastor, Grace F. Napolitano, Lucille Roybal-Allard, Hilda L. Solis, Solomon P. Ortiz, Silvestre Reyes, Luis V. Gutierrez, Joe Baca, Nydia M.

Velázquez, Rubén Hinojosa, Ciro D. Rodriguez.

Mrs. MURRAY. I think those words speak for themselves. I am happy to submit it for the RECORD and to assure our colleagues we are working for the safety of all Americans.

I have a number of points to which, if this debate continues, I will be speaking this afternoon. But I truly hope that now we can move on and put this bill into place so that we can move to conference, and to make sure we have done the right thing in terms of the infrastructure in our country that is so important to all of our constituents.

I thank the President and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would like to quickly respond to the Senator from Washington. The Senator from Texas and I, and others, may not use too many hours on this issue, but I want to assure the Senator from Washington we are not moving on. We are not moving on. We have the opportunity to have three more cloture votes on this issue. We intend to fight every single one of those when we return in September.

So to put the mind of the Senator from Washington at ease, we are not moving on. We may have a vote for final passage. We are not moving on. We are not moving on until we have exhausted every last remedy because there is a great deal at stake. There is a huge amount at stake: Not only the fact, according to the Presidents of both nations, that this language represents a violation of a solemn treaty entered into by three nations, but it also sets a terrible precedent.

Are we going to have appropriations bills that violate treaties in the view of the executives of both nations? The proponents of this legislation can say it does not violate NAFTA until they are blue in the face. That is fine with me. But none of those Members was elected President of the United States. We have one President. That President and his advisers have said this language is in violation of a solemn treaty entered into by three nations. That treaty is being violated, and he will veto the bill. And I say, with supreme confidence, that we can muster 34 votes to sustain a Presidential veto.

The Senator from Washington and the proponents of this bill should understand that because the President has made it perfectly clear that he will veto this bill, the responsibility then for the veto will rest with the proponents of this bill who refuse to seriously negotiate on this bill. They have refused to sit down and have meaningful negotiations. They have said it, and they have alleged it, but they have not done it.

I have not been around here as long as the Senator from Texas or other Senators, but I have been around here long enough to know serious negotiations when I see them, and unserious negotiations when I see them. Negotiations have not been serious. As I have said before, I have negotiated a whole lot of very difficult issues, ranging from a line-item veto, to a Patients' Bill of Rights, to campaign finance reform, with people who were serious about negotiating. I know serious negotiations when I see them. They are not present on this issue.

So without serious negotiations, without removing the unacceptable provisions of this legislation, the President of the United States will veto the bill. The responsibility will be for those who have refused to reach an accommodation not with just the Senator from Texas and me but with the administration.

I might add, those who say they are voting for this bill to move it along, even though they agree with our opposition, well, thanks, but, in all candor, the way you stop legislation around here is by voting against it.

So, Mr. President, this is a serious issue. I have never, since I entered this body in 1987, impeded the legislative process. I have certainly voted against and spoken against a lot of the measures with which I disagreed. I have never used parliamentary procedures to hold up legislation, and I hope I never will again, because I think it is an extreme measure to do so.

I know we have important issues to address. But when we are talking about legislation on an appropriations bill, with never a hearing, never a markup in the Committee on Commerce, Science, and Transportation—oh, there were hearings; there was a hearing on Mexican trucks. We could mark up a bill in the Commerce, Science, and Transportation Committee tomorrow—tomorrow—and bring it to the floor of this Senate. Then it would be done in the appropriate fashion. I do not know if the chairman of the Commerce Committee was consulted on this particular language in the appropriations bill; I know I was not; and I know no Member on my side of the aisle was consulted when this language was inserted by people who have not given a proper airing of this issue and have clearly not taken into consideration the views of the President of Mexico and the President of the United States.

So I repeat, we will not move on. We intend to do whatever is necessary to try to bring about a set of negotiations in which we know the administration would be eager to join, so that we could reach removal of basically four issues that remain that are of difference. There are only four issues, but they are significant differences.

We have received clear written notification from the administration that if either the provisions of this bill or the House-passed measure regarding cross-border trucking are sent to the President, we can expect the bill to be vetoed. I quote from the Statement of Administrative Policy transmitted to the Senate on July 19:

The Senate committee has adopted provisions that could cause the United States to violate our commitments under NAFTA. Unless changes are made to the Senate bill, the President's senior advisors will recommend that the President veto the bill.

There have been some beneficial effects of Senator GRAMM's and my activities on this issue because it has gotten the attention of editorial writers around the country. I would like to quote from some of those editorial writers from different newspapers around the country for the benefit of the President. I quote from an editorial in the Atlanta Constitution, a July 31 editorial, headlined ''Open U.S. Roads to Mexican Trucks.''

Can you imagine a world in which Mexican 18-wheelers were allowed to roam freely across U.S. highways—maybe properly inspected, maybe not, with drivers maybe properly trained and licensed, maybe not?

A lot of folks seem unable to grasp what they believe would be a frightening vision, but they really don't have to look very far to get a reliable glimpse of what it would be like. All they have to do is look less than 20 years into the past, when Mexican trucks were permitted free access to America's roads as a matter of course. That practice ended only when Ronald Reagan changed the policy in a dispute over access for U.S. trucks to Mexico's roads.

The old right of access was supposed to have been restored as part of the North American Free Trade Agreement, and President Bush has been pushing to do just that. But now he's having to fight the Teamsters' Union, the Democrats in Congress who habitually do labor's bidding, and even a few members of his own party who don't seem to have bothered to examine the issue.

The truckers' union, of course, is interested only in job protectionism. Under current rules, Mexican trucks can carry goods into border states, but only for a maximum of 20 miles; then, cargo must be loaded onto American trucks, driven by American drivers, most of whom—what a coincidence—happen to be members of the Teamsters. They have disguised their self-interest, however, in a provocative pitch for public safety, painting a picture of U.S. highways plagued by decrepit, faulty vehicles driven by unskilled and careless Mexican cowboys.

There is probably as much prejudice as protectionism in this image; actual statistics do show that Mexican trucks crossing the border fail inspections at higher rates than American vehicles, but the difference has been steadily narrowing. In 1995, 54 percent of the Mexican trucks failed, but that figure has fallen to 36 percent; besides, the Teamster-driven vehicles are no paragons—the failure rate for U.S. trucks is a surprising 24 percent. (Canadian trucks fail at a rate of only 17 percent; maybe we should ban U.S. trucks and only allow those from north of the border.)

It should be noted that the Mexican trucks failing the tests are untypical of that country's fleet. Border crossings can take hours, so companies use older, less tidy vehicles for the short runs for cargo transfers. Trucks that would be used for long-distance hauling within the United States are much newer, some more modern than those used by American firms. (Authorities sometimes catch Mexican trucks that went illegally outside the 20-mile border area; of those, just 19 percent failed inspections, which is a better record than U.S. trucks can boast.)

Continuing to restrict access is a mistake, especially because it would be a continuing violation of U.S. obligations under NAFTA, a trade agreement that has brought unparalleled economic benefits to all three of its

member countries. The Bush administration plans to spend $144 million for new state and federal inspection stations and personnel, and for checking the safety records and practices of Mexican carriers. That should be enough to allay the concerns of anyone who is truly concerned about safety on the highways—especially since it will create a much more dependable system than the one that existed for all the decades when Mexican trucks did roam freely on our roads.

Republicans in Congress should do a little more homework, and the Democrats should start trying to be something other than toadys for labor unions. This is a battle for self-interest, not for safety, and it's time for it to be over.

Mr. President, I ask unanimous consent that Washington Post editorials and a San Diego Union-Tribune editorial be printed in the RECORD.

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

[From the Washington Post, July 29, 2001]

NAFTA IN TROUBLE

On Thursday U.S. Trade Representative Robert Zoellick gave a stirring speech about the North American Free Trade Agreement (NAFTA), which seven years ago created the world's largest free trade area. He noted that U.S. exports to the two NAFTA partners—Mexico and Canada—support 2.9 million American jobs, up from 2 million at the time of the agreement, and that such jobs pay wages that are 13 percent to 18 percent higher than the average in this country. Trade with Mexico alone has tripled. Mexico now buys more from the United States than from Britain, France, Germany and Italy combined.

Unfortunately, Mr. Zoellick's fine speech was not the only NAFTA news last Thursday, for the Senate was simultaneously debating the treaty. A large majority of senators—Thursday's procedural vote went 70 to 30—appears to believe that NAFTA's provisions on trucking across the Mexico border need not be implemented promptly. As a result, Mexico's government is likely to retaliate with $1 billion or more in trade sanctions. The great forward momentum of the U.S.-Mexican economic relationship may start to be unraveled.

Under NAFTA, Mexican trucks in the United States must abide by U.S. regulations: If they are too dangerous or dirty, they can be pulled off the road. But NAFTA's opponents want to keep Mexican trucks out—period. For the past seven years, the United States has bowed to protectionists by refusing to process Mexican applications for trucking licenses, a practice that NAFTA's dispute-settlement panel has condemned. Now the Bush administration wants to end this obstructionism, but Congress is getting in the way. The House has passed a transportation spending bill that would bar the administration from processing Mexican applications. The Senate is adopting the subtler approach of allowing Mexican trucks in—but only on various burdensome conditions that will have the effect of delaying the opening of the border by a year or more.

The sponsors of the Senate measure, Patty Murray (D-Wash.) and Richard Shelby (R-Ala.), say these conditions are reasonable because Mexican trucks fail U.S. safety standards 50 percent more often than American ones. But this claim is based on questionable numbers, and the right response to high Mexican failure rates is to apply existing U.S. trucking regulations rigorously. The Senate measure goes beyond legitimate rigor and blurs into imposing discriminatory regulations on Mexican carriers. President Bush says he will veto legislation unless such discrimination is removed from it. That is the right course.

[From the Washington Post, July 31, 2001]

BAN ON MEXICAN TRUCKS CALLED ''ISOLATIONIST'' SIGN; WHITE HOUSE TURNS TABLES ON CRITICS

(By Dana Milbank and Helen Dewar)

White House officials, borrowing one of their critics' main lines of attack, charged yesterday that those who opposed President Bush's free-trade positions were ''isolationist'' and ''unilateralist.''

The immediate issue in question was a Democratic proposal before the Senate to block Mexican trucks from U.S. roads. The proposal, which critics say includes 22 separate safety provisions that together would have the effect of barring Mexican trucks for two to three years, is included in a transportation funding bill for next year. The House has already passed a ban on Mexican trucks.

Bush ''thinks that the action taken by the United States Senate is unilateralist,'' White House press secretary Ari Fleischer said yesterday. He called the issue one of the ''troubling signs of isolationism on the Hill.''

The argument, echoed by others in the administration, signaled a new defense of Bush's policies that goes beyond the narrow issue of what inspections would be required of Mexican trucks entering the United States. Democrats and other critics of the administration have argued that Bush is pursuing a ''unilateralist'' foreign policy by rejecting international efforts to limit global warming, small arms, biological weapons and tax havens, and by promoting a missile-defense proposal.

Bush advisers have decided to turn the tables on critics by painting the Democrats as isolationists in other areas. In a speech Thursday, U.S. Trade Representative Robert B. Zoellick used a similar argument to promote the North American Free Trade Agreement in general, warning against ''economic isolationists and false purveyors of fright and retreat.''

In addition to Mexican trucks and NAFTA, White House officials indicated they would make the ''isolationist'' charge against Democrats over objections to giving Bush broader trade negotiating authority and over their delay in confirming Bush's choice for United Nations ambassador. Consideration of the nominee, John D. Negroponte, has been held up by criticism of his work as ambassador to Honduras in the 1980s.

''There's a series of issues Congress is taking up now where it has to chose between an isolationist response and whether America can compete and win in the world, and Congress is leaning in the direction of isolation,'' Fleischer said.

In the debate over Mexican trucks, the White House and its allies also tried to reverse an argument about racial insensitivity often used by Democrats. Last week, Senate Minority Leader Trent Lott (R–Miss.) criticized Democrats for ''an anti-Mexican, anti-Hispanic, anti-NAFTA attitude.''

White House officials declined to join Lott in that argument, saying only that the opposition to Mexican trucks in the United States is ''unfair to Mexico'' because it would single out that nation rather than impose a single standard for the United States, Canada and Mexico. ''This is an issue where the Democrats have to be careful or they're going to cede the Hispanic vote to Republicans in 2002,'' a senior GOP official said yesterday.

The Senate Democrats' proposal to impose strict safety standards on Mexican trucks remained stalled yesterday by GOP delaying tactics aimed at forcing a compromise acceptable to the White House. Supporters of the Democrats' proposal, which Bush has threatened to veto as an infringement on NAFTA, got more than enough votes to cut off one filibuster against it last week, virtually assuring its passage at some point. But the proposal, opposed by Sens. John McCain (R–Ariz.) and Phil Gramm (R–Tex.), faces more procedural hurdles before it can be passed.

Senate Majority Leader Thomas A. Daschle (D–S.D.) yesterday reiterated his determination to win passage of the measure before the start of Congress's month-long summer recess this weekend. Lott held out some hope that a House-Senate conference might approve language satisfactory to Bush. If not, he said, Bush will veto the bill and Congress will sustain the veto.

As the Senate marked time on the issue, Enrique Ramirez Jackson, president of the Mexican Senate, met separately with Lott and Daschle on issues affecting the two countries and expressed Mexico's hopes that its trucks will be given full access to the United States, according to Senate aides.

[From the San Diego Union-Tribune, July 30, 2001]

FIGHT FOR FREE TRADE

Under the North American Free Trade Agreement, U.S. trucks are supposed to have unrestricted access to Mexico, and Mexican trucks are supposed to have unrestricted access to the United States. But for six years the powerful Teamsters union has succeeded in keeping Mexican trucks off American roads—in plain violation of NAFTA.

Now, it falls to President Bush to stand up once and for all to the Teamsters' political muscle and defend the vital principle of free cross-border trade. Bush should not hesitate to veto a $60 billion transportation spending bill that is the vehicle for the domestic trucking lobby's efforts to block Mexican truckers' access to American highways.

Based on pre-NAFTA rules, which still are being enforced, Mexican trucks are permitted to operate only within a 20-mile zone north of the border. Beyond the border zone, their cargoes must be transferred to American trucks for shipment elsewhere in the United States or Canada. This is a costly and time-consuming process that drives up prices for American consumers.

Last year, when provisions of NAFTA required that Mexican trucks be allowed to travel freely throughout the United States, the Teamsters persuaded the Clinton White House to suspend the requirement, on grounds that Mexican trucks were unsafe. At the time, Vice President Al Gore was courting the Teamsters' backing for his presidential campaign. When Mexico rightly challenged the Clinton administration's politically motivated action, a NAFTA arbitration panel ruled that the U.S. ban on Mexican trucks violated the trade agreement.

To its credit, the Bush administration announced earlier this year it would honor American obligations under NAFTA and lift the restrictions on Mexican trucks. That touched off a fierce lobbying drive by the Teamsters on Capitol Hill to overturn the president's decision.

In response, the House voted to retain the ban on Mexican trucks, while the Senate approved a milder version that would impose much tougher safety standards on Mexican trucks than exist for Canadian trucks, thereby making it more difficult for Mexican trucks to enter the United States. (Because many of its 1.4 million members are Canadians, the Teamsters union has not sought to curb access by Canadian commercial vehicles to American roads).

The Teamsters and their allies contend Mexican rigs are unsafe, but the union's real

motivation is to thwart competition from Mexican truckers. When the House voted on the ban, it even refused to appropriate the money President Bush had sought to strengthen border inspection stations and keep out unsafe vehicles.

The White House is right on this issue.

President Bush should stand his ground and veto the transportation measure if the onerous trucking provisions are not removed. The simple way to deal with potentially unsafe Mexican trucks is through robust inspections that turn back unsafe vehicles—not through legislative subterfuge that is little more than thinly disguised protectionism.

Mr. McCAIN. Mr. President, the papers I am quoting from—the New York Times, Washington Post, Atlanta Constitution, Cleveland Plain Dealer—are not renowned rightwing conservative periodicals.

This is from the Cleveland Plain Dealer of July 30, 2001:

The Democrat-controlled Senate, with the help of enough Republicans to block a filibuster, decided last week that equal protection under the law doesn't apply to Mexico under NAFTA.

Beneath a veneer of safety concerns, the Senate refused to eliminate the trade barriers that keep Mexican trucking companies from carrying freight beyond a 20-mile border zone, no matter that among their fleets are some of the most modern, best-equipped trucks on any nation's roads.

It's a witches' brew of protectionist politics disguised as precaution, fueled by the demands of organized labor, that gives off a stench of old-fashioned ethnic prejudice. What's more, it invites a trade war of retaliation, should Mexico decide to close its borders to U.S.-driven imports. Combined with an even harsher House-passed version incorporated in the Department of Transportation appropriations bill, it invites a veto by President George W. Bush.

No one supporting Mexico's rights under the North American Free Trade Agreement ever has argued that American roads should be opened to unsafe vehicles. But in the years since NAFTA was passed, Mexico has made giant strides to improve its fleets. Some of its largest trucking companies now have rigs whose quality surpasses those of American companies.

But safety is little more than a straw dog in this fight. What this is about is the $140 billion in goods shipped to the United States from Mexico each year, and the Teamsters Union's desire that its members keep control of that lucrative trade.

Labor—which documents gathered in a four-year Federal Elections Commission Probe show has had veto power over Democratic Party positions for years—has never accepted the benefits of expanded hemispheric trade. It has been adamant in its opposition to allowing Mexican trucks, no matter how modern the equipment or well-trained the drivers, access to U.S. highways. It was this opposition that kept President Bill Clinton from implementing the agreement, and it is this opposition that yet drives labor's handservants, who now control the Senate.

This position should be an embarrassment to a party that makes a show of its concerns for the poor and downtrodden. It is a setback to U.S.-Mexican relations, and an insult to Mexico's good and earnest efforts to improve relations with its northern neighbor. It is an abrogation of our treaty responsibilities, and it must not be allowed to stand.

I repeat, that is from the Cleveland Plain Dealer.

Quoting from the New York Times from July 30, the Monday edition, titled ''Teamsters May Stall Bush Goals for Mexican Trucks and Trade,'' an article by Philip Shenon:

A lobbying campaign led by the Teamsters union to keep Mexican trucks off American roads is on the verge of handing organized labor a major legislative victory over President Bush, endangering one of his most cherished foreign policy goals and reminding the White House of the political muscle still flexed here by labor unions.

If the Teamsters prevail, it could undermine the president's hopes of improved trade and diplomatic ties with Mexico, which has demanded the opening of the border to Mexican trucks under terms of the eight-year-old North American Free Trade Agreement. Mr. Bush had hoped to comply by next year.

Nafta and its liberalized trade rules have long been a target of the Teamsters, which has 1.4 million members, many of them truck drivers.

Mr. President, it is a very interesting article. I won't take the time to read it all. It basically points out the facts, which are that this is not really about safety; this is about the Teamsters Union and labor flexing their muscles. I will repeat, as I have over and over again, the Senator from Texas and I have put detailed, comprehensive safety requirements into our legislation which would clearly protect every American from any unsafe Mexican truck entering into the United States of America because it requires every Mexican truck to be inspected. But, obviously, that is not good enough for the Teamsters or for those who support the legislation that is presently in the Transportation appropriations legislation.

I want to say a few words about the underlying bill. It is interesting. So far this year, spending levels, including this bill, have surpassed the President's total budget request by nearly $4 billion. This year's bill contains 683 earmarks, totaling $3.148 billion in porkbarrel spending. Last year there were 753 earmarks, totaling $702 million. There has been a dramatic increase in the number of earmarks and porkbarrel spending.

According to the Office of Management and Budget, the number of unrequested projects inserted into spending bills approved by Congress rose from 1,724 in 1993 to 3,476 in 2000 and, ultimately, to 6,454 in the current fiscal year.

Our colleagues in the House of Representatives requested close to 19,000 earmarks this year, at a cost of $279 billion if all were approved. This year's overindulgence of earmarks is so egregious that Mitch Daniels, Director of OMB, wrote a letter to the Senate Appropriations Committee imploring them to cut the excessive earmarks included in the House-passed appropriations bills when they got to the Senate.

As always, some benefit substantially more than others. I have mentioned the State of West Virginia, which will be the proud recipient of $6,599,062 under the National Scenic Byways Program. I have also mentioned the State of Washington, which benefits substantially from the National Scenic Byways Program. Under that portion of the bill, Washington will receive $2,683,767, of which $790,680 will fund the North Pend Orielle Scenic Byway—Sweet Creek Falls Interpretive Trail Project, et cetera, et cetera.

I am sure these are worthy projects. Why in the world weren't they authorized? Why was there not a hearing? Why were they inserted in legislation which gave no consideration to other projects and programs that other States have? Every State deserves the right to compete for Federal dollars under programs such as the National Scenic Byways Program, not just States that are fortunate to have representation in the congressional Appropriations committees.

I can't let this opportunity go by again without mentioning the $4.650 million that is carved out of the Coast Guard portion of this bill to ''test and evaluate'' a currently developed 85-foot fast patrol craft that is manufactured in the United States and has a top speed of 40 knots. Mr. President, translation. That is ''French'' for a porkbarrel project for the State of Washington. It is the only place where this vessel can be tested and evaluated in the United States, and it has a top speed of 40 knots. Guess where. Guardian Marine International, located in Edmonds, WA. Not only did the U.S. Coast Guard not ask for this vessel, they looked at the Guardian vessel, considered its merits, and concluded it would not meet the Coast Guard's needs.

What is wrong with that? Well, we have severe personnel problems with recruitment and retention in the Coast Guard today. We need to spend this money not on an 85-foot patrol craft that the Coast Guard doesn't want or need; we need to spend it on the men and women in the Coast Guard, improve their housing, improve their living conditions. We need to provide them with the pay and benefits they need and deserve.

What are we doing spending $4.650 million on a project that will be useless? This will be a one-of-a-kind vessel. It will sit by itself, and it will have huge maintenance and upkeep costs because it will be one of a kind, instead of giving the Air Force the craft they need.

I guess the Senate Appropriations Committee has a better understanding than the Coast Guard of what equipment will and won't work best. Maybe we are all wasting our time. Perhaps we should abolish the Department of Transportation and allow our appropriators to act as our new transportation specialists.

I will mention one thing that was in Congress Daily this morning:

Nussle Warns of Possible Fiscal Year 2001 Spending Cuts.

House Budget Chairman Nussle warned Tuesday that if budget forecasts continue to worsen, Congress might have to take drastic

steps, including trimming Federal spending, to preserve surpluses for debt reduction. ''Spending may have to be curtailed after CBO releases the midsession review,'' Nussle said. ''If we want to pay off more debt, we need to reduce spending.''

What is this appropriations bill doing? Increasing spending. What did the others do? Already we have increased spending in the appropriations bills we have passed by some $4 billion. It is a dangerous course of action we are engaged in. This continued earmark porkbarrel spending is going to exact a very heavy price. This bill is replete with them. This bill, in my view, is typical of the kind of product for which we may pay a very heavy price in the future, where we may have to make cuts in really needed programs, including those that are for those who are in need in our society and our Nation.

So I want to assure my colleagues that, contrary to what may have been contemplated here, yes, we will have a vote on final passage of the bill. Then there will be three votes after that concerning the appointment of conferees that are key and are debatable and will require cloture motions as well. So, clearly, we will have stretched this issue out into the month of September, at least.

I remind my colleagues that our President is welcoming the President of Mexico to the United States in September. In fact, I am told that the first official state dinner hosted by President Bush will be in honor of President Fox. I think that is a very appropriate and very important and significant occasion because of the importance of our relations with Mexico. I hope we will not be continuing on a course of violating a solemn treaty between our two nations while the President of Mexico is present and being honored in the United States of America.

I thank my colleague from Texas for his steadfast efforts in this endeavor. I think he may join me again this year in being voted ''Miss Congeniality.'' Perhaps we will share the honor. The fact is that we believe passionately that this kind of activity —legislative activity on an appropriations bill—is absolutely, totally inappropriate, and the impact and implications of passage of such legislation through the Congress of the United States not only is very bad for our relations with one country, but if this body gets into the business on appropriations bills of amending treaties and making solemn treaties illegal and unconstitutional, and violates them, then of course that kind of precedent is very bad for all of the institutions of this great democracy of ours.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I have a number of editorials which support the position the majority of Senators have taken in terms of the commonsense safety approaches written in the underlying Transportation bill.

Let me begin by quoting from the Seattle Post-Intelligencer editorial board from this morning:

Mexican trucks are welcome in this country so long as they make the same safety criteria required of all the vehicles that travel here. Senator Patty Murray has taken just the right approach to this sensitive and contentious issue. The Bush administration, which unwisely has threatened to veto the transportation bill over this matter, contends that under terms of the North American Free Trade Agreement, Mexican trucks should be allowed to travel freely beyond the 20-mile commercial zone at the southern border to which they are now restricted.

The House of Representatives disagrees. It voted to keep the trucks limited to where they now are, permitted to travel when delivering Mexican goods to U.S. markets. Murray, who heads the Senate Appropriations Subcommittee on Transportation, wrote the transportation bill that rightly requires Mexican trucks to have safety inspections and to be insured by a carrier licensed to do business in the United States before they can travel in this country. These are simple, commonsense requirements.

From the Roanoke Times & World News:

Among other things, certainly the inspections indicate an element of protectionism but of the public safety, not the spirit of free trade. By a large bipartisan majority, 19 Republicans joined all 50 Democrats and one independent. The Senate voted Thursday to end a filibuster to kill the tougher standards. Senate Minority Leader Trent Lott charged that the initiative was anti-Mexican and anti-Hispanic and suggested that Mexican trucks should be inspected according to the same standards as Canadian trucks. Lott commits aggravated silliness.

A recent study by the Inspector General of the Transportation Department found that nearly two in five Mexican trucks failed basic safety inspections compared with one in four U.S. trucks and one in seven Canadian trucks. In addition, Mexican truckers are often overworked and their fatigue could pose a danger to American drivers.

As for violating the free trade spirit of NAFTA, the treaty already contains provisions allowing legitimate safety regulations. Given the clear evidence presented by the Transportation Department, Congress would be remiss by opening U.S. borders to trucks known to be unsafe.

From the Press Democrat in Santa Rosa, CA:

With Mexican trucks failing border inspections nearly two in five times, safety is a far more important concern. The dismal record is an indication that a well-funded border inspection program is critical. The Senate proposal, which requires around-the-clock border inspections, is a balanced measure that will allow trucking while still keeping roads relatively safe. But with one in four American trucks failing safety tests, do not take your eyes off the rear view mirror any time soon.

From the Sarasota Herald Tribune:

Public safety, not politics, money, free trade or international relations, should be the priority as American leaders debate whether to allow tractor trailers from Mexico to deliver goods in the United States.

From the Deseret News:

A Senate bill would apply a simple solution. It would require the Mexican truckers to obtain U.S. insurance and to pass safety inspections before crossing the border. Then the trucks would be free to travel where they would like within the United States and presumably to Canada. These are sensible requirements that ultimately could save lives. The only objection the President can offer is that Congress does not hold Canadian truckers to the same standards, but Congress does not need to do so. Canada already holds its truckers to standards more rigid than those in the United States.

They go on to say:

The only way to end the problem of illegal immigration is to help Mexico's economy grow to the point where leaving the country no longer is necessary for survival and prosperity. But this cannot be done at the peril of highway safety in the United States. Despite the threats of a veto, Congress needs to pass tough standards on all trucks that come from south of the border.

From the Providence Journal:

Kudos to the Senate for voting 70–30 for strict safety standards for Mexican trucks on U.S. roads. The government has the duty to ensure that foreign truckers follow the same rules that American ones do. Statistics show trucks from Mexico with more lenient safety standards than the United States are 50 percent more likely to fail U.S. inspections than ours. A race to the bottom is intolerable.

From the Seattle Times Editorial Board:

Suggesting inspections will inhibit free trade is more than a bit disingenuous, given that current law keeps Mexican trucks within a 20-mile zone along the U.S. border. Earlier this summer, the House of Representatives passed a harsh measure to block any Mexican trucks from venturing beyond that zone. Opening U.S. highways to Mexico's trucking industry is in the full spirit of NAFTA, as long as the trucks are safe and insured. This is hardly onerous. Indeed, Canadian trucks and truckers have a better inspection record than U.S. trucks. Do not take too much of the Teamsters Union's backing the safety measure as if to suggest it was a topic with heavy labor influence. Only a fraction of U.S. drivers are represented by organized labor. This fight is fundamentally about highway safety. Creating a haven of lesser standards south of the border might invite the U.S. trucking industry to essentially reflag their fleets where regulations are lax.

Madam President, I ask unanimous consent that all of the editorials to which I have referred, as well as a press release from the AAA of Texas chapter, be printed in the RECORD.

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

[From the Seattle Post-Intelligencer, Aug. 1, 2001]

IMPOSE U.S. SAFETY STANDARDS ON MEXICAN TRUCKS

Mexican trucks are welcome in this country—so long as they meet the same safety criteria required of all other vehicles that travel here.

Sen. Patty Murray, D-Wash., has taken just the right approach to this sensitive and contentious issue, which threatens to derail the transportation bill and some $140 million in much-needed funding earmarked by Murray for this state.

The Bush administration, which unwisely has threatened to veto the transportation bill over this matter, contends that under terms of the North American Free Trade Agreement, Mexican trucks should be allowed to travel freely beyond the 20-mile

commercial zone at the southern border to which they are now restricted.

The House of Representatives disagrees; it voted to keep the trucks limited to where they now are permitted to travel when delivering Mexican goods to U.S. markets.

Murray, who heads the Senate appropriations subcommittee on transportation, wrote the transportation bill that rightly requires Mexican trucks to have safety inspections and to be insured by a carrier licensed to do business in the United States before they can travel in this country.

These are simply common-sense requirements. However, care must be taken in implementation to avoid having them become a bogus trade barrier.

Murray contends Mexican trucks are less safe than U.S. trucks. She says a recent study by the inspector general of the Department of Transportation found that nearly two in five Mexican trucks failed basic safety inspections compared with one in four American trucks and one in seven Canadian trucks. Since Canadian trucks appear safer than American ones, there seems no rationale for imposing additional requirements on them.

But President Bush, rightly has at the top of his international agenda improving relations with Mexico, says it would be too expensive and time-consuming to require the Mexican trucks to meet U.S. safety and insurance standards. However, introducing unsafe trucks on U.S. highways is unlikely to improve relations between our two countries; quite the opposite.

Mexico, meanwhile, has raised the possibility that it might restrict the import of American agricultural goods in retaliation. That's non-productive. A better course is to assure Mexican trucks meet international safety standards.

Murray, who also chairs the Democratic Senate Campaign Committee, happens to be on the same page in this dispute as the all-powerful Teamsters union, which ardently opposes the entrance of Mexican trucks and their low-paid, often overworked, non-unionized drivers. The Teamsters clearly have a self-interest in putting the brakes on the entrance of Mexican trucks.

Murray's business, however, is the public interest, not that of the Teamsters. We believe that in insisting that Mexican trucks comply with U.S. laws, she's property discharging that larger duty.

As a NAFTA arbitration panel acknowledged last February, the United States is ''responsible for the safe operation of trucks within U.S. territory, whether ownership is U.S., Canadian or Mexican.''

[From the Roanoke Times & World News, July 28, 2001]

REQUIRE MEXICAN TRUCKS TO MEET THE SAFETY TEST

As frequent drivers of Interstate 81 can attest, sharing the road with high-balling semi-trailer trucks intensifies anxiety about highway safety, even with the assumption those behemoths meet safety-inspection standards.

The same assumption cannot be applied to Mexican trucks, about 40 percent of which fail U.S. standards, so the U.S. Senate's hesitation this week to allow free entry of big commercial Mexican vehicles onto U.S. highways in January is both understandable and prudent.

President Bush, the Senate's Republican leadership and the Mexican government have opposed an amendment to the pending $60 billion Senate transportation spending bill that would require much stricter safety inspections before allowing the Mexican trucks to venture freely onto U.S. highways. Opponents contend that such a restriction violates the North American Free Trade Agreement.

Certainly, the inspections indicate an element of protectionism—but of the public safety, not the spirit of free trade. By a large bipartisan majority—19 Republicans joined all 50 Democrats and one independent—the Senate voted Thursday to end a filibuster to kill the tougher standards.

Senate Majority Leader Trent Lott, R-Miss., charged that the initiative was ''anti-Mexican'' and ''anti-Hispanic,'' and suggested that Mexican trucks should be inspected according to the same standards as Canadian trucks.

Lott commits aggravated silliness. A recent study by the inspector general of the Transportation Department found that nearly two in five Mexican trucks failed basic safety inspections, compared with one in four U.S. trucks and one in seven Canadian trucks. In addition, Mexican truckers are often overworked, and their fatigue could pose a danger to American drivers.

As for violating the free-trade spirit of NAFTA, the treaty already contains provisions allowing legitimate safety regulations. Given the clear evidence presented by the Transportation Department, Congress would be remiss by opening U.S. borders to trucks known to be unsafe.

President Bush has threatened to veto the entire transportation spending bill if Congress fails to remove the tougher inspection standards. Some alarm has been expressed by farming states and agriculture lobbyists after Mexican officials threatened to consider restrictions on U.S. agricultural imports if the bill becomes law.

Congress should be more concerned about the lives of Americans driving on U.S. highways.

[From the Press Democrat Santa Rosa, July 30, 2001]

MEXICAN TRUCKS SENATE PROPOSAL ALLOWS FREE TRADE WHILE ENSURING SAFER ROADS

In February an arbitration panel determined that the Clinton administration policy limiting Mexican trucks to a 20-mile border zone violated the North American Free Trade Agreement.

Since that ruling, Congress, President Bush and the Teamsters union have been fighting over how to regulate 18-wheelers originating from Mexico.

The Teamsters union opposes opening the border to Mexican truckers because it fears losing union jobs. In other words, having lost the free trade battle in 1993, it is now trying to unravel NAFTA piece-by-piece. It seems the Teamsters' time would be better spent improving U.S. truckers' competitiveness.

With Mexican trucks failing border inspections nearly two in five times, safety is a far more important concern. The dismal record is an indication that a well-funded, border inspection program is critical.

The Senate proposal, which requires around the clock border inspections, is a balanced measure that will allow trucking while still keeping roads—relatively—safe. But with one in four American trucks failing safety tests, don't take your eyes off the rearview mirror anytime soon.

[From the Sarasota Herald-Tribune, July 31, 2001]

NO SUBSTITUTE FOR SAFETY TRADE PACT DOESN'T PRECLUDE HIGH STANDARDS FOR TRUCKS

Public safety—not politics, money, free trade or international relations—should be the priority as American leaders debate whether to allow tractor-trailers from Mexico to deliver goods in the United States.

President Bush wants to enable Mexican trucks to begin making long-haul deliveries on U.S. highways in January as part of the North American Free Trade Agreement with Mexico and Canada. Currently, big trucks from Mexico are limited to a 20-mile zone near the border.

In recent days, a bipartisan group in the Senate has pushed for a stricter U.S. inspection program for Mexican trucks. They cite statistics indicating that trucks from Mexico are almost 50 percent more likely to fail inspections than U.S. trucks.

But Bush and his allies on this issue, including Sen. John McCain, R–Ariz., contend that the safety fears are overblown and that the proposed standards are tougher than those in place for Canadian trucks. Sen. Trent Lott, R-Miss., takes the rhetoric further and accuses Democrats of being ''anti-Mexican'' and ''anti-Hispanic.''

The cries of discrimination make for great TV sound bites, but if there is evidence that inspections are less rigorous in Mexico, why shouldn't the United States do more to ensure that Mexican vehicles are safe before they enter U.S. roads?

Tractor-trailers are already a significant safety concern in this country. In recent years, federal safety officials have documented a steady increase in the number of deaths caused by accidents involving big trucks. Let's not add to the carnage in the name of free trade, or politics.

[From the Deseret News, July 31, 2001]

ALL TRUCKS NEED STANDARDS

As usual in Washington, the debate over whether to apply tough standards to Mexican trucks that cross the border has to do with a lot more than the simple issue at hand. For the Bush administration, it has to do with the Hispanic vote, of which he obtained only 35 percent last year. For the Democrats, it has to do with organized labor, which would love to drive into Mexico but doesn't want to lose any jobs by allowing the Mexicans to drive here.

Those are the currents running swiftly beneath the surface. On the top, however, the debate is centering on the only thing that really ought to matter—safety.

Organized labor lost its fight to keep Mexican businesses out eight years ago when Congress passed the North American Free Trade Agreement. Bush's support among Hispanics, and his relationship with Mexican President Vicente Fox (who has threatened trade retaliation against the United States) have to be dealt with in a different arena. This is a question of keeping unsafe vehicles off the highway.

Current rules allow Mexican trucks to travel no further than 30 kilometers (18.6 miles) over the border—just far enough to unload their cargo onto American trucks. Border inspectors there have found that more than one-third of Mexican trucks fail to meet the safety standards required of American trucks.

A Senate bill would apply a simply solution. It would require the Mexican truckers to obtain U.S. insurance and to pass safety inspections before crossing the border. Then the trucks would be free to travel where they would like within the United States and, presumably, to Canada. These are sensible requirements that ultimately could save lives. The only objection the president can offer is that Congress doesn't hold Canadian truckers to the same standards.

But Congress doesn't need to do so. Canada already holds its truckers to standards more rigid than those in the United States.

In many ways, this is an example of the types of conflicts that will occasionally arise when attempting free trade with a nation

whose economy is struggling to stand on its own. Mexico has made great strides in recent years, eliminating much of the corruption that used to plague its one-party government. The United States should reward those efforts with increased trade. The only way to end the problem of illegal immigration is to help Mexico's economy grow to the point where leaving the country no longer is necessary for survival and prosperity.

But this can't be done at the peril of highway safety in the United States. Despite the threats of a veto, Congress needs to pass tough standards on all trucks that come from south of the border.

[From the Providence Journal, July 29, 2001]

DIVERS RUMINATIONS

Kudos to the Senate for voting, 70 to 30, for strict safety standards for Mexican trucks on U.S. roads. The government has the duty to ensure that foreign truckers follow the same rules that American ones do. Statistics show trucks from Mexico, with more lenient safety standards than the United States's, are 50 percent more likely to fail U.S. inspections than are ours. (Mexican trucks' emissions problems are bad, too.) A race to the bottom is intolerable.

Meanwhile, President Bush is commendably backing off from an idea floated to give a blanket amnesty to illegal Mexican immigrants but not necessarily for illegal immigrants from other nations. We are leery of any blanket amnesty because it would tend to encourage lawbreaking. But basic fairness requires that a plan to ''regularize'' illegals, not single out one nationality.

Rumor has it that stars usually bound for the likes of the Hamptons have discovered the pastoral and coastal beauties of Westport and South Dartmouth, and are eyeing real estate there. The names bruited so far include Harrison Ford, Paul McCartney, Dennis Quiad and David Duchovny. Will the glitz, and soaring prices, that have soured Long Island's south shore infect Buzzards Bay towns, too? Better for us if celebs use assumed names if they buy land.

To protect its right to regulate land use, North Kingstown commendably keeps battling developer/nightclub owner Michael Kent. Mr. Kent is infamous for chopping down the trees and painting the stumps blue and red on a parcel that the town said he couldn't build on. Now he dumps manure and says he might keep ostriches there, as he puts up signs calling his spread ''Plum Beach Park.'' Enough!

[From the Seattle Times, July 30, 2001]

FREE TRADE AND SAFE HIGHWAYS

Washington Sen. Patty Murray led a strong, appropriate effort to require tougher safety standards for Mexican trucks entering the United States.

The White House and Republican leadership waged a phony war against this highway-safety measure with claims it undermined the 1993 North American Free Trade Agreement and relations with our neighbor.

Senate Minority Leader Trent Lott, R-Miss., stooped so low as to suggest the effort was anti-Mexican. Poppycock. This is about improving standards for Mexican trucks that are 50 percent more likely to fail U.S. inspections than American vehicles.

Nineteen Republicans joined Senate Democrats to knock down parliamentary attempts to tie up the requirements for regular U.S. inspections of Mexican trucks and drivers, on-site audits of Mexican trucking firms, and more scales and inspectors at 27 U.S. border stations.

Suggesting inspections will inhibit free trade is more than a bit disingenuous given that current law keeps Mexican trucks within a 20–mile zone along the U.S. border. Earlier this summer, the House of Representatives passed a harsh measure to block any Mexican trucks from venturing beyond that zone.

Opening U.S. highways to Mexico's trucking industry is in the full spirit of NAFTA, as long as the trucks are safe and insured. This is hardly onerous. Indeed, Canadian trucks and truckers have a better inspection record than U.S. trucks.

Don't make too much of the Teamsters Union backing the safety measure, as if to suggest it was a topic with heavy labor influence. Only a fraction of U.S. drivers are represented by organized labor. This fight is fundamentally about highway safety.

Creating a haven of lesser standards south of the border might invite the U.S. trucking industry to essentially re-flag their fleets where regulations are lax.

At the same time, Congress must not create a system of rules and standards that are thinly veiled trade barriers. Murray and Sen. Richard Shelby, R-Ala., transportation committee allies on this effort, are not headed in that direction.

The White House wants to make sure NAFTA is supported and that Mexico is nurtured as a friend, ally and trading partner. But the Bush administration's garbled, inconsistent response on truck safety only confused matters.

Opening America's roads to Mexican trucks and truckers is in the best spirit of free trade. Expecting those rigs to be adequately maintained and insured is a modest price to pay for access to the world's most-prosperous consumer market.

[From the Roanoke Times & World News, July 28, 2001]

REQUIRE MEXICAN TRUCKS TO MEET THE SAFETY TEST

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Certainly, the inspections indicate an element of protectionism—but of the public safety, not the spirit of free trade. By a large bipartisan majority—19 Republicans joined all 50 Democrats and one independent—the Senate voted Thursday to end a filibuster to kill the tougher standards.

Senate Majority Leader Trent Lott, R–Miss., charged that the initiative was ''anti-Mexican'' and ''anti-Hispanic,'' and suggested that Mexican trucks should be inspected according to the same standards as Canadian trucks.

Lott commits aggravated silliness. A recent study by the inspector general of the Transportation Department found that nearly two in five Mexican trucks failed basic safety inspections, compared with one in four U.S. trucks and one in seven Canadian trucks. In addition, Mexican truckers are often overworked, and their fatigue could pose a danger to American drivers.

As for violating the free-trade spirit of NAFTA, the treaty already contains provisions allowing legitimate safety regulations. Given the clear evidence presented by the Transportation Department, Congress would be remiss by opening U.S. borders to trucks known to be unsafe.

President Bush has threatened to veto the entire transportation spending bill if Congress fails to remove the tougher inspection standards. Some alarm has been expressed by farming states and agriculture lobbyists after Mexican officials threatened to consider restrictions on U.S. agricultural imports if the bill becomes law.

Congress should be more concerned about the lives of Americans driving on U.S. highways.

[Press release from the ''Triple A'' Texas Chapter]

TRUCK SAFETY INSPECTIONS MUST DRIVE PLAN TO OPEN BORDER; AAA TEXAS CALLS ON CONGRESS TO PUT MOTORIST SAFETY FIRST

(News/Assignment Editors & Government/Automotive Writers)

HOUSTON—(Business Wire)—July 25, 2001.—AAA Texas is urging Congress to significantly increase the safety inspections of Mexico-origination trucks before allowing them unrestricted access to roads in Texas and the rest of the U.S. as provided under the North American Free Trade Agreement (NAFTA).

Currently, trucks based in Mexico are allowed to travel up to 20 miles inside the U.S. border. Under the administration's proposal, Mexico-origination trucks would be allowed unrestricted access for up to 18 months before audits and safety inspections of the owner's facilities, drivers and their practices would be conducted. With more than 1,200 miles of border, more than 70 percent of the truck traffic from Mexico will travel on Texas roads.

''Texas motorists are concerned about the safety of these trucks and their drivers,'' said Public and Government Affairs Manager Anne O'Ryan. ''Until recently, Mexico had few safety or enforcement standards for the vehicles or the drivers.'' Department of Public Safety officials estimate that half of the short-haul trucks from Mexico don't meet U.S. safety standards. The U.S. Department of Transportation reports that more than 35 percent of trucks from Mexico were taken out of service for safety violations in 2000. That compares to 24 percent for U.S. trucks and 17 percent for trucks from Canada.

The U.S. Senate is debating a proposal that would require Mexico-origination trucks to meet the same U.S. safety standards as trucks from Canada. Many of AAA's suggestions are being considered in the proposal.

AAA has offered the following safety recommendations:

On-site safety audits at the company facility, prior to authorizing their trucks to cross the border;

Significant improvements in safety inspections at the border including enforcement of U.S. weight limits;

Adequate resources for enforcement throughout the U.S.;

Adequate and verifiable insurance on each vehicle;

Shared tracking of the company's truck and driver safety records between U.S. and Mexican authorities; and

Enforcement of safety laws, including limiting the number of continuous hours spent driving.

''The safety of the motoring public should not be risked in the rush to meet an apparently arbitrary deadline,'' said O'Ryan. The

Senate proposal is being debated this week for inclusion in the Department of Transportation Appropriations bill.

Mrs. MURRAY. I will read this press release to my colleagues. It is dated July 25. It says:

AAA of Texas is urging Congress to significantly increase the safety inspections of Mexico-origination trucks before allowing them unrestricted access to roads in Texas and the rest of the U.S. as provided under the North American Free Trade Agreement. Currently, trucks based in Mexico are allowed to travel up to 20 miles inside the U.S. border. Under the administration's proposal, Mexico-origination trucks would be allowed unrestricted access for up to 18 months before audits and safety inspections of the owner's facilities, drivers and their practices would be conducted.

With more than 1,200 miles of border, more than 70 percent of the truck traffic in Mexico will travel on Texas roads. Texas motorists are concerned about the safety of these trucks and their drivers, said Public and Government Affairs Manager Anne O'Ryan.

Until recently, Mexico had few safety or enforcement standards for the vehicles or for the drivers. Department of Public Safety Officials estimate that half of the short-haul trucks from Mexico do not meet U.S. safety standards.

The U.S. Department of Transportation reports that more than 35 percent of trucks from Mexico were taken out of service for safety violations in 2000. That compares to 24 percent for U.S. trucks and 17 percent for trucks from Canada. The U.S. Senate is debating a proposal that would require Mexico origination trucks to meet the same U.S. safety standards as trucks from Canada. Many of AAA's suggestions are being considered in the proposal.

AAA has offered the following safety recommendations: On-site safety audits at the company facility prior to authorizing their trucks to cross the border; significant improvements in safety inspections at the border, including enforcement of U.S. weight limits; adequate resources for enforcement throughout the United States; adequate and verifiable insurance on each vehicle; shared tracking of the company's truck and driver safety records between U.S. and Mexican authorities; enforcement of safety laws, including limiting the number of continuous hours spent driving.

I quote from O'Ryan:

The safety of the motoring public should not be risked in the rush to meet an apparently arbitrary deadline. The Senate proposal is being debated this week for inclusion in the Department of Transportation appropriations bill.

These are not my words. They are not the words of Senator SHELBY. They are not the words of any Senator. They are the words of the AAA of Texas chapter.

Our opponents have clearly lost the safety debate and, unfortunately, instead of allowing us to move forward with a balanced bipartisan compromise, they have used many parliamentary tactics to slow down this process in hopes of extracting some concessions.

Their approach, I believe, is unfortunate and unsuccessful. I am not here to respond in kind. Their attacks have done a disservice to this important debate on the highway safety issue. I want my colleagues to recognize these insults have been unnecessary and have delayed putting this bill to work for the American people. Opponents held hostage a $60 billion bill that funds transportation solutions in every State because they want to lower safety standards for Mexican trucks.

We can improve free trade and ensure our own safety at the same time. This bill is a balanced and bipartisan compromise. I will turn to some of the specific provisions that have the other side so concerned. They are simple and they make sense. They do not violate NAFTA. Most importantly, they will help keep Americans safe on the highways.

Here is what our bill requires: Mexican trucks only be allowed to cross the border at stations where there are inspectors on duty; our bill requires the Department of Transportation's inspector general to certify border inspection officers are fully trained as safety specialists capable of conducting compliance reviews; further, the administration cannot raid the safety personnel who are working at other areas today just to staff the southern border; that the Department of Transportation perform a compliance review of Mexican trucking firms and that these take place onsite at each firm's facilities; that Mexican truckers comply with pertinent hours of service rules; that the United States and Mexican Governments work out a system where United States law enforcement officials can verify the status and validity of licenses, vehicle registration, operating authority, and proper insurance; that all State inspectors, funded in part or in whole with Federal funds, check for violations of Federal regulations; that all violations of Federal law detected by State inspectors will either be enforced by State inspectors or forwarded to Federal authorities for enforcement action; that the Department of Transportation's inspector general certify there is adequate capacity to conduct a sufficient number of meaningful truck inspections to maintain safety; that proper systems be put in place to ensure compliance with United States weight limits; that an adequate system be established to allow access to data related to the safety record of Mexican trucking firms and drivers; and finally, that the Department of Transportation enact rules on the following points: To ensure that motor carriers are knowledgeable about United States safety standards; to improve training and provide certification of motor carrier safety auditors; to ensure that foreign motor carriers be prohibited from leasing their vehicles to another carrier to transport products to the United States while the firm is subjected to a suspension, restriction, or limitation on rights to operate in the United States; and that the United States permanently disqualify foreign motor carriers that have been found to have operated illegally in the United States.

These are commonsense standards which the President is opposing. These simple, reasonable standards are what those on the other side have used to stall this bill. Senator SHELBY and I have spent hours, which have turned into days, and now weeks, trying to find accommodation with the opponents of this provision. Safety opponents seem most upset by the onsite inspection and the insurance requirements, but the truth is these are the same standards we currently follow with Mexico in areas such as food safety.

Let's start with the requirement that American inspectors review the records and conduct onsite inspections in Mexico. Safety opponents want us to believe this is somehow an invasion of Mexico's sovereignty, but there is nothing uncommon about this provision. The trucking records and the facilities are in Mexico. That is where our inspectors need to go if they are going to check. Onsite safety inspections are common in other industries.

In my home State of Washington, we grow the best apples in the world. I know the Presiding Officer may disagree, but I believe we do. They include varieties such as the Red Delicious, the Gala, the Johnny Gold, and the Fuji. We grow these apples in my home State of Washington, and we export them all over the world, including Mexico. Before Mexico will allow the growers in my State to send those apples to Mexican consumers, those apples have to be inspected. Who inspects them? Mexican inspectors. Where are these apples inspected? Onsite, in Washington State. In fact, American apple growers foot the bill for Mexican inspectors to evaluate our fruit in my home State of Washington.

It is not just Washington State. Mexican inspectors are in California, inspecting fruit, checking for pests in crops such as mangoes and avocados.

Today on food safety issues, Mexican inspectors are in the United States conducting onsite investigations in our orchards and on our farms. To the other side, that is OK. But for some reason, when we want our safety inspectors to conduct onsite inspections at Mexican trucking facilities, it is an attack on Mexican sovereignty. On food safety issues, inspectors are in both countries with the full support of both Governments.

Why should traffic safety be any different? How can we argue that we should protect our agricultural interests and neglect the very real safety concerns on America's roadways? How can we protect the food destined for America's children yet leave them vulnerable to unsafe trucks on our roadways?

I turn now to a second issue. Safety opponents do not like the insurance portion of this bill which requires Mexican trucks to carry adequate insurance with an insurer that is licensed to operate in the United States. Our safety opponents have been on the floor saying that is discriminatory. The truth is, Canadian trucks have to follow the same rule today. And even

more significantly, Mexico requires the same thing of American drivers today. That is right. I invite my colleagues to go to the Web page of the State of Texas Department of Insurance. You will find a special message from the Texas Insurance Commissioner, stating:

If you plan to drive to Mexico, your preparations should include making sure you have car insurance that will protect you if you have an accident south of the border. Don't count on your Texas auto policy for protection.

It goes on:

Mexico does not recognize auto viability policies issued by U.S. insurance companies. It is important, therefore, to buy liability coverage from authorized Mexican casualty insurance companies before driving any distance in Mexico.

Madam President, that applies to trucks, as well. Let me repeat what the State of Texas Insurance Commissioner is warning American drivers:

Mexico does not recognize auto liability policies issued by U.S. insurance companies. It is, therefore, important to buy liability coverage from authorized Mexican casualty insurance companies before driving any distance in Mexico.

Why is it OK for American drivers to be required to get Mexican insurance to drive to Mexico but discriminatory for Mexican drivers to be required to get American insurance when they drive in the United States? The truth is, there is no difference.

On yet another point, the opponents of safety standards lose because what they oppose is already part of our relationship with Mexico and they cannot have it both ways. We have nothing against Mexican truck drivers. Like American truck drivers, they are just trying to earn a living and put food on their family's table. We welcome them to the United States. We want their trucks to be able to share our roads. But we want them to be safe, first, both for our well-being and for their well-being.

Unfortunately, today Mexican trucks are not as safe as American trucks. In fact, there is not even a system in place to check the safety of Mexican drivers. We want to enable Mexico to meet our safety standards, which are the same safety standards Canadian drivers must meet every day.

Right now, Mexican standards are not up to American standards. For example, Mexico has a far less rigid safety regime in place than Canada or the United States. Mexico has no experience with laws restricting the amount of time a driver may spend behind the wheel. The United States and Canada do. Mexico has no experience with logbook requirements as a way to enforce hours of service regulations. The United States and Canada do.

Mexico has no requirement for the periodic inspection of their equipment for safety purposes. The United States and Canada do.

Mexico does not have a fully operational roadside inspection regime to ensure compliance with driver and equipment safety standards. The United States and Canada do.

Mexico does not have adequate data regarding Mexican firms or drivers to guarantee against forged documentation as we do with domestic and Canadian firms.

All of this means that when a Mexican truck crosses the border into the United States, we will have virtually no assurance that those trucks meet U.S. highway safety standards. The proof is in the record. Mexican trucks that cross the U.S. border to legally serve the commercial zone have been ordered off the road by U.S. motor carrier inspectors 50 percent more frequently than U.S.-owned trucks.

Some of my colleagues in the administration think this is just fine. I do not and Senator SHELBY does not and a majority of the Senate does not. We as a country have made great strides to improve our highway safety. One of the greatest contributions to highway safety was an initiative by Senator Danforth requiring a uniform commercial driver's license or CDL here in the United States. That requirement came in the wake of numerous horror stories where U.S. truckdrivers had their licenses revoked and then got new licenses in other States so they could continue driving. Jack Danforth put a stop to that. He established a system in the United States where we monitor the issuance of commercial driver's licenses in all 50 States to ensure that multiple licenses are not being issued to the same driver. There is no such system in Mexico. In fact, there is hardly a system at all that allows access to the driving record history of Mexican drivers.

None of us want to learn of a catastrophic truck accident that could have been avoided. For some reason our commonsense safety provisions are being called discriminatory. Under NAFTA, we are entitled to treat Canadian, U.S., and Mexican trucking firms differently based on what we know about the safety risks they represent.

The opponents of this provision are fond of quoting the NAFTA provisions related to national treatment and most-favored-nation treatment, and they read, respectively:

Each party shall accord to service providers of another party, treatment no less favorable than it accords in like circumstances to its own service providers.

Each party shall accord to service providers of another party, treatment no less favorable than it accords in like circumstances to its own service providers of any other party or of a nonparty.

The opponents of this provision have focused on the ''no less favorable'' language of this clause, but they have left the other part out. I want to spend a moment discussing ''like circumstances'' language. It permits differential treatment where appropriate to meet legitimate regulatory goals, including highway safety. Don't take my word for it. Let's look at NAFTA, chapter 21, which says clearly ''nothing in chapter 12''—this is the cross-border trade services section:

. . . shall be construed to prevent the adoption or enforcement by any party of any measures necessary to security compliance with laws or regulations that are not inconsistent with the provisions of this agreement including those related to health and safety and consumer protection.

In 1993, when Congress ratified the NAFTA-implementing language, it also approved the U.S. Statement of Administrative Actions which says in part:

The ''no less favorable'' standard applied in articles 1202 and 1203 does not require that service providers from other NAFTA countries receive the same or even equal treatment as that provided to local companies or other foreign firms. Foreign Service providers can be treated differently if circumstances warrant. For example, a State may impose special requirements on Canadian and Mexican service providers if necessary to protect consumers, to the same degree as they are protected in respective local firms.

Ultimately there is one authority that decides what violates NAFTA and what does not, despite what we have heard on this floor over the last week and a half. Who decides is the NAFTA arbitration panel. Here is what they had to say in their ruling on this very topic:

The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from the United States or Canadian firms. U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.

So the NAFTA treaty itself stipulates that the U.S. can take measures to ensure the safety of its citizens. Congress' intent was clearly to allow this, and the NAFTA arbitration panel agrees.

Opponents have repeatedly quoted just part of the NAFTA treaty to make their case. But when you look at the entire treaty, at the specific implementing language passed by our Congress—and I will again remind our colleagues I voted for that—and at the official arbitration panel's ruling, it is clear that our safety provisions are consistent with NAFTA.

Those are the facts. But in spite of the facts, we hear the administration's allies suggesting this is driven by special interests. Let's take a look at who those special interests are, suggesting the Congress fulfill its obligation to protect the health and welfare of our citizens.

Let me read to you who those special interests are who back the majority of the Senate and the safety provisions in this bill: Advocates for Highway and Auto Safety, Public Citizen, Parents Against Tired Truckers, Consumer Federation of America, the Trauma Foundation, Triple A of Texas, American Insurance Association, the California Trucking Association, Citizens for Reliable and Safe Highways, Commercial Vehicle Safety Alliance, an independent drivers association in Mexico, Friends of the Earth, the Owners, Operators and Independent Drivers Association, the Sierra Club, and organized labor.

Those are the special interests that believe our constituents should be safe on our highways.

Finally, let me address the issue of implementation of NAFTA. To be sure, this is not a problem that the Bush administration created. It is one that it inherited. The problem is how this administration has chosen to respond to the challenge.

As I have stated previously, this debate is not about how to keep Mexican trucks out of the United States. This is about the conditions under which we will let them enter. For all of the discussion of our obligations to our neighbors to the south, my first obligation is to the people who elected me. We can comply with NAFTA, promote free trade, and ensure the safety of our roadways simultaneously.

I believe Senator SHELBY and I have crafted a provision that will help us achieve those goals.

The administration and its allies have taken considerable exception to this, and while I am working with them to seek ways to address their concerns, I am unwilling to sacrifice my principles. With the provision contained in our bill, when you are driving on the highway behind a Mexican truck you can feel safe. You will know that the truck was inspected and the company has a good truck record.

You will know that American inspectors visited their facility and examined their records.

You will know the driver is licensed and insured, and that the truck was weighed and is safe for our roads and for our bridges.

You will know that they will keep track of which drivers are obeying laws and which ones are not.

You will know that drivers who break our laws won't be on our roads because their licenses will be revoked.

You will know that the driver behind the wheel of an 18-wheeler has not been driving for 20 or 30 straight hours.

You will know that the truck didn't just cross our border unchecked but crossed where there were inspectors on duty.

That is real safety. We should get about the business of passage.

I urge my colleagues to reject the delay and the insults and pass this good, balanced bill that will help our country make progress on the transportation challenges that are getting worse every day. This bill is balanced; it is bipartisan; and it is beneficial. Let's put it to work for the American people.

I retain the remainder of my time.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Texas.

Mr. GRAMM. Madam President, our dear colleague from Washington says opponents of this provision—such as the New York Times, the Washington Post, the Chicago Tribune, the Cleveland Plain Dealer—are trying to cloud the issues. But supporters of her provision, such as the Deseret News, see it in crystal-clear terms.

Let me begin by saying that our colleague from Washington asked: Who can be opposed to truck safety? How could anyone be in favor of unsafe trucks on American roads? The answer to that is very simple. No one is opposed to truck safety. No one wants unsafe trucks on our roads.

I will begin by asking that amendment No. 1053, which is the substitute that Senator MCCAIN and I submitted, and which is supported by the administration, be printed in the RECORD.

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

AMENDMENT NO. 1053

On page 72, beginning with line 14, strike through line 24 on page 78 and insert the following:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.—No funds limited or appropriated by this Act may be obligated or expended for the review or processing of an application by a motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of such motor carrier to be performed before the carrier is granted conditional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border, and before the carrier is granted permanent operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(ii) requires the safety review to include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with Federal motor carrier safety rules and regulations; and

(iii) requires that every commercial vehicle operating beyond United States municipalities and commercial zones on the United States-Mexico border, that is operated by a motor carrier authorized to operate beyond those municipalities and zones, display a valid Commercial Vehicle Safety Alliance decal obtained as a result of a Level I North American Standard Inspection, or a Level V Vehicle-Only Inspection, whenever that vehicle is operating beyond such motor carrier operating a vehicle in violation of this requirement to pay a fine of up to $10,000 for each such violation;

(B) establishes a policy that any safety review of such a motor carrier should be conducted on site at the motor carrier's facilities where warranted by safety considerations or the availability of safety performance data;

(C) requires Federal and State inspectors, in conjunction with a Level I North American Standard Inspection, to verify, electronically or otherwise, the license of each driver of such a motor carrier's commercial vehicle crossing the border, and institutes a policy for random electronic verification of the license of drivers of such motor carrier's commercial vehicles at United States-Mexico border crossings;

(D) gives a distinctive Department of Transportation number to each such motor carrier to assist inspectors in enforcing motor carrier safety regulations, including hours-of-service rules part 395 of title 49, Code of Federal Regulations;

(E) requires State inspectors whose operations are funded in part or in whole by Federal funds to check for violations of Federal motor carrier safety laws and regulations, including those pertaining to operating authority and insurance;

(F) authorizes State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce such laws and regulations or to notify Federal authorities of such violations;

(G)(i) determines that there is a means of determining the weight of such motor carrier commercial vehicles at each crossing of the United States-Mexico border at which there is a sufficient number of such commercial vehicle crossings; and

(ii) initiates a study to determine which crossings should also be equipped with weight-in-motion systems that would enable State inspectors to verify the weight of each such commercial vehicle entering the United States at such a crossing;

(H) has implemented a policy to ensure that no such motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States;

(I) issues a policy—

(i) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles;

(ii) with respect to standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border (under sections 218(a) and (b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 nt.)); and

(iii) with respect to prohibiting foreign motor carriers from operating in the United States that are found to have operated illegally in the United States (under section 219(a) of that Act (49 U.S.C. 14901 nt.)); and

(J) completes its rulemaking—

(i) to establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards (under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.)),

(ii) to implement measures to improve training and provide for the certification of motor carrier safety auditors (under section 31148 of title 49, United States Code), and

(iii) to prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States (under section 219(d), of that Act (49 U.S.C. 14901 nt.)),

or transmits to the Congress, within 30 days after the date of enactment of this Act, a notice in writing that it will not be able to complete any such rulemaking, that explains why it will not be able to complete the rulemaking, and that states the date by which it expects to complete the rulemaking; and

(2) until the Department of Transportation Inspector General certifies in writing to the Secretary of Transportation and to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations that the Inspector General will report in writing to the Secretary and to each such Committee—

(A) on the number of Federal motor carrier safety inspectors hired, trained as safety specialists, and prepared to be on duty during

hours of operation at the United States-Mexico border by January 1, 2002;

(B) periodically—

(i) on the adequacy of the number of Federal and State inspectors at the United States-Mexico border; and

(ii) as to whether the Federal Motor Carrier Safety Administration is ensuring compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by such motor carriers;

(iii) as to whether United States and Mexican enforcement databases are sufficiently integrated and accessible to ensure that licenses, vehicle registrations, and insurance information can be verified at border crossings or by mobile enforcement units; and

(iv) as to whether there is adequate capacity at each United States-Mexico border crossing used by motor carrier commercial vehicles to conduct a sufficient number of vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of the inspections.

In this section, the term ''motor carrier'' means a motor carrier domiciled in Mexico that seeks authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

Mr. GRAMM. Madam President, I want people to see this amendment because the amendment requires that every Mexican truck be inspected. It requires that the most stringent safety standards are met before Mexican trucks come into America, but it does it in a way that complies with NAFTA, a treaty obligation of the United States. It does it in a way that is common sense, to use the Senator's words, and that deals with legitimate safety concerns.

Rather than going on all day, let me try to do the following thing, which I think represents about as fair a way of responding to the Senator from Washington as one can respond.

She sets the standard that it be common sense and that it meet legitimate safety concerns. I wish to add to that that it not violate treaty obligations of the United States.

I would like to take four provisions of the amendment of the Senator from Washington, and I would like to submit it to those tests.

I have to say that I am quite pleased that the major newspapers in America have not been confused by this debate. In fact, the Chicago Tribune probably put it best in their lead editorial entitled ''Honk if you smell cheap politics.''

The truth is that Teamsters truckers don't want competition from their Mexican counterparts.

I am pleased that people have not been confused. But in case anybody still has any confusion about what we are talking about, I want to take five provisions from the Murray amendment and submit them to her test of common sense, legitimate safety concerns, and do they violate NAFTA.

The first has to do with a provision of the Motor Carrier Safety Improvement Act of 1999. This is a bill that was adopted by Congress, that has not been implemented fully by either the Clinton administration or the Bush administration, and it has to do with safety. These provisions apply to every truck operating on American highways. They apply to United States trucks, to Canadian trucks, and to Mexican trucks.

The Senator from Washington says in her amendment that until this 1999 law is fully implemented, even though it applies to American trucks, American trucks can continue to operate; and even though this law applies to Canadian trucks, Canadian trucks can continue to operate; but until this law is fully implemented, until the regulations are written—and the administration says that these regulations cannot be written and this bill cannot be fully implemented for at least 18 months—until that is the case, no Mexican truck would be allowed to operate in interstate commerce in the United States. And that provision would be clearly in violation of NAFTA.

I ask a question: If it is common sense that we don't want trucks to operate until this law is implemented, why don't we say all trucks? In fact, if we said all trucks, we probably would not be able to eat lunch this afternoon. But it would be common sense and it would not violate NAFTA.

The first provision of the Senator's amendment, in essence, says that something that cannot happen for 18 months has to be done before we are going to comply with a treaty related to Mexican trucks. That is as arbitrary as saying that Mexican trucks can't come into the United States until the 29th of February falls on a Tuesday. It is totally arbitrary, and it is aimed at only one objective; that is, to treat Mexican trucks differently than American trucks, differently than Canadian trucks, and in the process of violating NAFTA.

I think any objective person would say that requiring an action that has nothing to do with Mexican trucks to be undertaken by the U.S. Government before we are going to live up to a solemn treaty obligation of the United States has no element of common sense in it, nor does it have anything to do with legitimate safety. If it had anything to do with legitimate safety, we would restrict all trucks until this law was implemented.

Finally, the final test: Does it violate NAFTA?

Our requirement under NAFTA is very simple. It is one sentence. It is in the section on cross-border trade and services on page 1129. It says:

Each party shall accord the service providers of another party treatment no less favorable than that it accords in like circumstances with its own service provider.

This is the point: We are saying to American truckers that you can operate every day, even though this 1999 law is not implemented. We say a few Canadian trucks can operate today, even though this law is not implemented, but Mexican truckers can never operate, even though in NAFTA we promised they could. They can never operate until this law is fully implemented and the regulations are written.

That is clearly not equal protection of the law; it is clearly not equal treatment; and it clearly violates NAFTA.

The second provision of the Murray amendment that doesn't make common sense, that has nothing to do with legitimate safety, and that violates NAFTA has to do with truck leasing.

Let me set it in context. Big trucking companies don't own trucks anymore. They lease them to each other. The last thing any trucking company can afford to do is have trucks that cost $250,000 sitting in their parking lot.

(Mrs. BOXER assumed the chair.)

Mr. GRAMM. So what happens is, when a trucking company loses business or is under some limitation, the first thing they do is get on the Internet, and they put their trucks out for lease. They lease them to other companies, and the trucks are used. You cannot stay in the trucking business if you cannot lease your trucks.

The second provision of the Murray amendment says, if any Mexican trucking company is under any suspension, restriction, or limitation, they cannot lease their trucks.

There is not a major trucking company in America today that is not under some restriction or some limitation. You cannot operate trucks in America without having some restriction or limitation. It may be that you thought your turn signal was working, and it was not when you were inspected, or your mud flap tore off, but there is not a major trucking company in America today that does not have some limitation.

What the Murray amendment says is it is OK if a Canadian company has a limitation or has a suspension; they can lease their trucks to another company to operate—after all, they would go broke if they could not do it—and any American company that is under a restriction or a limitation can lease its trucks. But under the Murray amendment, a Mexican company that is under a restriction or a limitation cannot lease its trucks.

Does that make common sense? No. Is that a legitimate safety issue? No. Does that violate NAFTA? You bet your life it violates NAFTA because it treats Canadian companies and it treats American companies different from Mexican companies.

Why, if your objective is safety, would you want to have a provision that says that while Canadian companies can lease trucks and American companies can lease trucks—because they have to do it to stay in business—Mexican companies cannot lease trucks? You do not put that in an amendment because you are concerned about safety; you put it in an amendment as a poison pill to make it impossible for Mexican companies to operate in the United States. It is as arbitrary as saying: We can take our safety exams in English, but Mexican truck

drivers have to take their safety exams in Chinese. It is totally pernicious and totally discriminatory against Mexico.

Now look, you can argue we should have or we should not have entered into an agreement to allow a North American market to be opened to trucks of the three countries that joined the agreement. But the point is, we did agree to it. It was signed by a Republican President. We ratified it in Congress under a Democrat President. The final enforcement is occurring under a Republican President. We are committed to the obligations we entered into here.

No one can argue that not allowing Mexican companies to lease trucks—when no major American company could operate without being able to lease trucks—is a legitimate safety concern. No one can argue that that has anything to do with the application of common sense, nor can anybody argue that that does not violate NAFTA.

Now, today, almost every truck in Canada is insured by a company that is domiciled outside the United States. Most of them are insured by Lloyds of London. Some are insured by Canadian companies. Some are insured by European companies. The plain truth is, it is almost impossible in the world in which we live to know where an insurance company is domiciled because insurance companies are now doing business all over the world. So it is very difficult to know what ''nationality'' they are.

American trucking companies are not required to buy insurance from American companies. In fact, some of them have insurance with Dutch companies, with British companies and with Canadian companies. That is the way we operate. And that is common sense. That meets legitimate safety concerns. And that does not violate NAFTA. But whereas we let Canadian trucking companies buy insurance that is not sold by American-domiciled companies, and whereas we let American trucking companies buy insurance that is not sold by American-domiciled companies, the Murray amendment requires that Mexican trucks purchase insurance from companies domiciled in the United States. That violates common sense. It is not a legitimate safety issue, and it clearly violates NAFTA.

No. 4, as I mentioned earlier, almost any trucking company, at any one time, would have numerous violations—some small, some large, but it would have numerous violations—and you have a gradation of penalties for those violations. The same is true with regard to Canadian companies. But under the Murray amendment, if you are a Mexican company—we say in NAFTA that you are going to be treated exactly as an American company, exactly as a Canadian company; no better, no worse—but under the Murray amendment, if you have a violation, you are barred from operating in the United States of America. You have a penalty, and it is the death penalty.

Does that make common sense? Is that a legitimate safety concern? Is that a violation of NAFTA? The answer is, no, no, yes. It does not make common sense; it is not a legitimate safety concern; and it does violate NAFTA.

Let me just take a simple provision. If you needed living proof that this debate has nothing to do with safety, let me pose the following question: If you really wanted safe Mexican trucks—and I remind my colleagues that with the support of the administration, Senator MCCAIN and I offered an amendment that required the inspection of every single Mexican truck coming into the United States, something we do not do with regard to Canadian trucks, something we do not do with regard to our own trucks, but if you were really concerned about safety, and you were going to implement NAFTA and allow Mexican trucks in interstate commerce, would you want to take your best, most experienced inspectors and put them where they are going to be inspecting Mexican trucks? I would. And I think that is a reasonable question.

If your concern is safety and not protectionism, if your concern is legitimate safety and not a back door way of violating NAFTA, if your concern is about safe trucks, not about keeping Mexican trucks out of the United States, wouldn't you want to have your most experienced inspectors inspecting Mexican trucks —and we require inspecting every one of them—because you want your best people inspecting new trucks that are coming into the country for the first time? Doesn't that make sense?

Would it make any sense, if your objective was safety, to have a provision that current inspectors who have training and experience could not be moved to inspect Mexican trucks? Could anyone who had any concern about safety of Mexican trucks support a provision that said you could not take inspectors who are trained and experienced and move them to the Mexican border to inspect existing trucks?

You have to start from scratch. You have to hire new people, you have to train them, and you have to get them experienced. Remember, months, years are ticking off the clock.

Could anybody have any reason to believe that a provision that said experienced inspectors could not be moved so they would be inspecting new Mexican trucks coming into the United States—if your concern was about safety, that would be the last provision you would ever put in your bill. If you were concerned about safety, you would never ever support a provision that said you have to inspect Mexican trucks, but you cannot take people who are trained and experienced—who are now inspecting trucks —and move them so that they can inspect Mexican trucks. That would be the last thing on Earth you would ever do. But the Murray amendment does it.

Remarkably enough, the Murray amendment says that they are so eager to inspect these Mexican trucks, that they are so concerned about their safety, that not one inspector who is currently inspecting trucks in America, not one inspector who currently has both training and experience, can be moved to meet this new need of inspection.

Why on Earth would anybody who is concerned about safety ever have such a provision? The only reason that any such provision would ever be written into an amendment is if the objective was not safe Mexican trucks but the objective was no Mexican trucks.

The Murray amendment literally says: Anybody who is currently inspecting trucks, anybody currently licensed to inspect trucks, anybody currently trained to inspect trucks cannot be moved so that they inspect Mexican trucks. They have to be recruited, trained, and then they have to get practical experience.

The net result of that is not safe Mexican trucks; quite the contrary. To the extent they came into the country, it would mean unsafe trucks. But the objective, the only logical, commonsense reason that such a provision would ever be in a bill is if you want to prohibit Mexican trucks.

Our colleagues can say over and over and over and over again that this is about safety. The problem is, the administration, Senator MCCAIN, and I support inspecting every Mexican truck, something we do not do with Canadian trucks, something we do not do with American trucks. We support employing exactly the same standards in requiring them to meet every standard we have to meet, and we support a more stringent inspection regime until they prove they are meeting those standards.

What we do not support, what we cannot support or accept, and what we will continue to oppose through three more clotures and ultimately a Presidential veto, is discrimination against Mexico. We will not support and we will not accept provisions that go back on our commitment in NAFTA.

The greatest country in the history of the world does not violate commitments it makes in treaties. I repeat: While I know it is easier to cover this story by saying this is about various levels of safety standards, the things that the administration objects to and the Mexican Government objects to and Senator MCCAIN objects to and I object to have nothing to do with safety. They have to do with provisions that are written for one and only one purpose; that is, to prevent Mexican trucks from coming into the United States and, in the process, violating NAFTA.

I have outlined—there are others I could go through—five irrefutable examples where we say: Until some regulation is promulgated that applies to all trucks, not just Mexican trucks, that Mexican trucks shall not come into the country.

I have talked about not letting Mexican trucking companies lease their

trucks when we let American and Canadian companies lease their trucks. The only reason you would not do it is if you want to make it so people cannot be in the trucking business. I have talked about buying insurance. We don't make our own companies buy American insurance. We make them buy insurance that is licensed, that meets our standards, but they can buy Dutch insurance, British insurance, Canadian insurance, Japanese insurance. What this provision would do is treat Mexico differently than everybody else.

This is not about safety. This is about discrimination. This is about treating Mexico, an equal partner in NAFTA, as a second-class citizen. This is about sham safety provisions that basically have the result of preventing Mexican trucks from operating in the United States and violating NAFTA.

Let me conclude by making the following point: It is an incredible paradox. A lot of talk has been made about Mexican trucks. Today Mexican trucks bring goods to the border, come across the border, go to a warehouse, and unload and go back. The Mexican trucks that are operating in the 20-mile radius of the border are basically hauling watermelons and cabbages and vegetables. You are dealing with old trucks. People do not haul cabbages across the border in 18-wheelers.

The figures being used about safety inspections, even though Mexican trucks are being inspected twice as much as Canadian trucks today—and by the way, the drivers in the inspections are being rated better than American drivers; many of them are college graduates—people are using trucks that are hauling cabbages as an example of the kind of trucks that are going to be operating in interstate commerce.

The plain truth is that Mexican trucking companies are going to lease trucks from the same leasing companies that lease trucks to American trucking companies, and they are going to buy new trucks to lease. The debate is not about safety. The debate is about protectionism. The debate is about a well-organized special interest group, the Teamsters union, which has worked very hard to try to prevent the United States from living up to NAFTA. They are not going to win.

First of all, we have three more clotures, and we intend to use every right we have because this is an important issue. I have to say, I am surprised that so many of the major newspapers in America—the New York Times, the Washington Post, the Chicago Tribune, the Cleveland Plain Dealer—despite all of this fog of rhetoric, ''safety, safety, safety, safety,'' when the provisions in dispute have nothing to do with safety, I am pleased that they have seen through the fog.

The reason the Founding Fathers structured the Senate as they did was that they were not counting on the New York Times or the Washington Post seeing through the fog. They recognized that there were going to be issues where you were going to have well-organized special interest groups standing outside that door. They were going to be lobbying. They were going to be pushing, and it was going to be possible to take raw, rotten special interests—in this case, special interests that would have us violate a solemn treaty agreement of the United States—and make us hypocrites all over the world when we call on our trading partners to live up to their agreements, when we are violating our agreement with our neighbor to the south.

The Founding Fathers recognized that people would get confused, that issues would get clouded. And so when they structured the Senate, they gave a few Senators—one Senator, any Senator—rights to defend their position. Senator MCCAIN and I have used those rights. We are going to continue to use them. There are three more clotures before this bill will ever go to conference. The bill, if it does get to conference, will be fixed, or the President will veto it, and we will start the whole process over.

In the end, when we are dealing with something as important as NAFTA, when we are dealing with something as important as America living up to its treaty obligations, if that is not worth fighting for, the job of a Senator is not worth having.

I am pleased that the major papers in America are not confused. I am pleased that it is clear to them that people should know that this is about special interests. This does violate NAFTA. I have given five clear examples, beyond any reasonable doubt, where no person could argue that the provisions of the Murray amendment have any objective at all other than preventing Mexican trucks from coming into the country.

The one that I spent the most time on is the one that has to do with simply the question of whether you want inspectors to inspect Mexican trucks. The Murray amendment says no. Any inspector currently inspecting trucks in America can't go inspect Mexican trucks. You have to hire new people. You have to train them. You have to let them get experience.

That provision is not about safety. That provision is about raw, rotten protectionism. Happily people are recognizing it for what it is.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I think it is very important that we go back and look at what has happened on the issue of Mexican trucks, NAFTA, and the safety of American highways.

When NAFTA was passed, it was explicit in permitting the Federal Government and individual States to establish and enforce their own requirements for truck safety. It also said that there should be a single standard in every jurisdiction. So the standard should apply to trucks from the United States, Mexico, and Canada.

However, what I think has been missed in this debate is the ruling of the international tribunal in February which, it has been pointed out, did find the United States in violation because we actually had halted the truck safety rules in 1995 in this country, and so the United States had failed to meet the deadline.

But the other part of this Mexican tribunal ruling was that the United States does not have to treat applications from Mexican-based carriers in exactly the same manner as United States or Canadian firms. In fact, there are some differences in the treatment of Canadian firms because of different operating authorities in that sovereign country.

The panel also said that the United States is not required to grant operating authority to any specific number of Mexican applicants. I went back and looked at the makeup of the NAFTA tribunal because I thought it would be important to know. The tribunal was two Mexican citizens, two United States citizens, and the chairman was from Britain. The vote was unanimous because it was noted that there could be different rules for certain countries because of the significant differences in the country's safety regimes. So this was not a 3–2 vote, where the Mexican nationals voted differently from the United States and British nationals. It was a unanimous vote that acknowledged there would be differences that could be addressed.

The Bush administration, to its credit, is playing catchup because we have had 5 years of delays from the previous administration. Their proposed rule that came out of the Department of Transportation was a start, but it was not adequate to provide clear United States safety under any kind of term that would be considered acceptable.

The original Department of Transportation rule would require that, for the first 18 months of operation, Mexican carriers would be required to comply with documentary production, insurance requirements, and undefined safety inspections. The rule was vague and insufficient. That is why I sat down with officials from the Department of Transportation and I said: These rules are inadequate. We cannot allow trucks to come into our country that haven't either been certified or inspected, and the certification would only come from inspection. That would not be prudent. It would not be responsible.

The Department of Transportation authority agreed. We have been working all along—Senator MURRAY, Senator SHELBY, Senator GRAMM, and Senator MCCAIN, along with myself—with the Department of Transportation to beef up those rules. I think it is fair to say that the Murray-Shelby language has part of the requirement for beefing up those rules, and Senators MCCAIN and GRAMM have suggested, in the form

of drafts, other requirements. In fact, I have offered other requirements that are not in either bill, which I think are very important.

Yes, I think we can change some of the parts in this underlying bill. I think the discussion that has been going on for almost 2 weeks on this floor is really a process discussion, not a substantive one. I say that because I think we are very close to agreeing to the parts of the underlying bill that should remain, the parts that should change; and I think all of us are in agreement that the House version is unacceptable because the House version does what has caused us to get in trouble under the NAFTA agreement, and that is shut down the regulations and act as if we are just not going to comply. That is not responsible. The House position is not tenable.

On the other hand, I think we are very close to significant changes in the original Department of Transportation regulation because they were totally inadequate and they now have stepped up to the plate and agreed, working with Senator MURRAY, myself, and with Senators GRAMM and MCCAIN, to come up with good safety regulations.

The bottom line for all of us is that we must have inspections of every truck. When we talk about whether we go into Mexico to the site of the trucking company to make the inspection, I think we should do that if we have the permission to do it. And it will be in the interest of the trucking company in Mexico to allow the inspectors in, because if you get the certification stamp on your truck as a result of being inspected onsite, then your truck will not be stopped at the border. It will have been inspected and certified, and you will be able to operate it under the same rules as a U.S. truck operates. And if the Mexicans agree that it is in their best interest—and I think they will—then that is going to alleviate a lot of problems, and it is going to ensure the inspections that will ensure the safety.

Secondly, the Murray language in the underlying bill does something very important to implement this regulation, which the House failed to do, and that is, it has the $103 million that has been requested by the President to finance the infrastructure to hire and train the inspectors at the border and to provide aid to States to inspect trucks along the United States-Mexico border.

Now, I cannot imagine anything worse than saying we are going to have all these regulations, but we are not going to have any inspectors. One of the reasons so many of my border constituents are concerned about the Mexican truck issue is because we have had Mexican trucks within a 20-mile limit through the border, and they have not all been inspected; they have not all met the requirements that would make people on our highways feel safe. In fact, I will quote from the AAA Texas Chapter press release in which it says:

The U.S. Department of Transportation reports that more than 35 percent of trucks from Mexico, under this 20-mile rule, were taken out of service for safety violations in 2000. That compares to 24 percent for U.S. trucks and 17 percent for trucks from Canada.

It is very important we look at the people who are living with this problem the most right now. We have had a lot of editorials read into the RECORD, and I will read two editorials from Texas newspapers, one from the El Paso Times. The heading is: ''It Is About Safety. No ifs, ands or trucks—unless they pass the test.''

Just as the U.S. Senate was voting in favor of tough safety standards for Mexican trucks crossing into the United States, a new truck-inspection site sprang up at Delta Drive and Hammond Street, near the Bridge of the Americas.

It was a welcome surprise, given the extreme level of concern about the safety of Mexican trucks coming into the country and driving through El Paso.

The new inspection station near the Americas Bridge should furnish a clearer picture of how bad the safety problems with Mexican trucks are or are not. Between January and June, inspectors at international bridges placed 132 American trucks out of service, and 944 Mexican trucks. This indicates a severe problem exists.

So it is very important.

I ask unanimous consent the editorial from the El Paso Times be made a part of the RECORD.

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

[From the El Paso Times, July 29, 2001]

IT'S ABOUT SAFETY—NO IFS, ANDS OR TRUCKS—UNLESS THEY PASS TESTS

Just as the U.S. Senate was voting in favor of tough safety standards for Mexican trucks crossing into the United States, a new truck-inspection site sprang up at Delta Drive and Hammett Street, near the Bridge of the Americas.

It was a welcome surprise, given the extreme level of concern about the safety of Mexican trucks coming into the country and driving through El Paso.

State Rep. Joe Pickett, D-El Paso, said the information gleaned from the inspections would be forwarded to President Bush to let him know ''what kind of trucks are coming through.''

Bush is currently engaged in a bitter fight with Congress over how tough safety standards should be for Mexican trucks entering this country. Bush has threatened to veto the tougher rules the Senate is advocating.

The new inspection station near the Americas Bridge should furnish a clearer picture of how bad the safety problems with Mexican trucks are or aren't. Between January and June, inspectors at international bridges placed 132 American trucks out of service—and 944 Mexican trucks. That indicates a severe problem exists.

Pickett said the state isn't planning to make the new inspection station a permanent fixture. But during its lifespan, it should be able to furnish much pertinent information to the discussion over truck safety.

Meanwhile, the president and Congress have to meet at some middle ground concerning Mexican trucks. The North American Free Trade Agreement mandates allowing Mexican trucks access to all parts of the United States.

That, of course, should be honored.

But both Congress and the president must also look out for the safety of American highways and American motorists.

Mrs. HUTCHISON. Madam President, I will also read from the Austin American Statesman of July 31, 2001; the headline, ''No Matter Their Origin, Trucks Must Be Safe.''

For Central Texans, the fight over Mexican trucks on America's roads and highways is more than just an inside-the-beltway partisan political battle. Austin is ground zero for trucks coming across the border and up Interstate 35. I–35 from San Antonio to Dallas is already one of the most dangerous stretches of interstate in the Nation. Adding thousands of unsafe trucks to the mix increases the threat to accidents, injuries and fatalities. What is spirited debate and hardball politics in Washington is deadly reality in Austin. In fact, both sides may be right. A NAFTA panel said as much earlier this year when it found the United States in violation of the treaty for restricting Mexican trucks but then added, the safety of trucks crossing the border is a legitimate issue and an important responsibility of the Federal Government.

That is the tribunal that was unanimously speaking with two Mexican members, two United States members, and a British chairman.

It goes on to say:

Congress should not abrogate NAFTA for purely political purposes and force Mexican trucks to meet stiffer standards than the American-Canadian fleets. If the Mexican trucks do not meet the standards, however, pull them off the road. It should, as President Bush suggests, step up inspections and increase enforcement of the safety standards already in place.

That is exactly what the bill before us today does. It beefs up inspections.

This is common sense. Of course we must beef up inspections. The Murray language does that. Of course we must pay for it. The Murray language makes it a priority.

After the House passed the amendment that would shut down the inspections at the border and take the money away, I went to Senator MURRAY and said, this is not responsible governing. She agreed, and she has worked with a lot of different interests to try to forge what is right. Maybe it is not perfect. I do not agree with every single part of it. I think Senator GRAMM and Senator MCCAIN have made a few good points, but I do not think holding up the bill and keeping progress from going forward is the right approach. They certainly have the right to do that, as any Member of the Senate does, but I do not think we are going to get to the goal they want by holding up the bill.

We have a workable bill before us. We can make some changes, and I think Senator MURRAY will work with us to make those changes.

The Department of Inspection and President Bush have made very solid suggestions on what we need to uphold NAFTA and to uphold the integrity of safety on the U.S. highway system.

I hope the games will end. I hope we can go forward with a very good start on this problem so we will be able to immediately begin the process of putting those border inspection stations in

place, because without the inspections, none of this is going to make sense. I assure my colleagues, we will not have safety if we do not have the capacity to inspect, and that is the most important goal we should all have.

I agree with the Austin American Statesman and the El Paso Times. These are two cities. Austin is our State capital. El Paso is the largest Texas border city with Mexico. The largest Mexican city on the entire border is Juarez. We know safety is important for every person who is on our highways: Americans, Hispanic Americans, Black Americans, Asian Americans, and foreign people traveling on our highways. We have a reputation for safety. We must uphold that reputation for the sake of our families and our children.

I do not want unsafe American trucks. I do not want unsafe American cars. That is why we have inspection requirements because people traveling on our highways feel safe, and we must assure they stay that way.

We are close to a compromise. I do not really think we are talking substance anymore. We are talking process. We have a solution the Department of Transportation, the President of the United States, and every Member of the Senate is going to agree is the right solution. The real donnybrook is whether we put it on the bill now or we hammer it out in conference with all sides at the table. We can do it in conference with all sides at the table.

Reasonable minds can disagree on this. I certainly think every Senator has the right to hold up progress, but inevitably we are going to sit down at the table in conference and work this out. I hope that does not mean September because we will have lost a month of setting up those inspection stations and starting the process of getting our house in order to have inspections of every truck coming into our country, from Canada or Mexico.

If we wait until September, because of the process initiatives that have been going on for over a week on this bill, we are not serving the best interests of our constituents and the people who depend on us to make the right decisions. I hope we will listen to the tribunal that spoke out and said we have the sovereign ability to keep our roads safe. We can come to an agreement that will do that and comply with our responsibilities under trade agreements as well.

I yield the floor.

Mrs. MURRAY. Madam 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.

Mr. ALLARD. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. ALLARD. Madam President, I ask unanimous consent to speak on a subject unrelated to the topic that is now before us, and that my comments follow those of the Senator from Mississippi this morning, Mr. COCHRAN, who spoke on missile defense.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, could I ask the Senator for how long he wishes to speak?

Mr. ALLARD. I request 20 minutes.

Mr. REID. That will be fine. I ask unanimous consent I be recognized at the expiration of those remarks.

Mr. DORGAN. Reserving the right to object, and I shall not, of course, object to the request to speak, my understanding is we are on the Department of Transportation appropriations bill. I came over intending to speak on that matter, on the amendment that has been discussed most recently.

The Senator from Nevada wishes to be recognized following the Senator from Colorado; is that correct?

Mr. REID. Yes.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. DORGAN. I shall not object. I did want to indicate I wanted to speak on this bill, on the amendment, but I will certainly defer to the morning business request.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

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

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I heard this morning the Senator from Washington, the manager of this bill, talk about why this legislation is important. Earlier this morning, I talked about why this legislation is important to people of the State of Nevada. I heard her this morning read into the RECORD the names of organizations that support this legislation, and a few minutes later I walked over to my office.

As I walked to my office, one of my friends said: I would like you to meet someone. As I proceeded over to see the person that I was asked to meet, I was introduced to a woman from the State of Maine. I cannot remember her name. I was introduced to her outside this Chamber. She was here representing Parents Against Tired Truckers. It doesn't sound like much, does it?

This woman lost a son. In 1993, her son was killed by a truckdriver who had been on the road too long. That is what this legislation is all about, making sure our roads are safer. I acknowledge that there are things we could do with American truckdrivers that would create safer ways for me and my family to travel on these roads. But we do not need to get into that today.

What we need to get into today is recognizing what Senators MURRAY and SHELBY have done, which is to write legislation to make our roads safer so that we do not have this organization gaining more parents who have lost children as a result of tired truckers.

I told the woman whose son was killed in 1993: I appreciate you being involved for so long.

She said: I am never going to give up.

That is how I look at the Senator from Washington: She is never going to give up. She believes strongly that what she and Senator SHELBY have crafted is fair. Keep in mind, it is not as if the Senator from Washington is working in a vacuum.

What the House of Representatives did, by a 2–1 vote, is outlaw Mexican trucks coming into the United States. So it seems to me this approach is reasonable; it does not outlaw all Mexican trucks coming into the United States, but to say we want Mexican trucks coming into the United States to have certain basic safety features. And we want to check to see if they are adhering to those safety features. That is what her legislation does.

So I personally am very happy with this legislation. It is no wonder that we have people lobbying the Senate. When you hear about lobbyists, the first thing you think of are people wearing Gucci shoes and driving in limousines. The woman from Maine did not have a limousine, and she was not wearing Gucci shoes. She paid her own way here to advocate for safer highways. This legislation is important to her.

That is why we have all kinds of organizations—too lengthy to put in the RECORD; some of these names have already been put in the RECORD—that are advocates for highway and auto safety.

Public Citizen is a public interest organization that is involved in many things dealing with consumer safety. They are concerned about this legislation. They favor the Murray proposal.

Consumer Federation of America: Of course, we know what the Consumer Federation of America is. It is an organization that supports consumers getting a fair break in America. That is what the legislation is from the Senator from Washington. It is just to make sure that the traveling public will be on highways and roads where the trucks coming from other countries have certain minimal safety features. That is how I look at it. Others may look at it differently.

The Trauma Foundation: Why would the Trauma Foundation be interested in legislation such as this? The Trauma Foundation is interested in legislation such as this because people get hurt on these roads—people get maimed, injured, and killed. That is why the Trauma Foundation of America supports this legislation.

I think one of the most interesting aspects of this legislation is that the Texas Automobile Association of America supports this legislation. I think that is pretty good. In fact, the Texas AAA issued a press release, going line by line over the legislation of the Senator from Washington, supporting her legislation.

On-site safety audits at the company facilities prior to authorizing their trucks to cross the border: This isn't

what Senator MURRAY is saying; this is what the Texas Automobile Association of America is saying.

They also say there should be significant improvements in safety inspections at the border, including enforcement of U.S. weight limits. They also said there should be adequate resources for enforcement throughout the United States. They believe there should be verifiable insurance on each vehicle. It does not seem too bizarre to me that this legislation calls for trucks coming into the United States to have adequate and verifiable insurance information on each vehicle.

There should be shared tracking of the company's truck and driver safety records between the United States and Mexican authorities. The Texas AAA says there should be enforcement of safety laws, including limiting the number of continuous hours spent driving. That also does not seem too outrageous to me, that if we are going to have these huge trucks with over 100,000 pounds of material on them, we are asking that the drivers have a limited amount of hours driving these trucks. I think that is something that is extremely important.

So they end their press release by saying: The safety of the motoring public should not be risked in the rush to meet an apparently arbitrary deadline. They believe that it is extremely important. So I think it kind of says it all, if we have the Texas AAA asking that we uphold this legislation. It is reasonable legislation.

Madam President, I ask for the yeas and nays on the pending legislation.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Madam President, I would be delighted to yield.

Madam President, I want to say a word about the Mexican truck amendment, the Murray-Shelby amendment, particularly to commend both Senator MURRAY and Senator SHELBY on their diligence. The Senator from Washington has been persistent and has been ultimately fair.

What happens is—since we have been criticized about even putting this on an appropriations bill—many times the cart gets before the horse. And what happened on this occasion was that the President of the United States announced summarily that come January 1 we were going to admit the Mexican trucks, ipso facto—bam, that was it.

I go back immediately to the debate that we had about NAFTA, where it had been suggested that we use the common market approach rather than the free market approach. The Europeans learned long since that the free market approach did not work. On the contrary, they said: What we need to do is to develop the infrastructure of a free market; namely, property ownership, labor rights, respect for the judiciary, the infrastructure, if you please, for safety and for health care.

The Europeans thereafter taxed themselves some $5.7 billion over a 5-year period, setting those elements of infrastructure up within Greece and Portugal before they admitted Greece and Portugal into the common market.

We see the result of not having done that. Here we are faced with the announcement by the President and, thereupon, the action by the House in their appropriations bill. So while we had, in the authorizing committee, scheduled a hearing with respect to the Mexican trucking problem, we had to act in the Appropriations Committee in order to make it deliberate and sound and fair.

The action on the House side was not that deliberate, sound, or fair. On the outside they just said: Look, we cut off any and all funds for the admission of Mexican trucking into the United States come January 1—or during the fiscal year 2002.

I would agree with the President, that would be a nonstarter. So what we did then, working with Senator MURRAY and Senator SHELBY at the authorizing level, is we continued, we had the hearing, and we addressed elements included in the Murray-Shelby amendment providing just those things that are required by U.S. truckers.

I was particularly sensitive to that. There was no one who opposed NAFTA any more strongly than this particular Senator. Yet now we have it. It is not going to be repealed. It should be made to work.

Very interestingly, since my colleague from Texas is on the floor, what happened was, it didn't work, NAFTA didn't work. Drugs got worse. Immigration got worse. The take-home pay of Mexicans got worse. We were supposed to get 200,000 jobs. We lost 500,000 jobs. Instead of a $5 billion-plus balance of trade, we have a $25 billion deficit in the balance of trade with Mexico.

There was one good message that went to the American people. For the first time in some 82 years, they kicked out the PRI. And who is in as the Foreign Minister? Jorge Castaneda, one of the biggest opponents of NAFTA. Who is in as security chief down in Mexico? Mr. Adolfo Aguilar Zinser. I worked with these gentlemen. They were trying to build up Mexico's infrastructure.

Yesterday, I met with Mexico's Minister of the Economy, Luis Ernesto Derbez. I said: Mr. Minister, point out to me whereby there is any one of these provisions here in Murray-Shelby that is not required of the American truckers. He couldn't point out a one. I said: I know you haven't had a chance to study it because the White House and others have been calling around, jumping on them down in Mexico, saying: Get on up here. We have an anti-Mexican thing going on here. They are jumping all around, and they don't know what they are talking about.

I said: Write me a letter and point out whereby we don't require of our American truckers what we are requiring in Murray-Shelby. Of course, they can't do it.

So this idea of ''negotiate, negotiate,'' and ''they bypassed us,'' and all that, that is out of whole cloth. We had an authorizing hearing. We had the witnesses appear. This isn't pro-Mexican; it isn't anti-Mexican. Trade is a two-way street. If we require it of the Mexicans, that which we are requiring of our own truckers, they immediately will counter and require it of our American truckers. When you do not have the infrastructure, that is when the damage is done; so we put in Murray-Shelby that on-site safety inspections take place.

The Secretary of Transportation, my good friend, said: Are we going in to inspect them? The Mexican inspectors come up to Senator MURRAY's home State of Washington to check the apples, and, yes, we are going in to check those stations, like the Canadians check ours and we check theirs. Why? Because once we know the work there at that safety station is sound and thorough and reliable, then they can come to the border with a sheet of paper and we will pass them right on through. We can't just have passthroughs and a sheet of paper giving you nothing.

This thing has gotten wholly out of kilter. I think it was really done to slow down the process, because we were doing too well over here. We passed the Patients' Bill of Rights, and we have been passing other things around here. We are going to pass some appropriations bills.

Our opponents say we haven't negotiated. Baloney. I've been negotiating and I remain ready to negotiate.

Put up your amendment, and we will vote. Let's get on with this particular measure. Get it over to the conference. Pass this one and move forward. But don't put this in the context of anti-Mexican or unfair or in violation of NAFTA.

I went immediately to the arbitration panel, and Minister Derbez yesterday agreed. He said: No, we understand safety is required on both sides of the border. It is part of NAFTA. It is not in violation of NAFTA. So we know we hadn't violated NAFTA and violated our treaty. I don't know why all this sanctimony about violating treaties around here. That is all we have ever had, violations of these trade treaties. I had the book this morning put out by the special trade representative—it is an inch and a half thick—of all the violations, 68 pages by the Japanese. Come on. We can't get into Japan 50 years later. So we really have to honor our treaty and all that? Come on.

I have heard enough of it now. The Senator from Alabama, Mr. SHELBY, and Senator MURRAY have gone about this in a purely bipartisan manner. There is no partisan or anti-Mexican feature to this whatsoever. It is a political slowdown. They know it.

Let's get on with the slowdown and let's go on home as we are supposed to in the month of August. The month of August has arrived. I see the distinguished minority leader is here. He likes to go home at 7 o'clock. I like to go home in August.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Republican leader.

Mr. LOTT. Madam President, in the interest of time, might I inquire of the Senator from North Dakota, was he seeking time to speak further on the issue?

Mr. DORGAN. Madam President, I came to speak on the amendment in the bill. I agreed to a unanimous consent request to allow a Member on the minority leader's side to do 20 minutes of morning business on this subject. I have waited to have an opportunity to speak for about 8 to 10 minutes on the issue of Mexican trucks.

Mr. LOTT. Madam President, of course we try to accommodate each other on both sides of the aisle. We try to go back and forth in those speeches. I was not aware of that earlier agreement. I am perfectly willing to allow the Senator to go forward at this point. Then I will speak next in line.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. The Senator from Mississippi, the minority leader, is most generous. There was not an agreement. When the Senator from Colorado sought 20 minutes in morning business, I was here waiting to speak on the bill. He certainly was entitled to speak in morning business. I thank the Senator for his generosity.

I rise to address the issue of Mexican trucks. My friend, the Senator from Arizona, has spoken about it today. My friend, the Senator from Texas, has spoken.

After all the debate, it is important for everyone to understand, there is nothing here about punishment or being punitive to the country of Mexico. That is not what this is about. Some of my colleagues have said we are being discriminatory. That is not true.

The truth is, this issue is about highway safety. Senator MURRAY from the State of Washington has put a provision in the appropriations bill that is not only appropriate but needs to be kept in this bill in order to assure safety on America's highways. Frankly, I wish she had chosen to use the House language which was presented by Congressman SABO. It is stronger language. It would prohibit, during this coming fiscal year, the use of funds in this legislation to certify Mexican trucks desiring to go beyond the 20-mile limit.

I wish Senator MURRAY had included that. She did not. She chose to take a different approach. She has taken an approach that also will provide a measure of safety for American highways.

What is this issue really about? It is not about whether we are violating a trade agreement. No one can credibly argue that any trade agreement at any time under any circumstances requires this country to sacrifice safety on its highways.

It is about using common sense to understand when and under what circumstances shall we allow Mexican long-haul truckers to go beyond the 20-mile limit that now exists.

Some will say: Let's immediately allow Mexican long-haul trucks to operate throughout the United States. That is what President Bush says. On January 1, we intend to allow long-haul Mexican truckers into this country beyond the 20-mile limit. He says we will provide inspections and so forth.

The fact is, there will not be sufficient inspections. There are not sufficient inspection stations. There are not sufficient inspectors. There are not sufficient compliance officers. There is not a ghost of a chance of that happening. Everyone knows it.

I sat in a 3- to 4-hour hearing in the Commerce Committee with the Secretary of Transportation and the Department of Transportation Inspector General. All of us understand that the numbers of inspectors and compliance officers requested for the border fall short of what is required for safety monitoring.

To those who say we can allow access throughout the United States to Mexican trucks on January 1 and those traveling on our highways will be protected, the numbers don't add up. We will not be protected. There are not the resources available to hire the number of inspectors or the compliance officers to allow this to happen.

Are there reasons for us to be concerned if you don't have a regime of inspections? The answer clearly is yes. I would refer again to a news report about long-haul trucking in Mexico that featured in the San Francisco Chronicle in March. This article simply mirrors what most of us know about the lack of standards in Mexico. A reporter went down and traveled for 3 days with a Mexican long-haul trucker. In 3 days this Mexican long-haul trucker drove 1,800 miles and slept 7 hours. Yes, that is right; in 3 days, he slept a total of 7 hours. He didn't run into safety inspections because safety inspections are not common in Mexico. The driver didn't keep a logbook because, although they are required in Mexico, drivers don't keep them.

The fact is, in Mexico, they don't have limitations on hours of service, and so a truckdriver can drive 3 days and sleep only 7 hours and will not be in violation of Mexican laws.

The question is, Would you want the truckdriver in the San Francisco Chronicle article to cross the U.S.-Mexico border into this country, after having slept only 7 hours in 3 days while having driven 1,800 miles in a truck that could not meet this country's safety standards because it had a broken windshield? I don't think anybody would want him to cross into this country and travel on America's highways. That clearly compromises safety on our highways.

So, the Senator from Washington has placed a provision in this legislation. She had to put it on this appropriations bill because the President indicated he intends to move on January 1. Really, the only option to stop the President's intentions is to put the provision in the appropriations bill and give us some assurance of safety on America's highways. That is what this dispute is about.

I agree that there is room for different opinions, but on this legislation, the facts are quite clear. I sat in a hearing for hours on this subject, hearing from the Department of Transportation's Inspector General. The Inspector General's report represents the base of facts here. The Mexican trucking industry does not have the same standards we do. There is no requirement for such standards. The inspection stations that should exist in the United States don't exist. Those inspection stations that do exist are not open sufficient hours to for proper inspection. If trucks happen to be inspected, at the vast majority of sites, there aren't enough spaces to park the trucks with serious safety violations. You can't send them back to Mexico because, for example, they may not have brakes. These are insurmountable problems to overcome prior to January 1.

That is why the Senator from Washington has done what she did. She needed to put restrictions in this legislation that I think are necessary to assure highway safety.

My understanding is that the Senator from Kentucky would like me to yield for a unanimous consent request. I would be happy to yield to him for that purpose, providing I am recognized following that.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Under the provisions of rule XXII, I yield my hour to the minority leader.

The PRESIDING OFFICER. The Senator has that right.

Mr. DORGAN. Madam President, in the interest of time and in the interest of responding to the Senator from Mississippi, who graciously allowed me to be recognized, I will complete my statement only by saying this: My colleague from South Carolina made a statement about the issue of the NAFTA trade agreement. I saw another colleague smile to himself as to what my colleague, Senator HOLLINGS, said. The NAFTA trade agreement has been awful. Some people walk around here and think it is one of the best things that ever happened to this country. I have no idea why they think that. This

is a trade agreement that turned a trade surplus we had with Mexico into a huge deficit and a growing deficit. It took a modest deficit with Canada and doubled it very quickly. It is beyond me how someone can view that as progress. I think, in fact, it has injured this country in many, many ways.

I was intrigued by a statement by Senator GRAMM, who said, ''Do you know what the Mexicans have said? They have said if we put this provision in this appropriations bill restricting President Bush's ability to allow Mexican long-haul trucks to come into this country beyond the 20-mile limit, Mexico is going to retaliate against us on the issue of high-fructose corn syrup.''

High-fructose corn syrup. I wonder if my colleague knows that Mexico has already been dealing with high-fructose corn syrup in a way that essentially abrogates the NAFTA treaty and, in fact, Mexico has been found guilty of violating the trade agreement on the corn syrup. Mexico is already in violation on syrup, and they are threatening that somehow if we don't take the Murray language out of the bill they are going to take action on corn syrup. I am sorry, they already took that action and it violated the NAFTA trade agreement.

Incidentally, nothing that protects America's highways, in my judgment, should ever be considered a violation of a trade agreement. The next time somebody says there is a violation of NAFTA or a trade agreement, I will simply observe that on corn syrup, which has been the one area raised on the floor, the only violation that exists is Mexico violating a trade agreement with the United States.

So I find it intriguing that there is this sort of blame-our-country-first on all these issues. Our country has been open; it has been willing to embrace all kinds of trade expansion opportunities almost everywhere in the world. But every time we turn around we discover that either a trade agreement was negotiated in an inappropriate way or someone is refusing to enforce a trade agreement.

This is a circumstance that is very simple. Senator MURRAY has put in a rather simple, easy-to-understand amendment. We ought to be willing to stand behind it on behalf of safety on America's highways. This is not about anti-Mexico. It is not about sending a discriminatory message to anybody; it is about standing up for safety on America's highways. We are nowhere near ready to be able to allow Mexican long-haul trucks into this country. Their safety standards are nowhere near compatible with ours, and it would compromise safety on our highways to allow Mexican trucks to operate throughout the United States beginning on January 1. That is what the Murray amendment says. That is why we are trying to keep that amendment in this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. It is my understanding that the minority leader from Mississippi may be seeking recognition. I don't believe he is at this moment. I will yield as soon as he is prepared to speak. I want to make a statement on this issue in a moment.

I thank the Senator from North Dakota because I think he summarized this issue. I went home to Illinois over the weekend. It is interesting how many people are following this debate but no real surprise. How many of us are out on the highways now going back and forth to work or on vacations? Look on the freeways in Chicago or on the interstate highways in downstate Illinois; you see a lot of trucks. We can rightly assume, if they are American trucks, that they are subject to pretty substantial standards in terms of the safety of the vehicle and the competency of the driver. What kind of standards? An inspection, No. 1, to make sure the brakes work, make sure the trucks don't weigh too much, make certain the lights work on the trucks, and basic things such as that.

Secondly, when it comes to the competency of American truckdrivers, we are pretty demanding. We ask them to keep a log and tell us how frequently they are driving and for what period of time. We subject them to drug tests and alcohol tests. We go through a lengthy background check to see if they have a history of driving under the influence or reckless driving. We make them pass a CDL exam for their license and to go out on the road. It is a demanding examination. We want them to understand the highway standards and regulations for safety in the United States.

When my family is driving down the highway for a vacation—which I hope will happen sometime in August—and we see a truck coming up behind us, if it is an American truck from an American trucking company with an American driver, I at least have the peace of mind that it is more likely than not that the truck has been inspected and that the driver has passed the test.

What is this amendment all about? This is about trucks that aren't American trucks and are driven by people who are not American citizens. We are talking about trucks coming in from Mexico. Many of the people who come here today and support this provision by Senator MURRAY requiring standards for Mexican truck inspection, standards for Mexican truckdrivers, voted against the North American Free Trade Agreement. Some of them, as previous speakers have said, believe it was not in the best interest of the United States.

I don't come from that position at all. I am from the State of Illinois. Exports are critical to Illinois, whether it is in the agricultural sector or the manufacturing sector. I voted for NAFTA.

I voted for NAFTA believing we were doing two things: opening up a potential market for the United States in Mexico and opening up a potential market for Mexico in the United States. I believe in free trade so long as it is fair, so long as it is subject to standards and rules that are enforced.

In the middle of this debate, it could have been one of the most contentious debates I recall in Congress. I was a Member of the House of Representatives when the NAFTA issue came before us. During the course of this debate, there was a high intensity feeling, particularly opposition from a number of people, environmentalists, those representing labor unions. They were opposed to NAFTA.

A number of us went to the Clinton administration and said, if we pass this NAFTA treaty, we want to understand how it is going to work. The first question I asked, and received a response in writing, was this: If we agree to NAFTA, a trade agreement with Mexico, will we have to compromise any of our health and safety standards in the United States?

The answer came back, unequivocally, no. If a health and safety standard is imposed on an American company, the same standard can be imposed on the Mexican company and product coming into the United States. Whether it is the safety of food that is brought in or whether it is the safety of trucks driven in from Mexico, they are subject to the same standards.

A few weeks ago the Ambassador of Mexico came to my office. He is a very nice gentleman. I met him there and then again in Chicago when President Vicente Fox visited Chicago 2 weeks ago. We had a long talk about this.

I said: Mr. Ambassador, let me ask one basic question. If we will hold Mexico to the same standards when it comes to the safety of trucks on the highway and the competency of drivers that we hold American trucks and American truckdrivers to, will that be acceptable?

He said: Yes, that is not unreasonable.

I remember this particularly. He said: When it comes to logbooks, tell us what is wanted in these logbooks. The color of the cover of the logbooks can be told to us. We will live by the same standard as American truckdrivers.

I thought that was a reasonable position to take. It certainly is what I understood when we voted for NAFTA, but if one listens to the critics of Senator MURRAY's amendment, they are suggesting holding Mexico to the same standards as the United States is protectionist; it is violating free trade; it is violating NAFTA.

Nothing could be further from the truth. I think they have overreacted. I invite them to read the language Senator MURRAY has put in this bill. What she has said time and again is: The Mexican trucks and Mexican truckdrivers will be subject to the same standards.

What if we should take out the Murray language altogether? What if we had no such language in the law? What could we expect?

There are several things we know about Mexican trucking companies. One, under Mexican law, there is no limit to the number of hours a driver can drive a truck. In the United States, there are specific limits. We believe that if someone is behind the wheel for a long period of time, it can take its toll. They are not as responsive as they should be. They may not be as careful as they should be. In Mexico, there is no limitation.

We heard the comments earlier from the Senator from North Dakota, when a reporter from the San Francisco newspaper traveled with the Mexican truckdriver, they covered 1,800 miles in 3 days and the truckdriver slept a total of 7 hours. Think about yourself driving 1,800 miles, perhaps driving from St. Louis to Los Angeles. Or going back and forth across the country, and in a span of 3 days you cover that trip with 7 hours' sleep. How good are you going to be behind the wheel at that point?

Let us change this. You are not just behind the wheel of your car. You are driving a truck down that highway that could weigh 135,000 pounds. That 135,000 pounds is another important figure because we have a limitation on the weight of trucks in the United States at 85,000, but not in Mexico. They can put trucks on the road at 135,000 pounds.

We have a driver who has no limitation on the number of hours that he can consecutively drive down the highway, with a truck that is substantially larger than anything permissible under the law in the United States. That driver keeps no logbooks because the law is not enforced in Mexico. That driver is not subject to the same drug and alcohol testing as American truckdrivers because they have not established the laboratories for testing. We see that time and time again. The Mexican truck companies and the Mexican truckdrivers do not meet the minimum standards we expect in the United States.

What if there was an accident? This is worth noting, too. In the United States, if someone has a truck on the road, with an American truckdriver and an American truck, their liability insurance will range from $750,000 to $5 million. A Mexican truckdriver has average insurance of $70,000. Think about how little that covers if one is in a serious accident with a lot of injuries.

The Murray amendment is a reasonable amendment. It is one I hope those who support free trade, as I support free trade, will understand is part of the bargain. We are prepared to say to Mexico, we will live up to their standards when it comes to our exports to their country. They should live up to our standards when it comes to their exports to the United States of America.

That is not unreasonable. That is what fair trade is all about. The Murray amendment is a substantial step forward to establish a standard.

When people in Illinois have said to me, Senator, when you get back to Washington make sure the Mexican trucks are safe, they understand, as well as I do, when we are going down the highway with our family, heading for vacation and look in the rearview mirror, we should not have to look twice to try to determine whether that license plate is from the United States or from Mexico as to whether it is safe.

We ought to know wherever those trucks are from, they are going to be safe for all families on the highway in the United States.

I yield the floor.

The PRESIDING OFFICER. The Presiding Officer, in her capacity as a Senator from New York, pursuant to rule XXII, yields her hour to the Senator from Washington, the manager of the bill.

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

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

Mr. LOTT. Madam President, Senator DASCHLE and I have been talking and working on what agreement can be worked out about how to proceed for the remainder of the evening and tomorrow and maybe even into September. While we are checking with all the interested parties, I have not spoken at length on this issue. I do not wish to speak at length now, but I think I should speak to some of the issues that are before us with regard to the Transportation appropriations bill and this very important issue of how the operation of buses and trucks from Mexico and the United States are able to go back and forth across the border.

First of all, I emphasize I appreciate the work that has been done by the manager of this legislation on both sides of the aisle with regard to transportation. Transportation is a very important part of what the Federal Government does and it is one of those areas where the Federal Government does the allocation of funds in the right way. We do not generally direct all the money must go to one place or another, even though there are some areas where we provide direct instructions. The bulk of the money is sent to the States based on a formula that is decided, of course, in the TEA–21 bill. The States get a large sum of money and then they decide what the priorities are in terms of what roads or what bridges are worked on and in what priority, how much of that money can go for railroads, because we gave a lot more flexibility under TEA–21, the Transportation Act, that we passed a couple of years ago. I guess it has been 3 years ago now. That money can go into railroads or it can go into mass transit. There has been a lot of flexibility, but most of the key decisions are made by the States once they get the money. So this is important legislation.

As we look to the future economic growth of this country, in my mind, obviously, how the Government works with the people, can we control regulations? Can we control the burdens? How much are people able to keep of their own money? That is a very important part of economic growth. I think the energy area is a very important area of our future economic growth. It is a matter of national security, but certainly it is key to being able to have a growing economy in this country.

We are going to have to have more exploration for oil and gas, more use of other fuels, more opportunity for alternative fuels, more incentives for conservation, the entire energy package. As a part of this, trade is important, but transportation is also critical. It does create jobs. It is about safety on our highways.

If we are going to have a growing country and a growing economy, we have to have the whole package, too. It is not just about roads and bridges. It is about urban mass transportation, railroads, airports, rivers, and harbors, all the different aspects of transportation.

In my own State, I have tried to emphasize that as we try to make economic progress, it is critical to focus on improving education and that we have a decent transportation system because so many areas that needed economic development could not get them. It was next to impossible. The roads were not four lanes; they were two lanes narrow and dangerous. Many people, including my own father, were killed on those roads because of the unsafe hilly nature of our road system. If we are going to have the economic development we are seeking, we have to have a good overall transportation system.

Of course, the third component is jobs creation. If you are not aggressively pursuing expansion of existing industries and businesses and seeking other industries to come in, international corporations to come in, as we have in my own State of Mississippi—Nissan is constructing a facility that will cost approximately $1.2 billion, the largest new single-industry plant in the history of our State. In order for that to succeed, they will have to have access to a transportation system.

I commend the managers of the legislation for the work they have done on this bill. I in no way object. I approve of what is in this legislation to the extent I know exactly what is in it.

How did we reach this point on the Mexican truck issue? When the Senate was prepared to vote on the North American Free Trade Act, I had some reservations about it and expressed those reservations. Some of the concerns I had were addressed as we went through the process. I kept asking

questions and expressing concern about trucks and truck safety coming out of Mexico. Those around at the time or those following it will remember it was one of the last issues that was addressed in the NAFTA legislation. I was sympathetic. Nobody wants unsafe trucks on America's highways. Nobody wants unsafe trucks, whether they are from Mexico, Canada, or America. We have all had the scary experience of having an 18-wheeler meet us and come too close or go by us with flaps blowing in the wind. We did resolve the problem. We have been living with that.

Again, I think sometimes trucking and truckers do get a bum rap; that companies are conscious of safety needs. These drivers in the United States, our own drivers, are good men and women whose lives are at stake, also. I had an occasion for a few years to be a part owner of a trucking company. I know all that is involved in trying to make ends meet with a trucking company and how difficult it is to have a truckload going to Chicago and come back empty. A company can wipe out an entire profit with empty backhauls.

I know a little bit about all the licensing requirements in America, the number of tags needed, the different requirements in the different States. For every truck that comes into my State, and I guess other States in America, there is a weigh station. They are lined up coming from Mobile, AL, headed to my home State, to pull off the highway and go through the weigh station and be inspected. Quite often, we have the highway patrol observing who is going and coming.

I do not want to in any way demonize truckers in this country for the job they do. They are an important part of our economy.

This has become very much a problem in this particular bill. Why? The truth is, I think there was too much of a rush to just say, come on in, trucks from Mexico, without proper inspection. That is inadequate, unacceptable, but also the situation where we have trucks come from Mexico to within a 20-mile zone and they hand off the goods to American trucks. They cannot come any further than that. I had occasion last December to be in Laredo, TX. I saw the trucks lined up down the highway, but they could only come so far, and then there was a very expensive and dilatory process of passing on the goods to come on into the United States.

We have a growing, improving relationship with our neighbors to the south. President Bush has worked with the leaders in Mexico, both as the Governor of Texas, and now as President, with their new President Fox. They are addressing a number of issues, including drug trafficking, how we deal with the necessary extradition of criminals between the two countries, how we deal with the immigration question, and, yes, transportation, how we deal with the border crossings and the illegal aliens who, in many instances, prefer to be legal aliens. These are all difficult issues but they are important and we are addressing them now in a broader sense than ever in my memory.

I met this past week with four members of the Mexican Senate including the President, President Jackson. We talked about some of these issues and how they don't always agree. I think they represented three different parties; they do not always agree with President Fox; they do agree we should continue to have free-flowing trade and transportation and communication between our countries.

The idea that trucks from Mexico can only come in 20 miles and must stop and cannot go further is unacceptable. Also, the idea that trucks can come into this country without proper inspection, without proper insurance, without proper licensing, without safety inspections, is unacceptable.

I have never suggested trucks from anywhere be able to come into this country on our roads and not comply with our safety requirements. But there is a limit how far that can go. They have to have credible insurance. The idea that some say they cannot have insurance coverage from a Mexican company, what kind of attitude is that? We can't require that they have to have insurance in America. Both countries should require in the other country's case that it has to be credible insurance; it has to be a real company; it has to be sufficient; and there has to be a process so we know who is providing that insurance from Mexico, and they can turn the tables on us and say we must know it is credible insurance of the United States.

The drivers must be properly trained and licensed. You do not just jump in an 18-wheeler and take off. You cannot even shift gears in those things. I have tried it. They have to meet certain licensing requirements.

There is no disagreement that we should have inspection, but it should be reasonable and fair. It should be affordable in terms of what the government has to pay, and it has to be done in a reasonable period of time. Those who don't want Mexican trucks on our American highways have an ''anti-attitude.'' Some people don't like it that I have called it anti-Hispanic or anti-NAFTA. How can anyone justify that kind of an attitude? We cannot have that.

We need to find a way to work through this because of perhaps an eagerness to get this process underway that contributed to the difficulty we are having now. The House of Representatives lost control of the issue and wound up putting the same old language in the Transportation bill that basically said you would not be able to bring the trucks in here; just stop it. They made a big mistake. It does not make a difference if it is a Republican or Democrat House, whether it is bipartisan or unanimous. That cannot be where we leave the issue.

Then the administration contacted members of the Appropriations Committee in the Senate and said: We have a big problem with that language; so will Mexico. We are running the risk of being held in noncompliance with NAFTA. We are running the risk of having action taken against American goods, whether it is telecommunications or corn syrup products. We have to solve this problem.

The appropriators, to their credit, Republican and Democrat, worked on the language. They came up with what is now referred to as the Murray-Shelby language. They thought, I believe, that they had made sufficient progress. Subsequent to that, on reviewing that language, it was clear that language was very problematic.

Secretary of Transportation, Norm Mineta, expressed his concern to a number of Senators, including to me, personally, about how there were too many restrictions; there was not enough flexibility; it would cost almost twice as much as what the President asked for, which I think was $88 million for safety compliance. And because of the restrictions and the extra costs and the contracting involved, the trucks from Mexico would not be able to come into the United States for months or even a year or more.

By the way, it is a two-way street. As long as we are not letting Mexican trucks come into the United States, American trucks are not going to be able to go to Mexico. That is why the Mississippi Truckers Association wants to get this matter worked out and why they oppose the Murray language. They want to be able to take our products from throughout the Southeast or anywhere in the country and haul it in the other direction.

So that is when a number of Senators started saying the language that came out of the Appropriations Transportation Subcommittee presented too many problems; we need to find a way to correct it.

What are those concerns? It does have to do with flexibility. Does the Department of Transportation have sufficient flexibility to effectively administer safety requirements? It is a basic question. We want safety requirements and responsibilities, but there must be some degree of flexibility, of how those are administered. The language in section 343 of this bill, S. 1178, raises serious questions about that.

In order for the operators from Mexico to come across the border, there were some 22 separate requirements that had to be met. Standing alone, certain requirements may be acceptable, but taken as an aggregate, they result in a violation of commitments.

It is going to lead, as I pointed out, to delays. Just one example of the type of thing we talked about is the one I referred to in a number of discussions earlier, the cost of the weigh stations, for instance. The requirements to install weigh-in-motion systems, fixed scales, electronic scanning machines,

and hand-held tracking systems as well as requirements to employ additional inspectors and to conduct inspections within Mexico would just require lots of extra money, lots of delays, and lots of time. I will give a couple of examples.

Why would you require weigh-in-motion scales and static scales, both, not one or the other? And, by the way, if you require them both, you have to contract it. You do not just run out there and take these scales off the shelf. You have to contract for them; you have to get them and have them put in place. This would require you to have both. I do not think we have that in most of our States. When trucks come in from Arkansas or Louisiana or Tennessee, we weigh them statically. Maybe we do weigh some of them in motion, but we do not have to have both of them.

The other example is conducting inspections in Mexico. As time goes forward, perhaps both countries would like to have some of that. I had one Senator say to me: Look, FAA requires inspection at the base before a plane flies into the United States. There is a big difference, though. When a plane leaves Mexico, the next stop is an airport or landing strip in the United States. The difference between the place of doing business of a truck in that situation is they have to cross the border. There is a point at which there would be an inspection.

Perhaps this can be worked out. But to impose at the beginning the requirement that we have to go into the place of business and inspect within that country and they are going to require the reverse—that they be able to come in and inspect in our country—is just one more example of some of the problems we have.

Never, ever have I seen a bill where a compromise could have been more easily and quickly worked out than this one. Yet the warring sides refuse to agree to do that. I think sometimes maybe there were misunderstandings. Somebody told me on this side of the aisle, on the Democratic side—or maybe I should not say just Democratic—the proponents of the language in the bill said: Why wouldn't you go with the California solution? I said: Great, it sounds fine to me. Why don't we do what they do in California, the inspection areas where they have crossings into California? They said it was because your opponents to this language would not agree to it.

That came as a surprise to me. As a matter of fact, in talking to Senator GRAMM and Senator MCCAIN, I had the clear impression that what they were advocating was the California inspection regimen. So I think the two sides passed in the night here.

Mrs. MURRAY. That is actually in the bill.

Mr. LOTT. There was an agreement, yet they never could seem to come to closure on it.

I know the Teamsters, a group with whom I do not have a problem. I have worked with the Teamsters. I have been supported by the Teamsters sometimes—probably not again anytime soon. I understand their concern. But because this language was in the appropriations bill because, it appears to me, the Teamsters really do not want Mexican trucks to come into America, and because of misunderstandings, and, yes, because of personalities, we could not resolve this.

We could have done this bill at least a week ago. Everybody in this room and everybody on both sides knows it can be done. Now the appropriators said: Wait a minute, you are getting too exercised. This is not necessary. We will fix it in the conference. Don't worry, don't worry, we will fix it in the conference.

Yes, and usually I buy that argument. But there is a little problem with this one. You have totally unrealistic, unacceptable language in the House bill, the Sabo language. And the language in the Senate Transportation appropriations bill also has a number of concerns—these 22 requirements. So if you have a bad situation and a worse situation, how do you split the difference? That is usually what happens in conference. You go somewhere between where the House is and where the Senate is. Yet the solution is outside both.

I know the immaculate conceptions that come out of these conferences. It really doesn't make a difference what the House and Senate did; the conferees will do what they want to, particularly on a bill that is not an appropriations bill, because they are not affected by rule XVI anymore. So maybe they will come out with something that is fair, understandable, not unduly restrictive, affordable, that both the proponents and opponents are satisfied with and the President can sign, and we can go on with our business.

But I have been a little ill at ease about that. So I have gone back to some of the supporters of the language we have in this bill and asked them again: Will you assure me that in conference there will be this dedicated effort, and in fact you will get a bill the President can sign? And they have assured me of that.

I guess if they do not sign the conference, they might make that stick. Maybe others will say we will see about that. And there are those who are thinking: We will do what we want to. If the President vetoes it, we will override the veto.

That will not happen. That will not happen. I can guarantee the Senate right here, right now, if this is not properly resolved and the President does not sign it, if he vetoes it, we will sustain the veto. We will sustain the veto.

But have I advocated that? No. The President doesn't want to veto this bill, and I don't want him to veto the bill. I don't want to have to make sure we have the votes to sustain the veto. The solution is: Resolve this. Make it NAFTA compliant. Let's be fair to both sides.

I don't always agree with what this administration or previous administrations have advocated with regard to Mexico—or Canada, for that matter. I get very upset with what Canada is doing to the United States in our trade relations. I think what they are doing with regard to soft lumber products is totally unacceptable, and I think this administration should be at least as aggressive as the previous administration, through the Customs Office and through our Trade Representative, in assuring that the Canadians comply with our lumber agreements.

So it is not that I am one who is always here taking firm stands in support of our neighbors and in support of even the treaties when I think the treaties are not being administered fairly or they turn out to be basically fair. So I don't profess to be 100-percent pure on this.

But you cannot defend, legitimately, honestly, and intellectually, a situation where we say to our neighbors and to legitimate truckers, you cannot come any more than 20 miles into the United States. That is not where we should be.

So the President has expressed his interest in this. I think he has tried to be restrained in terms of threats. But he has made it clear this is important. President Fox is going to be in the United States the first week in September when this bill is going to be in conference, I guess, or about to go to conference. I hope we will not be in the process of passing legislation and sending to our President at the time something that clearly President Fox will not agree with and will be opposed to while he is in town. I guess he is coming to town September 3 or 4 or 5, or something of that nature.

We do have correspondence here that clearly states the Mexican Government's concern. I have a letter.

Madam President, I ask unanimous consent this letter be printed in the RECORD.

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

JULY 24, 2001.

Hon. TOM DASCHLE,
Senate Majority Leader,
Washington, DC.

We have been following the legislative process regarding cross border trucking on the floor of the U.S. Senate. This is an issue of extreme importance to Mexico on both legal and economic grounds. From a legal standpoint, Mexico expects non-discriminatory treatment from the U.S. as stipulated under the NAFTA. The integrity of the Agreement is at stake as is the commitment of the U.S. to live up to its international obligations under the NAFTA. I would like to reiterate that Mexico has never sought reduced safety and security standards. Each and every truck company from Mexico ought to be given the opportunity to show it complies fully with U.S. standards at the state and federal levels.

The economic arguments are clear-cut: Because of NAFTA, Mexico has become the second largest U.S. trading partner with $263

billion of goods now being exchanged yearly. About 75% of these goods move by truck. In a few years, Mexico may surpass Canada as the U.S. largest trading partner and market. Compliance with the panel ruling means that products will flow far more smoothly and far less expensively between our nations. Doing so will enable us to take advantage of the only permanent comparative advantage we have: that is our geographic proximity. The winners will be consumers, businesses and workers in the three countries.

We are very concerned after regarding the Murray amendment and the Administration's position regarding it that the legislative outcome may still constitute a violation of the Agreement. In this light, we hope the legislative language will allow the prompt and nondiscriminatory opening of the border of international trucking.

Finally I would like to undermine our position, that to the Mexican government the integrity of the NAFTA is of the utmost importance.

Sincerely,

LUIS ERNESTO DERBEZ BAUTISTA,
Secretary of the Economy.

Mr. LOTT. This is a letter from the Secretary of the Economy in Mexico. It says:

The economic arguments are clear-cut. Because of the NAFTA, Mexico has become the second largest U.S. trading partner with $263 billion dollars of goods now being exchanged yearly. About 75 percent of those goods move by truck. In a few years, Mexico's may surpass Canada as the U.S. largest trading partner and market.

It goes on to note they believe the language in this bill does not meet the requirements of NAFTA.

They believe it is a violation of our agreement and that reasonable change and a reasonable agreement should be worked out soon.

I very rarely agree with what I read in the editorial pages of the Washington Post. But to my absolute amazement, on Saturday I got up and read the Washington Post, and there it was—an editorial saying ''NAFTA in trouble''—the Washington Post editorializing against the restrictions on the Mexican trucks coming into the United States. The concluding sentences are shocking sentences. It says:

President Bush says he will veto legislation unless such discrimination is removed from it.

That is the right course.

That is what this is all about.

I don't affix blame at any one place, or the administration, or on us. Somehow or another we have gotten to where we are. Now we can't seem to find a way to let go. Now we have a situation where Senators were willing to pass this on a voice vote at 2 o'clock. Now it is 10 minutes until 3. We are not going to have a vote on it, I guess, until tomorrow. That delays other legislation we are working on with interested parties on both sides. Senators DASCHLE, REID, and NICKLES have been involved along with Senators GRAMM and MCCAIN.

A lot of this is just totally unnecessary. Here we are talking, once again, about an issue we have been talking about for a week or more. Who is to blame? Yes. Sure. I am sure Senators will say we would have been glad to have voted on this last week. I have been through this explanation of how we got here.

But I wanted to make the point that we were ready to finish with this issue an hour ago, and we couldn't get it done. I hope maybe we can use this as a case study.

When you go to law school, you learn the law by studying trials, lawsuits, and cases that have gone before. This should be a case study for the administration, for the House, for the Senate, for our trading partners, and for us as to how not to deal with an issue. I hope we will learn from it.

I hope we can put it behind us and move on in a positive way to other appropriations and other bills. But it has been a difficult one.

I have supported Senators MCCAIN and GRAMM in their efforts. I have had some Members on the other side ask: Why would you do that? You haven't always agreed with those guys on other subjects. Right. But the difference this time is I thought they were right. It is real simple. I wasn't mad at anyone. I just couldn't defend where the United States is at this time with regard to Mexican trucks.

I had not spoken on the floor on this issue. I wanted to give a little bit of the history and urge my colleagues to find a way to complete this and move on to other legislation that is also very important for our country. Rather than recriminations, let's just learn from the experience.

I yield the floor.

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

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

Mr. MCCAIN. Mr. President, presently negotiations are going on to try to get a unanimous consent agreement to resolve this issue, and to move on to other issues. Among those negotiations is the subject of nominations. I hope that is part of any agreement that may be made.

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

Mr. MCCAIN. 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.

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

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

AMENDMENT NO. 1213

Mrs. MURRAY. Mr. President, I send a management package to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Mr. SHELBY, proposes an amendment No. 1213.

Mrs. MURRAY. I ask unanimous consent the reading of the amendment be dispensed with.

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

The text of the amendment is printed in today's RECORD under ''Amendments Submitted.''

Mrs. MURRAY. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1213.

The amendment (No. 1213) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, earlier today, my colleague from Texas, Senator GRAMM, asked that his substitute be printed again in the RECORD. Much has been said about this substitute amendment. The claim is made that this substitute will protect safety while complying with NAFTA. That is just plain wrong. This claim is indicative of the problem we have had in these negotiations—the fact that our opponents define compliance with NAFTA as gutting the safety provisions in our bill.

Lets look at the specifics of the McCain-Gramm substitute.

The McCain-Gramm amendment is a legislative sleight of hand intended to take the teeth out of the safety provisions that were approved unanimously by the Appropriations Committee.

They create loopholes large enough to drive a Mexican truck through.

Their amendment looks and sounds very much like the committee-adopted provisions when, in fact, the amendment weakens the committee-adopted provisions in several critical and dangerous ways.

First, the McCain-Gramm amendment completely does away with the requirement that all Mexican trucking companies undergo a thorough compliance review before they are given authority to operate in the United States. Instead of that requirement, the McCain-Gramm amendment substitutes a cursory ''safety review''.

A safety review is a much comprehensive review of a trucking company's operations. It is a quick and dirty paper check. It is not a thorough examination to ensure that a trucking company complies with all U.S. safety standards. It does not approach a compliance review in terms of ensuring that a trucking firm's operations are safe.

My colleagues should not be fooled. A safety review and a compliance review are not the same thing. They are two

very different things. A safety review should provide the American public with a whole lot less comfort than a compliance review when it comes to the operations of Mexican trucking firms.

Second, the McCain-Gramm amendment completely does away with the requirement that compliance reviews be performed on site at each trucking firm's facility. Every time a U.S. Motor Carrier Safety Inspector performs a compliance review on a U.S. trucking firm, it is done at the trucking firm's facility. Every time a U.S. Motor Carrier Safety Inspector performs a compliance review on a Canadian trucking firm, it is done at the Canadian trucking firm's facility. Now when it comes to Mexico, the McCain-Gramm amendment wants to allow compliance reviews to be conducted at the border. This is a farce.

A compliance review, by definition, requires the inspector to carefully review the trucking firm's vehicles, record books, log books, wage and hour records, and much, much more. You can't perform a compliance review at a remote site. It is not even a poor substitute.

There is a long list of abuses that can result if inspectors never visit a trucking company's facility. For the life of me, I can not imagine why the sponsors of the McCain-Gramm amendment want to allow those potential abuses on the part of Mexican trucking firms while insisting that every compliance review here in the United States and in Canada is performed on site.

Third, the McCain-Gramm amendment waives the requirement that the DOT publish critical safety rules before allowing trucks across the border. The McCain-Gramm amendment would allow the requirement to be waived by the Secretary by simply signing a letter stating that he will not publish these rules and sending it to Congress.

The provision unanimously adopted by the Appropriations Committee requires that critically important safety rules must be completed by the DOT before the border can be opened. These rules were not randomly selected. The rules that we require to be published before the border can be opened are targeted at the specific safety concerns surrounding Mexican trucks.

The McCain-Gramm amendment pretends to mandate that these rules go forward but simultaneously includes a provision that guts the same requirement. My colleagues—don't be fooled, the requirement in the McCain-Gramm amendment is a phony one that severely weakens the measures included in the committee-adopted provision.

Fourth, the McCain-Gramm amendment does away with the requirement that the inspector general certify that critical safety measures are in place before the border is opened.

Instead of requiring that the inspector general certify that it is safe at the border, the McCain-Gramm amendment simply requires that the Secretary of Transportation periodically submit reports to the committee on the state of problems at the border.

This is a monstrous loophole. It creates more and more paperwork in Washington while the Mexican trucks come streaming across our border. It completely guts a number of the critical requirements in the underlying committee provision.

The Committee on Appropriations receives a great many mandated reports by the Department of Transportation. Unfortunately, the record of the Department of Transportation in submitting reports to the committee is a poor one.

As of this date, the Department of Transportation is overdue in submitting more than 22 reports to our committee from five different agencies within the Department of Transportation. Some of the deadlines of these reports date as far back as December 1995.

This provision, frankly, is an insult. What our highway safety agenda needs is not more reports, it needs real improvements in the safety of the vehicles and drivers moving 18-wheelers across our country.

That observation is not only applicable to Mexican drivers, it is applicable to United States drivers and Canadian drivers as well. All the reports in the world are not going to improve the condition of highway safety in the United States.

What we need are firm mandates like those adopted by the Appropriations Committee to ensure that critical safety measures are in place before we face an influx of Mexican trucks that we are not ready for.

The provisions in the committee bill must not be watered down. The committee provisions won't stop trade across our border. But they will stop unsafe drivers and unsafe trucks from threatening the American public. These provisions must not be weakened.

Under our bill, when you are driving on the highway and there's an 18-wheeler with a Mexican license plate in front of you, you can feel safe.

You will know that the truck was inspected.

You will know that the company has a good track record.

You will know that an American inspector visited their facility—on site—and examined their records—just like we do with Canadian trucking firms.

You will know that the driver is licensed and insured.

You will know that the truck was weighed and is safe for our roads and bridges.

You will know that we're keeping track of which companies and which drivers are following our laws and which ones are not.

You will know that, if a driver is breaking our laws, his license will be revoked.

You will know that the truck didn't just cross our border unchecked, but crossed where there were inspectors on duty—ensuring our safety.

That is a real safety program. That program must not be watered down, weakened, or gutted, as is proposed by the McCain-Gramm amendment.

Mr. President, the committee bill is a solid compromise. It will allow robust trade—while ensuring the safety of our highways. I urge all Members to reject this effort to weaken the committee bill and endanger lives on our highways.

WOODROW WILSON MEMORIAL BRIDGE

Mr. ALLEN. Mr. President, I rise today to engage in a short colloquy with Virginia's Senior Senator, Senator WARNER; Senators MIKULSKI and SARBANES from Maryland; Transportation Appropriations Subcommittee chair, Senator MURRAY and ranking member, Senator SHELBY regarding the Woodrow Wilson Memorial Bridge.

Ms. MIKULSKI. Mr. President, the Woodrow Wilson Memorial Bridge was completed in 1961 and carries more than 200,000 vehicles per day—far exceeding the 75,000 vehicle per day design. It is the Nation's only federally owned bridge. Newspaper accounts from 1994 cited the fact that the deteriorating condition of the bridge and its inadequate number of lanes has contributed to accident rates twice those of other segments of the Capital Beltway.

Mr. WARNER. Mr. President, last year after years of negotiating, Congress was able to reach a compromise to finally replace this dilapidated bridge. We were able to work with our colleagues on both sides of the aisle, from Maryland, and from the House to make certain this much needed replacement project was fully funded. This decision by Congress demonstrates the strong commitment by the United States Senate to provide all our citizens a flexible, safe, and efficient interstate highway system.

This year, the administration and the House of Representatives have demonstrated their support of this project as the President requested $28.2 million and the House allocated $29.5 million for Fiscal Year 2002. However, the Senate FY2002 Transportation appropriations bill does not address funding for the Wilson Bridge, placing this project in jeopardy.

Mr. President, the unique nature of this roadway as a federally owned bridge, its importance to the Capital region, and the surrounding mid-Atlantic region, demands that we restore these funds.

Mr. SARBANES. Mr. President, in working with the Senators from Washington and Alabama, it is our understanding that they intend to work with the conferees to retain funding at the House level. Because of the Federal Government's ownership, the Woodrow Wilson Bridge continues to be a priority legislative issue for me and for my Senate colleagues. Accordingly, this appropriation will help keep the

replacement project on pace and maintain the safety of the current bridge in the interim.

Ms. MURRAY. Mr. President, I understand the importance of the Wilson Bridge for the eastern coastal region. I can assure the Senators from Virginia and Maryland that Senator SHELBY and I will keep their views in mind when the bill goes to conference.

Mr. SHELBY. I agree, Mr. President, on the importance of the Federal Government's role in maintaining a safe interstate highway system and will work with the chairwoman and other interested Senators to fulfill the federal commitment and maintain the interstate.

Mr. ALLEN. Mr. President, I thank the Transportation Appropriations chair and ranking member for their willingness to work with us on this issue and for their leadership in crafting a bill that increases transportation funding across the entire country. I also thank my colleagues from Maryland and Senator WARNER for their continued representation and leadership for the people of the region and America. We look forward to completing the much-needed Woodrow Wilson Memorial Bridge replacement and closing the debate on the bill permanently.

FLORIDA PROJECTS

Mr. NELSON of Florida. Mr. President, the report language that accompanies the fiscal year 2002 Transportation Appropriations bill identifies many worthy projects that the committee recommends be funded by the Department of Transportation. I thank the chairwoman for her and the committee's support of projects in Florida that were requested by Senator GRAHAM and myself. However, many other worthwhile projects were not included on this list. It is my understanding that the report language is intended to guide conferees in setting the final spending measure, but does not preclude other projects from also being considered for inclusion. Is this correct?

Mrs. MURRAY. The Senator from Florida is correct. The committee endorses the projects included in the bill's report, and will press for the adoption of that list in conference on this bill. However, the limited nature of that list does not prevent other projects from being supported during conference, should available resources be found.

Mr. NELSON of Florida. I thank the Senator for that clarification. The bill before us makes the best of a difficult situation by spreading limited funds over as many worthwhile transportation programs and projects as possible. I believe the committee has worked diligently to support a great number of projects in spite of limited resources. I further understand that if additional resources cannot be found, it might be possible to redistribute funds over a more diverse list of worthwhile recipients than is currently outlined in the Committee's report. Specifically, there are two counties in Florida, Brevard County and Polk County, that are deserving of federal funds for bus acquisition, which were unfortunately not included in either the House or Senate reports. I understand that the Senator from Washington may be able to work with conferees to see that these counties receive some federal funds for bus and bus facilities, either by finding additional resources or by reallocating funds within this account. Is this correct?

Mrs. MURRAY. I will be happy to work with you to address these concerns as the Transportation bill moves through the process.

Mr. NELSON. I thank the distinguished Senator. I appreciate your support and that of your staff on this issue, and look forward to working with you.

ASR–9 AIRPORT RADAR SERVICE LIFE EXTENSION PROGRAM

Ms. MIKULSKI. Mr. President, it is my understanding that the Appropriations Committee has recommended an increase of $10M above the FAA's $12.8M budget request to expedite the ASR–9 service life extension program. Unfortunately, the House Transportation bill failed to provide an increase in funding for this critical program.

I have been advised that major portions of the ASR–9 radar processor will be unsupportable within 2 years. The supply of various critical spare parts—which are no longer manufactured by various commercial suppliers—is nearing a critical stage. When the supply of these parts run out, we run the risk of dangerous radar outages at 125 of our countries busiest airports.

I am particularly concerned that if this $10 million of additional funding is not preserved in conference, delays in program startup will prevent the insertion of new technology in time to avoid potential radar outages.

Mrs. MURRAY. Let me say to the Senator from Maryland that we will keep her concerns in mind as the Transportation bill moves through conference.

Ms. MIKULSKI. I thank the chairwoman for her leadership on this issue and look forward to working with you on this important issue.

TRANSPORTATION RESEARCH

Mr. BINGAMAN. Mr. President, I would like to spend just a few minutes today discussing two existing transportation research programs with the chairman of the Transportation Appropriations Subcommittee, my friend Senator MURRAY. Is the distinguished chairman aware of the existing New Mexico Road Lifecycle Innovative Financing and Evaluation (RoadLIFE) program at the Federal Highway Administration and the National Transportation Network Analysis Capability (NTNAC) program funded through the Department's Transportation Planning, Research and Development Program?

Mrs. MURRAY. Yes, I am aware of these two valuable programs in the Department of Transportation and appreciate the opportunity to discuss them with you.

Mr. BINGAMAN. The ongoing RoadLIFE program is a partnership between FHWA, the State of New Mexico, and several universities to demonstrate the possible benefits of innovate financing methods, such as Grant Anticipation Revenue Vehicle (GARVEE), and performance warranties on highway safety, road quality and on the long-term costs to maintain a highway. Last year, the Department announced a 20-year research agreement between the Department, the Volpe Center and the State of New Mexico to validate the cost savings to the government of these innovative funding approaches. Does the chairman agree that this study could provide valuable information that could change the future of road building in America?

Mrs. MURRAY. The Senator from New Mexico, is correct. The RoadLIFE program could be a valuable effort not only to New Mexico, but to all states that are interested in using innovative highway financing methods.

Mr. BINGAMAN. The State of New Mexico will continue to shoulder most of the costs associated with the RoadLIFE research initiative and the FHWA has been an essential and valued partner in the development and implementation of the innovative approaches to financing and warranties being tested in New Mexico. Does the chairman join me in encouraging the FHWA and Volpe Center to give priority consideration to continuing to provide staff and financial support to the RoadLIFE program to ensure that the results will be useful to the Nation?

Mrs. MURRAY. Yes, I agree, the Department should give priority consideration to continuing of this important project.

Mr. BINGAMAN. The National Transportation Network Analysis Capability (NTNAC) is being developed to simulate the operation of the national transportation system, including individual modes—trucks, trains, planes, waterborne vessels—and the transportation infrastructure used by these carriers. Based on the technology underlying the successful TRANSIMS model, NTNAC is a simulation that will view the national transportation infrastructure as a single, integrated system. Los Alamos National Laboratory is the lead technical agency for this effort. Does the chairman agree that NTNAC could provide the DOT with new capabilities to assess and formulate critical policy and investment options that take into account transportation economics, modes, public safety, and environmental concerns, as well as infrastructure requirements and vulnerabilities?

Mrs. MURRAY. Yes, I agree that this ongoing effort could provide DOT an

important tool to assess the consequences of transportation policies before they are implemented.

Mr. BINGAMAN. Prior efforts on NTNAC have demonstrated the capability to model nation-wide freight transportation and provided valuable analytical insights into the nation's freight and transportation system. For example, NTNAC is currently capable of simulating the movement of millions of trucks across the nation's highway network from point-of-origin to final destination. Does the chairman agree that the Department of Transportation should give priority consideration to providing additional funding in fiscal year 2002 to extend and consolidate these achievements and to move towards a full-scale development.

Mrs. MURRAY. I agree, the Department should give priority consideration to continuing the NTNAC project under the Transportation Planning, Research and Development Program.

Mr. BINGAMAN. I thank the distinguished chairman for her fine work on this bill and for this opportunity to discuss these two important research programs in New Mexico.

AIRLINE INDUSTRY

Mr. WYDEN. I would like to take a moment to talk about a transportation issue that is very much on the mind of many Americans as we head into the busy summer travel season. That issue is potentially unfair and deceptive practices in the airline industry. My good friend and Pacific Northwest colleague, Senator MURRAY, has heard me talk about this before, in the context of pushing for passenger rights legislation. But today, I would like to talk briefly about a small step the government could take without enacting any new legislation. It wouldn't solve all the problems, but I think it would be a step in the right direction.

Mrs. MURRAY. Senator WYDEN has certainly been a leading and forceful voice for consumer protections in the airline industry. So I would be happy to hear his idea on this subject.

Mr. WYDEN. I thank the Senator, both for this opportunity and for all her hard work and leadership in crafting an excellent Transportation appropriations bill. The bill will do a great deal for all types of transportation in this country, including aviation. She has served the public well, as she has done throughout her service here in Congress.

But as the Senator knows, airline travelers are frustrated. In the last five years, delays, cancellations, and consumer complaints have all risen dramatically. Earlier this year, the DOT inspector general reported that ''the aviation system is not working well.''

Part of the problem is insufficient capacity. That is why I support efforts to increase capacity by building more runways and improving air traffic control. It is also why Senator MURRAY's efforts on the aviation portions of this year's are so appreciated.

At the same time, part of the problem is that there isn't enough competition. Airlines too often treat consumers in ways that would not be tolerated for long in other industries—and the airlines get away with it because passengers have limited choices for air travel.

The Department of Transportation is charged with protecting consumers against airlines that engage in ''unfair and deceptive'' practices. But the truth is, the Department of Transportation is not primarily a consumer protection agency. It has limited resources for this task, and limited experience with ''unfair and deceptive'' practice enforcement.

The agency with the most expertise in this area is the Federal Trade Commission. Protecting consumers against unfair and deceptive practices is the FTC's bread and butter. Under existing law, the FTC cannot take enforcement actions against airlines. And I am not proposing to change that.

However, while the FTC has no enforcement authority over airlines, nothing prevents it from studying and reporting on unfair practices in the airline industry. I believe the FTC could do a real service to the flying public by providing some much needed expert analysis of arguably unfair practices in the airline industry.

For example, I think it would be very illuminating for the FTC to take a look at whether airlines tend to cancel flights simply because they are not sufficiently full. A movie theater doesn't cancel the 3:00 matinee just because only a handful of people show up. But does this happen in the airline industry? The FTC, with its strong economic and investigatory staff, would be in an excellent position to get to the bottom of this issue.

Let me be clear. I am not in a position to tell the FTC what to do. And I am not proposing to impose new requirements on them through legislation. I am simply saying that if the FTC chose to look into this, I think its conclusions would carry a lot of weight. In my opinion, the FTC's involvement here, on a purely investigatory basis, could make an important contribution to our understanding of what goes on in the airline industry.

I think there is that potential. To do any really serious analysis, the FTC would need cooperation from the Department of Transportation for important data and statistics. Clearly, the sharing of data would be more efficient and cost effective than having the FTC try to duplicate all the extensive data gathering that the Department of Transportation has already done.

My fear is that everything could get bogged down in institutional jealousies and jurisdictional squabbles. If the Department of Transportation chose not to cooperate, the FTC's effort would be slowed tremendously or even stalled entirely.

The good news is, I don't see any legitimate reason why the Department of Transportation shouldn't cooperate. As chair of the Transportation Appropriations Subcommittee, is the Senator aware of anything in this year's funding bill or in any other law governing the Department that would prevent it from cooperating, in the event that FTC chose to pursue one or more airline-related investigations?

Mrs. MURRAY. No, I agree with the Senator that the Department of Transportation would be free to cooperate.

Mr. WYDEN. I appreciate that response, and I heartily agree. If I could just briefly sum up my point here, it is that if the FTC decides to investigate airline practices—which it can already do under current law—I believe it could do an important service. And I wouldn't want lack of cooperation from the Department of Transportation to stand in the way.

I thank my friend from Washington for her attention.

APPROACH LIGHTING SYSTEM IMPROVEMENT

Mr. GRAHAM. Mr. President, I am pleased to see that the Senate Transportation appropriations bill has included a provision which makes $33,331,000 available for the Approach Lighting System Improvement Program (ALSIP). I thank my colleague from Washington, the chair of the Subcommittee, Mrs. MURRAY for her help in securing this funding.

Mrs. MURRAY. The Senator is correct, $33,331,000 is available for ALSIP.

Mr. GRAHAM. The language on page 51 of the Senate Report (107–38) does not specify that the funding that is made available is provided both for the installation of the previously purchased medium approach lighting systems with runway alignment indicator lights (MALSR) and for future procurement, so as to keep the production line operational. I would like to ask for clarification: is money in this account to be used both for installation and procurement?

Mrs. MURRAY. Yes, that is correct.

Mr. GRAHAM. I hope that language to this effect can be included in the conference report.

Mrs. MURRAY. I will look to clarify this in the final language.

SECTION 315 (GP) AND AIR TRAFFIC CONGESTION IN THE CHICAGO REGION

Mr. BAYH. Mr. President, I believe the chairwoman and ranking member are aware of the air traffic congestion and capacity issues facing the Chicago area. Not only are these important issues for the national aviation system, but for the greater Chicagoland area as well. I thank the chairwoman and the ranking member for the attention given to this regional and national dilemma.

As you know, the Chicago area desperately needs additional airport capacity. I believe the Gary/Chicago Airport is capable of immediately providing the capacity needed to relieve Chicago's O'Hare and Midway Airports. I continue my longstanding support for the Gary/Chicago Airport as an integral part of the solution to meet the air traffic needs of the region.

I am working closely with my colleagues Senator LUGAR, Congressman VISCLOSKY in the House of Representatives, Indiana Governor Frank

O'Bannon, and with local officials in Indiana to ensure that the Gary/Chicago Airport is included in any discussions at the federal level about how to relieve air traffic congestion in the Chicago region.

Section 315 (General Provisions) requires the Secretary of Transportation to work with the Federal Aviation Administrator (FAA) to encourage a locally developed and executed plan between the State of Illinois, the City of Chicago, and affected communities for the purpose of modernizing O'Hare International Airport. It is my hope that any discussions in Congress, at the FAA, or elsewhere, include Indiana and the Gary/Chicago Airport as a part of the solution to this crisis.

Mr. LUGAR. Mr. President, I appreciate the attention the Appropriations Committee has given to this important issue. I join with my colleague from Indiana Senator BAYH in sharing with the committee our thoughts about section 315 of the bill. I hope the committee will be mindful of our strong interest in this issue, and that we believe Indiana should be specifically listed and included in any matters or discussions relating to federal proposals or legislation intended to relieve air traffic in the Chicago region.

The Chicago region needs additional airport capacity and some of this capacity can be accommodated at the Gary/Chicago Airport. Throughout my service in the Senate, I have been a strong supporter of the Gary/Chicago Airport as a viable part of the solution that will help meet the current pressing air traffic needs of the region.

Earlier this year, the Gary Airport submitted to the FAA a draft of its phase II20-year master plan/airport layout plan. This effort proposes an expansion of existing airport facilities, including navigational improvements, runway extensions and construction of parallel runway. I strongly support the airport's plan for future growth and believe this master plan is an essential part of the solution to helping relieve air traffic congestion now and in the long term. It is especially important to keep in mind that the Gary/Chicago Airport today is an active, fully operational aviation facility with a 7,000 foot main runway and a crosswind runway that can help provide immediate relief to the problem of aviation congestion in the Chicago region.

On June 12, I hosted a meeting in Washington with Transportation Secretary Mineta and was joined by my colleagues Senator BAYH and Representative VISCLOSKY, along with Indiana Governor O'Bannon and Gary Mayor King. During this productive and positive meeting, we emphasized to Transportation Secretary Mineta our strong and unified support for the master plan/ALP submitted by the Gary/Chicago Airport that is currently being evaluated by the FAA. We specifically requested Secretary Mineta's assistance in ensuring that Gary's master plan/ALP receive full and fair consideration, and that the FAA work to expedite their consideration of Gary's plan. We hope Gary's master plan/ALP will be approved by the FAA this year.

The problem of air congestion in the Chicago region and the urgent need for relief should be national priorities. I believe that existing, operating, regional airport facilities such as the Gary/Chicago Airport should be included as part of both short-term and long-term solutions to this aviation safety and public transportation challenge. I wish to thank the chairwoman and ranking member for their attention to our concerns about this important matter.

Mrs. MURRAY. Mr. President, the committee is aware of the Senator's strong interest in making sure that Indiana is a part of these important discussions, and the committee agrees that the Gary/Chicago Airport should be specifically included as part of federal deliberations concerning air traffic congestion in the Chicago region.

SAN BERNARDINO METROLINK

Mrs. FEINSTEIN. Mr. President, I rise with the chairman and ranking member of the Transportation Appropriations Subcommittee to discuss a transportation infrastructure project that is of great importance to the southern California region.

I want to first, however, thank Chairman MURRAY and Senator SHELBY for their outstanding work on this bill. The fiscal year 2002 Transportation Appropriations bill provides appropriations for important transportation and transit projects in the State of California and the rest of the nation. The transportation needs in California alone are tremendous. I understand the difficulty you faced in trying to meet as many of these needs as possible under tight budget constraints.

I am concerned, however, that this is an important California project that was not funded—the Metrolink's double track project on the San Bernardino line.

Mr. SHELBY. The committee is aware of this project. It is my understanding that as one of the fastest growing commuter rail systems in the country, Metrolink is integral to the commuting requirements of the citizens of the Los Angeles basin. It provides service to Orange, Riverside, San Bernardino, Los Angeles, Ventura, and San Diego Counties.

Mrs. MURRAY. Metrolink has received appropriations in each of the past 2 fiscal years. A local match of 70 percent is already in place, representing a substantial local and state commitment to the project. I understand the Senator from California's concern over this project and I will continue to work with her to try to determine whether funding can be made available for this project.

Mrs. FEINSTEIN. I thank the chairman and ranking member for their understanding and willingness to work with me on this project. The Metrolink system is quickly reaching capacity. With continued federal support, it will be able to meet the growing demands for its service, while reducing congestion and improving the air quality of southern California.

FUNDING TO IMPROVE THE HIGHWAY SYSTEM OF AROOSTOOK COUNTY IN NORTHERN MAINE

Ms. COLLINS. I thank the chairman and ranking member of the Subcommittee on Transportation Appropriations for providing needed funding for projects of great importance to Maine. My senior colleague from our great State and I would like to engage you in a brief colloquy about one such project—the improvement of the highway system in northern Maine. The Senate report accompanying the fiscal year 2002 Transportation appropriations bill sets aside $6 million to help us move forward extending Maine's highway system beyond the termination point of Interstate 95 in Houlton. Having been born and raised in northern Maine I can tell you first hand about the critical importance to that region's economy of improving the highway system of Aroostook County.

Ms. SNOWE. As Senator COLLINS expressed, your efforts on behalf of our State are deeply appreciated. We are committed to improving the highway system in Aroostook County and therefore welcome your support for this project. Interstate 95's current termination point is more than one hundred miles away from Maine's northernmost communities, which inhibits their ability to interact and to transact with the rest of the State and beyond.

Mrs. MURRAY. We are well aware of the importance of this project to the State of Maine and are pleased to provide support.

Ms. COLLINS. We would respectfully ask that you make every effort to retain the $6 million earmark in the conference on your bill with the House of Representatives, so that these funds can be used next year to cover engineering, construction, and planning costs associated with enhancing the highway system in northern Maine.

Mrs. MURRAY. I can assure you that I will keep your concerns in mind as we go to conference with the House.

Mr. SHELBY. And I provide you similar assurances of support for your project, as you have described it, during the conference on the Transportation appropriations bill.

Ms. SNOWE. We very much appreciate your willingness to advocate on our behalf, and on behalf of our State. The $6 million will be a critical downpayment on this ambitious project.

NORTHSTAR CORRIDOR COMMUTER RAIL PROJECT

Mr. WELLSTONE. Mr. President, I rise to engage in a colloquy with my distinguished colleague from Washington, the chairwoman of the Appropriations Subcommittee on Transportation. The purpose is to discuss an important initiative in the State of Minnesota, the Northstar Corridor. I would also like to thank the chairwoman and the subcommittee for providing funding to support several projects in my

state including the Hiawatha Corridor, the Minnesota Valley Regional Rail Authority, the Phalen Boulevard, Trunk Highway 610/10, as well as bus procurement for the Metro Transit and Greater Minnesota Transit Authorities.

As my colleague knows, many regions of our country are experiencing significant growth. This is true for the Twin Cities Metropolitan area in Minnesota. In order to help commuters and reduce congestion in the North metro area, the Northstar Corridor project has been undertaken by local authorities to provide commuter rail service between Minneapolis and St. Cloud. This project is one of the corridors included in the comprehensive Twin Cities Transitways Project to provide much needed light rail and commuter rail services in the region.

Specifically, the Northstar Corridor, which was authorized in TEA–21, will provide a direct connection between two major regional centers for business, education and health care. The 80-mile commuter rail line will operate on existing BNSF track. The Northstar Corridor has been identified by both the Minnesota Department of Transportation and the Twin Cities Metropolitan Council as the highest priority corridor for implementation of commuter rail in the state. While the bill before us contains significant funding for new start construction projects under the jurisdiction of the Federal Transit Authority, including the Hiawatha light rail corridor in Minneapolis, funding was not included for the Northstar Corridor. However, H.R. 2299 does include $10 million for the Northstar Corridor. This funding will support right of way acquisition, final design and engineering of stations, vehicles, capacity improvements to existing track and maintenance facility. I would seek my colleague's assurance that during consideration of the conference report on the FY 2002 Department of Transportation appropriations bill, that she would be supportive of the Northstar Corridor commuter rail project.

Mrs. MURRAY. I am aware of the Twin cities Transitways Project and I am pleased that this bill includes $50 million to support the Hiawatha Corridor. While the subcommittee was unable to provide funding for the Northstar Corridor initiative, we will give that project consideration when we go to the conference committee with the House on the FY 2002 Department of Transportation Appropriations bill.

Mr. WELLSTONE. I thank my colleague for her work as chairwoman and for her support for the Northstar Corridor.

MICHIGAN ITCS PROJECT

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished chairwoman of the Transportation Appropriations Subcommittee. As the chairwoman knows, since Fiscal Year 1996, the Congress has appropriated a total of $13 million for the Michigan Incremental Train Control System (ITCS) Project, a public—private partnership to develop, test, prove and demonstrate an advanced positive train control system on a portion of the Detroit—Chicago rail corridor between Kalamazoo and Porter, Michigan to provide high speed rail operations. The Michigan ITCS project focuses on upgrading the existing wayside signal system to facilitate passenger train speeds in excess of 80 miles per hour, while still controlling freight trains that move at slower speeds.

The administration's Fiscal Year 2002 DOT Budget proposal provides that $3 million of funding provided for ''high speed train control systems'' under the Next Generation High Speed Rail Program be allocated to the Michigan ITCS Project, which is entering its final phase. In the bill before us, a total of $11 million is provided for ''high speed train control systems'' with $5 million of those funds allocated to a PTC project in Wisconsin. Mr. President, I ask distinguished chairwoman to give this important project consideration in conference, and provide $3 million for the final phase of Michigan ITCS project, consistent with the administration's budget request. Any consideration that the distinguished chairwoman can provide is much appreciated.

Mr. LEVIN. Mr. President, I join my colleague from Michigan in urging you to give this worthy project consideration in conference. The Detroit-Chicago Corridor has been designated as one of only ten high-speed rail corridors in the nation. In order to make that designation a reality we must develop the necessary technology to allow high-speed rail to operate safely on existing infrastructure. That means completing the development of an effective train control system. This project, as a public-private partnership, has had the ongoing participation and support from the State of Michigan, the Federal Railroad Administration, Amtrak and Harmon Industries, the company developing the technology. It also has the support of Michigan's two Senators and I hope we can find a way to continue Federal support for this project.

Mrs. MURRAY. Mr. President, I thank the distinguished Senators from Michigan, and I will be happy to work with her in conference on this important Michigan ITCS project.

Ms. STABENOW. I thank the distinguished chairwoman of the subcommittee.

FEDERAL HIGHWAY ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to engage the esteemed Chair of the Senate Transportation Subcommittee in a brief colloquy regarding a recent Federal Highway Administration (FHWA) interpretative memorandum.

FHWA, in response to a legitimate concern about maintaining the uniformity of the signs on our nation's highways, has issued a memorandum proscribing restrictions for the text of signs used in state Adopt-A-Highway programs.

FHWA's intention, I believe, is a good one—to prevent the commercialization of our nation's relatively uniform interstate highway signs. It might amuse my colleague's to know that uniformity is the result of very serious tome entitled the Manual on Uniform Traffic Control Devices, or ''MUCTDA'' as some call it.

Despite its funny name, MUCTDA represents sound public policy. Since the inception of Adopt-A-Highway programs, several participating states have referred to MUCTDA's section 2D–47, when trying to determine how to appropriately recognize the roadway sponsor on Adopt-A-Highway signs.

This section states that ''messages, symbols, and trademarks that resemble any official traffic control device shall not be used on Adopt-A-Highway signs.'' This implies that other logos which do not resemble official traffic control devices are acceptable.

The recent interpretive memorandum, however, says that all logos constitute advertising and, as such, Adopt-A-Highway signs with any logos must come down.

This is extremely problematic for New York, which has awarded over $26 million in Adopt-A-Highway contracts since 1996. Without the ability to post any logos, both corporate and non-corporate sponsors will end their involvement. This could undermine a great deal of progress we have made in keeping New York's roadways clean and safe.

In short, this interpretive memorandum could completely hobble the Adopt-A-Highway program in my state and in others, which I am sure is not FHWA's intent.

I am not trying to block FHWA from proscribing regulations pertaining to Adopt-A-Highway signage, but I do believe that the affected states should be consulted first because so much revenue for maintaining highways is at stake.

As the Senator prepares for conference committee deliberations I hope she will agree that FHWA has an obligation to work with the affected states to find some resolution to this Adopt-A-Highway signage issue because this interpretative memorandum appears to change FHWA's policy at mid-course.

Mrs. MURRAY. I agree with the Senator from New York that FHWA should engage the state transportation departments to find some resolution that provides for a uniform national policy without, if possible, unnecessarily jeopardizing existing Adopt-A-Highway contracts.

NEW STARTS TRANSIT PROGRAM

Mr. SARBANES. Mr. President, I rise today to highlight the fact that the bill pending before us provides an additional $100 million for the New Starts transit program above the amount guaranteed in the Transportation Equity Act for the 21st Century (TEA–21).

This is a critically important investment in our nation's transportation infrastructure which will ultimately provide more transportation options for all Americans.

All across the country, congestion and gridlock are taking their toll in terms of economic loss, environmental impacts, and personal frustration. According to the Texas Transportation Institute, in 1999, Americans in 68 urban areas spent 4.5 billion hours stuck in traffic, with an estimated cost to the nation of $78 billion in lost time and wasted fuel. And the problem is growing.

In response, Americans are searching for alternatives. According to the American Public Transportation Association, Americans took over 9.4 billion trips on transit in 2000—the highest level in 40 years. In fact, over the past five years, transit ridership has increased by 21 percent, growing more than four times faster than the U.S. population. Over 200 communities around the country, in urban, suburban, and rural areas, are considering light rail or other fixed guideway transit investments to meet their growing transportation needs.

When Congress passed TEA–21 in 1998, we made a significant commitment to supporting communities' public transportation investments. TEA–21 authorized almost $8.2 billion over six years to fund new rail projects; $6 billion of that amount was guaranteed.

In the years since TEA–21's passage, it has become clear that communities' need for New Starts funding has grown even faster than anticipated in 1998. Yet the program has consistently been funded only at the guaranteed level, leaving the remaining authorization unutilized. Now, for the first time, the Appropriations Committee has provided funding for New Starts above the amount guaranteed by TEA–21, appropriating $100 million of the $430 million non-guaranteed authorization. I commend the Committee for taking this step toward addressing the growing need for transit funds within TEA–21's statutory framework.

Increased investment in transit will ultimately benefit all Americans. For example, as cities and towns across America are discovering, public transit can stimulate the economic life of any community. Studies have shown that a nearby transit station increases the value of local businesses and real estate. Increased property values mean more tax revenues to states and local jurisdictions; new business development around a transit station means more jobs. Moreover, I believe the potential of mass transit to help address our nation's current energy crunch has been consistently overlooked. With gas prices soaring and congestion increasing, public transit offers one of the best solutions to America's growing pains.

I am gratified to see that the Appropriations Committee has recognized the strong demand for transit in communities across the country by funding the New Starts program above the guaranteed level. This is an important first step toward addressing America's long-term transportation needs.

PORTS TO PLAINS HIGH PRIORITY CORRIDOR

Mr. ALLARD. Mr. President, I would like to briefly engage the Chairman and Ranking Member of the Senate Transportation Appropriations Subcommittee on a transportation issue important to the State of Colorado.

The Ports to Plains High Priority Corridor is a most pressing issue for my state, however, I have concerns about language currently in the Transportation Appropriations bill. As it stands, the bill contains a $1 million feasibility study for a section of the corridor on US 64/87 in New Mexico.

Mrs. MURRAY. I would say to the Senator from Colorado that I am certainly aware of the issues surrounding the Ports to Plains corridor and I understand his concerns.

Mr. ALLARD. I appreciate that. As the Senator knows the states of Texas, New Mexico, Oklahoma and Colorado have been engaged for several years now in determining the best route for this TEA–21 authorized trade corridor. Just last week, the Colorado Transportation Commission voted unanimously for designation of the Eastern Colorado route from the Oklahoma panhandle to Denver via US 287. A feasibility study for a New Mexico section of this route would clearly send a signal that Congress intends to legislate that the corridor be routed up Interstate 25 into Denver.

Mr. INHOFE. I would like to add a similar resolution passed by the Oklahoma Transportation Commission also supports US 287 as the preferred route to Denver, CO. I think it should also be noted that the Texas Department of Transportation has indicated that it would defer to Colorado to negotiate the alignment of the northern section of the corridor. I share the concerns of the Senator from Colorado about a New Mexico feasibility study.

Mr. ALLARD. I thank the Senator from Oklahoma for his support. We understand the wishes of our friends in New Mexico. However, we feel that the overwhelming support for the US 287 route coupled with the massive opposition in Colorado to encouraging any further traffic on Interstate 25 simply needs to be heard. Further, the existence of the Camino Real High Priority Corridor on Interstate 25 should be taken into account—allowing another High Priority Corridor on already-congested Interstate 25 just doesn't make sense. It should be noted that many of the high population centers along Interstate 25 south of Denver have made their opposition to the corridor well known. Those along US 287 in Eastern Colorado have made their support equally as well known.

In fact, just this week, the four states got together one more time and have been able to iron out a compromise that accommodates all parties. Allowing this feasibility study to stay in the bill would further complicate and delay a process that is clearly working.

Mr. SHELBY. I would say to the Senators from Colorado and Oklahoma that I am certainly aware of the actions of the states on this and I would agree that their views are of utmost importance in any final designation. I would share with the Senators that I am hesitant for the Congress to designate routes when the process among the States to determine the corridor's working toward conclusion.

Mrs. MURRAY. I would agree with the distinguished Ranking Member and I agree that we will need to address this in the joint Senate-House Conference Committee.

Mr. SHELBY. I would concur with the Chairman and would say that it is my intent as well to minimize or eliminate Congressional involvement in this issue at this time.

Mr. ALLARD. I thank the Senators for their interest in working with us on this issue. I look forward to the conference committee's outcome.

AIR TRAFFIC INSTRUCTIONAL SERVICES

Mr. SHELBY. Mr. President, the Federal Aviation Administration operates a critical program of proficiency and developmental training for air traffic controllers. It has been demonstrated that this training reduces operational errors and makes the skies safer for the flying public. Over the past several years the Senate Transportation Appropriations Subcommittee has required that the Federal Aviation Administration spend its appropriated funds on the Air Traffic Instructional Services, or ATIS, program and not reprogram these funds to other accounts without approval of the subcommittee. This has worked well in the past and has insured proper expenditure of these funds.

I hope this support for the ATIS program will continue in fiscal year 2002. Is it your understanding that the operational account of the FAA fully funds the budget request for the ATIS program? Do you agree that these funds are to be spent only on this account unless expressly approved by the Subcommittee?

Mrs. MURRAY. I appreciate the opportunity to address this matter. It is my intention to continue to press for full funding of the ATIS program in conference committee deliberations with the House. It should also be known that the subcommittee believes that full funding for ATIS is critical to the safety of our airways and that any reprogramming by the FAA should be done only after consultation with the subcommittee.

TENNESSEE PUBLIC TRANSPORTATION

Mr. FRIST. Mr. President, I would like to take this opportunity to thank the Chairwoman and Ranking Member of the Subcommittee on Transportation Appropriations for their efforts in securing the 5309 appropriations for public transportation in our state of Tennessee. Our state's public transit

programs historically have not received the necessary federal funding critical to supply invaluable services to the people of Tennessee. Our state is one of only five in the nation that provides public transportation to citizens in each county, with eleven rural and twelve urban transit systems servicing all 95 counties. To fund this effort and compensate for lower federal funding in recent years, it is my hope that the Conference Committee will recognize that the $12 million funding level recommended by the House is fully justify for public transportation initiatives in Tennessee. I have shared my concerns with Senators MURRAY and SHELBY about the importance of effective transit programs in a growing state like ours and I hope that my friends will do all that they can to ensure that Tennessee's public transportation system will be provided $12 million in federal funding when the Conference Committee convenes. Again let me reiterate my appreciation to the Chairwoman and Ranking Member. I look forward to working with both of you on this issue.

Mr. THOMPSON. Mr. President, I strongly support the words of my good friend and colleague from Tennessee. I, too, would like to thank Chairwoman MURRAY and Ranking Member SHELBY for their leadership on the Transportation Subcommittee. I give my full support to developing effective public transportation programs that serve the needs of all Tennesseans. Our public transit systems have not historically seen the level of federal support they need to develop properly. As our cities grow and our transportation needs change 279 active urban transit buses now exceed their 12-year useful service life. Additionally, there are 218 rural transit vans with mileage in excess of the 100,000-mile service life. The $12 million funding level provided in the House will improve public safety and reduce maintenance costs while ensuring that an adequate infrastructure is in place to better serve all the counties of our growing state. It is my sincere hope that the Conference Committee will restore the full funding level recommended by the House.

Mr. FRIST. I would like to echo the sentiment of my friend and colleague and reiterate the need to develop and expand public transportation services in our state. The federal contribution to these services has been low for some time. I look forward to working with the Conference Committee to act in the interests of those who depend upon efficient public transportation by providing the full $12 million, as provided by the House.

Mr. THOMPSON. I thank my colleague from Tennessee for his work on this issue of great importance to thousands of our constituents. I eagerly await with him for action by the Conference Committee.

Mrs. MURRAY. I have duly noted the concerns of my friends from Tennessee and look forward to working with them on this issue.

Mr. SHELBY. I thank the Senator from Tennessee for raising their concerns and I also will work with my friends from Tennessee to address their concerns during conference.

Mr. FRIST. I thank my friends and colleagues. Mr. President, I yield the balance of my time.

ESSENTIAL AIR SERVICE PROGRAM

Ms. SNOWE. I thank the chairman and ranking member of the Appropriations Subcommittee on Transportation for working closely with me and Senator COLLINS on projects of importance to our state, as well as critical national priorities. Your efforts are very much appreciated. As you know, one issue of great importance to my home state of Maine, as a rural state with many small, remote communities, is the U.S. Department of Transportation Essential Air Service—EAS—program. Air service in rural areas is not simply a luxury, it is an imperative. Any municipality or small business owner will tell that without quality, affordable air service, economic development is virtually impossible. The EAS program is designed to ensure that small communities that were served by commercial air carriers prior to deregulation maintain scheduled air service. Today, the EAS program serves over 80 rural communities nationwide. The reality of deregulated air service is that four of Maine's six commercial airports—including the State Capital's airport in Augusta—rely on EAS to have any service to all. Unfortunately, the Administration has proposed a change in the eligibility criteria for the program which would result in the elimination of air service to a number of rural communities nationwide, including Augusta.

Ms. COLLINS. I would like to express my appreciation to the Chairman and Ranking Member of the Subcommittee as well, and would like to add to what my colleague from Maine has said regarding the EAS program, which is so critical in Maine. The EAS program sustains important economic, social, and quality of life benefits for the rural communities it serves. In Maine's case, Augusta, Maine, the State of Capital, would lose air service. Commercial air service in our Capital is absolutely crucial. Loss of service would undermine the region's economy and hinder the operation of the State government.

Mrs. MURRAY. I am aware of your concern and I can assure you that during the Senate-House conference on this bill, we will keep your views in mind.

Mr. SHELBY. Likewise, I am well aware of your support for the program, and I know how important it is to rural areas including the community of Muscle Shoals, Alabama. I will work with the Chair during the conference to address the concerns you have raised.

Ms. COLLINS. Thank you very much. We appreciate your willingness to address this important matter. We look forward to working with you as the appropriations process continues.

Mrs. SNOWE. Once again, I would like to thank the Subcommittee for its strong support and its willingness to make an effort to address issues of concern to rural states like Maine. Thank you both very much.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the yeas and nays on the bill be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2299), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that we proceed to executive session to consider en bloc the following nominations: Calendar Nos. 201, 251, 253, 254, 255, 256, 257, 258, 259, 260, 261, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 301, and 302; that the nominees be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Jack Dyer Crouch, II, of Missouri, to be an Assistant Secretary of Defense.

DEPARTMENT OF VETERANS AFFAIRS

Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

DEPARTMENT OF AGRICULTURE

Eric M. Bost, of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

William T. Hawks, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Joseph J. Jen, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James R. Moseley, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

J.B. Penn, of Arkansas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

SECURITIES AND EXCHANGE COMMISSION

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2002.

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2007. (Reappointment)

DEPARTMENT OF ENERGY

Dan R. Brouillette, of Louisiana, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Josefina Carbonell, of Florida, to be Assistant Secretary for Aging, Department of Health and Human Services.

DEPARTMENT OF STATE

Sue McCourt Cobb, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Mercer Reynolds, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Russell F. Freeman, of North Dakota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Michael E. Guest, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Stuart A. Bernstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Charles A. Heimbold, Jr., of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Jim Nicholson, of Colorado, to be Ambassador Extraordinary and Plenipotentiary United States of America to the Holy See.

Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Larry C. Napper, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

Thomas C. Hubbard, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary United States of America to the Republic of Korea.

Marie T. Huhtala, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary United States of America to Malaysia.

Franklin L. Lavin, of Ohio, to be Ambassador Extraordinary and Plenipotentiary United States of America to the Republic of Singapore.

Roger Francisco Noriega, of Kansas, to be Permanent Representatives of the United States of America to the Organization of American States, with the rank of Ambassador.

Clark Kent Ervin, of Texas, to be Inspector General, Department of State.

NOMINATION OF JOHN WALTERS TO BE THE DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. MCCAIN. Mr. President, I want to turn to the nomination of John Walters, the President's choice for drug czar, who also deserves a confirmation hearing so he can offer his views on how to reduce drug abuse in our nation.

With all the damage drugs are doing to our children and to adult Americans, why in the world is the Senate dragging its feet on even having a confirmation hearing for our nation's highest ranking drug policy official?

John is uniquely qualified for the job of drug czar.

He distinguished himself during the first Bush administration as Deputy Director for Supply Reduction, Chief of Staff and National Security Director, and Acting Director of the Office of National Drug Control Policy. During the administration of President Reagan, John served as Chief of Staff and Counselor to the Secretary of Education, as well as Assistant to the Secretary, the Secretary's Representative to the National Drug Policy Board, and the Secretary's Representative to the Domestic Policy Council's Health Policy Working Group.

John is currently serving as president of the Philanthropy Roundtable, a national association of charitable donors who are doing great work in our communities. He was previously president of the New Citizenship Project, an organization created to promote greater civic participation in our national life.

John also served on the Council on Crime in America, a bipartisan commission on violent crime co-chaired by Bill Bennett and President Carter's Attorney General Griffin Bell. And, in 1988, John created the Madison Center, a nonprofit organization dedicated to early childhood education and drug abuse prevention.

Mr. President, John Walters has now waited almost 2 months for a confirmation hearing. I urge my colleagues to move forward on his nomination.

NOMINATION OF JOSEFINA CARBONELL TO BE ASSISTANT SECRETARY FOR AGING

Mr. NELSON of Florida. Mr. President, I want to voice my enthusiastic support for Josefina Carbonell's nomination to be Assistant Secretary for Aging at the Department of Health and Human Services. She has served her community admirably, and is highly respected for her work with the Little Havana Activities and Nutrition Centers of Miami-Dade County. This is an organization she founded in 1972. Under her leadership, it has grown from a one-site project into the largest aging, health and nutrition program in Florida and the largest Hispanic geriatric health and human service organization in the nation. Today Little Havana operates twenty-one different sites, serving over 55,000 registered clients. The program served over one million meals to 50,000 older Americans in 2000, and now operate six senior centers and three adult care centers, and while providing services through numerous federal health-care and employment programs.

As a young girl, Ms. Carbonell came to this country from Cuba and dedicated her life to serving her community. Her contributions to the well-being of the greater Miami community are well-known, and, I would say some have become legendary.

Her many years living and working among South Florida's large senior population and her direct hands-on experience providing services for these citizens make her a superb choice to be Assistant Secretary for Aging at the Department of Health and Human Services.

In Josefina Carbonell, our seniors will have an outstanding advocate in Washington. I look forward to working with her to improve both the quality of life for our senior citizens and the services we provide them.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I further ask unanimous consent the majority leader may, after consultation with the Republican leader, turn to the consideration of the export administration bill, S. 149, but not before September 4, 2001; further, that the Senate now turn to the consideration of H.R. 2620, the VA–HUD appropriations, and Senator MIKULSKI be recognized to offer the text of the Senate bill, S. 1216, as a substitute amendment.

The PRESIDING OFFICER. Is there is objection?

Mrs. MURRAY. Reserving the right to object, and I will not object, but if I could just have 2 minutes before we go to VA-HUD for some final cleanup on the Transportation bill?

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. TORRICELLI. Reserving the right to object, could I have 2 minutes after Senator MURRAY?

Mr. DASCHLE. Mr. President, I ask that be part of the unanimous consent request.

Mr. MCCAIN. Reserving the right to object, I reserve 2 minutes after the Senator from New Jersey.

Mr. DASCHLE. I add that one, too.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, as in executive session, I ask unanimous consent that immediately following the next rollcall vote, the Senate proceed to executive session to consider the nomination of ASA HUTCHINSON to be Administrator for Drug Enforcement, that there be 30 minutes for debate equally divided among Senators

LEAHY, HATCH, and HUTCHINSON, that at the conclusion of that debate the Senate vote on the confirmation of that nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statement thereon be printed in the RECORD, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object for two purposes, first of all, let me clarify. In the middle of this request it says that there be—is it 10 minutes each for LEAHY, HATCH, and HUTCHINSON, as opposed to 2 minutes for debate as has been earlier indicated? You put it at 10 minutes each for those 3; is that correct?

Mr. DASCHLE. That is correct, 30 minutes of debate equally divided among three Senators, 10 minutes each.

Mr. LOTT. Mr. President, I was going to reserve on behalf of Senator THOMPSON, but I see that he is present. I withdraw my reservation so Senator THOMPSON can make this request himself.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. Mr. President, reserving right to object, I wanted to ask whether or not the unanimous consent request covered the consideration of the Export Administration Act.

Mr. DASCHLE. The Senator is correct. The Export Administration Act is part of the unanimous consent agreement that we entered into a moment ago. It allows the majority leader to call up the bill on September 4.

I say to my colleagues, and especially to my colleague from Tennessee, that this is an agreement he and I discussed prior to entering into the agreement. It acknowledges that we would have at least 2 full days of debate that would accommodate the interest of the Senator from Tennessee in discussing this issue prior to the time I would file a cloture motion. I confirm that for the RECORD, and fully expect that those 2 full days of debate will be immediately following the time we come back.

Mr. THOMPSON. Mr. President, my understanding was that there would be 2 full days of debate on the bill and amendments. Does the Senator state in the unanimous consent as to when the bill would be taken up? Would it be September 4 or is that left open?

Mr. DASCHLE. Mr. President, I indicated in the unanimous consent request that it would be at the discretion of the majority leader, but we did list September 4 as the anticipated date for the beginning of the consideration of the bill.

Mr. THOMPSON. Mr. President, if I may inquire, I believe we also discussed that the 2 full days—if that be the case—would be September 5 and 6. Cloture would not be filed before September 7. Is that correct?

Mr. DASCHLE. The Senator is correct.

Mr. THOMPSON. I have no objection.

Mr. CRAIG. Mr. President, reserving the right to object, I thank the majority leader for his willingness to move a large number of nominees forward and to work with Senator NICKLES also and Senator REID to bring us the number we have today. I trust that some can move tomorrow out of committee, and possibly by Friday we will even advance a good many more. But I must tell you that there are others hanging in committee—some that have been there since April and May.

I must tell you that I was very frustrated when the chairman of the Judiciary Committee asked about one nominee in particular and said we might get to him sometime next year. I do not know how to read that statement. But I will tell you, if I read it the way I thought it was intended, that is unacceptable. He has not had a hearing. And I know the chairman of the Judiciary Committee talked about the frustration of timing. But he has been before the committee since May 24.

Things change around here substantially. All of us know that and accept that. But to suggest that we will not get to one of our President's important nominees for 1 year nearly after he is nominated, if that were to happen, September is going to be a pretty difficult month around here for all of us. I don't say that as a threat. I don't threaten. We know that. We don't do that in the Senate. But we cannot accept those kinds of statements coming from key chairmen of committees who have a responsibility to deal in a timely fashion with these nominees. If there is a problem, have the hearing, bring him out and vote him down. But don't suggest to him or to the administration that sometime next year we will have this happen.

I was inclined to object. But thanks to Senator NICKLES and also Senator REID, and the work done here and the majority leader's willingness to advance it, I will not.

But there are other opportunities. There is a very clear timeline to get an awful lot of work done in the Senate. I hope I am sending a message to the chairman of the Judiciary Committee that those kinds of statements and those kinds of actions cannot stand. Most importantly, if he chooses that, then vote him down and tell the administration that they have picked the wrong person—or people—and there are other nominees or someone who is more acceptable to that chairman and to the committee and to the Senate as a whole.

As you know, I talked to the leader about the pure human side of this. People need to move their kids by August to get them in school. I think the majority leader has been sensitive to that. I mean that most sincerely, because the majority leader is moving a large number now, and that will allow them time to do what they need to do in the human sense.

But it will be a real tragedy, if this Senate becomes part of a limiting factor on any administration's ability to bring together its team and execute the responsibility of the executive branch.

I have spoken enough. I think my feelings are very clear. I must tell you that there will be an increasingly concerted effort, if those kinds of remarks and actions that follow are ones that will not move nominees, or give them their day, or vote them down and move on so we can fill these very important decisionmaking positions for our Government.

I will not object. I yield the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I thank the Senator from Idaho. I feel I may need to call an ambulance. I think I just bit off my tongue.

I will say in all sincerity that I think he just gave the speech that I have repeated probably 25 or 30 times over the last 6 years, verbatim. I can't tell you how many people languished for not days or weeks but years. But I have said on this floor repeatedly that we will not engage in payback. We will not engage in that kind of practice because I don't believe in it. But I must say the record so far speaks for itself.

Since assuming the majority—and we have only been able to deal with nominations since we came back. Prior to that time, we didn't have Members on committees. Since the organizing resolution passed, we have held hearings on 114 Presidential nominees. This last week Democrats reported favorably out of committee 17 nominees. In addition, during the 17-day period when Democrats won the majority in January, 13 hearings were held on Cabinet level appointees. During the brief time since the organizing resolution was passed, four judicial nominees have already had hearings before the committee, 100 percent more than were held before Senator LEAHY became chairman. The majority has already confirmed three judicial nominees. President Bush has been slow to send the necessary documentation on some of the nominees. As of July 24, 34 percent of the 132 nominees announced by the administration have not had their paperwork sent to the Senate.

I guess my point is that we are trying to accommodate all of those nominees whose paperwork has been sent. I think today again demonstrates the sincere desire to continue making progress just as quickly as the committees report out their work. We have confirmed 110 nominations since taking the majority, with an agreement on one more as soon as Mr. HUTCHINSON has been confirmed.

Mr. CRAIG. Mr. President, will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. CRAIG. Mr. President, I thank the majority leader. I mean this most sincerely. We are about at the status quo between what Republicans were

able to do and what Democrats were able to do for President Clinton and what the majority leader is now doing. But I must tell you because the gentlemen and/or ladies have languished in these committees since April and May and their paperwork was there, there is something amiss.

That was my objection. Obviously, the majority leader has now expedited them. We have worked with the majority leader, and I compliment him for that. I think that is important.

But if there is a problem, let us not suggest that the gentleman doesn't get heard before next year. Let's send the right message instead of that kind of a statement. If there is a problem, what is the problem? If this person is unacceptable, hold the hearing, vote on him, and move him out or move him down.

That is my point. We need to get on with the business of allowing our President to have his people in place to govern. We made a major step, and I thank the majority leader for that.

Mr. DASCHLE. Mr. President, I thank the Senator from Idaho for his comment. There clearly will be nominees who will face challenges. We see that in the Commerce Committee as we speak. There will be others. But we will do our level best. That does not mean we are going to roll over and rubberstamp every nominee who comes forward because that isn't why we are here.

We have an obligation to ask questions, to review the data, and to make a decision. We are going to do that. But to whatever extent possible, we are going to be fair, and we are not going to reciprocate, even though I must say there are sometimes temptations that are fairly powerful. I hope we will continue to make progress on the nominations.

I also thank my colleagues, Senator REID and Senator NICKLES, for moving us along on the nominations, and Senator LOTT in particular for his work in trying to reach an accommodation.

My desire now is to work relatively late into the evening so that we might be able to get some of these amendments disposed of tonight. I do not think we will finish the bill tonight, but there is a lot of work to be done on the VA–HUD bill. We still have the Ag appropriations legislation left to do. So there is much to be done. Today is Wednesday afternoon, and we still have a day and a half, or 2, 3, 4, or 5 days perhaps, to do our work. But it is going to get done before we leave.

We will move now to the VA–HUD bill after the Senators who sought recognition are allowed to speak.

I yield the floor.

TRANSPORTATION APPROPRIATIONS

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very pleased that the Senate has now finally passed the Senate Transportation appropriations bill. It has been a long and arduous process, but we have done the right thing today. We have done the right thing for our constituents who have been sitting in traffic, for our constituents who are concerned about safety at our airports, for our constituents who daily travel in this country, who use our waterways and our highways and our air transportation system.

We have moved this bill forward in a way that I think is very sound. We have tried to meet the needs, as I said, of all of the Senators, who I think have done a good job on this floor. But, most importantly, I am especially pleased that we have moved the Senate Transportation Appropriations bill out of the Senate without compromising one iota on the safety of our families on our highways in regard to the Mexican truck provision. I think that is absolutely the way to go. I commend my colleagues who stood with me on this issue as we have moved this bill through the Senate.

I also take this opportunity to thank my staff: Peter Rogoff, Kate Hallahan, Denise Matthews, Cyndi Stowe, Angela Lee, and Dale Learn; as well as Senator SHELBY's staff: Wally Burnett, Paul Doerrer, and Candice Rogers; and our Commerce Committee staff: Debbie Hersman.

All of our staff members have spent countless hours in this Chamber, negotiating late into the night on many evenings over the past 10 days. I especially thank all of them for their tremendously good work and hard work and for being a part of getting this bill passed out today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I congratulate Senator MURRAY for her success on Transportation appropriations. This Senate, commencing a summer recess, is required to deal with Mexican trucks and northeastern cows. We now have one success behind us, and one more to go.

There are those who are going to claim that our insistence on the inspection of Mexican trucks is somehow a defeat for free trade. Nothing could be further from the truth. The commitment of this Senate to free, fair, and open trade is complete. We understand that the foundation of our prosperity rests upon open markets and free trade. But because we worship at the altar of free trade does not mean we have abandoned our faith in truck safety, the rights of labor, or environmental protection. We must keep a commitment to all of these things at the same time.

The roads of the United States are open to Mexican trucks—as they are open to Canadian trucks—when Mexico can pass a regimen of truck weights, the licensing of drivers for hazardous cargo, that licenses are issued to 21-year-old drivers, and that the Mexican trucks can meet our safety requirements.

Upon current inspections, nearly 40 percent of Mexican trucks are failing inspections. Our borders are not ready for 24-hour inspections to ensure safety. We want Mexico to have access to American highways. But for 50 years we have insisted that all trucks on our highways have limited weights, properly licensed drivers, and disclose hazardous cargoes. As we have insisted upon these requirements for Canadian and American drivers, we insist upon them for Mexican drivers. We welcome that day. What we have done today is a success.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. TORRICELLI. I know in time Mexico will be able to comply with these requirements.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I extend my appreciation to the majority leader and to the Republican leader for negotiating this issue out so that we could move forward. I did not enjoy this exercise. As I mentioned before, I have never—and I have been in the Senate since 1987—engaged in parliamentary maneuvering in order to block consideration of a bill. And I would not have—and I hope I never have to again—if it were not for the fact that it is a solemn treaty. So I thank the majority leader for his assistance in working this out, as well as Senator LOTT.

During the upcoming recess, we are going to meet with the Department of Transportation administration officials to find out exactly what language it is that they need in order to satisfy the concerns we all have about the present language in the bill, which they view and the Mexicans view as a violation of NAFTA. I hope we can come back, at the end of the recess, and we can agree on that language. Then we can move forward.

However, I remind my colleagues that there are three more—three more—cloture votes that may be required which will all involve, of course, extended debate. I do not want to do that. But, if necessary, we will continue through until finality because we really are concerned about language on an appropriations bill affecting a solemn treaty made between three nations.

So again, I thank the majority leader for working this out and giving us the courtesy he has extended. I apologize to him for impeding the important work of the Senate. I hope he understands why we had to do this. I am hopeful this will all be worked out over the recess so that we can come to an agreement on language which will achieve the goal we seek, which is to make sure that every vehicle that enters the United States is safe and inspected and every driver is licensed and qualified.

So I hope we can get this issue resolved. I hope the administration will

be able to work with us and the other side and develop the necessary language. I hope we do not have to continue this parliamentary maneuvering, but we will, if necessary. I hope all understand that this is the importance of this issue.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Ms. MIKULSKI. Mr. President, I call up the VA–HUD appropriations bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

Ms. MIKULSKI. Mr. President, I am indeed quite happy and proud to present the Senate with the VA–HUD and independent agencies appropriations for fiscal year 2002.

I thank Chairman BYRD and Senator STEVENS for working with the subcommittee in order to give us an allocation that made the bill workable. The funding level falls within the subcommittee's 302(b) allocation. I also thank Senator BOND and his staff for their bipartisanship and cooperation in support of this bill.

This subcommittee has had a history of bipartisanship. That tradition continues today.

When we began the 107th Congress, Senator BOND chaired this subcommittee. It is one of the most important because it funds so many of the agencies that meet compelling human need as well as the long-range needs of the United States of America.

When the transition came, it came in an orderly, seamless, and collegial way. I hope that will also be the general tenor of our debate, that we can move forward on this bill on a bipartisan basis.

I believe this bill is balanced, fair and meets the needs of the American people.

My guiding principles in drafting this bill were simple: keep the promises to our veterans; meet the compelling day-to-day needs of working poor; re-build our neighborhoods and communities; and, invest in science and technology to create jobs today and jobs tomorrow.

Based on the President's budget proposal and our subcommittee's allocation, we had to focus on restoring cuts in the President's budget and avoiding riders.

Our overriding goal was to make sure that the core programs in veterans and housing were taken care of first, and we did that.

We could not increase spending for any programs until our core programs for veterans and the poor were taken care of.

While I wish the subcommittee had more resources for science, we did the best we could do given our allocation.

I remain fully committed to doubling the budget for NSF over the next 5 years, but without the support of the administration, the authorizing committees, and the Budget Committees, the appropriators can not do it alone.

Finally, we did not break new ground this year. We are staying the course because this is a year of transition both in the administration and in the Senate.

For our Nation's veterans, we have increased VA healthcare by $1.1 billion over last year, for a total of $21.4 billion. This is $400 million more than the President's request. This will allow the VA healthcare system to serve 4 million patients in 2002 through 172 medical centers, 876 outpatients clinics, 135 nursing homes and 43 domiciliaries.

VA continues to shift from an inpatient focus to outpatient care to serve more veterans in their communities. The funding in this bill will allow VA to open more community based outpatient clinics to better serve our Nation's veterans. This bill provides funding for VA to open 33 new outpatient clinics in fiscal year 2002.

This marks the second year in a row that we have had billion-dollar-plus increase for veterans healthcare.

We have also increased funding for VA medical research by $40 million over last year and $30 million above the President's request. This funding level will allow VA to continue progress in the treatment of chronic diseases; diagnoses and treatment of degenerative brain diseases, such as Alzheimer's and Parkinson's, and; research involving special populations, especially those who suffer from spinal cord injury, stroke, nervous system diseases, and posttraumatic stress disorder.

VA is also a training ground for doctors, nurses, and physician assistants.

VA medical care and research is a national asset that benefits both veterans and non-veterans.

We have also maintained our commitment to the VA State home construction program. As our veterans age in place, their needs and the needs of their families are changing. Outpatient clinics and State veterans homes bring the delivery of healthcare and healtcare services closer to our veterans and their families. This approach reduces costs for the VA and improves the quality of services for the veterans.

We have also provided funding to speed the processing of veterans claims. From the time a veteran files a claim, to the time he or she receives a decision, takes an average of 205 days or nearly 7 months. This bill includes $46 million to hire additional claims processors to help reduce waiting times to 100 days by the summer of 2003.

For the Department of Housing and Urban Development, we had two overall goals: expand housing opportunities for the poor, and rebuild our neighborhoods and communities; and help special needs populations.

First, we have fully funded the renewal of all section 8 housing vouchers by funding the housing certificate fund at $15.6 billion. This is $1.7 billion more than last year.

This amount includes an advance appropriation of $4.2 billion, for fiscal year 2003.

This advance appropriation was included as part of the concurrent budget resolution for fiscal year 2002 adopted earlier this year. We have carried this advance appropriation for the last several years and continue it this year.

Within the section 8 account, we have provided funding for 17,000 new or ''incremental'' vouchers to provide more vouchers for people waiting for section 8 assistance.

We have restored the cuts proposed by the President to critical the public housing capital account.

The Public Housing Capital Program provides funds to public housing authorities to repair and renovate public housing units to update heating, ventilation, electrical, and plumbing systems. Funds can also be used to construct new public housing, as well as renovating existing units.

We have provided $2.9 billion for public housing capital which is just below last year's level.

We have restored funding for the Drug Elimination Grant Program to fight crime and drugs in public housing.

We have provided $300 million for the Drug Elimination Program, just below last year's funding level. President Bush eliminated this program in his budget.

We cannot stop or delay our fight against drugs and crime in public housing. HUD needs to be a force for stability in the neighborhoods that surround public housing.

We increased funding for the CDBG program by $200 million over last year, to just over $5 billion in FY 2002. The CDBG program is one of the most effective tools for local economic development efforts. It gives our State and local officials flexibility to use Federal funds to meet local needs.

For other HUD programs, we have continued funding at last year's levels for: empowerment zones; brownfields; homeless grants; and housing for the elderly and disabled. We would like to have increased funding for these programs this year, but our allocation was simply not high enough to provide across-the-board increases.

We have included language to raise the FHA loan limits for multi-family housing by 25 percent this year—the first increase in many years.

This proposal was included as part of the administration's budget request, and we included it as part of our bill. Raising the loan limits will help increase the supply of multi-family housing in this country.

I wish we could do more for housing production. We cannot voucher our way out of our housing crisis. We need a new production program.

I look forward to the recommendations of the Millennial Housing Commission and the Commission on Senior Housing. These two congressionally chartered commissions will give the Congress a blueprint for addressing the crisis in affordable housing. Once we receive those recommendations, I hope the Congress can take a step forward in solving this crisis.

In the area of predatory lending and flipping, we are providing HUD with expanded legal authority to deny FHA insurance to lenders who have high default rates to help fight flipping and predatory lending.

Earlier this year, I held a field hearing in Baltimore on the subject of flipping. Unfortunately, despite some progress, this despicable practice continues.

To give HUD more resources to fight this problem, we have provided the Inspector General's office with $10 million specifically targeted to anti-predatory lending activities.

In the area of community development, one of my highest priorities has been to help this country cross the digital divide. In this bill, we provide $80 million to help create computer learning centers in low-income neighborhoods through competitive grants to local governments and non-profits.

For EPA, we provide $7.75 billion, an increase of $435 million above the President's request.

We ensure that Federal enforcement of environmental laws remains strong by restoring the 270 enforcement jobs cut by the President's request.

The President proposed a major shift in policy this year. He proposed to cut 270 environmental ''cops on the beat'' and shift enforcement to the States through a new $25 million State enforcement grant program.

But major concerns have been raised about this approach. The EPA inspector general has found numerous examples of weaknesses in State enforcement programs. This is a very important issue, and we need to hear from our authorizers about how we should allocate our resources before we make a major policy shift. So we did not break new ground in this area, and we maintained the status quo for Federal enforcement.

This bill also keeps our commitment to clean and safe water by fully funding the Clean Water State Revolving Loan Fund at $1.35 billion.

The Nation is facing an enormous backlog of funding for water infrastructure projects—some estimates say as high as $23 billion per year. The committee acknowledges the validity of the problems faced by large cities and small communities alike in upgrading sewer and drinking water systems.

Unfortunately, the administration chose to fund the new Combined Sewer Grant Program at the expense of the Clean Water State Loan Fund. This approach was opposed by our authorizers, and GAO told us it was a bad idea because it would weaken the Clean Water Fund.

We regret that the administration took this approach and that we cannot provide the $450 million requested for the sewer grant program.

We hope that in the future, the President's request will be more adequate to meet the needs of our communities.

For the Federal Emergency Management Agency, our bill provides a total of $3.3 billion. Of this total, $2.3 billion is designated for the disaster relief account to be available in the event of an emergency or natural disaster.

I should note for my colleagues that of the $2.3 billion designated for disaster relief, $2.0 billion is designated as an emergency under the terms of the Budget Act.

Tropical Storm Allison had a devastating impact on Texas, Louisiana, and Pennsylvania. We need to replenish the disaster account so the funds continue to be available for the victims of Allison and future disasters we may face.

We restore $25 million for Project Impact, an important effort that helps to raise visibility and public awareness for the need for pre-disaster mitigation.

We also increase the FEMA fire grant program to $150 million. In the first year of this program, FEMA received over 30,000 applications requesting nearly $3 billion for fire fighting equipment, vehicles, and protective clothing.

After seeing what our firefighters in Baltimore went through to deal with the Howard Street tunnel fire, the least we can do for these brave men and women is help give them the equipment and support they need to deal with the hazardous, life threatening situations they constantly confront on our behalf.

We have also provided the FEMA Director with support to establish and run the new office of national preparedness as requested by the President. This new office will coordinate all the various Federal programs dealing with consequence management resulting from weapons of mass destruction. This is a very important initiative; so much so that the Appropriations Committee held 3 days of hearings earlier this year on the President's action plan.

And we provide nearly $140 million for the emergency food and shelter and over $20 million to help FEMA modernize their flood mapping operation.

We provide $14.6 billion for NASA programs, $50 million over the President's request and $300 million over last year.

This was one of the more difficult parts of the appropriations bill to put together. We found ourselves dealing with a $4 billion plus overrun on the international space station.

Let me say that while I am disappointed and appalled at the mismanagement of the space station, I am still committed to seeing the space station completed.

NASA is currently having an outside review team conduct a thorough independent evaluation of the space station. That will give us a new road map for the station. Although we do make a slight reduction to the overall space station budget, we did not make any major decisions regarding the future of the station. We want to wait and see what the administration will do later this year and in their 2003 budget.

Unfortunately, this is not the first cost overrun we have had with the space station. Since 1993 we have seen at least six different revised cost estimates that have taken the station's cost from $17.4 billion up to a staggering $28.3 billion—a stunning 61 percent increase.

The committee is adamant that this has to stop. We are committed to completing the space station and that it be the world class research facility it was also supposed to be. But the culture at NASA has got to change so that NASA management gets these costs under control.

The committee is not going to let NASA raid other important space programs to pay for these space station management failures. So here's what we do.

First, we provide $1.7 billion for continued construction of the international space station. We redirect $50 million to the shuttle for safety upgrades. Protecting our astronauts is one of the most important priorities within the committee.

Second, we cap total space station costs over the next 4 years at a total of $6.7 billion. Any proposal to exceed this cap must come with a presidential certification that it is needed and the additional costs are well known.

Third, to ensure the station is in fact a world-class research facility, we add $50 million to the life and microgravity research program, which takes the program up to $333.6 million for fiscal year 2002. Then we transfer space station research out of the human space flight account into the science account where we protect it from being used any further to pay for space station overruns.

Finally, we want NASA to create an independent review committee to develop options that will increase the amount of time crew members will have to conduct research on board the station.

If this is going to a world-class research facility, we have to be sure the personnel on board have the time and support to carry out a viable research program.

Over in the Science, Aeronautics and Technology account, we provide $7.7 billion. This is $478 million more than the President's request and is driven primarily by the transfer of the biological and physical sciences research program out of the space station account and into the science account to improve aviation safety and commercial competitiveness.

For the National Science Foundation, we provide a total of $4.7 billion for research and education. This is an increase of $256 million or 6 percent over last year.

We had hoped to provide more. Senator BOND and I—and a large number of our Senate colleagues—believe it is in the national interest to double the NSF budget over the next 5 years.

This recommendation represents a downpayment on that policy objective.

We reject the administration's proposal to cut the NSF research programs and instead, we increase them by $187.5 million over the request.

We provide nearly $500 million for nanotechnology and information technology—two critically important research activities related to the Nation's economic competitiveness; $150 million to help meet the needs of developing institutions and States with $110 million for EPSCoR, Experimental Program to Stimulate Competitive Research, $25 million specifically for instrumentation at smaller institutions, and $15 million for innovation partnerships between smaller schools and local industry.

We provide $55 million for supercomputing hardware: $45 million for an earthquake research network, and $12.5 million to continue constructing a new radio telescope, called ALMA.

We link hi-tech economic development with out academic centers of excellence through a new $10 million regional innovation clusters initiative designed to bring universities, industries and local government together to map out and carry out strategic R&D and economic development plans.

Math and science education programs increase by nearly $90 million or 11%—to over $870 million, $872.4 million. We provide $190 million for the President's Math and Science Partnership program, $130 million in this bill; additional $60 million through hi-tech visa fees. We increase the stipends for graduate students in science and engineering by nearly 20 percent (or $3,500) to $21,500 per year. We provide $20 million for a new undergraduate workforce initiative. We increase support for programs related to historically black colleges and universities and other underrepresented groups to $100 million.

This is a Science Foundation budget that emphasizes three critical goals:

(1) support for people—from the scientist to the grad student to our elementary and secondary school teachers of science and math;

(2) support for the basic research enterprise of this country in strategic areas as well as to core disciplines in science and engineering; and

(3) support for tools—the cutting edge equipment and instrumentation that is so crucial to move science forward.

We have funded National Service at $420 million, which is $4 million more than the President's request, to keep National Service strong.

Volunteerism is our national trademark. It highlights what is best about America.

Volunteer programs are the backbone of our communities. They help preserve the safety net for seniors, keep our communities safe and clean, and get our kids ready to learn.

The 2002 VA–HUD bill maintains our commitment to AmeriCorps by providing funding to support 50,000 members to continue our spirit of providing community service, reducing student debt, and to creating ''habits of the heart.''

We also continue our promise to bridging the digital divide. We provide $25 million to teach-the-teachers, to bring technology skills to those who have been left out or left behind in our digital economy.

The bill meets compelling human needs and invests for our future.

I would like to have been able to do more for science, technology and housing production, but this is the best we can do under our allocation and satisfy the priorities of our Members.

To reiterate, this committee reported the bill and it compromises $84 billion in discretionary budget authority and $88 billion in outlays. The bill is balanced and fair and meets the needs of the American people. Our job was to meet certain compelling issues.

My guiding principles were, No. 1, to keep our promises to the veterans for them to have the health care they need and not stand in line when they have to apply for their pensions; to work in the area of housing and urban development, that we would develop the programs and policies that would empower the poor to be able to move to a better life as well as rebuilding our neighborhoods and our community; also to stand up and protect the environment and invest in science and technology to create jobs today and jobs tomorrow.

Based on the President's budget proposal and the subcommittee allocation, we had to focus on restoring cuts in the President's budget and, of course, we worked very hard to avoid riders. Our overriding goal was to make sure that core programs in veterans and housing and the environment were taken care of. We did that. We could not increase the funding for every program that was meritorious, but we could meet the basic needs of our responsibilities.

One of the areas that we were sorry we could not increase funding to the level we wanted was in doubling the budget for the National Science Foundation over the next 5 years.

I want to talk about what we have done for veterans. We increased VA health care by over $1 billion. This is $400 million more than the President's request. It will allow the VA health care system to serve 4 million patients through 2002, 172 medical centers, 876 outpatient clinics, and over 135 nursing homes. VA continues to shift from inpatient focus to outpatient care. The funding in this bill will allow VA to open more community-based clinics.

This marks also the second year in a row that we have increased funding for veterans health care. We have also increased funding for VA medical research by $40 million over last year.

This funding level will allow VA to continue its progress in the treatment of chronic diseases, also the diagnosis and treatment of degenerative brain diseases such as Alzheimer's and Parkinson's, and special populations, often those who bear the permanent wounds of war, that of spinal cord injury and post-traumatic stress.

VA is a training ground for health care providers, and we have been able to keep our programs that encourage scholarships and other grant programs to do this.

The other area we worked on was to increase the speed of processing for veteran claims. Right now, when a veteran files for a claim, it takes 205 days or nearly 7 months. We don't think veterans should have to stand in line to get this consideration. This bill includes $46 million to improve technology and hire additional processors.

In the area of HUD, for the Department of Housing and Urban Development, we had two overall goals: expand housing opportunities for the poor, but in an empowerment way, rebuild our neighborhoods and communities; and also help special needs populations.

First, we fully fund the renewal of all section 8 housing vouchers by funding the housing certificate fund at $15.6 billion. This is $1.7 billion more than last year. This amount also includes an advance appropriation of $4.2 billion. This advanced appropriation was included in the concurrent budget resolution.

Within the section 8 account, we provided funding for 17,000 new or incremental vouchers. We also restored the cuts proposed by the President to the public housing capital account. The public housing capital program provides funds to public housing authorities to repair and renovate public housing units, to update heating, ventilation, and plumbing.

These are absolutely essential. We should not be a slum landlord. We have to raise those standards. Also, we have provided $300 million in the drug elimination program. President Bush eliminated this program, and we have very serious question about what is the best way to proceed.

This year we didn't want to break new ground in terms of our general policies, so we have kept in the $300 million for drug elimination. We asked the authorizers to hold hearings on what is the best way we can keep drugs out of public housing and make sure that drug dealers don't use public housing as small business incubators for their deals.

We also increased funding for CDBG by $200 million, taking it to just over $5 billion.

We continued funding empowerment zones, brownfields, homeless grants, and housing for the elderly and disabled. We would surely like to have increased funding for these programs, but our allocation was not enough to do this. We hope that in next year's budget, we could take a look at it because

these certainly are very meritorious. We have also included language to raise the FHA loan limit for multiple family housing by 25 percent. This is the first increase in many years. This proposal was included in the administration's budget request. Raising the loan limit will increase the supply of multiple family housing in this country. We need more affordable apartments. Rents are going sky high. We cannot voucher our way out of a housing crisis. We also need it for the middle class.

Also, again, on a bipartisan basis, we know we need a new production program. We are looking forward to the recommendations of the housing commission and the Commission on Senior Housing so that we could then get a framework for proceeding.

Also, my senior colleague, Senator PAUL SARBANES, chairing the Housing and Banking Committee, has been leading the fight against predatory lending. We started that fight in this committee under Senator BOND, and we are going to continue that. We have added funds in the inspector general's office to target the antipredatory lending activities.

Also, we have provided in this bill $80 million to create computer learning centers in low-income neighborhoods. These will be competitive grants to nonprofits and to local governments. I prefer to keep it to nonprofits. This will help cross the digital divide and, we believe, can be used for job training during the day, structured afterschool activities in the afternoon, and essentially be one of the important empowerment tools.

Let's move on to the environment. For EPA, we provide $7.5 billion, an increase of $435 million above the President's request. We ensure that the Federal enforcement of environmental programs remains strong. We restore 270 enforcement jobs cut by the President. The President proposed a major shift in policy this year. These 270 jobs are like our environmental cops on the beat. The President wanted to shift this to a grants program of $25 million. We again felt we were breaking new ground without the authorizers taking a look at what is the best way to enforce the environmental laws. We know it needs to be a Federal-State partnership. But we didn't want to eliminate our current framework until we had really a very clear, well-thought-through process.

The EPA inspector general found numerous examples of weaknesses in State enforcement programs. That is why we had so many yellow flashing lights.

This bill keeps our commitment to clean and safe water by fully funding the clean water State revolving loan fund at $1.35 billion. This Nation is facing an enormous backlog of funding for water infrastructure projects—some estimate as high as $23 billion per year. Out of all the requests we got for congressionally designated projects, probably the largest number and those that just cried out for a response were in water and sewer, from very small rural communities that are on the brink of disaster to large metropolitan water supplies where the water and sewer was built over 100 years ago and are on the verge of collapse.

Mr. President, we really hope that it will be a major initiative of the authorizing committee to look at our infrastructure needs. I think this is very important in terms of a public investment for our communities.

Let's go to FEMA. Our bill provides, for the Federal Emergency Management Agency, $3.3 billion. Of this total, $2.3 billion is designated for the disaster relief account to be available in the event of an emergency or natural disaster.

I should note for my colleagues that of the $2.3 billion designated for disaster relief, $2 billion is designated as an emergency under the terms of the Budget Act. Tropical Storm Allison had a devastating impact on Texas, Louisiana, and Pennsylvania. We have to replenish this disaster account and at the same time have a cushion for these impending disasters. We restore $25 million for Project Impact and increase the FEMA fire grant program to $150 million. I will be saying more about that in the course of the bill.

Mr. President, I want to move on to NASA. We provided $1.46 billion for NASA programs—$50 million over the President's request—and $300 million over last year. This was one of the more difficult parts of our appropriations. We found ourselves dealing with a $4 billion-plus overrun on the international space station. I will say that again. We found ourselves dealing with a $4 billion overrun on the international space station. I am very disappointed and dismayed at the way the space station is being managed. I am going to be very clear on the record. I am absolutely committed to the space station, and I am going to do all I can to see that it is completed. But NASA needs to get its act together on the space station and deal with these cost overruns.

We really want to ensure that we do complete the space station but not at the expense of cannibalizing other programs or reducing the space station to only three astronauts. You cannot do the space station science for which this whole project was completed with three astronauts. We also need to be sure that our astronauts can return safely. We need to focus on the safety of our astronauts, and this is one of the other reasons we are working on shuttle upgrades.

On the National Science Foundation, know that Senator BOND and I wanted to double it, but we could not. We did increase it by $256 million. We hope to provide more. Senator BOND and I, and a large number of colleagues, think it is in our national interest to do so. This recommendation represents a downpayment on that policy objective.

We provide nearly $500 million for nonotechnology and information technology, and $150 million to meet the needs of institutions and States. We also are increasing math and science education, as well as supercomputing hardware.

The Science Foundation budget will emphasize three goals: Support for people—from the scientist to the graduate student; to develop support for the basic research enterprise of this country; and also support for the tools we need for future science and technology.

Let me go into national service. We funded national service at $420 million. This keeps national service strong. Voluntarism is our trademark and it highlights the best of America. What we did here was provide $25 million to teach-the-teachers in technology. We have included that in the bill to encourage veterans to volunteer with our young people. Again, we could have done more, but we just didn't have the money. I think what we did do meets these needs.

This speech is kind of boring because it is about numbers and data—$500 million over here, $300 million this, and the President's that, and our requests, et cetera. But when you get down to it, what this money represents is really a commitment to honoring our veterans, building our communities, housing and urban development, protecting our environment, and investing in space in the National Science Foundation so that we have the new ideas to come up with the new products, encouraging voluntarism.

We also provide that in the event any community is hit by a national disaster, while they have to go through the records, they would not have to forage for funds to pay for it.

I thank Senator BOND and his very capable staff for their most collegial and cooperative efforts in moving this bill forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am very pleased to stand wholeheartedly in enthusiastic support of S. 1216, the VA–HUD fiscal year 2002 appropriations bill as reported from the Committee on Appropriations.

My compliments to Senator MIKULSKI as the new chair of the VA–HUD-Independent Agencies Appropriations Subcommittee for her hard work and her commitment to making this bill a balanced piece of legislation for all Members, for the administration and, most of all, for the people who are served by it—and they are many—as the Senator has so eloquently outlined.

I could not ask for a better chair and, previous to the transmogrification, a better ranking member. I know that some identify us as one of the more collegial teams in this Chamber. I am proud of that. I think we make a good team.

After extensive, hard work on the very important and difficult and complex issues in this bill, we agree on the

policy outlines and on the specific allocation included in this bill for the VA–HUD fiscal year 2002 bill. I think the bill is grounded both in good policy and fiscal responsibility. As the Senator from Maryland has discussed, the legislation is within our 302(b) discretionary funding allocation of $84 billion-plus in budget authority and some $88 billion in outlays.

In addition, while no bill is perfect or addresses every Member's concerns—and certainly we had many hundreds and thousands of concerns—I think the bill strikes the right balance in funding both the Members' priorities and the administration's priorities.

In particular, despite our tight allocation, we have done our best to satisfy the priorities of Senators who made special requests for economic development grants, water infrastructure improvements, as well as requests for other State and local priorities. Such requests numbered over 1,600 individual requests, totaling over $22 billion, which illustrates the level of interest and demand for assistance in the bill. That means, on the average, each Senator submitted 16 requests, costing a total of $220 million for our humble little bill. We obviously could not address all of these requests, but we have tried hard to address as many of the most pressing needs as we could.

We have also met most of the administration's funding priorities. I compliment the administration for not looking to create a series of new programs, but instead focusing on—with some exceptions—maintaining existing program levels and reforming program implementation to ensure that the agency can deliver the needed assistance under existing program requirements.

Again, I emphasize that we don't need a lot of new programs in this bill. We do need to ensure that existing programs are managed well and effectively and the people who are to be served receive the benefits that are intended in the bill.

I will be relatively brief in my review of the bill because the VA and veterans' needs remain the highest priority, and funding decisions in the bill are designed to ensure the best quality of medical care for our veterans, to keep the best doctors in the VA system. To achieve this, we have funded VA medical care at $21.4 billion, an increase of some $400 million over the President's request, and over $1.1 billion over the 2001 level.

I know some Members believe the funds are inadequate, but I emphasize we have increased this account every year and have worked hard to ensure there are adequate funds for the medical needs of our veterans. In fairness, we can spend only so many funds efficiently and effectively. I believe we have done the best we can.

Moreover, Senator MIKULSKI and I are committed to meeting the medical needs of veterans, and we are working with VA to ensure successful implementation of the new CARES process that will result in better VA facilities, the better targeting of services and medical care throughout the country, assuring we do not waste money that is meant for veterans medical care on maintaining unneeded or excessive capacity buildings.

The 2002 VA–HUD Senate appropriations bill provides $31 billion for the Department of Housing and Urban Development, which is $443 million over the budget request and $2.5 billion over last year's level. This includes funding needed to renew all expiring section 8 contracts and also provides funds for 17,000 incremental vouchers.

I personally remain deeply concerned that vouchers do not work well in many housing markets. We need to develop new production programs that assist extremely low-income families in particular.

We have also included $650 million for the Public Housing Capital Fund over and above the President's budget request, and have added $300 million for the Public Housing Drug Elimination Program, a program the administration sought to eliminate in its budget. These are both important programs, and the VA–HUD bill essentially preserves last year's funding levels.

In particular, I emphasize my support for the public housing capital funding, which is critically needed to address some $20 billion in outstanding public housing capital needs. We must ensure those people who live in assisted housing have decent housing in which to live and to raise their families. As a civilized and developed nation, we owe the least of our citizens, in terms of economic wealth, at least that much.

In addition, we maintain funding for both the CDGB and HOME programs at the 2001 level, while rejecting an administration set-aside of $200 million in home funds for a new downpayment program. The set-aside is unnecessary, in our view, since this activity is already eligible under the HOME program. I stress my support for both HOME and CDBG because they rely on decisionmaking guided by local choice and need. We are asking the people who are there on the ground, in the community, to determine how best to use funds for community development and to meet the housing needs of the population in their communities.

I hope and trust these funds are used by States and localities as an investment in housing production to meet the increasing housing needs of low-income and extremely low-income families.

In addition, the bill funds section 202 elderly housing at $783 million; section 811 housing for disabled at $217.7 million. These funding levels are the administration's requests and approximately the same as the 2001 level. The bill includes over $1 billion for homeless funding, with a separate account of almost $100 million for the renewal of the expiring shelter plus care contract. Again, these funding levels reflect the administration's request at last year's funding levels.

As for the Environmental Protection Agency, the bill includes $7.75 billion, which is some $435 million over the 2002 budget request. It includes $25 million for State information systems as requested by the administration.

We did reject the administration's request to transfer some $25 million for State EPA and enforcement efforts, keeping these funds at EPA. I support that premise. As one who was a Governor, I ran environmental protection programs in my State. I have a great regard and a great respect for the work done at the State level, but the proposed transfer of enforcement responsibilities from EPA to the States may be premature. It appears to us a number of States may need to upgrade their enforcement capacity before a transfer of EPA enforcement responsibilities to States is warranted.

In addition, the bill maintains funding of the clean water State revolving fund at $1.35 billion instead of reducing this amount by $500 million for the funding of a new sewer overflow grants program.

Funding of this new sewer overflow program is premature without additional funding. Both the clean water and drinking water State revolving funds are key to building and rebuilding our Nation's water infrastructure systems and should not be compromised with new programs without significant new funding.

I cannot emphasize too strongly the importance of continuing to maintain funding for these State revolving funds. For clean water infrastructure financing alone, there is a need for some $200 billion over the next 20 years, excluding replacement costs and operations and maintenance.

For FEMA, the bill appropriates an additional $2 billion in disaster relief. The chairman and I intend to offer an amendment to make these funds available upon enactment. We feel strongly these additional funds should be available as soon as possible in the event we face disasters beyond the normal expectations during the remainder of this fiscal year. If we do not have that money, then this body is going to be put in a real bind to try to respond to a disaster which might occur in any of our States. I believe every Member should support this program because almost everyone represents a State which has benefited recently from the availability of these important disaster assistance funds in the face of some unexpected and unfortunate disaster in their States.

We need to ensure FEMA has the necessary funds to meet all possible emergency contingencies during this fiscal year and the next fiscal year. The VA–HUD appropriations bill also funds NASA at $14.56 billion. This is an increase of $307.5 million over last year. It is $50 million above the budget request. This includes $6.87 billion for human space flight, while capping the

funds available for the international space station at $1.78 billion.

Senator MIKULSKI and I share huge concerns over the current status of the space station, as she has so forcefully and eloquently noted, especially when cost overruns currently exceed $4 billion this year alone. There also appears to be a total loss of management control by NASA with regard to the space station.

In the current configuration, the space station must depend upon the Russian Soyuz for any emergency escape capacity from the station, and there continues to be inadequate habitation space that is needed for science research, the primary justification for the construction of this station.

Right now, they can only hold three astronauts in the space station. The time of two and a half of them is required to operate the station. That means we go through all the work and trouble of sending up a space shuttle, sending up astronauts, and we get one-half of one FTE working on science. That is a disaster, and it is and should be an embarrassment for NASA.

Not to be too bleak, however, NASA is making great strides in other areas of research, including space and Earth science. Remote sensing is becoming a viable and important technology and many of our space science missions are unlocking the mysteries of the universe.

In addition, the bill continues our commitment to the space launch initiative, the SLI. This is a critical program that should provide for the development of alternative technologies for access to space. Nevertheless, I have heard some reports that NASA may be losing control of the SLI program. Again, NASA needs to keep a tight focus on technologies being proposed and the funding which is approved.

In addition, the bill reaffirms our commitment to aeronautics, and NASA's leadership role is part of the Government-industry partnership to develop breakthrough technologies for the aviation community.

Finally, I restate emphatically my support for the National Science Foundation, again in total agreement with my friend and chair of the subcommittee. Because of our budget allocation limitations, we were only able to provide $4.67 billion for the National Science Foundation for the coming year, a $256 million increase to the budget. This is still a $200 million increase over the President's budget, but it is not nearly as much as we want.

I believe this funding level is the best we can do under the circumstances without jeopardizing the needs of our Nation's veterans, our commitment to EPA, and our investment in affordable housing for low-income families.

Let me be clear. I am committed to working with Senator MIKULSKI and our House counterparts to find more funds for NSF in conference. I am committed to doubling the Foundation's budget over 5 years and will do everything I can to keep us on that important path.

I call on my colleagues who believe the future of the United States depends upon our continuing to make great strides in the field of science and engineering to join with us to make solid the commitment of this body to doubling the funding.

We have seen in the past great strides made in the National Institutes of Health. They are developing wonderful new cures, but they tell us that the work of NIH depends upon continuing work and development by the National Science Foundation. If you talk with people in the field of scientific endeavor, they will tell you that we are way out of balance because we have not done enough to keep up with basic science and making sure we continue to be the leader in the world in all forms of technology and science, not limited to space and health, but to biotechnology, nanotechnology, and the many other exciting issues on which the National Science Foundation is working.

I am not always sure everyone understands our investment in science and technology greatly influences the future of our Nation's economy and our quality of life. How goes the funding goes the future.

I thank Senator MIKULSKI's staff and my staff for the many long and hard hours they spent advising us and working on legislation.

I yield the floor.

Mr. SARBANES. Mr. President, I come to the floor today to voice my strong support for the fiscal year 2002 HUD/VA appropriations bill. Chairwoman MIKULSKI and Senator BOND have done an exemplary job of providing HUD with the resources it needs, even while working within a very tight allocation for all of the agencies within their jurisdiction.

The administration's budget request for HUD, the agency that provides housing assistance to this Nation's poorest families and funding for community development and revitalization, was sorely inadequate. The administration's proposal would not even have provided the funding necessary to maintain HUD programs at current levels. Instead of fighting to expand housing opportunities to meet growing needs, the Administration's budget request has put us in the unfortunate position of fighting just to retain current program levels.

We have a severe housing crisis in this country, and the need for housing assistance continues to grow. There are almost 5 million very low-income households in this country who have worst case housing needs, either paying more than half of their income towards rent or living in severely substandard housing. Another 2 million people will experience homelessness this year. At a time when so many families are in need of housing assistance, housing programs need additional funding.

One area of great concern are the proposed cuts in public housing, a program that provides housing to over 1.3 million of this Nation's poorest households.

Senators MIKULSKI and BOND realized that a significant number of families would be affected if they went along with the proposal to cut over $1 billion in funding for public housing programs. The administration proposed cutting $700 million, or 25 percent, from the Capital Fund, the fund used to repair and modernize public housing. There is a significant need for these funds. HUD estimates that there is currently a $22 billion backlog in needed capital repairs in public housing. A cut of this magnitude would have led to further deterioration of this Nation's public housing stock. The administration's budget says that this program can withstand such a cut because there are unexpended balances in the Capital Fund that can be used to fill in the gaps left by the budget cut. However, this is not the case. HUD's own data show that Capital Funds are being spent well within the legal time-frames established in a bipartisan manner just a few short years ago. Fortunately, the bill before us today provides almost $3 billion for the Capital Fund, helping us to maintain a much needed resource and to ensure that the federal investment in this housing is protected. This is an important accomplishment of the Appropriations Committee.

In addition, this bill restores funding for the Public Housing Drug Elimination Program, which supports anti-crime and anti-drug activities in public housing. The administration's proposed elimination of this program would have resulted in housing authority police officers being laid off, after-school centers being shut down, and safety improvements not being made. The bill before us today provides $300 million for this important program that helps to improve the lives of public housing residents.

Unfortunately, the administration's budget did away with other important programs as well, including the Rural Housing and Economic Development Program, which provides funding for housing and economic development in rural areas. This program helps to greatly enhance the capacity of rural non-profits to fund innovative efforts to supply housing and develop rural areas. HUD's own budget justifications state that ''The previous rounds of funding recognize that rural communities face different socio-economic challenges than do cities . . . Many rural areas have been by-passed by employment, and low, stagnating wages. It is imperative that rural regions have greater access to community and economic development funds that would foster investment in economic opportunities.'' I am pleased that the bill before us today provides $25 million in funding for this program which allows rural America to access essential resources.

While most of this bill helps to further the goals of ensuring that all

Americans have access to decent, safe and affordable housing, I have a number of concerns with provisions in the bill related to Section 8 vouchers.

This bill only provides funding for an additional 17,000 section 8 vouchers. This is only half the vouchers requested by the administration, and less than a quarter of the 79,000 new vouchers Congress funded last year. I recognize that the committee is concerned with voucher utilization and the effectiveness of the program, as am I. However, section 8 vouchers work in most areas of the country, allowing families to choose where to reside while lowering their rent burdens. I agree that there are improvements that must be made to strengthen this program and to ensure that all families who receive vouchers are able to find adequate housing. However, I strongly believe that we must continue to expand the voucher program so that we can meet the needs of the many poor families waiting to receive housing assistance.

In addition to the decrease in section 8 vouchers, the administration has proposed cutting section 8 reserves by $640 million, from two months to one month. These reserves are used in the event of higher program costs so that the section 8 program can continue to serve the same number of families. The administration is correct that some of these funds may not be necessary; however, HUD must have the flexibility to meet the needs of PHAs that must access more than one month of reserves in order to continue serving the families who currently receive vouchers. The House appropriations bill, which does not give HUD this flexibility, will lead to a reduction in the number of poor families who receive housing assistance. I am pleased that the Senate did not adopt the flawed approach taken by the House, and I hope that the conference report will give HUD the flexibility to provide more than one month of reserves to housing authorities that will otherwise be forced to cut their section 8 programs.

I am also concerned by language in this bill that has the potential to reduce funding for critical housing programs by diverting funds from HUD to other agencies. I appreciate and support the efforts of the chair and ranking member to protect funds allocated to the subcommittee. However, I am concerned that, as drafted, this provision could inadvertently result in funds being transferred from already strapped housing programs and hinder the effective functioning of the voucher program. I hope that the final legislation will ensure that all of the funds allocated to housing are used to meet the growing housing needs in this country.

As a whole, I support this bill, and commend my colleagues on the Appropriations Committee for reporting out a bill that affirms our commitment to housing this Nation's poor.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for S. 1216, the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 2002.

Including an advance appropriation into 2002 of $4.2 billion, the Senate bill provides $84.052 billion in nonemergency discretionary budget authority, of which $138 million is for defense spending. The $84 billion in budget authority will result in new outlays in 2002 of $40.489 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $88.463 billion in 2002. The Senate bill is at its section 302(b) allocation for both budget authority and outlays.

In addition, the Senate bill provides new emergency spending authority of $2 billion to the Federal emergency Management Agency for Disaster Relief, which is not estimated to result in any outlays in 2002. In accordance with standard budget practice, the budget committee will adjust the appropriations committee's allocation for emergency spending at the end of conference. The bill also provides an advance appropriation for section 8 renewals of $4.2 billion for 2003. That advance is allowed under the budget resolution adopted for 2002.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators MIKULSKI and BOND, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process.

Mr. President, I ask for unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

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

S. 1216, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2002; SPENDING COMPARISONS—SENATE–REPORTED BILL

[In millions of dollars]

	General purpose	Defense	Mandatory	Total
Senate-reported bill:				
Budget Authority	83,915	138	26,898	110,951
Outlays	88,327	136	26,662	115,125
Senate 302(b) allocation:[1]				
Budget Authority	83,915	138	26,898	110,951
Outlays	88,463	0	26,662	115,125
House-reported:				
Budget Authority	83,995	138	26,898	111,031
Outlays	87,933	136	26,662	114,731
President's request:				
Budget Authority	83,221	138	26,898	110,257
Outlays	87,827	136	26,662	114,625
SENATE–REPORTED BILL COMPARED TO				
Senate 302(b) allocation:[1]				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
House-reported:				
Budget Authority	(80)	0	0	(80)
Outlays	394	0	0	394
President's request:				
Budget Authority	694	0	0	694
Outlays	500	0	0	500

[1] The 2002 budget resolution includes a "firewall" in the Senate between defense and nondefense spending that will become effective once a bill is enacted increasing the discretionary spending limit for 2002. Because the firewall is for budget authority only, the appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as "general purpose" for purposes of comparing the Senate-reported outlays with the subcommittee's allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency, including removal of emergency funds ($2 billion in BA, $0 in outlays) and inclusion of a 2002 advance appropriation ($4.2 billion in BA, $2.52 billion in outlays). The Senate Budget Committee increases the committee's 302(a) allocation for emergencies when a bill is reported out of conference. For enforcement purposes, the Budget Committee compares the Senate-reported bill to the Senate 302(b) allocation.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Maryland.

AMENDMENT NO. 1214

(Purpose: In the nature of a substitute)

Ms. MIKULSKI. Mr. President, I call up amendment No. 1214.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Mr. BOND, proposes an amendment numbered 1214.

Ms. MIKULSKI. 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 text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 1217 TO AMENDMENT NO. 1214

Ms. MIKULSKI. Mr. President, I have an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Mr. BOND, proposes an amendment numbered 1217 to amendment No. 1214.

Ms. MIKULSKI. 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 make $2,000,000,000 for FEMA disaster relief available upon enactment)

On page 81, line 2 of the amendment after "2,000,000,000," insert: "to be available immediately upon the enactment of this Act, and".

Ms. MIKULSKI. Mr. President, this amendment is simple and straightforward. It provides that FEMA disaster funding shall be available upon enactment of this bill. It means that when the President signs the VA–HUD conference report, which we hope will be in September, disaster funding will become immediately available without waiting until October 1.

Why is this important? FEMA is down to $168 million as of yesterday that has not been allocated or distributed. Normally FEMA has a cushion of $1 billion during hurricane season.

This is a very tough time of the year for many parts of our States for natural disasters. Coastal States are hurricane prone. We know the prairie States are prone to tornadoes now, and our Western States are prone to terrible fires. We want to be sure there is enough money for FEMA to respond. Therefore, in this bill we want to have a cushion.

Yesterday, President Bush announced he was releasing $583 million

to cover the cost of recovering from tropical storm Allison. We sure support that. As a result, there is now almost a zero balance in the contingency fund. This is far below what we need to prepare and respond. This is why Senator BOND and I are offering this amendment. We cannot be left unprepared, and upon completion of the remarks of my colleague, I will urge its adoption.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, this is an extremely important amendment. It should be an important amendment for every Member of this body. Unfortunately, we do not know for which Members it will be important because we do not know where the next disaster will strike.

Based on our past experience, as the chair has mentioned, there are problems along the coast. We have tornadoes, we have hurricanes, we also have fires in the West, and we still do floods, and wherever these disasters strike, FEMA must be ready to respond. If we do not have a problem, then the money is not spent.

With the release of the $583 million in contingent disaster relief for previously declared disasters, including the assistance of victims of tropical storm Allison, several States of recent storms, flooding in Montana, Texas, West Virginia, and Virginia, and other declared disasters, there are no additional funds available for release this year. FEMA is perilously close to a situation where it does not have enough disaster funds for the rest of the year.

We do not know where or when or what kind of disaster will strike, but we do know we should not roll the dice and be without this funding available to FEMA should it be needed.

FEMA provides critical assistance in times of emergency. We want to be sure they have this emergency assistance available. I join with my colleague in asking it be adopted.

Ms. MIKULSKI. Mr. President, we know of no one who wishes to speak against this amendment. This is not a money amendment; it is a timing amendment. We have the support of our colleagues. Knowing there is no one else who wishes to speak on it, I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is adopted.

The amendment (No. 1217) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, the bill, of course, is open to amendment by any Member. We know our colleague, Senator WELLSTONE, has an amendment, and after that, we know our colleague, Senator BOXER, will also be offering amendments. Then hopefully after that, Senator KYL will have an amendment. If everybody comes to the Chamber and cooperates the way Senator WELLSTONE immediately came to the floor, it is conceivable we can finish this bill this evening, a record time.

I yield the floor.

AMENDMENT NO. 1218 TO AMENDMENT NO. 1214

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say through the chair to the Senator from Maryland, I am cooperating. She has a way of eliciting cooperation. I made sure I got to the Chamber and cooperated with the Senator from Maryland and, of course, the Senator from Missouri.

I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1218 to amendment No. 1214.

Mr. WELLSTONE. 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 increase the amount available for medical care for veterans by $650,000,000)

On page 7, line 19, strike ''$21,379,742,000'' and insert ''$22,029,742,000''.

Mr. WELLSTONE. Mr. President, I can describe this amendment for colleagues. This amendment will add $650 million to the funding that is contained in this bill for veterans health care.

I will go through the numbers carefully because Senators have voted for more than this amount of additional funding in prior votes. First I will speak in a general way and then more specifically.

I thank both the Senator from Maryland and the Senator from Missouri for their fine work on this bill and their fine work on behalf of veterans. I know, and they know, there is not nearly enough funding in medical or housing needs. I propose this amendment to bump up the funding. It does not get all the way there. I am not trying to do any showcasing. I have been involved in these amendments year after year after year, sometimes with success, sometimes without success. I will continue to force the issue when it comes to the funding because I know, and I am sure other Senators know as well, in the most concrete personal way just from our office in Minnesota and the number of people calling.

I admit to every Senator in the Senate that I was completely naive about this when I was elected. I never thought a large part of my work would end up being veterans work. I didn't think that would be what I would be doing. This all came about because our office is fortunate to have great people: Josh Syrjamaki and Mike Siebenaler are heroes in the veterans community. They come through for people. The better we do for an individual person, the more the word gets around, and other people come for help.

We helped a Vietnam vet. His daughter wrote me a poem about her dad. She said, my dad was fine, and one day he took a shower, he came out of the shower, and he had a complete mental breakdown, posttraumatic stress breakdown. It was a plea for help.

I will not use names because I don't know if families approve. I think Tim Gilmore's family would not mind. Tim was struggling with Agent Orange and still not getting the compensation he needed. If he did not get it and he passed away before receiving it, the family would not get benefits. He was not thinking about himself any longer—he knew he would die—but he didn't know whether his family would get any help.

When helping people such as these, with good people in your office—and I have the best—more and more people come for help. It turns out this has been a lot of the work we do. People fall between the cracks.

Quite frankly, this appropriations bill is way under what we should provide. I will add it up in a moment with concrete numbers. The medical inflation alone, counted at 4 percent a year, gets close to $1 billion. Look at the commitment we made to treat veterans with hepatitis C. Look at the Millennium Program and the commitment we are supposed to be making to an ever-aging veterans community and the kind of help we will give them, or we say we will give them, and look at the whole scandal of the number of homeless veterans. I venture to say probably a third of adult men who are homeless in this country are veterans, many of them Vietnam veterans, many of them struggling with mental health issues, with substance abuse issues. Look at the commitment we are supposed to be making toward expanding mental health services, and look at the long delays it takes for people to get the care they are supposed to receive from our VA medical system because we do not have the systems in place or we do not have enough of the personnel, and then look at the crisis in nursing. This is no way to say thank you to veterans.

This amendment has the support of the Disabled American Veterans, AMVETS, Paralyzed Veterans of America, and the Veterans of Foreign Wars, the VFW; the American Legion supports this amendment. A lot of the American service organizations support this amendment for good reason.

Now the specifics. During the debate on the budget resolution—I want Senators or staff to please listen because I am determined to pass this amendment—the Senate passed by a vote of 53–46 an amendment to fully fund veterans health care. This amendment, which I introduced, added $1.7 billion to veterans health care above the President's request. This was based on

the work of veterans organizations which put together an independent budget. We said to veterans organizations, we are tired of hearing you tell us what you are against. Tell us what you favor.

A variety of different veterans organizations did careful research and said, this is what we need to make this veterans health care budget work. They put together this budget and, based on their work, I introduced this amendment. It came out of the tax cut.

This amendment brought us to a level of funding recommended by the independent budget—I didn't pick it out of thin air—which was the $2.6 billion over fiscal year 2001.

The Senate then adopted an amendment offered by Senator BOND that added an additional $900 million above the $1.7 billion. That passed 99–0. So the amendment I am offering today for an additional $650 million is only a quarter of the amount the Senate has gone on record in favor of adding to the President's request.

Members can't vote for the budget resolutions and say they are for this and, when the rubber meets the road, vote against the additional appropriation. I feel strongly about this. The budget amendments were a test of our priorities. Some Senators would not agree with this, and it doesn't matter; I think you should vote for this amendment out of a commitment to veterans. I never saw the sense in spending so darn much money on the tax cuts. Too much of it I thought was Robin Hood in reverse, too much going to the very top of the population.

I thought there were other needs: Of course, education; children; we will be talking about defense later on; we are going to be talking about prescription drug benefits, affordable prescription drug benefits. What about veterans and veterans health care?

When it came to the vote, the Senate rose to the occasion in a positive vote for more money than I am now asking, to make veterans a priority. Unfortunately, the budget resolution that the Congress ultimately adopted, which was basically the President's budget, shortchanged veterans by requesting a $700 million increase for health care. In other words, to put this number in context, last year's requested increase for the VA health care system alone was $1.4 billion.

The simple inflation rate, 4.3 percent in the VA health care system, would mean approximately $900 million would just go to cover medical inflation; $900 million is already gone. So the administration's proposed budget barely covered the cost of medical inflation.

The House did a little bit better than the administration, and the Senate appropriators did better still. I give credit where credit is due. The Senate VA-HUD has a $1.1 billion increase over last year's level for health care. That is $400 million more than the President. The appropriators got us part of the way there but nowhere near all the way. The independent budget produced by AMVETS and the VFW and the Disabled American Veterans and the Paralyzed Veterans demonstrates that the VA will face approximately $2.6 billion more in health care costs in fiscal year 2002 than we face in the current fiscal year. So $1.1 billion is nowhere close to $2.6 billion.

Here is what we are talking about: Uncontrollable costs such as medical inflation and salaries, $1.3 billion; Millennium Act long-term care initiative, $800 million; and other initiatives, including mental health care, pharmacy benefits for new patients, and I also argue, again, some assistance for homeless vets.

I just think this amendment could not be more reasonable, frankly, in terms of what we ought to do.

As a Senator from Minnesota, I think long-term care ought to be one of our highest priorities. Last year we passed landmark legislation called the Veterans Millennium Healthcare and Benefits Act which significantly increased noninstitutional long-term care. For the first time it would be available to all veterans who are enrolled in the VA health care system. The legislation is costly, if we are going to really back it with resources, but it is critical for veterans and their families.

I say to the Presiding Officer, the Senator from Nebraska, I learned about this in a very personal way, and every Senator probably has had the same experience. We have a wonderful VA medical center, a flagship, really, in Minneapolis. I will go and visit veterans. If you should spend a little bit of time with their spouses—say, for example, you are visiting her husband and he is a World War II veteran or Korean War veteran. Then maybe you can get away from where her husband is and you go out into the lounge and you sit down on the couch and maybe have a cup of coffee and you talk. She is terrified because she does not have the slightest clue what she is going to do when he gets home because she cannot take care of him any longer, not by herself.

I went through this with my mom and dad. My dad had advanced Parkinson's disease. I know exactly what this is about.

Do you know what. More and more veterans—just more and more Americans, thank God—are living to be 80 and 85 and 90 years of age. We have our collective heads in the sand when it comes to veterans health care if we are not going to back our rhetoric with resources and put some resources into this Millennium Health Care Act. It is not done on the cheap. Long-term care is not done on the cheap. Enabling a veteran to live at home in as near normal circumstances as possible, with dignity—which is what we should do—is not done on the cheap.

Currently, we have 9 million veterans who are 65 years of age or older. Over the next decade, half of the veteran population is going to be 65 years of age or older. According to the Federal Advisory Commission on the Future of VA Long Term Care, about 610,000 veterans a day need some form of long-term care. That was in 1997, that study.

As the veterans population ages, long-term services are an increasingly important part of our commitment to health care for veterans, and we are not funding it. We are not providing the necessary funding.

The Millennium Act also ensures emergency care coverage for veterans who do not have any other health insurance options. This is costly. It is another thing that has to be covered, but it is necessary. Nearly 1 million veterans enrolled with the VA are uninsured, and they are in poorer health than the general population.

Furthermore, we made the commitment to treating hepatitis C, we have other complex diseases such as HIV infection, and we have made the commitment to provide care for veterans, but we do not have the adequate funding.

The Congressional Budget Office estimates that full implementation of the Millennium Act would cost over $1 billion in 2001—$1 billion alone. This is on top of the other initiatives, $500 million for initiatives such as mental health, the homeless reintegration program, and treatment for hepatitis C.

When you take all the challenges and all the costs that the VA health care system is going to face, including long-term care, emergency care, essential treatments, and medical inflation, a budget increase of $2.6 billion is needed. That is the independent veterans budget. We are not even halfway there with what we have done, and I am now saying at least let's add an additional $650 million.

The last 2 years have been a down-payment to the veterans health care budget, enabling the VA to get back on course in delivering world class service that is rightfully due to our Nation's veterans. I thank, again, the Senator from Maryland and the Senator from Missouri for their work. These funding increases have been welcome. But the problem is they have not erased the prior years of flat funding. We all know what that means. Year after year, we had flat funding where we did not at all increase any of the appropriations, the money the veterans needed. Over the last decade, the VA health care budget has experienced deep cuts in real dollar terms, at a time when it should have been addressing an aging and increasingly health-care-dependent veterans population. That is the ''why'' of this amendment.

Let me repeat that because it is the unpleasant truth. Over the last decade, all together, in real dollar terms, because of these flat budgets, actually the VA health care budget was experiencing deep cuts, in real terms, at the same time we had more and more veterans who were aging, more and more veterans with health care needs.

Based on VA statistics from January 2001, the national average waiting time

for a routine next-available appointment for primary care medicine is 64 days. Do you hear me? Sixty-four days, with a range of between 36 and 80 days. For specialty care, the statistics are even worse. Eye care average waiting time, 94 days; cardiology, average waiting time, 53 days; orthopedics, average waiting time, 47 days; urology, average waiting time, 79 days. Some veterans are waiting up to 18 months to get care from the VA in Minnesota, and Minnesota is not alone, and that is not acceptable. There should be support for this amendment.

In an era of budget surpluses, these stories are outrageous. I could go on and on. I will not because I know my colleagues want to move the legislation forward. I do not think that veterans, America's veterans, Minnesota's veterans, Nebraska's veterans, Missouri's veterans, understand why, with the Federal coffers overflowing, their budget is nowhere near fully funded.

We have heard a lot of rhetoric lately about returning the surplus to taxpayers. We have been told the Federal coffers are overflowing and we should return the excess. Certainly some of the tax cuts were in order. But in all due respect, if you listen to the veterans community, if you visit VA facilities, if you talk with the staff, it is clear that part of the surplus we have been enjoying has been paid for on the backs of American veterans. That is why there should be support for this moderate amendment that just bumps up the funding so we can do a little bit better.

I have about 5 more minutes to conclude my statement. I will wait for my colleague's response.

The counterargument is: Wait a minute. This goes beyond the spending caps.

I want Senators to listen to this. It is true that this amendment is not offset. I could have tried to pay for this amendment by cutting into housing programs in this appropriations bill. But the truth is, housing is underfunded. In fact, it is absolutely unbelievable that affordable housing is not made the top priority in the Senate. It is going to soon become the crisis issue in the country. It is now. We just haven't faced up to it.

The opponents of the amendment are asking that we make a tradeoff—that I am supposed to ask more for veterans and take something away from affordable housing; that I am supposed to choose between science and veterans. I reject the tradeoff. I think Minnesotans reject the tradeoff. I think the American people reject the tradeoff. Colleagues, the Senate rejected the tradeoff when we debated the budget resolution. Let me go back to how you voted. Fifty-three Senators said: Let us do right by veterans and reduce the cost of the tax cut with this amendment. Ninety-nine Senators said: Let us add at least an additional $900 million and just take it from the surplus with no offset. Ninety-nine Senators voted for this. Ninety-nine Senators said: Let's add an additional $900 million and just take it off the surplus with no offset. This amendment adds only $650 million.

By the way, between these two amendments, the Senate voted overwhelmingly to add four times as much money to veterans health care as the amendment I am offering today. You are on record. We are on record. We didn't do our work. We did it because of the overwhelming need that is out there.

Let me simply say that I make no apology for the amendment. I think Senators should vote for it.

I just say this to colleagues. Some historian is going to look back at this vote in one way. We know darn well that we are going to go beyond the budget caps and limits when it comes to defense. We are going to do that. We already know it. We also know that we are not going to stick to the caps when it comes to education. Every Senator knows that, or should. We can't make the kind of investment that we have rhetorically committed to education within these existing caps. We can't make the kind of commitment that many have made to defense within these existing caps. We cannot honor the commitment that we made to veterans within these caps.

It is crystal clear to me that we are on record. Ninety-nine Senators said: Let's add an additional $900 million and let's take it off surplus with no offset. I said: Let's ask for $750 million. That is not even the $900 million for which 99 Senators voted.

I finish on this point: The reason for all the support from all of these veterans organizations is this very real need. I come out here to speak about it. I feel strongly about it because I know we have to do better. I hope this amendment will pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to comment on Senator WELLSTONE's amendment. First of all, I have a great deal of admiration for my colleague from Minnesota. His advocacy for veterans has been longstanding from the day he walked into the Senate. He has been, first of all, a champion for health care for all Americans. He has also been particularly vigorous in the issues related to veterans health care. He has been one of the few to speak up for the so-called ''atomic veterans''—those exposed to nuclear testing and nuclear radiation. He has spoken for the veterans who are homeless and mentally ill. I know he is very closely identified with the veterans service organizations, especially those that produce something called the independent budget where the veterans organizations themselves look at what the President is proposing. They gave commentary.

Senator BOND and I met with leaders of those veterans service organizations. They made compelling cases. They told us stories from the waiting room about what our veterans were facing.

Senator BOND and I really would love to have increased veterans funding even more. But we had an allocation. The allocation enforced budget caps. This subcommittee intends to live within its budget caps.

This is why it is with great reluctance that I oppose Senator WELLSTONE's amendment, because it is an addition of $650 million without an appropriate offset. This essentially breaks the caps.

What does breaking the caps mean? It puts us into deficit spending. And it could also result, because of other budget and tax break decisions, in putting us even up against the Medicare and Social Security trust funds.

I don't dispute many of the compelling arguments that my colleague made, but at the same time this subcommittee had the difficult task of balancing many needs—veterans health care, the need of housing, the need of low-income Americans to really try to deal with the terrible problems that children face with lead paint poisoning—I know that is something the Senator from Minnesota has championed—protecting the environment, and other issues that we have enumerated in the bill.

We have a very tight allocation. I think we did a good job. First of all, we did not abandon the veterans. We did not break any promises to the veterans. In fact, we added $1 billion more in veterans health care than we had last year—$1 billion more than last year. This is actually even $400 million over what President Bush requested. It is over $100 million more than what is in the House bill that they sent over to us.

We think we have put our promises into the Federal checkbook.

What does this bill do? This level of funding will allow VA to open at least 33 more community-based outpatient clinics. It also makes sure that we cut down on the waiting time for veterans to receive health care.

We have also increased funding in veterans medical research. There is $390 million for VA medical and prosthetic research. What do we do there?

The Senator has spoken about the chronic problems of aging veterans. He is absolutely right. That is why we want to increase research for their treatment, and also to pay particular attention to Alzheimer's and Parkinson's.

Also, our research program encourages even more breakthroughs in prostate cancer. At the same time, we provide funds to recruit and retain high-quality medical professionals.

We are in a war for talent. There is a shortage of nurses. We are in bidding wars to be able to get those nurses. While we keep the nurses, we have to try to recruit new ones. We are trying to create opportunities for nursing education so they can get their education

through VA so they will be there to maximize the care that veterans need.

I want to talk about claims processing, this whole issue of standing in line in order to get your claims processed. What are we talking about? We are talking about pensions. And we are talking about disability benefits that are service related, taking 205 days—7 months—to get the first decision. We think that is too long. We also think it is wrong. Therefore, working with our very able administrator, Mr. Principi, we have come up with funds to be able to hire and train more claims processors and improve technology and cut down that waiting time.

We also want to talk about long-term care. There is money in this bill for what we call GREC, G–R–E–C. What does that mean? It means that these are geriatric evaluation centers. What does a geriatric evaluation center do? It makes sure that veterans get appropriate care; that we do not abandon them; and that we do not warehouse them. But a geriatric evaluation gives a complete physical, a complete neurological and mental health evaluation, to determine why someone might be suffering a loss of memory or undergoing behavioral changes. It could be Alzheimer's or it could be a brain tumor; we want to know. It is really in veterans health care where we are providing pioneering work in doing those evaluations.

I must say, it is the only place in the Federal budget where anyone pays real attention to developing a cadre of geriatricians focusing primarily on veterans. So we meet those funds. Could we open more GRECs? You bet. Could we train more geriatricians? I wish we could. But I will promise you that each year we move further along, and we will continue to do that.

At the same time, our veterans often do face the need for long-term care. We like the partnerships between the Federal Government and the State governments. This is why we provide $100 million for something called State Home Construction for the Care of Aging Veterans. This doubles the President's request and addresses the $285 million backlog in high-priority needs. We do have a backlog, and the backlog is not a wish list, it is a priority list.

So we believe we have really met veterans' needs. Have we met them completely? No. Have we met them robustly? I believe yes. The total funding for the Veterans' Administration part of the VA–HUD bill is $51 billion.

I would really commend to those on my side of the aisle to read the Democratic Policy Committee analysis of what the bill is. We hear numbers and statistics, and we can get lost in this. I hope they will take the time to see what we really did do for veterans in this bill, as well as improve construction projects—major and minor—and the processing of claims, et cetera, that we said.

So again, I acknowledge the outstanding advocacy of my colleague, Senator WELLSTONE from Minnesota. I acknowledge the validity of many of the points he has made. I thank the veterans service organizations for their very keen analysis of the independent budget. I say to them, I wish we could do more; but without breaking the caps, without coming right up against the Social Security and Medicare trust funds, we could not do more.

So it is with great sadness but, nevertheless, fiscal responsibility to honor the budget caps that I will be opposing the Wellstone amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it has been suggested that we find a time to be agreed upon for a vote on the motion to waive the point of order which will be raised. I wish to speak only about 5 minutes. I see the distinguished assistant majority leader in the Chamber.

Mr. President, I ask consent that there be 15 minutes of debate prior to a vote in relation to the Wellstone amendment No. 1218, with the time equally divided between Senators WELLSTONE, MIKULSKI, and BOND.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I would ask my friend to amend that to say there would be no second-degree amendments in order.

Mr. BOND. And there would be no second-degree amendments in order.

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

The Senator from Missouri.

Mr. REID. Mr. President, if the Senator would withhold just for a second, if I could just say, for the benefit of all Senators, there should be a vote on this at around 6 o'clock if everyone uses all their time. Senators should further be advised that following this vote, because of an order previously entered, there will be a vote on the Asa Hutchinson nomination to head the Drug Enforcement Administration that will immediately follow this vote. I should say, there is going to be some time allowed to talk about the Asa Hutchinson nomination, but it will be right after this vote.

Mr. BOND. Mr. President, just to straighten this out, might I ask the Chair: I understood there had been time set aside for debate on the Hutchinson vote. So for my colleagues' edification, what is the time agreed to for debate on Hutchinson prior to the vote?

The PRESIDING OFFICER. Thirty minutes evenly divided.

Mr. BOND. It is a vote on the confirmation of the nomination of ASA HUTCHINSON?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. I understand after this vote there will be 30 minutes equally divided on the nomination of Mr. HUTCHINSON prior to the confirmation vote on the nomination; is that correct?

Mr. REID. I have just spoken to the chairman of the Judiciary Committee. He said he doubts he will use all of his time. So we will have a vote whenever they finish using whatever time they decide to use. And we will come back to this bill.

Mr. BOND. Mr. President, now that we are thoroughly edified, may I return to the Wellstone amendment?

What my colleague, the chairman, has said is quite true. Veterans, veterans health care particularly, has been the top priority, and will be the top priority, of this committee. In a time of tight budgets, we provided a $400 million increase over the President's request for VA medical care. This is $1.1 billion over the current fiscal year.

This is why I say VA medical care is again our top priority in this bill. This continues our commitment to our Nation's veterans, to ensure that they receive the health care they deserve.

We have heard about flat funding. I can say that in the past several years this committee has worked very hard to increase, significantly over the President's budget request, the amount we apply for veterans health care. In the past 2 fiscal years, we added $3 billion to the President's request for medical care in order to ensure no veterans would be turned away, no layoffs of critical medical staff would occur, and that funds needed for treating hepatitis C, the homeless, the mentally ill, and other critically important needs of veterans would be fully funded.

As a result, the VA has been treating more veterans in its medical program than ever. We intend to assure that they can continue to treat those veterans with the highest degree of medical care.

This budget would provide for additional substantial increases for hepatitis C screening, treatment, new long-term care programs, and for a continued increase in the number of veterans served by the VA medical system.

I believe everybody in this body wants to make sure we provide all of the funds we can possibly find and that can be well used by the VA.

I question, however, two points: No. 1, busting the budget agreement—spending more money than has been allocated to this committee—but, secondly, why we would wish to provide additional scarce resources to the veterans medical care account when the VA has advised us they will likely not be able to spend all those funds in fiscal year 2002—the funds we have just provided. In fact, according to VA's own budget, they already expect to have about $1 billion in carryover funds in this current year going into the next fiscal year under their budget request. They could not spend more than the funds that are already provided in this bill for veterans health care, in addition to medical care funding, which we all agree is vitally important.

We have included a number of other significant funding items to improve the condition of our veterans. For example, we provided an increase of $30

million over the President's request to fund medical research. We want to make sure that the health care provided to our veterans is the finest available and that we are doing research on the leading edge.

This places the VA medical research account at a record level of $390 million. That is how we attract and maintain top quality researchers and health care providers in the system. We have also restored cuts to the State home construction program to increase the number of nursing home care facilities for veterans. Our funding would also support the opening of 33 more community-based outpatient clinics to improve access and service delivery.

As one who travels around my State, I find the community-based outpatient clinics to be the best innovation we have developed in the past 10 years to make sure that health care is readily available, convenient, accessible, and efficient for veterans.

When the time expires, I will raise a point of order. I will yield the floor now for any comments my colleagues wish to make.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me first say to both Senators, they have done a superb job within the allocation they had. My quarrel is with the allocation.

Again, the President's budget was about $1 billion over what we had. It doesn't even deal with medical inflation which is over $1 billion, a little over 4 percent per year. Everybody knows that. Then we added another $400 million. That is terribly important.

If you look at inflation, for long-term care, home-based care for elderly veterans, hepatitis C, homeless veterans, mental health services, covering veterans now who were not covered before with emergency room care, we are nowhere near what we need to do. That is why every one of these veterans organizations supports this. That is why they did the independent budget.

My colleagues have done their best within this allocation. The problem is with the allocation. Frankly, I would have had an amendment—I say to both of my colleagues; I have such respect for them—I would have had an amendment that would have offset this from the tax cut. Then it would have been blue-slipped because it would not have originated from the House. I didn't want to mess things up for this bill. I couldn't do that.

Here is the only place of disagreement. All of what I have to say is praise. If I keep doing that, maybe I will even get your votes; you deserve it.

Actually, the truth is two- or threefold. No. 1, there has not been one appropriations bill signed by the President. So actually this isn't busting the overall budget cap. We are early on in the process. It goes beyond this allocation with which I quarrel and you quarrel because you don't have the resources. If we are going to start saying that an additional $600 million to help veterans health care all of a sudden is a raid on Social Security and Medicare, then watch out, everybody, because come this fall, that is exactly what is going to happen with the Pentagon budget. There is not one Senator here who does not know that. That is exactly what is going to happen with the education budget. I am talking about appropriations. There is not one Senator who doesn't know that.

I would venture to say there is not one Senator who will come to the floor right now and challenge me on this point. We all know we are going to bust the cap. We all know we are going to spend additional money. And we should. I am just being honest about this in my advocacy for veterans.

I don't know why in the world right now we can't do this. There is nothing in the world that says you can't do it. As a matter of fact, again, 99 Senators voted for $900 million in an amendment offered by Senator BOND—$900 million additional. There was no offset for that.

Two or three points: This is a vote that is a test of our priorities. We should do the right thing for veterans, and we should do it now. At the end of the game, come this fall, we know darn well we are going to be investing additional resources in education and the Pentagon. We ought to do it for veterans. That is what this is about.

I say to every Senator, you are on record supporting this. It is not a game. It is to meet some very real needs. We all know we are going to have to make additional investments anyway, so it goes a little bit above the allocation.

Finally, what do we say to veterans who have waited a long time? What do we say to veterans who are desperate for some care so they can stay at home and not be in nursing homes? What do we say to veterans who are homeless veterans and we are not getting the care to them? I couldn't vote for it because it was in violation of an allocation? People don't understand that. We ought to do the right thing. I hope Senators will support this amendment.

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

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I don't know what we are going to do in the fall. I don't know what we are going to do in the Pentagon budget. I don't know what we are going to do on Labor-HHS appropriations related to busting the caps.

I do know what we have done on VA–HUD. We have met the needs of America's veterans. We have done it in very important areas, from actual care to long-term care, to recruiting new personnel, to creating educational opportunities, to improving our cemeteries and also improving both major and minor construction.

Make no mistake: When we vote on this bill, I need my colleagues to be clear. It is not, are you for or against the veterans? That would pass 100 to nothing. Of course we are for our veterans. It is not, are you for or against veterans health care? We, of course, are for veterans health care. That is why we worked so hard on this committee to add $1 billion more, $400 million over what the President initially thought he needed.

This vote is, are you or are you not going to use the VA–HUD bill to break the budget caps. I don't want to get into geek-speak here about this cap or a feather in your cap. I am talking about ceilings that were placed on spending so that we could have fiscal responsibility, fiscal restraint, and at the same time move very important legislation and put much-needed funds in the Federal checkbook.

A vote for Wellstone is a vote to break the caps. People might want to do that, but I want them to be very clear that that is what that is. The consequence of breaking the cap means it will put us into deficit. It will also put us right smack up against having to dip into Social Security and Medicare trust funds.

I voted against the budget because I thought it was too tight. That was several months ago.

I voted against the tax bill because I thought it was too lavish. But this is the hand that was dealt to us. I voiced opposition, as I know the excellent colleague from Minnesota has done. But we had an allocation. What does an allocation mean? It means we get a 302(b). That is geek-speak for saying this is the amount of money you can spend. If you go over it, you plunge the Nation into deficit, and it is going to take 60 Senators to do that if we raise a point of order.

Let's be clear. This is not a vote about veterans health care. This is a vote about do we or do we not want to break the budget caps on this bill when, in fact, we have added a billion dollars more for veterans health care?

I really oppose the Wellstone amendment, not because it doesn't meet a need but because it will cause us to go into deficit and to dip into these trust funds.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I second the very thoughtful comments of the Senator from Maryland. This is a very important and significant area. We have allocated as much as we can based on the needs as identified and the ability of the VA to spend money on medical care.

This amendment would spend money we do not have. We have to operate within guidelines. We do have a budget and we have an allocation that has been accorded to this committee.

I, therefore, raise a point of order that this amendment violates section 302(f) of the Congressional Budget Act and provides spending in excess of the subcommittee's 302(b) allocation.

Mr. BYRD. Mr. President, I rise today to speak in opposition to the motion to waive the Budget Act with regard to the Wellstone amendment to provide additional resources for veterans health care. We all recognize that the limits on discretionary spending contained in the budget resolution are totally inadequate. However, the Senate Appropriations Committee is doing its best to produce responsible bills that meet the needs of the American people. Senator MIKULSKI and Senator BOND have done an excellent job in bringing the VA/HUD bill to the floor.

The pending bill provides $21,379,742,000 for Veterans Health Care, an increase of $1.1 billion or nearly 6 percent over fiscal year 2001 and $400 million over the President's request. Given the tight spending limits in the budget resolution, this is a responsible level of funding.

I voted against the budget resolution because it provided for an irresponsible tax cut and inadequate discretionary spending limits; but now is not the time to break the budget. This bill meets the needs of America's veterans. I urge Senators to oppose the motion to waive the Budget Act.

Mr. WELLSTONE. Mr. President, I move to waive the relevant section of the Budget Act 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 legislative clerk called the roll.

The yeas and nays resulted—yeas 25, nays 75, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—25

Bingaman	Harkin	Rockefeller
Boxer	Hutchinson	Smith (NH)
Carnahan	Jeffords	Snowe
Cleland	Johnson	Specter
Collins	Kennedy	Stabenow
Dayton	Landrieu	Warner
Dodd	McCain	Wellstone
Durbin	Nelson (FL)	
Grassley	Reid	

NAYS—75

Akaka	Domenici	Lincoln
Allard	Dorgan	Lott
Allen	Edwards	Lugar
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bond	Fitzgerald	Murray
Breaux	Frist	Nelson (NE)
Brownback	Graham	Nickles
Bunning	Gramm	Reed
Burns	Gregg	Roberts
Byrd	Hagel	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Clinton	Inhofe	Smith (OR)
Cochran	Inouye	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
DeWine	Lieberman	Wyden

The PRESIDING OFFICER (Ms. STABENOW). On this vote, the ayes are 25, the nays are 75. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. 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 Maryland.

Ms. MIKULSKI. Madam President, what is the regular order? I understand we are to move temporarily off VA–HUD for the Hutchinson nomination.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. I ask for the regular order.

EXECUTIVE SESSION

NOMINATION OF ASA HUTCHINSON TO BE ADMINISTRATOR OF DRUG ENFORCEMENT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of ASA HUTCHINSON, of Arkansas, to be Administrator of Drug Enforcement.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. LEAHY. Madam President, is there a time agreement entered on this nomination?

The PRESIDING OFFICER. There are three Senators controlling 10 minutes each.

Mr. LEAHY. Normally as chairman of the authorizing committee I would go first, but I see the distinguished Senator from Arkansas. I yield first to him as a matter of courtesy, and then I will speak.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I will be very brief. I have risen with great pride to speak in favor of the nomination of my brother, ASA, to head the Drug Enforcement Administration. I thank all of my colleagues.

I express my appreciation today to all my colleagues who have treated ASA with such courtesy, such respect, through the confirmation process. I especially express my appreciation to Senator LEAHY, the chairman of the Judiciary Committee, and to Senator HATCH, for their willingness to be prompt in the hearings and, more than that, their kind comments about ASA and their support. I also express my appreciation to the leaders of the Senate: To Senator DASCHLE, for his support and for his willingness to move the nomination before the August recess, and for his cooperation, as well as Senator LOTT and his support.

I know ASA would express great appreciation to the Judiciary Committee. They voted 19–0, a unanimous vote. I have great pride in my brother and in his accomplishments, the service he has rendered in the House of Representatives, his willingness to take on the greatest challenge of his life in leading this effort in the war on drugs, and leading this very large and very important agency. He has gained great respect for this institution, the Senate. He has gained great respect for the Members of this institution, and in the cases of so many who know him personally, he holds great affection and values those friendships.

I have been asked many times the question, Why? Why does he want this job? Why would he leave what is regarded by many as a safe seat in the House of Representatives? I don't have all the answers to that, but I know he has always wanted to take on a challenge. You could not have a greater challenge than this. More than a challenge, I know ASA has a very deep conviction on this issue. It goes back to his days as a U.S. attorney, and certainly it has been something in which he has been deeply involved, the issue in the House of Representatives serving on the Speaker's task force on the war on drugs.

I have great confidence that ASA will bring his abilities to bear with tremendous focus on this new challenge and this new job. He is going to be able to inspire, he will be able to manage, and he will be able to motivate this agency in a new way. I know he will bring greater energy to the task and a great vision for a drug-free America.

I thank my colleagues for their support for my brother and look forward to this vote.

Mr. LEAHY. I thank the Senator from Arkansas for his gracious comments. I am pleased to vote in favor of the nomination of ASA HUTCHINSON. As chairman of the Judiciary Committee, I noticed a hearing for Representative HUTCHINSON only a very few days after the Senate was reorganized. I then held a hearing the following Tuesday, and scheduled a committee vote for the first Thursday that it was possible to do so. We were able to move so quickly because Representative HUTCHINSON has substantial bipartisan support, and because those of us on both sides of the aisle view our efforts to reduce drug abuse as a matter of great importance.

Mr. HUTCHINSON was not only recommended by the Bush Administration, and, of course, by his Republican colleagues in the House, but also by 14 of the Democrats whom he serves with on the House Judiciary Committee, who wrote to me in his favor. The ranking member, a Democrat, Representative CONYERS from the home State of the Presiding Officer, came and testified in favor of him.

Mr. HUTCHINSON's background is well-suited to his new position as DEA Administrator. He has been deeply involved in drug issues as both a United States Attorney in Arkansas in the 1980s and as a House member. In addition to serving on the House Judiciary Committee, he is a member of the Committee on Government Reform's

Subcommittee for Criminal Justice, Drug Policy, and Human Resources, has served on the Speaker's Task Force for a Drug Free America, and has reviewed Plan Colombia as a member of the Permanent Select Committee on Intelligence.

The Senator from Arkansas mentioned that his brother learned a great deal about the Senate during the number of days he spent on the Senate floor on another matter, the impeachment trial of President Clinton. He and I were on opposite sides on that issue, but we spent a lot of time together during that process, including during the deposition phase of the trial.

I heard a number of people say the Democratic Senators on the Judiciary Committee and this chairman would not approve a House manager from that impeachment trial, or that we might delay him for months and months and months, as was done over the last administration. Nothing could be further from the truth. I had a great deal of respect for him every time I dealt with him. He was absolutely truthful with me. He never broke his word to me, never broke a commitment to me, or vice versa, I might say. It was the way Congress used to be and always should be. Members always kept their word and a commitment with each other and were honest with each other. He was that way with me.

I was grateful for Representative HUTCHINSON's words at the hearing:

> Chairman Leahy, if I might, it would have been easy for you to yield to some of those who expected a critical view of my nomination because of previous controversies, which found us on different sides. But I want to thank you personally for taking a different approach and for seeing my nomination as an opportunity to demonstrate to the American people that, despite any differences that might exist, we can be in harmony on one of the most critical problems that faces our nation.

Representative HUTCHINSON and I have similar views about some of the drug issues facing the United States, and I am sure we will occasionally have differing views about others. But I appreciated the candor with which he answered the questions of committee members at both his hearing and in subsequent written questions. I know that he will take to heart the matters that committee members raised, especially the need to revisit our current use of mandatory minimum sentences for criminal drug offenses. A 1997 study by the RAND Corporation of mandatory minimum drug sentences found that ''mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime.'' Despite this study and the mounting evidence of prison overcrowding we have seen in the ensuing years, legislators continue to propose additional mandatory minimums. I know that Representative HUTCHINSON has expressed some hesitancy about expanding mandatory minimums, and I hope we can work together on this issue.

I was happy to hear the nominee offer his support in his oral and written testimony for drug treatment and prevention efforts. He and I agree that although law enforcement plays a vital role in stopping drug abuse, law enforcement alone cannot do the job. Both the Congress and the Administration need to do more to reduce demand, and I hope that Mr. HUTCHINSON will be a partner in that effort.

The nominee has also expressed concerns about the sentencing disparity between those convicted of offenses involving crack and powder cocaine. Current Federal sentencing guidelines treat one gram of crack cocaine and 100 grams of powder cocaine equally for purposes of determining sentences. The U.S. Sentencing Commission has previously recommended equalizing these penalties by reducing the mandatory minimum penalties that currently apply to crack offenses. Unfortunately, Congress has not followed that recommendation. Finding a fair solution to this problem has been stalled by concerns that addressing this issue is too politically perilous—this Congress should overcome those fears and solve this discrepancy.

In conclusion, ASA HUTCHINSON is an excellent nominee. I am glad that the Judiciary Committee was able to work with him and with the Administration to expedite his nomination, and I look forward to working with him over the coming years.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am pleased to support ASA HUTCHINSON to this position. It is one of the most important positions in our country. I believe he is the right man for the right job and he will do a job that I think will make everyone proud.

ASA HUTCHINSON is a giant in the House of Representatives. I agree with his brother, I don't know why he is leaving the House of Representatives, but this is a very challenging, important job and he is up to that job. I have every confidence he will do a terrific job and have the support of Congress in doing so.

I was so impressed with ASA HUTCHINSON during the impeachment matter. He always acted fairly, he acted in a measured, considered way, he was decent throughout, and of course he was extremely talented as a lawyer, somebody for whom I have the utmost respect, and I am very pleased to support him today.

I commend the Senate Democratic leadership for calling up the nomination of Congressman ASA HUTCHINSON, who will be the next Administrator of the Drug Enforcement Administration. DEA needs a dynamic, innovative, and experienced leader, and I am confident that Congressman HUTCHINSON'S past experiences prosecuting drug crimes as a United States Attorney and formulated drug policy as a Congressman have prepared him well to take the helm of the DEA. I applaud President Bush for focusing intently on this crucial issue and for his excellent choice of nominees to head America's two most important anti-drug offices, the DEA and the White House Office of National Drug Control Policy (ONDCP).

The epidemic of illegal drug use in this country remains one of our most urgent priorities. There is a growing consensus that we need a comprehensive strategy embracing both demand and supply reduction in our struggle against drug abuse. I have said repeatedly that the time has come to increase the resources we devote to preventing people from using drugs in the first place and to breaking the cycle of addiction for those whose lives are devastated by these substances. This is a bipartisan view, which I am pleased to say is shared by our President, Congressman HUTCHINSON, and by many of my Senate colleagues.

While we need to shore up the resources dedicated to prevention and treatment, we must remain committed to the necessary and integral role law enforcement plays in combating drug use. The DEA has a long, distinguished history of protecting America's citizens from the destructive drugs sold by traffickers and the attendant violence. Particularly in today's world, where drug trafficking is an international, multibillion dollar business, DEA's cooperative working agreements with foreign source and transit countries are essential in preventing illegal drugs from being smuggled into the United States.

While I commend the Senate Democratic leadership for scheduling the vote on Congressman HUTCHINSON, I also urge them to schedule promptly a hearing and confirm John Walters, whose nomination to be Director of ONDCP is being stalled. Almost three months have passed since the President announced his intent to nominate Mr. Walters to be the country's next drug czar, and yet he remains the only cabinet level nominee who has not been confirmed, much less granted a hearing.

There are many good reasons why we need a drug czar, but the most important one is that we owe it to our youth. Tragically, drug use by teens is again rising, particularly use of so-called ''club drugs'' such as Ecstasy and GHB. Over the past two years, use of ecstasy among 12th graders increased dramatically by 140 percent. Predictably, during this same period the number of emergency room visits associated with the use of ecstasy also increased a shocking 295 percent. By the time they graduate from high school, over 50 percent of our youth have used an illicit drug.

We cannot play politics with the drug czar position. We need to act immediately to reverse these soaring numbers and to prevent our youth from endangering their lives. Mr. Walters is well-qualified to lead this effort, and he has the support of law enforcement, prevention groups, and public policy

organizations. I urge the Chairman of the Judiciary Committee, my good friend Senator LEAHY, to schedule a hearing soon for Mr. Walters. Once the top positions at both the DEA and ONDCP have been filled, we can all begin to work together to effect real change that will benefit all Americans.

Mr. SESSIONS. Madam President, I rise to make some remarks about ASA HUTCHINSON. I had the pleasure of serving with him as U.S. attorney. We met at a conference. I remember having breakfast with him. We had never met before. I learned something about him, his character and his commitment to public service.

He is going to be one of the finest DEA leaders we have ever had. He served on the House Judiciary Committee. I worked with him on that committee, since I have been on the Senate Judiciary Committee. During that time, I came to respect him terrifically.

During the impeachment hearings, he had the burden of stating the case, basically the factual allegations involved, as one of the House managers. In my view, as a prosecutor of over 16 years, his was the most comprehensive, most intelligent, most valuable statement that occurred during that entire hearing. If anybody would like to know what the facts were and what the allegations were in that impeachment hearing, they should read his summary of the facts. It did exactly what he was required to do: faithfully and fairly and honestly state the allegations that were there and the facts that backed them up. It was comprehensive, honest, and complete. I respected him for it.

His brother TIM, of course, serves in this body. I serve with him on two committees. I respect TIM terrifically. They are both men of integrity, deep personal faith, and a commitment to public service that is remarkable.

ASA HUTCHINSON will reflect well on President Bush as his nominee. I think he will do an outstanding job. I look forward to working with him, and I know he will effectively turn the tide against increasing drug use in America.

Finally, let me say, with regard to the FBI and the DEA, now we have seen two of the finest nominees you can expect to have in Bob Mueller, a professional's professional, a man who has received prominence in both Democrat and Republican administrations, as the head of the FBI, and ASA HUTCHINSON at DEA, a man of commitment and integrity and ability to head that important organization.

I am excited for both of them. I believe the President has done a good job. I think America will be served well by their efforts.

Mr. LEAHY. I yield back the remainder of my time.

Mr. HATCH. I yield back the remainder of my time.

Mr. LEAHY. 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. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 264 Ex.]

YEAS—98

Akaka	Durbin	Lugar
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	

NAYS—1

Dayton

NOT VOTING—1

McCain

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE EXPLANATION

Mr. MCCAIN. Madam President, I ask unanimous consent that on the vote regarding the nomination of ASA HUTCHINSON to be the Administrator of the Drug Enforcement Agency, that if I were present, I be recorded as having voted ''yea.''

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the Boxer amendment—which will be immediately—regarding arsenic, that there be 60 minutes for debate, with the time equally divided and controlled between Senators Boxer and Bond or their designees, with no second-degree amendments in order thereto, that upon the use or yielding back of time, the Senate, without intervening action or debate, proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, and I will not object, would the distinguished leader be willing to amend that to allow me to speak before that for 4 minutes on judicial nominations?

Mr. REID. I will be happy to amend that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, the majority leader has asked me to announce to everyone that he wants to finish this bill tonight. We have exchanged lists with the minority. Hopefully, by the time we finish this next debate, we will be in a posture to lock in whatever amendments are in order and move forward on this bill.

As everyone knows, there are a lot of people interested in the Agriculture bill. That has been around for a day or two. So Senator DASCHLE wanted me to state that he wants to do everything he can to finish this bill tonight. We hope people will understand there will be some votes throughout the evening.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Senate for moving expeditiously on the Hutchinson nomination. I note that on Monday and Tuesday of this week the Judiciary Committee followed through on its confirmation hearing for Robert Mueller III, the President's nominee to be Director of the Federal Bureau of Investigation. I mention this because this was the fifth confirmation hearing the Judiciary Committee held in July for judicial and executive branch nominees, which is pretty good because we were not allowed, under the reorganization, to have Members assigned to our committee until July 10.

In fact, I cannot think of any time in the last 6 years where the Judiciary Committee held five confirmation hearings in 3 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals.

I appreciate the fact that the Senator from Montana, Mr. Baucus, noted that we held the hearing on the two district court nominees for Montana ''in a very expeditious fashion.'' It was gracious of Senator HUTCHINSON to offer his thanks for our scheduling the confirmation hearing of ASA HUTCHINSON to be head of the DEA ''so expeditiously'' after Senate reorganization. I appreciate William Riley, the nominee to the Eighth Circuit Court of Appeals, thanking the Judiciary Committee for ''holding a prompt hearing.'' It was gratifying when Senator COCHRAN noted that he was ''very pleased with the dispatch'' with which we held a

hearing on the nomination of Jim Ziglar to head the INS. And this week, Mr. Mueller thanked us for holding his hearing as quickly as we did.

With respect to executive branch nominees, considering the fact that the committee has only been able to hold hearings for 3 weeks, our work period has been outstanding. We held back-to-back days of hearings for the President's nominees to head the Drug Enforcement Administration and the Immigration and Naturalization Service 2 weeks ago, and 2 days of hearings on the nominee to head the FBI this week. In addition, we have held hearings on the Assistant Attorney General to head the Tax Division, the Assistant Attorney General to head the Office of Justice Programs, and the Director of the National Institute of Justice—all in July.

We would have done more if we had been allowed to do this, of course, during the month of June. So the Senate has considered and confirmed the Attorney General, the Deputy Attorney General, the Solicitor General, the Assistant Attorney General in charge of the Criminal Division, the Assistant Attorney General in charge of the Civil Rights Division, the Assistant Attorney General in charge of the Antitrust Division, the Assistant Attorney General in charge of the Office of Legislative Affairs, the Assistant Attorney General in charge of Policy Development, and other key officials within the Department of Justice, as well as the Commissioner of the INS and, today, the Administrator of the Drug Enforcement Administration.

I hope we can move very quickly on the Director of the FBI.

We have not received the nomination yet for the No. 3 job at the Department of Justice, the Associate Attorney General. We have not yet received the nomination of someone to head the U.S. Marshals Service. Even though we are about to go into an August recess, we have not received a single nomination for any of the 94 U.S. marshals who serve in districts within our States. We have only received a handful of nominations for the 93 U.S. attorney positions that are in districts within our States.

So there is a lot to be done. And it will be done if we work together, and not if we have people come and give statements on the floor, or elsewhere, that are not factual because, unfortunately, as somebody once said, those pesky little facts get in the way. And these are the facts. There is no time, in the 25 years I have been in the Senate Judiciary Committee, that I have seen so many nominees move in a 3-week period in the middle of the year.

Madam President, I yield the floor.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. There is an order for the recognition of the Senator from California at this time.

The Senator from California.

AMENDMENT NO. 1219 TO AMENDMENT NO. 1214

Mrs. BOXER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. NELSON of Florida, and Mr. BIDEN, proposes an amendment numbered 1219 to amendment No. 1214.

At the appropriate place, add the following:

SEC. . The Administrator of the Environmental Protection Agency, pursuant to the Safe Drinking Water Act, shall immediately put into effect a new national primary drinking water regulation for arsenic that—

(1) establishes a standard for arsenic at a level providing for the protection of the population in general, fully taking into account those at greater risk, such as infants, children, pregnant women, the elderly and those with a history of serious illness; and

(2) lifts the suspension on the effective date for the community right to know requirements included in the national primary drinking water regulation for arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. 6976).

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I have an amendment now pending before the Senate. I am very proud of this amendment. I have offered it on behalf of myself and Senator NELSON of Florida, and Senator BIDEN, and many other Senators who are very supportive of this amendment.

The reason I had the clerk read the amendment in its entirety is because it is written in plain English and is very straightforward.

Essentially it says that the Administrator for the Environmental Protection Agency shall immediately put into effect a new standard, a new primary drinking water regulation for arsenic that will, in essence, protect our people from arsenic in their drinking water. The second part says that we will lift the suspension on the effective date for the community right-to-know mailers that were supposed to go out, letting people know how much arsenic is in their water.

I hope all of us will agree, people have a right to know that.

I want to talk a little bit about how this amendment came to be today, how we got on this road. Frankly, we should not be here. In the last administration, they set a new level for arsenic in water at 10 parts per billion. It was going to go into effect, and then this administration suspended it.

What we are doing in our amendment today is not even saying go back to 10. I certainly hope they go to 5. But notwithstanding that, we just say: Put a new standard in place because the standard that is in place, as I talk to you tonight, is 50 parts per billion. We need to move this forward.

Let me explain why this happened. I know I have 30 minutes. Will the Chair let me know when I have gone on for 15?

I thank the Chair.

What we see on this green chart is what this Senate passed last year in this very same bill. It said: The Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001. What happened? It didn't happen. They repealed the Clinton standard and went back to the 50 parts per billion standard which everyone agrees is way too high to drink our water in a safe fashion. This date slipped.

In essence, we have a situation where the Congress said to the President: You shall do this. The President signed this. This was President Clinton. This was the law of the land. And yet the date slipped.

I want to get into the reasons why this is so important, beyond the fact that we have gone back to the old standard and the President, in my view, did not have the right to do that.

This is a chart I actually got from the House side where the House has passed a very strong arsenic amendment, even stronger than what we have before us. What you see on this chart is, the darker the red dot, the more arsenic in the water. You can see that there is virtually arsenic in almost all our States. There are some that are fortunate. They don't have it. But there is a huge amount of arsenic around the country.

Why is this important? I know intuitively people would say arsenic is bad. We know that intuitively. But it is more than intuition. It is science. It is lots and lots of science. I want to put that on the record tonight.

There is a Dartmouth study that came out in March of 2001: Arsenic Disrupts Critical Hormone Functions. That is what this study showed. It doesn't say ''it may.'' It doesn't say ''it might.'' It says it does. It disrupts critical hormone functions. What does this mean to us? It means increased risk of diabetes, increased risk of cardiovascular disease, increased risk of cancer.

When we throw up our hands and we say, did you ever believe how much diabetes there is, how much cancer there is, what are the answers? We are starting to get the answers. Science is giving us the answers. This is one of the answers.

Here is another one, another study, Chemical Research in Toxicology, an EPA study completed April 2001. They say: There is a direct link between arsenic and DNA damage. They didn't say there ''may be.'' They didn't say ''perhaps.'' They said there is. What does this mean to us? Increased risk of cancer, and no level of arsenic is completely safe.

That is why the second part of our amendment is so crucial because it is the community's right to know. When you go to your mailbox under this part of the amendment, you will find out once a year how much arsenic is in your water.

Here is another scientific study, done in Taiwan, very well respected, it appeared in the American Journal of Epidemiology. This is what they found: Compared to the general population, people who drink water with arsenic levels between 10.1 parts per billion and 50 parents per billion are twice as likely to get certain urinary cancers. It doesn't say ''maybe'' they are twice as likely. What does this mean? The U.S. drinking water standard for arsenic must be immediately set at the lowest possible level.

That is what the Boxer-Nelson-Biden-Corzine amendment et al does.

Let's look at the countries and the different levels they have of arsenic in their water. This is very instructive.

This is an important chart because it shows where the countries of the world are in terms of arsenic levels in their water. What we find is the one with the least arsenic allowed happens to be Australia. That is 7 parts per billion. Then we go to the European Union where it is 10 parts per billion. Japan is 10 parts per billion. The World Health Organization is 10 parts per billion. Then you get up to where President Bush put us when he suspended the Clinton standard of 10. The Clinton standard of 10 was with the European Union and Japan and the WHO. But now we are with Bangladesh, Bolivia, China, India, and Indonesia. This is not where we want to be, I say to my friends. This is an amazing place for us to be as a nation that is the leader in science and technology and health care. So this is wrong on its face.

Let's look at the cancer numbers pretty specifically. I have saved time for all my friends who are here. I said before that there is no safe level of arsenic in drinking water. We know that to be the case. But what we are trying to do is at least get a level that is achievable that we can accomplish and we can take credit for and get it done.

If you look at this chart, it is kind of chilling. If you look at where we are on the Bush standard—50 parts per billion—1 in 100 of us will get cancer if we drink out of that water supply at 50 parts per billion. That is the Bush law right now. At 20 parts per billion, the cancer risk goes down to 1 in 250 people. At 10 parts per billion, it is 1 in 500. You are not altogether safe there either, but it is a lot better than the 50 parts per billion, which is 1 in 100. If you go to 3 parts per billion, the risk goes down more. I think this is very important.

Let me tell you what one of the water districts is saying about this. It is the American Waterworks Association, the California-Nevada section. These are people who, you would think, would be fighting us, would not want to invest in getting the arsenic out of the water. They say:

> While the standard is in limbo—

By that they mean the Clinton standard was suspended and we have no new standard; it went back to the old standard of 50.

They say:

> the enforcement deadlines are not. Now the systems affected are facing an unrealistic time line for compliance, which creates a handicap in meeting this critical health goal.

They are upset that they have no number, they have no goal they have to reach. It makes it harder and harder for them to take action. By the way, they did endorse the 10 parts per billion level.

In closing this part before I save a little time at the end, let me again say what happened when George Bush became President. A lot happened, but on this issue this is what happened. He took this little ''suspended'' stamp and suspended the 10 parts per billion standard that President Clinton had put in place after lots of scientific study. He also suspended—in some ways, to me, this is even worse. He suspended the community right to know. So not only did he suspend the Clinton standard at 10 parts per billion, but he suspended the Clinton community right-to-know provision that said if you live in a community—a rural community, an urban community, a farm community—you have the right to know if you have arsenic in your water, because if you have a baby in the house and that arsenic is up there at 30, 40, 50 parts per billion, watch out. If someone is sick with cancer, or AIDS, or has any type of heart condition, watch out. So he suspended everything good when it came to these rules.

It is time we do something very good tonight. I have some good feelings about the response we are getting to this amendment. I am hoping for an overwhelming vote.

I ask the Chair how much time I have remaining on my side.

The PRESIDING OFFICER. The Senator has 18½ minutes.

Mrs. BOXER. May I ask the Senator, would he like to take some time or are my colleagues under a rush?

Mr. NELSON of Florida. Yes.

Mrs. BOXER. If I might propose that we hear from Senator NELSON of Florida for 3 minutes, and then we will go over to Senator DOMENICI for as much time as he wants to use. Is that fair?

Mr. DOMENICI. Madam President, we have 30 minutes. The way I look at it, we don't need the entire 30 minutes. If you can do with less, we can vote sooner.

Mrs. BOXER. I doubt it. I will try. Everybody here wishes to speak.

Mr. DOMENICI. That is fine. I thank the Senator.

Mrs. BOXER. I yield to Senator NELSON for 3 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I may need another couple of minutes.

I thank you for this opportunity to support the Boxer amendment. This is just a lot of common sense. You have seen all of the technical and scientific statements that have been made about why it is important to reduce the level of arsenic in drinking water.

We have recently, in Florida, encountered another aspect of arsenic poisoning which has brought this particular element to the forefront of Floridians' minds. It is the fact of arsenic-treated wood—the wood being used for playground equipment. And now we are having so many of our cities and our counties closing the playgrounds because when the rains come, it leeches through the arsenic-treated wood onto the playground soil, and in many cases local health departments have determined that that is unsafe for children. Yet everyone is really in confusion as to what is safe and what is unsafe. The EPA was not even going to complete that study until 2003. We urged them to speed it up. They promised that by this June they would have their study done, and now they have delayed it on into the fall.

In the meantime, local governments have closed playgrounds. Some of them have reopened the playgrounds, not knowing whether this poison, known as arsenic, used in treating the wood—and it was never known that it would be a problem—whether or not this is a hazard to our children's health in the soil of those playgrounds.

I tell you this story because this is on the minds of a lot of Floridians right now. As we come to a question of what is the safe level of arsenic in drinking water, as Senator BOXER has said over and over, EPA has stated that arsenic is dangerous. They have classified it as a known carcinogen. They have said over a long period of time that we ought to be studying this. As a matter of fact, in 1962 the U.S. Public Health Service recommended decreasing the 50 parts per billion standard to 10 parts per billion.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. NELSON of Florida. May I have an additional minute?

Mrs. BOXER. Absolutely. I yield an additional minute.

Mr. NELSON of Florida. I can't say everything I want to say in 1 minute. Let me conclude by saying that if ever there was something having to do with common sense, and you have all of this scientific evidence behind you that says we ought to reduce the standard from 50 to 10 parts per billion, then we as stewards of the public trust ought to act on that. So, Madam President, that is why I stand and strongly advocate that our colleagues vote for this amendment. I am pleased to join Senator BOXER as a sponsor of the amendment.

Mrs. BOXER. Madam President, I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Senator from California. I will try not to take the whole 3 minutes.

If there is one thing that got the attention of the American people, of everything that has happened in the last 7 months, it is this issue. Why? The only thing I have ever seen that every Conservative, Liberal, Democrat, Republican, Socialist, Communist, Fascist—anybody who has a water tap in America—agrees upon, it is they fully expect, above all else, when they turn on their water tap, the water they are about to consume or give to their children is healthful, not harmful.

We can argue about 50 parts per billion, 10 parts per billion. This has been a revelation to the vast majority of the American people who do not already have water that is being held to the highest standard. We do not have to say anything back to folks in Delaware other than that our standards are the same as Bangladesh, lower than Europe.

This is not complicated. The science sustains the position that was taken. This was not arrived at. We are not even dictating 10 parts per billion in this amendment. We both wish we were, but we are not even doing that.

I conclude my very brief comments by saying my State of Delaware is not known as some liberal bastion. We are the corporate State of America. The legislature in my State of Delaware passed a law which says water coming out of the taps in Delaware can be no less than 10 parts per billion.

To those who do not like this amendment, get ready to explain it at home.

I compliment the Senator. She is dead on. This is one issue that every single constituent I know, unless they own a mining company, supports.

Mrs. FEINSTEIN. Madam President, I rise in support of Senator Boxer's amendment to establish once and for all a protective standard for arsenic in our Nation's drinking water.

As most of my colleagues know, I have had a longstanding interest in cancer. For me this fight is a personal one.

I lost my father and my husband to cancer. My current husband, Richard, lost both his parents to cancer. And I have lost a host of dear friends to this terrible disease.

With cancer, you're never the same after experiencing this with a loved one. You're determined to do something about it.

This is the major reason I was extremely disappointed when the current administration, soon after taking office, postponed the implementation of Environmental Protection Agency's (EPA) new drinking water standard for arsenic earlier this year.

Arsenic has long been know as a carcinogen, a substance that produces cancer, and yet the current administration shelved the new rule in 58 days flat.

Administration officials explained that the reason for this postponement was to allow for additional scientific review. I find this position difficult to comprehend when one considers how much scientific review has gone into this ruling.

The Federal Government has studied arsenic for almost 40 years.

In fact, few government environmental decisions have been more thoroughly researched, over so many years, than the EPA's move to lower the allowable level of arsenic in drinking water from 50 parts per billion (ppb) to 10 ppb.

This standard was first proposed by the U.S. Public Health Service back in 1962. Over the next three decades, regulators weighed dozens of studies on the issue as they struggled to balance the health risks, which mostly include increased risk of cancer, with the costs of extracting the metal from drinking water.

We should take note of a recent report by the National Academy of Sciences. In this report the Academy concluded that the arsenic standard for drinking water of 50 ppb, set in 1942 before arsenic was known to cause cancer, ''does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible.''

In fact, the Academy reported that drinking water at the current EPA standard of 50 ppb ''could easily'' result in a total fatal cancer risk of 1 in 100 about 10,000 times higher than the cancer risk EPA allows for carcinogens in food.

And we should remember that children's increased exposures to environmental carcinogens, such as arsenic, are potentially even more serious.

Children's higher risk results from the fact that they breath more air, drink more water and eat more food per pound than do adults; for example, a child in the first six months of life consumes seven times as much water per pound of body weight as does the average American adult.

Therefore, a carcinogen has a much more significant impact on a child.

There are over 70,000 chemicals in common use today in the United States and several dozen known carcinogens, according to the Environmental Protection Agency.

Rachel Carson warned us in 1962, ''For the first time in the history of the world, every human being is now subjected to contact with dangerous chemicals, from the moment of conception until death.''

For those dangerous chemicals which we have the ability to limit from human exposure, such as arsenic in drinking water, we should absolutely take the necessary steps to do so.

Mr. DORGAN. Madam President, I rise today in support of this amendment. The current standard for acceptable arsenic levels in drinking water was established in 1942 and, as early as 1962, recommendations were made by the U.S. Public Health Service that the 50 parts per billion standard should be changed. The science indicates that at 50 parts per billion (ppb), the cancer risk from arsenic is 1-in-100. EPA regulations are supposed to regulate to a 1-in-10,000 arsenic risk.

Today's amendment simply directs the administration to put a new standard into effect immediately and gives communities the right to know the arsenic levels in their drinking water.

However, I am concerned about the potential impacts that reducing the level of arsenic in drinking water might have on small or rural communities, like many in my home State of North Dakota. North Dakota has approximately 35 communities that might be especially hard hit by a more stringent arsenic in drinking water standard. That is why I am a cosponsor of legislation sponsored by Senator REID that would increase funding for small communities to help treat drinking water systems for arsenic and other contaminants. I am pleased that Senator JEFFORDS has committed to examine these critical funding issues in conjunction with providing his support for today's amendment.

The World Health Organization and the European Union have adopted a 10 parts per billion standard. Even if the United States does not adopt a 10 parts per billion, at 50 parts per billion, the United States' arsenic standard is on par with that of Bahrain, Bolivia, Egypt, Indonesia, Oman, China, and India.

Countries who have adopted a 10 parts per billion standard include: the entire European Union (in 1998), Laos (in 1999), Syria (in 1994), Namibia, Mongolia (in 1998), and Japan (in 1993). Australia has had a 7 parts per billion standard since 1996. As I said, it is time to move in the direction of a safer, more protective, standard.

While arsenic levels may fluctuate over time, what is most significant from the standpoint of cancer risk is long-term exposure. Studies have linked long-term exposure to arsenic in drinking water to cancer of the bladder, lungs, skin, kidney, nasal passages, liver, and prostate. Noncancer effects of ingesting arsenic include cardiovascular, pulmonary, immunological, neurological, and endocrine (e.g., diabetes) effects. Short-term exposure to high doses of arsenic can cause other adverse health effects, but such effects are unlikely to occur from U.S. public water supplies that are in compliance with the existing arsenic standard of 50 ppb.

A March 1999 report by the National Academy of Sciences concluded that the current standard does not achieve EPA's goal of protecting public health and should be lowered as soon as possible, according to the EPA.

So, we should act immediately to adopt a new standard, as this amendment would require. We also must provide funding that is critical to accomplishing this goal.

Mr. BAUCUS. Madam President, I want to state for the record that I fully

recognize the importance of ensuring that all Americans have safe and clean drinking water. As the ranking member of the Environment and Public Works Committee, I helped author the 1996 Safe Drinking Water Act, I also understand the health hazards posed by unsafe levels of arsenic in our drinking water supplies.

However, I also understand the difficulties faced by small water systems as they struggle to pay for the infrastructure they need to make sure their systems are in compliance with federal regulations. A lot of Montanans get their water from rural water systems. A lot of rural Montanans are struggling to make ends meet with low incomes. The last thing we want is to put small systems in a position where they have to charge their customers rates they just can't afford. We have a responsibility to these people, to make sure that not only do they have clean, safe water, but that they can afford it.

I am glad that Senator BOXER and others have stated they recognize this problem and that they are willing to help make sure the Federal Government steps up to the plate with the necessary funding. I am pleased to hear that Senator JEFFORDS will take up in September Senator REID's bill to help small community drinking water systems pay for infrastructure improvements. I pledge to do whatever I can to support Senator REID's bill in the Environment and Public Works Committee and I will become a cosponsor of that bill.

Mr. CRAIG. Mr. President, I ask unanimous consent to provide some additional materials to be printed in the RECORD regarding the debate over the drinking water standard for arsenic. These materials will inform our understanding of issues associated with the process used in developing a new arsenic drinking water standard and the science behind that process.

The first item is a letter sent by me, along with Senators DOMENICI, KYL, HATCH and BENNETT, to Administrator Whitman, dated June 21, 2001.

I also ask unanimous consent to print in the RECORD a statement from the National Rural Water Users Association on this same matter.

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

U.S. SENATE,
Washington, DC, June 21, 2001.

Hon. CHRISTINE TODD WHITMAN,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR WHITMAN: We are writing to reiterate our strong interest in the development of a new arsenic drinking water standard and to commend you for your decision to pull back for further study the standard promulgated in the final days of the Clinton Administration. Ensuring the safety of our nation's water supply is essential, but it is also important that decisions be based upon sound science and consideration of the health benefits and costs that will accrue to the American public. We applaud your pronouncement that you are committed to such a principle, and as you proceed, we encourage you to work closely with the states and municipalities that will be most impacted by a new standard. We are concerned, however, that you will be limiting your review to a standard of between 3 parts per billion (ppb) to 20 ppb. This does appear to predetermine the outcome of your scientific review and we would like to suggest that a more appropriate approach would be to expand the review to anything below the current standard of 50 ppb.

We are extremely troubled by the way the past Administration developed the 10 ppb standard. Agency staff ignored recommendations from the National Research Council (NRC), the General Accounting Office (GAO) and its own Science Advisory Board (SAB). The NRC suggested that the Agency consider a non-linear or sublinear dose-response model as it examined arsenic at low levels, rather than relying solely on a linear model. The National Research Council also suggested that the Agency factor in the known shortcomings of a thirty-year old Taiwanese study, which the Agency was using extensively.

In October, a GAO report questioned EPA's conservative assumptions, its reliance on a conservative linear model and its heavy reliance on the Taiwan study. The SAB added its voice in December by criticizing the Agency for failing to take the advice of the NRC and for not taking into account the deficiencies in the Taiwan data in predicting U.S. risk. Further, the Agency chose to ignore a study conducted in Utah that found no bladder or lung cancer in individuals exposed to arsenic at levels greater than 100 ppb because in order for the linear model to determine a dose response relationship, only studies that have documented cancer cases can be incorporated.

The controversy surrounding the appropriate standard extends beyond the health effects evaluation. EPA has seriously underestimated the cost to community water systems and ultimately, to private households. In fact, a recent report published by the AIE-Brookings Joint Center for Regulatory Studies finds that the costs of the final rule will exceed the benefits by about $190 million annually and may actually result in a net loss of about ten lives annually by diverting scarce resources away from meeting other health care needs. In addition, the SAB expressed concerns about assumptions made in EPA's analysis about the disposal of arsenic residuals. For example, removing arsenic from drinking water will generate wastes that will in many cases be considered hazardous under applicable regulations, e.g. RCRA. Further, water systems will face considerable costs and liabilities for on-site storage, transport to an approved facility, and suitable disposal. EPA has not considered these costs. The SAB also raised concern over treatment options EPA set forth as best available treatment technologies, some of which have not been applied to arsenic removal on such a large scale.

The geological configurations in the West, combined with dispersed population centers served by multiple, small water systems, result in the Rocky Mountain States being significantly impacted by imposition of any new arsenic standard. For example, the State of New Mexico estimates the cost of compliance with a 10 ppb standard to be approximately $400 million in initial outlays, with a recurring annual cost of $15 to $16 million. The State of Arizona's estimate is $983 million in initial capital outlays, with a recurring annual cost in excess of $26 million. Other western states will be similarly impacted. Our states will be particularly affected because the final rule includes non-community/non-transient water systems under the standard, a departure from the proposed standard. Because these systems were not part of the proposed rule, compliance costs—which would be significant—were not included in the cost-benefit analysis. Further, according to the preamble of the final rule, EPA did not even consider compliance costs for the State of Arizona. It is our belief, therefore, that the Agency's cost estimates are vastly underestimated.

In closing, let us again commend you for your commitment to the use of the best science in establishing a new arsenic drinking water standard and encourage you to continue to stand above the attempts to politicize this important health issue.

Sincerely,

PETE V. DOMENICI.
JON KYL.
LARRY E. CRAIG.
ORRIN G. HATCH.
ROBERT F. BENNETT.

NATIONAL RURAL WATER ASSOCIATION,
Washington, DC, August 1, 2001.

STATEMENT ON VA, HUD APPROPRIATIONS AMENDMENT TO LIMIT EPA'S REVIEW OF THE ARSENIC DRINKING WATER RULE

The National Rural Water Association (NRWA), representing over 20,000 rural and small community members, urges Members of the Senate not a legislatively limit EPA's review of the arsenic drinking water rule in light of the rule's impact in thousands of rural communities, especially their low income populations.

In 1996, with the passage of the Safe Drinking Water Act, we welcomed a new law with provisions to assist small communities as described by Senator Baucus on the Senate Floor, ''The bill provides special help to small systems that cannot afford to comply with the drinking water regulations and can benefit from technologies geared specifically to the needs of small systems. Here is how it would work. Any system serving 10,000 people or fewer may request a variance to install special small system technology identified by EPA. What this means is that if a small system cannot afford to comply with current regulations through conventional treatment, the system can comply with the act by installing affordable small system technology.''

Since the 1996 amendments, the only variance we have seen granted by EPA was for the City of Columbus, Ohio. We don't feel that the 1996 Act is working the way it was intended and this needs to the fixed if small communities are to comply with EPA rules. The arsenic rule is a case in point. In the January 22, 2001 rule, EPA chose not to allow small communities to utilize the affordable variance authority by finding it was not needed because the rule was ''affordable.'' What has surfaced in the current EPA review of the rule, by a panel which includes representatives from the environmental groups, is that EPA did not adequately consider the ability of low-income and rural communities to afford the rule.

Currently, under the EPA review we are working with EPA to correct this and enhance the small community provisions in the rule. Also, the National Research Council is reviewing new research that will allow a better evaluation of arsenic health effects. New evidence suggests that these risks are lower than indicated in the 199 NRC report. The NEW reviews are almost complete. Why would we want to stop this progress?

The January 22, 2001 rule would likely require many small towns to spend hundreds of thousands to millions of dollars to make insignificant reductions in arsenic concentrations in their drinking water. It would have more than tripled water rates in many small communities. Such precipitous rate increases can threaten consumers' and communities' ability to pay for water service and

other public health necessities. The unintended consequence of over-regulating is that it takes away money that people need to buy food, pay for a doctor, and keep the house warm. Whenever we do anything to increase the price of water, we are forcing millions of families to make yet another tradeoff, which will directly affect their health.

Please don't finalize a rule today (that directs EPA to fine small communities who can't afford to comply) with the intent of providing funds in the future. While we appreciate the potential for future funding, our experience is that this does not slow EPA enforcement.

We urge you to allow EPA to continue to review the rule with the hope they will be more sensitive to our concerns. We feel it is imperative that the final rule process is deliberative and convincing to ensure that communities forced to comply feel it is necessary. We feel all scientific perspectives need to be thoroughly weighed in an overt public process that convincingly explains the health risks of arsenic.

Thank you for your consideration and please consider the exceptional circumstances of small communities. Every community wants to provide safe water and meet all drinking water standards. After all, local water systems are operated by people whose families drink the water every day and who are locally elected by their community.

Mr. LIEBERMAN. Madam President, I rise in strong support of the amendment to the pending measure offered by my distinguished colleague, Senator BOXER, that would prevent the administration from delaying implementation of the EPA arsenic standards issued on January 22, or from weakening those standards in any fashion. I am pleased that a similar amendment was adopted by the House last week by a vote of 218 to 189.

One of the most important responsibilities of government is to protect our citizens from threats to their health, safety or to their environment. Over the past two decades, the American public has reached agreement that government cannot and should not be the answer to every problem that arises. But the public also agrees it is our duty to defend the citizenry when it cannot defend itself and to protect America's environment when it is threatened, because we are its stewards and trustees for all who will follow us as Americans.

The fact is, environmental protection has been one of the most effective government programs of recent decades. Although the public wholeheartedly supports a sensible, balanced approach to the environment, it is becoming increasingly clear that the Bush administration does not.

As you know, last January, the Environmental Protection Agency issued a new regulation that would reduce the acceptable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion. The announcement was greeted with relief and appreciation by those of us who thought the regulation long overdue. However, acting with seeming disregard for science and regulatory procedure, the Bush administration almost immediately announced that implementation of the regulation would be delayed, citing the need for further review.

Like many of my colleagues, and I would venture to say most Americans, I was puzzled and dismayed by the decision. What disturbed me about the decision was the administration's willingness to ignore 25 years of comment, study, and debate, including a scientific review by our premier science organization, the National Academy of Sciences. For this regulation was not feverishly put together in some back room at EPA or the White House in the closing days of the outgoing administration, as some have charged. To the contrary, it was the product of a quarter century of public and scientific input, involving stakeholder consultations, peer review, and basic scientific research.

The chronology of this regulation is clear and illustrates the legitimacy of the process by which the arsenic standard was developed. As early as 1962, the Public Health Service had recognized the toxicity of arsenic and recommended a 10 ppb standard. In 1986 Congress directed EPA to update the arsenic standard, but EPA delayed action pending further study. Ten years later, as part of the 1996 Safe Drinking Water Act, Congress again directed EPA to take action, giving EPA a more than generous 6 years to develop an arsenic standard. In June of 2000, after exhaustive review, EPA proposed an arsenic rule—a standard of 5 parts per billion. And finally, last January, the agency issued its long-awaited final regulation—ultimately settling on a standard of 10 ppb.

EPA's regulation was clearly based on a National Academy of Sciences report that found that drinking water containing 50 parts per billion of arsenic ''could easily'' cause a 1 percent risk of cancer. The NAS also found that children are particularly susceptible to arsenic poisoning and recommended that the standard should be reduced ''as promptly as possible.'' This administration's decision to delay implementation runs counter to the best scientific judgement available to us.

To put things in context, the current U.S. arsenic standard is equivalent to the standard employed by developing countries like Bangladesh and China, which may not have the financial and technical resources to adopt stronger standards. In contrast, industrialized countries like Australia or the European Union nations have adopted a 7 ppb and 10 ppb standard, respectively. As the richest, most technologically advanced nation in the world, I would expect that we would lead the world in clean water standards.

Beyond this decision to reconsider the new arsenic standards, I share the concerns of many citizens about what appears to be a disturbing pattern on the part of the Administration's regulatory policies. President Bush and his team have presided over the repeal, delay, or weakening of rules and regulations that would otherwise benefit the American people, ranging from rules to protect wilderness areas in our national forests from roadbuilding to regulations governing the toxic effects of mining on federal lands.

I have spoken out against this emerging pattern of ''government by repeal.'' And I have questioned the process by which the decisions to rollback, weaken or delay these regulations, including the arsenic regulation, were reached. As Chairman of the Governmental Affairs Committee, I have been conducting an in-depth examination of the decisionmaking process on several rules. I want to know who the agencies consulted or relied on in making their decisions and what process the agencies went through to make their hasty decisions. Despite initial resistance, I am pleased that we have made progress in protecting Congress's right to oversee the activities of the Executive Branch.

I commend Senator BOXER for her leadership on this matter. I join her in urging our colleagues to support this measure.

Mrs. BOXER. Madam President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 11½ minutes remaining.

Mrs. BOXER. I yield 3 minutes to Senator CORZINE and 3 minutes to Senator CLINTON.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I will be shorter than 3 minutes.

Supporting Senator BOXER's amendment, on our side, is a statement to common sense. In the world I come from, people look at the facts; they analyze them; and then they try to take actions consistent with them.

In science, if the people who provide water to us, as indicated by the Senator from California and the Administrator of EPA, who comes from my home State, fought for a 10 parts per billion standard, one has a hard time understanding why we don't think this is something in the best safety interest and the stewardship interest which we are responsible to represent in the Senate. This is one of those issues where I cannot understand why we cannot get together and make sure we have 100-percent support because we are really protecting women and children and future generations of our society. This is as clear an issue, on a commonsense basis, as I have seen since coming to the Senate. I am happy to rise in support of this amendment.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. I thank Senator BOXER for bringing this amendment up for debate and vote, and I want to add my words of strong support because it is clear we have a public health issue with respect to the level of arsenic in too many of our water supplies, particularly in the West but not exclusively.

Unfortunately, the Bush administration has taken steps to delay rather

than enforce new rules requiring less arsenic in America's drinking water. That is a step in the wrong direction. It is wrong from a legal perspective since the new standard was required to be in place as of June 22 of this year, and that was a statutory requirement put into place by the Congress.

Perhaps most important, it is wrong from a public health perspective. The administration says it needs to examine further arsenic in drinking water, but while they continue to study arsenic, the American people continue to be exposed to this carcinogen.

Senator BOXER has already talked about the studies that have been done affirming over and over again the public health issues relating to arsenic in our drinking water. The National Academy of Sciences found chronic ingestion of arsenic causes bladder, lung, and skin cancer.

Another study released this past March, by researchers at Dartmouth University, shows low concentrations of arsenic in drinking water can have hormone-disrupting effects. In March, a report in the American Journal of Epidemiology revealed that compared to the general population, people who drink water with arsenic levels between 10.1 and 50 parts per billion are twice as likely to get certain urinary tract cancers.

The science is clear, and do not take our word for it. I went and looked on the EPA's Web site. On its Web site, right beside an April 18 news release stating the Administrator wants to review the arsenic standard, there is another report issued the very next day with this headline: ''Arsenic Compounds May Cause Genetic Damage.''

Clearly, the EPA's own scientists have discovered a possible link between genetic damage and arsenic compounds. The science is not in question, but the safety and health of the American public have been put into question because of the delay this administration has brought about.

The amendment being offered by Senator BOXER, which I strongly support, requires the EPA to immediately put a new standard in place that will adequately protect public health, and it gives the American people the right to know how much arsenic is in their water. The House of Representatives passed a similar amendment this last week.

I say to my good friend, the distinguished Senator from New Mexico, who has done so much on so many issues that affect the quality of life of the people he represents, I understand Albuquerque is one of the largest cities in our country that has this kind of arsenic issue.

I ask Senator BOXER for 1 more minute.

Mrs. BOXER. I yield an additional minute.

Mrs. CLINTON. I want to make very clear to the Senator, and to everyone who represents large and small water systems, we need to give more help to communities to comply with water standards. This is one of those issues where the Federal Government must help our communities.

I certainly will work with the Senator from New Mexico and everyone on both sides of the aisle to make sure a standard is put into place, to protect the public health and well-being of our people, that is matched by funds from the revolving fund aimed at cleaning up drinking water and any other resource available, so we do not leave people hanging on their own, not knowing what to do once the standard is set. I appreciate the financial challenge confronting some of our communities in meeting this standard.

I went to Fallon, NV, with my good friends Senator REID and Senator ENSIGN, a community that has 100 parts per billion of arsenic in the water. We know we have to deal with this. This amendment puts us on record to enforce a statutory requirement and does the right thing for the public health, but then we have to come back and make sure we have the resources to clean up the water supply so people can meet the standard.

Mrs. BOXER. Madam President, I thank my friend from New York for bringing up a good point.

I yield time to the Senator from Nevada.

Mr. REID. Madam President, I rise today to speak in support of the Boxer amendment. Senator BOXER's amendment would prevent the administration from discarding the drinking water arsenic standard published in the FEDERAL REGISTER on January 22 of this year. This rule was designed by the Environment Protection Agency to protect Americans from dangerously high levels of arsenic—a known carcinogen—in their drinking water. The arsenic standard we are debating today was not dreamed up by the EPA. In fact, Congress required EPA to set a new arsenic standard when it passed the Safe Drinking Water Act Amendments in 1996.

Congress asked EPA to set a new arsenic standard no later than January 1, 2000. We extended that original deadline to June 22, 2001. Clearly there is no rush to judgment in this case as some opponents want the American people to believe. I did not advocate for a particular arsenic standard during EPA's formal rulemaking on this issue. I believe that setting an arsenic drinking water standard is EPA's job. They did their job when they published the new standard in January.

The administration has not convinced me that they have a good reason or really any reason, to spend taxpayer dollars restudying an issue that has been studied to death. Instead of delaying our response to arsenic danger, we should begin investing resources to improve America's water infrastructure. We need to begin making this investment now because the job is a big job, which will grow much more costly if we wait to start. Americans expect and deserve safe tap water.

Due to high levels of naturally occurring arsenic in many of Nevada's groundwater basins, the Silver State will be challenged by any new arsenic drinking water standard. It will cost money to meet the challenge. The Federal Government has a responsibility to help pay for the necessary infrastructure improvements.

Earlier this year, Senator ENSIGN and I introduced the Small Community Drinking Water Funding Act, S. 503. We introduced this bill to help address the costs of providing safe drinking water to customers in small communities. This bill does not address the issue of arsenic contamination directly because arsenic is only one of many impurities that municipal water systems must control. However, S. 503 would address the costs of 97 percent of the communities that would have to upgrade their water systems to meet the new arsenic standard.

I believe that every Nevadan, and all Americans for that matter, should have access to clean, safe drinking water protected by a 21st Century safety standard. The old U.S. drinking water arsenic standard was established in 1942. That antique standard is still in China, Bangladesh, India, and yes, the United States. On the other hand, the U.S. National Academy of Sciences concluded in a 1999 report that the old 50 ppb standard ''does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible.''

Citizens of the European Union, Japan, and the World Health Organization all enjoy 10 ppb drinking water arsenic standard. If our new standard is allowed to stand, Americans will finally benefit from a level of protection from arsenic on par with the rest of the developed world. I urge my colleagues to support the Boxer amendment because it will help protect America's drinking water from arsenic.

Mrs. BOXER. I say to the Senator from Nevada, Senator CLINTON raised a crucial point addressing her remarks to the Senator from New Mexico. Both Senators from New Mexico really worried about getting the funding to the local areas to do this infrastructure work. It is the Senator from Nevada who is pushing very hard, in a bipartisan way, for more funding to clean up these water supplies.

When we take everything into consideration, I hope we will pass the Boxer amendment tonight. I know Senator JEFFORDS has spoken with Senator REID about this, and we will be moving on this bill so we do authorize, I say to the Senator from New York, more funding for water company infrastructure repairs.

I yield as much time as he would consume to the Senator from Nevada, retain the remainder of my time, and then I know the Senator from New Mexico wants to speak.

The PRESIDING OFFICER. The Senator from California has 4 minutes remaining.

Mrs. BOXER. I yield 3 minutes to the Senator from Nevada.

Mr. REID. Madam President, I will not take all that time. I will take a minute and say the Senator from California and the Senator from New York understand clearly when people pick up a glass of water, whether they live in Fallon, NV, or New York City, it should be clean, pure water.

What Senator ENSIGN and I have done is introduce the Small Community Drinking Water Funding Act, S. 503, to allow communities such as Fallon and others around America that cannot afford the money to build these very important water systems so the water they drink is pure.

Fallon cannot do it. Other small communities around America cannot do it. So Senator ENSIGN and I introduced this act to make sure we addressed the cost of providing safe drinking water to customers in small communities.

I appreciate very much the Senator from California focusing attention on one of the real needs in America today: safe, pure drinking water.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I do not believe I will use the 30 minutes I have.

I thank Senator CLINTON for the kind remarks with reference to this Senator.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1299 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI. Madam President, I want to take the time of the Senate to explain the situation. Arsenic is a poison, but arsenic appears in the western part of the United States in abundance in the geological structure of the rocks and stones in New Mexico. When the Spaniards came to that part of America 400 years ago, they obviously started drinking water. They dug holes, drilled wells, they used the river water, and guess what? They were drinking water that was not polluted, as some of the advertisements running today suggest.

If one goes out there now and checks the water, one will find there is arsenic in the water because there is arsenic in the rocks and the geological formations.

Interestingly enough, and I do not want to argue about the proposition that arsenic is serious and arsenic can hurt you, but there is no evidence from those early Spanish days—absolutely no evidence that any of the diseases we are talking about existed in that population. There is no evidence there was an increase in the ailments about which we are now talking.

I would have liked to argue today or sometime that Southwestern America deserves an opportunity to prove the people there are not harmed by the naturally occurring arsenic in the water. Tonight I choose to say thank you to the Senator from California for the amendment she offered. I will ask those Senators from the West on our side to vote for it because essentially it will give the Environmental Protection Agency an opportunity to take into consideration, as I read the amendment, what I am talking about tonight. They will set a standard, yes. It does not say precisely what, and clearly they are going to take some facts into consideration that are real and that should be taken into consideration by a National Government imposing a standard on a western part of America, be it Idaho, Arizona, Utah, Alaska, New Mexico, or Colorado.

Nobody is putting the arsenic in their water, as some of the environmental ads talk about. The arsenic is there because arsenic is in the ground, in the rocks, in the mountains, and therefore comes into our streams. When we drill wells, we get it, and in Albuquerque, they pump hundreds of millions of gallons of water a day from the water under the Rio Grande, and there is more arsenic than some think we ought to have.

The bill I just introduced and the one Senator REID introduced recognizes that in some parts of America—I am sure it will be my State, Idaho, and some others, that if we have to fix up our water plants, some in villages of 100 people where they have a small water system and no other water, it will create a significant financial burden. Their water is going to cost, in one case, $91 a month for everybody on that system.

Obviously, we have to move in the direction of correcting the problem. The Government should help us correct it. The VA–HUD appropriations bill is, in many respects, as far as this Senator is concerned, a wonderful bill. EPA is treated in great fashion. There are a number of things in New Mexico we have asked for that have been treated wonderfully. When it comes to whether we should force a lower standard on our cities and villages in the West, and if we do, when, and what should the standard really be, there is plenty of room for serious discussion among fair-minded people who are not bent on politics.

If one wants to make a big political issue out of the fact that perhaps somebody in the White House could have handled this a little differently—frankly, I wish they would have talked to me before they handled it because they would not have had anybody mad at them and they would have fixed it. Essentially, the Clinton regulation did not come into effect until 2006. Does that surprise people? That is when it would have been effective if we had not had all this commotion.

It is serious. We cannot put this into effect quickly in our part of the country. Originally, the implementation was to occur in the year 2006.

Tonight I urge everyone to vote for the amendment because it is a clear indication that something ought to be done. I do believe it is different than the amendment the House passed. I thank the Senator from California because her amendment is different. It gives us an opportunity to go to conference, work with the Environmental Protection Agency and others, and do precisely what the Senator from California wants.

She wants the United States to move in harmony to get safe drinking water with the lowest amount of arsenic possible and still have affordable drinking water. After all, we need drinking water. We cannot pay $200 or $300 a month for it in New Mexico. One city is going to spend over $250 million to improve its water system because it has this naturally occurring arsenic and yet, nobody has proven this arsenic is harmful to anybody.

That part of New Mexico and the areas around it have been inhabited by indigenous Indians longer than any of us know. The Spanish inhabited the area for 450 years, and Albuquerqueans—made up from all kinds of Americans—have been there for over 150 years. We want to give them a chance. We do not want the people to spend more than is necessary on this problem.

Certainly, nobody is putting poison in the water. We are trying to purify natural water. The streams of New Mexico contain arsenic. No fish are dying that I have heard of and yet, there is arsenic in those rivers. In terms of its chemical makeup, it is the same arsenic as the poison and the arsenic used in mining activities.

For those who are interested in history, it is the same arsenic that somebody gave to Napoleon. Those who dug up Napoleon's corpse found that perhaps somebody gave him regular doses of arsenic. They believe that is what happened to him. They think one of his best friends put arsenic into his system slowly over a period of about 20 years.

I thank the Senator from California for the way we accomplished things tonight. I am sure she is going to get a unanimous vote from the Senate saying: Let's move ahead and resolve this issue.

If there is no other Senator on our side who desires to speak——

Mr. BOND. I desire to speak.

Mr. DOMENICI. How much time does the Senator want of my 30 minutes? Five minutes of my time? I only have 30 minutes.

Mrs. BOXER. I just need 1 minute of the remaining time. We have a couple minutes left.

Mr. BOND. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from California still has 2 minutes 40 seconds.

Ms. MIKULSKI. And the Senator from New Mexico?

The PRESIDING OFFICER. The Senator from New Mexico has 20 minutes 45 seconds.

Mr. DOMENICI. What is the pleasure of the Senator?

Ms. MIKULSKI. Five minutes.

Mr. DOMENICI. The Senator from Montana?

Mr. BURNS. If I could have 5 minutes.

Mr. DOMENICI. I ask that be the order of my remaining time, and if any time remains beyond that, I reserve the remainder.

Mrs. BOXER. I would ask for a minute or two after Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I rise in support of Senator BOXER's amendment. I ask also to be an original cosponsor of the Domenici amendment.

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

Ms. MIKULSKI. The Boxer amendment is an excellent amendment. I acknowledge the validity of the concerns raised by the Senator from New Mexico. When we arrive at this standard, and in southern Maryland on our Eastern Shore we face many of the same problems that the Senator from New Mexico faces, and the need to modernize infrastructure and to come up with environmental regulations is almost teetering to a national crisis. Each region of the country will have difficulty in complying, but we believe it will be a public investment with an incredible public health dividend.

I support Senator BOXER's amendment for three reasons. First, I was a member of the conference on the VA–HUD bill last year when we required the administration to develop a new standard by June 22 of this year to protect our children and the elderly who are most at risk for high levels of arsenic, and the administration did miss the deadline. It was a congressionally mandated deadline, and the American people deserve a protective standard.

The current standard for arsenic was developed in 1942. We know much more today about the negative health effects of arsenic. We have the benefit of five studies by the National Academy of Sciences that say the current standard is not protective enough. Right now our current standard is the same as Bangladesh and China. Nothing against those countries, but I think we can do better than Bangladesh.

Third, many American communities are very concerned about how much it will cost. Again, I acknowledge the cost of compliance is a factor to be considered. I believe the Domenici bill we have all cosponsored will address this. This is a national crisis. It deserves a national response. It deserves national responsibility sharing. This is why we will need an authorizing bill.

The VA–HUD bill includes $850 million for the drinking water State revolving loan fund. This should help, but it certainly is not enough to meet the enormous needs of our community to keep drinking water safe from arsenic and other issues. We could not address all of the issues in VA–HUD this year, but I believe the Boxer amendment is very important to establish a standard and the Domenici authorization will be a very important way to move forward.

I note the Senator from Nevada is on the floor. I know he and the junior Senator from Nevada have introduced legislation to deal with our incredible shrinking water infrastructure, which is deteriorating by the minute. We hope in the second session of the 107th Congress to make a major initiative to hold hearings on the infrastructure needs facing our communities. We will be able to protect public health, generate jobs, and modernize our country's water infrastructure the way we did at the turn of the century. We need a new turn of the wheel.

I am happy to support the Boxer amendment, and I look forward to working with the Senator from New Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, most people who were raised in the smaller towns around this country and have experienced arsenic in their water, probably much less than the 50 parts, are kind of used to it. There is no scientific evidence that water ever hurt anybody in our country. We have it naturally. But I tell you something we don't have naturally, and that is enough money to build an infrastructure for a small town of, maybe, 300 people, some of them 200 people and some 100—real people with real faces who are faced with bills that you can't believe who have to live on the land and pry a living from the land, and then be told they have to spend everything they make to redo a water system when there is no scientific evidence at all that their water is bad in the first place and it has ever hurt them. That is what this is about.

We should be sensitive to public health. We should be sensitive to water systems. But don't take at issue a water system that is not that harmful or has any harm at all with the levels of arsenic we find naturally in the waters of the West. I oppose this amendment on the grounds that we do not have the money and the cost it would bring to those small towns.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank my colleagues for their very thoughtful debate. I believe tonight if people are listening they understand some of the difficulties we face. Nobody wants to see arsenic in drinking water. It has been so eloquently stated by the Senator from New Mexico and the Senator from Montana. There are parts of our country where arsenic occurs naturally. One of the actions we need to take is to make sure we improve the quality of our drinking water and lessen exposure to arsenic but do so in a way that does not cause greater dangers.

One of the greatest dangers that we face as we listen to our colleagues from the States where there are small water systems which have naturally occurring arsenic from geological formations in their drinking water, we need to make sure the burdens of meeting a very low standard are not so significant that a lack of resources forces those public water systems to shut down. The result of imposing too great a financial burden on those small water systems could be they shut down and people have to go back to drinking well water or other untreated water with potentially even higher levels of arsenic. That is a part of this debate in the past that has not been fully set out.

I call the attention of my colleagues to an amendment offered last year to strike the provision in the bill that delayed until June 22 of this year the deadline for finalizing the rule on arsenic in drinking water. I supported the inclusion of that measure in the VA–HUD bill because we noted in 1996 Congress set a schedule under which EPA was to update the arsenic standard for drinking water. At the time EPA told us they were behind schedule and they would not be fully prepared. Last fall the EPA told us they would not be ready until April or May and they had not had time to evaluate the concerns expressed about the proposed rule that had been issued on the delayed basis. Many small communities expressed their concern about the proposed rule because if it were implemented it would prove prohibitively expensive for their customers and they set out lots of specific examples.

For example, in Utah, the Heartland Mobile Home Park would have to charge $230 per month per customer under the rule. So they said let us delay the rule.

In the bill last year we said: Delay the implementation of the EPA standard until you have had a chance to look at it.

I am pleased to say that 63 Members of this body agreed with us and tabled the amendment that would have stricken that provision. Therefore, 63 Members—45 Republicans, 18 Democrats—said: Yes, it makes sense to delay the final issuance of this arsenic rule. It is not to be effective until 2006, not until 2006. So we said: EPA, get the job done right before you issue the regulation.

There has been so much misinformation about this rule that I thought we ought to take a moment to set out what it does and does not do. We know it will be 5 years, 2006, before the new standard is implemented. Whether the new standard was set last January or June or November or February, the current year will not matter because we will still hit the same implementation time deadline.

There is no greater danger for people living in areas with high naturally occurring amounts of arsenic. I think the concerns of the communities in New Mexico, Michigan, Montana, and other States need to be addressed. But I express my sincere thanks to the Senator

from California for having offered an amendment which says, in essence, what EPA needs to do, what they are committed to do, and what they are on track to do, and that is to establish a new national primary drinking water regulation that establishes a standard providing for the protection of the population in general, taking fully into account the special needs population.

That is what this amendment does, and I think that is a happy resolution of this situation. We need to realize that the standard goes into effect in 2006. Last year, 63 Members of this body said we ought to delay the issuance of that standard until June. When the new EPA came in and delayed the standard, people said many things that were not true. They overlooked the fact that 18 Democrats had voted with 45 Republicans to say it is time to delay it.

By the time this bill is enacted into law, the National Academy of Sciences will tell us the standards necessary to protect our health, the administration will complete the standard in a way that protects our health and does not impose unnecessary costs on our small towns or force the closure of water systems in small towns whose absence would lead to a much higher level of arsenic in well water or other sources of drinking water for the inhabitants, and we will meet the original implementation deadline.

I believe we have reached an appropriate accommodation. I thank the Senator from New Mexico particularly, who has been a very thoughtful participant in all of these discussions and has articulated well the serious problems faced in these small communities, for his agreement that this amendment is appropriate and will allow the EPA flexibility to develop a safe, commonsense arsenic standard. It is my understanding, although I do not have a written copy of any approval, that the administration believes this is an appropriate way to deal with this question of arsenic in drinking water, particularly the naturally occurring arsenic.

I thank all of my colleagues. I urge an overwhelming support of this requirement that the EPA set a drinking water standard for arsenic.

I yield the floor. I thank the Senator from New Mexico.

Mr. DOMENICI. I yield 2 minutes of my time to Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I appreciate my colleague yielding me time to speak, both on the amendment the Senator from California has offered and also on the bill he has just introduced. I support what the Senator from California is trying to do with her amendment. I think it is a good resolution. It calls attention to the fact that we need this issue resolved.

I also support what my colleague, Senator DOMENICI, is trying to do in the bill he has introduced, which I am pleased to cosponsor. It is similar to the bill that Senator REID has earlier introduced. This makes the case clearly that the Federal Government needs to help these communities meet whatever standard we establish as a safe standard. I am not persuaded, as is the Senator from Montana, that we know the extent of the health risks. I think we still are learning precisely what the health risks are and we need to continue studying that.

But in the meantime, we need to set a standard and we need to assist these communities in meeting that standard. I am persuaded that the technology is being developed which will allow these communities to meet that standard at a much lower cost than they have traditionally had to consider for meeting this type of standard. But I think we need to support that research as well. I know some of it is going on in the National Laboratories in our State, and I am encouraged that they are finding new ways to eliminate arsenic entirely from drinking water for a relatively small cost.

Again, I compliment my colleague and look forward to supporting this amendment and also supporting his bill once it is called for a vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent Senator BINGAMAN be added as an original cosponsor of S. 1299, and I thank the Senator for his kind comments with reference to me.

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

Mrs. HUTCHISON. Madam President, I understand that Senator DOMENICI has just introduced legislation providing grant funding for communities to improve their water systems and adhere to the new arsenic regulations. This program will be very important for communities across America and also in my home State of Texas.

I ask unanimous consent to be added as an original cosponsor of S. 1299.

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

Mrs. BOXER. Madam President, do I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 40 seconds.

Mrs. BOXER. I thank my colleagues. I thank Senator REID, Senator DASCHLE, my cosponsor, Senator NELSON, my other cosponsor, Senator DOMENICI, for his remarks, Senator BINGAMAN, and Senator BOND.

I want to make a point, building on what Senator BOND said when he pointed out 63 Members voted to slip the date for the new standard until June 22, 2001. That is true. The problem is there was not a new standard. That is why we have this amendment, which is not a sense of the Senate. I want to express that point. I hope I do not jeopardize my vote, but it is a real law. It says the administration shall act immediately, and that is a term of art. They must act immediately to set the new standard and take into consideration the vulnerability of kids and the rest.

This is real. It also says the community must have a right to know how much arsenic is in their drinking water. That will happen immediately.

So this is real, and I hope it will survive the conference. I say to my friend, Senator BURNS, who has left the floor, that I know it is much easier to say if it is naturally occurring it does not hurt us. Radiation from the Sun is naturally occurring and it hurts us. Arsenic hurts us. We have the latest, most prestigious Journal, the American Journal of Epidemiology, March 1, 2001. Based on a study in Taiwan following real people, it says:

> Compared to the general population, people who drink water with arsenic levels between 10.1 ppb and 50 ppb are twice as likely to get certain urinary cancers.

We have the science. We know the science. I have talked to Christie Todd Whitman about this many times. When she was Governor of New Jersey, she suggested a 10-part-per-billion standard. Why would she do that? Because she wants to be with those countries that have a 10-part-per-billion standard. I think we need to look at these countries one more time.

We are at 50 parts per billion. That is where George Bush has put us. We share that 50-parts-per-billion standard with Indonesia, India, China, Bolivia, and that great leader of public health, Bangladesh.

We don't belong here. We belong in this tier: Australia, the European Union, Japan, and the World Health Organization. They are 10 parts per billion or less.

This is a debate that I think has been good. I am very pleased that we have won some fine support from the other side of the aisle. I hope we will send a rip-roaring message to the President: Set the standard, set it low, set it fast.

I yield the floor.

Mr. DASCHLE. Madam President, I compliment the distinguished Senator from California for the eloquent summary of this issue that she just made, as well as for offering this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Madam President, I will propound a unanimous consent request. If we get this agreement at this time—in consultation with the Republican leader and the two managers, and I compliment them—we will make this the last vote of the evening.

I ask unanimous consent that the list I will send to the desk be the only first-degree amendments in order to H.R. 2620, that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments, the substitute amendment be agreed to, if not previously ordered; that the bill be read three times, and the Senate vote on passage of the bill;

that upon passage of the bill, the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees, with the above occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Madam President, it is acceptable on this side.

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

ORDER FOR RECESS

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

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

Mr. DASCHLE. Madam President, I especially thank our manager and the ranking member, as well as our distinguished colleague from Nevada, who works so ably on both sides of the aisle, for reaching this agreement.

We have a lot of work to do. But we know what the work is. I hope we can work expeditiously tomorrow morning.

This will be the last vote of the evening.

I yield the floor.

The PRESIDING OFFICER. Will the Senator from New Mexico yield back all his time?

Mr. BOND. What is the time remaining of the Senator from New Mexico?

The PRESIDING OFFICER. Three minutes forty seconds.

Mr. DOMENICI. I yield that time to Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I will yield that back. I only want to correct the RECORD. The administration has indicated they will promulgate, or intends to promulgate a new regulation based on science. There was no intention of staying at the 50 parts per billion, which had been the standard throughout the previous administration. They have said they needed to review the science and listen to the communities that would be affected, and also take into account, as the Senator from New Mexico has proposed, the extraordinary hardships that meeting this standard would impose upon many small communities, with the possibility that the shutdown of those small community water systems would impose a far greater danger on the inhabitants.

Madam President, having corrected the RECORD and thanking all of our participants for helping shed some light on and remove some of the political misinterpretations that have been placed on this issue, I thank my colleagues and I urge a favorable vote on the amendment before us.

I yield such time as may be remaining on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1219. The yeas and nays have been ordered, and the clerk will call roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—97

Akaka	Dorgan	McCain
Allard	Durbin	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Gramm	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Thomas
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lugar	

NAYS—1

Stevens

NOT VOTING—2

Helms Lott

The amendment (No. 1219) was agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. Will the Senator withhold the suggestion?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I rise tonight to speak in support of the international space station in this VA–HUD appropriations bill. I urge my colleagues to pause and reflect on America's great accomplishments in space and the great successes that lie ahead with the space station.

The House of Representatives has fully funded the President's request and has taken important steps to fund the space station's future needs such as a crew rescue vehicle and a six-person crew habitation module. The Senate bill cuts the space station by $150 million.

I hope to work with my colleagues, Senators MIKULSKI and BOND, to restore some of this into the program. It should be restored with strict controls and standards to assure the station will be safe and productive and on budget.

I am concerned, as I know many others are, about the recently projected cost growth for the international space station. I do want it to be fully functioning. In order to achieve that goal, NASA must work within the budget that Congress has given it.

At the same time, I understand the difficulty in estimating the cost of such an amazing engineering feat. We are now within a year of the station being ''core complete,'' and I believe Congress must adequately fund the station so we can begin to see the benefits of its unique scientific research.

NASA's projected 5-year cost growth of over $4 billion includes many program liens that reflect 2 years of actual operational experience for the station. That on-orbit experience has eliminated many unknowns and has significantly enhanced NASA's awareness of what it takes to operate a space station. Unfortunately, the greater awareness has come with a pricetag that threatens reaching the full capability of the space station as originally planned in terms of research, a permanent crew of six, and a crew rescue vehicle.

I believe NASA is dealing with the budgetary challenges and has proposed a ''core complete'' plan for the station to stay within budget constraints. Importantly, NASA and OMB have put into place an independent external review board to assess the space station's budget and to assure the station will provide maximum benefit to the U.S. taxpayer. This external review board will evaluate the cost and benefits for enhancing research, a habitation module for a crew of six, and a crew rescue vehicle.

It will be my goal in conference that we not preclude the full review of these potential enhancements by the independent external review board and not obstruct the ability of NASA to undertake these enhancements in order to ensure the originally planned capability for the space station.

I want to work with Senator MIKULSKI and Senator BOND to make sure we do not cut off capabilities of the space station and thereby never see the scientific contributions for which we have already made a significant investment.

The international space station is the greatest peaceful scientific project ever undertaken. Since 1993, the United States has worked with our international allies, including Russia, forging relationships of mutual respect, on the space station.

The efforts and resources of 16 nations are involved in the construction and operation of the orbiting lab. Assembly of the space station is nearing ''core complete'' and within a year we expect new and exciting scientific experiments to begin. Its successes will be felt by all of us here on Earth.

A project of this magnitude is certain to face a multitude of unknowns, and NASA has confronted many of them. As always in its courageous history, NASA has and will continue to overcome these obstacles and we will reap the rewards. Simply, the space station will maintain U.S. global leadership in space science and technology.

The unparalleled scientific research opportunities aboard the space station will enable advances in medicine and engineering. Most important are the health benefits that we have in the microgravity conditions in the space station. You cannot—no matter what technology you have—reproduce on Earth the gravity conditions that are in space. We know those microgravity conditions will allow us to watch the development of breast cancer cells and osteoporosis in a weightless environment. Perhaps this will help us find the cure for breast cancer, or we will learn how to combat osteoporosis.

The absence of gravity in the space station will allow new insights into human health and disease prevention and treatment, including heart, lung, and kidney function, cardiovascular disease, and immune system functions. The cool suit for Apollo missions now helps improve the quality of life of patients with multiple sclerosis. In recent years, NASA has obtained scientific data from space experiments that is five times more accurate than that on Earth. None of these benefits will be available in the future unless we have a space station on which we can perform adequate research.

Some will say that similar research can be conducted on the space shuttle. Although I believe valuable research should continue to be performed on the shuttle, the fact is, a longer period of time that can only occur on the space station is absolutely necessary for many important experiments.

During his last year in the Senate, Senator John Glenn spoke passionately in defense of the space station. He quoted a friend of mine, Dr. Michael DeBakey, chancellor and chairman of the surgery department at Baylor College of Medicine in Houston, TX, who said:

> The Space Station is not a luxury any more than a medical research center at Baylor College of Medicine is a luxury. Present technology on the Shuttle allows for stays of space of only about 2 weeks. We do not limit medical researchers to only a few hours in the laboratory and expect cures for cancer. We need much longer missions in space—in months to years—to obtain research results that may lead to the development of new knowledge and breakthroughs.

So you take all these scientific wonders and ask: How does it make my life better? It does make our lives better. It makes our health better. It gives patients who have multiple sclerosis, osteoporosis, or cancer a better chance for a quality of life. I reject the idea that we would walk away from the space station and from the possibilities for the future for better health and better quality of life.

The international space station, along with the space shuttle program, is our future in one of the last unexplored regions of our universe. It will discover untold knowledge and could catapult us into a greater understanding of our world and, yet, undiscovered worlds. The space station will provide us with fantastic science, but that is only one of the known successes. The unknown successes are limitless.

Madam President, if we do not continue funding of the international space station at the anticipated cost levels, valuable experiments and progress will be abandoned. The project is long underway and, for the sake of future generations, we should not leave it unfinished. I look forward to working with the chairman and ranking member of this subcommittee to make sure we do fully fund the space station, but with strict requirements for budgetary control and making sure we do everything to keep our costs in line. But let's not walk away from this important research for our future.

Thank you, Madam President. I yield the floor.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

NOMINATION OF JOHN NEGROPONTE TO BE THE AMERICAN AMBASSADOR TO THE UNITED NATIONS

Mr. McCAIN. Madam President, I will speak for a few minutes about a problem that is hamstringing American foreign policy today, and that is the stalled nomination of John Negroponte to be the American Ambassador to the United Nations.

Even the critics of American foreign policy would agree that America, and the world, are best served by having an outstanding, experienced, professional diplomat at our U.N. mission in New York. Indeed, such a personal representative of the President would provide enlightened perspective to our friends and allies on occasions when we cannot support particular U.N. initiatives. He would also symbolize America's robust commitment to international engagement, and work with like-minded nations whenever possible to advance our mutual interests and values, in the spirit of cooperation the United Nations was created to foster.

Regrettably, the Senate has stalled ambassador Negroponte's nomination process. The President announced his intention to nominate this 37-year veteran of the Foreign Service in March and sent his nomination to the Senate Foreign Relations Committee in May. But his nomination has been held up due to concerns about human rights abuses in Honduras during his tenure as Ambassador there.

It is worth pointing out that Ambassador Negroponte has been confirmed by the Senate five times—as recently as 1993, well after his assignment to Honduras, as President Clinton's Ambassador to the Philippines. He did not then undergo anything like the ordeal he has been subjected to this year.

In the midst of the debate over Ambassador Negroponte's qualifications for the U.N. assignment, the United States got booted off the U.N. Human Rights Commission for the first time in its history—a defeat that raises credible doubts about the integrity of that institution and its commitment to the very values it exists to promote. Sudan, Libya, Syria, Cuba, and China are now members of this body, forged by the vision of Eleanor Roosevelt in the early post-World War II era—and we are not.

Victims of persecution around the world, and advocates for their cause in our country, shall long rue the day the Commission was tarnished by this unfortunate vote. Many professionals agree that had we had an ambassador in place early in this administration, we would now be a member in good standing of the Human Rights Commission. We also recently lost our seat on the International Narcotics Control Board, another avoidable consequence of our vacant U.N. ambassadorship.

Ambassador Negroponte has the strong support of Ambassador Richard Holbrooke, his predecessor at the United Nations. Upon hearing the first reports of the President's intent to nominate Ambassador Negroponte, Ambassador Holbrooke said: The United States is lucky, the U.N. is lucky. . . . He is a real professional. . . . I would be thrilled.

Secretary of State Colin Powell recently called John Negroponte: one of the most distinguished foreign service officers and American public servants I have ever known.

The U.N. General Assembly convenes in mind-September for its annual session. The Senate Foreign Relations Committee should immediately schedule a confirmation hearing for Ambassador Negroponte, to take place in early September when the Senate reconvenes, in order to have him confirmed and in place to represent our Nation in New York this fall.

Ambassador Negroponte has served Democratic and Republican Presidents with distinction over the course of his diplomatic career. In the spirit of bipartisanship and the proud tradition of

American internationalism at the United Nations, I urge my colleagues to move quickly to allow this good man to serve our country once again.

Madam President, I have had the opportunity of knowing Ambassador Negroponte when he was Ambassador to Mexico, Ambassador to Honduras, and Ambassador to the Philippines. The nomination is now stuck. Unfortunately, we need to act as quickly as possible.

Madam President, I ask unanimous consent to have a letter from Mr. George Shultz, former Secretary of State, printed in the RECORD.

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

July 17, 2001.

HOOVER INSTITUTION—
ON WAR, REVOLUTION AND PEACE,

Hon. JOSEPH R. BIDEN,
Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to support the nomination of John Negroponte to be our Ambassador to the United Nations. I know him well; I have worked with him closely. I believe he will do an outstanding job at the UN.

While I was Secretary of State, John Negroponte served in three different positions: (1) Ambassador to Honduras; (2) Assistant Secretary of State for Oceans and International Scientific and Environmental Affairs; and (3) Deputy National Security Advisor in the last fourteen months of the Reagan administration.

In Honduras, John did an outstanding job under especially difficult circumstances. There was turmoil and instability throughout Central America, and assisting Honduras to stay on an even keel was an enormous challenge. Despite the difficulties, Honduras managed to maintain relative calm and peace compared to neighboring El Salvador, Guatemala and Nicaragua and made the transition from military to civilian rule during his time there. Honduras has had five free elections for a civilian president since 1981, and there will be another such election later this year. Much of the groundwork for the return to democracy and rule of law in Honduras was laid during John's tenure.

John's work as Assistant Secretary for Oceans and International Environmental and Scientific Affairs, his next assignment, is an excellent example of the richness and diversity of his background and experience. As Assistant Secretary for OES, John oversaw the negotiation of the Montreal Protocol for the Protection of the Stratospheric Ozone Layer on behalf of the United States. This was a milestone multilateral environmental agreement at the time and I well remember the conviction and skill with which John worked to gain support within the U.S. government and to conclude such an agreement with other countries. The Senate vote to consent to ratification was 83 to 0. John's portfolio in OES included addressing the issue of acid rain and its impact on Canada, and dealing with fisheries in the South Pacific. He personally negotiated and renewed a space cooperation agreement with the Soviet Union, satisfying the technology transfer concerns of a wary and skeptical DOD along the way. And at my request, John worked with former Citibank CEO Walter Wriston to organize a symposium at the National Academy of Sciences about the impact of information technology on foreign policy.

As Deputy National Security Advisor, John dealt with the entire range of national security issues confronting the President and the National Security Council. Among the important issues with which he had to deal on a daily basis at that time were the Iran-Iraq war, the end of Soviet military involvement in Afghanistan, and two summits between President Reagan and General Secretary Gorbachev.

Although it was after my tenure as Secretary of State, I also had the opportunity to visit John both in Mexico City and Manila where he subsequently served as Ambassador. I can attest to the outstanding job he did at each of those posts. John was instrumental in both the conception and negotiation of the NAFTA, which has brought dramatic, positive changes to the U.S./Mexico economic and political relationship.

John has had a broad and deep variety of foreign policy experience at eight foreign postings and assignments in Washington at both the State Department and the White House. This experience is excellent preparation for the challenges of a UN assignment.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. MCCAIN. Finally, Madam President, we really need to have the United States represented at the United Nations. This has been a long process for Mr. Negroponte. I know my good friend and chairman of the Foreign Relations Committee, JOE BIDEN, shares my concern about the United Nations. He is a committed believer in the United Nations and the importance of its functions. I hope we will move forward as quickly as possible with Mr. Negroponte's nomination to represent the United States at the United Nations.

BALLISTIC MISSILE DEFENSE

Mr. COCHRAN. Madam President, the Senate Foreign Relations Committee hosted a briefing for interested Senators by Dr. Condoleezza Rice on Monday afternoon in the Capitol during which she discussed with almost 20 Senators who were present the recent meetings she had with Russian leaders in Moscow.

I was impressed with the steadfast resolve of the President during his meetings with President Putin in Genoa in moving beyond the confrontational relationship with Russia and replacing the doctrine of mutual assured destruction with a new framework that would be consistent with our national defense interests as they now exist rather than as they existed in 1972.

Two years ago, Congress debated and passed the National Missile Defense Act of 1999, which enunciated the policy of the United States to deploy as soon as technologically possible a system to defend the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized, or intentional. That bill was passed with overwhelming majorities in both Houses of Congress and signed into law on July 23, 1999.

The National Missile Defense Act became necessary because of two unfortunate facts: The emergence of a new threat to our Nation and our lack of capability to defend against that threat. The threat stems from the proliferation of the technology to build long-range ballistic missiles.

Our inability to defend against that threat is tied to the ABM Treaty of 1972. The changes that have occurred in the world since the cold war had not been reflected in our national policy until the enactment of the National Missile Defense Act.

President Bush is moving ahead to fulfill both the letter and spirit of the National Missile Defense Act. He has restructured the Missile Defense Program from one that was carefully tailored not to conflict with the 1972 ABM Treaty into one which will provide the best defense possible for our Nation in the shortest period of time. He has properly focused the Missile Defense Program on the threat we face rather than the ABM Treaty, and he has clearly stated he intends to move beyond the cold war ABM Treaty and into a new era in which the United States does not base its security on pledges of mutual annihilation with a country with which we are not at war.

The President has personally carried this message to our allies, friends, and former adversaries, and his efforts have met with impressive success. Not all critics have been persuaded and some never will be, but many who were skeptical now support our efforts, and some, such as the Premier of Italy just last week in Genoa, have enthusiastically endorsed them.

Perhaps the most striking change has occurred in Russia. When the previous administration proposed modifications to the ABM Treaty, the Russian Government refused even to entertain the notion, but in the face of the resolve demonstrated by President Bush, the Russian Government has agreed to his suggestion to enter into talks to establish an entirely new strategic framework to guide the relationship between our countries. The developments of the past few months are truly changing the international political world we have known for so long.

At the same time, our Missile Defense Program, which for years had been underfunded, is continuing to recover and is making substantial technical progress. That program has faced formidable obstacles—besides the technical challenge of reliably intercepting ballistic missiles. It has faced the constraints of an old treaty that was intended specifically to impede and prohibit the development and deployment of such missile defenses.

Congress has taken the lead over the past few years in helping to get the Missile Defense Program back on its feet by increasing the funding available for the work on defenses against both shorter range and longer range ballistic missiles, and those programs have demonstrated great progress. The Patriot PAC–3 system has succeeded in 7 out of 8 intercept attempts against shorter range ballistic missiles, such as the Scuds that caused such destruction

and took 28 American lives during the gulf war. After some early testing failures attributed to quality control problems, the longer range THAAD system finished its initial testing with consecutive successes, and our defense against long-range ballistic missiles was successful the very first time it was tested in October of 1999, and that success was repeated in another intercept test just a few weeks ago.

The Director of the Ballistic Missile Defense Program testified recently that the ground-based missile defense system now in testing no longer requires that anything be invented, only that it be correctly engineered. Clearly, the advanced technology required for reliable intercept of ballistic missiles is rapidly deteriorating.

But there is far more that we can and should be doing. Unfortunately, despite the success that has been demonstrated, missile defense work has been confined to the technology superficially permitted by the 1972 ABM Treaty. That agreement prohibits some of the most promising technologies and basing modes available, including air-, space-, sea-, and mobile land-based systems, as well as those based on new capabilities like lasers. The ABM Treaty impedes the development and deployment of these missile defenses. This was its central purpose when it was crafted three decades ago as a reflection of the political relationship between the Soviet Union and the United States known as the cold war.

President Bush has declared his determination to leave the cold war behind. He has backed up his declaration with concrete actions and his leadership has generated real progress, despite the sniping of some critics.

I believe the rapid progress of the last few months is a result of leadership of President Bush and his determination to do what is necessary in this modern world to defend our Nation. It is important to consult with our allies, as he has done, and it will be helpful if we can work out an agreement with the Russians to leave the cold war and its trappings behind. Our moving forward to defend ourselves against these new threats cannot depend on the assent of others. President Bush has made it clear that he believes this, and I think his resolve is exactly the reason we have seen attitudes change. But our determination to defend our Nation cannot be contingent on someone else's permission.

I suppose it was predictable that the more momentum is generated, the more wild the claims of the critics would get, and we have seen that, too, in recent days. Those who would prefer America be vulnerable to missile attack have taken a variety of approaches in their efforts to ensure that remains the case. One is to say we should go slow, don't rush the technology, don't do anything diplomatically risky. But timidity is a good part of the reason we face such an urgent situation now, with a real and serious threat but nothing yet in the field to defend against it. The ones who have always said ''go slow'' are the same critics who will say that the slowness of the program's progress is evidence that missile defense is not yet mature. Our failure for years to do enough to counter this problem is why we must work with urgency today.

The critics also assert that our long-range missile defense capability will be easily defeated by simple countermeasures. These assertions are based on wild claims from people who would have us believe that building a missile defense is too difficult a task for the United States—which possesses the most sophisticated missile and countermeasure capability in the world—but defeating a missile defense is a simple task for those who are just now acquiring the capability for long-range missiles. Such arguments are unpersuasive.

The critics also tell us that deployment of missile defenses will create an arms race, even though the Russians have neither the resources nor a reason to engage in a buildup in strategic offensive arms. Even if they did, with whom would they race? President Bush has announced his intention to dramatically reduce the offensive nuclear forces of the United States, regardless of what the Russians do, and has taken the first step toward doing so by announcing the deactivation of our multiple warhead Peacekeeper missiles. A situation in which one side builds up its missiles while the other reduces is certainly not an arms race. I think the Russians understand this, too, and will recognize the futility of spending scarce resources to counter a missile defense system that does not threaten them.

As for China, while the previous administration was devoting itself to—in its words—''strengthening the ABM Treaty,'' China was modernizing and expanding its nuclear forces. So China has already demonstrated that assessments of its own national security interests are unlikely to be affected by what the United States does or doesn't do with respect to missile defenses. Moreover, those who suggest we forgo defenses so as not to ''threaten'' China are implying that China has some sort of right to threaten us with its missiles. I reject such a suggestion. Defenses are not provocative, no nation has a right to threaten the United States, and the United States has no obligation to guarantee any country's right to do so.

There are other criticisms of our missile defense efforts, most even less convincing than those I have just mentioned, and other arguments in its favor which I have not discussed. I'm sure other Senators will address many of them in the course of the next few days. But the discussion has moved far beyond where it was 2 years ago when we stood here and debated the National Missile Defense Act. Thanks to the actions of Congress, there is no longer any question about whether the United States will defend its citizens against missile attack, only about the methods we use and how fast we will field them. And thanks to the efforts of President Bush there is no longer any question about whether we will continue to be held hostage by an obsolete agreement from another era. I welcome the progress that has been made on all fronts, and I look forward to supporting the achievement of genuine security of the United States and its citizens.

Mr. ALLARD. Madam President, I thank the Chair and my colleagues for giving me an opportunity to speak for a few minutes this afternoon on a point I want to make regarding missile defense and the budget and the ABM Treaty compliance. I think this is going to be a very important debate. It has already started in the Armed Services Committee on which I serve.

I thought my colleague from Mississippi, Mr. THAD COCHRAN, this morning made some very cogent comments. I did want to follow up with some further comments on that particular issue.

I have heard some reluctance by a few of my colleagues to approve the Ballistic Missile Defense Organization budget without knowing for certain now whether the testing activities planned comply with the ABM Treaty. They say the Senate cannot approve a budget if it is not compliant.

As a member of the Senate Armed Services Committee, it is my understanding that compliance determinations are almost never—I emphasize never—made well in advance of a test or other activity. It is virtually impossible to do so because the plans often change right up to the time of the test. I would like to highlight a few examples of this occurring.

In integrated flight test 1, what we commonly refer to as IFT–1, which was the first test of the exoatmospheric kill vehicle, which occurred on January 16, 1977, compliance itself was not certified until December 20 of 1996.

Here is another example, the Technical Critical Measurements Program, the TCMP, flight 2A was not certified until February 14, 1997, just 8 days before that actual test occurred.

The risk reduction flight test 1, for what was then the National Missile Defense Program, was certified just 3 days before it occurred in 1997, and the second risk reduction flight was certified just 2 days before it was conducted a month later.

A test for the NMD prototype radar was not certified until August 31, 1998. That was less than 3 weeks before it occurred.

The first test of the Navy theater-wide missile was certified November 2, 1998, for a November 20 flight.

IFT–3 for the National Missile Defense system, which was the first—and successful—intercept attempt, was certified on September 28, 1999, just 4 days before the test.

IFT–4 was certified 12 days before the test took place on January 18, 2000.

The certification for IFT–5 was issued 8 days before that test last summer, but the certification actually had to be modified on July 7, the day before the test because of changes in the test plan.

I have a chart on my right. On this column, we talk about test events. We talk about the day the test was performed. Then we talk about the day that it was certified for compliance with the ABM Treaty.

As you can tell from the many times I mentioned earlier in several examples, it was just a day before the actual test flight for compliant certification.

My point is to expect us to have compliance during the budget deliberations before the Senate hearing simply doesn't make any sense.

However, I will note that there are at least two exceptions to this practice. Last year, Congress approved a budget that included military construction funding for a radar in Alaska that Congress knew was non-compliant with the ABM Treaty. And in January 1994, a compliance review of the proposed THAAD program determined that it was not in compliance with the terms of the ABM Treaty. Yet in the fall of 1994, Congress voted to approve the BMDO budget—one that included a program that was certified to be non-compliant.

It is also interesting to note that THAAD program testing was approved in January of 1995 on the condition that its ability to accept data from external sensors be substantially limited. Only in 1996 was THAAD testing with external cuing data approved because the determination was finally made that THAAD did not have ABM capabilities. I believe this stands as a good illustration of two salient facts: first, that ABM Treaty compliance is in part a matter of both legal and political judgment; second, that the United States has always reserved for itself the authority to judge the compliance of its own programs.

Bearing these facts in mind, I would argue that this administration has been very straightforward with Congress. The President, the Secretary of Defense, and the Deputy Secretary have all told us that the United States and Russia need to move beyond the ABM Treaty. They have told us that the President's commitment to deploy missile defenses and the missile defense program he has proposed are on a collision course with the ABM Treaty. They have told us that the BMDO test program was not designed either to violate or comply with the Treaty, but that it was designed to proceed as efficiently as possible toward the goal of developing effective missile defenses. They have told us that, as a result, there will be serious issues concerning treaty compliance that will arise in a matter of months.

My colleague from Mississippi, Senator COCHRAN, tried to make that point—that we need to focus on what our needs are and shoot towards those defensive needs.

Secretary Wolfowitz has even identified the key issues that he expects will emerge. The Secretary, Deputy Secretary, and Lt. Gen. Kadish have also told us that BMDO program activities have not been fully vetted through the certification process—as is typically the case. Consequently, the legal and political judgements to resolve those issues have not been made yet.

I would further argue that statements by Secretary Wolfowitz, Lt. Gen. Kadish, and others in the administration have been remarkably open and consistent in this area. Lt. Gen. Kadish indicated in a briefing several weeks ago his understanding that the BMDO program proposals for fiscal year 2002 would be compliant with the ABM Treaty, with the important caveat, that some issues needed to be clarified by the compliance review process. Secretary Wolfowitz went into considerable detail concerning areas in which the proposed program would ''bump into'' treaty constraints. An administration document says that the proposed program would be ''in conflict'' with the treaty ''in the matter of months, not years.''

Whether someone says the program is ''awaiting clarification'' or ''that it may bump up against'' or ''come into conflict with'' the ABM treaty, the point is that this is a serious issue that needs to be resolved. And that was precisely the Deputy Secretary's point—that several months ahead of time, the department would know what key program issues would need to be resolved through the established compliance review processes, and that they would be resolved through these processes in regular order.

In considering how we ought to handle these issues, we need to bear in mind that there is a wide range of opinion concerning the value of the ABM Treaty. Some believe that the ABM Treaty is the foundation stone on which U.S. security is built. Others argue that the ABM Treaty is gone and has simply outlived its usefulness and some agree with the administration that the Nation needs to move on to a new strategic framework to guide our relations with Russia.

Given this range of opinion, and the administration's view that the treaty's value has been overtaken by events, the use of well-established processes and procedures to judge the treaty compliance of BMDO program activities hardly seems radical or unusual. Indeed, it seems a modest and conservative approach.

Secretary Wolfowitz outlined for us several possible outcomes of these deliberations within the compliance review process. The nation may have moved beyond the ABM Treaty to a new strategic framework with Russia and the program will not be constrained by the treaty. The program activities in question might be deemed to be compliant with the treaty. Or on the other hand, the program activities might be deemed to be inconsistent with the treaty.

In the absence of an alternative framework, according to the Secretary, the Nation will be faced with an unpalatable choice—either we must alter the test program so that it is compliant with the treaty but is less efficient and more costly, or we must face the prospect of exercising our rights under article XV that allows the nation to withdraw from the treaty. Please note—and this cannot be stressed too much—in all of these cases, the United States will remain in compliance with our obligations under domestic and international law.

Thus, the suggestion that Senators should not agree to the BMDO budget because we don't have perfect visibility into the ABM Treaty compliance of Ballistic Missile Defense program activities strikes me as, at best, odd. It is inconsistent with past practice. It is inconsistent with established processes and procedures used throughout the Clinton administration and which the Bush administration intends to continue. And it is inconsistent with the simple fact that the United State will remain in compliance with our obligations under domestic and international law regardless of the conclusions of the established legal and political authorities regarding specific BMD test activities.

It does strike me as a path that indicates a desire for confrontation with the administration, not cooperation, and one that expresses philosophical opposition to missile defense rather than practical programmatic concerns. For the Congress to take the position that absolute adherence to the ABM Treaty is a prerequisite for approval of a BMDO budget would, in one stroke, undermine both tracks of the President's policy: to proceed with expedited development of missile defenses and to engage Russia in a constructive dialogue.

I urge all my colleagues to proceed in this matter in a calm, reasoned, and non-partisan manner that does not undermine the President or the flexibility to proceed in his discussions with Russia as he sees fit.

I thank the Chair. I yield the floor.

REMEMBERING KOREY STRINGER

Mr. DAYTON. Madam President, I rise in sorrow this morning to pay tribute to a highly respected Minnesotan, Mr. Korey Stringer, an all-pro offensive tackle for the Minnesota Vikings who died early this morning.

Mr. Stringer collapsed yesterday afternoon after the Vikings practice. He died early this morning due to complications from heat stroke.

Korey Stringer joined the Vikings as a first-round draft pick out of Ohio State University. He has been our starting right tackle ever since. Last year, he was named for the first time

to the all-pro team. Korey was more than an all-pro football player; he was an all-pro human being. He made Minnesota his year-round home, and he was one of the Vikings' most active community members.

He established his ''Korey's crew'' community service program at several local schools and libraries. He served as an outstanding leader, mentor, and role model for many Minnesota youngsters and adults.

Minnesota has lost one of our best citizens at the tragically early age of 27. Our hearts and our deepest sympathies go out to his wife Kelcie, his 3-year old son Kodie, and the rest of his family.

Korey, we will miss you. Rest in peace.

TRIBUTE TO MRS. BRIGITTE HANES

Mr. THURMOND. Madam President, I know that my colleagues are aware of the excellent services provided by the military liaison offices of the Senate. For many years military and civilian liaison officers have given invaluable assistance in the areas of constituent services, military issues, and fact-finding visits.

One of these liaison officers is Mrs. Brigitte Hanes. During the past nine years she has worked tirelessly solving the problems of soldiers and their families who have asked for help from their Senators.

The wife of an Army officer, Brigitte raised two daughters before embarking on her own career. First, she served on the staff of the Commander in Chief of the Joint Forces in Korea. Then she was the Personal Affairs Coordinator for foreign military students at the Command and General Staff College at Fort Leavenworth. Brigitte and her husband moved to Washington in 1991. It was December of that year that she went to work in the Army Senate Liaison Office.

She gained a reputation around the Senate as a very reliable person. Few people are more widely known and respected than Brigitte. She is known throughout the Senate as an expert in dealing with a range of constituent issues relating to the Army and many other military matters.

When I needed to get something done I would call Brigitte. For example: she arranged for the shipment of a wheel chair from a Senator's office to the mayor of a town in Bosnia. In fact she delivered it to Andrews Air Force Base herself to start it on its way. She talked to a deserter and although he was afraid, she convinced him to turn himself in to Army authorities. She talked a soldier into boarding a plane for Korea. He had called his mother from the airport and told her he was not going to get on the plane. She called the Senator's aide who put in a conference call to Brigitte. She got two years incapacitation pay for a Reservist whose unit administrator had been unable to get it for him.

In addition to her vast casework load she organized and escorted Senate staffers on very informative orientation visits to military posts where they could see the Army at work.

She has been honored repeatedly by her superiors who recognized what a valuable resource they had in Brigitte.

We will miss her support in the Army Senate Liaison Office when she leaves at the end of August to accept a promotion in the office of the Chief of Army Reserves' Legislative Liaison Office.

I would like to say thank you to Brigitte for her nine years of devoted service to the Senate and to wish her success and happiness in her new endeavor.

THE NATIONAL YOUTH SCIENCE CAMP

Mr. REED. Madam President, every summer the senior Senator from West Virginia, Mr. BYRD, hosts a luncheon for the participants of the National Youth Science Camp.

This is a distinguished collection of high school students from every State in the Nation who have demonstrated exceptional abilities in the fields of science and technology. They participate in a two-week science camp in Green Bank, WV, and, afterwards, spend several days touring Washington, D.C. Their time in the Nation's capital culminates in the luncheon hosted by Senator BYRD.

At this year's luncheon, held in the Russell Caucus Room on July 19, Senator BYRD was introduced by a member of the board of the National Youth Science Foundation, Mr. Charles McElwee.

When Mr. McElwee introduced Senator BYRD at the luncheon, I was impressed. He recognized the remarkable accomplishments of the senior Senator from West Virginia: that Senator BYRD has served in the Senate for more than 42 years, has been elected to 8 consecutive 6-year Senate terms, and has held more Senate leadership positions than any other Senator in history.

Next, he referred to Senator BYRD's knowledge of Senate Rules, the Constitution, and the Bible, and his prolific writings on the histories of the U.S. Senate and the Roman Senate.

Mr. McElwee then proceeded to challenge the young, budding scientists ''to make the most of [their] natural minds, as has Senator BYRD.''

I consider this powerful introduction of Senator BYRD a touching example of how one of Senator BYRD's constituents feels about him. It highlights the esteem in which he is held by his fellow West Virginians, and I want to share it with my colleagues. Therefore, I ask that Mr. McElwee's introduction of Senator BYRD be printed in the RECORD.

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

INTRODUCTION OF HON. ROBERT C. BYRD, U.S. SENATE LUNCHEON FOR NATIONAL YOUTH SCIENCE CAMPERS

(By Charles McElwee)

How do I introduce a person before whom I stand in awe? How do I introduce and pay tribute to West Virginia's most respected and admired elected public official in the State's history? How do I make the introduction and hold the attention of youth, our guest science campers, when decades separate us in age? I resolved to try by relating the mind and accomplishments of our esteemed speaker to the minds and aspirations of our youthful listeners.

I commence by way of a reference to a renowned mathematician, John Forbes Nash, Jr. Nash was born and reared in Bluefield, West Virginia. He is recognized as a genius in mathematics, especially in game theory, for which he was awarded the Nobel Prize in Economics in 1994. His recent biographer has described Nash as having ''A Beautiful Mind'' and has given that title to her biography of him.

While I stand among a hundred, young, beautiful minds, I introduce a man with a singularly beautiful mind who has cultivated, developed and used his natural endowment to its fullest potential. I speak of the Honorable ROBERT C. BYRD, the senior United States Senator from your host state, the State of West Virginia, and your host for this luncheon today.

Senator BYRD has served in the United States Senate for more than 42 years and was reelected in 2000 to an unprecedented eighth consecutive six-year Senate term. He has held more leadership positions in the Senate than any other Senator in history, and presently serves as Chairman of the powerful Senate Committee on Appropriations.

Senator BYRD is a lawyer, having obtained his J.D. degree *cum laude* after ten years of study in night classes in law school, making him the only sitting member of either House of Congress to begin and complete law degree studies while serving in Congress.

I have already told you enough to establish that Senator BYRD is a man with a great mind and substantial achievements. But I don't want to stop there because I want to use this brief occasion of introduction to challenge you to make the most of your natural gifts of beautiful minds, just as Senator BYRD has done. Let me illustrate what a beautiful mind can accomplish when it is disciplined and applied.

(Holding up a copy of the United States Constitution.) Senator BYRD carries with him at all times when discharging his public duties a copy of the United States Constitution. His knowledge of this document is, in my opinion, unsurpassed by any other member of the Senate. He qualifies as a constitutional lawyer and scholar. In fact, Senator BYRD shared with another the first ''We the People'' award presented by the National Constitution Center to a constitutional scholar, who had demonstrated his love of, and concern for, the United States Constitution.

(Holding up a copy of the Bible.) Senator BYRD's knowledge of the Bible, King James version, is stupendous. He can recite from memory dozens of passages from both the Old and New Testaments. But more importantly, he and Erma, his beloved wife of sixty-four years, have shaped their lives to conform with biblical precepts.

(Holding up a copy of one of Senator Byrd's favorite poems, ''The Bridge Builder.'') Senator BYRD has an immense knowledge of English and American literature and has committed to memory a great store of verse. Two of his favorite poems are ''The Bridge Builder'' and ''Fence or An Ambulance.'' Both refer to youth like you. In the first, an old man has

crossed over a deep and perilous chasm. Although he would never pass that way again, he stopped to build a bridge to span the cleft. Upon being asked why, the old man explained:

There followeth after me today,
A youth whose feet must pass this way.
This chasm which was but naught to me
To that fair youth may a pitfall be.

The second of the poems has this wise counsel: ''Better guide well the young than reclaim them when old.'' The stewardship which Senator BYRD believes that adults have for the welfare and development of the young is evident in his most beloved verses.

(Holding up one volume of four volumes written by Senator Byrd on ''The Senate, 1789–1989.'') These four volumes are a virtual encyclopedia of Senate History. There is probably no person alive who knows the history and parliamentary rules of the United States Senate better than Senator BYRD.

(Holding up a copy of ''The Senate of the Roman Republic.'') This volume is a compilation of fourteen addresses delivered on the floor of the Senate by Senator BYRD over five and a-half months on the History of Roman Constitutionalism in opposition to the proposal for a line-item presidential veto. The important point here is that he delivered each of these fourteen speeches, which were packed with names, dates, and complex narratives, entirely from memory and without recourse to notes or consultations with staff aides.

The author of the Foreword of ''*The Senate of the Roman Republic*'' has described the book and the lectures compiled these as displaying ''vast learning, prodigious memory, and single-minded determination. . . .'' And so it is that Senator BYRD has used his beautiful mind to accumulate vast learning, to develop a prodigious memory, and to challenge himself at all times with a single-minded determination.

But it has not been his mind, or his learning, or his memory that has endeared Senator BYRD to the people of West Virginia. Their affection of him is attributable to his public service and to his sincere interest in their lives and concern for their welfare. No member of the United States Congress or of the Senate of the Roman Republic has served his other constituency with more distinction than has Senator BYRD.

We have talked about Senator BYRD's great mind, his learning, his memory, his discipline, his determination, his public service, and his interest in people, all superb attributes of which we stand in awe. Yet there is one trait which I have not mentioned. Senator BYRD referred to it in a speech he gave last week on the floor of the Senate.

After cajoling his colleagues that the business of the Senate requires more than a three-day work week, Senator BYRD said that he would just as soon be in the Senate ''as to be at home on Saturday mopping the floor.'' ''Yes,'' Senator BYRD said, ''I mop the bathroom. I mop the kitchen floor. I mop the utility room. I vacuum. I dust. I even clean the commodes around my house.'' Add then Senator BYRD added, ''It is good for me. It keeps me humble.''

Humility is the eighth, and perhaps the finest, characteristic of our Senator BYRD. And so I implore, you, our guest science campers, to use your good minds with humility. If mopping floors will help you to be humble, then mop floors.

Senator BYRD has been a long-time supporter of the National Youth Science Camp in West Virginia and has sponsored this luncheon for many years. Will you please join with me in applauding Senator BYRD as a way of expressing our gratitude.

AGREEMENT TO PROCEED TO THE EXPORT ADMINISTRATION ACT ON OR AFTER SEPTEMBER 4, 2001

Mr. SHELBY. Madam President, I rise to add some clarification to the unanimous consent agreement which will allow the Senate to proceed to consideration of the Export Administration Act (S. 149) with 2 days of debate. In discussions with Senator THOMPSON, he related to me that he was working with leadership on both sides to form an agreement in which we would permit S. 149 to be considered on or after September 4th, but that myself and Senators THOMPSON, KYL, WARNER, and HELMS would be guaranteed 2 days to present, debate and have votes on our national security related amendments. This agreement will give the Senate time to consider amendments that I believe will make this bill better for our national security. I look forward to a healthy debate and exchange of views.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 19, 1992 in Methuen, Massachusetts. Two men who had been harassing a group of women as they left a gay bar allegedly beat two women. The men were charged with assault and battery and assault and battery with a dangerous weapon.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE 125TH ANNIVERSARY OF COLORADO STATEHOOD

Mr. CAMPBELL. Madam President, 125 years ago today, on August 1, 1876, President Ulysses S. Grant issued a proclamation declaring Colorado a state. Today, I want to honor that anniversary by highlighting some thoughts about Colorado—the beauty of its landscape, the pioneering spirit of its people, and the engines that fuel its prosperity.

My home State of Colorado is a very special place. We have a rich and colorful history. We are blessed by geography and climate. We are culturally diverse, highly educated and highly motivated.

The movement to settle Colorado began in the late 1850's when prospectors found gold along Cherry Creek near Denver. Gold hunters rushed into the area and ''Pikes Peak or Bust'' became the slogan of the day. The gold didn't last, but the potential for prosperity and an unmatched quality of life did.

It was not until about 20 years later, however, that Colorado, after several failed attempts, became a state. A new mining boom brought wealth and growth to Colorado again. This time it was silver, not gold, that caused the growth.

In the 125 years since, Colorado has been marked by a series of economic booms and busts. Right now, we have one of the most diversified economies in the Nation. Colorado has grown from a primarily agricultural and mining State to a hub of technological and industrial development for the Nation. An increasing number of high-tech companies are choosing to locate in Colorado; the communications industry is revolutionizing how we stay in touch with one another; and Colorado's mild dry climate and colorful Old West history have made tourism the second largest industry in the State.

Colorado is one of the Nation's major outdoor recreation areas. Few States offer as many sporting opportunities. We fish and camp along pristine rivers and lakes. River-running and white-water rafting are important summer activities. And we in Colorado enjoy some of the best skiing in the world. We bike, we hike, and we run—and we use one of the most extensive urban bikeways and trail systems in the Nation. One of the top 10k races in the United States—the Bolder Boulder—draws record crowds of world-class runners and area residents. And, the 14,000 foot peaks in Colorado, all 54 of them, bring mountain climbers of all ages and skills to our State.

And, we in Colorado don't just participate in sports—we also play the part of spectator. Our capital city of Denver is the home of five major professional sports teams—baseball, football, basketball, soccer and hockey—making it a major-league sports town.

Colorado's vibrant cultural scene rivals that of any in the world. We have a variety of theatrical, musical and other cultural attractions. Colorado is the home of the Aspen Institute, the Aspen Music Festival and the Central City Opera. Denver has three nationally known theaters and the State boasts a comprehensive network of public libraries, museums, community theaters and orchestras. Most towns and cities have local festivals to celebrate unique cultural traditions.

The cultural diversity of our population gives Colorado many of its greatest traditions and treasures. Colorado is home to two Native American tribes, the Southern Ute and the Ute Mountain Ute tribes. The land they inhabit covers the southwestern corner of Colorado, abutting the borders with Utah, Arizona and New Mexico.

Some of our earliest settlers came to Colorado from Mexico and settled in

the San Luis Valley. In fact, the town of San Luis in that valley is Colorado's oldest town, which just recently celebrated its 150th anniversary. The name of our State, Colorado, came from a Spanish word for red, and our conversation is laced with Spanish words.

The traditions, artwork and music of these and many other cultures are a treasured part of Colorado's identity, and we respect and honor the gifts they give us.

Colorado is known for its strong military presence. It is home to the United States Air Force Academy where the soaring structure of the Academy's cathedral with Pikes Peak in the background dominates the landscape. Peterson Air Force Base—home to the U.S. Space Command, Air Force Space Command and the Army Space Command—strengthens the military presence in our state. And, the North American Aerospace Defense Command (NORAD) with its command center located deep inside Cheyenne Mountain adds to Colorado's reputation as recently described by a high-ranking Air Force General as America's ''space mecca.''

While our ski industry, our world class airport, our sports teams, and our technology industry bring travelers from all over the world to our State, Colorado broke into the international scene in a new way when Denver was chosen as the site of the G–8 summit of world leaders in 1997.

Throughout the 125 years since Colorado became a State, its citizens have had a common goal: to make the state a stronger, more vibrant place. From the snow capped peaks of the Continental Divide to the farms and ranches on the Front Range and the Western Slope, the citizens of my home state have worked together to make Colorado a great place to call home.

I want to thank you for allowing me to celebrate Colorado's 125th anniversary of statehood by recognizing just a few of the things that make it such a great place to live.

To close, I ask my colleagues to join me in a Mile High salute to the citizens of Colorado on the 125th anniversary of their great State.

I ask unanimous consent that a copy of President Grant's proclamation declaring Colorado a State be printed in the RECORD.

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

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas the Congress of the United States do, by an Act approved on the third day of March, one thousand eight hundred and seventy-five authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory State Government with the name of the State of Colorado, and for the admission of such State into the Union, on an equal footing with the original States upon certain conditions in said Act specified,

And whereas it was provided by said Act of Congress that the Convention elected by the people of said Territory to frame a State Constitution received by me,

Now, Therefore, I, Ulysses S. Grant, President of the United States of America, do, in accordance with the provisions of the Act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted and that the admission of the said State into the Union is now complete.

In testimony whereof I have here unto set my hand and have caused the seal of the United States to be affixed.

Done at the city of Washington this first day of August, in the year of our Lord one thousand eight hundred and seventy six, and of the Independence of the United States of America the one hundred and first.

By the President,

ULYSSES S. GRANT.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Tuesday, July 31, 2001, the Federal debt stood at $5,718,303,095,621.12, five trillion, seven hundred eighteen billion, three hundred three million, ninety-five thousand, six hundred twenty-one dollars and twelve cents.

One year ago, July 31, 2000, the Federal debt stood at $5,658,807,000,000, five trillion, six hundred fifty-eight billion, eight hundred seven million.

Five years ago, July 31, 1996, the Federal debt stood at $5,188,889,000,000, five trillion, one hundred eighty-eight billion, eight hundred eighty-nine million.

Ten years ago, July 31, 1991, the Federal debt stood at $3,576,827,000,000, three trillion, five hundred seventy-six billion, eight hundred twenty-seven million.

Fifteen years ago, July 31, 1986, the Federal debt stood at $2,074,472,000,000, two trillion, seventy-four billion, four hundred seventy-two million, which reflects a debt increase of more than $3.5 trillion, $3,643,831,095,621.12, three trillion, six hundred forty-three billion, eight hundred thirty-one million, ninety-five thousand, six hundred twenty-one dollars and twelve cents during the past 15 years.

ADDITIONAL STATEMENTS

IN MEMORY OF DEBORAH VINCENT

• Mr. SARBANES. Madam President, I rise today to pay tribute to a young woman, Deborah Vincent, who, in March of this year, began her work with the city of Baltimore's Public Housing authority as its Deputy Executive Director. Sadly, however, Ms. Vincent was diagnosed with leukemia in June and passed away on July 26. There is always a great sense of loss when a person dies in the prime of their life, in this case, loss by those that knew her, her family, friends, colleagues and loved ones. However, I too want to express my loss and the loss to the citizens of Baltimore and the residents of the city's public housing with the passing of Deborah Vincent.

Ms. Vincent came to Baltimore after working at the U.S. Department of Housing and Urban Development, first as the General Deputy Assistant Secretary in the Office of Public and Indian Housing and then as Deputy Chief of Staff to Secretary Andrew Cuomo. At HUD Ms. Vincent worked tirelessly for those in need in this country; for the homeless, for those in need of a place to live, for those in need of assistance to defeat substance abuse, and for those in need of a caring and friendly environment in which to raise their families. At HUD she not only demonstrated her passion to get the job done, but also her compassion for those that have the least in our society.

Although only 43-years-old when she died, Ms. Vincent had 20 years of experience managing public housing. From 1981 until 1997, before coming to HUD, she managed the Clearwater Housing Authority in Clearwater, FL. As its executive director, she took the Clearwater Housing Authority from what had been described as a ''shambles'' to one of the outstanding public housing authorities in the nation. Recognizing that those most in need of safe and decent housing in the Clearwater community were those in public housing she mustered her inner strength and began cleaning up Clearwater's public housing projects, getting rid of drug dealers, scofflaws, and improving the quality of life for the residents that remained.

Ms. Vincent was also an innovator; under her leadership the Housing Authority established homeownership programs by purchasing condominiums and selling them to qualified public housing residents. Later, recognizing that there was a need for affordable housing for those Clearwater residents that did not qualify for public housing assistance, the Housing Authority purchased a large apartment building and sold the units, at a discount, to those who could not afford to purchase a home at market rates. To this day, Clearwater's Housing Authority is recognized for its innovative housing programs.

At the beginning of this statement I said that Ms. Vincent's death was not only a loss to those who knew her, but also to those that were just beginning to know her, the residents of Baltimore and of Baltimore's public housing. Like them, I know all too well the need for the expertise, spirit and compassion that Ms. Vincent brought to her job in just a few short months with the Baltimore Housing Authority. Let us hope that her example of caring will live on in all of us so that we can achieve great things, as she did as a truly dedicated public servant.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2505. An act to amend title 18, United States Code, to prohibit human cloning.

H.R. 1140. An act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 333). An Act to amend title 11, United States Code, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. HYDE, Mr. GEKAS, Mr. SMITH of Texas, Mr. CHABOT, Mr. BARR of Georgia, Mr. CONYERS, Mr. BOUCHER, Mr. NADLER, and Mr. WATT of North Carolina.

From the Committee on Financial Services, for consideration of sections 901–906, 907A–909, 911, and 1301–1309 of the House bill, and sections 901–906, 907A–909, 911, 913–4, and title XIII of the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mr. BACHUS, and Mr. LAFALCE.

From the Committee on Energy and Commerce, for consideration of title XIV of the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BARTON, and Mr. DINGELL.

From the Committee on Education and the Workforce, for consideration of section 1403 of the Senate amendment, and modifications committed to conference: Mr. BOEHNER, Mr. CASTLE, and Mr. KILDEE.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1140. An Act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3229. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Maintenance Plan Revisions; Michigan'' (FRL7023–2) received on July 31, 2001; to the Committee on Environment and Public Works.

EC–3230. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri'' (FRL7024–3) received on July 31, 2001; to the Committee on Environment and Public Works.

EC–3231. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Promulgation of Extension of Attainment Date for the San Diego, California Serious Ozone Nonattainment Area'' (FRL7023–9) received on July 31, 2001; to the Committee on Environment and Public Works.

EC–3232. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and Ventura County Air Pollution Control District'' (FRL7008–5) received on July 31, 2001; to the Committee on Environment and Public Works.

EC–3233. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly Regulations; Regulated Areas, Regulated Articles and Treatments'' (Doc. No. 99–075–5) received on July 31, 2001 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3234. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Revisions of Reporting Requirements for Fresh Nectarines and Peaches'' (Doc. No. FV01–916–3IFR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3235. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Suspension of Provisions Under the Federal Marketing Order'' (Doc. No. FV01–930–5IFR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3236. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Removal of Certain Inspection and Pack Requirements'' (Doc. No. FV01–920–1FR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3237. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Revision of Requirements Regarding Quality Control Program'' (Doc. No. FV01–981–1FR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3238. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Reporting on Organic Raisins'' (Doc. No. FV01–989–2FR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3239. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Final Fee and Reserve Percentages for 200–01 Crop Natural (sun-dried) Seedless and Zante Currant Raisins'' (Doc. No. FV01–989–3IFR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3240. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Decreased Assessment Rate'' (Doc. No. FV01–959–1FIR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3241. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches'' (Doc. No. FV01–916–1FIR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3242. A communication from the Regulations Specialist of the Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Encumbrance of Tribal Land—Contract Approvals'' (RIN1076–AE00) received on July 26, 2001; to the Committee on Indian Affairs.

EC–3243. A communication from the Regulations Specialist of the Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Attorney Contracts with Indian Tribes'' (RIN107–AE18) received on July 26, 2001; to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–169. A petition presented by the Board of Supervisors of the County of Los Angeles relative to Federal health care reform; to the Committee on Finance.

POM–170. A resolution adopted by the City Council of North Olmsted, Ohio relative to the crisis facing the domestic steel industry; to the Committee on Finance.

POM–171. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to federally funded community health centers and other federal community-based safety-net programs; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 84

Whereas, Federally funded community-based safety-net programs, which are specifically designed to assist low-income persons

without health insurance and those who live in areas that lack health care services, play a significant role in the delivery of medical care and related agencies to the large number of Americans who cannot afford health insurance; and

Whereas, Texas' large size and shared border with Mexico are geographical factors that present the state with unique challenges in serving its residents and increase the importance of all types of safety-net health care programs; of a total of 254 Texas counties, 176 entire counties and an additional 47 partial counties are federally designed as medically underserved areas; these areas include all but one of the counties along the Rio Grande; and

Whereas, These medically underserved areas are characterized by a high percentage of elderly residents, high poverty rates, high infant mortality rates; and a lower ratio of primary care providers than the national average; furthermore, these areas typically serve working poor, minority members, foreign born, or noncitizens who rely on community-based safety-net programs for medical care; and

Whereas, Federal safety-net programs are particularly important to the four U.S.-Mexico border states, including Texas, which rank among the six states with the highest percentage of uninsured persons under 65 partly because of the large numbers of immigrant households among their populations; such households are more than twice as likely to lack health insurance as are households of native-born citizens, and a recent study found that immigrants and children who arrived between 1994 and 1998 account for 59 percent of the growth of the uninsured; and

Whereas, Community health centers are a cost-effective way to provide primary and preventive care to populations lacking medical care and can reduce the inappropriate use of emergency rooms and hospitalizations; and

Whereas, Increasing the number of community health centers would be a tremendous benefit for those Texans living in poor and underserved communities as well as for the 56 percent of Texas' noncitizens residents who are uninsured by providing greater access to regular sources of both primary care and preventive health services and allowing medical services to target common health problems in these populations: now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully request the Congress of the United States to expand the number of and funding for federally funded community health centers and other federal community-based safety-net programs specifically directed to poor and medically underserved communities in states with the highest numbers of uninsured residents; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the Speaker of the house of representatives, and to the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–172. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to the U.S. Border Patrol Training Academy to the southwest Texas border region; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 256

Whereas, The United States Border Patrol was established by an act of Congress in 1924 in response to increasing illegal immigration; the initial force of 450 officers was given responsibility for combating illegal entries and the growing business of alien smuggling; and

Whereas, The Border Patrol has since grown from a handful of mounted agents patrolling desolate areas along U.S. borders to today's dynamic workforce of more than 8,000 men and women supported by sophisticated technology, vehicles, and aircraft, since 1986, the Border Patrol has made more than eight million apprehensions nationwide; and

Whereas, Each year, more than 1,000 Border Patrol agents spend 19 weeks in intensive training in immigration law, statutory authority, police techniques, and Spanish at the Border Patrol Training Academy; and

Whereas, The academy has had many homes; the first academy was established in El Paso, Texas, in 1934, and was later moved to Los Fresnos, Texas; and

Whereas, In the 1970s, during the Carter Administration, the academy was moved to Glynco, Georgia; since that time, the training needs of the Border Patrol have far exceeded the capacity of the Glynco location and a temporary satellite facility was opened in Charleston, South Carolina to handle the overflow; and

Whereas, These facilities are no longer adequate to meet the Border Patrol's growing training needs; and

Whereas, All new Border Patrol agents are assigned to the southwest border upon graduation form the academy; and

Whereas, Texas comprises more than half of the southwest border, making it an ideal location for Border Patrol training; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to relocate the U.S. Border Patrol Training Academy to the southwest Texas border region; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002'' (Rept. No. 107–50).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 126: A resolution expressing the sense of the Senate regarding observance of the Olympic Truce.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 367: A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 584: A bill to designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall States Courthouse''.

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 1254: A bill to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 58: A concurrent resolution expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

S. Con. Res. 62: A concurrent resolution congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Michael J. Garcia, of New York, to be an Assistant Secretary of Commerce.

*Michael Minoru Fawn Liu, of Illinois, to be an Assistant Secretary of Housing and Urban Development.

*Linda Mysliwy Conlin, of New Jersey, to be an Assistant Secretary of Commerce.

*Henrietta Holsman Fore, of Nevada, to be Director of the Mint for a term of five years.

*Melody H. Fennel, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

By Mr. JEFFORDS for the Committee on Environment and Public Works.

*David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development.

*Jeffrey R. Holmstead, of Colorado, to be an Assistant Administrator of the Environmental Protection Agency.

*George Tracy Mehan, III, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency.

*Donald R. Schregardus, of Ohio, to be an Assistant Administrator of the Environmental Protection Agency.

*Judith Elizabeth Ayres, of California, to be an Assistant Administrator of the Environmental Protection Agency.

*Robert E. Fabricant, of New Jersey, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. BIDEN for the Committee on Foreign Relations.

*Richard J. Egan, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

*Vincent Martin Battle, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nominee: Vincent M. Battle.

Post: Beirut, Lebanon.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contibutions, Amount, Date, and Donee:

1. Self, Vincent M. Battle, None.
2. Spouse, N/A
3. Children & Spouses, N/A.
4. Parents Names, Leo John Battle (deceased), Jessie Elizabeth Battle (deceased).

5. Grandparents Names, George Rutherford Laurie (deceased), Elizabeth Glen Laurie (deceased), Hugh Battle (deceased), Elizabeth Nevins Battle (deceased).

6. Brothers & Spouses, Bredan Joseph Battle, None. Allice Vilece Battle, None.

7. Sisters & Spouses, N/A.

Nominee: Richard J. Egan.

Post: Ambassador to Ireland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self–Richard J. Egan: $500, 28 Jun 99, Abraham Senate 2000; $1,000 (refunded), 27 May 00, Peter Abair for Congress Comm; $1,000, 10 May 99, Friends of Giuliani Expl. Comm; $1,000 (refunded), 30 Jun 99, MA Republican State Congressional Committee; $1,000, 19 Oct 99, Friends of Giuliani Expl. Comm; $1,000, 12 Jul 99, Lincoln Chafee US Senate; $4,000 (refunded), 3 Nov 99, MA Republican State Congressional Committee; $1,000, 1 Oct 99, Friends of George Allen; $1,000, 1 Oct 99, Friends of George Allen; $1,000, 1 Nov 99, Ashcroft 2000; $1,000, 1 Nov 99, Ashcroft 2000; $1,000 (refunded), 28 Mar 00, Lincoln Chafee US Senate; $1,000 (refunded), 5 May 00, Friends of Dick Lugar Inc.; $1,000, 5 June 00, Ensign for Senate; $1,000 (refunded), 30 Jun 00, Friends of Giuliani Expl. Comm.; $1,000, 14 Jun 00, Carla Howell for US Senate; $1,000, 14 Jun 00, Carla Howell for US Senate; $500, 13 Jun 00, Abraham Senate 2000; $1,000, 13 Jun 00, Abraham Senate 2000; $1,000 (refunded), 1 Jun 00, Bob Smith for US Senate; $1,000 (refunded), 30 Sep 00, Dickey for Congress Camp. Comm.; $1,000 (refunded), 29 Sep 00, Kuykendall Congressional Comm.; $1,000, 19 Jul 00, Young Americans for Freedom Political Action Committee; $1,000, 30 Sep 00, Rehberg for Congress; $1,000 (refunded), 22 Sep 00, Friends of John Hostettler Comm.; $1,000 (refunded), 31 Aug 00, Bass Victory 2000 Committee; $1,000 (refund promised), 21 Sep 00, Rogers for Congress; $1,000 (refunded), 29 Sep 00, John Koster for Congress; $1,000 (refunded), 24 Oct 00, Friends of Clay Shaw; $1,000 (refunded), 24 Oct 00, Friends of Clay Shaw; $1,000 (refunded), 7 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 29 Mar 99, Kasich 2000; $5,000 (refunded, misdeposited), 14 Jul 99, National Republican Congressional Committee Contribution; $5,000 (refunded, misdeposited), 23 Sep 99, National Republican Congressional Committee Contribution; $500, 29 Jul 99, Rogan for Congress Committee; $1,000, 6 Aug 99, Dick Armey Campaign Committee; $1,000 (refunded), 22 Feb 00, Capuano for Congress Committee; $1,000, 22 Feb 00, Capuano for Congress Committee; $5,000 (exempt/duplicate), 25 May 00, RNC Republican National State Elections Committee; $1,000, 5 May 00, Majority Leader's Fund; $600 (refund promised), 22 May 00, Rogan for Congress Committee; $1,000, 5 Jun 00, Paul McCarthy Committee 1998; $1,000, 5 Jun 00, Paul McCarthy Committee 1998; $1,000 (refunded), 20 Apr 00, Christopher Cox Congressional Committee; $1,000, 29 Jun 00, Roth Senate Committee; $1,000 (refunded), 11 May 00, Santorum 2000; $1,000, 5 Jun 00, Federer for Congress Committee; $1,000, 23 Jun 00, Dick Armey Campaign Committee; $250,000 (exempt/duplicate), 28 Jul 00, RNC Republic National State Elections Committee; $1,000 (refund promised), 11 Jul 00, Lazio 2000 Inc.; $250,000 (exempt/duplicate), 28 Jul 00, RNC Republican National State Elections Committee; $1,000 (refunded), 27 Sep 00, Greenleaf for Congress; $1,000 (refunded), 26 Sep 00, Fletcher for Congress; $1,000 (refunded), 30 Sep 00, Kirk for Congress Inc.; $1,000 (refunded), 17 Oct 00, Re-elect Congressman Joe Moakley Committee; $5,000 (refund promised), 13 Oct 00, Ashcroft Victory Committee; $5,000 (exempt/duplicate), 2 Nov 00, NRCCC—Non Fed Act; $15,000 (exempt duplicate, misdeposited), 4 Dec 00, Republican National Committee; $1,000, 11 Aug 00, Comm to Elect Frederick T. Golder; $1,000, 27 Sep 99, McCain 2000 Inc.; $1,000, 22 Nov 99, Bush-Cheney 2000 Compliance Committee Inc.; $1,000, 5 Mar 98, Michigan Republican State Comm; $1,000, 24 Mar 97, Frist 2000 Inc.; $1,000, 24 Mar 97, Frist 2000 Inc.; $5,000, 24 Nov 97, Pioneer Political Action Committee; $1,000 (refunded), 16 Mar 98, J.D. Hayworth for Congress; $1,000, 15 Apr 98, Amorello for Congress; $5,000 (exempt duplicate, misdeposited), 30 Jun 98, Pioneer Political Action Committee; $500 (refunded), 13 Jul 98, Friends of Zach Wamp; $1,000, 22 Apr 98, Marty Meehan for Congress Comm; $1,000, 22 Apr 98, Marty Meehan for Congress Comm; $1,000 (refunded), 14 Apr 98, Citizens for Peter Torkildsen; $1,000, 2 Jul 98, Watkins for Congress; $5,000 (refunded), 31 Jul 98, MA Republican Party; $1,000, 9 Jul 98, Phil Wyrick for Congress; $1,000, 29 Dec 98, Kerry Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 15 Dec 97, Citizens for Peter Torkildsen; $1,000, 15 Dec 97, Amorello for Congress; $500, 7 Aug 97, Dick Armey Campaign Committee; $500, 6 Mar 98, Majority Leader's Fund; $350, 7 Apr 98, Christopher Cox Congressional Committee; $500, 19 May 98, National Republican Senatorial Committee; $1,000, 29 Jul 98, Citizens for Kasich; $500, 28 Apr 98, American Renewal PAC; $250, 19 May 98, National Republican Congressional Committee Contributions; $1,000, 19 May 98, 1998 Rep. Hosue-Senate Dinner; $10,000 (exempt/duplicated), 9 Jul 98, RNC Republican National State Elections Committee;

2. Spouse–Maureen E. Egan: $5,000, 3 Nov 99, Massachusetts Republican State Congressional Committee; $1,000, 27 May 00, Peter Abair for Congress Comm.; $5,000, 31 Jul 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 29 Jun 98, Citizens for Kasich; $250, 19 May 98, National Republican Congressional Committee Contributions.

3. Children and Spouses–John R. Egan: $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 3 Jun 99, Bush for President Inc.; $1,000, 29 Mar 99, Kasich 2000; $2,000, 3 Nov 99, Massachusetts Republican State Congressional Committee; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 30 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $500, 27 May 97, Judd Gregg Committee; $500 (refunded), 30 Jun 97, Judd Gregg Committee; $500, 27 May 97, Judd Gregg Committee; $1,000, 27 May 97, Judd Gregg Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 15 Dec 97, Citizens for Peter Torkildsen; $1,000, 15 Dec 97, Amorello for Congress; $1,000, 29 Oct 97, Pete Wilson for President Compliance Committee Inc.; $1,000, 13 Mar 98, Amorello for Congress; $1,000, 29 Jun 98, Citizens for Kasich;

Pamela C. Egan: $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 3 Jun 99, Bush for President Inc.; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee; $1,000, 29 Mar 99, Kasich 2000; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 15 Dec 97, Amorello for Congress; $1,000, 29 Oct 97, Pete Wilson for President Compliance Committee Inc.; $1,000, 31 Mar 98, Amorello for Congress; $1,000, 29 Jun 98, Citizens for Kasich;

Michael Egan: $5,000, 10 Feb 99, Pioneer Political Action Committee; $1,000, 10 Dec 99, Marty Meehan for Congress Comm,; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $2,000, 3 Nov 99, Massachusetts Republican State Congressional Committee; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee; $1,000, 4 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 20 May 99, Bush for President, Inc.; $1,000, 6 Feb 99, Kasich 2000; $5,000, 6 Sep 00, NH Republican State Committee; $5,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 19 Dec 97, Amorello for Congress; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $1,000, 31 Mar 98, Amorello for Congress; $5,000, 3 Apr 98, Pioneer Political Action Committee; $500, 23 Oct 98, MA Republican Party; $500, 27 May 97, Judd Gregg Committee; $500, 27 May 97, Judd Gregg Committee; $1,000, 27 May 97, Judd Gregg Committee; $500, (refunded), 30 Jun 97, Judd Gregg Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 15 Dec 97, Citizens for Peter Torkildsen; $1,000, 28 Mar 98, Citizens for Kasich.

Donna Egan: $1,000, 20 May 99, Bush for President Inc.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee; $1,000, 4 Dec 00, Amorello for Congress; $1,000 (refunded), Dec 00, Amorello for Congress; $1,000, 29 Mar 99, Kasich 2000; $1,000, 14 Feb 00, McCain 2000 Inc.; $5,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 31 Dec 97, Amorello for Congress; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $5,000, 13 Apr 98, Pioneer Political Action Committee; $1,000, 15 Apr 98, Amorello for Congress; $5,000 14 Sep 98, MA Republican Party; $5,000 30 Sep 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 30 Dec 97, Citizens for Peter Torkildsen; $1,000, 28 Mar 98, Citizens for Kasich.

Maureen Petracca: $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 5 Dec 97, Amorello for Congress; $1,000, 31 Mar 98 Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $500, 23 Oct 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 31 Mar 98, Amorello for Congress; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 28 Sep 00, Kuykendall Congressional Comm.; $1,000, 29 Sep 00, Kirk for Congress Inc.; $1,000, 28 Sep 00, Zimmer 2000 Inc.; $1,000, 28 Sep 00, Rogan for Congress Committee; $1,000, 22 Sep 00, Rogers for Congress; $1,000, 10 Jun 99, Bush

for President Inc.; $1,000, 29 Mar 99, Kasich 2000; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee.

Paul Petracca: $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $500, 23 Oct 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 14 Dec 97, Citizens for Peter Torkildsen; $1,000, 15 Dec 97, Amorello for Congress; $1,000, 10 Dec 99 Marty Meehan for Congress Comm.; $1,000, 10 Dec 99 Marty Meehan for Congress Comm.; $1,000, 28 Sep 00, Kuykendall Congressional Comm.; $1,000, 29 Sep 00, Kirk for Congress Inc.; $1,000, 28 Sep 00, Zimmer 2000 Inc.; $1,000, 28 Sep 00, Rogan for Congress Committee; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 6 Dec 00, Amorello for Congress; $1,000, 8 Jun 99, Bush for President Inc.; $1,000, 29 Mar 99, Kasich 2000; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 June 00, Kerry Committee.

Catherine E. Walkey: $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $5,000, 14 Sep 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 15 Dec 97, Amorello for Congress; $1,000, 31 Mar 98, Amorello for Congress; $1,000, 29 Jun 98, Citzens for Kasich; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 22 Dec 99, Re-elect Congressman Joe, Moakley Committee; $1,000, 30 Dec 99, Re-elect Congressman Joe, Moakley Committee; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 13 Jun 00, Kerry Committee; $1,000, 10 Jun 99, Bush for President Inc. $1,000, 29 Mar 99, Kasich 2000;

Thomas Roderick Walkey: $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citzens for Peter Torkildsen; $1,000, 15 Apr 98, Amorello for Congress; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 5 Dec 97, Amorello for Congress; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 29 Jun 98, Citizens for Kasich; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 13 Jun 00, Kerry Committee; $1,000, 10 Jun 99, Bush for President Inc.; $1,000, 29 Mar 99, Kasich 2000;

Christopher F. Egan: $1,000, 31 Mar 98, Amorello for Congress; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 20 May 99, Bush for President Inc.; $1,000, 29 Mar 99, Kasich 2000; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 26 Jun 00, Kerry Committee; $5,000, 6 Sep 00, New Hampshire Republican State Committee; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 29 Jun 98, Citizens for Kasich;

4. Parents–Kenneth Egan–Deceased, Constance Egan: $1,000, 20 May 99, Bush for President Inc.; $1,000, 4 May 98, Amorello for Congress; $1,000, 1 May 98, Citizens for Peter Torkildsen; $500, 1 Sep 98, Amorello for Congress; $500 (refunded), 5 Dec 00, Amorello for Congress.

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5. Grandparents, John Egan, Deceased. Jean Egan, Deceased. Laura Ciancio, Deceased, Anthony Ciancio, Deceased.

6. Brothers and Spouses, N/A.

7. Sisters and Spouses, Beverly Egan: $1,000, 28 May 99, Bush for President Inc; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $500, 8 Dec 00, Amorello for Congress; $1,000, 22 Apr 98, Amorello for Congress; $1,000, 23 Apr 98, Citizens for Peter Torkildsen; $500, 31 Aug 98, Amorello for Congress; (refunded); $500, 5 Dec 00, Amorello for Congress.

Carl Keitner: $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.;

*Richard Henry Jones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Nominee: Richard Henry Jones.

Post: Ambassador to Kuwait.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, None.

2. Spouse, None.

3. Children names, Joseph A. W. Jones, None. Vera E. W. Jones, None. R. Benjamin W. Jones, None. M. Hope W. Jones, None.

4. Parents names, Dailey M. Jones, Deceased. Sara N. Jones, None.

5. Grandparents names, Mr. & Mrs. B. O. Jones, Both Deceased. Mr. & Mrs. J. A. Nall, Both Deceased.

6. Brothers and Spouses names, Dailey M. Jones II, $100.00, spring 2000, Sen. John McCain. (spouse) Irene Jones, None. Joseph N. Jones, Deceased.

7. Sisters and Spouses names, No Sisters.

*Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Nominee: Jeanne Johnson Phillips.

Post: U.S. Representative to the OECD.

Nominated: 3/15/01.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, see attached page.

2. Spouse, see attached page.

3. Children and Spouses, Names, Daughter, Margaret, none.

4. Parents, Names, Allen James Linder, June Evelyn Thach Linder, deceased.

5. Grandparents Names, John & Ruth Thach, Allen & Fannie Linder, deceased.

6. Brothers and Spouses Names, N/A.

7. Sisters and Spouses Names, Dr. Jo Linder-Crow, none; David Crow, none.

Jeanne Johnson Phillips' Contribution: $1,000, 3/9/99, George W. Bush Exploratory Committee.

David M. Phillips' Contribution: $500, 3/00, George W. Bush for President.

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*Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund for a term of two years.

*Ross J. Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation.

*Craig Roberts Stapleton, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

Nominee: Craig R. Stapleton.

Nominated: 3/7/01.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, attached.

2. Spouse, attached.

3. Children and Spouses Names; Walker Stapleton: $1,000, June 1999, Bush for President; Wendy Stapleton: $1,000, June 1999, Bush for President.

4. Parents Names, Katharine Stapleton, $2,000, 9/31/00, Bush for President.

5. Grandparents Names, None.

6. Brothers and Spouses Names, Benjamin F. Stapleton, $1,000, June 1999, Bush for President.

7. Sisters and Spouses, Names, Katharine Stapleton, none.

Craig Stapleton: 8/2/96, James G. Blaine for Congress Committee, $500; 10/1/96, Connecticut Republican Federal Campaign Committee, $1,000; 10/16/96, Weld for Senate, Inc., $250; 12/29/97, Pritzker for Congress, $500; 1/29/98, Friends of Senator D'Amato (1998 Committee), $500; 9/23/98, Nielson Congress '98, $1,000; 9/25/98, Coverdell Good Government Committee, $500; 3/17/99, Bush for President, $1,000; 11/12/99, Friends of Giuliani Exploratory Committee, $1,000; 11/7/99, Nielson for Congress, $1,000; 12/30/99, 1999 State Victory Fund Committee, $5,000; 1/19/00, Dick Armey Campaign Committee, $1,000; 5/29/00, Lazio 2000 Inc., $1,000; 6/15/00, Republican National Committee—RNC, $20,000; 7/21/00, RNC Republican National State Elections Committee, $10,000; 8/18/00, Hastert for Congress Committee, $1,000.

Dorothy Stapleton: 10/14/96, Christopher Shays for Congress, $250; 9/14/98, Gary Franks for Senate, $250; 10/10/98, Christopher Shays for Congress Committee, $500; 3/17/99, Bush for President Inc., $1,000; 10/13/99, Bush-Cheney 2000 Compliance Committee Inc., $1,000; 12/30/99, 1999 State Victory Fund Committee, $5,000; 1/19/00, Dick Armey Campaign Committee, $1,000; 3/15/00, Christopher Shays for Congress Committee, $500; 8/28/00, Connecticut Republican Federal Campaign Committee, $5,000; 9/1/00, Christopher Shays for Congress Committee, $500; 11/2/00, National Republican Congressional Committee Contrib., $500; 11/3/00, Swing States for a Conservative White House Pac., Inc., $500; 11/9/00, Swing States for a Conservative White House Pac., Inc., $500; 11/16/00, Bush Recount Fund, $5,000.

*Robert Geers Loftis, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Loftis, Robert Geers.

Post: Ambassador to Lesotho.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, Loftis, Robert, none.
2. Spouse, Loftis, Elizabeth, none.
3. Children, Matthew, none; Ellen, none.
4. Parents, Else Sanness (mother), none; David Sanness, (stepfather): $5.00, 3/18/97, Republican National Committee (RNC); $5.00, 9/1/97, RNC; $5.00, 9/8/97, RNC; $5.00, 1/10/98, RNC; $5.00, 3/28/01, RNC; $5.00, 1/16/97, Colorado Republican Committee (CRC); $5.00, 9/12/97, CRC; $5.00, 2/4/98, CRC; $5.00, 9/17/98, CRC; $5.00, 10/28/98, CRC; $5.00, 8/20/99, CRC; $5.00, 2/01/01, CRC.
4. Charles R. and Elsie Loftis (father), none.
5. Grandparents, deceased.
6. Brother and spouse, Paul and Judy Loftis, none.
7. Sister and spouse, Susan and Eric Krause, none.

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*Daniel R. Coats, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

Nominee: Daniel R. Coats.

Post: Ambassador to Federal Republic to Germany.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Daniel R. Coats, $1,000, 5/7/99, Quayle 2000. (*Note: As a Federal employee from January 1977 to January 1999, I was prohibited from making any contributions to a candidate for Federal office. Since leaving Federal service, I have made numerous Federal campaign contributions through the Dan Coats for Indiana committee [see attached print-out].)
2. Marcia C. Coats, None.
3. Laura Coats Russo & Mark Russo, $500, 5/99, Elizabeth Dole for President; Lisa Coats Wolf & Edward Wolf, $500, 5/99, Elizabeth Dole for President; Andrew Coats, None.
4. Edward R. & Vera E. Coats, deceased Cecil H. & Miriam Crawford, $200, 1998, Friends of J. C. Watts.
5. Grandparents, deceased.
6. Peter Coats & Betsy Coats Westcott, None. Greg Crawford & Susan Oblom Crawford, None.
7. Suzanne Coats Kavgian & Robert Kavgian, None.

Daniel L. Coats: Friends of John Hostettler Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 25APR97, $2,000; Friends of John Hostettler Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 25APR97, $1,000; Friends of John Hostettler Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 25APR97, $1,000; Citizens for Bunning, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 310CT97, $1,000; Judd Gregg Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 310CT97, $1,000; Campbell Victory Fund, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 310CT97, $1,000; Friends of John Hostettler Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 12DEC97, $1,000; Friends of Senator Don Nickles, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 28JAN98, $1,000; Peter Rusthoven for Senator, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 10JUN98, $1,000; Republican National Committee—RNC, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 24JUL98, $400,000; Dan Holtz for Congress, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 25SEP98, $1,000; Souder for Congress Inc, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 9OCT98, $500; Paul Helmke for Senate, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 28OCT98, $1,000; Lazio 2000 Inc, Dan Coats for Indiana, 10AUG00, $510; Dickey for Congress Campaign Committee, Dan Coats for Indiana, 25AUG00, $500; Jeffords for Vermont Committee, Dan Coats for Indiana, 19SEP00, $1,000; Bill McCollum for US Senate, Dan Coats for Indiana, 21SEP00, $1,000; Ensign for Senate, Dan Coats for Indiana, 27SEP00, $1,000; Friends of Connie Mack, Dan Coats for Indiana, 25OCT00, $100; Chris Chocola for Congress Inc, Dan Coats for Indiana, 25OCT00, $500; Mattingly for Senate Inc., Dan Coats for Indiana, 27OCT00, $500; Friends of Dick Lugar Inc, Dan Coats for Indiana, 1DEC99, $1,000; Ensign for Senate, Dan Coats for Indiana, 8DEC99, $1,000; Abraham Senate 2000, Dan Coats for Indiana, 12DEC99, $1,000; Bob Smith for US Senate, Dan Coats for Indiana, 29FEB00, $250; Lincoln Chafee US Senate, Dan Coats for Indiana, 8MAR00, $1,000; Friends for Slade Gorton, Dan Coats for Indiana, 28MAR00, $1,000; Santorum 2000, Dan Coats for Indiana, 6APR00, $1,000; Rod Grams for US Senate, Dan Coats for Indiana, 11May00, $1,000; Portman for Congress Committee, Dan Coats for Indiana, 19JUL00, $150; Sensenbrenner Committee, Dan Coats for Indiana, 19JUL00, $1,000; Friends of Dylan Glenn, Dan Coats for Indiana, 9AUG00, $100; Quayle 2000 Inc., Dan Coats for Indiana, 26MAR99, $1,000; Jon Kyl for US Senate, Dan Coats for Indiana, 20MAY99, $1,000; Fitzgerald for Senate Inc, Dan Coats for Indiana, 8JUN99, $500; Ashcroft 2000, Dan Coats for Indiana, 29JUN99, $1,000; Portman for Congress Committee, Dan Coats for Indiana, 23SEP99, $150; Bush for President Inc., Dan Coats for Indiana, 10OCT 99, $1,000; Elizabeth Dole for President Exploratory Committee Inc, Dan Coats for Indiana, 1OCT99, $1,000; Frist 2000 Inc, Dan Coats for Indiana, 19OCT99, $1,000; Re-elect Nancy Johnson to Congress Committee, Dan Coats for Indiana, 27OCT99, $500; Citizens Committee for Gilman for Congress, Dan Coats for Indiana, 28OCT 99, $500; Kellems for Congress, Dan Coats for Indiana, 16NOV99, $500.

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*Theodore H. Kattouf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

Nominee: Theodore H. Kattouf.

Post: Syria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, Theodore H. Kattouf, none.
2. Spouse, Jeannie M. Kattouf, none.
3. Children and Spouses, Jennifer Morningstar, none; Jack Morningstar, none; Jonathan Kattouf, none; Paul Kattouf, none; Michael Kattouf, none.
4. Parents, Habab Kattouf (deceased), none; Victoria Kattouf, none.
5. Grandparents, Rev. George Kattouf (deceased), none; Zakiya Kattouf (deceased), none; Sam Bahou (deceased), none; Najiya Bahou (deceased), none.
6. Brothers and Spouses, George Kattouf, none; Melanie (Noel) Kattouf, none; Greg Kattouf, none.
7. Sisters and Souses, Sylvia Hanna, none; Nicholas Hanna, none.

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*Maureen Quinn, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Contributions, amount, date, and donee:

1. Maureen Quinn, none.
2. Spouse, not applicable.
3. Children, not applicable.
4. Parents, Francis S. Quinn, Sr. (deceased): $200, o/a 1997, Ferguson for Congress; $200, also o/a 1997, Ferguson for Congress; Mary J. Quinn, none. (Although the above donations/checks were written on a joint checking account.)
5. Grandparents, Mr. Francis T. Quinn (deceased); Mrs. Marie C. Quinn (deceased); Mr. Frank J. Judge (deceased); Mrs. Margaret T. Judge (deceased).
6. Brothers and Spouses, Mr. & Mrs. Francis S. Quinn, Jr., none (for federal); Mr. & Mrs. Owen M. Quinn, none; Mr. & Mrs. Colin C. Quinn: $200, 2000, B. Kennedy, For Congress.
7. Sisters and Spouses, Margaret M. Quinn, M.D. and Daumant Kusma: approx. $500 over the past four years to Political Action Committees to support health care initiatives (funds may have gone to federal campaigns); Michele P. Quinn, none; Mr. & Mrs. Jeffrey S. Stapleton, none.

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*Joseph Gerard Sullivan, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Nominee: Joseph G. Sullivan.

Post: Ambassador to Zimbabwe.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Joseph Gerard Sullivan, none.
2. Spouse, none.
3. Children and Spouses, Patrick Joseph Sullivan, none; Sean Michael Sullivan, none.
4. Parents, Edwin Sullivan, deceased; Grace M. Sullivan, deceased.
5. Grandparents, deceased over 40 years (names not available).
6. Brothers and Spouses, none.
7. Sisters and Spouses, Maureen and Neil Niven, none; Rosemary Sullivan, none; Janet and Paul Gannon, none.

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*Johnny Young, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Nominee: Johnny Young.

Post: Republic of Slovenia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, Johnny Young, N/A.
2. Spouse, Angelena V. Young, N/A.
3. Children and Spouses Names, David J. Young, N/A; Michelle J. Young, N/A.
4. Parents Names, Eva Grant, deceased; Lucille Pressy (adopted) deceased; John Young, deceased.
5. Grandparents Names, Alice Young, deceased; Louis Young, deceased.
6. Brothers and Spouses Names, N/A.
7. Sisters and Spouses Names, Lottie Mae Young, deceased; Loretta Young, N/A.

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*Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Nominee: Edward William Gnehm, Jr.

Post: Ambassador to Jordan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, none.
3. Children and Spouses Names, Cheryl Gnehm, none; Edward Gnehm, III, none; Wendy Gnehm, none (daughter-in-law).
4. Parents Names, Edward Gnehm, Sr. (deceased); Beverly T. Gnehm, none.
5. Grandparents Names, Emil Gnehm (deceased); Olive Gnehm (deceased); Florence Thomassan (deceased); Jesse Thomasson (deceased).
6. Brothers and Spouses names, no brothers.
7. Sisters and Spouses names, Barbara Johnson, none; Jane Ellen Gnehm, none.

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*R. Nicholas Burns, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: R. Nicholas Burns.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, R. Nicholas Burns, none.
2. Spouse, Elizabeth Allen Baylies, none.
3. Children and Spouses Names, Sarah, Elizabeth, Caroline, none.
4. Parents Names, Robert P. and Esther Burns: $50.00 to Royall Switzler for Town Selectman, Wellesley, MA.
5. Grandparents Names, James and Delia Burns, deceased; Richard and Helen Toomey, deceased.
6. Brothers and Spouses Names, Christopher and Nayla Burns, none; Jeffrey and Denise Burns, none.
7. Sisters and Spouses Names, Roberta Esther and Richard Hutchins, none; Stanton and Gigi Bur * * *, none.

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*Edmund James Hull, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Nominee: Edmund J. Hull.

Post: Sana'a, Yemen.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, none.
3. Children and Spouses, Leila (daughter), none; Lena (daughter), none.
4. Parents, Thomas F. Hull (father): $15.00, 2/17/98, Lane Evans; $15.00, 5/18/98, Lane Evans; Lorene E. Hull (mother): $15.00, 10/23/98, Lane Evans; $15.00, 3/21/99, Lane Evans; $20.00, 1/16/01, Lane Evans.
5. Grandparents, Fred P. & Pearl Hull, deceased; Frank & Theresa Frain, Deceased.
6. Brothers and Spouses, Tim Hull & Jane Kramer, none; Tom Hull: $25.00, 1998, David Price; $50.00, 1998, John Edwards; $50.00, 1999, Democratic Senatorial Campaign Fund; Bob Hull & Cindy Klose, none; Joe and Karen Hull, none.
7. Sisters and Spouses, Susan & Randy Hinthorn, none; Sara & Greg Patton: $20.00, 1997, Lane Evans; $50.00, 1998, Lane Evans; $25.00, 1999, Lane Evans; $45.00, 2000, Lane Evans; $25.00, 2001, Lane Evans; Mary & Paul Banacla: $90.00, 1998, Lane Evans; $10.00, 2000, Lane Evans; $10.00, 2001, Lane Evans; Dorothy & John Ramig, none; Ellen & Bob Filipelli, none; Maggie & Dave Wilson, none.

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*Nancy Goodman Brinker, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Nominee: Nancy G. Brinker.

Post: Ambassador to the Republic of Hungary.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, Nancy G. Brinker: $1,000, 03/02/95, Dole for President; $1,000, 04/12/95, Dole for President; $12,500, 11/15/95, RNC; $500, 12/29/95, Teresa Doggett for Congress; $1,000, 11/14/95, Forbes for President; $1,000, 10/25/95, Glenn Box for Congress; $1,000, 02/16/96, Weld for Senate; $1,000, 04/22/96, Dole for President; $250, 06/25/96, Kay Granger for Congress; $295, 06/28/96, RNC; $1,000, 07/16/96, Friends of Larry Pressler; $500, 04/01/97, Citizens for Arlen Specter; $1,000, 04/28/97, Kay Bailey Hutchison for Senate; $500, 05/26/98, Shawn Terry for Congress; $1,000, 10/07/98, Inglis for Senate Committee; $1,000, 10/20/98, Inglis for Senate Committee; $1,000, 05/27/97, McCain for Senate '98; $1,000, 04/10/97, Republican Leadership Council; $250, 06/24/97, Missourians for Kit Bond; $1,000, 04/10/98, Kay Granger Campaign Fund; $250, 04/03/98, Missouri Republican State Com.; $5,000, 10/20/98, National Republican Senatorial; $1,000, 03/29/99, Frist 2000; $1,000, 08/23/99, Snowe for Senate; $1,000, 03/24/00, Pete Sessions for Congress; $1,000, 01/31/00, Bill McCollum for US Senate; $1,000, 05/10/00, Snowe for Senate; $500, 05/17/00, Friends of Mark Foley for Con; $1,000, 03/12/99, Bush for President; $1,000, 05/20/99, Bush for President; (−$1,000), 05/06/99, Bush for President (Refund); $1,000, 04/21/99, Kay Bailey Hutchison for Senate; (−$1,000), 06/06/99, Kay Bailey Hutchison for Senate (Refund); $1,000, 06/06/99, Kay Bailey Hutchison for Senate; $15,000, 07/12/00, RNC (Non-federal); $3,500, 08/11/00, RNC (Non-federal); $10,000, 08/24/00, RNC; $1,000, 12/02/99, Bush-Cheney 2000 Compliance; $1,000, 06/22/99, Elizabeth Dole for President.
2. Spouse, N/A.
3. Children, Eric Blake Leitstein Brinker: $1,000, 09/12/96, RNC; $1,000, 09/09/96, Kemp for Vice President; $1,000, 03/16/99, Bush for President.
4. Parent, Mother—Eleanor Goodman: $1,000, 05/26/99, Bush for President; $500, 06/08/00, Bush for President; $500, 08/06/00, Bush for President (refund requested); $500, 09/22/00, Bush-Cheney; $250, 03/29/00, Bush for President; Father—Marvin L. Goodman: $1,000, 03/23/99, Bush for President; $500, 10/21/99, Bush for President (refund requested); $250, 08/28/95, Phil Gramm for President.
5. Grandparents, William Goodman, deceased; Helen Goodman, deceased; Freda L. Newman, deceased; Leo Jay Newman, deceased.
6. Brothers, N/A.
7. Sisters, Susan G. Komen, deceased twenty-one (21) years.

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*Christopher William Dell, of New Jersey, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Nominee: Christopher W. Dell.

Post: Luanda, Angola.

Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, none.
3. Children and Spouses Names, none.

Parents Names, William and Ruth Dell, none.

5. Grandparents Names, William and Frieda Dell (deceased), none; Martin and Mary Weidemann (deceased), none.
6. Brothers and Spouses Names, Tracey and Kathleen Dell, none; Kenneth Dell, none.
7. Sisters and Spouses Names, Scott and Annie Dell, none.

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*Patrick M. Cronin, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CARNAHAN (for herself and Ms. MIKULSKI):

S. 1286. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 1287. A bill to designate the Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi , as the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. 1288. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 1289. A bill to require the Secretary of the Navy to report changes in budget and staffing that take place as a result of the regionalization program of the Navy; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. BROWNBACK):

S. 1290. A bill to amend title 49, United States Code, to preempt State laws requiring a certificate of approval or other form of approval prior to the construction or operation of certain airport development projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1291. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 1292. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for dry and wet cleaning equipment which uses non-hazardous primary process solvents; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. HAGEL):

S. 1293. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction, avoidance, and sequestration of greenhouse gas emissions and to advance global climate science and technology development and deployment; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. CRAIG, Mr. HAGEL, Mr. DOMENICI, Mr. ROBERTS, and Mr. BOND):

S. 1294. A bill to establish a new national policy designed to manage the risk of potential climate change, ensure long-term energy security, and to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential climate change; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Mr. THOMAS):

S. 1295. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 1296. A bill to provide for the protection of the due process rights of United States citizens (including United States servicemembers) before foreign tribunals, including the International Criminal Court, for the prosecution of war criminals, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. REED):

S. 1297. A bill to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. BIDEN, and Mrs. CLINTON):

S. 1298. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mrs. CLINTON, Mr. REID, Mrs. BOXER, Ms. MIKULSKI, Mr. BINGAMAN, and Mrs. HUTCHISON):

S. 1299. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

By Mr. SANTORUM (for himself and Mr. LIEBERMAN):

S. 1300. A bill to amend the Internal Revenue Code of 1986 to encourage foundational and corporate charitable giving; to the Committee on Finance.

By Mr. BOND:

S. 1301. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S.J. Res. 21. A joint resolution designating November 5, 2002, and November 2, 2004, as ''Federal Election Day'' and making such day a legal public holiday, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. BROWNBACK):

S. Res. 145. A resolution recognizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. SCHUMER, Mr. LIEBERMAN, and Mr. BREAUX):

S. Res. 146. A resolution designating August 4, 2001, as ''Louis Armstrong Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 180

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 180, a bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

S. 228

At the request of Mr. AKAKA, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 228, a bill to amend title 38, United States Code, to make permanent the Native American veterans housing loan program, and for other purposes.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 356

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 356, a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase.

S. 490

At the request of Mr. EDWARDS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 490, a bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

S. 503

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 503, a bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 532

At the request of Mr. DORGAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 532, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 662

At the request of Mr. DODD, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 781

At the request of Mr. AKAKA, the names of the Senator from Missouri (Mr. BOND) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 790

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 871

At the request of Mr. CLELAND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 940

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 989

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 989, a bill to prohibit racial profiling.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1063

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1063, a bill to amend chapter 72 of title 38, United States Code, to improve the administration of the United States Court of Appeals for Veterans Claims.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1088

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1088, a bill to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes.

S. 1089

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1089, a bill to amend section 7253 of title 38, United States Code, to expand temporarily the United States Court of Appeals for Veterans Claims in order to further facilitate staggered terms for judges on that court, and for other purposes.

S. 1090

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1090, a bill to increase, effective as of December 1, 2001, the rates of compensation for veterans with service-connected disabilities and the rates dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 1094

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1094, a bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

S. 1114

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1114, a bill to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill.

S. 1160

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1160, a bill to amend section 1714 of title 38, United States Code, to modify the authority of the Secretary of Veterans Affairs to provide dog-guides to blind veterans and authorize the provision of service dogs to hearing-impaired veterans and veterans with spinal cord injuries, and for other purposes.

S. 1167

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1167, a bill to amend the Immigration and Nationality Act to permit the substitution of an alternative close family sponsor in the case of the death of the person petitioning for an alien's admission to the United States.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1206

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1206, a bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

S. 1209

At the request of Mr. BINGAMAN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Delaware (Mr. CARPER), and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1250

At the request of Mrs. CARNAHAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1272

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1272, a bill to assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1272, supra.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. RES. 72

At the request of Mr. SPECTER, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. Res. 72, a resolution designating the month of April as ''National Sexual Assault Awareness Month.''

S. RES. 143

At the request of Mr. BIDEN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. Res. 143, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 11 through November 17, 2001, as ''National Veterans Awareness Week.''

S. CON. RES. 59

At the request of Mr. HUTCHINSON, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 59, a concurrent resolution expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

AMENDMENT NO. 1157

At the request of Mr. SMITH of New Hampshire, the name of the Senator

from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 1157 intended to be proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR THURSDAY, AUGUST 2, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Thursday, August 2. I further ask unanimous consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the VA–HUD Appropriations Act, with Senator NELSON of Florida to be recognized to offer an amendment at that time.

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

PROGRAM

Mr. REID. Madam President, as has been indicated, tomorrow the Senate will convene at 9:30 a.m. and resume consideration of the VA–HUD Appropriations bill. There will be votes during consideration of the bill. This bill will be completed tomorrow, we hope early afternoon, and then we will resume consideration of the Agriculture supplemental authorization bill. In addition, cloture was filed on the Agriculture supplemental authorization bill. Therefore, all first-degree amendments must be filed prior to 1 p.m. tomorrow, Thursday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m., Thursday, August 2, 2001.

Thereupon, the Senate, at 8:56 p.m., adjourned until Thursday, August 2, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 1, 2001:

DEPARTMENT OF JUSTICE

J. STROM THURMOND, JR., OF SOUTH CAROLINA, TO BE THE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE J. RENE JOSEY, RESIGNED.

THE JUDICIARY

CHARLES F. LETTOW, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE JOHN PAUL WIESE, TERM EXPIRING.

MARIAN BLANK HORN, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

MICHAEL W. MOSMAN, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE KRISTINE OLSON ROGERS, RESIGNED.

PAUL J. MCNULTY, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE HELEN FRANCES FAHEY, RESIGNED.

ROBERT GARNER MCCAMPBELL, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE DANIEL G. WEBBER, JR., RESIGNED.

HARRY SANDLIN MATTICE, JR., OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE CARL KIMMEL KIRKPATRICK, RESIGNED.

TIMOTHY MARK BURGESS, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS, VICE ROBERT CHARLES BUNDY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) JAMES C. OLSON, 7892
REAR ADM. (LH) JAMES W. UNDERWOOD, 8189
REAR ADM. (LH) RALPH D. UTLEY, 9691
REAR ADM. (LH) KENNETH T. VENUTO, 2213

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORP (JA) AND ARMY MEDICAL CORPS (MC) UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DONALD W. DAWSON III, 2908
DANIEL M. MAGUIRE, 2233

To be lieutenant colonel

CHRISTOPHER M. MURPHY, 4209 JA

To be major

DANIEL F. LEE, 9041 MC

CONFIRMATIONS

Executive nominations confirmed by the Senate August 1, 2001:

DEPARTMENT OF DEFENSE

JACK DYER CROUCH, II, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF VETERANS AFFAIRS

GORDON H. MANSFIELD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS).

DEPARTMENT OF AGRICULTURE

ERIC M. BOST, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

WILLIAM T. HAWKS, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JOSEPH J. JEN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JAMES R. MOSELEY, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

J.B. PENN, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

SECURITIES AND EXCHANGE COMMISSION

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2002.

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2007.

DEPARTMENT OF ENERGY

DAN R. BROUILLETTE, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOSEFINA CARBONELL, OF FLORIDA, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF STATE

SUE MCCOURT COBB, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

MERCER REYNOLDS, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

RUSSELL F. FREEMAN, OF NORTH DAKOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

MICHAEL E. GUEST, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

STUART A. BERNSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

CHARLES A. HEIMBOLD, JR., OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

JIM NICHOLSON, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

THOMAS J. MILLER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

LARRY C. NAPPER, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

THOMAS C. HUBBARD, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

MARIE T. HUHTALA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

FRANKLIN L. LAVIN, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR.

CLARK KENT ERVIN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

ASA HUTCHINSON, OF ARKANSAS, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT.