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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:

Almighty God, Sovereign of our Nation and personal Lord of our lives, thank You for the gift of prayer. It is awesome that You who are Creator, Sustainer, and Redeemer of all, know each of us by name and know our needs before we ask You. In this sacred moment, we realize that we need You more than anything You can give us. You created each of us to know and enjoy You as our Master and Friend. You who are so mighty are also magnanimous in our friendship with You. You love us, give us security, and replenish our hope. Time with You changes everything: Our stress and strain are healed by Your peace; our worries are resolved by trusting You; our burdens are lifted off our backs; our souls are replenished by Your indwelling Spirit. You care for us so much that You confront us when we are tempted with pride, anger, or impatience. You change our thinking when it gets muddled or confused. You have challenged us to pray and care for each other across party lines. You give us the courage to put the needs of the Nation first, above political advantage. Bless this Senate with unity, civility, and productivity today. 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. REID. Mr. President, today we will resume consideration of the Transportation Appropriations Act. Senators MURRAY and SHELBY are anxious to move this as quickly as possible. There will be rollcall votes on amendments throughout the day.

The two leaders met yesterday to discuss what the remaining schedule would be for this week and next week. There are certain things that have to be done prior to the recess. The two leaders recognize that. I am sure there will be announcements made in the near future as to what those items are.

The Senate will recess from 12:30 to 2:15 today for the weekly party conferences.

I am brought back to the prayer by Reverend Ogilvie where he said, among other things, that he hopes today is a productive day. I do, too. We have so many things to do, not the least of which is this Transportation appropriations bill, which is important for every State of the Union. I hope we can move through this bill expeditiously and, as the Chaplain said, be very productive today.

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. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of H.R. 2299, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

Mr. NELSON of Florida. Mr. President, I will speak on the matter of the Transportation bill.

The PRESIDENT pro tempore. The Senator may proceed.

Mrs. MURRAY. Mr. President, may I inquire of the Senator how long he intends to speak?

Mr. NELSON of Florida. About 3 minutes.

Mrs. MURRAY. I thank the Senator.

Mr. NELSON of Florida. Mr. President, Floridians who travel Interstate 4 between Tampa and Orlando need relief. The congestion they encounter on the I–4 corridor is paralyzing, and it is not just a problem for our residents in Florida. It is also a nuisance for the millions of tourists who visit central Florida each year. With each new tourist attraction comes another traffic snarl. We must find ways to relieve the gridlock, but double-decker highways are not the answer.

Last year, Florida's voters approved an initiative in a statewide referendum that requires the State to build a high-speed train linking five of our largest urban areas, and the spending measure that is now before the Senate, particularly today—and we hope to complete

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

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it today—will begin to start helping Florida meet that goal.

I am very grateful to our colleagues for including in this Transportation appropriations bill $4.5 million for bullet train planning in the corridor from Orlando to Tampa. Senator GRAHAM and I fought for this funding because we knew that our traffic problems could not be solved by adding more lanes to our highways. And we have an excellent opportunity in this high-traffic corridor between Tampa and Orlando, where you can't build your way out of the problem with new lanes, of creating a model for a new kind of transportation corridor with specialized lanes and a high-speed rail running down its center.

The State of Florida has also committed $4.5 million in planning money to a high-speed rail authority, and with this kind of partnership between the State government and the Federal Government, we can make this high-speed train a reality in that corridor that needs it so desperately. The benefits could be enormous. A high-speed train between Tampa and Orlando could travel more than 120 miles an hour, providing commuters with a safer and faster alternative to their daily battles with the traffic gridlock and the traffic jams.

I commend the Senator from Washington, the chairman of the appropriations subcommittee, and her ranking member, the Senator from Alabama. I am so pleased the committee has provided this important funding, and I am going to continue to work with my colleague from Florida to see that this money is included in the final version of this bill.

Mr. President, I thank you very much for this opportunity to state something that is so important to Florida.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Washington is recognized.

AMENDMENT NO. 1030

Mrs. MURRAY. Madam President, now that we have again called up the Transportation bill, I want to take some time to address the issue of Mexican trucks. This issue was discussed yesterday evening by a number of Senators, and I thought it would be valuable to take some time to discuss the provisions in the committee bill and explain to my colleagues why it is so critical that the Senate include these strong safety requirements in the bill we send to conference.

The ratification of NAFTA 7 years ago anticipated a period when trucks from the United States, Canada, and Mexico would have free rein to service clients from across the three countries. This was not really a change in policy as it pertained to Canada, since the United States and Canada had reciprocal trucking agreements in place long before NAFTA was ratified. However, it did require a change when it came to truck traffic between the United States and Mexico.

For several years, the opening up of the border between these two countries was effectively put on hold by the administration due to their concerns over the absence of reasonable safety standards for trucks operating in Mexico. While Mexican trucks have been allowed to operate between Mexico and a defined commercial zone along the border, the safety record of those trucks has been abysmal. The Department of Transportation inspector general, the General Accounting Office, and others have published a number of reports documenting the safety hazards presented by the current crop of Mexican trucks crossing the border.

At a hearing of the Commerce Committee last week, the inspector general testified about instances where trucks have crossed the border literally with no brakes. Officials with the IG's office have visited every border crossing between the United States and Mexico, and they have documented case after case of Mexican trucks entering the United States that were grossly overweight, that had no registration or insurance, and that had drivers with no licenses.

This chart to my left displays the likelihood that trucks will be ordered off the road by U.S. truck inspectors, and I think the numbers speak for themselves. According to the Department of Transportation's most recent figures, Mexican trucks are 50 percent more likely to be ordered off the road for severe safety deficiencies than United States trucks, and Mexican trucks are more than 2½ times more likely to be ordered off the road than Canadian trucks.

Equally troubling is the fact that Mexican trucks have been routinely violating the current restrictions that limit their area of travel to the 20-mile commercial zones. The DOT inspector general found that 52 Mexican trucking firms have operated improperly in over 26 States outside the four southern border States. An additional 200 trucking firms violated the restriction to stay within the commercial zone in the border States.

Mexican trucks have been found to be operating illegally as far away from the Mexican border as New York State in the Northeast and my own State of Washington in the Northwest. The inspector general reported on one shocking case where a Mexican truck was found on its way to Florida to deliver furniture. When the vehicle was pulled over, the driver had no logbook and no license. As I said, there have been experiences such as this in half the States in the continental United States. Given this deplorable safety record, the official position of the U.S. Government since the ratification of NAFTA was that the border could not be open to cross-border trucking because of the safety risks involved.

Two things have caused a change in this policy: First, a new administration has come into power, one that believes the border should be opened. Second, the Mexican Government successfully brought a case before a NAFTA arbitration panel. That panel ruled the U.S. Government must initiate efforts to open the border to cross-border trucking.

This new policy brought about a frenzy of activity at the Department of Transportation so that the border could be opened to cross-border trucking as soon as this autumn. The agency has hastily cobbled together a series of measures intended to give United States citizens a false sense of security that this new influx of Mexican trucks will not present a safety risk. These measures have been reviewed by both the House and Senate Transportation Appropriations Subcommittees and have been found to be woefully inadequate.

When the House debated the Transportation appropriations for fiscal year 2002, its concerns about the inadequacy about the DOT safety measures were so grave that they resulted in an amendment being adopted on the floor of the House that prohibited the Department of Transportation from granting operating authority to any Mexico-domiciled trucking company during fiscal year 2002.

That amendment passed by a 2-to-1 margin, 285–143. Moreover, by the time the Transportation bill left the House, it had been stripped of every penny of the $88 million the administration requested to improve the truck safety inspection capacity at the United States-Mexico border.

The administration's approach is to allow Mexican trucks to come in and to inspect them later. At the other extreme, the House approach is to prevent Mexican trucks from coming in and to refuse to inspect them at all.

What Senator SHELBY and I have done is to write a commonsense compromise that will inspect all Mexican trucks and then let them in. Just as we require Americans to pass a driving test before they get a license, the bipartisan Senate bill before us requires Mexican trucks to pass an inspection before they can operate on our roads.

First, the bill includes $103 million—$15 million more than the President's request—for border truck safety activities.

Second, the bill establishes several enhanced truck safety requirements that are intended to ensure that this new cross-border trucking activity does not pose a safety risk.

The enhanced safety provisions included in the Senate bill were developed based on the recommendations that the committee reviewed from the DOT inspector general, the General Accounting Office, and law enforcement authorities, including the highway patrols of the States along the border.

They will ensure there is an adequate safety regime in place before our borders are opened to cross-border trucking. The provision was approved unanimously by both the Transportation Appropriations Subcommittee and the full Appropriations Committee.

In a moment, I will review the committee's safety recommendations in detail, but first I want to address the issue of compliance with NAFTA.

I have heard it alleged that the provision adopted unanimously by the committee is in violation of the NAFTA. Nothing could be further from the truth. I voted for NAFTA, and I support free trade. My goal is to ensure free trade and public safety progress side by side. But rather than take my opinion or that of another Senator, we have a written decision by an arbitration panel that was charged with settling this very issue. That arbitration panel was established under the NAFTA treaty, and it is that panel's ruling that decides what does and does not violate NAFTA when it comes to cross-border trucking.

I want to read a quote from the findings of the arbitration panel. That quote is printed on this chart. I want to read it to my colleagues:

> 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.

The arbitration panel made clear that under NAFTA, the United States is within its rights to impose whatever safety regimen it considers necessary to ensure safety on U.S. highways.

While the Department of Transportation has stated it is seeking to treat U.S., Mexican, and Canadian trucks in the same way, the fact is, we are not required to treat them in the same way. Where greater safety risks exist, we are entitled under NAFTA to impose stricter safety conditions. That is what the provisions adopted unanimously by the Appropriations Committee do. They establish stricter safety conditions for those Mexican trucks that want to travel anywhere in the United States.

It is a very convenient argument for the administration to claim these safety provisions somehow violate NAFTA. They make that argument for one reason and one reason only: because they want to convince Senators they must choose between safety and free trade. I am not fooled. The Committee on Appropriations and its Subcommittee on Transportation were not fooled, either. I voted for NAFTA, but I also read the arbitration panel's decision that made clear we are within our rights to impose whatever safety requirements are necessary to protect our highways. The safety requirements that the Department of Transportation has proposed are grossly inadequate.

Now, lest anyone thinks this is partisan, I make clear I think the truck safety record under the Clinton administration was not any better. We have a lot to do in terms of moving the safety agenda forward, not just in terms of Mexican trucks but all trucks.

Let me take a few moments to discuss in detail the truck safety provisions that were reported in the committee bill. First, inspectors must be on duty. The provision adopted unanimously by the committee requires Mexican trucks cross the border only at those points where inspectors are actually on duty.

The DOT inspector general found that Federal and State border inspectors were on duty 24 hours a day at only two border crossings. Mexican trucks crossing the border during off hours are not subject to inspection. The committee provision requires that Mexican trucks cross the border only at those inspection stations where inspectors are actually on duty. How can anyone possibly argue that our safety is being protected if these trucks are rolling across the border where no safety inspector is on duty? Yet that is currently the case at certain times of the day at 25 of the 27 border crossings.

The inspector general has compiled data that shows conclusively that there is a direct correlation between inspection staffing levels at the border crossings and the quality of trucks that cross at those border crossings. Put simply, trucks that need to worry about being inspected tend to cross the border at those crossings where an inspector is not on duty. That is a loophole that must be closed.

Second, Mexican truck companies must have thorough compliance reviews. The DOT plans to issue conditional operating authority to Mexican truck companies based on a simple mail-in questionnaire. All that the Mexican truck companies will need to do under their plan is to check a box saying they have compiled with U.S. regulations and their trucks will start rolling across the border. In fact, under the DOT plan, Mexican trucking companies would be allowed to operate for at least a year and a half before they would be subjected to any comprehensive safety audit by the Department of Transportation. Under the committee provision, no Mexican trucking firm will be allowed to operate beyond the commercial zone until inspectors have actually performed a compliance review on that trucking company. This review will look at the conditions of the trucks and the recordkeeping. They will determine whether the company actually has the capacity to comply with U.S. safety regulations.

Once they have begun operating in the United States, Mexican trucking firms will undergo a second compliance review within 18 months. That second review will allow the DOT to determine whether the Mexican trucking firm has complied with U.S. safety standards. It will allow them to review accident and breakdown rates, their drug and alcohol testing results, and whether they have been cited frequently for violations.

Third, compliance reviews of Mexican trucking firms must be performed onsite. 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. When it comes to Mexico, the Department of Transportation 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, logbooks, wage and hour records, and much, much more. You cannot perform a compliance review at a remote site. It is not even a poor substitute.

At the same time as the DOT claims it wants to provide for equal treatment between U.S. trucking firms, Mexican trucking firms, and Canadian trucking firms, they want to establish a huge loophole where Mexican trucking firms don't have to be subject to inspection. There is a long list of abuses that could result if inspectors never visit a trucking company's facility. For the life of me, I cannot imagine why the DOT wants to allow those potential abuses on the part of Mexican trucking firms while insisting every compliance review in the United States and in Canada is performed onsite.

Fourth, we must verify all documents at the border. The provision that has been reported by the committee requires that the license, registration, operating authority, and insurance of every Mexican truck be verified at the border. This is absolutely essential if we are to be sure that the vehicles crossing the border are being driven by experienced drivers, with safe driving records, and that the vehicles are insured and registered.

It is well understood that, while the condition of a truck is important when it comes to maintaining safety, the capabilities of the driver are far more important when it comes to minimizing the risk of a fatal accident. Our experience in dealing with illegal immigration and illegal drug trafficking across the United States-Mexico border has shown that there is a recurring problem of forged documents among people crossing the border.

We cannot allow individuals with forged documents to drive 18-wheelers anywhere in the United States. It is simply common sense that we make the extra effort to verify the license, insurance, and registration of the trucks when they cross the border.

Fifth, we must require scales and weigh-in-motion machines at the border. The provision passed unanimously by the committee requires all border crossings to be equipped with both scales and weigh-in-motion machines.

At present, vehicles in Mexico are allowed to operate at weights that are far in excess of permissible weights in the United States. There are no weigh stations currently operating in Mexico. None. The reasons for requiring both weigh-in-motion machines and scales at each border crossing are simple: to

move trucks rapidly while keeping overweight trucks out of the United States. It would be very time consuming to put every truck on scales as they cross the border. However, weigh-in-motion machines allow our inspectors to pull out of the line only those few trucks that they suspect to be overweight. At present, the Federal Motor Carrier Safety Administration will not allow an enforcement act to be taken against an overweight truck based on the findings of a weigh-in-motion machine, so scales are necessary for the DOT to actually enforce U.S. weight restrictions. There is no point in weighing the vehicles if you are not prepared to take enforcement action against those that are overweight.

Recently, the DOT praised extensively the border safety regime in place at the Otay Mesa border crossing in California. Otay Mesa has both weigh-in-motion machines and scales to conduct enforcement actions on overweight trucks. That is the model that the committee provision would extend to other border crossings between the United States and Mexico.

Sixth, we must require Mexican firms to have U.S. insurance. The provision adopted unanimously by the committee requires Mexican trucking firms to obtain insurance, and their insurer must be licensed to operate within the United States.

This is the requirement that currently pertains to Canadian trucking firms seeking to operate in the United States. We do not understand why, if the requirement is good enough for the Canadian trucking companies, the DOT thinks it's too onerous for the Mexican trucking companies.

There could be significant hurdles and challenges to collecting insurance claims from Mexican insurers. American motorists who have been injured by Mexican trucks could face serious jurisdictional hurdles to getting compensated for their injuries.

We will also be able to verify the solvency of these insurance companies writing these insurance policies if they are operating in the United States. We will not have that capability when it comes to Mexican insurance companies.

At present, the Mexican trucks crossing the border legally into the commercial zone purchase insurance policies that last only 1 day. These insurance policies are granted by Mexican insurance companies routinely without any knowledge of the condition of the truck.

Do we really want a situation where a Mexican trucking firm heading to Chicago and back has an insurance policy that is only 5 days long with the trucker getting a different policy from a different insurance company every time he crosses the border?

We must make sure that the Mexican trucking companies operating in the U.S. have the kind of insurance that is verifiable, sustainable, solvent, and cooperative when it comes to paying off claims made by U.S. motorists and U.S. companies that have been injuried by Mexican trucks.

Seventh, we must ensure rules are in place before the border is opened. The provision unanimously adopted by the Appropriations Committee requires that critically important safety rules are 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 rules that would be required to be published before the border can be opened include: Rules mandating that foreign trucking companies including Mexican trucking companies be aware of U.S. safety standards; rules establishing minimum training standards for U.S. truck inspectors; rules requiring the development of staffing standards to determine the appropriate number of inspectors at the Mexican border; rules prohibiting foreign motor carriers, including Mexican trucking companies, from leasing their vehicles to another trucking company if they have been subjected to a suspension, restriction, or limitation on their right to operate in the U.S.; and rules permanently disqualifying any foreign motor carrier that is found operating illegally in the United States.

All of these rules are specifically pertinent to the safety challenges presented by Mexican trucks.

All of these rules were called for in the Motor Carrier Safety Improvement Act that was signed into law over a year and a half ago.

But the DOT wants to put the cart before the horse. The DOT wants to allow Mexican trucks across the border first and then develop the pertinent safety standards later.

When the Congress passed the Motor Carrier Safety Improvement Act, we did so with the knowledge that we would be facing a day in the future when Mexican trucks may be allowed free access into the United States. That is why the strong safety requirements were put into that bill.

Now the DOT wants to let the Mexican trucks across the border without implementing these new requirements. The DOT is arguing that it may take a year or two to finalize these regulations and to put these rules into place.

If it requires an extra 12 months so that safety is not undermined by the influx of Mexican trucks, then it will be worth the wait.

Eighth, inspector positions must be filled by trained inspectors. The provision adopted unanimously by the committee fully funds the DOT's request for 80 additional inspectors for the Mexican border.

The committee provision also includes a requirement to ensure the DOT does not fulfill the requirement by simply moving safety inspectors to the border from elsewhere in the country.

We have Federal Motor Carrier Safety Inspectors in my State and every other State, and they are charged with maintaining truck safety in those states. I don't think that any of us want to see all our truck safety inspectors throughout the U.S. move down to the Mexican border just so the DOT can allow trucks to be moving across the border by this fall.

Ninth, our borders must have adequate inspection capacity. The DOT Inspector General found that in 47 percent of the border crossings, Federal and State inspectors had space to inspect only one or two trucks at a time. At more than half of the border crossings, inspectors had only one or two spaces to park out-of-service trucks. That fact severely undermines their ability to order trucks off the road.

It is one thing to say that you have inspectors on duty, and it is a very different thing to say that there is sufficient capacity at the border to do meaningful inspections and, if need be, order trucks off the road.

The provision, reported unanimously by the committee, requires the DOT inspector general to certify that the inspection stations have sufficient capacity to conduct meaningful inspections and the ability and capacity to order trucks off the road if necessary.

Tenth, we must have adequate data systems in place. The provision adopted unanimously by the committee requires the inspector general to certify that the database that is being compiled on Mexican trucking firms and Mexican drivers is sufficiently accurate and accessible to allow U.S. law enforcement authorities to conduct their work.

These databases are key if we are going to be able to monitor the safety performance of Mexican trucking firms and Mexican truck drivers.

The DOT inspector general found significant problems with the accuracy and completeness of the law enforcement databases on Mexico-domiciled trucking companies.

In fact, they found that there were 900 Mexican trucking companies that could not be accounted for between the database on insurance and licensing and a separate database that houses identification numbers.

While it is true that the Mexican Government is starting to compile its own databases, it is widely recognized that there is not nearly enough information in the database to enable U.S. law enforcement to gather any information on the safety record of Mexican trucking firms and Mexican drivers.

The committee provision requires the DOT inspector general to certify that these databases are actually functioning in a way where U.S. law enforcement can do its job.

It is not enough to have the computers operating. There needs to be sufficient information to allow U.S. law enforcement to keep unsafe Mexican trucking firms and unsafe Mexican drivers off our roads.

Eleventh, we must be able to enforce license revocation. When our colleague Jack Danforth was in the Senate and serving as chairman of the Commerce Committee, he made a great many contributions to transportation safety.

One of his greatest contributions was the law requiring a uniform commercial drivers license 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 all of that. He put a system in place in the United States where we monitor the issuance of commercial drivers licenses in all 50 States, to make sure that multiple licenses aren't being issued to the same driver.

There is no such system in Mexico. In fact, there is hardly any computerized data on who is getting a commercial driver's license in Mexico. There is almost no data on the driving record history of Mexican drivers within the Mexican system.

The provision unanimously adopted by the committee requires the DOT inspector general to certify that there are mechanisms in place within Mexico to ensure that Mexican drivers with insufficient driving records have their licenses revoked and cannot get a new license through surreptitious means.

The DOT claims that it supports subjecting Mexican drivers and Canadian drivers to the exact same standards as U.S. drivers. Yet there is absolutely no mechanism in place in Mexico to make that into a reality.

No one in Mexico is monitoring the safety record of Mexican drivers to any degree of accuracy. As of today, there is no capability of U.S. law enforcement authorities to tap into a database that is sufficiently comprehensive to give a clear picture of an individual's driving record in Mexico.

It is going to take several months for the Mexicans to compile such a database and, even then, its accuracy is going to be questioned.

None of us wants a catastrophic truck accident in our State and to find out that it was the driver's fourth or fifth accident. If we are serious about subjecting all truckdrivers to the same safety standards, then there needs to be some mechanism in place to ensure that the driving performance of Mexican truckers is being monitored as it is here in the United States.

Twelfth, the California inspection plan. The final provision I would like to discuss is the pending amendment before the Senate. It is sponsored by Senator SHELBY and myself. We laid the amendment down last Friday when the bill was first brought up in the Senate.

We think it is an important measure that strengthens the truck safety provisions in the underlying bill.

During the hearings last week in both the House and Senate authorizing committees, much attention was paid to the inspection system that has been implemented by the State of California to handle the safety deficiencies posed by Mexican trucks. The California system requires every truck seeking to cross the border to be fully inspected at least every 90 days. This requirement is dramatically more stringent than currently exists at the border with Texas, Arizona, or New Mexico.

As a result of this stronger enforcement effort, the percent of Mexican trucks ordered off the road has dropped to a level that is better than that of other border crossings.

The provisions in the bill already reported by the committee require strict new measures to verify the licenses, registration, operating authority, and insurance of all Mexican trucks crossing the border.

This additional amendment will impose the California plan at all border crossings between the U.S. and Mexico.

It is my understanding that the administration supports the imposition of this new inspection regime. I think it strengthens the bill in an important way that will better protect the safety of our constituents.

Finally, it has been alleged that all of the safety measures that have been included in the committee bill will cost more money than has been provided to date.

If the DOT needs more money to ensure the safety of America's highways, then I believe that Secretary Mineta and OMB should come forward with a request for the additional funds.

The appropriations bill reported by the committee already provides $15 million more for the border truck safety activities than was requested by DOT. If the DOT comes forward with a formal request for more resources, the committee will work with the Department to find the necessary resources. It will be money well spent.

For several years, our country has been looking for a way to balance the open trade—called for by NAFTA—with the safety we expect on our highways.

We understand that commerce must move, but we are concerned about the safety of Mexican trucks—especially since they are 50 percent more likely to violate our safety standards.

After a lot of hard work, after listening to the safety experts, the Department of Transportation, the GAO and the industry, we have come up with a plan that allows both goals—free trade and safe roads—to progress side by side.

This bill will not violate NAFTA. The arbitration panel already told us that we can take steps to ensure our safety.

Let me repeat that. The official panel that determines compliance with NAFTA has already told us we can take the safety measures we need. This bill does not violate NAFTA.

This bill won't stop trade across our border, but it will stop unsafe drivers and unsafe trucks from threatening the American public.

Under our bill, when you are driving on the highway and there is 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 as 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 are 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, we will revoke his license.

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's a real safety program.

This is a solid compromise. It will allow robust trade while ensuring the safety of our highways.

I appreciate that some Members want to take a different approach. I am here, and I am willing to listen to constructive ideas.

But as a country, we should not move toward weaker safety standards.

And as a Senator I will not help the Senate weaken the standards that ensure the safety of the American public.

We can have free trade and safe highways—and this bill shows us how.

It sets up a real safety program that will keep Americans safe and it fully complies with NAFTA.

I urge my colleagues to support this pro-safety, pro-trade bill.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I ask unanimous consent that the Senator from North Dakota, Mr. DORGAN, be immediately recognized after my remarks.

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

Mr. SHELBY. Madam President, I know that we have and will hear a great deal about Mexican trucks during the consideration of the Transportation appropriations bill, and much of the information will seem to be inconsistent or contradictory. In the interests of a meaningful and productive discussion of the issue, I would like to summarize what we do know about Mexican trucks.

According to the Department of Transportation inspector general, during Fiscal Year 2000, the Federal Motor Carrier Safety Administration reports show that Federal and State inspectors performed 46,144 inspections on Mexican trucks at the border and within the commercial zones. For those inspected, the out-of-service rate declined from 44 percent in fiscal year 1997 to 36 percent

in fiscal year 2000. By comparison, United States trucks' out-of-service rate for fiscal year 2000 was 24 percent.

Clearly, the data we do have indicates that the out-of-service rate for Mexican trucks in 50 percent higher than our own domestic truck fleet. Accordingly, we need to do more to inspect trucks entering the United States at the Mexican border.

The President's budget request and the committee reported Transportation appropriations bill does do more: the President's budget requested $88 million for inspectors and new border inspection facilities and the committee reported bill provides a minimum of $103 million for inspectors, safety grants to states, and new border facilities—quite an increase.

In the near term, developing an inspection capability that includes providing inspectors and inspection facilities at the border crossings is central to ensuring compliance with United States safety regulations.

Unfortunately, those capabilities, necessary regulations, forms and facilities are not yet in place to provide an inspection and enforcement regime that can assure Americans that Mexican trucks entering the United States, including the commercial zone, can match the out-of-service rates of the United States trucking fleet, much less the Canadian trucks operating in the United States.

No one should believe that Mexican trucks are inherently any better or any worse than trucks from any other country—the United States or Canada.

But unless a Mexican inspection regime is in place in that country that can give Americans the confidence that trucks from Mexico are statistically as safe as trucks operating in this country, we must provide an inspection and regulatory system that insures that trucks entering from Mexico meet a minimum level of fitness to operate on our highways.

There has been a clamor that somehow providing an inspection and regulatory regime for Mexican trucks entering the United States violates NAFTA. As a Senator who did not support NAFTA, I do not believe that NAFTA should dictate what the United States Congress can and cannot do regarding the safety of vehicles operating on our highways.

In fact, NAFTA itself provides that motor carriers entering a NAFTA country must comply with the safety and operating regulations of that country. Accordingly, requiring that Mexican truck drivers have a valid commercial driver's license or that Mexican-domiciled trucks are safe is clearly within the spirit and the letter of NAFTA.

The NAFTA arbitration panel held:

> The 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 the duty, I believe, of the U.S. Congress to provide the policy guidance for those U.S. authorities. The committee-reported bill takes the appropriate steps to provide that policy guidance.

Let me briefly describe the Murray-Shelby language that is in the committee-reported bill and the amendment to that language currently before the Senate.

In addition to the minimum of $103 million for inspectors, safety grants to States, and new border facilities, under the committee-reported bill:

We require the Department of Transportation to only allow Mexican trucks to cross the border at inspection facilities where inspectors are present and on duty;

Further, we require the Department of Transportation to allow the full opening of the border only—yes, only—when the inspector general certifies that all of the 80 new inspectors provided under the committee funding recommendation are fully trained as safety specialists capable of conducting compliance reviews;

Further, we require the Department of Transportation to perform a full safety audit of each Mexican trucking firm before any conditional operating certificate is granted and then to perform a full followup compliance review again within 18 months before granting a permanent operating certificate;

Further, we require that all safety audits of Mexican trucking firms take place on-site at each firm's facilities;

We prohibit the full opening of the border until the inspector general certifies that the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance on the part of Mexican truckers with pertinent hours-of-service rules;

Further, we prohibit the full opening of the border until the Inspector General certifies that the information infrastructure of the Mexican authorities is sufficiently accurate, accessible, and integrated with that of U.S. law enforcement authorities to permit the verification of the status and validity of licenses, vehicle registration, operating authority, and insurance of Mexican-domiciled motor carriers while operating in the United States;

Further, we prohibit the full opening of the border until the Department of Transportation requires checks of Mexican-domiciled trucks by federally funded inspectors for violations of applicable Federal regulations;

Further, we prohibit the full opening of the border until the inspector general certifies that there is adequate capacity to conduct a sufficient number of truck inspections to maintain safety;

Further, we prohibit the full opening of the border until the Department of Transportation equips all Mexican border crossings with weigh-in-motion systems as well as fixed scales for enforcement action;

Further, we prohibit the full opening of the border until the inspector general certifies that there is an accessible database containing sufficiently comprehensive data to allow for safety performance monitoring of all Mexican drivers entering the United States; and

We prohibit the full opening of the border until the inspector general certifies that the Department of Transportation has published certain overdue regulations relating to motor carrier safety.

In addition, the pending Murray-Shelby perfecting amendment improves the inspection requirement in the Mexican truck provisions in the committee-reported bill to require the inspection of all Mexican trucks that do not display a current Commercial Vehicle Safety Alliance—CVSA—inspection decal—and requires renewal of those decals every 90 days.

This is the so-called California standard, and adding it to the underlying inspection and enforcement regime included in the committee-reported bill, we believe, improves the overall inspection process.

According to the Commercial Vehicle Safety Alliance, current data and information on Mexican companies, who intend to travel internationally from Mexico to the United States, is quite limited. This is because:

First, there have been few safety regulatory requirements placed on the industry until very recently;

Second, there are a limited number of personnel trained and continually performing oversight functions; and

Third, the information infrastructure has not been in place to capture and record the results of the current limited oversight being performed by the Mexican Government.

Given the shortcomings in the inspection and regulatory regime for Mexican trucks and the immediacy of the Mexican truck issue, the Murray-Shelby approach is one way to move this issue forward while balancing the need to foster safety on our highways without closing the border to Mexican trucks.

While this is an emotional issue for many, the Murray-Shelby approach is a dispassionate treatment of the core issues related to inspection, border and information infrastructure investment, and providing a rational playing field for international trucking activities. I stand ready, with the Senator from Washington, to work with interested Members and the administration to move this legislation to conference.

In conference, we will continue to work with all interested parties to make sure that the requisite investments and safety protections are in place to further the Nation's interests in a safe, economically viable, and fair international truck inspection system.

Madam President, I yield the floor.

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

Mrs. MURRAY. Madam President, I ask unanimous consent that following the remarks of the Senator from North Dakota, the Senator from Colorado be allowed to speak for 10 minutes.

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

The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a very interesting and a very important issue. There are a number of ways to address this issue. One method is to address it in the manner chosen by my colleagues, Senator MURRAY and Senator SHELBY. Another method would be the approach chosen by the House of Representatives that passed by a nearly 2-to-1 margin, a provision that simply prohibits the use of funds in the next fiscal year to license trucks to go beyond the 20-mile limit that are doing hauls out of Mexico.

Let me describe this issue, if I might, so that we all get an understanding of what is happening. We are trying to plug together two economies with NAFTA, the North American Free Trade Agreement. I did not vote for NAFTA. I did not think it was a good trade agreement. I thought it was terribly negotiated, badly negotiated on our behalf. And I think evidence suggests that has been the case.

We took a trade relationship with Mexico, which had a small surplus for us, and turned it into a very large deficit that is growing and growing and growing. We took a deficit with Canada and doubled it, and then some. So I do not think NAFTA turned out very well for a range of reasons.

We were told, when we passed NAFTA: NAFTA will allow the product of unskilled labor from Mexico to be moved into the United States; and that is essentially what will happen with respect to the trade coming from Mexico. In fact, since NAFTA was passed, what are the most common imports and the largest imports from Mexico to the United States? The product of skilled labor—automobiles, automobile parts, and electronics—exactly the opposite of what was suggested when NAFTA was enacted.

But aside from all of that, aside from the fact that it has taken skilled jobs away from the United States and moved them to Mexico; aside from the fact that it has turned a surplus with Mexico into a huge trade deficit, we are now told by a panel that negotiates these issues of trade compliance that we must allow Mexican long-haul truckers into this country.

We have, since the NAFTA agreement, prohibited Mexican long-haul truckers from going beyond the 20-mile limit established by the previous administration. We are now told that must change, and we must allow access to the United States by Mexican long-haul truckers. Many are concerned about that, myself included.

Let me give you just an example of why one might be concerned.

The San Francisco Chronicle did a piece by sending a reporter to Mexico, who spent 3 days on the road with a Mexican long-haul trucker. I thought it would be interesting to discuss what happened with that Mexican long-haul trucker. It was described in a rather interesting and useful piece in the San Francisco Chronicle.

This was a trucker who went from Mexico City to Tijuana. That is the equivalent of driving from the bottom of Texas to the northern part of North Dakota; it is a very long trip. This driver traveled 3 days, 1,800 miles; and during the 3 days he slept 7 hours. Let me say that again. This person drove 1,800 miles and was awake 21 hours a day. No logbooks. No minimum hours of service. No drug testing. No inspections for safety.

The question is this, for this country: With such a different set of standards as relates to Mexican trucks versus United States trucks, and the Mexican trucking industry versus the United States trucking industry, do you want to drive down an American highway and in your rearview mirror see an 80,000-pound 18-wheeler behind you that may or may not have been inspected, and may or may not have brakes, and may or may not have been driven by somebody driving for 18 hours straight? Is that what you want for you and your family to see in your rearview mirror? Is this just sort of scare nonsense that we talk about? No, not at all.

Look at the difference in standards. We take great care in this country to describe very specific requirements for trucking firms and their drivers in the United States. They must have logbooks to describe how long they have driven and where they have driven. They must have safety inspections. They must take drug tests. They must have safety inspections on the equipment. There are minimum hours of service. There are a whole series of requirements they must meet. Why? Because in this country we decided long ago that if we are going to share our highways—and we must—with this very important part of our transportation system—trucks—then we want to be sure that some 2-door compact car sharing that highway with an 18-wheeler carrying 80,000 pounds—we want to make sure that safety is a preeminent condition in this country. So we established regulations. Some say all regulations are bad. I don't believe that. I think some regulations are critically necessary—for safe food, healthy drinking water, safe highways. On the issue of safe highways, we decided long ago with respect to our trucking industry what kind of requirements they must meet, and we have the inspectors, we have the investigators, we have the entire system in place.

This book is the ''Federal Motor Carrier Safety Regulations,'' January 1, 1999, last revised. This is from the Department of Transportation. This rather large, imposing book is full of regulations. Why? It is to provide for public safety on America's roads. Now if that is what we do in this country, what happens in Mexico? Nothing equivalent to this happens in Mexico. Some say: Well, you know what you are doing. NAFTA was a trade agreement between the United States, Mexico, and Canada, and you are coming to the floor only talking about Mexico. Why not Canada?

The reason is obvious. Canada has a rather similar economy to ours. They have similar trucking regulations and safety requirements to ours, but there is nothing that is remotely similar with respect to Mexico. So we must, it seems to me, be concerned about the lifting of this 20-mile limit of Mexican long-haul trucks coming into this country. President Bush indicates he wants to do that on January 1. I disagree. The authors of the Transportation appropriations bill have a provision in this bill that says to the President: You can only do this under certain circumstances and under certain certifications. I happen to think that is a step in the right direction. I would much prefer, however, that we simply shut off funds for this purpose in the coming fiscal year. I have seen people certify anything—Republican and Democratic administrations. They have certified many things. If we say you must certify with respect to drugs in Mexico, they do it. If we say you must certify that El Salvador, in the 1980s, was responsible for human rights violations, they certify it.

I am worried about anything that requires anybody to certify because I think there are people here who will certify to almost anything, who will sign a blank sheet of paper. We are nowhere near ready to allow Mexican long-haul trucks into this country. We had a hearing in the Commerce Committee last week. I am a member, and I sat there all morning. I inquired of the witnesses. Some of the witnesses were the Secretary of Transportation, the inspector general, the head of the Teamsters Union, and so many others. I inquired of those witnesses, and the one conclusion with which I think everyone came away from that hearing is that there isn't a ghost of a chance of this country being ready to allow Mexican long-haul trucks into this country without compromising basic safety on American roads.

Let me cite some examples. This is the inspector general report of the Department of Transportation. He talks about the capability of inspecting Mexican trucks coming into this country. I think we have 27 border crossings. Only two of those border crossings have full-time inspectors 24 hours a day. So out of all the border crossings that would allow Mexican trucks to come in, only two have inspectors 24 hours a day. At 20 of the crossings, the inspectors who were there—and there are only a few of them—didn't have dedicated phone lines to access any databases so they could validate a simple thing like a commercial driver's license. At 19 of the locations, the inspectors had space to inspect 1 or 2 trucks at a time. At 14 of the locations, inspectors had 1 or 2 spaces to park vehicles placed out of service.

The inspector general talked to us about having to turn Mexican trucks

back. He said: You know, we have a problem if we don't have a place to park them. I said: Why can't you turn them around? He said: For example, we have a Mexican truck come to the border and it is inspected—incidentally, 2 percent are inspected, so most of them are never inspected—but we inspect it. I said: Why can't you turn it back? He said: No, we have to park it. I said: Why? He said: Because it had no brakes. So we have an 18-wheel truck, with no brakes, trying to get into the United States, but they can't turn it back to Mexico because it has no brakes. To the extent that they have insurance, they buy 1 day of insurance.

So, look, the testimony by the Secretary of Transportation, the inspector general, and others demonstrates clearly that we are nowhere near being ready to allow Mexican long-haul trucks into this country.

This IG's report is a fascinating document that I suggest all of my colleagues read. Thirty-six percent of the Mexican trucks are turned back for serious safety violations—serious violations—and most of the trucks are not inspected at all. The implication is that we will somehow have the capability on January 1 to have a rigorous inspection and compliance program with respect to these Mexican trucks. There is nothing like that that is capable of being done between now and January 1. That won't be done between now and 2 years from now, in my judgment.

The only way you can possibly do this is if you have enough inspectors at the border and compliance officers to go down and actually make onsite compliance inspections of the Mexican trucking firms. There aren't anywhere near the resources to do that. Even the resources requested by the administration in this year's budget come up short of doing what they say they will or must do in order to be ready for January 1. They talked about the number of inspectors they would need—139—and then the IG said, by the way, that is the minimum number, that it would actually be more than that. The administration requested that number, and they came up 40 inspectors short because they are using the number twice for inspectors and compliance officers.

The point is that none of this adds up. It is fuzzy math, fuzzy policy. It is plain bad policy, in my judgment, to suggest we are anywhere near the time when we should allow Mexican long-haul trucks into this country.

The hearing we held last week persuaded me that we need to take aggressive and bold action. I am going to file an amendment—I do not know at this moment whether I will call it up—I am going to file an amendment this morning that will allow the Senate to vote on the House language.

The House language says simply: There shall be no funding allowed for the processing of applications for these trucks or licenses for these trucks to exceed the 20-mile limit in the coming fiscal year.

Is that going to change anything? No, because there is not a ghost of a chance of anyone being able to comply or to certify that we have the inspectors or the ability to allow these trucks into the country in the first place and still maintain safety on America's roads.

The fact is, even with the 20-mile limit—on this chart the States outlined in red are where Mexican trucks have been seen and Mexican truckdrivers stopped by law enforcement authorities. These are just the ones that have been stopped. Yes, it includes North Dakota.

I am constrained to say, as bad as this trade agreement was which hurts us on the northern end by allowing unfairly subsidized Canadian grain to come into this country, that what we will have now is the perverse circumstance, perhaps, of unsafe Mexican trucks hauling subsidized Canadian grain to American cities. Talk about a hood ornament for foolishness, that is it.

The States in red are where we have already seen Mexican trucks moving into this country, in violation of the law, I might add. The administration's proposal is to on January 1 open it up completely.

The DOT Office of Inspector General mentioned 36 percent of the Mexican trucks that were inspected were placed out of service. In fact, it said something more than that; it said serious safety violations. I mentioned one example of why they could not move the truck back into Mexico. They had to park it because it had no brakes.

A 1998 estimate was that 139 inspectors were needed. That is a conservative number. That number is based on conditions in 1998 and did not account for changes, such as expanded hours of operation and growth in commercial traffic.

They are 40 short of this number, but even that number, the IG says, is short of what is needed. Currently, the only permanent inspection facilities at the United States-Mexico border are the State facilities, two of them in California. Excluding those two crossings, they observed the following conditions: At 20 crossings, inspectors did not have dedicated phone lines. I mentioned that. At 19 crossings, they had the capability to inspect only 1 or 2 trucks.

All of us understand, we are talking about a Presidential veto. God forbid the President should veto this bill. It does not matter to me if he vetoes this bill. What matters to me is that we do good public policy that ensures the safety of the American people. That is all I am interested in.

The first and most important step we should take in the Senate, in my judgment, is to take the House language, put it in the Senate bill, and go to conference, and the House and Senate will have said: We will not allow funds to be used in this fiscal year to allow Mexican trucks to come into this country beyond the 20-mile border because it will jeopardize the safety of American highways.

Senator MURRAY and Senator SHELBY have put a provision in their bill, and if the provision works as it is written, I expect it will do the same as I propose to do with the House language.

My great fear is we have too many people in this town who will certify to almost anything, and an administration that wants to open it up on January 1, very likely, unless we prohibit the expenditure of funds to do so, will find a way to open that border. In my judgment, that will jeopardize safety on American highways.

I will conclude where I started. Some of the best evidence is anecdotal evidence. We have some information about accidents and the condition of Mexican trucks and the fact that there is very little done with respect to logbooks. In fact, Mexico requires logbooks, but they do not enforce it.

It is like when the maquiladora plants hosted American companies that wanted to build manufacturing plants to manufacture south of the border, and they said: Well, gosh, Mexico has very strict environmental laws with respect to polluting the air and water. Sure they do. They just do not enforce them. So what if they have the laws? It is totally irrelevant. You can have all kinds of laws on the books; if you have a blind eye to the enforcement, it is totally irrelevant.

With respect to this issue of logbooks and other things, some say: Mexico requires logbooks. Yes, they sure do; and nobody has them, and nobody cares.

I started with the anecdotal piece about the San Francisco Chronicle, and I will finish with that.

It is not, I am told, out of the ordinary for long-haul trucks in Mexico to be driven by Mexican drivers who are paid $7 a day, driving 15, 20—in this case, nearly 21—hours a day for 3- or 4-day trips.

The San Francisco Chronicle talked about the truckdriver who left Mexico City and drove to Tijuana. He drove 3 days. That driver slept 7 hours in 3 days, making $7 a day, driving a truck that would not have passed inspection in this country with a cracked windshield. No logbook, no drug inspection, no mandatory safety inspection on the vehicle.

Is that really what we want to allow to come into our country at this point? I think not. It has nothing to do with who it is. It has everything to do with whether it is safe.

The answer is, until the country of Mexico not only has regulations and standards that we can count on and rely on and that are enforced, and enforced rigorously, we ought to decide we will not let safety on America's highways be jeopardized, and the way to do that is, in my judgment, to pass the House prohibition on funding.

As I indicated, I am filing the amendment this morning. I am obviously going to continue to talk to colleagues.

I share the same concern and interests that my two colleagues do. I think the language they have written is good language. I just believe in the end we will have people certifying to anything and the administration will find a way to allow these trucks to come in on January 1. That will be a giant step in the wrong direction for safety on America's highways.

We ought not ever engage in trade agreements that would in any way force us or squeeze us to compromise safety in this country. It does not matter whether it is food safety or highway safety, nothing in trade agreements ought to require us to diminish our standards that we have established for people in this country. That is why I am so concerned about this issue.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized.

Mr. CAMPBELL. Madam President, after listening to my colleague from North Dakota, I could say ditto and let it go at that because I certainly agree with his comments. I am inclined to tell the Senator from North Dakota, if he offers the amendment mirroring the House language, I would probably support that.

I want to speak today in support of Chairman MURRAY's language in the fiscal year 2002 Transportation appropriations bill, and I want to speak in favor of this language for a couple of minutes.

First and foremost, the safety of every American who travels on our streets and highways must not be compromised by vehicles that are unsafe by American standards, despite trade relations.

All of us in the Senate make our decisions based on a personal frame of reference, and certainly my frame of reference includes the 6 years I drove as a professional driver while I was putting myself through college years ago. In fact, I am still probably the only Member of the Senate who has a commercial driver's license and, in fact, still drives, more as an escape from the tediums of the Senate work than anything else, but I still get out on the road pretty regularly. I speak to drivers and spend a great deal of time at truckstops and places where they frequent, listening to their concerns.

I know the safety requirements that each American driver must adhere to are very complete. I am concerned that without the language provided in this bill and report, Mexican drivers will not be subject to the same standards. I am sure there are some very skilled and talented Mexican drivers, and we have to be very careful to make sure we do not do a blanket indictment on the Mexican trucking industry. My comments are certainly not meant to do that.

The standards between the equipment and the monitoring between drivers in the United States and Mexico, unlike the drivers of the United States and Canada, are worlds apart. This is an enormous safety issue, as my colleagues have already mentioned, and I do not think we should ignore this for a minute.

Mile for mile, American truckdrivers are much safer than drivers of automobiles. The single drivers are averaging about 5,000 miles a week in the trucks and, if they are team drivers, probably 10,000 miles a week. They have to be safe drivers.

Certainly those who have driven or have been around accidents involving trucks know that many of the trucks from Mexico are not in good repair. The average fleet of the American trucking industry, I am told, is 3 to 6 years old. These are figures I quote from the American Trucker's Association. The average Mexican fleet is 15 years old. When averaging 100,000 miles a year, it does not take much math to figure there is a huge difference in upkeep and maintenance on a truck traveling that much more over a period of 15 years. Wear and tear on the truck is huge.

In a truck-auto accident, obviously, the trucker will not get hurt—80,000 pounds versus 3,000 pounds. The law of physics says whoever is in the smaller vehicle will receive the most damage. Passenger vehicles driving alongside a truck face serious safety hazards if the truck is not in good repair. My concerns regard the unsafe trucks that are not being regulated.

American truckers, to be qualified for CDL, have to pass eight written tests, several driving tests, a physical every 2 years, and ongoing training in the company, which is in turn federally regulated. It is very easy to lose their license for any small infraction dealing with alcohol, drugs, or unsafe driving. There is almost zero tolerance allowed to remain a professional driver.

To my knowledge, Mexican drivers are not restricted to hours of service. This has been mentioned before. The U.S. truckdrivers are restricted. Each American truckdriver has specific regulations as to how long he is allowed to drive, how many hours he can be at the wheel, and he has to keep meticulous records in a logbook dealing with every single minute he is behind that wheel. The record is checked on a regular basis, and significant fines are levied to both the drivers and the owners of the vehicles who violate the service regulations.

By the way, I am holding one of the books of regulations, 1,112 pages long. There are seven of these books. This is title 49, section 171–180, and it is one of the sections dealing with transportation. This simply deals with transportation of hazardous materials. All American shippers, all carriers, and all drivers have to comply with the rules. Who in the heck will monitor compliance for the Mexican trucks? I can read English and speak it pretty well, but one must read some of the sections three or four times to understand the nuances of the regulations. I defy anybody to tell me the trucks coming from Mexico will comply with the letter of the law and the regulations as American drivers do.

The Mexican truck drivers are under no safety regulations, no incentive to adhere to our regulations, as I understand it. I raised these concerns as the Senator from North Dakota did when we were discussing the NAFTA treaty several years ago. We simply convinced very few people there were real dangers and of the unintended consequences of both fast track and the NAFTA agreement. Of course, it was shooed in. We are going to visit another agreement very shortly. I hope most of my colleagues in the Senate recognize sometimes in this pellmell rush to increase trade we have to revisit issues because we are not at all supportive at a later date.

The Mexico-based registered trucks are authorized to operate in a 20-mile border, as Senator DORGAN mentioned. This was provided under the original NAFTA agreement. They have been spotted, however, in 30 States, which I think is a clear violation of that trade agreement. Certainly it has not been addressed. Common sense demands the matter be addressed before we allow more uninspected trucks to enter our country.

Opponents of the Murray language point out the outstanding fine the U.S. must pay for violating truck agreements under NAFTA. I would like to know what the penalties have been for the Mexican trucks we have found all over the United States. This isn't an issue of discrimination or adherence to trade agreements, although they would like to reduce it to such, but an issue of safety for every American who travels the roads of America and an issue of fairness. A loaded tractor-trailer operating at highway speed is especially dangerous if the vehicle has worn brakes, bad steering, or any weaknesses in the integrity of the truck. We demand very strict safety guidelines, but clearly rollover risks are more acute when a truck is involved in an accident. A loaded semitruck of 80,000 pounds does not stop like a family sedan, but takes up to 10 times longer to stop.

I refer to an article in Land Line Magazine, and I ask unanimous consent it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit No. 1.)

Mr. CAMPBELL. This article in Land Line Magazine reports four members of the House Subcommittee on Highways and Transit, headed by subcommittee chairman THOMAS PETRI, and the ranking member, Representative ROBERT BORSKI, recently conducted a fact-finding mission on border inspection stations. The purpose of the mission was to view the station and consider the possibility of opening new ones. The members were impressed the way the inspection stations of California,

which have about a 25 percent out-of-service rate for the trucks from Mexico, similar to the ones in the United States. In other words, about one-fourth of the trucks, whether American or Mexican trucks, did not comply with the American safety standards. When it came to Texas, the results were vastly different because Texas doesn't have State facilities for inspecting. Clearly, if a trucker knows he will be stopped at one inspection system, he will go to the area of least resistance.

I refer to a paragraph in that article, quoting Representative BORSKI:

''Texas' inspection system is virtually nonexistent . . . Trucks pour over the border there. They may be safe and may be not.''

''Texas has no infrastructure to look at trucks,'' he added. ''During our visit, we were shown two parking spaces for inspecting trucks two at a time with 4,000 trucks per day at that crossing. The out-of-service rate was staggering. Texas Department of Public Safety Major Coy Clanton told us if they looked at seven or eight trucks, they would take five out of service for significant safety violations. I think the key is that a truck that isn't inspected will be neglected. I think that's the biggest danger.''

I hope, when asked to vote for fast track, that we recognize the danger of simply reducing ourselves to rubber stamps for any administration. I voted against NAFTA, as did my colleague from North Dakota. I recognize that is the law now. We have to abide by the agreement.

However, let me also refer to some of the comments made by Jim Hoffa, the general president of the International Brotherhood of Teamsters, that he provided in a hearing before the Senate Committee on Commerce, Science, and Transportation on July 18:

. . . the United States is under no legal obligation to implement the findings of the NAFTA panel. Under U.S. law, the health, safety and welfare of the U.S. citizens is paramount and to the extent NAFTA conflicts with any U.S. law dealing with health, environment and motor carrier/worker safety, U.S. law prevails. Even under the terms of NAFTA, the U.S. is entitled to disregard the panel's recommendation, and simply allow Mexico to take equivalent reciprocal measures or negotiate compensation or a new grant of some trade benefits to Mexico. Indeed, the United States has not traditionally allowed foreign countries or international bureaucracies to dictate its domestic policy, particularly where the health and safety of U.S. citizens is concerned . . .

Some would say that Mr. Hoffa, as the president of the Teamsters, may be somewhat of a protectionist. He has every right to be. By some estimates, the United States has lost 800,000 manufacturing jobs since NAFTA was implemented. Certainly the loss of jobs, although secondary to the safety of our people, is important. I think the language of this bill is vital to the health and safety of all of us. I urge my colleagues to support the Murray provisions of this bill.

I challenge the opponents of this position to explain why we should allow 80,000 pound accidents waiting to happen to drive the same roads our families drive.

I yield the floor.

EXHIBIT NO. 1

[From Land Line, July 2001]

CONGRESS FACT-FINDING COMMITTEE VISITS U.S.-MEXICO BORDER INSPECTION STATIONS

(By René Tankersley]

Four members of the House Subcommittee on Highways and Transit recently visited border inspection stations in San Diego, CA, and Laredo, TX, as part of a fact-finding venture to determine the safety of Mexican trucks crossing into the United States.

Subcommitee Chairman Rep. Thomas Petri (R–WI), ranking minority member Rep. Robert A. Borski (D–PA), Rep. Bob Filner (D–CA) and Rep. Tim Holden (D–PA) toured the border inspection stations May 19–20.

Land Line talked with Reps. Petri and Borski about what they saw and how it affected their outlook on the possible opening of the U.S.-Mexico border. Both Petri and Borski seemed thoroughly impressed with California's state-owned inspection station at the border between San Diego and Tijuana, Mexico. The state-operated station inspects trucks and truckdrivers for safety and compliance with state motor vehicle laws.

''California's very comprehensive truck inspection program applies to all trucks, Mexican and American,'' Petri said. ''Trucks must have an inspection sticker, which is renewed every three months at the border station. If inspectors find problems with the equipment, the drivers either fix the problem there or receive an order, and sometimes a fine, to fix the problem and be re-inspected on their next trip to the border station.''

Borski agreed, and added that the out-of-service rate at the California station is average. ''California's inspection station has about a 25 percent out-of-service rate for trucks from Mexico, which is similar to the rate for U.S. trucks,'' Borski said.

The party of four also visited the federal border inspection station in San Diego. Here federal inspectors examine trucks for contraband, both illegal aliens and drugs, using their new laser x-ray machines x-ray the entire truck.

The federal government has about 15 contraband stations in Laredo due to the larger volume of goods coming through this border by truck and rail. The congressional party visited Laredo's newest facility, which inspects and x-rays boxcars and trailer piggyback units.

With the overwhelming workload at the U.S. Customs contraband stations, Borski is concerned with how opening the border will affect the officials there. ''Government officials working down there are overwhelmed already,'' Borski said.

Texas does not have a state facility at the border crossing to inspect trucks for compliance with Texas motor carrier laws.

''Texas' inspection system is virtually nonexistent,'' Borski said. ''Trucks pour over the border there. They may be safe and may be not.''

''Texas has no infrastructure to look at trucks,'' he added. ''During our visit, we were shown two parking spaces for inspecting trucks two at a time with 4,000 trucks per day at that crossing. The out-of-service rate was staggering. Texas Department of Public Safety Major Coy Clanton told us if they looked at seven or eight trucks, they would take five out of service for significant safety violations. I think the key is that a truck that isn't inspected will be neglected. I think that's the biggest danger.''

Petri believes the Bush administration has planned for the needed improvements to the truck inspection system.

''President Bush in his budget provided for $100 million to improve inspections at the U.S.-Mexico border,'' Petri said. ''We think they're in the process of replicating California's inspection station in Texas. It will be like anything else. If people know, the word goes out loud and clear that they are going to be inspected, or going to be fined or sent back, they'll get their equipment up to standard very quickly.''

Borski agreed the California system should be replicated, but is concerned with the length of time it would take to build such a facility.

''They should set up a system like California's facility, or we shouldn't open the border,'' Borski said. ''It will take at least 18 months to build an inspection station.''

''In California the border is narrow, but in Texas there's maybe 15 crossings with virtually no inspection,'' Borski explained. ''I don't think the border should be open in Texas any farther than that 20-mile radius until we get a better inspection system.''

Borski and 30 other representatives are cosponsoring a resolution to urge the president not to open the border until safety inspection concerns are adequately addressed. ''You can be for NAFTA and still insist on trucks being inspected,'' Borski said. ''It's a safety question, not a trade question.''

TWO BILLS WOULD BAR MEXICAN TRUCKS UNTIL THEY ARE SAFE

The Owner-Operator Independent Drivers Association is supporting legislation currently moving through both the U.S. Senate and House targeting truck safety under NAFTA.

House Resolution 152, introduced May 24 by U.S. Rep. James Oberstar (D-MN) and Rep. Jack Quinn (R-NY), would delay granting Mexican trucks authority to operate in the U.S. under NAFTA until a prescribed comprehensive plan to ensure their safety is in place. Thirty-one additional lawmakers are listed as original cosponsors of the Oberstar resolution.

Sen. Byron Dorgan's (D-ND) bill, introduced May 25, would halt cross-border operations until the Mexican trucks can meet safety standards. SB965 is cosponsored by Sen. Harry Reid (D-NV).

''Only about 1 percent of Mexican trucks entering the United States are inspected by the United States at the border, but 36 percent of those that are inspected are turned back for serious safety violations,'' Sen. Dorgan says. ''Mexico does not have the same safety standards we have in the United States, ''he said as he introduced the bill. ''There are no minimum safety standards for trucks or equipment, no limit on the hours a driver can stay on the road, no drug testing. These trucks will put people on America's highways at serious risk. The American people don't want to drive down the highway and find they are alongside a severely overloaded truck with someone in the driver seat who may have been on the road for 20 hours or more.''

Dorgan said ample evidence from California, Nevada and other states documents a significant number of Mexican trucks are regularly turned back at the U.S. Mexico border for serious safety violations, even under the current rules.

''Every day, every hour, these unsafe trucks are coming across our border, and that will only increase if the Administration plans are allowed to go forward,'' he said. Even the Department of Transportation acknowledges its enforcement program, which is seriously under-staffed, cannot assure the safety of Mexican trucks entering the United States.

''The serious shortcomings of trucks from Mexico is a problem that too many lawmakers are ingnoring.'' said OOIDA President Jim Johnston. ''There is a great deal of

opposition and concern among many people across the country for the current plan to open the border at the end of this year without appropriate safety measures in place.''

OOIDA maintains that, while the Federal Motor Carrier Safety Administration has proposed several rules it claims will allow verification of Mexican carrier compliance with U.S. safety rules, the proposals only touch upon a fraction of the issues raised by the opening of the border. OOIDA points out other issues that will demand increased government supervision will be in the areas of Customs and Immigration, and compliance with all federal and state licensing, registration, permitting, environmental and user fee and tax requirements as every U.S. truck is required to do. Also left unanswered is how to process a Mexican truck or driver in violation of NAFTA trade rules or our safety standards.

''American truckdrivers must comply with enormous numbers of safety rules and regulations to operate legally on our highways,'' OOIDA's Johnston says. ''These include a stringent physical examination and drug and alcohol testing of drivers, truck weight limits, and hours-of-service rules. Mexico does not impose the same rules on their trucks and drivers. It makes no sense, is reckless, and is completely unfair to create exceptions to these rules for Mexican carriers. That's what we will be effectively doing if we open the border before Mexico imposes equivalent rules and we are prepared to ensure their carrier's compliance with them.''

OFFICIAL NAFTA PLAN NEARING COMPLETION: DEMOCRATIC SENATORS ASK BUSH TO HOLD OFF ON MEXICAN TRUCKS

The Federal Motor Carrier Safety Administration says the official North American Free Trade Agreement implementation plan is now nearing completion. FMCSA spokesman David Longo expects it to be available in mid-June. Meanwhile, more Washington lawmakers are voicing concerns about cross-border trucking. Fearing a compromise of safe roads, 10 Democratic senators have made the latest news, asking that the plan to allow Mexican trucks full access to U.S. highways be reconsidered.

In a letter sent June 11, the senators assured the president they are supporters of NAFTA, but said that granting access to U.S. roads could ''seriously jeopardize highway safety, road conditions and environmental quality.

A NAFTA arbitration panel ruled in February that the United States was violating the treaty by not opening the border per provisions of the treaty, and the Bush administration launched a plan to comply. The Bush administration and transportation officials currently are establishing rules for cross-border trucking and want them finished in time to let the trucks operate in the United States before the end of the year. The public has until July 2 to comment on the proposal that would require all Mexican trucks to apply for permission to operate in the United States. A safety audit would be conducted within 18 months, but the senators are concerned about the interim.

The letter was signed by Sens. John Kerry (D–MA), Max Baucus (D–MT), Jeff Bingaman (D–NM), Tom Harkin (D–IA), Tom Daschle (D–SD), Ron Wyden (D–OR), Ted Kennedy (D–MA), Evan Bayh (D–IN), Joseph Lieberman (D–CT) and Richard Durbin (D–IL).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, I rise in support of the Murray amendment that is pending, as well as the underlying bill. I think Senator MURRAY deserves to be commended because she has taken on what is a huge safety issue for the people of our country, and she has done it in a way that has been open and transparent and she has listened.

I think with the additional amendment that she has at the desk right now—which really, in a sense, adopts a procedure we are using in California to inspect trucks to give them a decal so we know they are safe—adds immeasurably to her language that is already in the underlying bill.

I think the subject of NAFTA trucks is a very big issue because it isn't a theoretical issue anymore. It is a question of whether these trucks are safe. The Commerce Committee just held a hearing on the coming of the NAFTA trucks through the Mexican border.

I am a member of the Commerce Committee, and I will tell you right now, from a lot of hearings, I am relieved that the problem I am looking at is actually not as bad as I thought. In this case, I was far from relieved. It is much more worrisome, after having heard the testimony of Cabinet Secretary Mineta and the inspector general of the Department of Transportation.

The issue of the safety of what I call the NAFTA trucks is not about free trade, nor is it about protectionism.

I know that Senator MURRAY, who is shepherding this bill through and who is now presiding over the Chamber, is a tremendous advocate of free trade. I think back. I can't truly think of a time when she didn't come down on that side. She is taking the leadership on the safety question. That is really what it is. That is the bottom line.

Why should the Senator from California be concerned about this border truck issue? Clearly, my State has about 23 percent of all the NAFTA truck traffic. If it turns out that the trucks coming in are not safe, it is going to have a devastating effect on the people of California. That is something that is of great concern to me.

In 1999, there were 4.5 million commercial motor vehicles crossing at the California-Mexico border. It is estimated that most of these crosses were made by 80,000 trucks. The opening of the border is expected to increase the number of NAFTA trucks. For example, we have 190 applications awaiting full access to our highways at the DOT. Unless our safety standards are improved and—this is really the big word—''enforced,'' the result will be that Californians, whether driving to work, or a soccer mom driving her kids, or whoever happens to be in that motor vehicle, will be next to a truck that may not meet our standards or that may have a driver who is exhausted. I will explain why that is apt to be the case.

If I went along with the Bush administration, I would be putting those people at risk.

There is nothing more sacred to an elected official than protecting the health and safety of the people he or she represents.

This issue is very important to me. I want to show you a chart, which I will summarize. It will be very hard for the Presiding Officer to identify it from there. I will explain why the issue of NAFTA trucks is so important.

When former Congressman Mineta, now Secretary Mineta, was before the Commerce Committee, he said: Don't worry, Senator. We are going to enforce our own laws on the Mexican trucks and on the NAFTA trucks as they come through.

Then the logical question is, How many of these trucks have been inspected to date by the Federal Government? The answer is 2 percent of all the trucks that are coming in are being inspected.

Then you say: All right. In those inspections, how many of those trucks are passing the safety inspections?

The answer is 23 percent.

Let me go through that again.

The DOT is only inspecting 2 percent of the NAFTA trucks that are coming in across the Mexican border. Out of that, 23 percent failed inspection. It could be assumed that is the average that failed the inspection. Imagine how many trucks we would catch if we inspected 100 percent. How many people are in danger because we are not inspecting 100 percent? Therefore, those trucks are on the road.

Secretary Mineta says: Don't worry, be happy. We are going to put the American law into place on these inspections. Yet we don't have the inspectors. Oh, they will have them by January, they say.

I don't believe it. It isn't going to happen. As a matter of fact, I asked: What would happen if California then said in January we are tired of spending millions of dollars on our own inspections, and we are going to allow the Federal Government to inspect?

The inspector general said: We would be in big trouble.

Talk about an unfunded mandate, I think California is spending $30 million or $35 million on an inspection regime that is so good, by the way, that Senator MURRAY takes the decal plan. That is the amendment that is pending. But even with that, how many are we inspecting in California? Also, about 2 percent. We are only inspecting 2 percent of the trucks in California. Everyone says California is doing the best.

It is a harrowing issue for all of us. Those trucks are going to wind up all over the country—in Illinois and on the east coast. They are already showing up there, by the way. They are breaking the law. They are only supposed to go 20 miles from the border. But they

are breaking through, and they are showing up.

How about this for one question—it was actually Senator ALLEN who asked the question of the inspector general: Why don't we just have those trucks turn around and go back to Mexico when they don't pass the inspection?

Do you know what the inspector general said? Because they have no brakes. They have no brakes.

Let me tell you why we have a problem. We have not checked these trucks as they come in. We are inspecting 2 percent. We can't get ready to inspect all the trucks by January 1.

Now I have a better chart to show you. It is the same thing but a little bit bigger. This is much better.

Here is our problem. In the United States, a truckdriver is allowed to drive up to 10 consecutive hours, work up to 15 consecutive hours with a mandatory 8 hours of rest, and cannot drive more than 70 hours during each 8-day period.

Some people think that schedule is too harsh. There are issues in our own country about driving up to 10 hours consecutively, working up to 15 consecutive hours with the mandatory 8 hours of rest, and not driving more than 70 hours during each 8-day period. There are some in our country, including a lot of the safety experts, who say that we are too weak; that our drivers are too tired; and that there are too many accidents. Yet we are about to allow Mexican trucks in because we can't enforce any of this at the border when they have none of these restrictions.

Let me repeat. There are no restrictions on Mexican drivers in terms of how many hours they have to work and on how many consecutive hours. There is no requirement of rest and no restrictions.

If you are only inspecting 2 percent of the trucks at the border, you apply this, and you find someone who has been driving, say, for 20 hours straight, there is really nothing you can do if that individual just gets right through the border.

We have random drug tests for our drivers. In Mexico, they do not have random drug tests.

Medical conditions and qualifications: Absolutely, in the United States, if you have certain medical conditions, you cannot get your license. In Mexico, there are no such qualifications.

The driving age for interstate driving in America is 21. In Mexico, it is 18.

You are going to have an 18-year-old driving big-rig trucks and not getting any rest, who was never subjected to a random drug test, who might have a medical condition, and who is never disqualified. And Secretary Mineta says: Don't worry, be happy; We will catch them at the border. But we do not because we do not have enough inspectors. That is why Senator MURRAY's language in the bill is so important because she is going to say: Look, we are not putting an arbitrary date on you, but you are not going to do this. You are not going to have this situation until you are ready to inspect all of these vehicles.

Let's look at the next chart.

Let's compare truck safety regulations. In the United States, there are comprehensive standards for components such as antilock brakes, underride guards, night visibility, and front brakes.

In Mexico, it is not as strong a test; there are less vigorous tests. For example, front brakes are not required. The maximum weight for a truck in the United States is 80,000 pounds; in Mexico it is 135,000 pounds.

For any of you who know the issue of what happens when these heavy trucks are on our roads in terms of what happens to our roads, we even have troubles today because people are saying our trucks are too heavy. In Mexico, it is a 135,000-pound limit.

Hazardous material rules: In America: strict standards, training, licensure, and an inspection regime. In Mexico it is very lax; there are fewer identified chemicals and substances and fewer licensure requirements.

Roadside inspections—you see those stops where trucks have to pull to the side and get inspected—we have them in the United States. They do not have them in Mexico.

Why is it important we show these differences? Because people say: We do not have problems with Canada. The thing is, in Canada they have regulations like ours. So inspecting all those trucks is not the same problem. When you have free trade between countries that have different rules and regulations as to the safety of the trucks, the safety of the drivers, it is a different situation.

So the reason we have shown all this to you—and I will again show you the first chart—is because we have drivers coming in our country in these NAFTA trucks who may be driving—how many hours consecutively in one case?—up to 20 hours without a rest. They were not subjected to a random drug test in their country. They slip through the border because we are only inspecting 2 percent of the vehicles. And they could have a medical problem from which, if they had it in this country, they would have been disqualified. They could be 18 years old.

I ask unanimous consent to have printed in the RECORD an article that appeared in the San Francisco Chronicle.

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

[From the San Francisco Chronicle, Mar. 4, 2001]

MEXICO'S TRUCKS ON HORIZON: LONG-DISTANCE HAULERS ARE HEADED INTO U.S. ONCE BUSH OPENS BORDERS

[By Robert Collier]

ALTAR DESERT, MEXICO.—Editor's Note: This week, the Bush administration is required by NAFTA to announce that Mexican long-haul trucks will be allowed onto U.S. highways—where they have long been banned over concerns about safety—rather than stopping at the border. The Chronicle sent a team to get the inside story before the trucks start to roll.

It was sometime way after midnight in the middle of nowhere, and a giddy Manuel Marquez was at the wheel of 20 tons of hurtling, U.S.-bound merchandise.

The lights of oncoming trucks flared into a blur as they whooshed past on the narrow, two-lane highway, mere inches from the left mirror of his truck. Also gone in a blur were Marquez's past two days, a nearly Olympic ordeal of driving with barely a few hours of sleep.

''Ayy, Mexico!'' Marquez exclaimed as he slammed on the brakes around a hilly curve, steering around another truck that had stopped in the middle of the lane, its hood up and its driver nonchalantly smoking a cigarette. ''We have so much talent to share with the Americans—and so much craziness.''

Several hours ahead in the desert darkness was the border, the end of Marzquez's 1,800-mile run. At Tijuana, he would deliver his cargo, wait for another load, then head back south.

But soon, Marquez and other Mexican truckers will be able to cross the border instead of turning around. Their feats of long-distance stamina—and, critics fear, endangerment of public safety—are coming to a California freeway near you.

Later this week, the Bush administration is expected to announce that it will open America's highways to Mexican long-haul trucks, thus ending a long fight by U.S. truckers and highway safety advocates to keep them out.

Under limitations imposed by the United States since 1982, Mexican vehicles are allowed passage only within a narrow border commercial zone, where they must transfer their cargo to U.S.-based long-haul trucks and drivers.

The lifting of the ban—ordered last month by an arbitration panel of the North American Free Trade Agreement—has been at the center of one of the most high-decibel issues in the U.S.-Mexico trade relationship.

Will the end of the ban endanger American motorists by bringing thousands of potentially unsafe Mexican trucks to U.S. roads? Or will it reduce the costs of cross-border trade and end U.S. protectionism with no increase in accidents?

Two weeks ago, as the controversy grew, Marquez's employer, Transportes Castores, allowed a Chronicle reporter and photographer to join him on a typical run from Mexico City to the border.

The three-day, 1,800-mile journey offered a window into a part of Mexico that few Americans ever see—the life of Mexican truckers, a resourceful, long-suffering breed who, from all indications, do not deserve their pariah status north of the border.

But critics of the border opening would also find proof of their concerns about safety:

—American inspectors at the border are badly undermanned and will be hard-pressed to inspect more than a fraction of the incoming Mexican trucks.

California—which has a much more rigorous truck inspection program than Arizona, New Mexico or Texas, the other border states—gave full inspections to only 2 percent of the 920,000 short-haul trucks allowed to enter from Mexico last year.

Critics say the four states will be overwhelmed by the influx of Mexican long-haul trucks, which are expected to nearly double the current volume of truck traffic at the border.

—Most long-distance Mexican trucks are relatively modern, but maintenance is erratic.

Marquez's truck, for example, was a sleek, 6-month-old, Mexican-made Kenworth, equal to most trucks north of the border. But his windshield was cracked—a safety violation that would earn him a ticket in the United States but had been ignored by his company since it occurred two months ago.

A recent report by the U.S. Transportation Department said 35 percent of Mexican trucks that entered the United States last year were ordered off the road by inspectors for safety violations such as faulty brakes and lights.

—Mexico's domestic truck-safety regulation is extremely lax. Mexico has no functioning truck weigh stations, and Marquez said federal police appear to have abandoned a program of random highway inspections that was inaugurated with much fanfare last fall.

—Almost all Mexican long-haul drivers are forced to work dangerously long hours.

Marquez was a skillful driver, with lightning reflexes honed by road conditions that would make U.S. highways seem like cruise-control paradise. But he was often steering through a thick fog of exhaustion.

In Mexico, no logbooks—required in the United States to keep track of hours and itinerary—are kept. Marquez slept a total of only seven hours during his three-day trip.

''We're just like American trucks, I'm sure,'' Marquez said with a grin. ''We're neither saints nor devils. But we're good drivers, that's for sure, or we'd all be dead.''

Although no reliable statistics exist for the Bay Area's trade with Mexico, it is estimated that the region's exports and imports with Mexico total $6 billion annually. About 90 percent of that amount moves by truck, in ten of thousands of round trips to and from the border.

Under the decades-old border restrictions, long-haul trucks from either side must transfer their loads to short-haul ''drayage'' truckers, who cross the border and transfer the cargo again to long-haul domestic trucks. The complicated arrangement is costly and time-consuming, making imported goods more expensive for U.S. consumers.

Industry analysts say that after the ban is lifted, most of the two nations' trade will be done by Mexican drivers, who come much cheaper than American truckers because they earn only about one-third the salary and typically drive about 20 hours per day.

Although Mexican truckers would have to obey the U.S. legal limit of 10 hours consecutive driving when in the United States, safety experts worry that northbound drivers will be so sleep-deprived by the time they cross the border that the American limit will be meaningless. Mexican drivers would not, however, be bound by U.S. labor laws, such as the minimum wage.

''Are you going to be able to stay awake?'' Marcos Munoz, vice president of Transportes Castores jokingly asked a Chronicle reporter before the trip. ''Do you want some pingas?''

The word is slang for uppers, the stimulant pills that are commonly used by Mexican truckers. Marquez, however, needed only a few cups of coffee to stay awake through three straight 21-hour days at the wheel.

Talking with his passengers, chatting on the CB radio with friends, and listening to tapes of 1950s and 1960s ranchera and bolero music, he showed few outward signs of fatigue.

But the 46-year-old Marquez, who has been a trucker for 25 years, admitted that the burden occasionlly is too much.

''Don't kid yourself,'' he said late the third night. ''Sometimes, you get so tired, so worn, your head just falls.''

U.S. highway safety groups predict an increase in accidents after the border is opened.

''Even now, there aren't enough safety inspectors available for all crossing points,'' said David Golden, a top official of the National Association of Independent Insurers, the main insurance-industry lobby.

''So we need to make sure that when you're going down Interstate 5 with an 80,000-pound Mexican truck in your rearview mirror and you have to jam on your brakes, that truck doesn't come through your window.''

Golden said the Bush administration should delay the opening to Mexican trucks until border facilities are upgraded.

California highway safety advocates concur, saying the California Highway Patrol—which carries out the state's truck inspections—needs to be given more inspectors and larger facilities to check incoming trucks' brakes, lights and other safety functions.

Marquez's trip started at his company's freight yard in Tlalnepantla, an industrial suburb of Mexico City. There, his truck was loaded with a typical variety of cargo—electronic components and handicrafts bound for Los Angeles, and chemicals, printing equipment and industrial parts for Tijuana.

At the compound's gateway was a shrine with statues of the Virgin Mary and Jesus. As he drove past, Marquez crossed himself, then crossed himself again before the small Virgin on his dashboard.

''Just in case, you know,'' he said. ''The devil is always on the loose on these roads.''

In fact, Mexican truckers have to brave a wise variety of dangers.

As he drove through the high plateaus of central Mexico, Marquez pointed out where he was hijacked a year ago—held up at gunpoint by robbers who pulled alongside him in another truck. His trailer full of canned tuna—easy to fence, he said—was stolen, along with all his personal belongings.

What's worse, some thieves wear uniforms.

On this trip, the truck had to pass 14 roadblocks, at which police and army soldiers searched the cargo for narcotics. Each time, Marquez stood on tiptoes to watch over their shoulders. He said, ''You have to have quick eyes, or they'll take things out of the packages.''

Twice, police inspectors asked for bribes—''something for the coffee,'' they said. Each time, he refused and got away with it.

''You're good luck for me,'' he told a Chronicle reporter. ''They ask for money but then see an American and back off. Normally, I have to pay a lot.''

Although the Mexican government has pushed hard to end the border restrictions, the Mexican trucking industry is far from united behind that position. Large trucking companies such as Transportes Castores back the border opening, while small and medium-size ones oppose it.

''We're ready for the United States, and we'll be driving to Los Angeles and San Francisco,'' said Munoz, the company's vice president.

''Our trucks are modern and can pass the U.S. inspections. Only about 10 companies here could meet the U.S. standards.''

The border opening has been roundly opposed by CANACAR, the Mexican national trucking industry association, which says it will result in U.S. firms taking over Mexico's trucking industry.

''The opening will allow giant U.S. truck firms to buy large Mexican firms and crush smaller ones,'' said Miguel Quintanilla, CANACAR's president. ''We're at a disadvantage, and those who benefit will be the multinationals.''

Quintanilla said U.S. firms will lower their current costs by replacing their American drivers with Mexicans, yet will use the huge American advantages—superior warehouse and inventory-tracking technology, superior access to financing and huge economies of scale—to drive Mexican companies out of business.

Already, some U.S. trucking giants such as M.S. Carriers, Yellow Corp. and Consolidated Freightways Corp. have invested heavily in Mexico.

''The opening of the border will bring about the consolidation of much of the trucking industry on both sides of the border,'' said the leading U.S. academic expert on NAFTA trucking issues, James Giermanski, a professor at Belmont Abbey College in Raleigh, N.C.

The largest U.S. firms will pair with large Mexican firms and will dominate U.S.-Mexico traffic, he said.

But Giermanski added that the increase in long-haul cross-border traffic will be slower than either critics or advocates expect, because of language difficulties, Mexico's inadequate insurance coverage and Mexico's time-consuming system of customs brokers.

''All the scare stories you've heard are just ridiculous,'' he said. ''The process will take a long time.''

In California, many truckers fear for their jobs. However, Teamsters union officials say they are trying to persuade their members that Marquez and his comrades are not the enemy.

''There will be a very vehement reaction by our members if the border is opened,'' said Chuck Mack, president of Teamsters Joint Council 7, which has 55,000 members in the Bay Area.

''But we're trying to diminish the animosity that by focusing on the overall problem—how (the opening) will help multinational corporations to exploit drivers on both sides of the border.''

Mexican drivers, however, are likely to welcome the multinationals' increased efficiency, which will enable them to earn more by wasting less time waiting for loading and paperwork.

For example, in Mexico City, Marquez had to wait more than four hours for stevedores to load his truck and for clerks to prepare the load's documents—a task that would take perhaps an hour for most U.S. trucking firms.

For drivers, time is money. Marquez's firm pays drivers a percentage of gross freight charges, minus some expenses. His three-day trip would net him about $300. His average monthly income is about $1,400—decent money in Mexico, but by no means middle class.

Most Mexican truckers are represented by a union, but it is nearly always ineffectual—what Transportes Castores executives candidly described as a ''company union.'' A few days before this trip, Transportes Castores fired 20 drivers when they protested delays in reimbursement of fuel costs.

But Marquez didn't much like talking about his problems. He preferred to discuss his only child, a 22-year-old daughter who is in her first year of undergraduate medical school in Mexico City.

Along with paternal pride was sadness.

''Don't congratulate me,'' he said. ''My wife is the one who raised her. I'm gone most of the time. You have to have a very strong marriage, because this job is hell on a wife.

''The money is OK, and I really like being out on the open road, but the loneliness . . .'' He left the thought unfinished, and turned up the volume on his cassette deck.

It was playing Pedro Infante, the famous bolero balladeer, and Marquez began to sing.

''The moon of my nights has hidden itself.

''On little heavenly virgin, I am your son.

''Give me your consolation,

''Today, when I'm suffering out in the world.''

Despite the melancholy tone, Marquez soon became jovial and energetic. He smiled

widely and encouraged his passengers to sing along. Forgoing his normal caution, he accelerated aggressively on the curves.

His voice rose, filling the cabin, drowning out the hiss of the pavement below and the rush of the wind that was blowing him inexorably toward the border.

HOW NAFTA ENDED THE BAN ON MEXICO'S TRUCKS

The North American Free Trade Agreement, which went into effect in January 1994, stipulated that the longtime U.S. restrictions on Mexican trucks be lifted.

Under NAFTA, by December 1995, Mexican trucks would be allowed to deliver loads all over the four U.S. border states—California, Arizona, New Mexico and Texas—and to pick up loads for their return trip to Mexico. U.S. trucking firms would get similar rights to travel in Mexico. And by January 2000, Mexican trucks would be allowed throughout the United States.

However, bowing to pressure from the Teamsters union and the insurance industry, President Clinton blocked implementation of the NAFTA provisions. The Mexican government retaliated by imposing a similar ban on U.S. trucks.

As a result, the longtime status quo continues: Trucks from either side must transfer their loads to short-haul ''drayage'' truckers, who cross the border and transfer the cargo again to long-haul domestic trucks.

The complicated arrangement is time-consuming and expensive. Mexico estimates its losses at $2 billion annually; U.S. shippers say they have incurred similar costs.

In 1998, Mexico filed a formal complaint under NAFTA, saying the U.S. ban violated the trade pact and was mere protectionism. The convoluted complaint process lasted nearly six years, until a three-person arbitration panel finally ruled Feb. 6 that the United States must lift its ban by March 8 or allow Mexico to levy punitive tariffs on U.S. exports.

COMPARING TRUCKING REGULATIONS

The planned border opening to Mexican trucks will pose a big challenge to U.S. inspectors, who will check to be sure that trucks from Mexico abide by stricter U.S. truck-safety regulations. Here are some of the differences:

Hours-of-service limits for drivers

In U.S.: Yes. Ten hours' consecutive driving, up to 15 consecutive hours on duty, 8 hours' consecutive rest, maximum of 70 hours' driving in eight-day period.

In Mexico: No.

Driver's age

In U.S.: 21 is minimum for interstate trucking.

In Mexico: 18.

Random drug test

In U.S.: Yes, for all drivers.

In Mexico: No.

Automatic disqualification for certain medical conditions

In U.S.: Yes.

In Mexico: No.

Logbooks

In U.S.: Yes. Standaridized logbooks with date graphs are required and part of inspection criteria.

In Mexico: a new law requiring logbooks is not enforced, and virtually no truckers use them.

Maximum weight limit (in pounds)

In U.S.: 80,000.

In Mexico: 135,000.

Roadside inspections

In U.S.: Yes.

In Mexico: An inspection program began last year but has been discontinued.

Out-of-service rules for safety deficiencies

In U.S.: Yes.

In Mexico: Not currently. Program to be phased in over two years.

Hazardous materials regulations

In U.S.: A strict standards, training, licensure and inspection regime.

In Mexico: Much laxer program with far fewer identified chemicals and substances, and fewer licensure requirements.

Vehicle safety standards

In U.S.: Comprehensive standards for components such as antilock brakes, underride guards, night visibility of vehicle.

In Mexico: Newly enacted standards for vehicle inspections are voluntary for the first year and less rigorous than U.S. rules.

(Mr. DURBIN assumed the chair.)

Mrs. BOXER. It goes through the story of a driver who came across the border and who was completely exhausted. The article says:

It was sometime way after midnight in the middle of nowhere, and a giddy [truck driver] was at the wheel of 20 tons of hurtling, U.S.-bound merchandise.

The lights of oncoming trucks flared into a blur as they whooshed past on the narrow, two-lane highway, mere inches from the left mirror of his truck. Also gone in a blur were [the driver's] past two days, a nearly Olympic ordeal of driving with barely a few hours of sleep.

It is a harrowing story. The title of it is ''Mexico's Trucks on Horizon, Long-distance haulers are headed into U.S. once Bush opens borders.''

What the Murray language does in this bill is make sure, before this driver gets through the checkpoint, we can test him, we can talk to him, and we can tell him to get a rest. We can inspect his truck and see whether it meets the standards. That is why it is so important.

Quoting from the article:

A recent report by the U.S. Transportation Department said 35 percent of Mexican trucks that entered the United States last year were ordered off the road. . . .

I was told 25 percent, but it looks like it is 35 percent of the trucks were ordered off the road.

Now remember, we are only inspecting a couple percent, but out of that 35 percent were ordered off the road.

In Mexico, no logbooks are required. They are required in the United States. The driver has to keep track of his hours and itinerary.

It says this driver slept a total of 7 hours during his 3-day trip.

I know that young people have good instincts, but I would say, if somebody sleeps for 7 hours on a 3-day trip, I do not want them driving next to a family in Washington State or Illinois or California or anywhere on our highways. It is a disaster waiting to happen.

The Murray amendment is very important—the one pending—and the underlying language in the bill to make sure there is not a premature rush to say open the borders, everyone is coming in, until we have done certain important things. And those things are outlined in the Murray bill. I am going to go through what they are.

The Federal Motor Carrier Safety Administration must perform a full safety compliance review of the Mexican truck company, and it must give the Mexican truck company a satisfactory rating. And now with the added decal, we know those trucks will be inspected every 90 days. Federal and State inspectors must verify electronically the status and validity of the license of each driver of a Mexican truck crossing the border. It goes on.

We are going to make sure, before we open up this border completely—and right now what we are doing is we are allowing those trucks to drive just 20 miles from the border—before we open them up completely, they will be safe.

They talk about, in this article, the fact that these drivers are taking stimulant pills. In this particular case, the driver said he did not do that; he just needed a few cups of coffee to stay awake.

Actually, before this reporter went on this long-haul trip with the driver—

[The] vice president of Transportes Castores jokingly asked a Chronicle reporter . . . ''Do you want some pingas?''

''Pingas'' is slang for ''uppers.'' So they did not even hide the fact that their drivers are using these pills.

Then the driver is quoted—this is really an incredible story; that is why I put it in the Record—as saying: ''Don't kid yourself.'' He said this late on the third night. ''Sometimes you get so tired, so worn, your head just falls.'' ''Your head just falls.''

So here the driver is coming in because of a free trade agreement, and the President of the United States, George Bush, has said he is picking a January 1 start date for them to have complete access to our highways. And if it was not for the Murray language, I will tell you, I think I would—there is an expression of throwing yourself in front of a truck—I would not go that far, but I would certainly use every legislative tool I had to stop that from happening because we know how dangerous it is.

The driver says—he has a religious statue in his truck— ''Just in case, you know. The devil is always on the loose on these roads.''

They talk about the wide variety of dangers that these drivers face.

So I would just have to say, in conclusion, that we have a very important set of standards that we have developed in our country for both drivers and for the trucks they drive. Therefore, when we allow a whole other set of trucks and a whole other set of drivers into our Nation, where, in that country, they have nowhere near our standards for the drivers and the trucks, we have to make sure that we can, in fact, check those trucks and check those drivers to make sure that we are not putting our citizens at risk.

People who are for 100-percent free trade always say: Cheap goods, cheap goods for our people. And in many cases, it is true. But I will tell you, if you start losing a life on the road, and

more lives than 1 or 2 or 10 or 100 or 1,000, it does not matter if you have a cheap T-shirt or a cheap appliance, or anything, if you cannot live long enough to enjoy it.

So to those free trade advocates who absolutely come to this Chamber—and there is nothing they will see that will take them off their blind path of free trade—let me just simply say to them: You better imagine what could happen if we have a series of accidents where trucks do not have brakes, where drivers are exhausted and they are falling asleep at the wheel, where the trucks weigh 135,000 pounds, swaying on our freeways. This is crazy. In the name of free trade and George Bush's decision that January 1 is the magic date—not on my watch, Mr. President. Twenty-three percent of those trucks come into California. Not on my watch.

Now, the House took more drastic action— I would go so far as to support that—which simply says we are cutting off the money until we believe we are ready for this influx of trucks. Good for them over there. They are right. This is that dangerous. Once we have our regime in place, once we have these trucks inspected, once these drivers live by our rules, once we have enough enforcement, once we are ginned up at the border to do this right, I will be the first one here saying: good work, let's go.

But my colleagues ought to listen to the IG and his comments about how ill-prepared we are as of this date to accept this kind of influx.

So until we can guarantee the safety of these trucks and the condition of these drivers, until we can make those promises to our people, then I say that free access beyond that 20-mile border should not be granted. And until the Murray language is really carried out, I am going to do everything I can to make sure we do not allow in these kinds of truckdrivers who can barely keep their heads up. I am optimistic that our friends in Mexico will eventually adopt more rigorous standards. I am confident we will eventually be able to have drivers who are, in fact, not exhausted and not popping pills trying to keep awake. Eventually, it will happen. It will be good.

I am happy to yield to my friend if he has a question.

(Mr. EDWARDS assumed the chair.)

Mr. DURBIN. Mr. President, I followed the Senator's statement. I am glad she made this a part of the RECORD. I hope she believes, as I do, that the chair of this important Appropriations Subcommittee, Senator MURRAY, has included very valuable language in this legislation which will establish some standards once and for all in terms of Mexican trucks coming across the border into the United States.

I would like to ask the Senator from California the following question. Recently, the Ambassador of Mexico came to my office and we talked about the truck issue. I said to him: Will your country, Mexico, agree that whatever trucks you send across the borders and whatever truckdrivers you send across the borders, they will meet the same standards of safety and competence as American trucks and American drivers? He said: Yes, we will agree to that standard.

I ask the Senator from California, based on the experience in California, whether that has happened, whether or not she has found in the inspection that the drivers and the trucks meet the standard of competency and safety that we require of American trucks and American truckdrivers.

Mrs. BOXER. Unfortunately, I say to my friend, it has been a disaster. Although we have inspected approximately 2 percent of the trucks coming across, out of those, 35 percent have failed. They have failed the inspection, which means that either the driver doesn't meet our standards—he may be 18 years old or may have a medical condition—or the truck itself fails—maybe it is 135,000 pounds or more than the 80,000 pounds.

Prior to my friend walking in, I said I strongly support what Senator MURRAY is doing. I would even go further. I am glad her amendment takes us further. I commend her for what she has done. In terms of what the gentlemen told you in your office, if they have made that change, it is not a fact in evidence up until this point.

Mr. DURBIN. I also ask the Senator from California this, if she will further yield for a question. What the Senator is seeking, as I understand it, is at least the enforcement that Senator MURRAY has included in this Transportation appropriation bill, which includes, if I am not mistaken—and I stand to be corrected if I am—that we would in fact go into Mexico to the trucking firms, see these trucking firms, inspect their trucks in Mexico, understand the standards they are using for hiring drivers and the like; secondly, that all of the trucks coming in from Mexico would be subject to inspection in the United States.

It is my understanding, from Senator MURRAY's bill, that of the 27 points of entry in the United States, there are only 2 currently inspecting trucks on a 24-hour basis—2 out of 27. So we have a system where, frankly, many thousands of trucks come in from Mexico without the most basic inspection in terms of safety.

I ask the Senator from California if she believes this would move us toward our goal of having safer trucks and truckdrivers coming in from Mexico.

Mrs. BOXER. There is no question. Under the Murray language, she is very clear to state that the Federal Motor Carrier Administration must perform a full safety compliance review of the Mexican truck company, and it must give the Mexican truck company a satisfactory rating before granting conditional or permanent authority outside the commercial zone—meaning that 20-mile zone—and the review must take place onsite at the Mexican truck company's facility. That is absolutely accurate.

Again, the best of all worlds would be—and it would be terrific—if in Mexico they upgraded their laws to conform with American laws. We cannot force that, but I say as a friend of Mexico—a good friend—that is what they ought to do because then their people would be safer and we would not have to have all of this enforcement activity. But until they have brought their laws up to our level in terms of the trucks and drivers, we must enforce.

What I like about the Murray amendment—and I understand Senator SHELBY had a hand in this amendment, and I thank him from the bottom of my heart because 23 percent of that traffic comes right into my State. Without this amendment—and just setting an arbitrary date is a frightening thought—all these trucks would be coming in and we can only inspect 2 or 3 percent of them. God knows, we all fear what could happen in our States—a devastating accident with trucks that don't have brakes, drivers who have fallen asleep at the wheel, et cetera.

Mr. DURBIN. I thank the Senator for taking the floor and bringing this to our attention. We all encourage a free market economy and bargaining, but we don't want to bargain health and safety. We draw a line there. We hold other countries to the same standards to which we hold American trucking companies and American truckdrivers. Senators MURRAY and SHELBY have, I think, included language that moves us toward that goal.

I thank the Senator from California.

Mrs. BOXER. Mr. President, I thank Senator DURBIN for entering into this colloquy, and, again, I thank Senators MURRAY and SHELBY, and also Senator DORGAN, who has been working hard on the Commerce Committee. I also thank Senator FRITZ HOLLINGS, who, at my request in the Commerce Committee, did hold a hearing on this issue of NAFTA trucks. It was an eye-opener for us all. When you hear an inspector general talk about how a lot of these trucks don't have any brakes and they are trying to get into our country, that is a very frightening thought.

In conclusion, for those people who are free trade advocates—and my record on trade is I am for fair trade, which leads me to sometimes support trade agreements and sometimes not to. But for those who say ''free trade at any price,'' let me tell you this is too high a price to pay. If you want to deal a blow to free trade, work against the Murray-Shelby amendment. If you work against that language in this bill, and we have a situation where this President can open up this border and we start to have a series of tragic accidents, I will tell you, that will be the biggest setback for free trade. You really want to advance free and fair trade and support this decal language in the amendment pending and support the language in the underlying bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FITZGERALD. I thank the Chair.

Mr. President, I rise to speak today about two amendments that I have filed and will call up later. I recognize now we are dealing with an amendment concerning the trucks from Mexico. I wish to speak about a different issue, and that is something that is tucked into the Senate appropriations bill that deals with aviation in the Greater Chicago area.

I have been working with my colleague, Senator DURBIN, almost since the day I came to the Senate, to find a resolution to the air traffic problems in the Chicago area. Senator DURBIN has included language in the appropriations bill, as it was reported from the Transportation Appropriations Subcommittee, that addresses aviation transportation in the Chicago area.

This is the language that appears in this fiscal year 2002 Transportation appropriations bill concerning the Chicago-area aviation: Section 315 says:

> The Secretary of Transportation shall, in cooperation with the Federal Aviation Administrator, 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, addressing traffic congestion along the Northwest Corridor including western airport access, and moving forward with a third Chicago-area airport. If such a plan cannot be developed and executed by said parties, the Secretary and the Administrator shall work with Congress to enact a Federal solution to address the aviation capacity crisis in the Chicago area.

In Chicago, aviation is the No. 1 issue. In fact, throughout northern Illinois, that is what my constituents are talking about. O'Hare Airport, which is one of the finest airports in the world, has been at capacity since 1969, and in recent years the traffic congestion has gotten worse than ever. I attribute a lot of that to a decision Congress made 2 years ago to lift the delay controls at LaGuardia and Chicago O'Hare Airports. After they lifted the delay controls which had been in effect since 1969, we started to see delays at O'Hare and LaGuardia go up exponentially.

As a result of those delays, now many people are trapped waiting on the tarmac at O'Hare and LaGuardia for their planes to take off. In fact, when I returned to Washington on Sunday evening, I was trapped on a United Airlines plane on the tarmac at O'Hare for at least 2 hours. I did not get into Washington until close to midnight.

This is becoming the norm that people experience as they travel through O'Hare, particularly in the summer months. Often, as we know, those airplanes are very uncomfortable, particularly in the hot weather, while you are waiting on the tarmac at O'Hare.

Last night, Senator DURBIN's office and my office had a softball game on The Mall. I am much chagrined to report that Senator DURBIN's office beat us by one run. I think the score was 9–8. But if we had been able to take one of the 22- or 23-year-old interns off Senator DURBIN's team and substitute that star athlete with Senator DURBIN, as my team was required to have me play, my team might have been more competitive. But Senator DURBIN spent, I believe, 3 hours on the tarmac at O'Hare yesterday and was unable to make that game. This is how it is when you travel through O'Hare.

I compliment Senator DURBIN on being active in trying to resolve the problems. Clearly, we are both interested in finding a solution, though we may have a different perspective on the solution.

One of the amendments I will later offer will add language to this section 315 that encourages any Federal, State, or local solution that comes out of this process to consider using the Rockford Airport.

Rockford is, I believe, the second largest community in the State of Illinois. It is on the Northwest Tollway, northwest of the city of Chicago. The Northwest Tollway runs from the Chicago loop out to O'Hare Airport and then it goes beyond, out to Rockford Airport.

Rockford Airport, which I visited a few weeks ago, is right now not being used, even though it is a wonderful facility with annual capacity for 237,000 operations a year. The airport has two magnificent runways: one 10,000 feet, another 8,200 feet. Right now the airport is being used for cargo operations. It is a hub for United Parcel Service, and they have been doing very well right there.

There is no reason the Rockford Airport should not be used to alleviate air traffic congestion in Chicago. Many of the solutions that others have proposed—expanding or modernizing O'Hare, tearing it up, rebuilding it so it can handle more flights, or building a third airport—those may all someday come to fruition, but all of those solutions will take years, if they ever happen at all, and they will cost hundreds of millions, even billions, many billions of dollars.

Meanwhile, just outside O'Hare, we have a fabulous airport that is already built, that does not require the expenditure of any money to get it used to alleviate air traffic congestion at O'Hare. The airport is being used sometimes to land planes from Midway or O'Hare when there is bad weather in the area and those planes have to land.

This chart is a schematic of the Greater Rockford Airport. We can see there are two runways that are already built, a 10,000-foot runway and an 8,200-foot runway. They also have plans for a future runway someday. Their passenger terminal is capable of handling 500,000 passengers per year. Their runways are state of the art. They have even, I am told, landed the Concorde at Rockford Airport. As far as I know, this airport is able to land any plane flying today.

It is superior in that respect—at least its runways are—to Chicago's Midway Airport, which was the busiest airport in the world before O'Hare was built in the late 1950s and early 1960s. The runways at Midway are only about 6,000 feet, and it makes it very difficult to have long-haul operations out of Midway.

I am going to offer language to section 315 that would encourage the use of Rockford. This is the wise thing to do for aviation consumers in the Chicago area and especially for the taxpayers, but it will not cost any money.

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

Mr. FITZGERALD. I yield to the Senator.

Mr. DURBIN. Would the Senator object to my being shown as a cosponsor to the amendment?

Mr. FITZGERALD. I agree to that, Mr. President.

Mr. DURBIN. I make that unanimous consent request.

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

Mr. DURBIN. If the Senator will further yield for a question, would the Senator not agree that when it comes to this Rockford Airport—we may have disagreements on O'Hare; we may have disagreements about other airports; but we are in agreement that Rockford has an extraordinary facility currently not utilized by any commercial air carrier. Senator FITZGERALD has contacted airlines and I have contacted them as well.

My understanding is one of the major airlines in our country visited Rockford this week. We all believe this is a resource that should be available, no matter what we do in Chicago with O'Hare or even in Peotone. We are 5 to 10 years away from seeing any significant change. In the meantime, Rockford is a resource that should be examined and utilized to try to reduce congestion and delays at O'Hare and to provide quality air service to the people living in and around the Rockford area.

Mr. FITZGERALD. I thank my colleague from Illinois. I thank Senator DURBIN for joining as an original cosponsor of this amendment and also for working with me. This is absolutely one of the bright spots on the aviation picture in Illinois today, one of the issues on which we hope to agree. It is one of the wonders of the world, in my judgment, that Rockford is not being used right now when it is so close to O'Hare. It is an easy answer, in my judgment, to alleviating traffic congestion at O'Hare.

I wish to point out a few things. In addition, there are 740,000 people living

and working within 25 miles of Rockford Airport. Beyond that, there are 2.2 million people living within a 45-minute drive of Rockford Airport. There are probably not that many large cities in this country that would have that many people within a 45-minute drive of their airport.

Another point I have not made is that over 400,000 airline passengers a year depart from Rockford's market service area via bus to access the air transportation system at Chicago's O'Hare International Airport. Both American and United Airlines, which control almost all the operations at O'Hare, run several passenger shuttle buses to the Rockford Airport every day and funnel from there 400,000 passengers a year into their hub operation at O'Hare. That further congests O'Hare. In addition, I am told 800,000 people a year drive their cars from the Rockford area to get to O'Hare. There are 1.2 million people coming from the Rockford Airport—not using the Rockford Airport but coming out of Rockford to further congest O'Hare. It makes common sense we make greater use of the Rockford Airport.

I see Senator GRAMM is on the floor. I told him I would be happy to allow him to speak for a few minutes. With the approval of the Chair, I would like to come back and continue my discussion of Chicago aviation after Senator GRAMM has had an opportunity to speak.

With that, I yield the floor.

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

The Senator from Texas.

Mr. MCCAIN. Could I ask for 2 minutes on this issue?

Mr. GRAMM. I am happy to yield.

Mr. MCCAIN. Mr. President, we now will be addressing the issue of Mexican carriers. It is going to be, I assure the managers, a subject of extended debate. We believe also that we will have sufficient votes to sustain a Presidential veto if it comes to that.

The Senator from Texas and I will be speaking on the substance of various amendments we will have. We expect, unfortunately, extended discussion on this issue.

I wish to discuss the lack of negotiation on this issue. The Senator from Washington and the Senator from Alabama have refused to sit down and talk to us about this issue. I am deeply disappointed in that. I have done a lot of business on the floor of the Senate recently on some very difficult issues. On each of those occasions we have at least had a dialog in negotiations to see if we could not find common ground. Unfortunately, the managers of the bill have not allowed such a discussion or debate.

I say to the Senator from Washington, I worked closely with her on an issue very important to her and her State because of a tragedy that took place on pipeline safety. No, I didn't always agree with the Senator from Washington, but we sat down and we worked together at hearings before the committee. I tell the Senator from Washington, I am very disappointed neither she nor her staff would sit down and discuss this issue with us so we could try to attempt to find common ground. I don't think we need a confrontation on this issue. I don't think the differences between the so-called Murray language and what the Senator from Texas and I are doing are that far apart. Now we have had to get the White House involved, the threat of a Presidential veto, and extended debate on this issue.

I ask again the managers of the bill: Could we please have a discussion and at least find common ground on this issue? So far, there has been an adamant refusal to enter into a discussion. I must say, I am very disappointed, especially on an issue of this importance, at least in my view, to the people of my State as well as the people of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Let me give an outline of where we are and how we got here. I will be happy to yield the floor and let the distinguished subcommittee chairman speak.

The House of Representatives, following a policy of the Clinton administration, voted to deny the President the ability to implement NAFTA. I remind my colleagues that we entered into an agreement with Mexico and Canada to form the North American Free Trade Agreement and to form the largest free trade area in the world. Part of that agreement was to have free trade not just in goods but in services. Part of that agreement is we set a timetable during which we would allow trucks to cross the border within a certain distance for border-type trade and then we would set up a phase-in process whereby trucks could go back and forth across the border between Mexico and Canada, Mexico and the United States, the same way they do between the United States and Canada.

The deadline for that agreement to be fully implemented was on the verge of passing when George Bush became President. He made it clear in the campaign and he made it clear when he became President that he felt obligated to live up to the agreements we had made with Mexico and Canada in NAFTA. Those agreements gave us the ability to set safety standards with regard to Mexican trucks that basically were similar to what we have with Canadian trucks and our own trucks. It did not give us the ability to have discriminatory standards.

The Teamsters Union had consistently opposed the implementation of this agreement. They opposed it, and President Clinton refused to begin the phase-in process, refused to start the inspection process, and now we are down to the moment of truth as to whether we are going to live up to the agreement we made in NAFTA.

I remind my colleagues, as tempting as it is for our own advantage, at least our perceived political advantage, to go back on the commitment we made to NAFTA—first of all, in doing so we are discriminating against our Mexican neighbor because we are treating them differently than we are treating our Canadian neighbors.

Secondly, all over the world, legislative bodies are debating whether or not to go back on agreements they have made with the United States. One of reasons I feel so strongly about this issue, I believe the credibility of the American nation is on the line as to whether we will live up to the agreement we have made.

Now, there is no question about the fact that the White House, after having an absolute prohibition on the implementation of the treaty in the House, the White House was delighted to see a similar action not taken in the Appropriations Committee. In that case, it was the lesser of what they perceived to be the two evils.

The problem is, when we look at the amendment currently in this bill, there are several provisions that clearly violate NAFTA, several of them violate GATT, and all of them represent a procedure whereby we treat Mexico very differently than we treat Canada.

Let me give three examples of provisions in the bill that clearly violate NAFTA.

The first is a provision in the bill that requires that Mexican trucks be insured by American insurers—not just insurers who are licensed in the United States but insurers who are domiciled in the United States. That is a clear violation of NAFTA and a clear violation of GATT because it basically denies national treatment standards to which we agreed.

The PRESIDING OFFICER. Under the previous order, the Senate is scheduled to stand in recess at 12:30.

Mr. GRAMM. I ask unanimous consent I might have 5 additional minutes.

Mrs. MURRAY. Mr. President, how much time does the Senator from Texas require at this time?

Mr. GRAMM. I have asked for 5 additional minutes.

Mrs. MURRAY. Mr. President, I would like 2 minutes to respond when the Senator from Texas concludes. Does the Senator from Alaska wish to make a statement?

Mr. STEVENS. Not during the lunch hour, no.

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

Mr. GRAMM. Let me review the three areas that are clear violations of NAFTA in this provision before us. The first is a provision requiring companies to buy American insurance. It is one thing to say they have to have insurance licensed in the United States. That would conform with NAFTA. But to say they have to buy insurance from companies domiciled in the United States is a clear violation of NAFTA, it is a clear violation of GATT, and it violates the national treatment standards

that we have set out in trade. This is critically important to America because all over the world we have American business interests that would be jeopardized if other countries engaged in similar activities against America.

Another provision which clearly singles out Mexican truckers, where American truckers are not affected by a similar provision and neither are Canadian truckers, is a punitive provision that says if you are subject to suspension or restriction or limitations, you can't lease trucks to anybody else. No such requirement exists in American law. No such requirement exists with regard to Canadian trucks. But there is such a limitation in this amendment, and that limitation clearly violates NAFTA by denying Mexican economic interests the same protection of the law that American economic interests and Canadian economic interests have.

Another provision of the law which is totally different from the way we treat American trucks and the way we treat Canadian trucks is that if a foreign carrier is in violation, a foreign carrier can be permanently banned from doing business in the United States. Where is a similar provision with regard to Canadian trucks and American trucks?

Let me summarize, since I am running out of time, by making the following points: No. 1, I am for safety. I have more Mexican trucks operating in my State than any other person in the Senate, other than Senator HUTCHISON, who represents the same State I do. I am concerned about safety, but I do not believe we can sustain in world public opinion a provision that discriminates against our neighbors in Mexico, a provision that treats Canadians under one standard and Mexicans under another. If we want temporary measures whereby we can get Mexican trucks up to standard, that is something with which I can live. But permanent provisions where we are treating Mexico different than Canada, that is something with which I cannot live.

I think it is important that we try to work out a compromise. But I can assure you, given that the administration believes this issue is critical to the credibility of the United States in negotiating trade agreements and enforcing our trade agreements around the world, Senator MCCAIN and I and Senator LOTT intend to fight to preserve the President's position.

Some suggestion has been made that we just would do a cloture on the amendment of Senator MURRAY. I remind my colleagues, the amendment is amendable. If it were clotured, we would have 30 hours of debate on cloture, and there would then be three other cloture votes on this bill. I do not think that is a road we want to go down.

What is the solution? The solution is to have strong safety standards, but you have to apply the same safety standards to Canadian trucks that you do to Mexican trucks. We do not have second-class citizens in America, and we are not going to have second-class trading partners. We cannot set one standard for Mexicans and one standard for Canadians in a free trade agreement that involves all three countries.

So Senator MCCAIN and I are for safety, but we are not for protectionism. We are not for provisions that make it impossible for the President to provide leadership to comply with NAFTA, and we are willing to fight to preserve the President's ability to live up to our trade agreements.

I hope something can be worked out. I am not sure where the votes are. What I see happening is that protectionism is being couched in the cloak of safety. We are willing to have every legitimate safety provision for Mexican trucks that we have for Canadian trucks and for American trucks. We are willing to have a transition period where we have more intensive inspection. But in the end, in a free trade agreement involving three countries, we have to treat all three countries the same. What we cannot live with is discrimination against our trading partner to the south.

I appreciate the Chair's indulgence.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Washington has 2 minutes.

Mrs. MURRAY. Mr. President, I heard the comments of the Senators from Arizona and Texas. I want to make it very clear, I have never been against discussion. We put this bill out on the floor last Friday. It has been out here for 3 days. I have continually said I am happy to look at any language any Member brings me on any item of discussion under transportation. What I am against is weakening any of the safety provisions we have included in the committee bill.

The proposal that was given to me by the Senator from Arizona considerably weakens and actually guts many of the safety provisions that Senator SHELBY and I put into the underlying bill. That simply is not a path we are going to take on the Senate floor. Our provisions were adopted unanimously in the Appropriations Committee. I am not interested in going into a back room and negotiating a sellout of the committee or of the safety provisions that I believe are extremely important. That is simply a nonstarter for me as manager of this bill.

I do remind all Senators they can offer amendments and this Senator is happy to consider them as the rules allow. As far as the NAFTA provisions are concerned, I will remind all of our colleagues once again, the underlying bill is not a violation of NAFTA. That is very clear. I set that out in my remarks this morning, and I am to go through that again this afternoon.

Mr. President, I ask unanimous consent that at 2:15, when the Senate reconvenes, the Senator from Illinois be allowed 20 minutes to discuss his issue that he would like to present to us and then Senator BILL NELSON from Florida be recognized.

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

RECESS

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

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CLINTON).

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

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois was to be recognized for 20 minutes.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent I be permitted to proceed now for 5 minutes, and then return to the regular order.

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

Mr. DOMENICI. Madam President, it isn't that this subject matter should be dealt with briefly, but I think I can express my concerns in 5 minutes. I hope others are as concerned as I about this issue.

Senator MURRAY is here on the floor. She is the chairman of the Subcommittee on Transportation. She has worked very hard to accommodate this bill through language with reference to Mexico and Mexican trucking and busing between our borders under NAFTA. She has worked very hard to get something much better than that which was passed in the House and she kept things from passing in our subcommittee that would be much worse than the arrangement we now have in the bill with her amendment.

I would like to say that the United States should be quite pleased today that we have a new relationship growing between the Republic of Mexico and the United States. It is obvious everywhere you go in Mexico with everyone you talk to, and with everyone you talk to in the border States, that the arrival of President Fox has brought a whole new attitude between these two great countries.

For instance, in the 29 years or so that I have been here, there have been four Presidents of Mexico, but not a single one was willing to say that the economic problems of Mexico are not America's problems, and we have to solve our own. President Fox is the first President to say we had better improve the permit system for people coming from his country to work here because he believes they should do this in a legal manner instead of a manner that leaves many Mexicans here in positions of hiding out while they hold jobs and they can't return home—some wonderful ideas about what should happen on our border in terms of cleaning up the border which has grown topsy-

turvy. Law enforcement can now trust Mexican law enforcement for the first time in modern times. The litany goes on.

I, for one, hope the Senators from both sides of the aisle will find a way to sit down and draft a provision on the busing and trucking access to the United States pursuant to the NAFTA arrangements. There are some who have said their trucks aren't safe enough, that they don't have the right kind of insurance—and a rather major litany.

I suggest we had better be careful that we are not couching these things in a way so as to avoid what it really is. It appears to me it is borderline discrimination against Mexican enterprise. There has to be a better way to solve it than we have solved it in this Transportation bill, but in a way that will let Mexico and Mexico's leaders say we are equal partners with the United States, and that we are going to be treated the same way as Canada. Canada, America, and Mexico are the three partners. I believe to do otherwise is to say to the Mexican people and the new President: We don't care about you; we don't even care if we discriminate against you; we have a hot issue, and we are going to pass something; and maybe in a few years we can work something out with you, Mr. President of Mexico, as a NAFTA partner of the United States.

I believe the time is now, on this bill. The President has said he will veto the bill with the Murray language in it. That is official. We ought to sit down and work out something for them so it won't be vetoed.

There are great American transportation issues and problems for every Senator and for every State. We ought to get the bill passed. The way to get it passed is not to send it to the President with language he already said he will veto and offend Mexico unjustifiably. What we are doing is unjustifiable. Let's get it resolved.

There is a simple proposition around. Let's come up with a California solution. I am pretty familiar with the various solutions. Let us in the Senate say we stand ready to help.

I hope we can do this and pass the bill in due course—the full bill—and put some legislation in it that will protect Mexico against discrimination in trucking and busing and allow them to grow and prosper, but at the same time offer as much assurance as we can that their vehicles are going to be safe, and include whatever other requirements we need to ensure they are treated like trucks coming from Canada.

Mr. President, I stand in strong support of permitting Mexican motor carriers full access to the United States in a safe, fair, and timely manner.

The North American Free Trade Agreement went into effect in January 1994. The agreement calls on each country to apply national treatment to services of each of the trading partners. NAFTA required that Mexican trucks have full access to the United States by January 1, 2001.

Rather than prepare ourselves to meet this obligation, we foolishly prohibited our southern partner's trucks beyond 20 miles from the border.

An arbitration panel ruled that the United States violated NAFTA, and today we face the possibility of trade sanctions in excess of $1 billion per year of noncompliance.

Some hope to completely bar Mexican domiciled motor carriers, assuming that because they are Mexican, then they are necessarily unsafe.

I applaud Senator MURRAY's attempt to craft a balance to ensure that Mexican trucks are safe, while meeting our national obligation.

As a Senator from a border state, I am deeply concerned about the safety of Mexican trucks. However, I do not believe that we should use safety as an excuse to inappropriately discriminate against Mexico.

As such, I have some fundamental concerns about the language of Senator MURRAY's proposal.

Principally, I am troubled that it seems to harbor a deep mistrust of Mexico.

The United States and Mexico both agree that Mexico must comply with U.S. laws, and that it is the United States' right to enforce those laws. Why then, must we impose additional and unreasonable requirements before permitting Mexican motor carriers access?

NAFTA requires that each member country give national treatment to the other member countries. That means that Mexico and Canada must abide by U.S. safety standards when in the U.S.

Canada has been doing so for some time, and Mexico is prepared and eagerly awaits the opportunity to do so. However, the current language contains a host of provisions requiring the DOT Inspector General to review the accuracy of Mexico's regulations and information.

These requirements are not only wholly offensive and paternalistic, but fall far outside the purview of the IG.

Furthermore, the Department of Transportation inspects Canadian or U.S. motor carriers' facilities only when there is evidence of impropriety or a record of safety violations. Yet, Senator MURRAY's provisions would require that DOT inspect every Mexican carrier's facilities before any permission is granted.

In short, this is discrimination, plain and simple.

The Administration recognized that the current Senate language is discriminatory and would violate NAFTA, and even issued a veto threat if such language is retained.

I understand that many are concerned about the safety of Mexican trucks, particularly since some statistics show that they have greater out of service rates than U.S. trucks. I favor inspecting trucks to advance legitimate safety concerns, and recognize that a direct correlation exists between the condition of Mexican commercial trucks entering the U.S. and the level of inspection resources at the border.

California is widely regarded as having the best inspection practices. As such, the out of service rate for Mexican trucks in California is commensurate to the rate for U.S. trucks.

Even the International Brotherhood of Teamsters support the California inspection system. In a letter to President Bush, Mr. James Hoffa stated, ''Currently, California provides a model of what a proper border inspection program can achieve.''

If we all agree that California's inspection system works efficiently, then perhaps we should model the Federal inspection program after it, and refrain from treating our southern NAFTA partner with such distrust.

Mexico has not indicated that it is unwilling to abide by our laws. In fact, Mexico has stated that it will subject its trucks to inspections more intense and more frequent than our own.

The issue is whether Mexican trucks on U.S. roads meet U.S. safety standards. Inspecting trucks should be the focus of an inspection program, rather than inspecting facilities in Mexico without just cause.

Mr. President, I stand in strong opposition to language that would discriminate against our southern partners and support proposals that would ensure the safety of U.S. highways in a fair and timely manner.

I am confident that an equitable solution may be reached that will ensure safe roads and meet obligations under NAFTA, and diffuse the threat of veto.

I yield the floor and thank the Presiding Officer for yielding me 5 minutes, and also the Senators who yielded me their time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. I thank the Chair and appreciate the Senator from Washington giving me the time to speak on a matter of great importance to the city of Chicago, and actually it is probably of some interest to the Presiding Officer, as she grew up in the city of Park Ridge which is right next to O'Hare International Airport.

I hate to say it, but since the Presiding Officer grew up in Illinois we have had problems at O'Hare. O'Hare has been at capacity since 1969. In fact, it was in that year that the FAA first put delay controls in at O'Hare Airport. Unadvisedly, I think 2 years ago, Congress lifted the delay controls at O'Hare and LaGuardia, and delays went up exponentially. That has kind of renewed and intensified the crisis we have in aviation in this country.

Madam President, I have filed an amendment I will discuss later that I am continuing to work on with my colleague from Illinois, Senator DURBIN. I hope we will be able to work out some arrangements, but my amendment would restore a Chicago supplemental airport to the National Plan for Integrated Airport Systems around the

country, the so-called NPIAS list. For 10 years, Chicago had a supplemental airport on the NPIAS list. It was taken off in 1997 by the FAA. I think it is time we put the Chicago supplemental airport back on that nationwide plan for airports. There are several reasons that I say that.

I want to first point out exactly where we have our airports in Illinois for those who are following this debate. I show you a map of the Chicago area. We have O'Hare International Airport on 7,000 acres on the northwest side of the city of Chicago. It is also bounded by the cities of Park Ridge, Des Plaines, Elk Grove, Wood Dale, and Bensenville. We also have Midway Airport that prior to O'Hare's opening in the late 1950s, early 1960s, was the world's busiest airport, if you can believe it. I think President Kennedy appeared at O'Hare's grand opening in 1963 and by 1969 O'Hare was at capacity.

But if you look at where these airports are located, you see that in order to get more capacity to expand these airports we are confronted with a lot of problems. Midway Airport is right in the middle of a congested area within the city limits of Chicago. In fact, I have never heard the mayor of the city of Chicago suggest expanding Midway to have longer runways. The runways are only 6,000 feet at Midway, so it is very difficult to do a long-haul flight out of that airport.

Recently, Southwest Airlines, and also ATA, have been doing very well at Midway. Midway is almost back to where it was in terms of capacity before O'Hare was built. It is pretty much full right now. Then, of course, we have O'Hare. O'Hare has seven runways.

I will show you a map of those seven runways. This is a blowup of O'Hare Airport. All of this land in the interior shown on the map is filled with runways. In fact, O'Hare has more runways, as far as I know, than any other airport in the country. It has seven runways. It does about 908,000 flights a year.

But when you get into expanding O'Hare, you are met with some real logistical challenges. There is the Tri-State Tollway on the eastern boundary of O'Hare. You have the Northwest Tollway on the northern boundary of O'Hare, and you have Irving Park Road to the south, and you have York Road—Route 83—to the west.

So a lot of people have been saying to me: Why don't we just put down more runways at O'Hare? Many people think—and, in fact, some encourage the perception—that putting in new runways at O'Hare would be as simple as laying new sidewalks. But the fact is, it is very difficult to figure out how you get more capacity at O'Hare.

I show you on this map the existing configuration of the runways at O'Hare. This 7,000-acre field goes way back. The planning was started in the 1940s. It came on line in the late 1950s. I gather that the airport has had this runway configuration for many years—at least 30 years, maybe more. But there are seven runways at O'Hare. One of them is one of the largest runways in the country.

I believe this runway—14R–32L—is one of the longest runways in this country, about 14,000 feet. The problem with these seven runways, though, is that they are not really laid out properly. In fact, in an optimal configuration that would be done today in a new airport, they would lay these runways out in a parallel fashion so they do not intercept. If you have a plane landing on this runway shown on the map, for example, then another plane cannot be taking off on that runway.

So O'Hare's problem isn't that it does not have enough runways but that they are not laid out right. In fact, Atlanta's Hartsfield Airport, which only has four runways—they are trying to build more now—handles more flights now than O'Hare does, even though it only has four runways. That is because those runways are laid out in a parallel fashion, and you can have simultaneous departures and landings on those different parallel runways.

In any case, Mayor Daley has recently proposed getting more capacity out of O'Hare essentially by tearing all of this up and rebuilding it. In fact, I think the mayor proposes tearing up three runways and building four new ones. One of these runways—I think this runway, the 14,500-foot runway—they would just tear up and demolish it. They would lay new runways all in a parallel fashion. But the problem is, this project gets very expensive, and it would take a very long period of time.

This is a diagram of Mayor Daley's proposed modernization of O'Hare, which really amounts to a tearing up and rebuilding of the airport. He would eliminate this runway and this runway I show you on the map, and he would lay parallel runways. He would leave this runway shown here in place. You would essentially have six parallel runways here, and then two parallel in this direction shown here. Essentially, it is kind of like a quad-four runway system. I think mainly these four parallel runways would be the ones that would be used.

In addition, the mayor would add a western access to the airport. The Presiding Officer would be very interested to know that when she grew up in Illinois, it was much easier to get to O'Hare than it is today. In fact, back in the 1950s and 1960s, there were just cornfields out in that direction. The Northwest Tollway was built in the late 1950s during the Eisenhower administration in 1958, and the development started occurring much later.

But now it is very difficult to get into O'Hare because there is not enough access. In fact, coming from my home in Inverness, which is only 12 miles to the northwest, sometimes it takes an hour to go those 12 miles east on the Northwest Tollway because of congestion.

So recognizing that congestion is a problem, the mayor would propose creating a western access to the airport with another major expressway coming into the west to relieve some of the bottleneck that enters now at the airport on the east.

Also, he would add a new terminal. I think basically what they have now is the main terminals, which he would redo under a program called the World Gateway Program that would cost $4 billion, or actually $3.8 billion, to be exact. They would give United terminals 1 and 2, and American terminals 3 and 4. My understanding of it is that most of the other airlines would be stuck at a desk out here on the west side of the airport.

These are the various elements that would have to be done in order to accomplish Mayor Daley's expansion plan. They would close the 3 existing runways, construct 4 new runways, make an extension of 4 runways, construction of the west terminal, construction of western airport access, acquisition of 433 acres, acquisition of 303 homes, and acquisition of 240 rental units. The costs of this proposal have been all over the map. I think the mayor initially disclosed about $6 billion. But that was pretty much just for tearing up and rebuilding the runways. He did not include the $4 billion he is spending now on the World Gateway Program. That brings it up, even by the mayor's cost estimates, to about a $10 billion reconstruction project.

The fact is, when you add in the cost of all the ancillary projects, including road building projects, you would probably have to expand the Northwest Tollway and the expressway to accommodate more people. In fact, you can barely get into the airport right now, as I have said. Imagine what it would be like trying to get into the airport after twice as many people are being urged to go into the airport. So it would be a very costly project—probably somewhere in the $15 billion range, possibly up toward $20 billion. The Chicago Tribune has had estimates ranging from $6.3 billion to $18.9 billion.

My thought is this: I believe we have an aviation crisis in Chicago because we lack capacity. We have far greater demand than we have capacity. O'Hare has capacity for about 908,000 flights a year. Mayor Daley's proposal of spending about $15 billion, and lasting at least 15 years following the approval process, would get us up to 1.6 million operations a year. I favor, instead of going forward with that proposal, building a supplemental Chicago airport. The reason I favor that is because it would bring far more capacity, far more quickly, at far less cost.

This is a chart that shows what would be involved in expanding O'Hare vis-a-vis what would be involved in building a third airport in the Chicago area. The cost could range from $13 billion to $26 billion for the O'Hare expansion. The estimated cost of the third

airport, which would have six parallel runways and handle 1.6 million operations a year, would be only $5 billion to $6 billion—the same as Denver International Airport. Mayor Daley proposes adding 700,000 flights, or operations, a year for the money he proposes spending. For a third of the cost, you could get 1.6 million more operations a year.

In contrast to the 15-years-plus it would take the city of Chicago to tear up and rebuild O'Hare—and God only knows what the delays would be like while they were tearing up and rebuilding O'Hare—the State has estimated it could have the first phase of a third airport done in 3 to 5 years following the approval. That would only be with one or two runways to begin with; ultimate build-out would be six runways. There is great community support for the third airport. There is significant community opposition around the expansion of O'Hare.

Also, competition. Surprise, surprise, but United and American oppose a third airport. Well, United and American have at least 75 percent of the operations. In fact, United and American oppose a third airport because they, right now, have 76 percent of the hub gates at Chicago's O'Hare Airport.

If you look around the country, you will see that we have a tendency around the whole United States toward having a local air carrier that has a dominant position at a regional hub airport. If you look at Atlanta's Hartsfield, you have Delta with 62 percent of the hub gates. At Dallas-Fort Worth, you have American Airlines and Delta together controlling 84 percent of the gates. In Denver, a brand new airport, United is already up to 57 percent of the gates. At Washington/Dulles, United is up to 65 percent of the gates.

So, surprise, United and American oppose a third airport. The reason for that is they would not control the third airport in Chicago. There would be new entrants that would be allowed to come in and compete with them. It seems to me that we should not let that detour us because we are not representing the shareholders of the big six air carriers in the Senate. We need to be worried about aviation consumers. Over the last 20 years—in fact, since deregulation of the aviation industry in the late 1970s—operations in aviation have gone up 80 percent in this country. Yet we haven't built a single new major airport, except for the Denver Airport, which was simply a replacement for the old Stapleton International Airport, which got shut down.

As you look around the country, big airlines that have a dominant position in their market fight like the dickens to prevent another airport from being built because that would allow new entrants to come into their territory, and it would force them to lower costs and improve services or they lose new business to the new entrants.

Because United and American don't want new competitors coming into their marketplace where they have a duopoly should not deter anybody. What I think would be best for consumers in the Chicago area is if we did have another major hub airport and we had other carriers coming into compete with United and American. They are both good airlines. They have wonderful employees and thousands of wonderful pilots, mechanics, and stewardesses; but I believe the consumers in the Chicago area would benefit by having new choices. I think there are possibilities, such as getting a wonderful new startup airline such as a Jet Blue, or even a Southwest Airways, which is competing at Midway Airport in Chicago, but might someday enjoy having the opportunity to run longer haul flights out of the Chicago area and compete more head-on with United and American at O'Hare. To get one of those fine airlines in the new airport would be great for the Chicago area, and it would help decongest O'Hare for the rest of the Nation.

Now, in the few moments I still have, I want to make one final point. In this regard, I want to associate myself with my colleague from Illinois in the other Chamber, JESSE JACKSON, Jr. For many years he has been a strong proponent of a third Chicago area airport. It is the south suburbs and the southern limits of the city of Chicago that he represents in Congress. He makes the point that we should not want all economic activity in our State concentrated in one 7,000-acre site.

That is perhaps why I disagree with Mayor Daley, the mayor of the city of Chicago. He has a different constituency than I. As mayor of the city of Chicago, he wants to keep as much economic development as possible in the city of Chicago, and Chicago is a mighty fine city, and I hope it remains always strong.

Looking at this issue as a Senator with statewide responsibilities and concern for the whole State, I want other parts of Illinois to have jobs, economic development, and an economic engine, too. I want the Rockford area to have their airport used, I want jobs for the people in the south suburbs, and I want some convenience for the 2 million-plus people who live in the south suburbs who have to drive 2 hours or more to get to O'Hare on those crowded expressways.

Yesterday, there was a good column in the Chicago Tribune by a new columnist for the Chicago Tribune. Her name is Dawn Turner Trice. She analogized this issue actually to the G8 economic summit that was just concluded in Europe whereby the big G8 countries were talking about sharing the wealth with the rest of the world, forgiving some of the debts that Third World nations have, turning loans into grants, outright grants to help some of the developing countries.

She said: Why aren't we looking at this airport issue the same way in the State of Illinois? Why do we allow such a great concentration of wealth in one tiny 7,000-acre site and not worry about it anywhere else? She is absolutely right on that and, in addition, those wealthy communities around the airport have said enough is enough. Their quality of life is now negatively impacted by the continual cramming of everything into O'Hare. The idea of dramatically increasing the number of flights at O'Hare beyond what they are now presents a real dilemma to the Chicago area. People do not know how they can get there now. They cannot imagine what O'Hare would be like if the airport was expanded further.

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

Mr. FITZGERALD. Madam President, I thank you for this time, and I thank you for the opportunity to address this issue. I hope to be working with Senator DURBIN and my other colleagues to solve the aviation crisis in the country, beginning in Chicago.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized.

AMENDMENT NO. 1030

Mr. NELSON of Florida. Madam President, I rise in support of the Murray-Shelby version of the question of Mexican trucks on American highways that is in the Department of Transportation appropriations bill.

I support free trade, but free trade does not mean sacrificing the safety of Americans on our highways.

If you will just look at the comparison of safety standards for American trucks and Mexican trucks, the hours of service that a driver can perform are unlimited under Mexican standards.

There are no random drug tests.

A medical condition that will disqualify in America does not necessarily do so in Mexico.

The age for drivers of these trucks established in America is 21 and only 18 in Mexico.

The maximum weight on our highways in America is 80,000 pounds. In Mexico, it is 135,000 pounds.

As to vehicle safety standards, such as antilock brakes, in Mexico they do not even have to have brakes on the front wheels.

And then as to the question of cargo, carrying of hazardous materials, we have very strict standards in this country. In Mexico, they are very lax. There are fewer identified chemicals and fewer licensure requirements.

If ever there has been a case where the commonsense standards, the desires, and the wants of the American people are quite apparent, it is the Americans who get behind the wheel and drive on our highways and on the interstates and encounter huge trucks. How many times have we had, as a driver of a smaller vehicle, a concern about the safety of that big truck that was in front of us or passing around us or that was cutting from one lane to another in front of us.

We have in the interest of free trade in America a proposal to severely lower the standards of trucks coming from

Mexico that we, as the consuming American public, as the driving American public, will have to encounter.

This is not even speaking on the question of the environment. I have been speaking only on the question of safety. On the question of the environment and emission standards, we clearly have in the various States different emission standards. In Mexico, those are much less.

I simply ask the question, Do we want to drive on our highways and encounter trucks with a driver who could be driving with no sleep; that because there was not a random drug test, that driver may be on drugs; he may have a medical condition that impairs his safety; he is less than 21 years of age; he is driving a truck of 135,000 pounds instead of 80,000 pounds; he does not have antilock brakes—indeed, no brakes on the front wheels; and that truck is carrying significant hazardous materials, not even to speak of the fact he is spewing all kinds of pollutants in that acrid smoke we all detest when we are behind a big truck.

The case is quite compelling. I would even be for a more stringent standard than the Senator from Washington has inserted into this bill, but her compromise, along with Senator SHELBY, is a good start in protecting the American people on their highways.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for 15 minutes.

Mr. BOND. I thank the Chair. I thank the managers of this bill, the Chair, Senator MURRAY, and Senator SHELBY for an outstanding bill. It is my pleasure to serve on the committee with them and to support this bill.

Senator MURRAY has been willing to accommodate many of the very important priorities submitted by the Bush administration, including $325 million for the U.S. Coast Guard Deep Water Systems Program, full funding of the President's request for Coast Guard retired pay and Reserve training, and certainly, as far as my State of Missouri, which is a very transportation-dependent State, we are very grateful for the recognition in our State of the needs in transportation, whether it be transit, buses in the metropolitan areas, transportation for the elderly and the disabled in rural areas, light rail, or a critical road project in southwest Missouri on U.S. Highway 71.

These are all things that are extremely important, and we are, indeed, grateful for the careful attention the Chair and the ranking member have provided to the needs of all of us in this body.

I have, however, raised a question at the subcommittee and full committee level at the request of the Secretary of Transportation. I raise this issue of the Mexican truck treatment. As we all know, in 1994, the North American Free Trade Agreement went into effect following congressional approval the previous year. I was here in 1993 and voted for this critically important trade agreement. Though I recognize not all of my colleagues were here, and some who were here did not support the agreement, the simple fact remains that NAFTA did pass. It is now the law of the land. The result is we, as Members of this body, have the responsibility to uphold the law and assure we take no deliberate action to violate it.

Unfortunately, we have received a Statement of Administration Policy, dated July 19, which, No. 1, commends the work that Senator MURRAY and Senator SHELBY, the Chair and ranking member, have done to address these many critical issues. They say the administration is pleased the Senate committee has provided necessary funding and staff to address critical motor safety issues. It repeats that the administration is committed to strengthening the safety enforcement regime to ensure all commercial vehicles operating on U.S. roads and highways meet the same rigorous safety standards. However, the Statement of Administration Policy goes on to say, the advice from the administration is that the Senate committee has adopted provisions that could cause the United States to violate commitments under NAFTA. Unless changes are made to the Senate bill, the President's senior advisers will recommend the President veto the bill.

That is the situation in which we find ourselves. This is too good a bill to be lost. We want to work together to make sure we do not lose the benefits of this bill or violate our agreements under NAFTA. We know for a fact that the NAFTA international tribunal has already issued a decree we violated obligations and are subject to sanctions ranging from $1 billion to $2 billion per year for continued violations. These sanctions could certainly lead to multiple problems, particularly in manufacturing, which has already seen three-quarters of a million jobs lost since 2000. The real fear in terms of trade is that if the sanctions continue with alternative suppliers being found from the European Union or elsewhere, the job losses could become permanent.

To set the context for the Senate bill, our colleagues on the other side of the Capitol took a very stringent view that would prohibit the use of any funds in the appropriations bill pending to process applications by Mexico domiciled motor carriers for conditional or permanent authority to operate beyond the commercial zone adjacent to the border. In other words, the House-passed language, as amended on the floor, effectively closes our borders to trade with Mexico while providing no money to address any of the concerns noted by those supporting the amendment. That is to assure safety for all trucks on the highway.

This action not only constitutes a direct violation of NAFTA, but it does not do anything to address the safety issues associated with the status quo on the United States-Mexico border.

A few moments ago we heard questions raised about the weight of trucks in Mexico, their brake systems, and other things. Let me go back to point out that under NAFTA and under the administration's policy, the inspection regulations would require that the trucks coming in from Mexico meet our standards. Whether it is weight, whether it is brakes, all of the safety standards that we impose on our trucks, that we impose on Canadian trucks, would be imposed on Mexican trucks.

As I mentioned earlier, the provision in this bill, headed by the Chair, Senator MURRAY, and Senator SHELBY, made very significant improvements in the legislation and added the money necessary to protect others who travel on the highways. That has to be our first responsibility. Everybody wants to make sure our highways and roads are as safe as possible. We are going to do that. What we need to do is figure out how to do that.

I raise a concern that some of the provisions in this bill could effectively close our border to Mexican trucks. I am very pleased to say we are expecting very shortly to be able to meet with the administration to find out precisely the kind of language changes that are needed. I trust and I believe the leaders of this committee, the Chair and the ranking member, will be able to work to find solutions to the language problems and the practical problems that cause the administration to believe this is a NAFTA violation. We do need to maintain our standing in the international community and make a good-faith effort to live up to our trading obligations. Certainly the obligation to open our borders to other countries that want to bring goods into our country in exchange for opening their borders to allow us to take goods into their countries is very important.

Whether or not my colleagues supported NAFTA at its inception, there should be no question that we should not do something in this body or in conjunction with the other body that would cause us to be in the position of breaking our agreements. That, I am afraid, is the major problem. We cannot and must not violate our agreements. The practical impact of the provisions, unless we can work out a change before it is sent to the President, would be a veto of the whole bill. Senator MURRAY and Senator SHELBY have worked too long and hard to get this bill together to lose it. Our agricultural exports, our manufacturing exports, the jobs for our farmers, the jobs for our workers, require we do this job properly.

If you have, as I have, listened to the congressional debate on letting Mexican trucks travel U.S. roads, you might think the United States is an unequipped, underdeveloped country. I pointed out that NAFTA permits us to require the same safety standards for trucks on highways. We have had more

than 7 years to prepare for the inspection of trucks to ensure they meet U.S. safety standards as required by the North American Free Trade Agreement and as repeatedly requested by Mexico. Yet it appears the Teamsters Union and others with straight faces tell us that the world's wealthiest and most advanced nation does not have the resources to perform this relatively modest chore. That is the heart of their argument—U.S. inadequacy—and we should be ashamed of it, just as we should be ashamed of other arguments being made: we cannot inspect trucks coming across the border, not 7 million trucks; at maximum 180,000, or 300,000 trucks might be the most.

We have the right and the obligation to inspect these trucks. We should be ashamed of saying that we cannot inspect them. We have a lot of evidence already of trucks traveling on our highways. A Mexican trucking fleet has long been allowed to traverse this country en route to Canada with no notable safety hazard resulting. Only if the Mexican trucks want to stop to deliver goods throughout the United States do we want to bar them. Maybe it is a question of whose jobs are being impeded.

Mexican trucking firms can already travel throughout the United States so long as the firms are U.S. owned and no serious issues have been raised about that. Only if the Mexicans own the companies do we prohibit their trucks. Something to do with competition maybe. That raises questions.

Older Mexican drayage trucks, those long allowed to make short hauls in the 20-mile ''commercial zones'' on either side of the border, are as safe as similar U.S. trucks. As the American Trucking Association has noted, the Mexican vehicles are taken out of service for safety reasons at rates that are virtually identical to those at drayage operations at ports and intermodal facilities all across the United States.

If we need more proof, we only need to look to California, the only State that inspects every Mexican vehicle crossing its border. The out-of-service rate for Mexican trucks there is virtually the same as that for U.S. trucks. The president of the Teamsters, Mr. James Hoffa, calls California's program, which we propose for the rest of the border, ''a model of what a proper inspection program can achieve.''

What it has achieved is to show that we can, indeed, inspect Mexican trucks. California does it in two modern facilities, built mostly with Federal funds, with inspectors chiefly paid with Federal dollars, and those vehicles are as safe as U.S. trucks. How, then, can critics make the claims about dangerous Mexican trucks?

First, they mix apples and oranges, comparing older drayage trucks, which have a higher out-of-service rate in both our nations, with all U.S. trucks. Thus, when critics say the out-of-service rate for trucks at the border is 36 percent, or half-again higher than the 24 percent for all U.S. trucks, they are engaging in a little statistical sleight of hand. This, I find, is misleading.

In addition, there is a contention that under the administration's plan it would take 18 months to take any unsafe Mexican trucks off the road. But that is how long it would take to go into Mexico and audit Mexican firms' paperwork, maintenance records, drivers' logs and the like, not to inspect their trucks.

What we are seeking funds for in this bill, and what the administration has sought, is money for roadside truck inspections.

Similarly, as I said, many House Members signed a Teamster-generated letter that under NAFTA, 7 million Mexican trucks would be riding American highways, while only 180 Mexican firms have applied, and there are only about a total of 300,000 commercial trucks in all of Mexico.

The chief danger in this debate is not Mexican trucks but U.S. protectionism, which is already costing businesses and consumers dearly. About 75 percent of United States-Mexico trade, or about $195 billion of goods moves by truck with cargoes transferred from long-haul trucks to drayage trucks at the border and back to long-haul trucks for nationwide delivery. It is a senseless and expensive system that must be ended—not for the least reason that it keeps the older, more dangerous drayage trucks targeted by critics on the road.

As one who comes from an agricultural State, and 75 percent of our exports go into Mexico by truck, we depend upon trucking because 12.5 percent of the American agricultural exports go to Mexico. That gives us a trade surplus in agriculture of over $1 billion.

If we put these barriers up to Mexican trucks as Secretary Mineta, the Secretary of Transportation has noted, Mexico could impose compensatory tariffs of $1 billion on U.S. goods. Many U.S. workers and companies would feel the pain if Mexico were to exercise this right.

Perhaps more costly, however, would be the damage to our U.S. drive to get other nations to keep their borders open and to keep their trade commitments. As the world's largest exporter, we have the most at stake in this issue. Our case will be impossible if we violate our own word. I think it is past time. I hope we can very shortly work out something that the President has suggested, the Teamsters endorse, many on this floor have endorsed, and that is adopting the California model for all border States to provide the funds for facilities and inspectors, to make sure our highways are safe. That is No. 1. Every American has a right to demand that we ensure the safety standards for all the trucks on our highways.

I encourage all my colleagues to work with the Chair and the ranking member to ensure safety on America's highways while opening our borders to foreign trade, to assure compliance with our treaties, and to avoid a veto.

People in my State want to trade with Mexico just as the people in the rest of the country want to trade with Mexico. We can achieve safe highways while maintaining open borders and avoiding trade sanctions by applying universal inspections and standards across the board. We can get the job done. I look forward to working with the Chair of the Committee, Senator MURRAY, and Ranking Member SHELBY in the coming hours and days in an effort to see that we can attain these very reasonable goals for all Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator has expired. Who seeks time? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I hope to clear the air somewhat with respect to comments made by my distinguished colleague from Arizona. I serve with him on the Appropriations Committee. We both voted to report out this particular Transportation appropriations bill with the Murray amendment. We reported it out unanimously.

The reason we did that is because the Senator from Washington, Mrs. MURRAY, and the Senator from Alabama, Mr. SHELBY, in a bipartisan manner, went about this particular task in a very deliberate, studied way. In other words, they went to the Department of Transportation and they went to the Motor Carrier Safety Improvement Act of 1999.

For example, the particular provisions I heard Senator GRAMM of Texas point out, there are two of them, relative to the leasing issue and the disqualification of vehicles operating illegally. They are both suspended upon implementation of the motor carrier provisions of NAFTA. That says ''upon implementation.'' What the Senator from Texas was talking about as an extreme, terrible thing and everything else, is actually required. These provisions are required under the Motor Carrier Safety Improvement Act of 1999 that passed this Senate by 99 votes. Of course, I voted for it. The Senator from Texas and the Senator from Arizona voted for it, also.

It is talking of two particular provisions where, if you are found in violation, for example, you cannot then go lease your equipment for some other person to come in and do the job. That is provided for in this Motor Carrier Safety Improvement Act of 1999. I have it here in my hand, should there be any question.

Otherwise, the Senator from Texas was correct in a sense about leasing and domicile. When we drew up this provision, we checked with the Transportation Safety Department. In fact, I thought I was correcting Secretary Mineta in our hearing last week when he attested to the fact it never should be required that it be domiciled. And I

said: Mr. Secretary, we got that from your Department.

Now the Department of Transportation says: Not quite. What they really meant was license in the sense of domesticating, having an individual in some State to be subject to service. In other words, if there is an accident and some aggrieved party wants to serve the particular—let's say Mexican truck—they have to have the State and an office and an individual to be served, subject to service that we all know about in the practice of law.

That could be corrected, as the Senator from Washington said, by amendment. True it is that, yes, Vicente Fox, the new President of Mexico, has given us hope with NAFTA. There is no doubt we have NAFTA. I opposed it as vigorously as anyone, but now we have to see that it works.

In all candor, this is the first chance I have seen that we can make it work under the new President, particularly with his Foreign Minister, Jorge Castaneda, who has taught up here in the United States. He has worked on this and I have talked to him about safety. Mexico does not really want to get embroiled in this. They are mostly interested in immigration and industry and economic expansion and everything else, and they don't want to cross wires with the United States on the matter of the Motor Carrier Safety Improvement Act Of 1999.

He said that to me several times. I understand that. Neither do we, because this is a reciprocal thing. If we required something up here in the United States that was untoward or discriminatory, they would require the same thing of us down in Mexico.

We are working this treaty out. These provisions under the Murray amendment are all in conformance with NAFTA—and are required by the U.S. motor carrier act. I can tell you that right now.

Senator MURRAY and Senator SHELBY should be commended for their thoughtful process. The President said we are going to license, and the trucks can come over January 1st. The confrontational Sabo amendment in the House said there will be no money to process applications and the trucks would not be eligible to come over. It said we are going to save money by cutting funding off for the fiscal year 2002. That doesn't get us anywhere. If we take up Representative SABO'S legislative proposal, it will be another year and a half before we can address the issue. Nothing would happen until October of next year.

Everybody wants to move along on this particular score. Jimmy Hoffa testified at the hearing for this Murray amendment. We asked him about these particular amendments because we wanted to be sure it was deliberate and nondiscriminatory in the sense that it was required of the U.S. motor carrier act. That is the way it has been provided.

The Senator from New Mexico, Mr. DOMENICI, was correct in saying that we have every bit of hope and we are all working. But to say that it looks like partial discrimination and that we were trying to get some tricky kind of things on behalf of the Teamsters, or that these requirements cannot be complied with—it is totally out of whole cloth. I have never seen anybody work harder and give better leadership than the Senator from Washington with this Murray amendment. It is the Murray-Shelby amendment. It is bipartisan. It should remain so. All of this running around, I don't want to talk, or you don't want to talk, or whatever—that is nonsense. Put up the amendment so we can vote on the amendment and move on.

I think the Senator from Washington ought to be commended for the very studied way in which she has gone about this particular amendment and these requirements. Certainly once that gate is opened and the trucks are coming over, then they are coming over in some 27 particular spots, and we have to provide checkpoints and personnel, training, and everything else ourselves. So it is not just the Mexicans preparing themselves and so forth by January 1st, but us, too.

We don't make January 1st the drop-dead date under the Murray amendment. We say all of these things cannot be licensed; the border cannot be opened until A, B, C, or D in the Murray amendment are complied with. That is the studied, deliberate way to go about regulating at this particular point on the appropriations bill. It is important that it be done that way rather than overall on the House side.

We are not looking for the President to veto it. President Bush is smart. He is not going to veto safety. There is nothing in this particular measure that would require a veto. Let's get on with legislation in the particular appropriations bill.

I vetoed, like the distinguished Presiding Officer, for 4 years as the Governor. You wake up, and you want to read that veto message very clearly so it can not only be sustained legally but in the public domain. I can tell you that neither legally nor in the public domain the veto of the Murray amendment will be sustained. Nobody is trying to say we are going to stick it to you and we hope you veto it. None of that is in here. It unfortunately has gotten way off track.

I am not a party or even a member of the Subcommittee on Transportation in the Appropriations Committee, but I have watched how it was done. Yes, our committee, the Committee of Commerce, Science, and Transportation, had a hearing with Secretary Mineta. Those kinds of things were pointed out. I could go on at length about the hearings we had.

For example, the Comptroller General said:

> Strong enforcement will be needed for the minority of carriers that are egregious offenders and a risk to public safety. The Motor Carrier Safety Improvement Act of 1999, section 219, provides fines and disqualification sanctions for Mexican carriers operating without authority or beyond the authority in the United States. These fines range from $10,000 to $25,000. However, the act's provision has not been implemented, and this provision will expire when NAFTA's cross border trucking provisions are implemented.

These are the kinds of things we had before us at the hearing of Commerce, Science, and Transportation with Secretary Mineta. It was an excellent hearing.

We are ready to move on. I am convinced that we could report out a similar authorization bill this afternoon, if the committee met, similar to the Murray amendment. It would be right there, because we made our suggestions as to changes.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we be in a period of morning business, with Senators allowed to speak for up to 5 minutes each, until the hour of 3:40 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, I know there is a discussion going on off the floor with regard to coming to some resolution on the issue of Mexican trucking. I hope we can find a way to resolve this procedurally.

I applaud Senators MURRAY and SHELBY and others who reached the compromise that is now part of the bill, and I hope, whether we reach another agreement or whether we can't reach agreement and simply have votes, we can do that. I think we have made reasonably good progress before the August recess on appropriations.

I have had some discussions with the Republican leader, as well as with our caucus and my leadership. We have discussed just what remains to be done prior to the time we leave. I think it is fair to say we are way behind the curve with regard to where we should be on the appropriations front. We have only completed three appropriations bills so far. I hope at the very least we can complete our work on at least two more—Transportation and HUD/VA. I have indicated to Senator LOTT that would be my desire. I have indicated to

my caucus that there is no question that we ought to be able to do those two. Senator BYRD, the chairman of the Appropriations Committee, shares my view.

So my expectation and my determination is that we complete our work on those two bills. We also have two emergency issues to deal with. First is the Agriculture supplemental authorization. It has already passed in the House. I am told that the Agriculture Committee is intending to vote on it tomorrow. It would be my expectation to take it up shortly after the committee action in an effort to get it through the floor and into conference in time to bring it back prior to the time we leave. That, too, is a very necessary piece of legislation, first, because of the relief it provides to millions of producers across this country—producers that are not only incorporated into the farm bill itself, but many other producers that do not have farm programs per se. If we do not act before the August recess, we will lose the budget authority that is dedicated under the budget resolution to agriculture and disaster assistance. It would then be taken out of next year's authorization.

We can't afford to lose the $5.5 billion authorization. But that is exactly what we face if we are not able to act. So I don't think we have any alternative, any recourse, except to ensure that the work is complete before we leave for the August recess.

Finally, the Export Administration Act is also in peril. The act expires during the August recess. The administration has indicated this is a high priority for them. It is a high priority for our caucus, but I think, on a bipartisan basis, Senators on both sides of the aisle have indicated a strong desire not to allow this legislation to expire in August. So it is my expectation that it, too, must be dealt with prior to the time we leave.

In addition, our Republican colleagues have expressed a strong interest in confirming additional nominees, and I have every expectation that we will be doing that as well. In the past 2 weeks, the Senate has now confirmed 77 nominees. I intend to move as many additional nominees to the floor prior to the recess as we can. I have discussed the matter with each of our Chairs, and they have volunteered extensive cooperation in bringing additional nominees to the Executive Calendar so we can move on them once the work has been done. To my knowledge, except for those nominees for whom there is a Republican hold, there are few, if any, nominees who have been on the calendar more than a couple of days. I do believe we owe every Senator the right to examine the nominees and to ensure that they are prepared to support them. But I will press for consideration and ultimately confirmation of those nominees prior to the time we leave.

All of us have August recess plans, but we have to accomplish these four essential items, in addition to the nominations that I want to be able to move forward and confirm before we take a vacation. I think we have a fundamental duty not only to build on what we have been able to do in the appropriations process, but also to deal with the many other additional requirements that are pending before the Senate prior to the time we leave.

So just to sum up, it is my hope, even though we are not making a lot of progress today so far on the Transportation bill, that we can complete it. I see the distinguished Chair of the subcommittee on HUD/VA on the floor. She has indicated that she knows of no significant legislative impediments to consideration of her appropriations bill. So at least those two bills will need to be addressed prior to the time we leave. And then, of course, as I said, there is the Agriculture authorization supplemental. I can't imagine that anybody would want to hold it up or want to delay its implementation. As I have noted, the House has already acted. It would be our hope and expectation that we cannot only act but that we can work out our differences with the House in time to assure that this bill is sent to the President before we leave. If we fail to do that, of course, we then fail to allocate the $5.5 billion committed to emergency agricultural spending in the budget.

The Export Administration Act, of course, is also something we need to consider. I see the Chair of the Banking Committee, whose jurisdiction it is, and he has indicated as well his desire to cooperate and move forward in a bipartisan way to ensure that we attain that goal.

So we have a lot of work to do in 2 weeks. I expect we are going to stay in late Tuesday, Wednesday, and Thursday nights. I think it is important for us to make full use of this week, and we will be doing so. If I am required to file cloture on Transportation by the end of the day, I will do so. I am withholding that at this point because I hope that some accommodation can be reached on a vote on whatever amendments may be offered on Mexican trucking. But we have to get on with our work. We simply can't afford these long delays throughout the week.

IN MEMORY OF OFFICERS GIBSON AND CHESTNUT

Mr. DASCHLE. Mr. President, in about 1 minute we will be observing a moment of silence in memory of Officers Gibson and Chestnut.

As my colleagues will recall, it was 3 years ago to the minute these unfortunate and tragic deaths occurred. I ask at the appropriate time, which is now, that we observe a moment of silence.

(The Senate observed a moment of silence.)

Mr. DASCHLE. Mr. President, I appreciate my colleagues' and everyone's attention. If I may say for a moment, I remember this day 3 years ago as if it occurred just yesterday. I did not know Officers Gibson and Chestnut personally, but I knew them, and as we all recognize, we take for granted all too often the tremendous service provided to us by our police and by those who guard our security each and every day.

The loss of life under circumstances such as this is all the more tragic when you appreciate their dedication to public service, their commitment to our good health and security, and the recognition that their families still grieve their loss.

I know I speak on behalf of the entire Senate in wishing the families of Detective Gibson and Officer Chestnut our very best and most heartfelt wishes and recognition, once again, of their tremendous dedication to public service and their commitment to us and to all those who survive and continue to work each and every day, in keeping with the spirit and dedication that they so ably demonstrated.

Mr. LEAHY. Will the distinguished leader yield?

Mr. DASCHLE. I will be happy to yield.

Mr. LEAHY. Mr. President, I associate myself with the words of our distinguished leader. I came over to the Senate for the express purpose of this moment.

Like the distinguished leader, I recall this tragedy. I had just arrived in Vermont on that day, and I recall when the police officers in the airport said: Senator, have you heard what happened? Any of us who has served in law enforcement has a sense of what goes through everybody's mind.

I thought of Officer Chestnut who just a few days before as I was going through the door stopped me and said my wife had just gone through. We were at some event up here. I do not even remember now what the event was. He said: I sent your wife on up. He said as a joke: You must be late because you are behind her. That is a family thing.

Detective Gibson traveled with different groups I had been with when we had hearings outside Washington and had gone with Senators on different events. A lot of times we were around when there would be dignitaries up here, and he would recognize the different Senators. It was always the same thing: He would see us or a family member: Here, come on through; and he would take care of us.

It can sometimes be very easy to take for granted the law enforcement around the Capitol. There is a significant law enforcement presence. It is, as the distinguished leader said, like family. We see them and are with them, and yet when something such as this happens, you realize they are the line of defense between us and that tiny, tiny, tiny fraction of people in this country who would do injury, not to us individually but to really the symbols of our Government.

I thank the distinguished leader for his words. I know they are words that

will be joined by Senators on both sides of the aisle.

Mr. SARBANES. Will the distinguished Senator yield?

Mr. DASCHLE. I will be happy to yield.

Mr. SARBANES. Mr. President, I thank the leader for offering this moment of silence in honor of Detective Gibson and Officer Chestnut and the sacrifice they made. It represents the sacrifice so many men and women make each day in the Capitol so that the Nation's business is transacted.

I know both their families, of course, and I know how much the loss impacted them, how deeply they felt it. It is very fitting and appropriate that we should just bring our business to a halt, pause, and remember their tremendous contribution, their tremendous sacrifice, and that of many others who work here each and every day. I thank the leader for doing this.

Mr. DASCHLE. I thank the Senator.

Ms. MIKULSKI. Mr. President, I personally associate myself with the leader's remarks and that of my two colleagues. I also knew Officer Chestnut. He was a Prince George's County guy. In fact, he was days from retirement. He would probably be fishing on the Chesapeake Bay now with his grandchildren.

As we remark and express our gratitude for the men and women who protect us every day, we also have to think about their spouses, and we need to think about their children. They would not be here without their love and support. This is why, as we honor those who protect us, we also remember the families who support them so they can do so.

I thank the leader for pausing, and God bless the souls of those men, and God bless the men and women who protect us and their families.

Mr. DASCHLE. I yield to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I had occasion with four distinguished Senators to travel through Vermont. We had Detective Gibson and Officer Chestnut travel with us to ensure our security. They were wonderful and most efficient. In fact, it is not easy to maneuver four Senators around and keep track of them and their spouses and keep them on schedule.

We got to feeling closer to them under those circumstances. They were two wonderful men. I feel a certain sadness of the memories connected with that. They were truly wonderful, and their families, of course, we all got to know after this tragedy. They are fantastic people.

I echo the comments of the Senators from Maryland in making sure we watch out for them.

Mr. DASCHLE. I thank the Senator from Vermont.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate extend the period of morning business until 5 o'clock, with Senators allowed to speak for up to 10 minutes each.

Mr. McCAIN. I object. I would like to speak on the bill.

The PRESIDING OFFICER. The objection is heard.

Mr. McCAIN. I withdraw my objection.

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

The Senator from Maryland.

Mr. SARBANES. Mr. President, parliamentary inquiry: Is the Senate now in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

TRIBUTE TO KATHARINE GRAHAM

Mr. SARBANES. Mr. President, I rise today to pay tribute to a wonderful American, an absolute giant in the field of journalism, and someone who broke through barriers for women all across this country, Washington Post publisher Katharine Meyer Graham.

There is little that has not been said over the last few days about Kay Graham and the remarkable life she led as a citizen of the Nation's Capital and the world. Although she was born into a well-off family and attended exclusive schools, Kay Graham did not retreat into a world of privilege and leisure. After graduating from the University of Chicago in 1938, she worked as a reporter for the San Francisco News. Not able to stay away from Washington for long, she returned the following year and took a job in the editorial and circulation departments of the Washington Post.

Kay Graham then began the next phase of her life, marrying Philip Graham who had clerked in the Supreme Court. Soon after their marriage, Phil Graham joined the Army Air Corps and Katherine followed him to military posts in South Dakota and Pennsylvania. A devoted wife and mother, she dedicated the next 20 years to her family as she brought up her four children: Lally, Donald, William, and Stephen.

Tragedy thrust Kay Graham into a role she never envisioned for herself. After the death of her husband in August of 1963, she took over the helm of the Washington Post and then proceeded to build the company into one of the finest news organizations and businesses in our country. When she took over as president of the Post, it was still a relatively small organization consisting of the newspaper, Newsweek magazine, and two television stations. It was Kay Graham and her associates who built the company into the publishing giant it is today. By emphasizing both scrupulous news reporting and attention to the bottom line, she was able to attract advertisers, investors, and readers alike, all while adhering to the highest journalistic standards. Kay Graham built the Washington Post into a Fortune 500 company and she was the first woman to lead a Fortune 500 enterprise.

Despite, or perhaps because of, her dedication to the family business, Kay Graham was willing to risk it all in pursuit of a news story that needed to be told. Many have spoken of the courageous editorial decisions she made when the Washington Post published the Pentagon Papers, and later when it led the investigation into the Watergate break-in. In both cases, Kay Graham bravely stood up to pressure and, indeed, intimidation from the highest levels of Government, risking in a sense her livelihood to ensure that the public learned the truth.

It is sometimes now difficult, being beyond that period, to appreciate the import and significance of those decisions. But at the time, her decision to pursue those critical stories was filled with peril, and she set an example for the country by coming through that difficult period like the true champion she was.

Kay Graham was an irreplaceable participant in the Washington community and on the world stage. She formed close friendships with political leaders on both sides of the aisle, with business leaders, with world dignitaries. Many of us had the privilege, on occasion, to discuss complicated and complex policy issues with Kay Graham, and we deeply appreciated her keen intellect and her thoughtful insights into the problems of the day. And throughout her life, she maintained a grace and sense of humor that endeared her to all that had the privilege of knowing Katherine Graham. She will be missed, not only as a reporter of the news but also as someone who truly contributed to the dialog of world affairs.

In 1991, she stepped down as chief executive of the Washington Post, and in 1993 resigned her position as chair. Yet even ''in retirement'' she remained an active member of the Post's board of directors, chairing its executive committee and maintaining an office at the Washington Post until her death last week. She also found time during this period to write her memoirs, an exceedingly moving story entitled ''Personal History,'' which won the Pulitzer prize for biography in 1998.

The achievements of Kay Graham were tremendous and her dedicated service to the Washington Post, to our Capital City, and to our Nation, are great indeed. She will be sorely missed by all of us. She kept us informed, led our community, shared her wisdom, and was our friend.

I extend my deepest sympathies to her family and her many devoted colleagues at the Washington Post.

Mr. President, I have an editorial which appeared in the Baltimore Sun about Kay Graham entitled ''Industry Titan, Publishers courage and judgment made one newspaper great, others stronger.'' It is a wonderful tribute, as it is from a peer. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. Mr. President, I close with this thought. It is indicative of her wonderful accomplishments with respect to the Washington Post that one can say, as I say now with confidence, that the Post will continue to be a great newspaper. Kay Graham institutionalized the Washington Post as a great organ for truth and for responsible journalism. As one thinks back on her legacy, perhaps one of its most significant aspects is that we can look forward in the expectation that the newspaper she built will continue to be one of the world's great newspapers because of the standards she established and the legacy she has left.

I yield the floor.

EXHIBIT 1

[From the Baltimore Sun, July 18, 2001]

KATHARINE M. GRAHAM

Industry titan: Publisher's courage and judgment made one newspaper great, others stronger

U.S. newspapers are better and stronger because of what Katharine M. Graham did at the Washington Post. Her death at 84 deprives the industry of a giant.

The core of her achievement was in three gut-wrenching, high-risk decisions made from 1971 to 1975.

In the first, she agreed over legal advice that the Post would print the Pentagon Papers, prepared from government documents detailing U.S. involvement in the Vietnam War, after the New York Times was enjoined from doing so. Other papers followed, and the precedent of prior censorship was undone.

The second was to support dogged investigative reporting of the burglary of the burglary of the Democratic National Committee, in behalf of President Richard Nixon, as it turned out, during the 1972 election campaign. What the Post, courts and Congress learned forced Mr. Nixon's resignation.

The third, in 1975, was to respond to sabotage of presses by striking pressmen with a determination to publish with nonunion pressmen and defeat such tactics.

The decision were connected. Without the first, she might not have stuck with the second, or without that triumph, the third.

Katharine Meyer, born in 1917, never intended such a role in national life. Her financier father bought the failing newspaper in 1933. She married a brilliant young lawyer, Philip Graham, whom her father made associate publisher, later publisher.

His progressive mental illness and suicide in 1963 propelled her timidly into his shoes if only to save the newspaper for the family. The rest is not merely history; it is her 1997 Pulitzer Prize-winning memoir, Personal History.

As publisher and chief executive until turning power over to her son, Donald, in 1991, Mrs. Graham built a media empire. At its heart was a newspaper that penetrated its market as no other and that grew into one of the world's best.

Mrs. Graham was a power in Washington, and a force in publishing—positive in both spheres—until her death following a fall in Sun Valley, Idaho. Her good works survive her.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I intend to speak on the pending Murray amendment. I ask unanimous consent to take as much time as I might consume.

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

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS

MCCAIN-GRAMM ALTERNATIVES

Mr. MCCAIN. Mr. President, we just concluded a meeting with several Members who were involved in this matter, including the distinguished minority whip, Senator REID. I thank Senator SHELBY, who was responsible for this meeting. I think it was helpful. Representatives of the administration were there. I think at least we were able to establish lines of communication and dialog on this important issue.

Before I discuss the proposed McCain-Gramm substitute that we may be proposing, depending on the status of negotiations, I wish to emphasize the importance of this issue. Here we are on an appropriations bill—an appropriations bill—a piece of legislation that profoundly affects, in my view and perhaps far more important the view of the administration, profoundly affects a solemn trade agreement entered into between three nations: United States, Mexico, and Canada. Here we are debating a provision on an appropriations bill that is supposed to pay for the transportation needs of this country.

I say again to my colleagues, this is the wrong way to do business. So, therefore, because of the deep concerns that I, Senator GRAMM, Senator BOND, Senator DOMENICI, and many others have, we have to do what we can to see that this appropriations bill does not have language in it which, as I say, in my view and that of the administration and objective observers, is in violation of the North American Free Trade Agreement. That is why we here have been tied up now for a couple of days and will continue to be so, unless we can come to some agreement that will satisfy the concerns we have that we would be violating the trade agreement.

I remind my colleagues again, a panel already has declared the United States is in violation of NAFTA because of our failure to allow carrier crossings.

We could be subject to sanctions to the tune of billions of dollars imposed by the Mexican Government. I hasten to add the Mexican Government has not threatened us, but we could be liable for that.

I hope our negotiations can continue. I hope that the advice of the senior advisers to the President recommending a veto of the bill in its present form will not happen. There are much needed transportation projects in this appropriations bill, and, in my own view, some that are not needed. But I will not go into that at this particular time.

The fact is that we need to negotiate. The areas of disagreement are not that great, but they are significant.

There are 22 provisions in this legislation which cumulatively would ensure that it would be impossible to implement the carrier truck crossings for 2 or maybe as much as 3 years. I hope we can get this worked out. As I say, our differences are not that great.

Unlike the House provisions, this legislation provides significant funding to enable the Department of Transportation to hire and train more safety inspectors and to build more inspection facilities at the southern border. I strongly commend the committee for this action.

However, as I previously explained, I have concerns over a number of requirements included in the bill that if enacted without modifications, could effectively prevent the opening of the border indefinitely. My concerns are shared by other colleagues and the administration.

The administration estimates the Senate provisions under section 343 would result in a further delay in opening the border for another 2 years or more. This would be a direct violation of NAFTA. It effectively provides a blanket prohibition from allowing any Mexican motor carrier from operating beyond the commercial zones. This view is shared by a number of us, as well as the President's senior advisors, who have clearly indicated they will recommend the President veto this if it includes either the House-passed or pending Senate language.

I recognize that at first glance, many of the requirements in section 343 appear reasonable. However, I am informed by DOT officials that it simply cannot fulfill all 22 requirements imposed by section 343 in the near term. To quote from the Statement of Administration Policy, transmitted to the Senate last Thursday.

> 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 may be debate back and forth as to whether these provisions in section 343 of the bill are in compliance with NAFTA. The fact is that the senior advisers to the President of the United States have determined that it places us out of compliance. Therefore, that discussion becomes somewhat academic, if the President is going to veto the bill.

I would like to discuss the provisions of concern, and explain how our amendment proposes to address those concerns while seeking to retain the underlying intent of the provisions, at

least in the context of safety. It is very important to point out that like the committee's approach, our amendment goes much further than the DOT had planned to go based on its May 2001, Federal Register notice of proposed rulemaking on how it would address cross border safety. But our approach would not prevent the border opening indefinitely.

First, section 343 requires the Federal Motor Carrier Safety Administration to conduct a full safety compliance review before granting conditional operating authority and again before granting permanent authority and to assign a safety rating to the carrier. The reviews must be conducted onsite in Mexico.

The problem with that requirement is that a compliance review assesses carrier performance while operating in the United States. It is conducted when a carrier's performance indicates a problem—that it is at risk. As a technical matter, a full fledged compliance review of a Mexican carrier would be meaningless since that carrier won't have been operating in this country and won't have the type of performance data that is audited during a compliance review. If DOT is forced to conduct what would largely be a meaningless compliance review, every carrier will receive a satisfactory rating because there will be no records or data from which to find violations of the Federal Motor Carrier Safety Regulations.

Further, DOT estimates it would cost $40 million if it is required to perform a compliance review of every carrier seeking operating authority and another $10 million to perform such a review onsite. Therefore, the Senate bill would need an additional $50 million if DOT is to carry out this largely meaningless mandate.

A workable alternative, however, would be to require a safety review, as included in our amendment. It is far more prescriptive than the type of review mentioned in the May 2001, notice of proposed rulemaking regarding implementation of NAFTA's cross border provisions. It would provide for a review of available performance data and safety management programs, including drug and alcohol testing; drivers' qualifications; drivers' house-of-service records; vehicle inspection records, proof of insurance, and other information necessary to determine the carrier's preparedness to comply with Federal motor carrier safety rules and regulations. If warranted by safety considerations or the availability of safety performance data, the review should be conducted onsite.

I believe a safety review would go a long way in addressing the safety considerations and would likely provide the verification of data the managers of the bill are seeking. Frankly, it requires substantial analysis that is not imposed upon United States or Canadian carriers, who only need to complete an application available online and transmit it to DOT along with $300. I am very hopeful the Mexican Government will be willing to accept the type of approach described in our amendment, even though it would treat Mexican carriers substantially different than United States or Canadian carriers.

Second, the administration has raised concerns with the proposed requirement that each and every time a truck crosses the border, it must electronically verify the driver's commercial driver's license, CDL. The DOT has expressed considerable concern that such a requirement would significantly impede the flow of traffic and commerce at the border. Backups can already exceed more than 4 hours at some crossings in Texas. DOT has estimated such backups would increase immensely. The idling vehicles would obviously have an enormous impact on the environment. DOT also estimates the cost of electronic verification at all 27 crossings at $14.6 million.

It is important to note, we do not verify every license of every Canadian driver that crosses the northern border. I believe it would be discriminatory to check every single Mexican driver's license when we do not check other operators in this country. I believe it sends a signal we do not want to send and strongly caution all of my colleagues on this proposal.

As an alternative, our amendment would require that each truck that will be operating beyond the commercial zones to be inspected prior to operating in this country and that during such an inspection, the inspector would verify the driver's CDL. Each vehicle must display a valid Commercial Vehicle Safety Alliance, CVSA, decal obtained as a result of a level I or level V North American Standard Inspection. It is important to note that vehicles must be reinspected every 90 days to be valid.

Let me point out the Senator from Washington has offered an amendment to also require vehicle inspections. I suspect she developed the amendment after hearing last week that our amendment would include this important safety feature.

In further regard to verifying a driver's CDL, our amendment calls for DOT to institute a policy for random electronic or other verification of the license of drivers crossing at the border. This would be far less discriminatory, and would not have as great an impact on crossing delays.

Let me also point out that the record of Mexican drivers is better than that of either Canadian or United States drivers. Based on the available data provided by DOT, the out of service rate for Mexican drivers is 6 percent; it is 8 percent for United States drivers; and 9.5 percent for Canadian drivers. If the managers of this bill are concerned about drivers, perhaps they need to first focus on where the greatest safety problem appears to exist.

Third, section 343 would require all border crossings be equipped with both weigh-in-motion, WIM, systems and fixed scales and that every commercial truck crossing the southern border must be weighed. This requirement raises significant cost, space, and time considerations. DOT contends it would result in extensive construction and could postpone the border opening until 2003.

Weight enforcement has historically been a state enforcement responsibility, which is one of the reasons weigh stations are located throughout every state.

In the border States, for example, each State already has numerous weigh stations. California has 62 fixed scales and 10 weigh-in-motion systems. Arizona has 20 fixed scales and 5 weigh-in-motion systems. New Mexico has 12 fixed scales and 2 weigh-in-motion systems. Texas has 47 fixed scales and 2 weigh-in-motion systems.

The estimates cost of standard weigh-in-motion installation for a 4-lane configuration is $715,000. And while such systems help determine whether a truck should be weighed, a citation cannot be issued off the reading of weigh-in-motion equipment. FHWA further estimates the cost of installing fixed scales approximately $2 to $3 million each.

I note such a requirement is not imposed on trucks entering the United States from Canada. Moreover, this mandate simply is not the best use of limited resources. One crossing only had 198 trucks cross last year. I question the logic of requiring both a fixed-scale and weight-in-motion system at such a location. At a minimum, shouldn't we first be concerned about those locations with the greatest volume of traffic?

Our amendment would require each crossing to have a means of weighing a carrier and for DOT to initiate 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 vehicle. It would not shift weight enforcement responsibilities from the States to the Federal Government, nor would it mandate that all 17 crossings have equipment that may not be needed.

Fourth, section 343 restricts a carrier's insurance provider to be based in the United States. While I am not opposed to requiring proof of valid insurance and for the insurance provider to be licensed in the United States, limiting providers to only those based in the United States would prevent a number of large providers from providing insurance, including Lloyds of London which covers many Canadian carriers. I am informed this could also raise issues with regard to NAFTA and WTO obligations. Therefore, our amendment would strike the proposed requirement for an insurance provider to be based in the United States.

Fifth, section 343 would prevent compliance with our NAFTA obligations until the Federal Motor Carrier Safety

Administration completes six rulemakings or policy implementations required under the Motor Carrier Safety Improvement Act of 1999. Clearly, an agency should be held accountable to fulfill the obligations imposed on it. The Federal Motor Carrier Safety Administration is no exception.

Perhaps if the previous administration had ever nominated an Administrator to provide leadership over this agency, the rulemakings would have been carried out in a more timely manner. After all, the driving force behind its creation was the overwhelming evidence that motor carrier safety was in dire need of leadership. Yet President Bush's nomination of Joe Clapp to be Administrator of the Federal Motor Carrier Safety Administration last week marks the first time we will have had the opportunity to consider and confirm an administrator for this critical post.

Perhaps if the Senate would confirm the pending nominee to head the Department of Transportation's General Counsel's Office, the Department would be better equipped to complete these and other pending rulemakings. It is ironic to me that the proponents of section 343 are critizincig the current administration for the lack of action by the former, while at the same time holding up the current confirmation process.

Our amendment proposes to require DOT to issue several policies that we believe can readily be issued before the end of the year, including a policy requiring motor carrier safety inspectors to be on duty during all operating hours at all southern border crossings used by commercial vehicles; a policy to establish standards to help determine the appropriate number of Federal and State motor carrier inspectors for the southern border; and a policy to prohibit foreign motor carriers from operating in the United States that are found to have operated here illegally.

Our amendment further instructs the Department to complete the remaining three rulemakings listed in section 343. If the Department is unable to do so, which may be the case since there are holds on the pending nominee responsible for the rulemakings, it is to transmit 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 of the rulemakings prior to the opening of the border that explains why it will not be able to complete the rulemaking, and the precise date it expects to complete the rulemaking. I am concerned that as much as DOT may want to finish these rulemakings, given the lack of a general counsel and other staffing considerations as a result of the transition, they simply might not be able to do so. Our ability to fulfill our NAFTA obligations should not be delayed by congressional ''holds.''

Sixth, section 343 requires the DOT inspector general to certify in writing that eight conditions have been met prior to permitting the President to open the border. Unfortunately, a number of the directives are, in my judgment, inappropriate requirements for an inspector general. I do not believe it would be appropriate for the IG to be required to certify certain actions of the Mexican Government. Nor do I think it would be appreciated if someone from the Mexican Government were making pronouncements about our practices, all contingent upon compliance with our NAFTA obligations.

Moreover, both the DOT Secretary and the DOT Inspector General believe these provisions call for inappropriate operational management by the inspector general. These proposed functions go beyond the scope of authorized activities in the Inspector General Act. Implementation of the NAFTA cross-border trucking provisions should not be conditioned on actions by the Inspector General.

We have the greatest respect for the work of the Office of the Inspector General. Therefore, our amendment would instead direct the inspector general to report 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 southern border by January 1, 2002; and to provide periodic reports on several other border-related issues. These would include reporting on, No. 1, the adequacy of the number of Federal and State inspectors at the United States-Mexican border; No. 2, the Federal Motor Carrier Safety Administration's enforcement of hours-of-service rules; No. 3, 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 crossing or by mobile enforcement units; and No. 4, the level of capacity at each southern border crossing used by 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.

We believe these reports would be very useful to the Secretary and the Congress as we all work to ensure that adequate safety enforcement efforts by the States and Federal Government are being carried out as we fulfill our NAFTA commitments.

Finally, section 343 would define the term ''Mexican Motor carrier'' as a ''Mexico-domiciled motor carrier operating beyond the United States municipalities and commercial zones on the United States-Mexico border.'' Based on this definition, nearly the entire section would only be applicable to carriers that had been operating illegally in this country and a few that have authority. I am confident this is not the Appropriation Committee's intent and note there was an effort to strike the definition with a technical amendment on Friday.

However, striking that definition might then impose many of the requirements on those carriers that will only be operating in the commercial zones, as well as on United States and Canadian vehicles. The focus of this provision was to have been aimed at the long-haul carriers. The definition must be modified to clarify the intent. The provision should only apply to those motor carriers domiciled in Mexico that seek authority to operate beyond municipalities and commercial zones on the United States-Mexico border and only to those vehicles that will be operating beyond the municipalities and commercial zones.

We must allow Department of Transportation sufficient flexibility to effectively administer its motor carrier safety enforcement responsibilities. The language in section 343 does not meet that standard. I urge my colleagues to support modifications to section 343. Without changes, we can look forward to a veto of this bill. I would not suggest the managers take the risk that we would not have the votes to sustain the President's first veto.

Mr. President, I again thank Senator REID, Senator SHELBY, and others for beginning a dialog on this very important issue. During the meeting a suggestion was made that all of the provisions be dropped from the appropriations bill—which I think would be entirely appropriate because they are legislating on an appropriations bill—and the Senate and House go to conference with the onerous and unacceptable House provision in it. That is perfectly acceptable to me because there is nothing I can do as a Member of this body to affect what the other body does.

But as long as we have these provisions, the 22 provisions which cumulatively, in the view of the senior advisers to the President, make NAFTA unable to be implemented for at least 2 or 3 years, then we shall have to continue the parliamentary process.

So I think there are a number of options available, including dropping the entire language, which is what a senior Member has proposed, which I agree with, and let it go to conference with the other body, or accept specific amendments. Another amendment the Senator from Texas, Mr. GRAMM, has is to make sure Mexico is treated, in whatever implementation of NAFTA is accomplished, on an equal basis with the United States and Canada. I think that would be a very important amendment because we can't send a signal that we are somehow discriminating against one of the signatories of the North American Free Trade Agreement.

So I hope we can get this worked out. I hope my colleagues will understand, in our desire to complete this legislation, the importance of this issue to all Americans, but particularly those of us from border States, because we are the ones who have been most impacted by the North American Free Trade Agreement. We will be the most impacted on the border with implementation of that

agreement, so we look with concern to the legislation before this body.

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

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

Mr. GRAHAM. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM. I ask for 15 minutes.

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

SPECIAL TRIBUTE TO KATHARINE GRAHAM

Mr. GRAHAM. Mr. President, 1 week ago today Katharine Graham died. Yesterday, she was buried next to her husband, my half brother, Philip Graham. I have known Katharine for all but 3 years of my life. She married Phil in 1940, after what might be called a whirlwind courtship. After the honeymoon she came and, for the first time, visited her new in-laws. I was 3 years old at the time.

Mr. President, I was not a good boy at the age of 3. Some would suggest that there has not been much improvement in the intervening years. But my first encounter with Kay, as recorded in her memoirs, was as she sat at the desk writing her thank-you notes for her wedding. I toddled up and, I regret to say, spat upon Kay. She went to my mother and asked what was the significance of this behavior. My mother said, ''Don't worry, he does that to lots of people.'' Despite that inauspicious beginning, this became a wonderful relationship that added much to my knowledge, to my values, to my appreciation and joy of life.

I was one of many thousands who had the opportunity to know Katharine Graham and be influenced by her exceptional personality. There have been many statements made about Kay in the last week, describing her range of accomplishments. I want to talk about Kay as a journalist and teacher. She understood the role of journalism in American life—to provide people the knowledge they would require to be empowered to be effective citizens in a democracy.

It is not the purpose of journalism to tell people how to think, or to select what information should be available to them. Rather, it is the purpose of journalism to provide the readers the full range of information from which they can make their own judgments.

Kay also led by example. The standards she set and lived by were themselves an important part of her role as journalist and teacher.

She liked politicians. Those who attended or observed yesterday's funeral service saw the number of people from this institution, current and past, and from other political segments of our society, who were there to honor her and to represent the friendships they had established.

She understood, in a way that my brother Phil probably did not, that politicians and journalists have different responsibilities in our democracy. Though they do not have to be adversaries, each side must be careful not to compromise their particular responsibility in an effort to be excessively deferential or even excessively friendly with the other side of that delicate occasion.

I think if Kay were here, she might agree that there are some particular aspects of her life which she has shared with people in our profession of politics. She might even admit that those aspects provide lessons from which we can and should learn.

The first is the lesson of compromise. Midway through her remarkable career as publisher of the Washington Post, Kay wrote about the importance of compromise in our democracy. This was at a time when some were saying that compromise was a sign of weakness, and that to give in to the other side, to not demand absolute concurrence with your stated beliefs, was a sign of weakness. As Kay so properly observed, that is a distortion of democracy. Democracy is a government of the people. By necessity, it requires all the people, representing all of their different backgrounds, values, perspectives and aspirations, to find a common ground upon which we can then move forward. Compromise is not a sign of weakness, it is a sign of the strength of our unique form of government.

Kay believed in this in her personal behavior. If you had been fortunate to have dinner at her table, there were a number of rules her guests were expected to follow. One of those rules was that you did not engage in a series of one-on-one conversations with the person who might be seated to your left or to your right, but rather the whole table was encouraged to bring the conversation to the center so that everyone would share what was being said, and by that sharing, the level of the conversation would be elevated and the value would be enhanced. Kay was a strong believer in encouraging effective participatory discussions, which would lead to those compromises and, in turn, lead to policies that would enhance our society.

Kay also was a person of great self-confidence. I believe one of the great attributes of a human being, particularly a human being who lives in the public arena, is non-arrogant self-confidence, which I would define as meaning that you have a set of core values, that you are not a person who waits for the next wind to come and fill your sail, but that you also understand your own limitations and are open to new information, to new perspectives on the information you already have. If such a person can be convinced over time that a previous position deserves to be modified based on new information, that person is prepared to do so.

Kay had many times in her life when she was challenged to exercise that principle of non-arrogant self-confidence. Probably the most stressful period in her life, and the period of her life that has received great recognition now in her passing, was the time that surrounded the Vietnam war through the Watergate era.

At one point, when things were particularly tense and it appeared as if the Washington Post alone—and she alone as the leader of the Washington Post—were under unusual duress, she asked of her colleagues at the Post: If we're so sure we're right, where is everybody else? Why aren't there some other people, some other newspapers that are prepared to pick up this same cause? That question could have led to a decision to abandon the cause because of its loneliness. Instead, she saw it as a challenge and recognized an even greater necessity to proceed.

We in politics from time to time may find ourselves as the only one or a member of a very small minority on a particular point of view. We must have enough self-confidence in our judgment and values that we are prepared to persist, and frequently, by so persisting, we will alter the opinion of others. At the very least, in the examination of history, we may have the experience of having our positions validated.

A third quality that Kay represented and which I suggest is a valuable quality for those in the profession of politics is a commitment to lifelong growth. There is a tendency in any area of human endeavor, but I think it is a particularly persistent one in politics, for people to reach a certain level of achievement and accomplishment, then say ''this is the position I will hold for the rest of my life.' Often, as people become more powerful in political positions, they also become narrower in terms of their own sense of the challenge of constant growth.

The Greeks recognized this over 2,000 years ago. One of the ways they tried to overcome this tendency was to require that all of the citizens of Greece periodically leave behind their trappings of power, prestige, and wealth and take on all of the tasks the Greek Republic required. It might be a menial task of working in the sewer plant of Athens, or it might be as commander of the Athenian Navy. The belief was that any well, liberally educated Greek citizen was capable of performing any task that would be assigned to them.

In many ways, Kay lived a life that had that Athenian sense of what a liberated, educated Athenian could do and how they might live their life in order to constantly challenge the perimeters that others would like to put around them.

She lived, in essence, over her 84 years two lives. Her first life for approximately 40 years was as a young

girl born to privilege, a wife, a mother, a person content to live in comfort, to live in the background, to eat at the women's table, to live in a woman's world.

For the next 40 years, she was a woman, through tragedy, called upon to suddenly take on enormous responsibility. She had to learn, and learn fast, about the business and about journalism. She had to learn about the intersection of journalism and politics. She learned about the reality of the role of women in all of these worlds, and she mastered them greatly.

In her seventies she learned about herself. She committed to write her memoirs with the idea that they would give to her children and grandchildren and future generations an insight on her, her family, her husband, her mother and father, those things that had influenced her life. She decided to do this without the assistance of a ghostwriter or someone who would put her words on paper. Rather, she took up pen and yellow paper and for 7 years wrote her memoirs.

At the conclusion, she had accomplished her objective of having placed for all time her life on paper. She also saw some results which were probably unexpected. She changed the way that many women looked at themselves and looked at their possibilities.

Yesterday, at the funeral, a woman in a wheelchair told me about how much Kay Graham's life had meant to her when she was unexpectedly handicapped. She thought she had lost the opportunity to challenge herself or reach for her potential. Through Kay's example, she gained a renewed confidence her own potential.

Kay's memoirs also changed the way in which we think about the writing of autobiographies. It is not a book of histrionics. It is not a book meant to make people necessarily feel good or to placate and to soften events in the past. It is written with a directness of one friend talking to another with great candor. And it also was a lesson of what is possible.

At the age of 80, after 80 years of living, including 7 years of writing, Kay's memoirs won the Pulitzer Prize. What an enormous statement about a life which at every stage is one of growth and unwillingness to accept limitations.

I believe these examples of the lessons of compromise, of self-confidence, and of constant life growth are just part of the legacy that Katharine Graham has given to our society. I believe in these she speaks particularly to those in our profession of politics. Their proper learning and absorption will be of great value to us.

These are examples I will be honored to attempt to emulate. My only regret is that she will not be here to critique my performance.

Mr. HATCH. Mr. President, I would like to join my colleagues today in paying tribute to a great woman, Katharine Meyer Graham, whose untimely passing saddens those of us who had the pleasure, indeed the privilege, of knowing her. Her courage, determination and style are an inspiration to all of us in public service.

There are far too many cynics in this town, and unfortunately, there is far too much to be cynical about. But, at the end of the day, it is people like Kay Graham who have inspired and mentored a new generation of idealism, of American youths who strive to be the very best in all their chosen fields of endeavor. And that is the true story behind her unflagging support of two young, obscure, city-desk reporters who broke a story that changed our Nation forever.

There is much I will miss about Kay Graham. I could talk for hours about her many outstanding accomplishments, as a wife, a mother, and a publisher. But she was also a true and loyal friend to many, an incredible force for good. Kay was one of the most powerful women in our world, but what I remember most about her is that she was genuinely a nice person.

And so, today, let us pay tribute to Kay Graham's greatness and goodness, in public and in private. I hope the world will also learn a little more about her kindness, her humility, and the sense of charity that never left her.

Mr. President, one of the most touching tributes I can recall vividly describes the cycle of life and our profound transition. It likens our passage to the journey of a magnificent sailing ship, gliding through deep blue water, growing smaller and smaller as the sea meets the sky. And when the ship fades silently from sight, just as we think she is gone, we are reassured to know that on the opposite shore . . . she awaits.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended for 45 minutes, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

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

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

TRANSPORTATION APPROPRIATIONS

Mr. DASCHLE. Mr. President, we have been in a quorum call now for several hours. As I understand it, there are still negotiations ongoing with regard to the trucking amendment. In order to accommodate further discussion, I would like to ensure that other Senators know I will be filing cloture tonight, and it will be very important during this negotiation period for other Senators to come to the floor to offer their amendments.

I expect there will be additional rollcall votes later on tonight. We know of two amendments that will be offered. We will expect rollcall votes on those amendments sometime after 6:30 this evening. Beyond that, there may be other amendments as well. But we will have additional votes tonight.

Senators ought to come to the floor. As I say, I reluctantly will file cloture with the hope that perhaps it could be vitiated if we can reach some agreement. But barring that, we will expect a cloture vote on Thursday. We would expect, as well, that Senators who have amendments that may not be germane postcloture can come to the floor, offer them, have them debated, and certainly have a vote on them as well.

So tomorrow we will be devoting time to amendments. If amendments are not offered, it would be my expectation that we would take up at least one, if not more, of the controversial nominations that might require some debate time. But we will address that in greater detail at a later moment.

At this point, I encourage Senators to come to the floor because we are entertaining amendments. We expect to offer a couple. As I said, we will have rollcall votes later on this evening.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. AKAKA). We are in a period of morning business.

Mrs. MURRAY. Mr. President, I yield to the Senator from Oregon.

Mr. WYDEN. Mr. President, I thank Senator MURRAY. I commend her for the excellent job she has done on this bill. This is an extremely important measure. She has done a first-rate job handling it. We appreciate it in the Pacific Northwest and across this country.

I want to take a few minutes tonight to discuss the situation that the flying public is facing as they look at using our airlines and our system of aviation this summer. Unfortunately, so many Americans are going to face long and tedious hours stranded in overcrowded airports. In many instances, they are not even going to have the basic courtesy of straight information about their flights, cancellations, and important details that are so essential to them when they make their plans.

It seems to me the central aviation problem today is that there are no consequences for this flagrant mistreatment of passengers. There really is no accountability. While this problem is extremely complicated, clearly demand exceeds supply in this country. We need more runways. We need better air traffic control. But you do not have to pour more concrete to start telling passengers the truth about their travel options in the United States.

Again and again we find that passengers are kept in the dark. They are not told when a flight is overbooked. For example, I have no problem with the airline selling a ticket to a passenger on an overbooked flight, but I think the passenger has a right to know that flight is overbooked. The inspector general found repeatedly that the airlines would know hours ahead of time that a flight was going to be significantly delayed by 2 or 3 hours. Yet the airlines would not go out and change the departure board.

It seems to me what we ought to require, in an area that is extremely complicated, is that passengers at least have a right to know what their travel options are. Senator REID and Senator MCCAIN and I have been working together very closely for several years now. A bill has cleared the Senate Commerce Committee under the leadership of Chairman HOLLINGS and Senator MCCAIN. Under normal circumstances I would offer a measure that would ensure passengers have these basic rights as they fly this summer in what proves to be a pretty exasperating travel season for millions of Americans. But, frankly, I do not like to legislate on an appropriations bill.

I think Chairman HOLLINGS and Senator MCCAIN and Senator REID, our bipartisan group that has worked in this area, has put together a very good bill. It has passed the Senate Commerce Committee unanimously.

Suffice it to say, the chair of the Senate Transportation Committee has enough headaches in handling this legislation right now as to not put yet another challenge on the bill. But I will tell you my patience with respect to this matter is growing pretty thin.

Senator MCCAIN and I introduced the first bipartisan passenger rights legislation back in 1999. The airlines then said there really was no problem. They said this was just an anecdotal situation and there really was not a problem.

Then, as the evidence began to pour in that this problem was systemwide, they said the answer is a voluntary approach. Just keep the U.S. Congress out of it and everything is going to be fine. The inspector general came forward and did an analysis of the voluntary approach and saw that was not working particularly well. Then the airlines said it was the FAA's fault, the Federal Aviation Administration.

The fact is, it has been a bottomless pit of excuses with respect to this question of improving passenger service in this country. Now the airlines have basically said that if passengers want any rights, they should basically go to court to try to get them. They will have a voluntary program, but if the passengers want any rights they should go out and try to find somebody in the trial bar to get interested in a lawsuit.

Suffice it to say, this country needs a straightforward, enforceable package of rights to protect the passenger.

I want to make it clear, I am not calling for a constitutional right to a fluffy pillow on your airplane flight or a legal right to a jumbo bag of peanuts. But I do think you ought to have a right to basic information such as when your flight is chronically delayed.

One of the areas the inspector general has felt most strongly about is a situation that would require airlines to inform a prospective passenger when a flight is going to be 2 or 3 hours late and has a track record of being that late 30 or 40 percent of the time.

I also think disclosing that information to the flying public would inject a bit of competition into the system because, if consumers could have that kind of information, then they might choose another flight, say, that was only late 10 percent of the time or they might choose another travel option altogether. You could begin to hold the airlines accountable. You could begin to have some consequences for this shoddy service to which the passengers are so often subjected.

The passenger bill of rights is really about the public's right to know. It is about giving passengers information. I was told early on that somehow giving passengers these rights was going to jack up the bills of consumers. It seems to me it only can be a force for holding costs down because when you give passengers information about their options, that helps to make the system more competitive and serves as a force to drive prices down.

I hope we will not have to wait much longer to get an enforceable set of passengers' rights in place.

I do not quarrel in the least with the airlines' argument that we need more funding for runways and air traffic control and infrastructure. The airlines are absolutely right. Today, demand exceeds supply with respect to American aviation, but I will tell my colleagues and the Senate that all the concrete in the world is not going to do it if the airlines are not required to give the passengers basic information about their flight options that is now in their possession. I am continually struck how it can be that this industry, which has performed such technological miracles in so many other areas, cannot devote just a tiny bit of that talent and ingenuity to making sure that passengers are kept well informed.

It seems to me it is a basic sort of proposition of industry in this country that you try to treat the customer properly, that you tell someone what their options are. But essentially aviation is one of the few industries—perhaps the only one—where you consistently can't get the product for which you contracted. If the local movie house doesn't have enough people for the 3 o'clock showing, the local movie house doesn't go out and cancel the 3 o'clock showing. It has been found again and again that is what airlines do when they don't think they have sufficient people on a particular flight.

I am not going to offer the passenger bill of rights as an amendment on Senator MURRAY's appropriations bill, but I wanted to come to the floor and say this is an area where I think the Senate is ready to go with the good work of Senator REID and Senator MCCAIN, and particularly Senator HOLLINGS, who pulled together a bipartisan bill in the Senate Commerce Committee.

I think we are on our way to passing legislation that could make a real difference. Given the fact that it will take some time to get that new infrastructure which is needed in place—it is going to take time to get additional runways and improvements in air traffic control and other basic purposes—that is all the more reason to pass a passengers' rights bill now so that passengers, as we are building the additional infrastructure, can know what their travel options are and know how to plan what is best for them and their families.

I again thank Senator MURRAY for the excellent job she has done on this bill. I see Senator SHELBY and others are here as well. Senator SHELBY was very involved in passing and supporting passenger rights as well. I thank him for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as the majority leader announced, we are moving towards an amendment that will be voted on shortly. I understand the Senator from New Jersey would like to speak for 12 minutes. I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Washington for yielding the time.

I rise in opposition to efforts by Senator GRAMM and Senator MCCAIN to strike the Murray language regarding access by Mexican motor carriers to United States highways. In fact, while I commend Senator MURRAY for her efforts to reach compromise with regard to access to United States highways by Mexican truck companies—I am indeed even opposed to her compromise—I believe that any compromise is going to result in danger to American motorists and believe the better course is for the Senate to follow the leadership of the House of Representatives and ban these trucks unless and until we are certain that American motorists can be safe.

Senator DORGAN and I have prepared such an amendment and are considering offering it. Obviously, that can

only be done if, indeed, we begin by defeating Senator MCCAIN's efforts.

While serving in the House of Representatives, I opposed the NAFTA treaty. I believed then, as I believe now, that for all of the advantages of integrating the economies of North America, NAFTA was a missed opportunity. It was a missed opportunity to establish regulatory environmental and labor requirements that would protect both our natural environment and also our human resources. Now we are about to make the same mistake again at an enormous price.

I do not believe NAFTA or any international law imposes on the United States an obligation to lower or ignore safety standards for our citizens in the name of free trade. I believe in free trade. I have often voted for free trade. I believe its economic advantages to our Nation are overwhelming. But our first obligation is always to protect the health and well-being of American citizens.

If there is a question as to whether allowing Mexican trucks immediate and unlimited access will endanger American citizens, one need look no further than developments along our southern border in the last decade.

Since the enactment of NAFTA, the number of Mexican commercial trucks crossing between our countries has increased by 324 percent. There are over 4.5 million commercial truck crossings a year into our Southern States. Only 1 percent of these vehicles are inspected by U.S. personnel. Thirty-six percent of those trucks inspected failed basic safety standards for such things as faulty brakes, broken lights, unsafe transportation, or dangerous cargo.

As this chart illustrates, the percentage of trucks ordered off the roads because of faulty brakes or hazardous and dangerous or toxic cargoes is 50 percent higher in Mexican trucks than in America trucks and nearly four times as high as with Canadian trucks. If you were to extrapolate this number on the basis of actually inspecting all those trucks crossing the American border, 1.5 million truck crossings would pose a safety hazard, the vast majority of which are obviously undetected. Public Citizen estimates that were we to do nothing, there would be an additional 3 million truck crossings.

Using this 36 percent failure rate, that means, incredibly, that we could expect 1 million hazardous truck crossings per year from Mexico to the United States. Based on our current experience, 1 million trucks are going to enter into the States that Members of this Senate represent with faulty brakes, hazardous cargo, unsafe lighting, and unsafe design.

How many lives will be consumed by 1 million faulty trucks on America's highways? It is a question no one can answer. But every Senator can agree upon this: It is going to cost lives—not maybe, not perhaps. People will lose their lives. This problem is driven by systemic flaws within the Mexican regulatory system which result in low compliance, lax enforcement, and little or no sanctions for violations.

The chart on my left demonstrates the stark difference between American and Mexican truck regulations, beginning with driver fatigue.

In order to assure that drivers are alert on American highways, American truckdrivers are limited to 10 hours of consecutive driving. Even with this American limit of 10 consecutive hours on the road, driver fatigue still causes one-third of all truck accidents in the United States.

Only months ago, Mexico instituted its first limitations on hours of service. But most trucks in Mexico are exempt from the limitation. Imagine American highways with Mexican truckdrivers who have no experience with these limitations and who lack compliance with driving for limited hours. Truckdrivers from Mexico earn, on average, $7 per day driving these truck rigs across the United States.

I can tell you this about a truckdriver who earns $7 a day to feed his family. Having him stop driving after 10 hours when he lives in those economic circumstances, not being accustomed to these regulations, having no history of them, with questionable enforcement—these trucks are going to be driven for hours and hours past current regulations.

Second, logbooks: In the United States, all truckdrivers are required to keep detailed logbooks of their driving time, cargo, and destination and to present them, on demand, for safety.

In Mexico, the law for keeping logbooks is not enforced, and border inspectors have reported that virtually none of the Mexican drivers entering the United States uses these logbooks—virtually none.

Weight limits: American trucks cannot exceed 80,000 pounds and are often inspected by weigh stations throughout the Interstate Highway System. Eighty-three percent of the fatal truck accidents in the United States involve trucks that are over 26,000 pounds, clearly establishing that heavier trucks are the cause of most fatal truck accidents.

In Mexico, the weight limit is an incredible 135,000 pounds, or 28 tons higher than the American limit. Equally as disconcerting as this higher weight limit is that even should the limit be reduced, there is inadequate infrastructure or even space along the border to perform weight compliance checks. Seventy percent of inspection sites in the United States have room for only one or two trucks. Not only are these trucks out of compliance, not only are they dangerous, but even if we were requiring compliance, we do not have the infrastructure to do it.

These trucks are coming to American roads. It is a safety problem, to be certain, that is going to cause loss of life. It is also an invitation to massive damage to American highways, massive damage to highways and bridges that are not designed for these kinds of extraordinary weights.

Hazardous materials: In the United States, all hazardous materials must be clearly marked with an official placard when transported, and all truckdrivers transporting hazardous materials must be specifically licensed. This has been done to ensure safety that when hazardous materials go through our neighborhoods and our cities and our States, we know the driver is competent, but we also know that driver is traceable and responsible if those toxic or hazardous materials are dumped in water supplies or streams or neighborhoods because of a long problem of criminal and even organized criminal activity in dumping these hazardous materials.

Nearly a quarter of all trucks entering the United States from Mexico are transporting hazardous materials but only 1 out of 14 is properly identified.

Age: The average age of a commercial truck in the United States is 4½ years. In Mexico, the average truck is 15 years old. There are few truck companies in America that operate any trucks that are 15 years old. ''Average'' or ''median'' age means a significant portion of Mexico's trucks is 20, 25, and 30 years old. By definition, such a truck is not safe to be operating on the American Interstate Highway System.

Lest anyone think my concerns are solely on the Mexican side of the border, let me discuss for a moment the failure of the United States to properly prepare for an inspection program.

On the assumption that Senator MCCAIN's efforts will fail, we are left with Senator MURRAY's efforts to reach a compromise on this to try to improve this system. We hope she succeeds. But if she does, it will require a Federal inspection system.

Today, Federal and State inspectors are on duty 24 hours a day at only 2 of the 27 border crossings with Mexico. If a Mexican truck enters a border crossing when no one is there, it is not subject to inspection.

The Department of Transportation, under these proposals, is going to issue operating certificates to Mexican firms based on their answers to questionnaires. The Department will have 18 months to perform a safety audit on the firm. But the firm's trucks can freely travel throughout the United States during this 18-month period when the questionnaires are being reviewed.

Second, the inadequacy of the U.S. inspection infrastructure is an invitation to problems. Many State inspectors who augment Federal inspectors do not even routinely check for licenses and documents. Most border crossings lack any telecommunications, so the inspection personnel cannot even check on the validity of licenses and registrations being offered at border crossings.

I make these points to demonstrate that the Mexican trucking industry as

well as the American inspection system are not ready to protect the American driving public. There is no infrastructure. There is inadequate personnel. There are not weigh stations. There are not even telephones. There are not parking spaces. There is an avalanche of old Mexican trucks, without requirements for safety or background or design, that are coming to the United States.

This Nation has spent more than 50 years modernizing its trucking industry, learning about safety, training drivers, ensuring that they understand how to operate these rigs. After 50 years of experience, and lowering mortality rates, we are now opening our borders to Mexican trucks.

I recognize that this issue is difficult because of our close relations with Mexico and our obligations under NAFTA. Indeed, on February 6 an international arbitration panel ruled that the United States cannot bar all Mexican applicants from entering the United States. The United States wants to comply with its international obligations. But the arbitration panel also found that because of vast differences between the two regulatory regimes, the United States did not have to treat Mexican applicants the same as it did United States or Canadian applicants.

The panel indicated that NAFTA did not restrict the ability of the United States to implement measures to ensure that Mexican trucking companies and their drivers meet United States standards. I quote:

> Nor does it (NAFTA) require that Mexican-domiciled firms currently providing trucking services in the U.S. be allowed to continue to do so, if and when they fail to comply with U.S. safety regulations.

Later on the panel added:

> U.S. authorities are responsible for the safe operation of trucks within U.S. territory, whether ownership is American, Canadian or Mexican.

I believe the authority of the U.S. Government in this area is clear. We have the right—indeed, we have the obligation—to ensure that our citizens are safe and our highways are operated to the very highest standards. The record in the United States, for all of our efforts, is not overwhelmingly positive. Despite 50 years of efforts, the highest design requirements in the world, the best training in the world, over 5,000 Americans are killed every year and over 100,000 people are injured on American highways because of accidents with heavy trucks.

There is no one in the Senate who can credibly argue that if Mexican trucks are allowed in the United States without adequate inspection, without modernizing the infrastructure, without a tremendous change in the operating performance of these old Mexican trucks, with poorly trained drivers, and no experience with modern regulations, these 5,000 deaths are not going to be increased and the loss of life will not be considerable.

Mr. President, I believe this case is compelling. There are few times Members of the Senate can cast a vote knowing that the results are potentially so dramatic. The citizens of our States are already frustrated with crowded highways that are deteriorating under heavy use. The loss of life from accidents is inexplicable—100,000 injured Americans.

To now open American highways to Mexican trucks, given their record of compliance, the failures of infrastructure, is to guarantee an increase in this dangerous situation.

I urge defeat of Senator MCCAIN's efforts. Then the Senate needs to seriously consider whether the compromise that is in the legislation is sufficient to protect American families.

ORDER OF PROCEDURE

Mrs. MURRAY. Will the Senator yield for a unanimous consent request?

Mr. TORRICELLI. I am happy to yield.

Mrs. MURRAY. I thank the Senator from New Jersey.

Mr. President, I ask unanimous consent that at 6:40 p.m., we lay aside the pending Murray amendment, that the Senate vote in relation to the Fitzgerald-Bayh amendment regarding the Chicago airports, and that no second-degree amendments will be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I would like to ask a question of the chairman. I didn't want to object. Will this be the last vote today?

Mrs. MURRAY. I cannot answer that question at this time. Senator DASCHLE has indicated he would like a number of votes, but I don't know the answer to that. I will ask the leader.

Mr. THOMAS. Would it be fair to ask—we have been in morning business almost all day—what kind of a management operation do we have going on here?

Mrs. MURRAY. I would tell the Senator that we have been working diligently all day long to move the Transportation appropriations bill. There are a number of Members on his side who have some concerns about the underlying provisions regarding safety of Mexican trucks, and we have been unable to move forward on that issue at this time. We hope to continue to work to resolve that issue and to move this bill forward.

Mr. THOMAS. We hear from the leader we will move forward. We have a lot of things to do. Yet we spend the whole day, frankly, accomplishing very little.

Mrs. BOXER. Will Senator MURRAY yield for a question?

Mrs. MURRAY. I am happy to yield.

Mrs. BOXER. I am confused by that colloquy. It is my understanding that a Republican Senator, or, rather, two Republican Senators had asked the Democratic manager and, for that matter, I am sure the Republican manager, to discuss an underlying provision of the bill. That is what has been happening. As a matter of fact, that Republican Senator came out to thank Senator MURRAY for agreeing to sit and negotiate. Am I right on that point?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. Isn't the reason for the delay to work out this problem?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. And the request came from two Republican Senators?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. I thank my friend for sharing that information.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

AMENDMENT NO. 1058 TO AMENDMENT NO. 1025

Mrs. MURRAY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Washington [Mrs. MURRAY], for Mr. FITZGERALD, Mr. DURBIN, Mr. BAYH, and Mr. LUGAR, proposes an amendment numbered 1058 to amendment No. 1025.

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

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

(Purpose: Relating to commercial air service at the Gary-Chicago Airport)

On page 55, line 2, insert after ''access,'' the following: ''increasing commercial air service at the Gary-Chicago airport, and increasing commercial air service at the Greater Rockford Airport''.

On page 55, line 7 insert after ''Chicago area'' the following: '', including Northwest Indiana''.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Amendment No. 1058. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—100

Akaka	Durbin	McCain
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
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

The amendment (No. 1058) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I am pleased to rise today in support of H.R. 2299, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 2002.

The bill provides $15.575 billion in discretionary budget authority, including $695 million for defense spending. The budget authority will result in new outlays in 2002 of $20.257 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $52.926 billion in 2002. Of that total, $28.489 billion in outlays counts against the allocation for highways spending and $5.275 billion counts against the allocation for mass transit spending. The remaining $19.162 billion in outlays, including those for defense spending, counts against the allocation for general purpose spending. The bill is within its Section 302(b) allocations for budget authority and outlays for general purpose, defense, highways, and mass transit spending. In addition, the committee once again has met its target without the use of any emergency designations.

Once again, I would like to commend Chairman BYRD and Senator STEVENS, as well as subcommittee Chairwoman MURRAY and Senator SHELBY, for their efforts to work cooperatively and expeditiously to move this legislation. The bill provides important new resources across all transportation modes. Not only does this bill fully meet our previous commitment to the highways, mass transit, and aviation programs, but it also provides important additional resources to improve pipeline safety and to support operations and development at the Coast Guard and the Federal Railroad Administration.

I urge the adoption of the bill.

I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the RECORD.

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

H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2002; SPENDING COMPARISONS—SENATE-REPORTED BILL

[In millions of dollars]

	General purpose	Defense	Highway	Mass transit	Mandatory	Total
Senate-reported bill:						
Budget Authority	14,880	695	0	0	(915)	14,660
Outlays	18,546	616	28,489	5,275	801	53,727
Senate 302(b) allocation: [1]						
Budget Authority	14,884	695	0	0	(915)	14,664
Outlays	19,164	0	28,489	5,275	801	53,729
House-passed:						
Budget Authority	14,552	340	0	0	(915)	13,977
Outlays	18,500	332	29,321	5,664	801	54,618
President's request:						
Budget Authority	14,552	340	0	0	(915)	13,977
Outlays	18,543	332	29,321	5,664	801	54,661
SENATE-REPORTED BILL COMPARED TO						
Senate 302(b) allocation: [1]						
Budget Authority	(4)	0	0	0	0	(4)
Outlays	(2)	0	0	0	0	(2)
House passed:						
Budget Authority	328	355	0	0	0	683
Outlays	46	284	(832)	(389)	0	(891)
President's request:						
Budget Authority	328	355	0	0	0	683
Outlays	3	284	(832)	(389)	0	(934)

[1] The 2002 budget resolution includes a ''firewall'' in the Senate between defense and nondefense spending. Because the firewall is for budget authority only, the appropriations committee did not provide a separate allocation for defense outlays. The 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 with scorekeeping conventions. For enforcement purposes, the Budget Committee compares the Senate-reported bill to the Senate 302(b) allocation.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate now go into a period of morning business, with Senators allowed to speak for up to 5 minutes each.

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

EUDORA WELTY: REMEMBERING THE LIFE OF A GREAT SOUTHERN WRITER

Mr. LOTT. Mr. President, yesterday, writer Eudora Welty, a native of Mississippi, passed away at the age of 92. Miss Welty was best known for her short stories and the way they captured the life of the American South. Miss Welty had a gift in telling of the traditions and the relationships of her native south, and she received worldwide recognition for her work which helped make Southern writing a focus in 20th century literature. Many people do not know that she was also an accomplished photographer.

Miss Welty is considered by many literary authorities to be the greatest American writer of our time. She grew up in Jackson, Mississippi, and attended public schools. She often recalled trips to the Jackson library with her mother that began her love for literature. She attended Mississippi University for Women, where she was first published in the school newspaper, and went on to graduate from the University of Wisconsin. She returned to her native state in 1923 to live and write in the Belhaven neighborhood of Jackson, Mississippi, the remainder of her life.

Miss Welty began her career with the publishing of her first short story, ''Death of a Traveling Salesman'', which appeared in 1936. The Optimist's Daughter, published in 1972, earned Miss Welty the 1973 Pulitzer Prize for Fiction. Her 1984 autobiography, One Writer's Beginnings, was a New York Times bestseller. Her stories are primarily set in Mississippi, and she had a special knack for writing about the people and places of home.

Mr. President, Miss Welty received numerous literary awards during her lifetime, including four O. Henry Prizes, the National Book Foundation Medal, and the American Academy of Arts' and Letters' William Dean Howells Medal. Her work has been adapted to Broadway stages, television, and movies. She received the Freedom Medal of Honor from Presidents Carter and Reagan, as well as Lifetime Achievement Awards from the National Endowment for the Humanities, National Governors Association, and

American Association of University Women.

Miss Welty's writing had an influence on the lives of Mississippians and Southerners alike. Her gift of capturing the human spirit made her beloved by the nation and the world, as well. She was a great Mississippian who gave back to her community, and she will be missed by the entire literary world.

Mr. COCHRAN. Mr. President, I am sure most Senators have heard by now, or read in the newspapers, that Eudora Welty died yesterday in Jackson, MS. She was 92.

Miss Welty was a wonderful person and one of America's best writers. She was well known around the world for the excellent quality of her stories, and she was also appreciated in Mississippi for her generosity, warmth and good humor.

For several years my wife and I lived in her neighborhood, the Belhaven section of Jackson, and when we would see her she was always gracious and friendly. Everyone I knew loved her. So, it is not an exaggeration to say that the entire State of Mississippi is in mourning today.

She may have been every writer's idol, but she was every Mississippian's friend.

When I was a student in Europe in 1963 and was introduced to one of Dublin's leading artists, he said, ''If you are from Jackson, Mississippi, then you must know Eudora Welty.'' At that time I really didn't know her very well, and I admitted it. Then he said, ''Well, you must get to know her. She is, you know, the greatest living writer in the world today.''

''Goodness,'' I thought. I didn't know she was that great. I had read ''Delta Wedding'' and a few of her short stories, but I didn't appreciate her widespread popularity and reputation until I spent a year abroad.

Her writings of course are widely read, well known and respected everywhere, including Mississippi. She has been honored at home and throughout the world. But it is in Mississippi that she was loved for her personal qualities as well as for her talent as a writer.

Tomorrow her body will lie in state at the old State capitol and on Thursday a memorial service will be held at Galloway Memorial Methodist Church where she was a member.

I ask unanimous consent that articles from today's Jackson daily newspaper, The Clarion-Ledger, which chronicle her writing, photography and the numerous awards she received be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AUTHOR GONE, BUT WORDS LIVE ON, EUDORA WELTY REMEMBERED

(By Billy Watkins)

She would quietly slip into Lemuria Book Store and head straight for the mystery section. No fanfare, no attention drawn to herself.

''I can still see her, dressed in her beige trench coat, standing over in a little nook of the store and browsing through the books like any other customer,'' said Lemuria owner John Evans. ''She loved books, and she loved book stores. And I used to just sit and watch her and think how cool it was that Eudora Welty was in my book store.

''It doesn't get much better than that.''

Welty, a world-renowned writer who was born in Jackson and lived here most of her life, died Monday at 12:25 p.m. at Baptist Medical Center. She was 92.

Welty was hospitalized Saturday suffering from pneumonia.

Welty will lie in state at the Old Capitol Museum from 2–5 p.m. Wednesday. It is open to the public.

On Thursday, visitation is set for 1 p.m. at Galloway Memorial United Methodist Church followed by a memorial service at 2:30 p.m.

Burial arrangements are incomplete.

Patti Carr Black, a long-time friend and one of Welty's editors, was in Welty's hospital room a half-hour before she died.

''She was not apparently conscious,'' Black said, ''but doctors say that people who are in that situation know when others are in the room with them. I hope that's true.''

Welty was famous for her short stories, novels and essays. Among her most notable works: The Ponder Heart; Why I Live at the P.O.; One Writer's Beginnings, her autobiography that was the longest-running book on the New York Times bestseller list in 1984; and The Optimist's Daughter, which won her a Pulitzer Prize in 1973.

Her literary career spanned eight decades, beginning in 1936 with the publication of her first short story, Death of a Traveling Salesman. In 2000, University Press of Mississippi published Church Courtyards, a collection of photographs.

Welty had three books of black-and-white photographs published. Some of the pictures were exhibited originally in small New York galleries in 1936 and '37. The photos are now high-priced collector's items.

Welty's work always focused on people—their simplicities and complexities.

''One of the things that made her great was her ability to get inside people's heads,'' Evans said. ''Her eyes and ears picked up everything about people, and it was her softness and gentleness as a person that allowed her to do so.

''She was so non-threatening that people dropped their guard and let her inside them. And it carried over into every story she ever wrote, every photograph she ever took.''

Welty wrote in 1980: ''I have been told, both in approval and in accusation, that I seem to love all my characters. What I do in writing of any character is try to enter into the mind, heart and skin of a human being who is not myself.''

She later said: ''To me, the details tell everything. One detail can tell more than any descriptive passage in general, you know. That's the way my eye sees, so I just use it.''

Welty always deflected any notion that she was famous, even though she was the recipient of honorary degrees from both Harvard and Yale, and she was knighted by France in 1987.

''I'm not any kind of prophet,'' she said in 1991. ''I think you write about whatever's current . . . They won't be the same kind of stories but they'll be about human beings.''

Black was one of the few people who had the opportunity to work closely with Welty.

''In times like these, we always react personally instead of thinking of the world's loss,'' Black said. ''I guess the thing I'll miss about her most is her laughter. She had the greatest wit. We celebrated her birthday together for the past couple of decades. She loved a party.

''But she never wanted to be the center of attention—but she was because she's one of the nation's geniuses.''

Larry Brown, an award-winning author from Oxford, said: ''I remember reading some of her short stories in high school and really enjoying them. I met her one time, in 1989 when they gave me the Mississippi Arts and Literature Award, and had my picture taken with her. She really devoted her whole life to writing.''

Willie Morris, the late Mississippi author wrote a 4,000-word essay for Vanity Fair magazine on the occasion of Welty's 90th birthday. In an April 1999 interview with The Clarion-Ledger, Morris called the article ''a toast to Eudora.''

Morris added: ''I call her Eudora because she's been my friend since I was a little boy. I very strongly support the idea that she is the greatest living American writer. She's full of wackiness and humor and loyalty to her friends. She's just so generous. Always has been.''

Shelby Foote, fellow Mississippi writer and longtime friend, said: ''No one who ever spent as much as five minutes in her presence avoided being extremely fond of her. She had a childlike wonder she never lost.''

Welty was born in her family home at 741 N. Congress St. on April 13, 1909. In 1923, the Welty family moved to the Belhaven-area home that her father built. She lived and wrote there most of her life. She never married.

The Tudor-style home on Pinehurst Street now becomes the property of the Mississippi Department of Archives & History, per Welty's wish.

In 10 years, Welty's portrait will permanently enter Washington's National Portrait Gallery, joining the likes of George Washington, Pocahontas, Mark Twain and Albert Einstein.

As her health declined in recent years. Welty rarely left her Jackson home. Only close friends and relatives were allowed to visit, but loyal readers continued to knock on her front door.

''She influenced every Southern writer because she taught us to write in our own voice,'' said Ellen Gilchrist, a Mississippi author who once studied under Welty at Millsaps College. ''When I first read her, my mouth was hanging open because she wrote the way I and people I knew talked. It was a revelation to me.

''She was a beautiful lady, like my mother and my aunts. You didn't have to be a drunk living in Paris—you could be a nice lady and be writing books.

''It was an honor to know her.''

'GRAND LADY' ADMIRED FOR PURE VOICE

(By Gary Petius)

The death of Eudora Welty, whose mind and heart pondered the separation between human beings, brought many together Monday in mutual grief and regard for the Pulitzer Prize-winning author.

''A giant tree has fallen,'' said David Sansing, historian and professor emeritus of history at Ole Miss in Oxford.

''William Faulkner, Tennessee Williams, Richard Wright, Eudora Welty: Who would think that this little state, with such a high rate of illiteracy, would produce these giants of literature, and all of the same generation?

''Eudora Welty was the last of those, the great four.''

Dean Faulkner Wells of Oxford, niece of perhaps the greatest of those four, William Faulkner, said, ''A grand lady of letters is gone. We will always revere her words, as will coming generations.''

Wells' husband, author Larry Wells, said Welty ''spoke to all generations. It was that

pure voice, that humanity. You can't afford to lose people like Eudora Welty.

''In matters of the heart, she was never wrong.''

One of the people who knew her heart best is Suzanne Marrs, a noted Welty scholar and an English professor at Millsaps College in Jackson. In a Monday news conference, she was reminded of the famous Lou Gehrig farewell speech that echoed in Yankee Stadium decades ago. ''Today,'' Marrs said, ''I think I'm the luckiest English teacher on the face of the earth: I had Eudora Welty as a great friend.''

Marrs recalled a crowed elevator ride she took long ago with her friend, who was surrounded by a bevy of starry-eyed writers attending a seminar in Chattanooga. When Welty noted that everyone else in the car wore an ID, she said, ''Oh, I've forgotten my nametag.''

''She was that modest to believe she needed a nametag among all those people who knew her greatness,'' Marrs said.

Her humility and talent connected with people on both sides of the political and philosophical aisle. Mississippi Gov. Ronnie Musgrove, a Democrat, and U.S. Rep. Roger Wicker, a Republican, honored Welty on Monday.

''Not only will Mississippians miss her,'' Musgrove said, ''but people literally around the world will miss her wisdom.''

In remarks made on the floor of the House, Wicker said, ''Eudora Welty understood not only the South, but the complex family relationships and individual struggles that have combined to give America its rich texture. Her works of fantasy and tall tale narration included two of my favorites, The Robber Bridegroom and The Ponder Heart . . ., which are still read aloud frequently at the Wicker household.''

A statement from Mississippi native William Ferris, chairman of the National Endowment for the Humanities, read in part: ''She chronicled the power of place in small towns and in rural areas with an intimacy and eloquence that was unique.''

That eloquence charmed and inspired writers of various generations, including Elizabeth Spencer of Chapel Hill, N.C., who wrote the introduction to Welty's Country Churchyards. ''. . . Her work will live on as the presence that we will miss so much,'' Spencer said.

In spite of that void, Sansing said, Welty leaves behind a wealth of literary heirs in Mississippi, including Larry Brown, Barry Hannah, Richard Ford and Greg Iles.

''There's no other geographic region in the world, on a per capita basis, that has produced so many really fine writers,'' Sansing said. ''And there's no end in sight.

''(The late author) Willie Morris and I used to talk all the time about why this is so. And he always came back to one thing: It's the caliber of the whiskey we drink.'' Sansing paused.

''But I don't think Miss Welty drank much whiskey.''

COMMITTEE ASSIGNMENTS PURSUANT TO S. RES. 120

Mr. LOTT. Mr. President, on behalf of the Republican Members of the Senate, I submit the following committee assignments for the Republican Party:

Special Committee on Aging: Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Ms. Collins, Mr. Enzi, Mr. Hutchinson, Mr. Fitzgerald, Mr. Ensign, and Mr. Hagel.

EXPLANATION OF VOTE

Mr. ENSIGN. Mr. President, on Thursday, July 19, I was unable to register my vote on rollcall vote No. 240, final passage of the fiscal year 2002 Energy and Water Development Appropriations Act. If I had been present to vote, I would have voted ''yea.''

Mr. DURBIN. Mr. President, I would like to note for the RECORD that I missed the vote on Monday, July 23, vote No. 247, because my flight arrived from Chicago 3 hours late at 8:30 p.m. Had I been here, I would have voted ''yea.''

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. 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 July 17, 1990 in Salt Lake City, UT. Three men were charged with aggravated assault in the July 17 attack of a 17-year-old gay male. The three suspects, Roy Larsen, 20, Glen Chad Hosey, 20, and Brian Snow, 18, allegedly beat the victim with nunchaku in a city park.

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 VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 23, 2001, the Federal debt stood at $5,721,846,564,456.14, five trillion, seven hundred twenty-one billion, eight hundred forty-six million, five hundred sixty-four thousand, four hundred fifty-six dollars and fourteen cents.

Five years ago, July 23, 1996, the Federal debt stood at $5,171,664,000,000, five trillion, one hundred seventy-one billion, six hundred sixty-four million.

Ten years ago, July 23, 1991, the Federal debt stood at $3,549,898,000,000, three trillion, five hundred forty-nine billion, eight hundred ninety-eight million.

Fifteen years ago, July 23, 1986, the Federal debt stood at $2,069,977,000,000, two trillion, sixty-nine billion, nine hundred seventy-seven million.

Twenty-five years ago, July 23, 1976, the Federal debt stood at $619,301,000,000, six hundred nineteen billion, three hundred one million, which reflects a debt increase of more than $5 trillion, $5,102,545,564,456.14, five trillion, one hundred two billion, five hundred forty-five million, five hundred sixty-four thousand, four hundred fifty-six dollars and fourteen cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO REBECCA KANE

• Mr. SMITH of New Hampshire. Mr. President, I am pleased to announce that Rebecca Kane, from Lee, New Hampshire, was recently awarded the Young Naturalists Award for her essay entitled ''Bog Trotting.'' This prestigious honor is only awarded to 12 student across the country and I would like to congratulate her on this outstanding achievement.

After reading Rebecca's essay, I have learned a great deal about my New Hampshire bogs. Her description of the pitcher plants was fascinating, but even more interesting was the introduction of different theories related to bog formation.

The pictures provided along with the detailed descriptions of the landscape around her were breathtaking and showed a great deal of literary skill beyond 12 years of age. Rebecca's appreciation of the bogs and ability to translate that insight into a stylistic prose is remarkable and exhibits a veritable talent.

As the senior Republican of the Environment and Public Works Committee, I am always concerned about our nation's natural resources and none more so than New Hampshire's beautiful landscape. After reading this essay, the bogs I live near have come to life. I look forward to hearing what new information she may discover about these natural wonders in the years to come.

Following Rebecca's trip to New York and multiple meetings with research scientists from the American Museum of Natural History, I hope she will return home and take advantage of these native surroundings by continuing to learn and build her skills as a writer and researcher.

Rebecca, congratulations again on this distinguished award. It is an honor to represent you in the U.S. Senate.•

TRIBUTE TO JACK JEFFREY

• Mr. REID. Mr. President, I rise today to honor John E. Jeffrey as he retires from an outstanding career of service to the people of Nevada.

I have known Jack since we were teenagers attending Basic High School in Henderson, NV. He is a talented electrician, a compassionate public servant, and a dedicated family man. Jack is also a friend.

Jack's public service began three decades ago, when he was elected to the Henderson City Council in 1971. Working to expand educational opportunity has been a central tenet of Jack's career. Fittingly, his first major accomplishment was to successfully negotiate with the Nevada State senate to acquire the first two buildings for the Henderson campus of Clark County Community College.

In 1975, Jack's influence expanded from City Hall to Carson City, when he

was elected to the Nevada State Assembly by a margin of only six votes.

''We overspent,'' he said when told of the tiny bit of daylight between himself and his opponent. ''We wasted money campaigning for the five votes I didn't need.''

Jack's first of many reelections was won by a more comfortable 28-vote margin.

His 16 distinguished years in the Assembly include recognition as the Clark County Teachers Association's ''Friend of Education,'' and the International Police Association's ''Legislator of the Year.''

Jack's Democratic colleagues respected him enough to elect him majority whip—a position close to my heart—in 1977, and then chose him as their majority floor leader in 1981.

Jack is proud to have been a tireless advocate for increasing special education funds while he was in the Assembly. He believes special needs students deserve a quality education too, and he worked to make sure there will be opportunities for them.

Since leaving the Assembly in 1991, Jack has continued to fight to improve the quality of life for working people in Nevada. He's been an active member of the International Brotherhood of Electrical Workers Local 357 all his adult life, and understands the trials and tribulations of working men and women and their families. Jack has been an invaluable asset to Southern Nevada Central Labor Council and to the Southern Nevada Building and Construction Trades Council, and earlier this month he was named ''Consumer Advocate of the Year.''

The working men and women in Nevada work in better and safer jobs because of Jack. In fact, all people in Nevada are better off because of Jack Jeffrey. I wish Jack and his wife, Betty, the very best in retirement.●

TRIBUTE TO JILL CHARLES

● Mr. JEFFORDS. Mr. President, today I rise to pay tribute to a woman of great dedication, compassion, and courage. Jill Charles, Artistic Director of the Dorset Theatre Festival and a Dorset, Vermont, resident, will long be remembered by those whose lives she touched as an accomplished artist, a loving mother, a giving mentor, and a dear friend.

It is our good fortune that Jill chose to bring her talent and love of theatre to Vermont. In 1968, she arrived in Dorset to work as an apprentice for Fred and Pat Carmichael's Caravan Theatre at the Dorset Playhouse. Subsequently, she earned a Bachelor of Arts degree in theatre from the University of Kentucky and was awarded a Master of Fine Arts degree in directing from Boston University. After the Carmichaels retired in 1976, Jill, with co-founder John Nassivera, established the Dorset Theatre Festival.

Jill was well known and highly respected for her work with young artists and for the guidance she provided for hundreds of pre-professional actors, designers and technicians who apprenticed under her direction during her twenty-six years as Dorset Theatre Festival Artistic Director. Her interest in the professional growth and emotional well-being of each member of the company was repeatedly reflected in her attention to matters large and small, and in countless acts of personal support and kindness.

A woman whose compassion and respect for others extended beyond her professional endeavors in the theatre, Jill was dedicated to her community and to the many humanitarian interests that she held dear. She was a dedicated foster parent for many years, and remained in contact with those children to whom she provided a home. She also was actively involved with the Second Chance Animal Shelter in Bennington, Project Pave (a support group for abused women), Race for the Cure, and the Dorset Congregational Church choir. She was also a founding member of the Cantare a capella singing group in Dorset.

The arts and humanities are a powerful force in bringing us together, in stretching our horizons, and in improving the quality of our lives. Jill Charles embodied the gifts of the arts and humanities. She will be greatly missed, but her presence will continue to be felt as her touch ripples outward like the action of a pebble tossed in a pond.●

TRIBUTE TO VALDON JOHNSON

● Mr. GRASSLEY. Mr. President, Valdon Johnson is a retired Assistant Professor of English, now Emeritus Professor of English, from the University of Northern Iowa and currently is a regular volunteer in my Waterloo Regional office.

Although Valdon's father died when Valdon was about 7, his mother had remarried about 5 years later. Valdon began his college career at Iowa State Teachers College, now the University of Northern Iowa (UNI) in 1950. His studies were suspended while he served in the Navy. He received his B.A. in English in 1958 and an M.A. in English in 1959. His first teaching position was with Webster City Junior College, now Iowa Central Community College. In 1962, Valdon received a Fulbright Award to teach English as a foreign language in Japan before returning to UNI in 1968, where for 26 years, he taught Linguistics and Humanities.

Valdon's first day in my office was September 23, 1994, his next was November 6, 1995. During the in-between time of about 13.5 months he recovered from a stroke that left him unable to talk. Not withstanding the stroke, he volunteered one to two days per week since. Valdon continues his other interests, which include the Masons and in traveling to the United Kingdom about every year, music (piano & organ), calligraphy, stenotype theory, handwriting analysis and religious history.

Although Valdon is unable to answer the phone, he does help with case work letter preparation, news paper clipping, filing and calligraphy. For over 7 years he has been a faithful, always on time volunteer and has been of invaluable assistance.

Valdon will celebrate his 69th birthday on August 15. I want to use this occasion to say ''happy birthday'' Valdon. And to say thanks for all you have done for me and for the people of Iowa.●

THE PASSING OF PATRICK McKERNAN

● Mr. BINGAMAN. Mr. President, I rise to make a few remarks concerning the recent passing of New Mexico's Patrick McKernan. Patrick McKernan recently passed away at the age of 60 due to complications of cancer. He is survived by his seven children and wife. McKernan, who has been deemed by many as ''Mr. Baseball'' was best known in New Mexico for his management of the Albuquerque Dukes AAA baseball team. However, McKernan was more than just the manager of one of the most successful baseball teams in minor league history, he was also the man who helped pave the way for the success of professional sports in New Mexico. One of Pat McKernan's key philosophies was the belief that the Albuquerque Dukes were more than a Dodgers AAA affiliate; they were in fact Albuquerque's very own team. McKernan worked hard to make sure the people of New Mexico knew this.

McKernan's professional success is highlighted by recognition from his peers: three time PCL executive of the year, three time Eastern League executive of the year, 2000 inductee to the Albuquerque Sports Hall of Fame, and recipient of the ''King of Baseball'' lifetime achievement award. However, one of his most impressive achievements is not illustrated by any award, but by the fact that for more than 20 years, attendance at Dukes baseball games was well above the levels for the rest of minor league baseball.

McKernan's management made it easy for Albuquerque and the rest of New Mexico to love the Dukes. McKernan went above and beyond the duties of a general manager. McKernan believed that baseball was more than just a game, it could also in fact be used as a gateway to reach out to the entire community. He made it an obligation for Dukes management and players to personally reach out to the community that had so lovingly embraced it. Each Christmas, McKernan dressed as Santa Claus and personally handed out presents to needy children. McKernan showed his humanitarianism and genuine love of his fellow New Mexicans by donating excess food to local homeless shelters following every Dukes home game.

An editorial in The Albuquerque Tribune made a reference to Patrick McKernan and the city of Albuquerque

by saying that they seemed almost intertwined in an ineffably charming enchantment. This statement is all too true. Not only did the world of baseball lose a brilliant and capable administrator, but the state of New Mexico also lost one its finest citizens and humanitarians. The citizens of Albuquerque and our state mourn the loss of Patrick McKernan.●

TRIBUTE TO LT. COL. JOHN D. WOODWARD USAF-RET

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Lt. Col. John D. Woodward USAF–Ret, of Manchester, NH, who passed away on July 8, 2001.

John was born in Pembroke, NH, and served with honor and distinction in the United States military. He began his military career with the United States Army in Panama and later served with the Coast Artillery, Infantry and Field Artillery. In 1942, John transferred to the Army Air Corps where he was commissioned a second lieutenant serving with the Army Air Force units throughout the South Pacific.

John was one of the founding members of Detachment B, 201st Air Service Group which was accorded Federal recognition at Grenier Field in Manchester, NH, as the original New Hampshire Air National Guard. He also served in the Korean Conflict with United States Air Force units in Greenland and Newfoundland.

Promoted to the rank of Lt. Col. in 1957, John became Deputy Commander for Materiel for the 157th Military Airlift Group, MAC, in 1966, and served in that capacity when the unit became the 157th Tactical Airlift Group. He was later appointed commander of the 157th Combat Support Squadron in 1975 when the Group became a unit of the Strategic Air Command.

John earned many medals and awards for his dedicated military service including: the Bronze Star, the American Defense Medal, the Good Conduct Medal, the American Theater Medal, the Asiatic Pacific Theater Medal with two battle stars, the Armed Forces Reserve Medal, the National Defense Service Medal, the World War II Victory Medal and the New Hampshire Air National Guard Medal. As a Vietnam veteran and senior member of the Senate Armed Services Committee, I commend John for his contributions to the people of New Hampshire and the country.

John was an active supporter of his local community who contributed as a member of organizations including: Sons of the American Revolution, the American Legion, Sons of the Union Veterans and as a Master Mason with Washington Lodge #61 of New Hampshire. He was a lifelong die-hard supporter of the Boston Red Sox and an enthusiastic golfer.

John is survived by his wife of 59 years, Betty; his daughters: Linda Woodward and Debra Woodward and his son, John D. Woodward II. He is also survived by a granddaughter, Megan Woods and two sisters: Esther Perron and Lillian Lesmerises.

John served his country and State with pride and dignity. I applaud him for his exemplary contributions to the United States military and New Hampshire. He will be sadly missed by all those whose lives he touched. It is truly an honor and a privilege to have represented him in the U.S. Senate.●

25TH ANNIVERSARY OF CHERRY VERSUS MATHEWS

● Mr. CLELAND. Mr. President, July 19th was the 25th anniversary of the U.S. District Court decision known as Cherry v. Mathews, a historic ruling that helped open the door to full and equal citizenship for disabled citizens.

Twenty five years ago, many disabled Americans could not use public transportation, go to schools and colleges, or even have access to parks, buildings, or voting booths. The Rehabilitation Act of 1973 was enacted to prohibit discrimination against an ''otherwise qualified handicapped individual'' in federally funded programs government-wide ''solely by reason of his handicap.'' The statute included within its protections State and local governments, schools, universities, social service agencies, legal services offices, public housing, parks, and much more.

While the U.S. Department of Health and Human Services (HHS) argued that Section 504 of the Rehabilitation Act of 1973 was merely a ''policy statement'' that required no regulatory action, Dr. James L. Cherry of Georgia sought to assure legal rights and equality for disabled individuals. The lawsuit targeted Health and Human Services' Secretary David Mathews. His case was decided on July 19, 1976 when U.S. District Court Judge John Lewis Smith ordered HHS to develop the Section 504 regulation to prohibit discrimination against ''handicapped persons'' in any federally funded program.

Dr. Cherry's case led to a regulation under section 504 of the 1973 Rehabilitation Act that assures disabled citizens reasonable access to public programs and facilities. The case helped paved the way for the Americans with Disabilities Act, which expanded the protection from discrimination to all persons with disabilities.

Section 504 was the first ''civil rights act'' for persons with disabilities. It was modeled after Title VI of the Civil Rights Act of 1964 which prohibited discrimination against persons in federally funded programs on the basis of race, religion, national origin, and creed. However, ''handicapped persons'' were not protected from discrimination by the 1964 law.

Cherry v. Mathews was a landmark case that renewed our Nation's promise of equal opportunity for all Americans. As we observe the 25th anniversary of equal opportunity for disabled Americans, I urge us all to rededicate ourselves to this foundation of our Nation's greatness.●

HAPPY 60TH ANNIVERSARY TO MR. AND MRS. S. RICHARD JENNINGS JR.

● Mr. FRIST. Mr. President, I rise today to salute two very special Tennesseans, and indeed two outstanding Americans, who I am proud to call my friends, Virginia and Richard Jennings of Johnson City, TN. On Wednesday, August 29, 2001, Virginia and Richard will be surrounded by family and friends to celebrate the wonderful milestone of their 60 years of marriage.

In a time where so much in our society seems temporary and fleeting, Virginia and Richard have demonstrated each and every day the best of American values—devotion to their country, their community, their family, and to each other.

Married on Friday, August 29, 1941 at the First Baptist Church in Erwin, Tennessee, the Jennings embarked on their journey as newlyweds living in New York City until Richard was called to the service in World War II. Richard served in both of the war's theaters, and was in Europe on VE Day and Japan on VJ Day. While he was overseas, Virginia gave back to her community as an educator, teaching and coaching basketball.

On returning home, Richard began a distinguished career at Tennessee Eastman in Kingsport which spanned almost forty years. Virginia made a mark for herself in community service in Johnson City, generously donating her time as President of the Junior League, helping to found a mental health clinic, and serving on the city's planning commission. Both also made their spiritual lives a priority with their active membership in the Munsey Memorial United Methodist Church. Although raised as a Baptist, Virginia followed her mother's sound advice to be the best Methodist she could!

With all of their accomplishments, probably their proudest moments came with the arrival of two daughters, Eve Boyd Jennings in 1947 and Anne Bradshaw Jennings in 1954. The Jennings' family today boasts six grandchildren and five great-children, all of whom are the apple of their grandparents' eyes.

Through the years, Virginia, a devoted Republican, loved the thrill of politics. Former U.S. Senator Howard Baker tapped her into service as his Tri-Cities field representative where she served throughout his three terms in the Senate. Virginia became a living legend in that role. When I first ran for the Senate, I turned to her time and time again for advice and counsel, and she not only gave me the great honor of becoming a valuable mentor, but she has also bestowed upon my wife, Karyn, and me an even greater gift—her friendship and love.

Virginia and Richard Jennings epitomize the very best of what it means to

be Americans. They are a national treasure. In anticipation of their 60th wedding anniversary on Wednesday, August 29, 2001, I want to thank Virginia and Richard for their service to our nation, and most importantly, for living their lives in a way that serves as a shining example for all of us to emulate. I am honored to be their U.S. Senator.●

IN MEMORY OF MIMI FARINA

● Mrs. BOXER. Mr. President, in the more than 25 years that I have been privileged to serve in public office, I have come to know many, many remarkable people. But rarely have I ever known anyone more talented, more compassionate, selfless and remarkable than Mimi Farina.

Last Wednesday, at age 56, Mimi Farina lost a courageous, two-year battle with neuroendocrine cancer. While people around the country and around the world are saddened by her death, Mimi's courageous, crusading spirit will surely live on in the work of Bread & Roses, an organization that she founded in 1974.

Bread & Roses is a unique, internationally renowned social services agency, held together by countless dedicated volunteers and a simple, compassionate mission: to bring free live music to people confined in institutions—in jails, juvenile facilities, hospitals and rest homes. Last year alone, Bread & Roses sponsored more than 500 concerts at some 82 institutions across the country.

Mimi Farina gave up her own promising singing career to found Bread & Roses and to nurse it through years of hard times. The inspiration for Bread & Roses came to her in 1973, when she accompanied her sister Joan Baez and blues artist B.B. King to a performance at Sing Sing prison. She was deeply moved by the prisoners' reaction to the music they heard that day. That experience, coupled with a performance of her own a short time later at a Marin County halfway house convinced Mimi of the enormous need for an organization like Bread & Roses.

Over the past quarter century, the work of Bread & Roses has been supported by a dazzling array of performers, including Bonnie Raitt, Pete Seeger, Paul Winter, Odetta, Lily Tomlin, Carlos Santana, Judy Collins, Robin Williams, Huey Lewis, Boz Scaggs and Taj Mahal.

As Bread & Roses grew in size and stature, Mimi became its most prominent and persuasive advocate. She received many awards and accolades, including ''Woman of the Year'' from the Bay Area Women in Music, ''Most Valuable Person Award'' from the National Academy of Recording Arts & Sciences, ''Woman Most Likely to be President'' from the San Francisco League of Women Voters, ''Woman Entrepreneur of the Year'' from the National Association of Women Business Owners and the 10th Annual Life Work Award from the Falkirk Cultural Center in San Rafael. She was among the first inductees into the Marin County Women's Hall of Fame.

I close today with an offer of my deepest condolences to the family of Mimi Farina and to those who loved her, and with these words from the poem ''Bread & Roses,'' originally written for female laborers and put to music by Mimi:

Our days shall not be sweated from birth until life closes.
Hearts starve as well as bodies: Give us bread, but give us roses.●

TRIBUTE TO WARREN E. PEARSON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Warren E. Pearson of Dixville Notch, NH, who passed away on June 28, 2001. He had fought a courageous battle with cancer and inspired many with his spirit and determination.

Warren was born in Lewiston, ME, and served with honor and distinction in the United States Army's 25th Infantry Division in Vietnam. While in the Army, he served as a military ski instructor and ski area manager in Fort Richardson, Alaska.

Warren returned to New Hampshire after his military service and assumed the position of head ski school instructor at The BALSAMS Grand Resort & Hotel in Dixville Notch. He was promoted through the ranks and became General Manager of the resort in 1971. In 1977 he became a managing partner and corporate vice president of The BALSAMS Corporation.

He was an active supporter of his community and served positions including: Director at The First Colebrook Bank, Chairman at First Colebrook Bankcorp, Board member of the Upper Connecticut Valley Hospital and member of the New Hampshire Better Business Bureau. He also served on the Board of Trustees at the Hanover Inn at Dartmouth College.

Warren was awarded professional recognition for his contributions in the hospitality industry including: Innkeeper of the Year Award from the New Hampshire Hospitality Association in 1980–81; New Hampshire Commission for the Arts, Business Award for Support of the Arts in 1985 and New England Innkeepers Association Outstanding Service Award.

Warren is survived by his wife of 34 years, Eleanor; his son, Michael and wife, Sharon; his son, Andrew and wife, Lorraine and a daughter, Tamme and three grandchildren: Duncan Pearson, Lindsay Pearson and Lilly Anne Pearson Robarts. He is also survived by his mother, Mildred Bollavance and two sisters: Deborah Cooke and Marcia Whitman.

Warren served his country and State with pride and dignity. As a Vietnam veteran, I commend him for his service in the United States Army and for his exemplary personal and business contributions to The BALSAMS Grand Resort and New Hampshire. He will be sadly missed by all those whose lives he touched. It is truly an honor and a privilege to have represented him in the U.S. Senate.●

HONORING WYNN SPEECE

● Mr. JOHNSON. Mr. President, I rise today to publicly commend Wynn Speece of Yankton, South Dakota, who with her sixty years of broadcasting excellence at WNAX, 570 AM, has become the longest running radio personality in the nation.

Wynn began her career at WNAX in 1939 as a writer in the continuity department earning $20 a week. She later was given 15 minutes of air time each Saturday to mention the special premiums offered by WNAX advertisers. Her career advanced rapidly after the station's female director left, and she was selected to fill the position. In addition to her other duties, Wynn was asked to host a 15 minute program targeted primarily at homemakers six days per week, and on July 14, 1941, this show, known as the ''Neighbor Lady,'' hit the air. Wynn's most avid listeners were provided by farms, ranches and small towns across the upper Midwest.

Six decades later, Wynn continues to conduct interviews for the local radio station and writes a long-running column for Yankton's Press & Dakotan where she has literally informed and entertained generations of listeners. Since her first show, Speece has interviewed hundreds of people, hosted 15,000 broadcasts, and received countless letters. With her outstanding talent, leadership and commitment to quality radio broadcasting, Wynn has enhanced the lives of countless South Dakotans.

Wynn's honors include the Macaroni Award for the top small-market personality in the country, and earlier this year she received a distinguished alumni award from Drake University. She is a member of the South Dakota Hall of Fame, and was named one of Yankton's top Citizens of the Millennium by the Press & Dakotan in 1999.

Wynn Speece richly deserves this distinguished recognition. Therefore, it is an honor for me to share her extraordinary professional accomplishments with my colleagues.●

IN COMMEMORATION OF THE LIFE AND WORK OF HARRY BRIDGES

● Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate a little of the remarkable life of Harry Renton Bridges, one of America's great labor leaders and most impassioned voices for democracy, progress and human dignity. Harry's many friends and admirers will be celebrating the 100th anniversary of his birth on July 28 with a march to the plaza which bears his name in San Francisco.

Harry's legend began in 1934, when he helped lead the 83-day West Coast longshoremen's strike. This action remains a watershed moment in the history of the worker's movement in the United States. What was accomplished not only reverberated in San Francisco and up and down the West Coast, but eventually all across the country. Prior to this time, working conditions along America's waterfronts were deplorable. The men worked hard, for very little pay and often in very dangerous conditions. Under Harry's leadership, this changed. The strike brought employers to the table. As a result, dock workers and seamen were finally able to work with a measure of pride and security.

What began as an insurgent labor movement in 1934 eventually grew into the International Longshore and Warehouse Union or ILWU. Under Harry's guidance, the ILWU helped lead the way in the fight for workers' rights and forms of social justice in the United States and around the globe. The Union stood steadfast against fascism during the 1930's and 40's. During the war it protested the detention of Japanese-Americans. It was one of the first unions to be thoroughly racially integrated. It fought McCarthyism and the communist witch hunts and blacklists. Harry and the ILWU spoke out early and loudly against apartheid in South Africa. And the list goes on. Wherever Harry sensed injustice he responded instinctively to correct it.

Harry was a native Australian, but he made San Francisco his home. Here he is remembered as a hero. Many credit his vision and passion as a guiding force behind the City's compassion, tolerance and political progressiveness.

Two years ago the San Francisco Port Authority officially named the new Ferry Building plaza the Harry Bridges Plaza. It was a fitting tribute to a man who did so much to transform the waterfront. Efforts are currently underway to further honor Harry and his memory through the construction of a monument on the plaza.

Harry was truly one of a kind. Simply put, he cared enough to make a difference. Although he passed away over ten years ago, he and his memory continue to live on in the hearts of those who knew him and who continue to be inspired by his example.●

TRIBUTE TO KNIGHTS OF COLUMBUS ROCHESTER COUNCIL #2048

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Knights of Columbus Council #2048 of Rochester, NH, on the creation of the successful Future Unlimited Banquet Program. Future Unlimited is an annual event which recognizes the Valedictorians and Salutatorians from eight high schools in the Seacoast region of New Hampshire.

The eight high schools represented in the program include: St. Thomas Aquinas High School, Berwick, ME, Dover High School, Somersworth High School, Farmington High School, Nute High School, Alton High School, Kingswood Regional High School and Spaulding High School.

I commend the Knights of Columbus Rochester Council for their recognition of the scholastic achievements of the high school seniors in the Seacoast region. As a former schoolteacher, I applaud the efforts of the Knights of Columbus for rewarding students who have established goals and high standards of excellence in their academic, extracurricular and civic endeavors.

The Knights of Columbus Rochester Council #2048 have served the citizens of Rochester and our state with pride and honor. The young men and women in the Seacoast region are blessed to have the encouragement and support of an organization which recognizes the qualities of hard work, perseverance and dedication. It is truly an honor and a privilege to represent them in the U.S. Senate.●

IN HONOR OF PATRICK BENTON

● Mr. JOHNSON. Mr. President, I rise today to pay tribute to Patrick Benton. I have had the good fortune of having Patrick as part of my staff since 1994, and I would like to thank him for all his hard work in his efforts on behalf of the people of South Dakota. Patrick is heading off to Colby College in September, and I have no doubt that our loss is their great gain.

While in high school, Patrick organized and led a student rally to save the Rapid City School District counselors who were in jeopardy of losing their jobs. Patrick represented South Dakota on a trip to Japan as part of the Sony student project abroad. Patrick began work as an intern in my Rapid City Office in mid 1998, and eventually joined my staff full time in November of that same year. In September 1999, Patrick moved to Washington, DC, and has been a critical part of my staff ever since.

Patrick has always been wise beyond his years, and he has built up the trust and confidence of the entire staff. Patrick has worked his way up to a Research Assistant position, and has been an invaluable resource in handling matters related to banking, telecommunications, labor, campaign finance reform, election reform, federal employees and the Postal Service. He has mastered a vast amount of technical knowledge in all of these areas. When people find out Patrick is on his way to college, they can't figure out how someone with such knowledge and judgment can possibly be only 19 years old.

While we will sorely miss Patrick, I join with my entire staff and my wife, Barbara, in expressing our pride in Patrick's achievement and promise, and our thanks for his years of service to South Dakota. However Patrick chooses to apply his formidable intellect and talents, we will all be the better for it.●

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 nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 271. An act to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center.

H.R. 427. An act to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

H.R. 451. An act to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes.

H.R. 1892. An act to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

H.R. 2137. An act to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure.

H.R. 2215. An act to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

The message also announced that the House has passed the bill (S. 468) to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the ''James C. Corman Federal Building,'' without amendment.

The message further announced that the House has passed the bill (S. 1190) to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account, without amendment.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 451. An act to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1892. An act to amend the Immigration and Nationality Act to provide for the

acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked; to the Committee on the Judiciary.

H.R. 2137. An act to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

H.R. 2215. An act to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 427. An act to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

H.R. 271. An act to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center.

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–3013. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a Determination and Certification under Section 40A of the Arms Export Control Act relative to Afghanistan, Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria; to the Committee on Foreign Relations.

EC–3014. A communication from the Director of the Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Rules of Practice—Notification of Representatives in Connection with Motions for Revision of Decision on Grounds of Clear and Unmistakable Error'' (RIN2900–AJ75) received on July 16, 2001; to the Committee on Veterans' Affairs.

EC–3015. A communication from the Assistant General Counsel for Regulatory Law, Office of the Chief Information Officer, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Cyber Security Architecture Guidelines'' (DOE G 205.1–1) received on July 16, 2001; to the Committee on Energy and Natural Resources.

EC–3016. A communication from the Assistant General Counsel for Regulatory Law, Office of Management and Administration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Work for Others (Non-Department of Energy Funded Work)'' (DOE O 481.1A) received on July 16, 2001; to the Committee on Energy and Natural Resources.

EC–3017. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Beverages: Bottled Water; Technical Amendment; Confirmation of Effective Date'' (Doc. No. 01N–0126) received on July 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–3018. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Assuring Access to Health Insurance Coverage in the Large Group Market''; to the Committee on Health, Education, Labor, and Pensions.

EC–3019. A communication from the Secretary of Defense, transmitting, the report of retirements; to the Committee on Armed Services.

EC–3020. A communication from the Assistant Director for Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy, Installations and Environment, received on July 16, 2001; to the Committee on Armed Services.

EC–3021. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands'' received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3022. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska'' received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3023. A communication from the Administrator of the General Service Administration, transmitting, pursuant to law, the report of the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–3024. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3025. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3026. A communication from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Advisory Committee Management'' (RIN3090–AG49) received on July 20, 2001; to the Committee on Governmental Affairs.

EC–3027. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on July 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–3028. 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 Full Approval of Operating Permits Program in Alaska'' (FRL7012–9) received on July 19, 2001; to the Committee on Environment and Public Works.

EC–3029. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Arizona State Implementation Plan, Pinal-Gila Countries Air Quality Control District and Pinal County Air Quality Control District'' (FRL7013–3) received on July 19, 2001; to the Committee on Environment and Public Works.

EC–3030. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to California State Implementation Plan, Bay Area Air Quality Management District, Lake County Air Quality Management District, Monterey Bay Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Jaoaquin Valley Unified Air Pollution Control District'' (FRL7013–4) received on July 19, 2001; to the Committee on Environment and Public Works.

EC–3031. 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, Imperial County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District'' (FRL7013–5) received on July 19, 2001; to the Committee on Environment and Public Works.

EC–3032. A communication from the Regulations Officer of the Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Collection of Supplemental Security Income (SSI) Overpayments from Social Security Benefits'' (RIN0960–AF13) received on July 20, 2001; to the Committee on Finance.

EC–3033. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Foreign Trusts That Have U.S. Beneficiaries'' (RIN1545–AO75) received on July 19, 2001; to the Committee on Finance.

EC–3034. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Recognition of Gain on Certain Transfers to Certain Foreign Trusts and Estates'' (RIN1545–AY25) received on July 19, 2001; to the Committee on Finance.

EC–3035. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Regulated Areas'' (Doc. No. 01–063–1) received on July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3036. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Addition to Quarantined Areas'' (Doc. No. 01–048–1) received on July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3037. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation and Interstate Movement of Certain Land Tortoises'' (Doc. No. 00–016–3) received on

July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3038. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Export Certification; Canadian Solid Wood Packing Materials Exported From the United States to China'' (Doc. No. 99–100–3) received on July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3039. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Accreditation Standards for Laboratory Seed Health Testing and Seed Crop Field Inspection'' (Doc. No. 99–030–2) received on July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3040. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotment, FM Broadcast Stations (Caro, Cass City, MI; Warsaw, Windsor, MO)'' (Doc. Nos. 01–33, 01–34; RM–10060, RM–10061) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3041. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (West Rutland, Vermont)'' (Doc. No. 00–12; RM–9706) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3042. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Steubenville, Ohio and Burgettstown, Pennsylvania'' (Doc. No. 01–6; RM–10009) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3043. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Pana, Taylorville, and Macon, Illinois'' (Doc. No. 00–160) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3044. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Thermopolis and Story, Wyoming'' (Doc. No. 00–159) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3045. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Quartzsite, Arizona, and Leesville, Louisiana'' (Doc. Nos. 01–70 and 01–71) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3046. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Abingdon and Canton, Illinois'' (Doc. No. 01–64; RM–10084) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3047. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—August 2001'' (Rev. Rul. 2001–36) received on July 19, 2001; to the Committee on Finance.

EC–3048. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes; Request for Comments'' ((RIN2120–AA64)(2001–0340)) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3049. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes with P & W Model PW 4400 Series Engines; Request for Comments'' ((RIN2120–AA64)(2001–0341)) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3050. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS332L2 Helicopters; Request for Comments'' ((RIN2120–AA64)(2001–0343)) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3051. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: CFM International CFM56–5C Turbofan Engines; Request for Comments'' ((RIN2120–AA64)(2001–0342)) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3052. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Part 107, Airport Security'' (RIN2120–AD46) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3053. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Part 108, Airplane Operator Security'' (RIN2120–AD45) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3054. A communication from the President of the United States, transmitting, consistent with the War Powers Act, a report relative to peacekeeping efforts in the former Yugoslavia; to the Committee on Foreign Relations.

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—152. A joint resolution adopted by the Legislature of the State of Maine relative to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Maine has nearly 500 dairy farms annually producing milk valued at over $100,000,000; and

Whereas, maintaining a sufficient supply of Maine-produced milk and milk products is in the best interest of Maine consumers and businesses; and

Whereas, a University of Connecticut study, done while the Northeast Interstate Dairy Compact has been in existence, concluded that from July 1997 to July 2000, the price of milk to the consumer increased 29¢ of which 4½¢ went to the farmer; and

Whereas, Maine is a member of the Northeast Interstate Dairy Compact; and

Whereas, the Northeast Interstate Dairy Compact will terminate at the end of September 2001 unless action is taken by the Congress to reauthorize it; and

Whereas, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to assure consumers of an adequate, local supply of pure and wholesome milk and also helps support the Women, Infants and Children program, commonly known as ''WIC''; and

Whereas, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

Whereas, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

Whereas, actions taken by the compact have directly benefited Maine dairy farmers by not diminishing the farmer's share; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

POM–153. A resolution adopted by the House of the Legislature of the State of Michigan relative to the Detroit River International Wildlife Refuge Establishment Act; to the Committee on Environmental and Public Works.

HOUSE RESOLUTION NO. 116

Whereas, The Detroit River is a unique resource in many ways. This historic water route has been a major transportation thoroughfare since long before Europeans arrived, and its role in commerce has been a key part of the economic strength of two nations. In addition to these well-documented elements, the Detroit River also hosts great diversity in wildlife and ecological features; and

Whereas, The lower portions of the Detroit River include shoals, islands, and channels that support a variety of aquatic plants, fish,

and wildlife. Although designated an American Heritage River in 1998, the Detroit River is still threatened by environmental practices; and

Whereas, Congress is considering a measure, H.R. 1230, that would establish the Detroit River International Wildlife Refuge. This bill would provide a mechanism to preserve the character of the area through land acquisition and agreements for cooperative management. Under this legislation, the Secretary of the Interior could acquire land along an 18-mile stretch of the Detroit River. A key component of the proposal is that it does not authorize the taking of land but relies upon willing sellers; and

Whereas, Establishing the Detroit International Wildlife Refuge along one of the great metropolitan regions in the country is an excellent investment in Michigan's resources; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Detroit River International Wildlife Refuge Establishment Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, June 26, 2001

POM–154. A resolution adopted by the House of the General Assembly of Pennsylvania relative to issuing a Coal Miners' Postal Stamp; to the Committee on Governmental Affairs.

HOUSE RESOLUTION NO. 121

Wheras, Our entire Nation owes our coal miners a great deal more than we could ever repay them for the difficult and dangerous job which they performed so that we could have the fuel we needed to operate our industries and to heat our homes; and

Whereas, It would be proper and fitting for our Nation to recognize our coal miners, both past and present, for their contributions to this Nation; therefore be it

Resolved (the Senate concurring), That the general Assembly memorialize the United States Postal Service to issue a postal stamp to honor our coal miners and to commemorate their contributions to our nation and its citizens; and be it further

Resolved, That copies of this resolution be delivered to the United States Postal Service, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–155. A resolution adopted by the House of the General Assembly of the State of Pennsylvania relative to legislation protecting employees and retirees whose health care plans have been terminated by companies as a result of financial difficulties caused in whole or in part by unfairly traded foreign imports; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 212

Whereas, In the 1980s the American steel industry experienced an economic crisis due to existing trade policies resulting in steel mill shutdowns, steelworker layoffs and a weakening of the entire steel industry; and

Whereas, In the early 1990s the American steel industry experienced a period of relative stability; and

Whereas, In late 1997 and early 1998 the Asian economic crisis and the collapse of the Russian economy produced a flood of manufactured products, including steel, leading to the most serious crisis for the steel industry since the 1980s; and

Whereas, That crisis resulted in the layoffs of 10,000 steelworkers, bankruptcy of steel companies, weakening of the entire steel industry and increase in the level of imports deemed ''normal and acceptable'' by the Federal Government; and

Whereas, In the week ending December 30, 2000, the steel industry operated at less that 65% of capacity, its lowest operating level in 14 years; and

Whereas, Since the beginning of the Asian economic crisis, 14 steel companies have been driven into bankruptcy and many others are on the brink of bankruptcy; and

Whereas, The bankruptcy and potential bankruptcy of steel companies represents a threat to the health benefits of employees and retirees; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress to support and pass legislation establishing a Health Care Benefit Guarantee Corporation similar to the Pension Benefit Guarantee Corporation to ensure benefits to those employees and retirees whose health care plans have been terminated by companies as a result of financial difficulties caused in whole or in part by unfairly traded foreign imports; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-156. A resolution adopted by the House of the General Assembly of the State of Pennsylvania relative to domestic violence; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 239

Whereas, Between 2 and 4 million women each year are victims of domestic violence nationally; and

Whereas, At least 800,000 Pennsylvanians are victims of domestic violence each year; and

Whereas, Domestic violence is a health care problem of epidemic proportions; and

Whereas, Medical professionals have a unique opportunity to intervene in domestic violence as they are often the first resource a battered victim seeks for help; and

Whereas, Health care providers can be a critical link to safety by offering support, information, education, resources and follow-up services to patients who are identified as victims of domestic violence; and

Whereas, Approximately only 10% of primary care physicians across the nation routinely screen for partner abuse when a patient is not currently injured; and

Whereas, The General Assembly recognized the importance of screening patients for symptoms of domestic violence in enacting Act 115 of 1998, which established the Domestic Health Care Response Program; and

Whereas, Act 115 of 1998 made Pennsylvania the first state in the nation to establish patient screening and advocary programs in hospitals and health care systems; and

Whereas, The Family Violence Prevention Fund recognized Pennsylvania as the only state to receive an ''A'' grade for laws regarding health care response to domestic violence; and

Whereas, A team from Pennsylvania has joined teams from 14 other states and tribes and the Family Violence Prevention Fund to create innovative and sustainable health care responses to domestic violence on a national level through the National Health Care Standards Campaign; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize June 12, 2001, as ''National Domestic Violence Health Care Standards Campaign Kick-Off Day'' in Pennsylvania; and be it further

Resolved, That the House of Representatives encourage Pennsylvanians and health care professionals in this Commonwealth to learn more about the causes, signs, prevention and treatment for domestic violence; and be it further

Resolved, That the House of Representatives urge the Congress of the United States to recognize the ''National Domestic Violence Health Care Standards Campaign'' and to promote the screening of patients for domestic violence by health care professionals across the nation; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*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.

*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 Mr. TORRICELLI:

S. 1222. A bill to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the ''Frank Sinatra Post Office Building''; to the Committee on Governmental Affairs.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 1223. A bill to amend title 49, United States Code, to ensure equity in the provision of transportation by limousine services; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 1224. A bill to amend title XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years; to the Committee on Finance.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 1225. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

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; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1227. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara River National Heritage Area in the

State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself and Mr. HATCH):

S. 1228. A bill to amend title 18, United States Code, to authorize pilot projects under which private companies in the United States may use Federal inmate labor to produce items that would otherwise be produced by foreign labor, to revise the authorities and operations of Federal Prison Industries, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Ms. STABENOW):

S. 1229. A bill to amend the Federal Food, Drug, and Cosmetic Act to permit individuals to import prescription drugs in limited circumstances; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mrs. CLINTON):

S. 1230. A bill to amend the Public Health Service Act to focus American efforts on HIV/AIDS, tuberculosis, and malaria in developing countries; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself and Mr. BURNS):

S. 1231. A bill to amend the Federal Power Act to establish a system for market participants, regulators, and the public to have access to certain information about the operation of electricity power markets and transmission systems; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 1232. A bill to provide for the effective punishment of online child molesters, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. HATCH, Mr. LEAHY, Mr. DEWINE, and Mr. DURBIN):

S. 1233. A bill to provide penalties for certain unauthorized writing with respect to consumer products; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 213

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 213, a bill to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails.

S. 281

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 409

At the request of Mrs. HUTCHISON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 498

At the request of Mr. MURKOWSKI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 498, a bill entitled ''National Discovery Trails Act of 2001''.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Maine (Ms. SNOWE) 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. 676

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 676, a bill to amend the Internal Revenue Code of 1986 to extend permanently the subpart F exemption for active financing income.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 805

At the request of Mr. WELLSTONE, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. ALLEN) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 838

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 865

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 865, a bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1025

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1025, a bill to provide for savings for working families.

S. 1037

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1044

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1044, a bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from Missouri (Mr. BOND) 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. 1140

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1207

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1207, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the

Albuquerque, New Mexico, metropolitan area.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor 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. RES. 121

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 121, a resolution expressing the sense of the Senate regarding the policy of the United States at the 53rd Annual Meeting of the International Whaling Commission.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 1224. A bill to amend title XVIII of the Social Security Act to extend the availability of Medicare cost contracts for 10 years; to the Committee on Finance.

Mr. ALLARD. Mr. President, I am pleased to introduce the Medicare Cost Contract Extension Act of 2001.

For decades, the Centers for Medicare and Medicaid Services (formerly the Health Care Financing Administration), has successfully offered health insurance providers two contracts to choose from: a Medicare risk contract, (Medicare+Choice), and Medicare cost contract. In an effort to expand and refine the Medicare+Choice program, the Balanced Budget Act of 1997 terminated the Medicare cost contract program effective December 31, 2002. To prevent this termination, in 1999 Congress passed the Balanced Budget and Refinement Act, which extended cost contracts for two years through 2004.

I am pleased that Congress passed into law this two-year extension of Medicare cost contracting. This extension will help Medicare beneficiaries in rural communities in the United States keep the quality health care they currently receive under their cost contract plans.

Congress should work to extend further Medicare cost contracts. The Medicare Cost Contract Extension Act of 2001 would accomplish this by extending by ten years the cost contract sunset date of December 31, 2004 to December 31, 2014.

Currently 298,683 Americans, and 18,050 Coloradans receive health care through Medicare cost contracts. Of the 18,050 Coloradans with cost contract plans, 16,075 (89 percent) of them live in rural Colorado, where few Medicare and Medicare+Choice providers operate. If Medicare cost contracts are eliminated, essentially two health care options for Medicare beneficiaries would remain: traditional Medicare fee-for-service, which can include Medigap, and Medicare+Choice. If Medicare cost contracts are eliminated, as scheduled in 2004, then thousands of seniors will be forced into these other Medicare programs.

Basic Medicare and Medicare+Choice providers, however, are few in rural Colorado, where health care demands are great. In addition to the fact that 89 percent of Colorado's seniors with cost contract plans live in rural areas, 6,358, 35 percent, of Colorado Medicare managed care beneficiaries live in counties in which Medicare+Choice is not even available. Further, cost contract plans are more widely used across the State than are Medicare+Choice plans: Medicare+Choice is the Medicare option of beneficiaries in only 20 of Colorado's 64 counties, while Medicare cost contracts are enjoyed by seniors in 46 counties in Colorado.

In addition to accessibility, basic Medicare has fewer benefits than cost contract plans, and Medigap has higher out-of-pocket expenses than cost contract plans. Cost contract plans often provide more benefits than Medigap, such as preventive care and prescription drug benefits, and Medicare Part B deductible coverage. In addition, some cost contract plans offer one rate for older Medicare beneficiaries, while Medigap plans charge higher premiums for beneficiaries who are older.

Further, beneficiaries under Medicare cost contracts value the services cost contracting companies offer. According to a 1999 U.S. Department of Health and Human Services study, the Medicare Managed Care Consumer Assessment of Health Plans Study, CAHPS, Medicare beneficiaries gave Medicare cost contract health insurers higher ratings than non-cost contract providers. Beneficiaries noted cost contracting HMOs solved problems, provided care, and provided customer service better than the majority of non-cost contracting providers. These ratings demonstrate that cost contract insurers provide the quality service seniors want and the health benefits they need.

While the goal of the Balanced Budget Act of 1997 was to provide an alternative to basic Medicare through Medicare+Choice, Medicare+Choice has not accomplished this goal in rural America. One of the objectives of President Bush and Tommy Thompson, the Secretary of Health and Human Services, is to increase in the near future Medicare+Choice enrollment. I support and have confidence in this effort. Until Medicare+Choice coverage is readily available to rural cost contract recipients Congress should extend the current cost contract sunset for an additional ten years.

Medicare beneficiaries deserve a choice in how they receive their health care. Congress should allow one of these choices to remain Medicare cost contracts. On behalf of the 298,683 U.S. and 18,050 Colorado Medicare beneficiaries who obtain their health care from cost contract plans, I urge my colleagues to extend Medicare cost contract plans for ten years.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 1225. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLEN. Mr. President, I rise today to introduce the Liberty Bill Act, which directs the United States Treasury to print an abridged Constitution with the titles of salient articles and amendments of the Constitution of the United States on the back of our one dollar bill. Indeed, the redesign of a Ten, Twenty, Fifty or 100 dollar bill could incorporate this goal.

This important and innovative legislation is designed to educate, encourage and promote the understanding of the fundamental principles, the concept of self-government, free will and the protection of individual rights, of the United States for all Americans and people around the world who may use U.S. currency.

I believe that it is most fitting that the idea for the Liberty Bill Act began in a classroom in Liberty Middle School, in Ashland VA, and carried forth by students at Patrick Henry High School in Hanover County, VA, by students who wanted to do something good for this country and its democratic principles.

A little more than three years ago at Virginia's Poor Farm Park's amphitheatre, 170 students, representing Liberty Middle School, recited the abridged Constitution as part of a school project. The so-called Liberty Bill project left them with a deeper appreciation of the Constitution and how important it is that we, as Americans, fully understand our heritage and the principles of freedom, justice and liberty. And, fortunately for the rest of us, the Liberty Bill project also left them with the desire to communicate this appreciation to all Americans and to all people worldwide.

I am proud to say that these students did not simply stop their education at this juncture. Instead, they worked with their teacher, Mr. Randy Wright, to create a proposal that would serve as a reminder of our rights and responsibilities as citizens of the United States.

After careful thought and consideration, the students decided that putting the thoughts of our Constitution on the back of the dollar bill, something that passes through the hands of millions of people around the world every day, would serve as the powerful reminder of how important the Constitution is to our representative democracy.

In addition, the newly revised dollar bill would teach the progress of American history, highlighting amendments that were added to the Constitution as our nation evolved into the free and prosperous global leader it is today. For example, despite a strong belief in what some termed the ''inherent and unalienable rights of man,'' the fledgling American government did not protect the individual rights and liberties of all Americans. In fact, it was not until 1865, upon the adoption of amendment XIII, slavery was abolished and all races were guaranteed their freedom under the law.

In addition, the right to vote and have a say in one's government and the policies that affect everyday life, was not extended to all Americans. In fact, only white men could vote until amendment XV, proclaimed in 1870, provided that all men could vote, regardless of their race or status as a former slave. Later, in 1920, amendment XIX rightfully extended suffrage to all of America's people, securing the right of women to have a voice in our government as well. For a representative democracy is not truly representative until all people are heard.

Referencing constitutional amendments, such as amendments XIII, XV, and XIX on our dollar bill, would help to highlight not only the adaptive qualities of our Constitution and its ability to reflect an increasingly enlightened awareness of the rights of all people, but teach us to appreciate and value these freedoms and rights as Americans.

The Constitution of the United States is one of the most important documents in all of history. Yet in this day and age many Americans do not even know all the rights and protections enshrined in the first ten amendments, our Bill of Rights. Many Americans fail to recognize the Constitution as framework of the United States government and its impact on our government and prosperity as a nation of free people.

The dollar bill is the most used and most recognized currency in the world, every day it pass through the hands of millions of people around the world. And, as the students of Liberty Middle School asked themselves three years ago: ''What better way than to highlight the Constitution and promote the ideals and values it represents than putting the principles it embodies on the back of the dollar bill?''

Every day I come across adults who complain that they are powerless to affect our political process or laws. They claim that even their vote will not make a difference.

Yet, a group of middle school students, through their commitment and determination, have persevered.

In just three years these students have taken up the challenge to help ensure every American understands the basic precepts of our treasured Constitution. This group of students developed a plan to reach this goal. They have gained media coverage and the endorsement of editorialists nationwide and their local governments, receiving acclaim from such notables as the Wall Street Journal and CNN News, although, I have to believe that one of the most notable endorsements of all was from a middle school student named Jessie, who said of the Liberty Bill project: ''A fantastic learning experience, the Liberty Bill has inspired me to pursue politics like never before.''

Because of their work and dedication, the impact of the Liberty Bill project on the education of our students can be felt nationwide. A remarkable 21 schools, representing seven states, have also joined their effort, ranging from Bedwell Elementary School in New Jersey and Festus High School in Festus, MO, to Dickinson High School in North Dakota and Newcastle Middle School in Wyoming.

The students have taken their effort all the way to Capitol Hill. The Liberty Bill Act, H.R. 903, introduced in the 106th Congress eventually secured 107 consponsors and was supported by leadership on both sides of the aisle, including Speaker HASTERT, Majority Leader ARMEY, Majority Whip DELAY, and Minority Leader GEPHARDT. In addition, eight Committee Chairmen and 3 Ranking Members endorsed the Liberty Bill proposal. I am confident that under the guidance of Congressman CANTOR, the Liberty Bill will enjoy even more success during the 107th Congress in the House of Representatives and I am looking forward to working with my colleagues to secure the Liberty Bill's success in the Senate.

Last February, I had the opportunity to attend a Liberty Bill Project presentation performed by students from the Patrick Henry High School of Ashland, VA. I cannot tell you how encouraging it is to see a group of young people who really get, who realize how important a full understanding of our Constitution is and the values it represents. Not only was this presentation one of the most wholesome and inspirational I have seen, it convinced me that the Liberty Bill Project is an exemplary way of capturing our imagination and providing a major contribution toward our understanding of our Constitution, history, and form of government.

Therefore, it is my privilege to stand here today, joining my colleague in the House of Representatives, Congressman ERIC CANTOR, and introduce the companion legislation in the Senate. I am proud to act as a representative for the hard work and dedication of our students and support their efforts to teach all Americans about the importance of the values and principles embodied by our Constitution.

Finally, I would like to take this opportunity to commend the fine efforts of the students of Liberty Middle School and their teacher, Mr. Randy Wright. Their success is a lesson to all of us, demonstrating that with initiative and hard work we can easily, positively educate Americans.

Thomas Jefferson once said, ''If a Nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.'' This remarkable group of young people has shown all of us what can be accomplished through dedication, creativity and a desire to do what has not been done before.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Liberty Dollar Bill Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) many Americans are unaware of the provisions of the Constitution of the United States, one of the most remarkable and important documents in world history;

(2) a version of this important document, consisting of the preamble, a list of the Articles, and the Bill of Rights, could easily be placed on the reverse side of the $1 Federal reserve note;

(3) the placement of this version of the Constitution on the $1 Federal reserve note, a unit of currency used daily by virtually all Americans, would serve to remind people of the historical importance of the Constitution and its impact on their lives today; and

(4) Americans would be reminded by the preamble of the blessings of liberty, by the Articles, of the framework of the Government, and by the Bill of Rights, of some of the historical changes to the document that forms the very core of the American experience.

SEC. 3. REDESIGN OF REVERSE SIDE OF THE BILL.

(a) IN GENERAL.—Section 5114 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(d) LIBERTY DOLLAR BILLS.—

''(1) IN GENERAL.—In addition to the requirements of subsection (b) (relating to the inclusion of the inscription 'In God We Trust' on all United States currency) and the eighth undesignated paragraph of section 16 of the Federal Reserve Act, the design of the reverse side of the $1 Federal reserve notes shall incorporate the preamble to the Constitution of the United States, a list of the Articles of the Constitution, and a list of the first 10 amendments to the Constitution.

''(2) DESIGN—Subject to paragraph (3), the preamble of the Constitution of the United States, the list of the Articles of the Constitution, and the first 10 amendments to the Constitution shall appear on the reverse side of the $1 Federal reserve note, in such form as the Secretary deems appropriate.

''(3) AUTHORITY OF SECRETARY.—The requirements of this subsection shall not be construed as—

''(A) prohibiting the inclusion of any other inscriptions or material on the reverse side of the $1 Federal reserve note that the Secretary may determine to be necessary or appropriate; or

''(B) limiting any other authority of the Secretary with regard to the design of the $1 Federal reserve note, including the adoption of any design features to deter the counterfeiting of United States currency.''.

(b) DATE OF APPLICATION.—The amendment made by subsection (a) shall apply to $1 Federal reserve notes that are first placed into circulation after December 31, 2001.

Mr. WARNER. Mr. President, I am deferring to my junior colleague from Virginia and am pleased to be an original cosponsor of legislation introduced by Senator ALLEN to place actual language from the Constitution on the back of the one dollar bill.

This legislation is related to a bill I introduced last year based on the idea of students at Liberty Middle School in Ashland, Va. Working with their teacher, Randy Wright, this began as a school project several years ago. I commend these students and Mr. Wright for their continued dedication on seeing this idea realized.

If you would think for a minute about the circulation of one dollar. it is fascinating to imagine how many people this message will reach, just how many hands a dollar will pass through even in just one year. Moreover, I believe this initiative exemplifies many of the principles laid out in the Constitution and the people's role in our government.

The Constitution is our Nation's most noble achievement. It embodies the freedoms and liberties we enjoy as Americans, and gives value and meaning to the laws by which we live. I agree with the students of Liberty Middle School that the Constitution belongs to the people. It should be in their hands.

I am pleased to support this important initiative.

By Mr. CAMPBELL:

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; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I introduce the POW/MIA Memorial Flag Act of 2001. I am pleased to be joined by my friend and colleague Senator ALLARD as an original co-sponsor.

I want to begin my statement today describing a powerful and emotional sight that moves us to the core of our faith and beliefs about America and about those who served in the Armed Forces of our Nation.

Many of us have visited one or more of the military academies that train America's future military leaders. These academies have varied missions and yet all of them share in the critical task of developing leaders for their particular branch of service. On the grounds of each academy is a chapel, spectacular places that are easily identifiable as places of worship.

In each chapel, a place has been reserved for those prisoners of war and the missing in action from each particular service. A pew has been set aside and marked by a candle, a powerful symbol that not all have returned from battle. These hallowed places have been set aside so that all POW's and MIA's are remembered with dignity and honor. It is a moving and emotional experience to pause at these reserved pews, to be encouraged by the burning candle, to recall the valor and sacrifice of those soldiers, sailors, marines, and pilots and to be inspired today by what they have done.

Yes, I believe we can and should do more to honor the memory of all the POW's and MIA's who have so gallantly served our nation.

Therefore, today I am introducing the POW/MIA Memorial Flag Act of 2001. This act would require the display of the POW/MIA flag at the World War II Memorial, the Korea War Veterans Memorial, and the Vietnam Veterans Memorial, all here in the Nation's Capital, on any day on which the United States flag is displayed.

Congress has officially recognized the POW/MIA flag. Displaying this flag would be a powerful symbol to all Americans that we have not forgotten, and will not forget.

As my colleagues well know, the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In 20th century wars alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to the number those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but also for their families who personally carry with them the burden of sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

As a veteran who served in Korea, I personally know that the remembrance of another's sacrifice in battle is one of the highest and most noble acts we can do. Let us now demonstrate our indebtedness and gratitude for those who served that we might live in freedom.

Just as those special reserved pews in the chapels of the military academies recall the spirit and presence of our POW's and MIA's, so too will the display of their flag over the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial be a special reminder that we have not forgotten, and will not forget. This coming September 21, 2001, is National POW/MIA Recognition Day. I invite my Senate colleagues to please join me in passing this bill by then to display the POW/MIA flag on this special day.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''POW/MIA Memorial Flag Act of 2001''.

SEC. 2. DISPLAY OF POW/MIA FLAG AT WORLD WAR II MEMORIAL, KOREAN WAR MEMORIAL, AND VIETNAM VETERANS MEMORIAL.

(a) REQUIREMENT FOR DISPLAY.—Subsection (d)(3) of section 902 of title 36, United States Code, is amended by striking ''The Korean War Veterans Memorial and the Vietnam Veterans Memorial'' and inserting ''The World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial''.

(b) DAYS FOR DISPLAY.—Subsection (c)(2) of that section is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) in the case of display at the World War II memorial, Korean War Veterans Memorial, and Vietnam Veterans Memorial (required by subsection (d)(3) of this section), any day on which the United States flag is displayed;''.

(c) DISPLAY ON EXISTING FLAGPOLE.—No element of the United States Government may construe the amendments made by this section as requiring the acquisition of erection of a new or additional flagpole for purposes of the display of the POW/MIA flag.

By Mr. THURMOND (for himself and Mr. HATCH):

S. 1228. A bill to amend title 18, United States Code, to authorize pilot projects under which private companies in the United States may use Federal inmate labor to produce items that would otherwise be produced by foreign labor, to revise the authorities and operations of Federal Prison Industries, and for other purposes; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce legislation that would comprehensively reform Federal Prison Industries or UNICOR. It would eliminate the preference that Prison Industries currently has to make products for the Federal Government, while for the first time allowing private companies to partner with FPI for inmate labor. These changes would benefit all interested parties without endangering this essential inmate work program. I am pleased to have Senator HATCH as an original cosponsor for this important bill.

FPI is a self-sufficient government corporation that provides work for over 20,000 inmates in the Federal Bureau of Prisons. This program is critical to keeping inmates productively occupied, which helps keep prisons safe for staff, inmates, and the public. At the same time, inmates learn important job skills that they can use when they return to society. FPI has been proven to be the best prison program in helping prevent inmates from returning to a life of crime. It does all of this without costing any taxpayer money.

Prison Industries is an especially critical program today as the inmate

population continues to grow dramatically. The number of Federal prisoners has doubled since 1989, and is continuing to grow every year. For the Bureau of Prisons to maintain just 25 percent of the work-eligible inmates in FPI, it must produce more and more products to keep its growing population working and occupied.

Since it was created in 1934, Prison Industries has had the authority to sell products only to Federal agencies and not to the private sector. In return, Federal agencies generally must purchase items that FPI makes, if it can provide them on time and at competitive prices. This is known as the mandatory source requirement.

The equity of mandatory source has been debated for years. I believe that we should resolve this issue once and for all in this Congress by eliminating this governmental preference. However, we should do so in a way that will maintain, not destroy, this successful work program.

The preference that FPI currently has regarding the Federal market is essential as long as Prison Industries is only permitted to sell products to Federal agencies. However, Prison Industries can do much more and actually be a partner with the private sector if it has the opportunity. Thus, this bill would eliminate the mandatory source requirement, and it would allow private businesses to contract with FPI for inmates to make the company's products in the commercial market, both domestically and overseas.

One of the most promising areas for prison labor today is overseas markets where American companies simply cannot compete today. Economists, including respected labor expert Professor Richard Freeman, have argued that one of the best uses of prison labor is to produce goods that are not made in the United States, such as toys. This could help the American economy by bringing jobs back that we have lost. Of course, if prisoners make products that are not made in the United States, they are not displacing American workers. However, jobs would not only be created in prisons but also in the private sector. Private companies would provide raw materials, transport goods, and otherwise supplement the prison labor. This is a creative way to bring back industries whose entire economic support structure is overseas.

Also, this could prove to help FPI reduce its need to make the type of products that it makes today while keeping inmates just as busy. It would also make the work experience for the inmates even more practical if they were making products for the private companies. Thus, the legislation would permit private companies to contract with FPI to provide the labor to make products that are otherwise being made by foreign labor outside the United States, and pay the inmates at the current prison industry wages.

We must keep in mind that FPI has hidden burdens that increase its labor costs. Inmates are significantly less productive than private workers for various reasons including limited skills, less education, and the security needs at prisoner work areas. Nevertheless, under this legislation, when FPI contracted with private companies domestically, it would pay inmates the same as private employees who do the same type of work in the area. These ''comparable locality wages'' are identical to the wages that state prison industry work programs provide today. As under state prison work programs, the pay could never be below the Federal minimum wage.

The additional money that inmates would earn under these new higher wages would be used to help pay debts that the inmate owes to society, such as more restitution to victims and child support obligations. Also, if funds were available, inmates would reimburse the government for a portion of their room and board costs.

Further, the bill would increase the size of the Prison Industries Board of Directors to provide greater representation, including members recommended by the Senate and House leadership. Also, decisions about whether a product is otherwise being made by foreign workers outside the United States would be determined by an independent panel, separate from the Prison Industries Board. This panel would consist of representatives of the Departments of Commerce and Labor, as well as labor unions and the business community.

The cornerstone of the legislation is that the mandatory source requirement would be eliminated, which is a change that has long been sought by certain business and labor interests. The bill would phase it out over five years to permit a smooth transition and prevent any major disruptions in inmate labor programs. However, during this period, FPI would be prohibited from expanding beyond its current mandatory source levels in any existing federal market.

I believe that this bill represents comprehensive, fundamental reform of Prison Industries. It would not be an easy task for Prison Industries to transform its market, as this bill would require. However, I think this legislation constitutes a fair and equitable compromise for this longstanding issue. It eliminates the mandatory source once and for all. At the same time, it creates new markets for prison labor, especially overseas markets where America simply cannot compete today.

It is time that we took an entirely new approach toward the issue of prison labor. We have the opportunity to move Prison Industries into the new century as a new, dynamic partner with the private sector. I encourage my colleagues to join me and Senator HATCH in supporting this bold reform initiative.

I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

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

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Inmate Work Act of 2001''.

SEC. 2. AUTHORITY TO CARRY OUT PILOT PROJECTS USING FEDERAL INMATE LABOR TO REPLACE FOREIGN LABOR.

(a) FOREIGN LABOR SUBSTITUTE PILOT PROJECTS AUTHORIZED.—Chapter 85 of title 18, United States Code, is amended in section 1761—

(1) in subsection (b), by striking ''This chapter'' and inserting ''This section'';

(2) in subsection (c), by striking ''this chapter'' and inserting ''this section'';

(3) by redesignating subsection (d) as subsection (f); and

(4) by adding after subsection (c) the following new subsections:

''(d) This section shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who are participating in industrial operations of Federal Prison Industries.

''(e) This section shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who are participating in any pilot project approved as a foreign labor substitute by the Foreign Labor Substitute Panel established under section 1762.''.

(b) FOREIGN LABOR SUBSTITUTE PANEL.—(1) Section 1762 of such chapter is amended to read as follows:

''§ 1762. Foreign Labor Substitute Panel

''(a) The Attorney General shall establish a panel to be known as the Foreign Labor Substitute Panel (in this section referred to as the 'Panel').

''(b) The Panel shall be composed of eight members, each of whom shall serve at the pleasure of the Attorney General, and who shall be appointed by the Attorney General as follows:

''(1) One member who shall be an officer, employee, or other representative of the Department of Commerce.

''(2) One member who shall be an officer, employee, or other representative of the Department of Labor.

''(3) One member who shall be an officer, employee, or other representative of the International Trade Commission.

''(4) One member who shall be an officer, employee, or other representative of the Small Business Administration.

''(5) Two members, each of whom shall be an officer, employee, or other representative of the business community.

''(6) Two members, each of whom shall be an officer, employee, or other representative of organized labor.

''(c)(1) Members of the Panel shall not receive pay, allowances, or benefits by reason of their service on the Panel.

''(2) Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(d) The Panel shall review proposals for pilot projects submitted to the Panel. For each proposal reviewed, the Panel shall approve the pilot project as a foreign labor substitute if, and only if, the Panel determines that the pilot project specified in the proposal satisfies each of the following requirements:

''(1) The pilot project is to be carried out by one or more private United States companies.

''(2) The goods, wares, or merchandise proposed to be manufactured, produced, or mined wholly or in part by Federal convicts or prisoners under the pilot project would otherwise be manufactured, produced, or mined by foreign labor.

''(e) Any determination of the Panel under subsection (d) shall be made available to the public upon request.''.

(2) In the table of sections at the beginning of such chapter, the item relating to section 1762 is amended to read as follows:

''1762. Foreign Labor Substitute Panel.''.

SEC. 3. RESTATEMENT AND IMPROVEMENT OF FEDERAL PRISON INDUSTRIES PROGRAM.

(a) IN GENERAL.—Sections 4121, 4122, and 4123 of title 18, United States Code, are amended to read as follows:

''§ 4121. Federal Prison Industries: status, mission, and management

''(a) STATUS.—Federal Prison Industries is a Government corporation. The headquarters of the corporation is in the District of Columbia.

''(b) MISSION.—The mission of Federal Prison Industries is to carry out industrial operations in accordance with this chapter using eligible inmate workers.

''(c) BOARD OF DIRECTORS.—

''(1) COMPOSITION.—Federal Prison Industries is administered by a board of directors composed of 12 members appointed by the Attorney General as follows:

''(A) One member appointed from among individuals recommended by the Speaker of the House of Representatives.

''(B) One member appointed from among individuals recommended by the minority leader of the House of Representatives.

''(C) One member appointed from among individuals recommended by the majority leader of the Senate.

''(D) One member appointed from among individuals recommended by the minority leader of the Senate.

''(E) Two members who shall be representatives of the business community.

''(F) Two members who shall be representatives of organized labor.

''(G) One member who shall be representative of victims of crime.

''(H) One member who shall be representative of the prisoner rehabilitation community.

''(I) Two members whose background or expertise the Attorney General considers appropriate.

''(2) TERMS.—

''(A) Except as provided in this paragraph, each member shall be appointed for a term of four years.

''(B) As designated by the Attorney General at the time of appointment, of the members first appointed—

''(i) 3 members shall be appointed for terms of 1 year;

''(ii) 3 members shall be appointed for terms of 2 years;

''(iii) 3 members shall be appointed for terms of 3 years; and

''(iv) 3 members shall be appointed for terms of 4 years.

''(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(3) COMPENSATION.—A member of the Board may not receive pay, allowances, or benefits by reason of his or her service on the Board.

''(4) QUORUM.—Seven members of the Board constitutes a quorum but a lesser number may hold hearings.

''(5) CHAIR.—The Chair of the Board is elected by the members.

''§ 4122. Federal Prison Industries: operating objectives, standards, and requirements

''(a) OPERATING OBJECTIVES.—Federal Prison Industries shall carry out its industrial operations so as to achieve each of the following objectives:

''(1) To increase public safety by reducing the rate of recidivism by providing as many inmates as possible with an opportunity to gain meaningful employment and vocational skills and improve their chances of becoming productive and law-abiding citizens after release from prison.

''(2) To minimize any adverse effects of the operations on domestic companies or workers.

''(3) To provide meaningful employment and vocational training for not less than 25 percent of eligible inmate workers.

''(4) To provide inmate workers with a source of income with which they may facilitate their ability to contribute to the discharge of their financial obligations.

''(5) To generate sufficient revenue to fund those operations.

''(6) To provide products and services that are market quality and competitively priced.

''(b) PERFORMANCE STANDARDS.—Federal Prison Industries shall carry out its industrial operations in compliance with the following standards, as applicable to correctional industry programs:

''(1) United Nations standards.

''(2) International Labor Organization conventions to which the United States is a signatory party.

''(3) Federal standards.

''(4) American Correctional Association standards.

''(c) VOLUNTARINESS.—Federal Prison Industries shall carry out its industrial operations only with inmate workers who participate in those operations voluntarily.

''(d) WAGE RATES.—Unless otherwise provided by law, each inmate worker participating in the industrial operations of Federal Prison Industries shall be paid at a wage rate prescribed by the Board of Directors of Federal Prison Industries.

''(e) PROTECTION OF CERTAIN INFORMATION.—Federal Prison Industries shall carry out its industrial operations so as to ensure that, in the production of a product or the performance of a service, inmate workers do not have access to—

''(1) personal or financial information about any citizen of the United States without prior notice of the access being provided to that citizen, including information relating to the citizen's real property, however described, unless that information is publicly available; or

''(2) information that is classified in the national security or foreign policy interests of the United States.

''(f) VOCATIONAL TRAINING.—At the end of each fiscal year, Federal Prison Industries shall, if the Board of Directors determines that it is financially feasible to do so, contribute not less than 20 percent of its net profits for that fiscal year to provide for the vocational training of inmates without regard to their industrial or other assignments.

''(g) EXEMPTION FROM PUBLIC CONTRACTING AND PROCUREMENT LAWS.—Federal Prison Industries is exempt from all laws and regulations governing public contracting and the procurement of property or services by an agency of the Federal Government.

''(h) LIABILITY.—The sole remedy for injury, death, or loss resulting from negligence in the design or production of a product, or in the performance of a service, by Federal Prison Industries shall be as follows:

''(1) In the case of a person suffering an injury, death, or loss in the performance of duties as an employee of the United States, chapter 81 of title 5, relating to compensation for work-related injuries.

''(2) In all other cases, chapter 171 of title 28, relating to tort claims.

''(i) DEDUCTIONS FROM WAGES.—

''(1) IN GENERAL.—Subject to the other provisions of this subsection, the Board of Directors may deduct and withhold amounts from the wages paid to a Federal Prison Industries inmate worker and disburse those amounts for the following:

''(A) Payment of fines, special assessments, restitution to the victim, and any other restitution owed by the inmate worker pursuant to court order.

''(B) Allocations for support of the inmate worker's family under law, court order, or agreement by the inmate worker.

''(C) Reasonable charges for costs of incarceration, as determined by the Board of Directors.

''(D) Contributions to any fund established by law to compensate the victims of crime.

''(E) Amounts to be held on account and paid to the inmate worker upon release from the custody of the Bureau of Prisons.

''(2) LIMITATION.—The total of all amounts deducted and withheld from the pay of an inmate worker for a pay period may not exceed—

''(A) 80 percent of gross pay, in the case of an inmate worker specified in section 4123(d)(2); or

''(B) 50 percent of gross pay, in the case of any other inmate worker.

''(3) EXCEPTION.—The total specified in paragraph (2) may, with the consent of an inmate worker, exceed the limitation in paragraph (2)(A) or (2)(B), as applicable, if the amounts in excess of such limitation are for the purposes described in subparagraphs (B) or (E) of paragraph (1).

''(4) AGREEMENT OF INMATE WORKER REQUIRED.—Amounts may not be deducted, withheld, or disbursed under this subsection unless the inmate worker concerned has agreed in advance to the deduction, withholding, or disbursement of those amounts.

''§ 4123. Federal Prison Industries: transactions authorized

''(a) SALES TO AGENCIES AND NOT-FOR-PROFITS.—Federal Prison Industries may sell products and services to government agencies and not-for-profit organizations.

''(b) SALES OF CERTAIN COMMODITIES.—Federal Prison Industries may carry out a program to manufacture commodities specified in section 1761(b).

''(c) PARTICIPATION IN FOREIGN LABOR SUBSTITUTE PILOT PROJECTS.—Subject to the requirements in subsection (e), Federal Prison Industries may make available inmate workers for participation in a pilot project approved as a foreign labor substitute by the Foreign Labor Substitute Panel, as referred to in section 1761(e).

''(d) PARTICIPATION IN BJA PILOT PROJECTS.—

''(1) IN GENERAL.—Subject to the requirements in subsection (e), Federal Prison Industries may make available inmate workers for participation in a pilot project designated by the Director of the Bureau of Justice Assistance, as referred to in section 1761(c).

''(2) WAGE RATE.—Each inmate worker participating in a pilot project specified in paragraph (1) shall be paid at a wage rate that complies with section 1761(c).

''(e) REQUIREMENTS FOR CONTRACTS WITH PRIVATE COMPANIES.—In making available

inmate workers for participation in a pilot project under subsection (c) or (d), Federal Prison Industries shall comply with the following requirements:

''(1) The inmate workers shall be made available through a contract between Federal Prison Industries and a private United States company.

''(2) The contract shall—

''(A) require that the labor performed by the inmate workers shall be carried out at a Federal Prison Industries facility;

''(B) include a clause that prohibits the company from displacing any of that company's existing domestic workers as a direct result of the contract with Federal Prison Industries; and

''(C) provide that any workforce reductions carried out by the company affecting employees performing work comparable to the work performed pursuant to the contract shall first apply to inmate workers employed pursuant to the contract.

''(f) GOALS FOR CERTAIN BUSINESSES.—Federal Prison Industries shall, in consultation with the Small Business Administration, establish and strive to meet or exceed realistic goals for entering into contracts with one or more of the following:

''(1) A business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

''(2) A small business concern owned and controlled by socially and economically disadvantaged individuals, as that term is defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

''(g) JOB OPPORTUNITIES FOR BLIND AND SEVERELY DISABLED INDIVIDUALS.—Federal Prison Industries shall establish business partnerships with organizations representing domestic workers who are blind or severely disabled, for the purpose of entering into contracts with private United States companies that would create job opportunities both for blind and severely disabled individuals and for Federal inmates.

''(h) DONATION OF PRODUCTS AND SERVICES.—The Board of Directors may authorize—

''(1) the donation of a product or service of Federal Prison Industries that is available for sale; or

''(2) the production of a new product, or the performance of a new service, for donation.

''(i) CATALOG.—Federal Prison Industries shall publish and maintain a catalog of all products and services that it offers for sale to government agencies and not-for-profit organizations. The catalog shall be periodically revised as products and services are added or deleted.''.

(b) CONFORMING AMENDMENT.—Section 1761(c)(1) of such title is amended by striking ''non-Federal''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by striking the items relating to sections 4121, 4122, and 4123 and inserting the following:

''4121. Federal Prison Industries: status, mission, and management.

''4122. Federal Prison Industries: operating objectives, standards, and requirements.

''4123. Federal Prison Industries: transactions authorized.''.

SEC. 4. ELIMINATION OF MANDATORY SOURCE PURCHASE REQUIREMENT.

(a) IN GENERAL.—Section 4124 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''This subsection does not apply to services.'';

(2) by amending subsection (c) to read as follows:

''(c) Each Federal department or agency shall report purchases from Federal Prison Industries to the Federal Procurement Data System (referred to in section 6(d)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4))) in the same manner as it reports to such System any acquisition in an amount in excess of the simplified acquisition threshold (as defined in section 4(11) of that Act (41 U.S.C. 403(11))).''; and

(3) by amending subsection (d) to read as follows:

''(d)(1) The head of a Federal department or agency may purchase directly from Federal Prison Industries any of the following:

''(A) Any products with respect to which the requirement in subsection (a) has, under any authority, been suspended, waived, or not invoked.

''(B) Any services.

''(2) A purchase under this subsection may be made in any quantity and by any method that is determined appropriate by the head of the agency making the purchase without regard to any provision of law or regulation.''.

(b) PLAN FOR PHASED ELIMINATION OF MANDATORY SOURCE.—Not later than 180 days after the date of the enactment of this Act, the Board of Directors shall submit to Congress a plan for the elimination of the requirement of section 4124(a) of title 18, United States Code. The plan shall provide for the following:

(1) Annual reductions in the total sales that are made by Federal Prison Industries under the requirement.

(2) A prohibition on any interim significant expansion of sales under the requirement above levels authorized by the Board of Directors of Federal Prison Industries for such sales before the date of the enactment of this Act.

(3) A prohibition on sales under the requirement after the date that is five years after the date on which the plan is submitted to Congress under this section.

(c) PUBLIC AVAILABILITY OF PLAN.—Not later than 30 days after the date on which the plan is submitted to Congress under this section, Federal Prison Industries shall publish the plan in a commercial business publication with a national circulation. Federal Prison Industries shall make copies of the plan available to the public upon request.

(d) REPEAL OF MANDATORY SOURCE REQUIREMENT.—Effective on the date that is 5 years after the date on which the plan is submitted to Congress under this section, section 4124 of title 18, United States Code, is amended—

(1) by striking subsections (a) and (b); and

(2) by amending subsection (d)(1)(A) to read as follows:

''(A) Any products.''.

SEC. 5. PERIODIC EVALUATION AND REPORTS.

(a) IN GENERAL.—Section 4127 of title 18, United States Code, is amended to read as follows:

''§ 4127. Periodic evaluation and reports

''(a) EVALUATION BY GAO.—

''(1) MATTERS EVALUATED.—The Comptroller General shall provide for an independent evaluation of the operations of Federal Prison Industries to be carried out each year. The matters evaluated shall include the following:

''(A) The overall success of the operations.

''(B) The effects that any reduction in the purchases made under section 4124(a) has on the viability of Federal Prison Industries.

''(C) The extent to which Federal Prison Industries can successfully contract with private companies without adversely affecting domestic companies or workers.

''(2) VIEWS INCLUDED.—The Comptroller General shall ensure that, in the development of appropriate methodologies for the evaluation under paragraph (1), the views of the Foreign Labor Substitute Panel, private industry, organized labor, the Board of Directors of Federal Prison Industries, and the public are solicited.

''(3) REPORT.—Not later than March 31 of each fiscal year, the Comptroller General shall submit to Congress a report on the evaluation of the operations of Federal Prison Industries that was carried out under paragraph (1) for the preceding fiscal year. The report for a fiscal year shall, at a minimum, include the following:

''(A) The evaluation.

''(B) Any concerns raised about any adverse effects on domestic companies or workers, together with any actions taken in regard to the concerns.

''(C) The extent to which Federal Prison Industries maintained at least a 25 percent employment rate for eligible inmate workers.

''(D) The extent to which Federal Prison Industries conducted its operations on a financially self-sustaining basis.

''(E) Any recommended legislation to improve the administration of this chapter or the effects of the administration of this chapter, including any recommended legislation necessary to authorize remedial actions regarding—

''(i) any conduct of the operations of Federal Prison Industries in a manner that adversely affects domestic companies or workers (excluding the effects of normal competitive business practices);

''(ii) any failure of Federal Prison Industries to maintain at least a 25 percent employment rate for eligible inmate workers; or

''(iii) any failure of Federal Prison Industries to conduct its operations on a financially self-sustaining basis.

''(b) ANNUAL REPORT BY BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors of Federal Prison Industries shall, each year, report under section 9106 of title 31 on the conduct of the business of Federal Prison Industries and the condition of its funds during the preceding fiscal year.

''(2) MATTERS INCLUDED.—In addition to the matters required by section 9106 of title 31, and such other matters as the Board considers appropriate, each report for a fiscal year under paragraph (1) shall include the following:

''(A) A statement of the amount of obligations issued under section 4129(a)(1) of this title during that fiscal year.

''(B) An estimate of the amount of obligations that will be issued under that section during the following fiscal year.

''(C) An analysis of—

''(i) the total sales by Federal Prison Industries for each product and service sold to Federal agencies and to private United States companies;

''(ii) the total purchases by each Federal agency of each product and service; and

''(iii) The Federal Prison Industries share of the total Federal Government purchases by product and service.

''(D) An analysis of the inmate workforce, including—

''(i) the number of inmates employed;

''(ii) the number of inmates used to produce products or perform services sold to private United States companies;

''(iii) the number and percentage of employed inmates, categorized by term of incarceration; and

''(iv) the various hourly wages paid to inmates engaged in the production of the various products and the performance of services authorized for production and sale to

Federal agencies and to private United States companies.

''(E) Information concerning any employment obtained by former inmates upon release that is useful in determining whether the employment provided by Federal Prison Industries during incarceration provided those former inmates with knowledge and skill in a trade or occupation that enabled them to earn a livelihood upon release.

''(3) AVAILABILITY TO PUBLIC.—The Board of Directors shall make available to the public each report under this subsection.''.

(b) CLERICAL AMENDMENT.—In the table of sections at the beginning of chapter 307 of such title, the item relating to section 4127 is amended to read as follows:

''4127. Periodic evaluation and reports.''.

SEC. 6. RULES OF CONSTRUCTION AND DEFINITIONS.

(a) IN GENERAL.—Chapter 307 of title 18, United States Code, is amended by adding at the end the following:

''§ 4130. Construction of provisions

''Nothing in this chapter shall be construed—

''(1) to establish an entitlement of any inmate to—

''(A) employment in a Federal Prison Industries facility; or

''(B) any particular wage, compensation, or benefit on demand;

''(2) to establish that inmates are employees for the purposes of any law or program; or

''(3) to establish any cause of action by or on behalf of any person against the United States or any officer, employee, or contractor thereof.

''§ 4131. Definitions

''In this chapter:

''(1) The term 'eligible inmate worker' means a person who—

''(A) is committed to the custody of the Bureau of Prisons pursuant to section 3621 of this title;

''(B) is designated to a low, medium, or high security facility operated by the Bureau of Prisons; and

''(C) is physically and mentally able to work.

''(2) The term 'private United States company' means a corporation, partnership, joint venture, or sole proprietorship with a principal place of business in the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by adding at the end the following new items:

''4130. Construction of provisions.

''4131. Definitions.''.

SEC. 7. CONFORMING AMENDMENT.

Section 436 of title 18, United States Code, is amended by striking ''Whoever,'' and inserting ''Except as otherwise provided in this title, whoever,''.

FEDERAL INMATE WORK ACT OF 2001 SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This Act may be cited as the ''Federal Inmate Work Act of 2001.''

SECTION. 2. AUTHORITY TO CARRY OUT PILOT PROJECTS USING FEDERAL INMATE LABOR TO REPLACE FOREIGN LABOR

(a) Foreign Labor Substitute Pilot Projects

This section authorizes Federal Prison Industries, FPI or trade name UNICOR, to carry out pilot projects to produce products for private companies that would otherwise be produced by foreign labor. FPI currently has authority to perform commercial market services, but not for products. The interstate commerce restrictions contained in 18 U.S.C. 1761 concerning products are deemed not to apply to such projects when the provisions below are met.

(b) Foreign Labor Substitute Panel

This section establishes a Foreign Labor Substitute Panel, selected by the Attorney General. The Panel is to consist of eight members. In order to ensure that there is representation from those with expertise in the affected areas, this section provides that the Panel must be comprised of one representative from the Department of Commerce, the Department of Labor, the International Trade Commission, and the Small Business Administration; two representatives from the business community; and two representatives from organized labor. The Panel is not to receive pay, benefits, or allowances for their services, but may receive travel expenses. Any findings of the Panel must be made available to the public.

This section requires the Panel to review proposals for pilot projects. The Panel is authorized to approve a pilot project if, and only if, the Panel determines that: 1. the pilot will be carried out by one or more United States companies and 2. the goods, wares or merchandise proposed under the pilot would otherwise be manufactured, produced or mined by foreign labor.

SECTION 3. RESTATEMENT AND IMPROVEMENT OF FEDERAL PRISON INDUSTRIES PROGRAM

§ 4121. Federal Prison Industries: status, mission, and management

(a) Status

This section states FPI's status as a government corporation, whose headquarters is located in the District of Columbia.

(b) Mission

This section states that FPI's mission is to carry out industrial operations in accordance with the parameters of this section.

(c) Board of Directors

FPI's current statute provides for six Presidentially appointed Board of Directors who represent industry, labor, agriculture, retailers and consumers, the Secretary of Defense and the Attorney General. This section substitutes the Attorney General for the President and expands FPI's Board of Directors from the current six members to twelve members to increase representation from business, organized labor, victims of crime, and the inmate rehabilitation community. Four members would be required to be selected from the recommendations of the House and Senate majority and minority leadership. The Board also must include two representatives from the business community, two from organized labor, one member representing victims of crime, one representing prisoner rehabilitation community, and two additional members whose background and expertise the Attorney General deems appropriate.

This section continues the current provision that the Board of Directors serve without pay, allowances, or benefits. The members of the Board shall serve for a four year term or until the remainder of a four year term if a member is replaced. Seven board members constitute a quorum. The term limits for the first appointments are varied in order to provide for term limits that are staggered. The Chairman of the Board is to be elected by members of the Board.

§ 4122. Federal Prison Industries: operating objectives, standards, and requirements

(a) Operating Objectives

This section requires that FPI's operations be conducted so as to: 1. increase public safety and reduce recidivism by providing meaningful employment and vocational skills, 2. minimize adverse effects on domestic companies or workers, 3. provide meaningful employment and vocational training for not less than 25 percent of eligible inmate workers, 4. provide income so as to help inmates pay their financial obligations, 5. generate sufficient revenue to fund the corporation, and 6. provide market quality and competitively priced products and services.

(b) Performance Standards

This section requires FPI to comply with standards, as applicable to correctional industry programs, including: United Nations standards, and International Labor Organization Conventions to which the United States is a signatory party, Federal standards, and American Correctional Association Standards.

(c) Voluntariness

This section requires that inmates participate in FPI operations voluntarily. This is currently FPI's practice.

(d) Wage Rates

This section requires that inmate workers be paid the wage rates prescribed by the Board of Directors, unless otherwise provided by law.

(e) Protection of Certain Information

This section prohibits inmates from having access to personal or national security information, that is otherwise not publicly available.

(f) Vocational Training

While FPI is authorized to fund vocational training programs, this section specifies that where financially feasible, FPI contribute at least twenty percent of its net profits each year for this purpose.

(g) Exemption from Public Contracting and Procurement Laws

In order to be as competitive as possible in commercial market ventures, this section exempts FPI from federal procurement and public contracting requirements. This provision is consistent with exemptions granted to other federal agencies with commercial-like missions, such as the U.S. Postal Service and the U.S. Mint.

(h) Liability

This section provides that personal injuries arising out of FPI work shall be compensated pursuant to the Federal Employees' Compensation Act, for Federal Employees, or the Federal Tort Claims Act, for all other persons. This is consistent with current law.

(i) Deductions from Wages

This section permits the Board of Directors to make deductions from the amounts paid to FPI inmate workers to pay court ordered fines, restitution, child support, to compensate for reasonable charges for costs of incarceration, to compensate crime victims, and for amounts to be held on account and paid to the inmate upon release from the custody of the BOP. With certain exceptions, the deductions may not exceed 80 percent for FPI inmate workers being paid higher wage rates that comply with 18 U.S.C. 1761(c), for Prison Industry Enhancement pilot projects, or 50 percent for FPI inmate workers being paid prison industry wage rates. Current BOP policy permits these deductions to a maximum of 50 percent. This section requires that inmates agree in advance to any deductions, withholdings, or disbursement of those amounts.

§4123. Federal Prison Industries: transactions authorized

(a) Sales to Agencies and Not-For-Profits

This section permits FPI to sell its products, as well as services (which are already authorized in the commercial market), to government agencies and not for profit organizations. Currently, FPI may only sell its products to the federal government.

(b) Sales of Certain Commodities

This section also permits FPI to carry out programs to manufacture commodities specified in 18 U.S.C. 1761(b) (agricultural commodity sales, as well as commodities sold to federal, D.C. or state entities).

(c) Participation in Foreign Labor Substitute Pilot Projects

This section authorizes FPI to participate in pilot projects as approved by the Foreign Labor Substitute Panel.

(d) Participation in BJA Pilot Projects

This section authorizes FPI to make its products (in addition to services which are currently authorized) for private companies if inmates are paid a wage rate that complies with 18 U.S.C. 1761(c). This is similar to the authority that state prisons currently have to sell products to the commercial market, provided the inmates are paid comparable locality wages pursuant to the Prison Industry Enhancement, P.I.E., Program.

(e) Requirements for Contracts with Private Companies

In FPI contracts with companies pursuant to a pilot program, the contracts must require the inmate work to be carried out in a FPI facility. The contract must prohibit the private company from displacing any of its existing domestic workers as a direct result of the contract with FPI. Any workforce reductions carried out by the company performing comparable work must apply first to the inmate workers performing work under the contract.

(f) Goals for Certain Businesses

This section requires FPI, in consultation with the Small Business Administration, to establish and strive to meet or exceed realistic goals for entering into contracts with small business concerns and with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(g) Job Opportunities for Blind and Severely Disabled Individuals

This section requires FPI to establish business partnerships with organizations representing domestic workers who are blind and severely disabled to create job opportunities in furtherance of its efforts to contract with private companies.

(h) Donation of Products and Services

FPI would be authorized to donate products or services in the Board's discretion, which it currently cannot do.

(i) Catalog

This section requires FPI to continue to maintain a catalog of its products and services and keep it updated.

SECTION 4. ELIMINATION OF MANDATORY SOURCE PURCHASE REQUIREMENT

This section requires FPI to phase out its use of the mandatory source preference.

(a) In General

This section clarifies that the mandatory source preference in section 4124 applies to products only. Neither this section nor section 4124 require any Federal Government agency or department to purchase services from FPI. As is currently required by law, this section requires each Federal department or agency to report purchases from FPI to the Federal Procurement Data System. See 41 U.S.C. 405(d)(4). This section further clarifies that federal entities may continue to buy FPI products or services voluntarily and directly from FPI, even without the mandatory source requirement.

(b) Plan for Phased Elimination of Mandatory Source

This section requires that the Board of Directors develop and submit a plan to Congress within 180 days after the enactment of this Act, that would phase out mandatory source over a five year period.

(c) Public Availability of Plan

This section requires that FPI publish the plan in a commercial business publication with national circulation, and make it available to the public.

(d) Repeal of Mandatory Source Requirement

Effective five years after the date the plan is submitted, this section repeals the mandatory source requirement.

SECTION 5. PERIODIC EVALUATION AND REPORTS

§ 4127. Periodic evaluation and reports

(a) Evaluation by GAO

This section requires the GAO to provide for annual evaluations to assess the continued viability of FPI and its ability to contract with private companies without adversely affecting domestic companies or workers. The GAO is to ensure that the views of the Foreign Labor Substitute Panel, private industry, organized labor, FPI's Board of Directors and the public are sought in the development of appropriate evaluation methodologies by which to assess the program's overall success.

This Section also requires the GAO to report annually to Congress its evaluation FPI's operations, to include any concerns raised about any adverse impact on domestic companies or workers; the extent to which FPI was able to maintain at least a 25 percent employment rate for work eligible inmates; the extent to which FPI was able to conduct its operations in a financially self-sustaining manner; and any recommended legislation, if any, for statutory changes to improve the administration or effects of the program, including recommended remedial actions.

(b) Annual Report by Board of Directors

This section requires FPI to report annually to Congress on its operations and financial condition. Although the current statute requires these annual reports, this section expands the specific information to be included in such reports, such as the total sales of FPI products and services to Federal agencies and to private companies, the total purchase by Federal agency of each product and service, and the FPI share of the total Federal Government purchases. An analysis shall also determine the number of inmates employed, and the number and percentage of employed inmates in the production of products and the performance of services authorized for production and sale to agencies and private companies. The report must also include information concerning any employment obtained by former inmates upon release that is useful in determining whether the employment provided by FPI during incarceration provided those inmates with knowledge and skill in a trade or occupation that enabled those inmates to earn a livelihood upon release.

§ 4130. Construction of Provisions

This section is intended to preclude Federal inmates from asserting an employee-employer relationship or other entitlements out of their work with FPI.

SECTION 6. RULES OF CONSTRUCTION AND DEFINITIONS

§ 4131. Definitions

This section defines the terms used in this Act.

SECTION 7. CONFORMING AMENDMENT.

This section makes a conforming amendment.

By Mr. WELLSTONE (for himself and Ms. STABENOW):

S. 1229. A bill to amend the Federal Food Drug, and Cosmetic Act to permit individuals to import prescription drugs in limited circumstances; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I rise to introduce legislation that helps to correct the injustice that finds American consumers the least likely of any in the industrialized world to be able to afford drugs manufactured by the American pharmaceutical industry. The reason is the unconscionable prices the industry charges only here in the United States.

I am under no illusion that this legislation provides comprehensive or ultimate relief to Americans who are struggling to afford the prescription drugs they need. However, this bill does expose and highlight the problem American consumers face and it provides a certain measure of immediate relief for individuals struggling with the high cost of prescription drugs.

When I return to Minnesota which I do frequently, I meet with many constituents, but none with more compelling stories than senior citizens struggling to make ends meet because of the high cost of prescription drugs, life-saving drugs that are not covered under the Medicare program. Ten or twenty years ago these same senior citizens were going to work everyday—in the stores, and factories, and mines in Minnesota, earning an honest paycheck, and paying their taxes without protest. Now they wonder, how can this government, their government, stand by, when the medicines they need are out of reach.

It is not just that Medicare does not cover these drugs. The unfairness which Minnesotans feel is exacerbated of course by the high cost of prescription drugs here in the United States, the same drugs that can be purchased for frequently half the price in Canada or Europe. These are the exact same drugs, manufactured in the exact same facilities with the exact same safety precautions. A year ago, most Americans did not know that the exact same drugs are for sale at half the price in Canada. Today, you can bet the pharmaceutical industry wishes no one knew it. But the cat is out of the bag, and it is time for Congress to begin to address these inequities.

Legislators, especially from Northern States but also from all around the country, have heard first-hand stories from constituents who are justifiably frustrated and discouraged when they can't afford to buy prescription drugs that are made in the United States, unless they go across the border to Canada where those same drugs, manufactured in the same facilities are available for about half the price. It is time to codify the right of Americans to go to Canada and certain other countries to buy the prescription drugs they need at a price they can afford. And it is time to allow Americans to obtain those necessary medications through the mail as well.

Driving to Canada every few months to buy prescription drugs at affordable prices isn't the solution; it is a symptom of how broken parts of our health care system are. Americans regardless of party have a fundamental belief in fairness, and know a rip-off when they see one. It is time to allow Americans to end-run that rip-off.

While we can be proud of both American scientific research that produces new miracle cures and the high standards of safety and efficacy that we expect to be followed at the FDA, it is shameful that America's most vulnerable citizens, the chronically ill and the elderly, are being asked to pay the highest prices in the world here in the U.S. for the exact same medications manufactured here but sold more cheaply overseas.

That is why today I am introducing with Senator STABENOW the Personal Prescription Drug Import Fairness Act, a bill which will amend the Food, Drug, and Cosmetic Act to allow Americans to legally import prescription drugs into the United States for their personal use as long as the drugs meet FDA's strict safety standards. With this legislation, Americans will be able to legally purchase these FDA-approved drugs in person or by mail at huge savings.

What this bill does is to address the absurd situation by which American consumers are paying substantially higher prices for their prescription drugs than are the citizens of Canada, and the rest of the industrialized world. This bill does not create any new Federal programs. Instead it uses principles frequently cited in both house of the Congress, principles of open trade and competition, on a personal level, to help make it possible for American consumers to purchase the prescription drugs they need.

The need is clear. A recent informal survey by the Minnesota Senior Federation on the price of six commonly used prescription medications showed that Minnesota consumers pay, on average, nearly double, 196 percent, that paid by their Canadian counterparts. These excessive prices apply to drugs manufactured by U.S. pharmaceutical firms, the same drugs that are sold for just a fraction of the U.S. price in Canada and Europe.

Now, however, Federal law allows only the manufacturer of a drug to import it into the U.S. It is time to stop protecting the pharmaceutical industry's outrageous profits, and they are outrageous, and give all Americans the legal right to purchase their prescription drugs directly from a pharmacy in a limited number of countries with regulatory systems the FDA has found meet certain minimal standards.

Last year, the editors of Fortune Magazine, writing about 1999 pharmaceutical industry profits, noted that ''Whether you gauge profitability by median return on revenues, assets, or equity, pharmaceuticals had a Viagra kind of year.'' In 2000, drug company profits were just as excessive.

Let's take a look at the numbers, so there can be no mistake:

Where the average Fortune 500 industry in the United States returned 4.5 percent profits as a percentage of revenue, the pharmaceutical industry returned 18.6 percent.

Where the average Fortune 500 industry returned 3.3 percent profits as a percentage of their assets, the pharmaceutical industry returned 17 percent.

Where the average Fortune 500 industry returned 14.6 percent profits as a percentage of shareholders equity, the pharmaceutical industry returned 29.4 percent.

Those record profits are no surprise to America's senior citizens because they know where those profits come from, they come from their own pocketbooks. It is time to end the price gouging.

We need every piece of legislation we can get to help assure our Senior Citizens and all Americans that safe and affordable prescription medications can be legally obtained from countries with a track records of prescription drug safety. The Personal Prescription Drug Import Fairness Act is one such step.

We all know that the giant step this Congress should be taking is the enactment of a comprehensive Medicare prescription drug benefit. Such a benefit should address two issues. First, Medicare beneficiaries are entitled to a drug benefit as good as Congress provides for itself. That means a low deductible, 20 percent copay, a cap on out-of-pocket expenses of about $2,000, and affordable premiums. Second, we need seriously to address the outrageously high prices that Americans are forced to pay for prescription drugs. If we address those high prices, we can provide a comprehensive benefit at a price that is affordable to Medicare beneficiaries and to the Federal Government. I have already introduced a bill, S. 925, the Medicare Extension of Drugs to Seniors Act of 2001, that provides affordable comprehensive benefits and makes it possible to enact them by reigning in the ever increasing cost of pharmaceuticals using three complimentary approaches.

But, while we wait for the Finance Committee and this Congress to act on a Medicare drug benefit, we should not lose the opportunity to provide some needed relief. That is why I am introducing the Personal Prescription Drug Import Fairness Act today.

This bill includes specific protections, which were not included in a recent House-passed amendment to the Agriculture Appropriations bill. These protections include: 1. importation for personal use only of no more than a 3 month supply at any one time; 2. limitation on country of origin; 3. no importation of controlled substances or biologics; 4. requirement that imported drug be accompanied by a form prescribed by the Secretary of HHS in consultation with the Secretary of the Treasury that makes clear what overseas pharmacy is dispensing the drug, who will be receiving it, and who will be responsible for the recipients medical care with the drug in the United States.

The only things that are not protected in this bill are the excessive profits of the pharmaceutical industry. My job as a United States Senator is not to protect those profits but to protect the people. Colleagues, please join in and support this thoughtful and necessary bill that will help make prescription drugs more affordable to the American people.

By Mr. FRIST (for himself and Mrs. CLINTON):

S. 1230. A bill to amend the Public Health Service Act to focus American efforts on HIV/AIDS, tuberculosis, and malaria in developing countries; to the Committee on Foreign Relations.

Mr. FRIST. Mr. President, I rise to discuss critically important legislation that I am introducing today along with Senator CLINTON to address the internatinal crises of HIV/AIDS, tuberculosis, and malaria. The threats of HIV/AIDS, tuberculosis, and malaria are not strictly American problems, they ignore national borders, threatening the entire world. Together, these three diseases cause over 300 million illnesses and five million death each year.

We are all aware of the chilling global impact of HIV/AIDS, 22 million have already died worldwide and more than three million in the last year alone. Sixty million are currently infected with HIV, a number that increases by 15,000 each day. In 2000, 2.4 million individuals died in Africa alone.

Tuberculosis and malaria are also ravaging the developing world. Eight million people are infected with tuberculosis each year; over two million of whom die. There are over 400 million clinical cases of malaria diagnosed each year, resulting in over one million deaths. Over 700,000 of those who die each year are children. Malaria is endemic to 101 countries and territories.

Not only do these three diseases produce over 50 percent of the deaths due to infectious diseases each year, but they also have complex disease patterns that result in them facilitating each other's spread. By weakening the immune system, infection with HIV increases susceptibility to both tuberculosis and malaria. Furthermore, the increasing number of multi-resistant tuberculosis cases is largely attributed to resistance developed in HIV-infected patients. Finally, in treating severe anemia that commonly accompanies illness due to malaria, untested blood transfusions create a method of HIV/AIDs spread.

Historically, the United States has played a critical role in addressing international crises. There is perhaps no greater crisis that we face worldwide than the spread of deadly infectious disease. Therefore, we must provide the leadership to confront the

global HIV/AIDS, malaria, and tuberculosis epidemics. History will record how we respond to the call.

We know what is needed to reverse the epidemic. Work by community-based organizations, both religious and secular, has been the linchpin of grassroots success. As a surgeon, I have traveled to numerous areas of Africa, Sudan, Kenya, the Congo, and Uganda. I have performed operations in converted school houses and ill-equipped hospitals where I seen first-hand the great need, and the important role, that American involvement can play in providing hope through health education and treatment.

We fight this battle in two ways—by improving primary prevention and expanding access to treatment. Actions to provide drugs to developing countries at dramatically reduced costs represent a promise to those currently suffering from AIDS. However, access to those treatments without appropriate health care infrastructure is a moot point. We must support the development of effective health care delivery systems, personnel training and infrastructure. We must also support programs targeting affected by AIDS, such as the millions of orphans.

I have already introduced legislation with Senator KERRY, the International Infectious Diseases Control Act of 2001. This Act would direct the President to work with foreign governments, the United Nations, UN, the World bank, and the private sector to establish the Global AIDS and Health Fund to fight HIV/AIDS, malaria, and tuberculosis. This fund would provide grants to governments and non-governmental organizations for implementation of effective and affordable HIV/AIDS, malaria, and tuberculosis programs, with initial priority to programs to combat HIV/AIDS.

It is important to contribute to these international efforts not only by providing monetary support but also our time, our energy, and our expertise. Therefore, today Senator CLINTON and I are introducing legislation to help mobilize our Nation's public health infrastructure in the fight against international HIV/AIDS, tuberculosis, and malaria. The Global Leadership in Developing an Expanded Response, GLIDER, initiative will place American health care providers in nations confronting the epidemics of HIV/AIDS, tuberculosis, and malaria and provide them with the tools to carry out prevention programs, care, treatment, and infrastructure development. In addition, it will evaluate current methods of treatment and levels of access to treatment and enhance disease surveillance. Finally, it will increase funding for research into treatment and vaccine development.

The GLIDER initiative expands programs administered by the Departments of State, Health and Human Services, Defense, and Labor to ensure that U.S. government agencies are contributing their scientific and diplomatic expertise to the problems associated with the spread of HIV/AIDS, malaria, and tuberculosis throughout the world.

This initiative, coordinated through the offices of the Secretary of State and Secretary of Health and Human Services, in collaboration with the Secretaries of Defense and Labor, targets four objectives: to promote and expand our primary prevention efforts, improve clinic-, community- and home-based care and treatment, provide assistance to those individuals who are affected by such diseases such as AIDS orphans and families, and assist with capacity and infrastructure development.

The close partnership between the Departments of State and Health and Human Services will be crucial in ensuring that this program is run in complete coordination with national, regional and local initiatives, medial and scientific experts, non-governmental organizations, and diplomatic missions. I would like to take a moment to thank Secretary Thompson and Secretary Powell for their personal commitment to this issue. I know that they are working together to bring the full force of the Administration behind the efforts to combat HIV/AIDS, tuberculosis, and malaria. Their support and input has been invaluable in helping us to draft legislation that builds upon and enhances our efforts to combat infectious diseases worldwide.

Another essential component to broadening the U.S. mandate for involvement in international health initiatives is the creation of the Paul Coverdell Health Care Corps, a Corps based on the Peace Corps and run through the Department of Health and Human Services. This Corps would provide assistance for the placement of health care professionals who wish to provide their services in developing countries dealing with the crises of HIV/AIDS, tuberculosis, and malaria. This legislation provides flexibility in the design of the program but ensures a wide variety of volunteer opportunities—both short-term and long-term projects, administered by the Ministries of Health, local communities, non-governmental organizations, both faith-based and secular, or the United States government.

Where do we go from here?

First, public-private partnerships are extremely important and should be encouraged to attack the pressing problems. This can take place through widespread support for the Global AIDS and Health Fund and by hastily enacting a vaccine development tax credit.

Furthermore, we should promote access to high-quality health care by engaging the American public health infrastructure in a collaborative effort to address an epidemic that has no regard for international boundaries.

We must enlist each stakeholder in the fight against HIV/AIDS. Political, ethnic, and religious leaders can coalesce support for prevention, care, and treatment programs as well as reduce stigmas attached to the disease—a crucial element to any prevention program.

Finally, we must not lose sight of the importance of prevention when attempting to provide treatment. Likewise, we must not let the importance of treatment for those presently be forgotten in the rush to enhance awareness and prevention efforts.

As Americans, our challenge has always been to work with other nations to create a better, safer world through courage, persistence, and patience.

That is still our challenge today. And I have no doubt that, as a nation, and as a people, we will rise to it.

The bipartisan legislation we are introducing today is an important step toward achieving these goals. I thank my cosponsors for their support. And, I look forward to working with all my colleagues to improve our international efforts to fight deadly infectious diseases by passing the GLIDER Act.

By Mr. WYDEN (for himself and Mr. BURNS):

S. 1231. A bill to amend the Federal Power Act to establish a system for market participants, regulators, and the public to have access to certain information about the operation of electricity power markets and transmission systems; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, it is time to lift the veil of secrecy around energy markets in this country.

Now that electric power is being traded as a commodity, with electricity bought and sold in markets all across the country, basic information about things like transmission capability and outages must be made available to the public. This information is crucial both for the markets to function efficiently and for the public to have confidence in these markets. But, unlike other commodities, it is often difficult to get basic information about how electric power systems and markets work. Information about the supply, demand and transmission of electricity around the country is simply unavailable in many areas of the country to State regulators and the general public.

The electric power industry has not made this information available, and without Congressional action, Americans will continue to be kept in the dark about information they need to make informed choices and which will enable energy markets to work in a fair way.

Today, along with Senator BURNS, I am introducing the Electricity Information, Disclosure, Efficiency, and Accountability Act to open up access to operating information so that the markets can operate more efficiently, which can ultimately provide lower prices for consumers.

Our legislation will create a standard system to provide market participants,

regulators and the public with access to key operational information about wholesale electric transmission systems and power markets. The bill requires operators of wholesale electric transmission and other bulk power systems to provide all system users with basic operating information, including all transmission line and generation facility data used to determine capacity or restraints on a transmission line and the supply and demand for electricity. Power system operators already have access to this information as part of their routine operation of bulk power systems. So there should be no additional burden on power generators to disclose information beyond what they are already providing to their system operators.

In general, the bill would require operating information to be released on a real-time basis, updated hourly. This would ensure that market participants can keep current with changing conditions throughout the day that impact market decisions. This release of real-time data will also ensure there is a level playing field for all users of the transmission grid and prevent some users from gaining a competitive advantage by access to non-public information.

At the same time, the bill also creates a mechanism for keeping commercially sensitive information confidential or delaying disclosure of information that could be used to manipulate markets. Our legislation gives the Federal Energy Regulatory Commission authority to decide what data is considered commercially sensitive and either should not be publicly disclosed or should only be disclosed when the data is no longer commercially sensitive.

In developing this legislation, we have worked with a broad range of stakeholders including market participants, regulators and consumer groups. The supporters include Enron, the largest electric power marketer in the U.S. today, the National Association of Regulatory Utility Commissioners, NARUC, and the Consumer Federation of America.

The bill we are introducing today will lift the veil of secrecy now shrouding the operations of electric power systems around the country. It will improve access to critical information about how electric power systems and markets work while fully protecting commercially sensitive data. By improving access to information, market participants will be better informed when they make the thousands of decisions that must be made every day about how electricity is generated to customers across the country. Better access to information will enable regulators to take appropriate steps to ensure our electric power systems are reliable and that markets are functioning properly. Ultimately, by creating more efficient systems and markets, electricity customers throughout the country will be better served.

I urge my colleagues to support the Electricity Information, Disclosure, Efficiency, and Accountability Act.

I ask unanimous consent that letters of support written by NARUC and the Consumer Federation of America be printed in the RECORD.

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

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,
Washington, DC, July 24, 2001.

Senator RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for leadership in sponsoring legislation to address the data access difficulties confronting State Public Utility Commissions. Additionally, the National Association of Regulatory Utility Commissioners (NARUC) would like to thank you for working with NARUC members and staff to include in your draft legislation our recommendations on the types of information necessary to adequately monitor wholesale electricity markets and to assure proper access to such information. NARUC supports the draft legislation you are sponsoring regarding electricity information disclosure.

Many regional electric markets throughout the country have experienced price spikes of unusual and unexpected proportions. These price spikes have led to curtailment or shutdown of operations of some large industrial customers and to increased prices for smaller commercial and residential customers.

The high market price volatility has raised concerns about the integrity of the markets, leading to calls from numerous participants, consumers and policy makers for heightened monitoring of these markets by regulatory bodies. In order to identify corrective policy options to assure the public of the competitiveness and efficiency of the developing wholesale electricity market and its prices, regulatory bodies need access to data such as production for generating plants, transmission path schedules and actual flows.

The electric industry restructuring efforts of the federal government and the various states are based upon an assumption that wholesale markets are workably competitive. To that end, policy makers must have the ability to provide confidence to an already skeptical and uneasy public that the market is not being ''gamed.'' This confidence can only be provided if regulators are able to access the data necessary to ensure that the market is functioning in a truly competitive fashion. To the extent data is currently shared among market participants for purposes of reliability, it should also be available to regulators and the public.

In conclusion, I would like to thank you again for considering NARUC's concerns and recommendations while you drafted the ''Electricity Information, Disclosure, Efficiency, and Accountability Act.'' NARUC would be pleased to provide any additional assistance necessary to move this legislation forward.

Sincerely,

CHARLES D. GRAY
Executive Director.

CONSUMER FEDERATION OF AMERICA,
Washington, DC, July 24, 2001.

Re Support for Wyden/Burns Electricity Information, Disclosure, Efficiency and Accountability Act.

Hon. RON WYDEN,
U.S. Senate, Washington, DC.
Hon. CONRAD BURNS,
U.S. Senate, Washington, DC.

DEAR SENATORS WYDEN AND BURNS: The Consumer Federation of America supports this legislation, which would require that essential information about the functioning and reliability of electricity markets be provided to the public, regulators and market participants on a real-time basis. This would include operating data used by wholesale system operators to determine available electric capacity and bottlenecks and to maintain reliability. Bid data would also have to be made available, such as the price, amount and delivery location of electricity that is purchased.

In a series of studies over the last three years, the Consumer Federation of America has documented in detail how the flawed deregulation of electricity in a number of states has led to extensive price spikes and brown outs for consumers and huge windfalls for many energy producers. Among the many steps that should be taken to fix this highly dysfunctional market is the creation of functioning market institutions and greater transparency. Market institutions should be developed before, not after, the trading of electricity begins so that trading is transparent and disciplined by market forces. Undeveloped information and trading mechanisms are prone to manipulation. As we've seen in California over the last year, when abuse occurs under such circumstances, consumers are vulnerable to price gouging and the provision of unreliable electricity.

Electricity markets have a multitude of complex transactions. Unfortunately, good information about these transactions is not generally available at crucial times, such as periods of scarcity when wholesale electric prices are being driven up very quickly. There is simply no centralized, reliable source of information, particularly for electric system operators. Moreover, the brokers who are the sources of information—on bid prices, for instance—may well have an interest in skewing it. Overall, a number of information and management weaknesses exist, including inadequate market forecasting tools, a lack of monitoring instruments and little real-time information to respond to market problems.

This legislation addresses the lack of timely information that exists about the rates, terms and conditions under which wholesale electricity is being offered. It is an essential step in making this nation's defective electricity markets more competitive and more pro-consumer.

Sincerely,

TRAVIS B. PLUNKETT,
Legislative Director.

Mr. BURNS. Mr. President, I am pleased to join Senator WYDEN today with the introduction of the Electricity Information, Disclosure, Efficiency, and Accountability Act.

Legislation dealing with market data for the wholesale electric power market is long overdue. The evolving wholesale electric power market is being hindered by the lack of data that power suppliers need in order to provide services to the market. Access to real time operational information leads to improved efficiencies of systems dispatch in the short term, which

leads to lower prices for consumers. The absence of reliable, real time, market data hinders the ability of energy suppliers to manage price and volume risk and also prevents efficient utilization of transmission and generation capacity. consequently, the increased costs associated with risks inherent in operating without reliable data are ultimately borne by consumers.

As our Nation moves towards consumer choice it is important that this Congress takes action to direct the Federal Energy Regulatory Commission (FERC) to craft rules designed to promote transparency in energy markets. This bill that Senator WYDEN and I have introduced will do just that.

By incorporating a standard system that would provide market participants, regulators and the public access to certain operational information concerning power markets and the transmission systems that support them, this plan would keep participants abreast of the changing power operating conditions throughout the day that impact market decisions required to manage risk. The recent fluctuations in the Western energy markets have shown Montana and every State in the West that we cannot shelter ourselves from the power operating conditions in other States. With more access to that information, our local and State suppliers can have the information to better protect their consumers.

This bill is backed by consumer groups, power marketers, and the national utility commissioners. It puts forward a framework that many of our colleagues can support. As the Senate continues to move closer to having movements on energy legislation, I would urge my colleagues to also support the Electricity Information, Disclosure, Efficiency, and Accountability Act.

By Mr. MCCONNELL:

S. 1232. A bill to provide for the effective punishment of online child molesters, and for other purposes; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cybermolesters Enforcement Act of 2001''.

SEC. 2. MANDATORY MINIMUM SENTENCES.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting ''not less than 5 and'' before ''not more than 15''; and

(2) in subsection (c), by inserting ''not less than 5 and'' before ''not more than 15''.

SEC. 3. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

(a) CHILD PORNOGRAPHY.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 2252A (relating to material constituting or containing child pornography),'' after ''2252 (sexual exploitation of children),''.

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, as amended by section 3 of this Act, is amended—

(1) by striking ''or'' at the end of paragraph (o);

(2) by inserting after paragraph (o) the following:

''(p) a violation of section 2422 (relating to coercion and enticement) or section 2423 (relating to transportation of minors) of this title, if, in connection with that violation, the sexual activity for which a person may be charged with a criminal offense would constitute a felony offense under chapter 109A or 110, if that activity took place within the special maritime and territorial jurisdiction of the United States; or''; and

(3) by redesignating paragraph (p) as paragraph (q).

(c) TECHNICAL AMENDMENT ELIMINATING DUPLICATIVE PROVISION.—Section 2516(1) of title 18, United States Code, is amended—

(1) by striking the first paragraph (p); and

(2) by inserting ''or'' at the end of paragraph (o).

SEC. 4. CHILD PORNOGRAPHY AS CONTRABAND.

Section 80302(a) of title 49, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' after the semicolon;

(2) in paragraph (6)(D), by striking the period and inserting ''; or''; and

(3) by inserting at the end the following:

''(7) material involved in a violation of section 2252A of title 18, United States Code (relating to material constituting or containing child pornography).''.

By Mr. KOHL (for himself, Mr. HATCH, Mr. LEAHY, Mr. DEWINE, and Mr. DURBIN):

S. 1233. A bill to provide penalties for certain unauthorized writing with respect to consumer products; to the Committee on the Judiciary.

Mr. KOHL. Madam President, I rise today with Senators HATCH, LEAHY, DEWINE, and DURBIN to introduce the Product Packaging Protection Act of 2001. This measure will help prevent and punish a disturbing trend of product tampering, the placement of hate-filled literature into the boxes of cereal or food that millions of Americans bring home from the grocery store every day.

Opening a box of macaroni and cheese should not be a harrowing experience. But too many Americans have recently opened product boxes and found offensive, racist, anti-Semitic, pornographic and hateful leaflets. In the last few years, food manufacturers have received numerous complaints from consumers who report finding such literature inserted in their groceries. Hundreds more incidents have likely gone unreported. Pizza and cereal boxes appear to be the most frequent targets of this hate speech, but any product large enough for a vandal to insert an offensive leaflet is a potential target.

As disturbing as this conduct is, it is equally troubling that no Federal law exists. And only a couple of State laws are in place. The measure I introduce today will remedy this situation. It is supported by the manufacturers whose products are tampered with. It is necessary for us to help the American consumer.

It will empower the government to investigate and punish these reprehensible acts. Let me give you one example of how these acts impact unsuspecting Americans. This conduct can harm the youngest and most impressionable among us.

Recently, one morning, eight year old Mario Alexander of Chestnut Ridge, NJ decided to make himself breakfast one morning. In a kitchen cabinet, he found an unopened box of his favorite cereal, Oreo O's. So, he grabbed the cereal, a bowl, a spoon, and milk from the refrigerator. He then sat down at the kitchen table and opened the cereal box. In addition to the sealed bag of cereal inside, he also found a piece of paper. When he opened it, he discovered a graphic description of abortion. The leaflet also informed Mario that groups like the National Organization of Women and the American Civil Liberties Union are ''Natural Born Killers.'' Imagine his surprise and confusion when he found that propaganda, not to mention the shock of his parents. No child should be unknowingly exposed to that kind of material. Yet, it happens regularly in kitchens across the country.

These are not isolated occurrences. In fact, Kraft Foods has documented over 80 incidents in the past four years alone, almost one every two weeks. Of course, there is no way to calculate the number of incidents that go unreported. Many manufacturers and distributors share Kraft's experience with this type of product tampering. Together, they recognize the need for this legislation and have signed a letter supporting the introduction and passage of this bill. The supporters of this bill include: the American Bakers Association, the American Frozen Food Institute, Food Distributors International, General Mills, the Grocery Manufacturers of America, the Independent Bakers Association, Kellogg's, Kraft Foods, the National Food Processors Association, and the National Frozen Pizza Institute.

No child, indeed no person, should have to face this type of assault in the privacy of their homes. But children like Mario Alexander are not the only victims of this kind of behavior. The companies that make these products have their names and reputations slandered by this activity.

Manufacturers have responded as best they can to these incidents. They have undertaken internal reviews to ensure that these leaflets are not getting into the products either at the manufacturing plant or during distribution. It is not until the products reach the shelves of the grocery store that these handbills are inserted, too late for the manufacturer or the distributor to do anything about it.

Unfortunately, when consumers or companies turn to the authorities for

help, they cannot be assisted. According to the Federal Bureau of Investigations and the Food and Drug Administration's Office of Criminal Investigation, these actions are not covered by federal product tampering statutes. Those laws only cover the actual product themselves, but not the packaging. In response to incidents in their respective states, both New Jersey and California passed laws to criminalize this behavior. These States should be commended, but more should be done. Federal law needs to be amended accordingly.

The Product Packaging Protection Act of 2001 would prohibit the placement of any writing or other material inside a consumer product without the permission of the manufacturer, authorized distributor, or retailer. An exception would be made where the manufacturer places inserts in the product solely for promotional purposes. The penalty for violation of this measure would be a fine of up to $250,000 per offense and/or imprisonment of up to three years. Closing this gap in Federal law would appropriately punish people whose actions violate the integrity of the food product, compromise consumer's faith in the food they purchase in the grocery store, and damage the good name and reputation of the food manufacturer.

I look forward to its consideration and passage.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD following the completion of my remarks. I also ask unanimous consent that copies of the remarks of cosponsoring Senators be printed immediately following my statement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Product Packaging Protection Act of 2001''.

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f)(1) Whoever, without the consent of the manufacturer, retailer, or authorized distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than three years, or both.

''(2) As used in paragraph (1) of this subsection, the term 'writing' means any form of representation or communication, including handbills, notices, or advertising, that contain letters, words, or pictorial representations.''.

Mr. HATCH. Mr. President, I am proud to sponsor, along with my good friend and esteemed colleague, Senator KOHL, the Product Packaging Protection Act of 2001. Other cosponsors include Senator DEWINE and the distinguished Chairman of the Judiciary Committee, Senator LEAHY.

This bipartisan legislation addresses a troubling development that has been increasingly reported over the last several years—the discovery by consumers of unauthorized pamphlets placed inside the packaging of everyday consumer products, such as breakfast cereal and frozen foods. In many cases, unsuspecting consumers, including young children, have found offensive messages inserted into the products they have purchased, including pamphlets explicitly advocating violence against particular racial, ethnic, and religious groups.

While Federal law currently prohibits tampering with consumer products that taints the product, or renders the labeling materially false, the law does not currently prohibit someone placing writings in or on the product after the product has left the manufacturer's control. The legislation being introduced today will close this loophole—providing the FBI and other Federal law enforcement agencies with jurisdiction to investigate these incidents and bring the perpetrators to justice.

With all the recent focus on protecting our children from corrupting influences on the Internet, we should not ignore old-fashioned ''low tech'' avenues by which harmful and often hateful messages may be disseminated. It is intolerable for the distributors of our foodstuffs and other consumer products to become the unwitting carriers of offensive harmful messages.

I look forward to working with Senator KOHL to ensure passage of this important legislation.

Mr. LEAHY. Madam President, I am pleased to join Senator KOHL, and others, on introducing the Product Packaging Protection Act of 2001.

Over the last few years, consumer complaints had been made about offensive material being inserted in various consumer products. These offensive materials range from neo-Nazi and anti-Semitic hate messages to pornographic images and disturbing anti-abortion images. Unfortunately, these materials have been found in consumer products often used by children, such as cereal boxes. Moreover, such activities pose risks to the safety of consumer products, which consumers reasonably expect to obtain from the store in pristine condition and without those products having been opened by unauthorized individuals.

To address this problem, this legislation would add a new prohibition to the Federal Anti-Tampering Act, 18 U.S.C. § 1365, to prohibit a person from intentionally tampering with a consumer product, without the consent of the manufacturer, retailer, or authorized distributor by inserting a writing in the consumer product or its container prior to its sale to a consumer. A person convicted of violating this new provision would be subject to a fine or up to two years' imprisonment. The term ''tamper'' is defined to mean meddling for the purpose of altering, damaging or misusing a product. See Webster's Dictionary. The bill describes in precise terms the tampering activity that would fall within the new criminal prohibition, and is intended to extend further protection to consumer products.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1040. Mr. DORGAN (for himself, Mrs. BOXER, Mr. TORRICELLI, Mr. DAYTON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1041. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1042. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1043. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1044. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1045. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1046. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1047. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1048. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1049. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1050. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1051. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1052. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1053. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1054. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1055. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1056. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1057. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1058. Mrs. MURRAY (for Mr. FITZGERALD (for herself, Mr. DURBIN, Mr. BAYH, and Mr. LUGAR)) proposed an amendment to amendment SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) supra.

SA 1059. Mr. ALLARD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1060. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes.

SA 1061. Mr. TORRICELLI proposed an amendment to the bill S. Res. 128, supra.

SA 1062. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, supra.

TEXT OF AMENDMENTS

SA 1040. Mr. DORGAN (for himself, Mrs. BOXER, Mr. TORRICELLI, Mr. DAYTON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

Strike section 343 and insert the following:

SEC. 343. None of the funds in this Act may be used to process applications by Mexico-domiciled motor carriers for conditional or permanent authority to operate beyond the United States municipalities and commercial zones adjacent to the United States-Mexico border.

SA 1041. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 7, add after the period the following: ''Any discussions of the Secretary, the Administration, or other public entity, regarding the aviation capacity crisis in the Chicago area shall include the State of Indiana and the Gary-Chicago Airport as part of the solution to the crisis.''.

SA 1042. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) RESCISSIONS.—There is rescinded an amount equal to 1 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2002 in this Act for each department, agency, instrumentality, or entity of the Federal Government funded in this Act: *Provided*, That this reduction percentage shall be applied on a pro rata basis to each program, project, and activity subject to the rescission.

(b) DEBT REDUCTION.—The amount rescinded pursuant to this section shall be deposited into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

SA 1043. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. STUDY OF AVAILABILITY AND USE OF E85.

(a) DEFINITION OF E85.—In this section, the term ''E85'' means motor vehicle fuel that consists of 85 percent ethanol and 15 percent gasoline.

(b) STUDY.—The Secretary of Transportation shall conduct a study and submit to Congress a report on—

(1) the availability of E85 fueling stations;

(2) the quantity of E85 used by the Federal Government; and

(3) methods for increasing the quantity of E85 used in the United States.

SA 1044. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. REPORT ON RENEWABLE FUEL REQUIREMENT.

In consultation with the Secretary of Agriculture, the Secretary of Transportation shall conduct a study and submit to Congress a report on the potential costs and benefits for agricultural producers, the environment, and the energy security of the United States of implementing a requirement, phased in over several years, that the motor vehicle fuel sold or introduced into commerce in the United States be comprised of not less than a specified percentage of renewable fuel, which percentage would be equal to 5 percent by calendar year 2016.

SA 1045. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. PILOT PROGRAM ON E85 FUELING STATIONS.

(a) DEFINITION OF E85.—In this section, the term ''E85'' means motor vehicle fuel that consists of 85 percent ethanol and 15 percent gasoline.

(b) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Transportation shall establish a pilot program to increase the number of E85 fueling stations in the Chicago, Illinois, metropolitan area to at least 50 by the end of fiscal year 2002.

(c) REPORT TO CONGRESS.—As soon as practicable after the end of fiscal year 2002, the Secretary of Transportation shall submit to Congress a report on the results of the pilot program.

(d) FUNDING.—Notwithstanding any other provision of this Act, the Secretary of Transportation shall use $3,000,000 of funds made available to the Secretary under this Act to carry out this section.

SA 1046. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. STUDY OF TRANSPORTATION OF ETHANOL.

In consultation with the Secretary of Agriculture, the Secretary of Transportation shall conduct a study and submit to Congress a report on the ability of the United States transportation system to transport ethanol to—

(1) areas in the State of California; and

(2) other areas in the United States that—

(A) use reformulated gasoline under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)); and

(B) as of the date of enactment of this Act, use methyl tertiary butyl ether in that reformulated gasoline.

SA 1047. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. PLAN TO INCREASE USE OF RENEWABLE FUEL BY FEDERAL FLEETS.

In consultation with the heads of other Federal agencies, the Secretary of Transportation shall develop a plan to increase the quantity of motor vehicle fuel used by Federal fleets (as defined in section 303(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(3)) that consists of renewable fuel to not less than 5 percent by calendar year 2016.

SA 1048. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes;

which was ordered to lie on the table; as follows:

On page 12, line 2, strike ''States.'' and insert ''States: *Provided further*, that that none of the funds appropriated under this heading may be obligated or expended for the lease or purchase of passenger motor vehicles until the Administrator of the Federal Aviation Administration

(1) instates any facility in the National Plan of Integrated Airport Systems that meets the criteria set forth in FAA Order 5090.3B, entitled ''Field Formulation of the National Plan of Integrated Airport Systems'', or any subsequently-published documents that cancel or supersede that order, for the inclusion of commercial service airports, general aviation airports, and general aviation heliports, either existing or new public-use facilities, in the National Plan of Integrated Airport Systems; and

(2) reinstates any airport in the plan that was removed for reasons other than those published in that order or subsequently-published documents.

SA 1049. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 2, insert ''increasing commercial air service at the Greater Rockford Airport,'' after ''access,''/

SA 1050. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . SAFETY BELT USE LAW REQUIREMENTS.

Section 355(a) of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended by striking ''has achieved'' and all that follows and inserting the following: ''has achieved a safety belt use rate of not less than 50 percent.''.

SA 1051. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 19, line 13, strike the colon and all that follows through ''section'' on page 21, line 15.

SA 1052. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. No funds appropriated or otherwise made available to the Federal Aviation Administration by this Act, or any other Act, may be used to decommission or remove the temporary ASR–9 air surveillance radar to be located between Salt Lake City, Utah, and Provo, Utah, from that location until the installation and commencement of operations of an ASR–11 air surveillance radar to serve the same area to be served by that temporary ASR–9 air surveillance radar.

SA 1053. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

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.

SA 1054. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. Funds available under this Act may be used by the Secretary of Transportation to cooperate with the Federal Trade Commission, including the sharing of data, in investigating and disclosing to the public the practices of air carriers in canceling flights that are not sufficiently full and other practices of air carriers that may be unfair, deceptive, or anticompetitive.

SA 1055. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. . Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 449; 23 U.S.C. 502 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (F), and (G), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) FOLLOW-ON DEPLOYMENT.—(i) After an intelligent transportation infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has received system acceptance, the original contract that was competitively awarded by the Department of Transportation for the deployment of the system in that area shall be extended to provide for the system to be deployed in the follow-on deployment areas under the contract, using the same asset ownership, maintenance, fixed price contract, and revenue sharing model, and the same competitively selected consortium leader, as were used for the deployment in that initial deployment area under the program.

''(ii) If any one of the follow-on deployment areas does not commit, by July 1, 2002, to participate in the deployment of the system under the contract, then, upon application by any of the other follow-on deployment areas that have committed by that date to participate in the deployment of the system, the Secretary shall supplement the funds made available for any of the follow-on deployment areas submitting the applications by using for that purpose the funds not used for deployment of the system in the nonparticipating area. Costs paid out of funds provided in such a supplementation shall not be counted for the purpose of the limitation on maximum cost set forth in subparagraph (B).'';

(4) by inserting after subparagraph (D), as redesignated by paragraph (1), the following new subparagraph (E):

''(E) DEFINITIONS.—In this paragraph:

''(i) The term 'initial deployment area' means a metropolitan area referred to in the second sentence of subparagraph (A).

''(ii) The term 'follow-on deployment areas' means the metropolitan areas of Baltimore, Birmingham, Boston, Chicago, Cleveland, Dallas/Ft. Worth, Denver, Detroit, Houston, Indianapolis, Las Vegas, Los Angeles, Miami, New York/Northern New Jersey, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Salt Lake, San Diego, San Francisco, St. Louis, Seattle, Tampa, and Washington, District of Columbia.''; and

(5) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (D)'' and inserting ''subparagraph (F)''.

SA 1056. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, Line 5, strike ''$16,000,000'' and insert ''$13,000,000''.

At the appropriate place, insert ''$3,000,000 for Philadelphia, Pennsylvania, Cross County Metro project''.

SA 1057. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC 3. STUDY OF MISSISSIPPI RIVER BRIDGE IN MEMPHIS TENNESSEE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall conduct a study and submit to Congress a report on the costs and benefits of constructing a third bridge across the Mississippi River in the Memphis, Tennessee, metropolitan area.

SA 1058. Mrs. MURRAY (for Mr. FITZGERALD (for himself, Mr. DURBIN, Mr. BAYH, and Mr. LUGAR)) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 55, line 2, insert after ''access,'' the following: ''increasing commercial air service at the Gary-Chicago Airport, and increasing commercial air service at the Greater Rockford Airport''.

On page 55, line 7 insert after ''Chicago area'' the following: '', including northwest Indiana''.

SA 1059. Mr. ALLARD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 15, before the period, insert the following: '': *Provided further*, That none of the funds made available by this Act may be used to conduct the United States Routes 64 and 87 Ports-to-Plains corridor study, New Mexico''.

SA 1060. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes; as follows:

In section (1)(A) of the resolution, strike ''on false charges''.

SA 1061. Mr. TORRICELLI proposed an amendment to the bill S. Res. 128, calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes; as follows:

In the first whereas clause of the preamble, strike ''3 permanent residents'' and insert ''4 permanent residents''.

In the eighth whereas clause of the preamble, by striking ''and is expected to go on trial on July 14, 2001'' and inserting ''was tried and convicted on July 14, 2001, and is expected to be deported''.

At the end of the fifteenth whereas clause of the preamble, add ''and''.

Strike the sixteenth whereas clause of the preamble.

SA 1062. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes; as follows:

Amend the title to read as follows: ''Resolution calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes.''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 25, 2001, in SR–328A at 3 p.m. The purpose of this meeting will be to mark up the short-term farm assistance package.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the National Parks Subcommittee of the Committee on Energy and Natural Resources. The hearing will take place on Tuesday, July 31, 2001, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 689, to convey certain Federal properties on Governors Island, New York;

S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, and for other purposes;

S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes; and

H.R. 601, to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, Attention: Shelley Brown, 312 Dirksen Senate Office Building, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, July 24, 2001. The purpose of this hearing will be to discuss livestock issues for the next Federal farm bill.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 24, 2001, to conduct an oversight hearing on the semiannual report on monetary policy of the Federal Reserve. The Committee will also vote on the nomination of Mr. Harvey L. Pitt to be a Commissioner of the Securities and Exchange Commission.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 24, 2001, at 9:30 a.m., on Seaport Security.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 24, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on proposals related to global climate change and measures to mitigate greenhouse gas emissions, including S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; S. 388, the National Energy Security Act of 2001; S. 820, the Forest Resources for the Environment and the Economy Act; and provisions contained in S. 882 and S. 1776 of the 106th Congress.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 24, 2001, at 10 a.m. (Panels 1 and 2), and 2:30 (Panel 3), to hold a hearing titled ''The Administration's Missile Defense Program and the ABM Treaty.''

WITNESSES

Panel 1: The administration's missile defense program

The Honorable Douglas Feith, Under Secretary of Defense for Policy, Department of Defense, Washington, DC and The Honorable John Bolton, Under Secretary of State for Arms Control and International Security, Department of State, Washington, DC.

Panel 2: Legal and technical issues associated with missile defense

The Honorable John B. Rhinelander, Senior Counsel, Shaw Pittman, Washington, DC; Dr. John M. Cornwall, Professor of Physics, University of California Los Angeles, and Professor of Science and Policy Analysis, RAND Corporation Graduate School, Los Angeles, CA; The Honorable Bill Schneider, Chairman, Defense Science Board, Adjunct Fellow, Hudson Institute; Washington, DC; and Dr. Robert Turner, Associate Director, Center for National Security Law, University of Virginia School of Law, Charlottesville, VA.

Panel 3: Means of addressing ballistic missile and weapons proliferation threats

The Honorable William J. Perry, Berberian Professor and Senior Fellow, Institute for International Studies, Stanford University, Stanford, CA; The Honorable Lloyd N. Cutler, Senior Counsel, Wilmer, Cutler & Pickering, Washington, DC; The Honorable R. James Woolsey, Partner, Shea & Gardner, Washington, DC; and The Honorable David J. Smith, President, Global Horizons, Inc., Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, July 24, 2001, at 10 a.m., for a hearing regarding S. 159, a bill to elevate the EPA to a Cabinet level department.

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 24, 2001, at 10 a.m., in room 485, Russell Senate Building to conduct a business meeting on pending committee business, to be followed immediately by a hearing on S. 266, a bill regarding the use of trust land and resources of the Confederated Tribes of the Warm Springs Reservation in Oregon.

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

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Tuesday, July 24, 2001, at 2 p.m., in Dirksen 226.

Panel I: William J. Riley to be United States Circuit Court Judge for the Eighth Circuit; Deborah J. Daniels to be Assistant Attorney General for the Office of Justice Programs; and Sarah V. Hart to be Director of the National Institute of Justice.

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

COMMITTEE ON VETERANS' AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 24, 2001, for a hearing on prescription drug issues in the Department of Veterans Affairs. The meeting will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, of the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, July 24, 2001, at 2:30 p.m. on prescription drugs.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 24, 2001, to conduct an oversight hearing on the FHA Multifamily Housing Mortgage Insurance Program.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia be authorized to meet on Tuesday, July 24, 2001, at 2:30 p.m., for a hearing to examine ''Who Cares for the Caregivers?: The Role of Health Insurance in Promoting Quality Care for Seniors, Children and Individuals with Disabilities.''

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2299

Mr. DASCHLE. Madam President, earlier today I indicated that we had hoped we could continue to make progress on the Transportation appropriations bill, with some expectation of completing our work in the next day or so. That effort has not been as successful as I had hoped we could make it. For the last several hours, as our colleagues know, we have been attempting to negotiate language on the Mexican trucking issue. Our Republican colleagues are in many cases opposed to the language that is currently in the bill. It remains a very contentious issue.

I also suggested this afternoon that this is a matter that will continue to be the subject of ongoing negotiations and that I would be filing cloture tonight. The minority leader has indicated that we would not be required to file cloture tonight, even though I want to have the vote on cloture on Thursday. So we will ask unanimous consent that when we file cloture tomorrow, if it is required, that the vote still occur on Thursday. It is my understanding that we are now in a position to agree to that unanimous consent request.

I will not be filing cloture tonight. My hope is that tonight the negotiations can continue and that tomorrow we will have additional opportunities to see if we can find some way to resolve the matter.

I ask unanimous consent that should I file cloture on the Murray substitute and the bill tomorrow, the cloture vote occur on Thursday, as provided under rule XXII, with the mandatory quorum being waived.

The PRESIDING OFFICER (Mrs. BOXER). Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I remind Senators, if cloture is filed, all first-degree amendments must be filed by 1 p.m. on Thursday. I would like to announce as well that the negotiations throughout the day will necessitate that Senators who may have amendments that may fall under cloture offer them in the morning.

As I understand it, Senator MURRAY has been working with a number of our colleagues. They are planning to offer amendments tomorrow morning. There will be a number of amendments offered with rollcalls to accompany the debate. We expect rollcall votes tomorrow morning.

It is also my expectation, if those negotiations are ongoing, that we would take advantage of the time available to us.

I have been discussing with Senator LOTT the possibility of taking up the Iran Sanctions Act under a time limit that would be offered tomorrow sometime during the day. We anticipate spending a relatively short period of time thereon. I don't want to spend the entire day debating the issue, but it is a matter that has to be resolved prior to the time we leave recess as well. I would hope that we could take it up.

I understand there may be one amendment that we may want to consider. But that also is an issue that will be addressed tomorrow, if we cannot resolve the Mexican trucking matter in an expeditious manner.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DASCHLE. Madam President, the other matter I would like to consider as well is the matter involving further consideration of nominations. There are a couple of nominations that we can turn to tomorrow that will involve some time.

Madam President, I ask unanimous consent, as in executive session, that the majority leader, after consultation with the Republican leader, may turn to the consideration of Wade Horn to be Assistant Secretary for Family Support at the Department of Health and Human Services and that he be considered under the following time limitation: 2 hours under the control of Senator WELLSTONE; 60 minutes under the control of Senator BAUCUS and Senator GRASSLEY; that when all time is used or yielded back, the Senate vote on the confirmation of the nomination, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's actions.

I further ask unanimous consent that upon the disposition of the Horn nomination, the Senate proceed to the consideration of Calendar No. 252, the nomination of Hector Barreto to be Administrator of the Small Business Administration and that there be 30 minutes for debate on the nomination equally divided between Senators KERRY and BOND, or their designees, and that upon the use or yielding back of that time, the Senate vote on confirmation of the nomination; the motion to reconsider be laid upon the table; the President be immediately notified of the Senate's action; that any statements on either of these two nominations be printed in the RECORD at the appropriate place, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. Madam President, just to recap what we have agreed to, we will take up a number of amendments tomorrow morning relating directly to the Transportation appropriations bill. There will be votes on those amendments.

We will anticipate that ongoing negotiations will bring us to some conclusion about the need to file cloture tomorrow. If cloture is filed, the cloture vote will then occur on Thursday. If there is time to be allotted to other issues, the other issues will include the Iran Sanctions Act as well as the two nominations, Horn and Barreto.

We will have a number of rollcall votes tomorrow. Hopefully, we can continue to see real progress made on the Transportation appropriations bill.

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

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

CALLING FOR UNCONDITIONAL RELEASE OF LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 83, S. Res. 128.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 128) calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the

United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENTS NOS. 1060, 1061, AND 1062

Mr. DASCHLE. Madam President, I understand Senator TORRICELLI has amendments at the desk. I ask that it be in order for the amendments to be considered in the proper sequence.

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

Mr. DASCHLE. Madam President, I ask unanimous consent that the amendments be agreed to in proper sequence and the motions to reconsider be laid on the table.

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

The amendments (Nos. 1060, 1061, and 1062) were agreed to, as follows:

AMENDMENT NO. 1060

(Purpose: To make a technical amendment)

In section (1)(A) of the resolution, strike ''on false charges''.

AMENDMENT NO. 1061

(Purpose: To make technical amendments to the preamble)

In the first whereas clause of the preamble, strike ''3 permanent residents'' and insert ''4 permanent residents''.

In the eighth whereas clause of the preamble, by striking ''and is expected to go on trial on July 14, 2001'' and inserting ''was tried and convicted on July 14, 2001, and is expected to be deported''.

At the end of the fifteenth whereas clause of the preamble, add ''and''.

Strike the sixteenth whereas clause of the preamble.

AMENDMENT NO. 1062

(Purpose: To make technical changes in the title)

Amend the title to read as follows: ''Resolution calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes.''.

Mr. DASCHLE. Madam President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, the title, as amended, be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD with no intervening action.

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

The resolution (S. Res. 128), as amended, was agreed to.

The preamble, as amended, was agreed to.

The title, as amended, was agreed to.

The resolution, as amended, reads as follows:

(The resolution will appear in a future edition of the RECORD.)

ORDERS FOR WEDNESDAY, JULY 25, 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Wednesday, July 25. I further ask unanimous consent that on Wednesday, 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 there be a period for morning business until 10 a.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator HUTCHISON of Texas, 9 to 9:30; Senator DURBIN, or his designee, 9:30 to 10.

Further, I ask unanimous consent that at 10 a.m. the Senate resume consideration of the Transportation appropriations bill.

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

Mr. DASCHLE. Madam President, there is also the possibility that we may move to the nominations of those who have been on the Executive Calendar now since the early part of May, the Treasury nominees Nos. 59, 60, 159, and 161. I have had a number of consultations with the Republican leader about those nominees. That also is a possibility. He has been discussing the matter with colleagues in his caucus, and we may have more to report with regard to those nominees at a later time.

Madam President, if there is no further business to come before the Senate, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. on Wednesday, July 25, 2001.

Thereupon, the Senate, at 7:48 p.m., adjourned until Wednesday, July 25, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 2001:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JAMES O. ELLIS JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

MICHAEL K. TOELLNER, 0000

To be major

RHESA J. ASHBACHER, 0000
JAMES W. BELL, 0000
ALLEN L. BENNETT, 0000
BRUCE S. BENNETT, 0000
DAVID L. BIRCH, 0000
CRAIG R. DEARTH, 0000
DAVID S. EATON, 0000
BRIAN A. FOLEY, 0000
DENNIS P. GALLAGHER, 0000
MARK T. GIESE, 0000
SEAN M. GODLEY, 0000
JAMES A. HESSEN, 0000
TODD A. HOLMQUIST, 0000
DANIEL P. LOTH, 0000
GEORGE R. MAUS, 0000
PHILIP F. MURPHY, 0000
HALLIBURTO J. SELLERS, 0000
DUANE M. SEWARD, 0000
MAREK M. SIPKO, 0000
DANIEL U. SPANO, 0000
MICHAEL A. WALL, 0000
BRIAN P. WRIGHT, 0000

To be captain

LEONARDO R. ABERCROMBIE, 0000
THOMAS R. ADDISON, 0000
MARK J. ALLEN, 0000
ALFRED J. ALVAREZ, 0000
DARREN M. ALVAREZ, 0000
DAVID C. ANDERSON, 0000
RICHARD T. ANDERSON, 0000
DAVID M. ANGERSBACH, 0000
RICHARD M. ATKINSON, 0000
WILLIAM R. BARBER, 0000
TRAVIS A. BARTELSON, 0000
RICHARD F. BARTOLOMEA, 0000
CHARLES S. BAUER, 0000
MATTHEW T. BELISLE, 0000
RICHARD D. BELLISS, 0000
DAVID C. BERGUM, 0000
DAVID R. BERKE, 0000
NATHAN B. BERRYMAN, 0000
CEDRIC C. BEVIS, 0000
SCOTT T. BIELICKI, 0000
PETER D. BLADES JR., 0000
JEFFRY A. BLAKE, 0000
COLIN J. BRAINARD, 0000
JASON L. BRADFORD, 0000
ROBERT B. BRODIE, 0000
JOHN M. BROOKS, 0000
DANA R. BROWN, 0000
JAMES J. BROWN, 0000
LEONARD J. BROWN, 0000
DOUGLAS J. BRUNE, 0000
ROBERT A. BURGIN, 0000
KYLE R. BURRESS, 0000
DANIEL P. BUTLER, 0000
OLIN M. CANNON, 0000
MICHAEL F. CARDOZA, 0000
JOHN F. CARSON JR., 0000
ALLEN D. CASSANO, 0000
JAMES W. CHIACCHIA, 0000
CHRISTOPHER M. CHOW, 0000
MARK W. CHRISTENSON, 0000
DEVIN L. CLEPPER, 0000
MICHAEL R. COLETTA, 0000
JEFFREY R. COOPER, 0000
BRYAN C. CORCORAN, 0000
ELMER K. COUCH, 0000
KYLE C. COUGHLIN, 0000
LEE A. CRACKNELL, 0000
KARL D. CRNKOVICH, 0000
ALISON L. DALY, 0000
EDWARD J. DANIELSON, 0000
SCOTT R. DAVIDSON, 0000
JEREMY L. DAVIS, 0000
STEPHEN J. DAVIS, 0000
JOSEPH C. DEIGAN, 0000
DWIGHT E. DEJONG, 0000
CORY E. DEKRAAI, 0000
WILLIAM R. DELORENZO, 0000
MARK E. DETHLEFSEN, 0000
SEAN C. DICKMAN, 0000
KEVIN L. DIGMAN, 0000
BRENDHAN J. DILLON, 0000
KEVIN J. DOBZYNIAK, 0000
JASON P. DOIRON, 0000
JOHN C. DOMAIN, 0000
BRYAN E. DONOVAN, 0000
BARRY M. DOWELL, 0000
BRIAN S. DRYZGA, 0000
MICHAEL S. DUCAR, 0000
KEVIN M. DUFFY, 0000
WADE J. DUNFORD, 0000
ANDREW D. DYER, 0000
MICHAEL J. EBY, 0000
AARON D. ECKERBERG, 0000
ERIC L. EMERICH, 0000
MARK J. ESKEW, 0000
ARMANDO ESPINOZA, 0000
GARY D. EWERS, 0000
MICHAEL M. FARRELL, 0000
MARY H. FAST, 0000
GREGORY F. FELEPPA, 0000
BLAINE M. FERGUSON, 0000
ROBERT B. FINNERAN, 0000
PATRICK L. FITZGERALD, 0000
PATRICK M. FITZGERALD, 0000
KEITH A. FORKIN, 0000
CESAR Y. FREITAS, 0000
DARYL M. FULLER, 0000
DENNIS P. GALLAGHER, 0000
PATRICK C. GALLOGLY, 0000
SEAN B. GARICK, 0000
PAUL M. GEDDES, 0000
THOMAS H. GILLEY IV, 0000
BRETT A. GIORDANO, 0000
STEVEN W. GISLASON, 0000
DAMEON P. GREEN, 0000
JEFFREY D. GROHARING, 0000
JASON S. GUELLO, 0000
ROBERT J. GUICE, 0000
CHRISTOPHER M. GUIN, 0000
REGINA M. GUSTAVSSON, 0000
PATRICK H. HANDLEY, 0000
DAVID B. HANEY, 0000
BRANDON L. HANSEN, 0000
EDDY I. HANSEN III, 0000
BRIAN J. HARDY, 0000

JACKIE D. HARRIS, 0000
EDWARD B. HASTINGS, 0000
RICHARD HAWKINS, 0000
ANA PAOLA M. HAYES, 0000
SCOTT W. HEANEY, 0000
RICHARD F. HENDRICK, 0000
WILLIAM T. HENNESSY, 0000
BRENT S. HEPPNER, 0000
CHRISTIAN HERNANDEZ, 0000
JAMES C. HERRERA, 0000
JAMES A. HESSEN, 0000
JOHN B. HICKS, 0000
GLEN R. HINES JR., 0000
KEVIN M. HOLCOMB, 0000
JAY M. HOLTERMAN, 0000
DARIN C. HOWELL, 0000
DAVID C. HUMPHREYS, 0000
DAVID J. HUMPHREYS, 0000
ANN M. HUOT, 0000
MICHAEL J. IRONS, 0000
DAVID G. IRVING, 0000
JAMES M. ISAACS, 0000
STEVEN M. JACKSON, 0000
BRENT M. JAMES, 0000
BRIAN L. JENKINS, 0000
MICHELLE P. JENNINGS, 0000
ALEXANDER W. JOHNS, 0000
BRENT A. JOHNSON, 0000
REGINALD J. JOHNSON, 0000
RICHARD D. JOYCE, 0000
NATHAN E. JUBECK, 0000
RONALD W. KEARSE, 0000
DAVID S. KEMPFER, 0000
STEVEN C. KEMPTON, 0000
MATTHEW J. KENT, 0000
MATTHEW D. KERLIN, 0000
GRANT C. KILLMER, 0000
DAVID M. KILMER, 0000
DARREN J. KISSELBURGH, 0000
BRIAN E. KISTNER, 0000
KEITH E. KNUTSON, 0000
SCOTT M. KOLTICK, 0000
KEITH E. KOVATS, 0000
CHRISTOPHER A. KRAJACICH, 0000
KURT E. KROGER, 0000
DAVID A. KULIK, 0000
CHARLES L. LACKEY, 0000
FRANK P. LAEMMLE, 0000
DWAINE D. LAMIGO, 0000
DAVID L. LANE, 0000
JONATHAN E. LANGLOIS, 0000
JOSEPH J. LEBRYK, 0000
BRETT A. LEE, 0000
KENNETH A. LEE, 0000
WILBUR LEE, 0000
DANIEL J. LEVASSEUR, 0000
DEVIN O. LICKLIDER, 0000
MICHAEL E. LINDBLOM, 0000
MICHAEL J. LONG, 0000
CHRISTOPHER D. LUCIANO, 0000
BENTON S. LUSK, 0000
ANDREW K. MACK, 0000
RICHARD E. MARIGLIANO, 0000
MICHAEL A. MARMON, 0000
STEPHEN A. MARSH, 0000
AARON C. MARX, 0000
GREGORY K. MAVOR, 0000
ARTHUR C. MCLEAN, 0000
BRIAN D. MCGOWAN, 0000
PAUL F. MEAGHER, 0000
CRAIG G. MERRIMAN, 0000
THOMAS B. MERRITT JR., 0000
TODD M. MILLER, 0000
JOHN E. MING, 0000
CHARLES A. MIRACLE, 0000
TIMOTHY B. MISSLER, 0000
ROBBY J. MITCHELL, 0000
CHRISTOPHER S. MOELLER, 0000
DONALD B. MOOR, 0000
THOMAS L. MOORE II, 0000
DAVID E. MOORE, 0000
NICHOLAS A. MORRIS, 0000
TANYA M. MURNOCK, 0000
STEVEN B. MURPHY, 0000
DONNA J. MURRAY, 0000
LISA B. MUSCARI, 0000
PATRICK L. NEILL, 0000
MELISSA J. NELSON, 0000
JONATHAN E. NEUMAN, 0000
JOSEPH L. NEWCOMB, 0000
THOMAS F. NICHOLS, 0000
JASON L. NICKERL, 0000
CHRISTOPHER M. NIEMANN, 0000
JAMES A. NOEL, 0000
JOHN C. NORTON JR., 0000
TILEY R. NUNNINK, 0000
CHADWIC G. OAKLEY, 0000
DOUGLAS B. OGDEN, 0000
WILLIAM C. OLIVER, 0000
FELIPE PAEZ, 0000
GREGORY M. PAGE, 0000
KEITH A. PARRELLA, 0000
BREVEN C. PARSONS, 0000
CHRISTOPHER D. PATTON, 0000
JASON L. PAYNE, 0000
MICHAELA C. PEARSON, 0000
DARIEN A. PEDOTA, 0000
CARL J. PEECHER II, 0000
TROY M. PEHRSON, 0000
MICHAEL J. PEITZ, 0000
NORA E. PENCOLA, 0000
PETER A. PETERSON, 0000
KRISTIAN D. PFEIFFER, 0000
MARK A. PICKETT, 0000
PAUL E. PINAUD, 0000
JEFFREY S. POOL, 0000
RUSSELL M. POOL, 0000
CHRISTOPHER A. POWERS, 0000
EDWARD L. QUINN JR., 0000
MARK A. RAFFETTO, 0000
WILLIAM L. RANEY II, 0000
WALTER D. REECE, 0000
KEVIN P. REILLY, 0000
DAVID S. RENTZ, 0000
JOHN D. REYES, 0000
JON C. RHODES, 0000
PHILLIP R. ROBERSON JR., 0000
STEPHEN A. ROBERSON, 0000
MATTHEW G. ROBINSON, 0000
PATRICK R. ROBINSON, 0000
JUSTIN J. RONNING, 0000
MICHAEL S. ROSEBERRY, 0000
WILLIAM H. ROTHERMEL, 0000
JEFFREY A. ROTHSTEIN, 0000
JOHN P. RUFFINI, 0000
MATTHEW R. SALE, 0000
BENJAMIN W. SAMMIS, 0000
ALFRED M. SANCHEZ, 0000
MARK K. SAUER, 0000
BRIAN S. SCHENK, 0000
KURT J. SCHILLER, 0000
KEVIN A. SCHLEGEL, 0000
SCOTT D. SCHOEMAN, 0000
ROBERT T. SCHWEIGER, 0000
ERIC S. SEUBRING, 0000
JAMES B. SEVERSON JR., 0000
ERIC M. SHAMBORA, 0000
MICHAEL A. SHAYNE, 0000
BRAD J. SHERMAN, 0000
JOSEPH J. SINELLI, 0000
PHILIP B. SMITH, 0000
REGINALD J. SMITH, 0000
STEPHEN M. SMITH, 0000
TRES C. SMITH, 0000
PAUL F. SPANGENBERGER, 0000
MARK J. STANTON, 0000
DAVID M. STEELE, 0000
JERRY A. STEVENSON II, 0000
KARL J. STOETZER, 0000
JEFFREY D. STONE, 0000
MATTHEW W. STOVER, 0000
MICHAEL A. STROUD, 0000
MICHAEL S. SWINGLER, 0000
DANIEL E. TARBUTTON, 0000
MATTHEW J. TAYLOR, 0000
CARL C. TILLMAN, 0000
CAMERON J. THRALL, 0000
CHRISTOPHER G. TOLAR, 0000
DEAN A. TOTH, 0000
JAMES J. TOTH, 0000
JAMES R. TRAVER, 0000
STEPHEN A. TYNAN, 0000
MARK L. UNGER, 0000
ANDREW E. VELLENGA, 0000
JOSE A. VERDUZCO JR., 0000
ROBERT S. VOLKERT, 0000
WOLFGANG W. VONASPE, 0000
TIMOTHY J. WALKER, 0000
CHRISTOPHER B. WALTERS, 0000
JAMES L. WARNER II, 0000
JOHN I. WASCHER, 0000
TIMOTHY B. WATERBURY, 0000
JAMES M. WEIS, 0000
DANIEL J. WEISNER, 0000
GARRETT R. WELCH, 0000
TIMOTHY E. WERNIMONT, 0000
JEFFREY A. WHITE, 0000
JAMES A. WHITLEY, 0000
DAVID E. WILKERSON, 0000
ABAXES A. WILLIAMS, 0000
ANTHONY H. WILSON, 0000
CRAIG A. WINGARD, 0000
MATTHEW D. WINKELBAUER, 0000
WILLARD E. WINKENHOFER III, 0000
BRIAN D. WIRTZ, 0000
ALAN R. YANKOWSKY, 0000
BRIAN C. YOUNG, 0000
ANTHONY J. ZIMMERMAN JR., 0000
SEAN E. ZUKOWSKY, 0000

To be first lieutenant

AARON D. ABDULLAH, 0000
ERIK R. ABRAHAMSON, 0000
CEASAR M. ACHICO, 0000
DAVID M. ADAMIEC, 0000
RAYMOND L. ADAMS, 0000
JOHN J. AHN, 0000
LOUIS M. ALBIERO JR., 0000
BRIAN S. ALBON, 0000
GREGORY J. ALLAN, 0000
EZIEKEL E. ALLEN, 0000
TIMOTHY E. ANDERSON, 0000
JOHN T. ANDRESS, 0000
AARON A. ANGELL, 0000
BRIAN ANTONELLI, 0000
ARTHUR D. ANZALONE, 0000
TOBEI B. ARAI, 0000
JONPAUL C. ARCHER, 0000
JOSEPH D. ARICO, 0000
JAMES F. ARMAGOST, 0000
ERICK M. ARMELIN, 0000
ADRIAN D. ARMOLD, 0000
MICHAEL J. ARPAIO JR., 0000
JASON D. ARTHAUD, 0000
LANCE R. ATTAWAY, 0000
SCOTT K. ATWOOD, 0000
BLAS AVILA JR., 0000
JULIE L. AYLWIN, 0000
SHERIF A. AZIZ, 0000
JOHN T. BADAMI, 0000
BROCKLYN D. BAHE, 0000
EDWARD BAHRET, 0000
GREGORY T. BAKER, 0000
THOMAS A. BAKER, 0000
GREGORY R. BAMFORD, 0000
ROBBI J. BANASZAK, 0000
JOHN J. BANCROFT JR., 0000
ROZANNE BANICKI, 0000
CHRISTOPHER T. BATES, 0000
BARTHOLOME BATTISTA, 0000
PAUL J. BATTY, 0000
JOHN P. BAZYLEWICZ, 0000
JOSEPH T. BEALS, 0000
BRADLEY P. BEAN, 0000
RYAN A. BEAUPRE, 0000
ERIC M. BECKMANN, 0000
ERIN S. BENJAMIN, 0000
TIMOTHY R. BENNETT, 0000
CHRISTOPHER E. BENSON, 0000
CHARLES H. BERCIER III, 0000
PETER M. BEREZUK, 0000
FREDERICK L. BERNIER, 0000
JOHN K. BEST, 0000
GREGORY S. BIAGI, 0000
MICHAEL J. BISSONETTE, 0000
EDUARDO C. BITANGA II, 0000
TROY B. BLACK, 0000
PAUL J. BLAIR, 0000
DONALD P. BLAND, 0000
DAVID R. BLASSINGAME, 0000
ANDREW C. BLOCKSIDGE, 0000
MICHAEL A. BOCCOLUCCI, 0000
BRAD P. BOITNOTT, 0000
BRANDON M. BOLLING, 0000
JOHN A. BONDS, 0000
JONATHAN A. BOSSIE, 0000
STEPHEN C. BOUCHER, 0000
TYLER E. BOUDREAU, 0000
CHRISTOPHER J. BOWER, 0000
JONATHAN L. BRADLEY, 0000
SEAN P. BRADLEY, 0000
BRANDON C. BROOKS, 0000
GARY D. BROOKS, 0000
CHRISTOPHER L. BROWN, 0000
MEREDITH E. BROWN, 0000
SHANNON M. BROWN, 0000
CHRISTOPHER A. BROWNING, 0000
AARON J. BRUNK, 0000
JOHN P. BRUZZA, 0000
CHRISTIAN J. BUCHANAN, 0000
WYNDHAM K. BUERLEIN, 0000
ERNEST L. BULLICRUZ, 0000
GREGORY S. BURGESS, 0000
RUSSELL A. BURKE, 0000
DOUGLAS W. BURKMAN, 0000
BRIAN M. BURNS, 0000
ERIC G. BURNS, 0000
LOUIS V. BUSH, 0000
GREGORY K. BUTCHER, 0000
BRADLEY J. BUTLER, 0000
SCOTT P. BUTTZ, 0000
DANIEL R. CAMPBELL, 0000
TAMARA L. CAMPBELL, 0000
RAFAEL A. CANDELARIO II, 0000
RONALD M. CANNIZZO, 0000
CHRISTOPHER P. CANNON, 0000
ROBERT A. CANO, 0000
PETER J. CAPUZZI, 0000
CONLON D. CARABINE, 0000
DAVID M. CAREY, 0000
FOSTER T. CARLILE, 0000
WILLIAM L. CARR, 0000
CHARLES A. CARTE, 0000
THOMAS CATUOGNO, 0000
MICHAEL R. CHALLGREN, 0000
JEREMY P. CHAPMAN, 0000
JEFFERY M. CHIOW, 0000
JAMES M. CHITTENDEN, 0000
DAVIS R. CHRISTY, 0000
DARIN A. CHUNG, 0000
JOSHUA D. CLAYTON, 0000
C R. CLIFT, 0000
DARIUS COAKLEY, 0000
LLONIE A. COBB, 0000
COLIN P. COCKRELL, 0000
WILLIAM J. CODY, 0000
BRIAN W. COLE, 0000
JAMES B. COLLINS, 0000
RYAN M. CONNOLLY, 0000
JUSTIN CONSTANTINE, 0000
LEE K. COOPER, 0000
ROBERT L. CORL, 0000
LESTER M. CORPUS, 0000
JEFFREY C. CORRIVEAU, 0000
STEPHEN L. COSBY, 0000
CHRISTOPHER G. COVER, 0000
BRADLEY S. COWLEY, 0000
CHRISTOPHER S. COX, 0000
LUKE A. COYLE, 0000
MICHAEL L. CRAIGHEAD, 0000
THOMAS R. CRELLIN, 0000
BRENT A. CREWS, 0000
MICHELLE E. CROFTS, 0000
KRISTOPHER M. CRONIN, 0000
CLINTON A. CULP, 0000
THOMAS P. CUNNINGHAM, 0000
CHRISTOPHER C. CURRAN, 0000
IAN C. DAGLEY, 0000
JEFFREY R. DANSIE, 0000
MEHDI A. DARAKJY, 0000
CARLOS M. DAVILA JR., 0000
CHRISTOPHER C. DAVIS, 0000
MARK S. DAVIS, 0000
ROBERT B. DAVIS, 0000
SCOTT R. DAVIS, 0000
TIMOTHY A. DAVIS, 0000
TIMOTHY R. DAVIS, 0000
NORMAN T. DAY, 0000
DAVID K. DECARION, 0000
MICHAEL J. DEDDENS, 0000

JOSE M. DELEON JR., 0000
ANDREW M. DELGAUDIO, 0000
BRYAN C. DELIA, 0000
GERALD DELIRA, JR., 0000
JOSEPH T. DELLOS, 0000
VINCENT A. DELPIDIO III, 0000
CHARLES W. DELPIZZO III, 0000
GREGORY P. DEMARCO, 0000
GREGORY R. DEMIK, 0000
COLLEEN R. DEMOSS, 0000
SAMUEL N. DEPUTY, 0000
CHRISTIAN T. DEVINE, 0000
PATRICIA M. DIENHART, 0000
MICHAEL C. DIETZ, 0000
JASON F. DIJOSEPH, 0000
ERIC C. DILL, 0000
ANDREW P. DIVINEY, 0000
ERIC L. DIXON, 0000
GILBERT F. DMEZA, 0000
WILLIAM DOCTOR, JR., 0000
KEVIN M. DOHERTY, 0000
HENRY DOLBERRY, JR., 0000
JOHN H. DOUGLAS, 0000
STEWART L. DOWNIE, 0000
DOUGLAS A. DOWSON, 0000
TERESA J. DRAG, 0000
ANDREW S. DREIER, 0000
JONATHAN A. DREXLER, 0000
STEPHEN D. DRISKILL, 0000
CHARLES E. DUDIK, 0000
CHRISTOPHER M. DUKE, 0000
JOSEPH R. DUMONT, 0000
JASON K. DUNCAN, 0000
CHRISTOPHER M. DUNDY, 0000
DOUGLAS R. DUNLAP, 0000
SEAN R. DUNN, 0000
TANYA M. DURHAM, 0000
MICHAEL E. DWYER, 0000
JONATHAN J. ECKHARDT, 0000
SCOTT C. EDWARDS, 0000
DAVID I. EICKENHORST, 0000
PHILIP E. EILERTSON, 0000
RYAN M. ELLER, 0000
JOHN M. ENNIS, 0000
RYAN J. ERISMAN, 0000
WILLIAM R. ERRETT, 0000
BRYAN M. ESPRIT, 0000
MICHAEL F. ESTORER, 0000
DANIEL J. EVANS, 0000
MATTHEW S. FAHRINGER, 0000
DAVID D. FAIRLEIGH, 0000
ROBERT B. FARRELL, 0000
TIMOTHY F. FARRELL, 0000
WILLIAM A. FEEKS, 0000
MATTHEW D. FEHMEL, 0000
DANIEL C. FELICIANO, 0000
WILLIAM T. FELTS IV, 0000
WILLIAM B. FENWICK, 0000
SCOTT E. FERENCE, 0000
ERNEST D. FERRARESSO, 0000
SHANNON R. FIELDS, 0000
FRANK E. FILLER, 0000
JAMES F. FINNEGAN, 0000
ROBERT C. FITZBAG, 0000
CHARLES N. FITZPATRICK III, 0000
ROBERT J. FITZPATRICK, 0000
MARY K. FLATLEY, 0000
PHILIP E. FLECHER, JR., 0000
MICHAEL C. FLEMMING, 0000
FREDERICK D. FOLSON, 0000
RYAN P. FORD, 0000
TRAVIS A. FORD, 0000
JUAN F. FORERO, 0000
BRYAN J. FORNEY, 0000
VINCENT P. FORTUNATO, 0000
MARC H. FOSTER, 0000
MARK E. FRANKO, 0000
AARON T. FRAZIER, 0000
CHRISTOPHER A. FRY, 0000
JASON A. GADDY, 0000
JER J. GARCIA, 0000
JOANNA L. GARCIA, 0000
KENNETH C. GARDNER, JR., 0000
JOSHUA T. GAUGHEN, 0000
SCOTT A. GEHRIS, 0000
LESTER R. GERBER, 0000
MICHAEL J. GERVASONI, 0000
PAUL M. GHIOZZI, 0000
PETER M. GIBBONS, 0000
JASON L. GIBSON, 0000
GINGER E. GIERMAN, 0000
TARRELL D. GIERSCH, 0000
JOHN S. GILBERT, 0000
JESSE J. GIPSON, 0000
RICHARD L. GLADWELL JR., 0000
IAN T. GLOVER, 0000
PATRICK M. GLYNN, 0000
MICHAEL B. GOLDSTEIN, 0000
CARLO J. GONZALEZ, 0000
GILBERTO C. GONZALEZ, JR., 0000
MATTHEW J. GORBATY, 0000
JAMES H. GORDON, 0000
DUSTIN B. GORZYNSKI, 0000
GREGORY F. GOULD, 0000
KENNETH B. GRAF, 0000
GRAHAM R. GRAFTON, 0000
BRANDON W. GRAHAM, 0000
KEVIN P. GRAVES, 0000
MICHAEL A. GRAZIANI, 0000
MAX S. GREEN, 0000
BRANDON C. GREGOIRE, 0000
ADAM W. GRESHAM, 0000
BRIAN R. GRIFFING, 0000
CHRISTOPHER M. GRIFFITH, 0000
JASON D. GROSE, 0000
CHRISTOPHER D. HAFER, 0000
DANIEL M. HAJEK, 0000
MICHAEL S. HALL, 0000
JASON M. HAMILTON, 0000
ALFRED B. HAMMETT II, 0000
JEFFREY L. HAMMOND, 0000
MARK A. HAND, 0000
MICHAEL F. HAND, 0000
PETER C. HANTELMAN, 0000
KEVIN B. HARBISON, 0000
ETHAN H. HARDING, 0000
TODD A. HARDING, 0000
JEFFREY M. HARRINGTON, 0000
RYAN E. HARRINGTON, 0000
CLINT C. HARRIS, 0000
GEORGE D. HASSELTINE, 0000
HOWARD H. HATCH, 0000
CORY M. HAVENS, 0000
MICHELLE L. HEATH, 0000
BRENDAN G. HEATHERMAN, 0000
WILLIAM C. HENDRICKS IV, 0000
ADAM G. HENRICH, 0000
ARTURO HERNANDEZLOPEZ, 0000
PHILIP R. HERSCHELMAN, 0000
DREW R. HESS, 0000
JASON W. HEUER, 0000
DOUGLAS P. HIBSHMAN, 0000
AARON P. HILL, 0000
RICHARD J. HOFHEINS, 0000
CHRISTOPHER L. HOLLOWAY, 0000
CHRISTOPHER M. HOLLOWAY, 0000
FRANKLIN R. OOKS II, 0000
JAMES B. HOOVER, 0000
JOSHUA D. HOPFER, 0000
MAX H. HOPKINS, 0000
WILSON M. HOPKINS III, 0000
BRYAN T. HORVATH, 0000
ALEJANDRO R. HOUSE, 0000
WILLIAM C. HOWLETT, 0000
JAMES B. HUNT, 0000
PER D. HURST, 0000
HENRY E. HURT III, 0000
JAY D. HUSBANDS, 0000
ANDREW J. HUSMAN, 0000
BRET M. HYLA, 0000
JOHN C. ILLIA, 0000
TIMOTHY W. IRWIN, 0000
VICTOR R. ISLAS, 0000
JOSHUA E. IZENOUR, 0000
CARLOS T. JACKSON, 0000
REGINALD L. JACKSON, JR., 0000
JOHN J. JAESKI, 0000
ROBERT E. JAMES, 0000
JASON M. JANCZAK, 0000
RYAN P. JANOSEK, 0000
DONALD A. JANVRIN, 0000
MIKE K. JERON, 0000
FERNANDO V. JIMENEZ, 0000
CHRISTOPHER H. JOHANSEN, 0000
THOMAS V. JOHNS, 0000
BRENT A. JOHNSON, 0000
CHRISTOPHER L. JOHNSON, 0000
GRANT M. JOHNSON, 0000
KIMBERLY A. JOHNSON, 0000
MICHAEL J. JOHNSON, 0000
PAUL K. JOHNSON III, 0000
RANDALL C. JOHNSTON, 0000
KEMPER A. JONES, 0000
SYDNEY F. JORDAN, JR., 0000
DAVID C. JOSEFORSKY, 0000
MICHAEL C. KAHN, 0000
DANIEL B. KALSON, 0000
TIMOTHY A. KAMB, 0000
ANDREW D. KARAMANOS, 0000
DOV KAWAMOTO, 0000
MARTIN P. KAZANJIAN, 0000
CHRISTOPHER F. KEADY, 0000
BRIAN K. KELLER, 0000
SHAWN M. KELLY, 0000
TIMOTHY L. KELLY, 0000
CHRISTOPHER A. KENNEDY, 0000
ERIN M. KEWIN, 0000
MATTISON J. KIDD, 0000
MARK A. KIEHLE, 0000
TROY O. KIPER, 0000
THOMAS F. KISCH, 0000
MICHAEL C. KLINE, 0000
AARON R. KNEPEL, 0000
TOMIS M. KNEPPER, 0000
JOHN D. KNUTSON, 0000
NOAH J. KOMNICK, 0000
VINCE W. KOOPMANN, 0000
PAUL B. KOPACZ, 0000
CHRISTOPHER M. KOREN, 0000
JEFFERSON L. KOSICH, 0000
SPEROS C. KOUMPARAKIS, 0000
CHARLES B. KROLL, 0000
LORI KRSULICH, 0000
MATTHEW B. KUCHARSKI, 0000
ADZEKAI M. KUMA, 0000
JOSEPH B. LAGOSKI, 0000
PHILIP C. LAING, 0000
JEFFREY K. LAMB, 0000
JUSTIN D. LAMORIE, 0000
SAMUEL W. LANASA, JR., 0000
CARROLL K. LANE, 0000
DEREK E. LANE, 0000
JEFFREY J. LARSON, 0000
GOTTFRIED H. LAUBE, JR., 0000
SCOTT A. LAUZON, 0000
ANDREAS D. LAVATO, 0000
GARY R. LAWSON II, 0000
DUSTIN T. LEE, 0000
SAMUEL K. LEE, 0000
ADAM V. LEFRINGHOUSE, 0000
JOEL T. LEGGETT, 0000
MATTHEW E. LEYMAN, 0000
DOUGLAS A. LINDAMOOD, 0000
JONATHAN B. LINDSEY, 0000
JOHN W. LITTON, 0000
JON B. LIVINGSTON, 0000
ANDREW J. LOCKETT, 0000
ANTHONY W. LOIGNON, 0000
BRYAN A. LOORYA, 0000
CARL M. LOWE, 0000
JOSH R. LOWE, 0000
JAMES T. LOWERY, 0000
MICHAEL R. LUCIANI, 0000
HAROLD Q. LUCIE, 0000
JONATHAN C. LUTTMANN, 0000
SCOTT J. MABEE, 0000
DAVID C. MAIER, 0000
SEAN W. MAITA, 0000
MAREK Z. MAKAREWICZ, 0000
MICHAEL J. MANIFOR, 0000
WILLIAM M. MAPLES, 0000
WILLIAM J. MARKHAM III, 0000
JON S. MARONEY, 0000
MICHAEL F. MARTIN, 0000
MICHAEL D. MARTINO, 0000
JUSTIN E. MARVEL, 0000
TAMARA A. MASON, 0000
RENEE L. MATTHEWS, 0000
STEPHEN W. MATTHEWS, 0000
CHRISTOPHER J. MAYFIELD, 0000
ADAM W. MCARTHUR, 0000
JAMES K. MCBRIDE, 0000
MICHAEL D. MCCARTY JR., 0000
MICHAEL M. MCCLOUD II, 0000
DANIEL G. MCCOLLUM, 0000
LUCAS M. MCCONNELL, 0000
GARY A. MCCULLAR, 0000
KEVIN M. MCDONALD, 0000
MARK J. MCDONALD, 0000
JOHN G. MCGARRY, 0000
GREGORY C. MCGEE, 0000
BRIAN T. MCGONAGLE, 0000
JAMES P. MCGONIGLE III, 0000
AMY M. MCGRATH, 0000
JAMES R. MCGRATH, 0000
RODRICK H. MCHATY, 0000
ADAM T. MCHENRY, 0000
CAMERON M. MCKAY, 0000
BRYAN T. MCKERNAN, 0000
ADAM T. MCLENDON, 0000
MICHAEL T. MCQUADE, 0000
JOHN P. MCSHANE, 0000
JEFFREY L. MEEKER, 0000
CHRISTOPHER M. MERRILL, 0000
CHRISTOPHER M. MESSINEO, 0000
CHRISTOPHER V. MEYERS, 0000
SHARRON M. MICHAEL, 0000
ADAM E. MILLER, 0000
BRIAN M. MOLL, 0000
JOHN M. MOORE, 0000
ELLIOT MORA, 0000
DAVID M. MOREAU, 0000
JENNIFER B. MORRIS, 0000
STEPHEN H. MOUNT, 0000
ROGER O. MOUSEL JR., 0000
JOHN P. MULKERN, 0000
BRIAN T. MULVIHILL, 0000
RAMON J. MUNOZ, 0000
SETH MUNSON, 0000
GERALD E. MURPHY, 0000
CHRISTOPHER M. MURRAY, 0000
SEAN M. MURRAY, 0000
MICHAEL R. NAKONIECZNY, 0000
YOHANNES NEGGA, 0000
NICHOLAS O. NEIMER, 0000
ANDREW J. NELSON, 0000
ISAAC D. NELSON, 0000
CHRISTINA F. NESMITH, 0000
JAMES D. NEUSHUL, 0000
DAVID E. NEVERS, 0000
VICTOR NEWSOM, 0000
DEREK J. NEYMEYER, 0000
CHRISTOPHER M. NICHOLSON, 0000
JONCLAUD A. NIX, 0000
MARVIN L. NORCROSS JR., 0000
WADE H. NORDBERG, 0000
BRIAN M. NORDIN, 0000
EDWIN NORRIS, 0000
RUSSELL H. NORRIS, 0000
ELTON D. OBRIEN, 0000
WILLIAM E. OBRIEN, 0000
CHRISTOPHER P. ODONNELL, 0000
JEFFREY M. ODONNELL, 0000
JEFFREY W. OLESKO, 0000
DONALD W. OLIVER JR., 0000
BERNARD J. OLOUGHLIN, 0000
READ M. OMOHUNDRO, 0000
PATRICK J. OROURKE, 0000
PAUL J. OVALLE, 0000
QUINTON S. PACKARD, 0000
SPENCER L. PADGETT, 0000
MARK A. PAOLICELLI, 0000
VASILIOS E. PAPPAS, 0000
JASON D. PARDUE, 0000
YOUNG K. PARK, 0000
GREGORY S. PARKER, 0000
TERENCE L. PARKER, 0000
THOMAS W. PARKER, 0000
RICHARD E. PARKINSON, 0000
RICHARD H. PARRISH, 0000
BRIAN C. PATE, 0000
ANGELA D. PATERNA, 0000
MATTHEW R. PEARCE, 0000
ERIC J. PENROD, 0000
CHRISTOPHER R. PERKINS, 0000
NATHAN T. PERKKIO, 0000
TRINITY D. PERSFUL, 0000
DAREN R. PETERSON, 0000
ROBERT C. PETERSON, 0000
MATHEW J. PFEFFER, 0000
TUANANH T. PHAM, 0000

BRADLEY W. PHILLIPS, 0000
NATHALIE C. PICADO, 0000
NEAL P. PLASKONOS, 0000
ROBERT J. PLEAK, 0000
CLAY A. PLUMMER, 0000
JAMES P. POPPY, 0000
CHERYL L. PORAK, 0000
AARON E. PRICE, 0000
CARL C. PRIECHENFRIED, 0000
ROBERT C. PRIJATELJ, 0000
JAMES PRUDHOMME III, 0000
RYAN A. PYKE, 0000
EUGENE A. QUARRIE III, 0000
MATTHEW M. RAFFERTY, 0000
GEORGE P. RAMSEY, 0000
ROBERT P. RANDAZZO, 0000
MILAN K. RATKOVICH, 0000
GUY W. RAVEY, 0000
HUNTER R. RAWLINGS IV, 0000
WILLIAM G. RAYNE, 0000
JAMES D. REDDING, 0000
ANDREW P. REED, 0000
MATTHEW L. REGNER, 0000
ROBERT B. REHDER JR., 0000
DAVID M. REILLY, 0000
PETER O. REITMEYER, 0000
KIMBERLY A. REITZ, 0000
JACOB L. REYNOLDS, 0000
PATRICK J. REYNOLDS JR., 0000
SHELTON RICHARDS, 0000
BRYAN D. RICHARDSON, 0000
JAMES E. RICHARDSON JR., 0000
JASON P. RICHTER, 0000
THOMAS A. RICKS, 0000
JASON P. ROBERTS, 0000
RICHARD C. ROBERTS, 0000
BENJAMIN C. ROBERTSON, 0000
EDWARD N. ROBINSON, 0000
NATHANIEL K. ROBINSON, 0000
RANDY L. RODEN, 0000
VICTOR G. ROEPKE, 0000
CHRISTOPHER B. ROGERS, 0000
DAVID M. ROONEY, 0000
OMAR W. ROSALES, 0000
AARON M. ROSE, 0000
ERIK M. ROSENBERRY, 0000
DAWN C. ROSENBLAD, 0000
MICHAEL RUSH, 0000
WILLIAM A. RUSHE IV, 0000
MICHEAL D. RUSS, 0000
TRAVIS G. RUSSELL, 0000
JOHN T. RYAN, 0000
RUSSELL C. RYBKA, 0000
STEVEN A. SABLAN, 0000
CHRISTI L. SADDLER, 0000
ANDRE P. SALVANERA, 0000
JOHN E. SAMPSON, 0000
TIMOTHY J. SANCHEZ, 0000
ERIC T. SANEHOLTZ, 0000
KURT M. SANGER JR., 0000
JOHN S. SATTELY, 0000
KEVIN T. SAUNDERS, 0000
KARL T. SCHMIDT, 0000
ZACHARY T. SCHMIDT, 0000
PAUL M. SCHNEIDER, 0000
TIMOTHY W. SCHNELLE, 0000
WILLIAM M. SCHRADER, 0000
SEAN D. SCHROCK, 0000
WILLIAM M. SCHWEITZER, 0000
DANIEL R. SCOTT, 0000
ROBERTO C. SCOTT, 0000
WILLIAM T. SCOTT, 0000
ROBERT C. SELLERS, 0000
MICHAEL J. SHEA, 0000
THOMAS M. SHEA, 0000
DAVID B. SHEALY, 0000
AARON P. SHELLEY, 0000
BRIAN O. SHELLMAN, 0000
JOHN E. SHEPARD, 0000
CHRISTOPHER J. SHIMP, 0000
LESLIE A. SHIOZAWA, 0000
ALAN D. SILVA, 0000
LOUIS P. SIMON, 0000
ADAN E. SISNEROS, 0000
JOSEPH G. SKRYD, 0000
DANIEL J. SKUCE, 0000
RICHARD T. SLACK, 0000
SAMUEL L. SLAYDON, 0000
DAVID B. SLAY, 0000
MARC R. SLEDGE, 0000
TIMOTHY M. SLINGER, 0000
GRAHAM F. SLOAN, 0000
DAVID P. SMAY IV, 0000
ANTHONY L. SMITH, 0000
ERIC D. SMITH, 0000
ROGER A. SMITH, 0000
STEFAN R. SNEDEN, 0000
SEAN P. SMITH, 0000
TRACI L. SNIVELY, 0000
WILLIAM R. SNOWMAN, 0000
KIRK M. SPANGENBERG, 0000
DAVID W. SPANGLER, 0000
RAYMOND V. SPAULDING, 0000
BENJAMIN O. SPIELER, 0000
MATTHEW A. SPURLOCK, 0000
RANDY J. STAAB, 0000
JAMES F. STAFFORD, 0000
JAMES R. STARR JR., 0000
RICHARD R. STEELE, 0000
ROBERT A. STEELE, 0000
JEFFREY S. STEPHENS, 0000
BLAIR A. STEVENSON, 0000
KENRIC D. STEVENSON, 0000
ALYSSA R. STEWART, 0000
JOHN E. STEWART II, 0000
ALEXIS G. STOBBE, 0000
STEVEN W. STORMANT, 0000
DEAN T. STOUFFER, 0000
KEVIN M. STOUT, 0000
WAYNE E. STUETZEL, 0000
JOSEPH C. SWANSON, 0000
THOMAS C. SWEATMAN, 0000
MICHAEL N. SWIFT, 0000
TROY S. SYBESMA, 0000
GREGORY V. SZEPE, 0000
DAVID C. SZWED, 0000
ERIK C. TAUREN, 0000
BARRON S. TAYLOR, 0000
BRIAN J. TAYLOR, 0000
BRIAN R. TAYLOR, 0000
COREY M. TAYLOR, 0000
JOHN S. TAYLOR, 0000
STEPHEN J. TAYLOR, 0000
JOSEPH D. TEASLEY, 0000
BRADLEY J. TEEMLEY, 0000
PATRICK K. TEMPLE, 0000
HAMARTRYA V. THARPE, 0000
AMY N. THOMAS, 0000
CHARLES G. THOMAS JR., 0000
PATRICK F. TIERNAN, 0000
JOHN W. TINNING, 0000
EMMANUEL V. TIPON, 0000
PETER M. TITTERTON, 0000
CURTIS J. TOMCZAK, 0000
ROBERT A. TOMLINSON, 0000
JOHN E. TOWN, 0000
MATTHEW W. TRACY, 0000
HEATHER A. TROUT, 0000
GAYLEN D. TRUSLOW, 0000
JOSEPH B. TURKAL, 0000
SHAWN S. TURNER, 0000
HANORAH E. TYERWITEK, 0000
JOSEPH S. UCHYTIL, 0000
EDWARD L. USHER, 0000
JAMES D. UTSLER, 0000
DAVID A. VALDEZ, 0000
JAMES D. VALENTINE, 0000
JOSHUA M. VANCE, 0000
CHAD D. VANDENBERG, 0000
MARK R. VANDERBEEK, 0000
TOBIAS K. VANESSELSTYN, 0000
CHAD I. VANSOMEREN, 0000
JAMES A. VAUGHAN, 0000
QUENTIN R. VAUGHN, 0000
ANTONIO E. VELASQUEZ II, 0000
WILLIAM M. VESSEY, 0000
SEAN M. VIEIRA, 0000
ROMAN P. VITKOVITSKY, 0000
JARED C. VONEIDA, 0000
PAT P. VONGSAVANH, 0000
PHILIP E. WAGGONER, 0000
THOMAS O. WAGNER II, 0000
MATTHEW B. WAGNER, 0000
JASON A. WALKER, 0000
WAYNE J. WALTRIP, 0000
THOMAS M. WARREN, 0000
GREGORY WARRINGTON, 0000
ALTON A. WARTHEN, 0000
ANTONIO H. WATERS, 0000
WILLIAM S. WEIS, 0000
ERIC E. WEISS, 0000
VINCENT J. WELCH, 0000
MICHAEL P. WESTHEAD, 0000
TASHA D. WESTINGHOUSE, 0000
JASON L. WHALEN, 0000
EDDIE R. WHEELER, 0000
JODY E. WHITE, 0000
VAN E. WHITE, 0000
DANIEL M. WHITLEY, 0000
VERNON C. WILKENS JR., 0000
DANIEL L. WILLIAMS, 0000
JAMES R. WILLIAMSON, 0000
BRETT M. WILSON, 0000
BRYAN D. WILSON, 0000
TIMOTHY E. WILSON, 0000
LYNN M. WISEHART, 0000
BRIAN E. WOBENSMITH, 0000
DOUGLAS N. WOLFE, 0000
BRIAN P. WOOD, 0000
WADE L. WORKMAN, 0000
RICHARD S. WORTHINGTON JR., 0000
ALEXANDER B. WRIGHT, 0000
NEAL B. WYNN II, 0000
JAMISON YI, 0000
LUKE R. YLITALO, 0000
NEBYOU YONAS, 0000
JEFFERSON T. YOUNG III, 0000
MATTHEW S. YOUNGBLOOD, 0000
AMGAD H. YOUSSEF, 0000
DANIEL R. ZAPPA, 0000
JUSTIN R. ZAPPA, 0000
BRIAN M. ZIEGLER, 0000
DANIEL M. ZONAVETCH, 0000

To be second lieutenant

RICHARD J. ALLAIN, 0000
BRENT J. BOMBACH, 0000
VINCENT H. BRIDGEMAN, 0000
PATRICK B. BYRNE, 0000
ERICK T. CLARK, 0000
LAWRENCE S. DIBBLE, 0000
PHILIP J. DYKEMAN, 0000
BRIAN S. GAHAGAN, 0000
WILLIAM E. GRANT, 0000
STEPHEN S. GRUBBS, 0000
JASON S. GUTTENBERG, 0000
CHARLES E. HAWTHORNE JR., 0000
MARTIN L. HEMBREE, 0000
MATTHEW M. HODGES, 0000
MICHELLE M. HOESING, 0000
MICHAEL M. HOFFMAN, 0000
DANIEL R. HOPKINS, 0000
JOSEPH M. JENNINGS, 0000
STEPHEN A. KINTZLEY, 0000
GARY K. KOON, 0000
ANDREW J. LAWLER, 0000
MATTHEW D. LUNDGREN, 0000
STEAN W. MAAS, 0000
SEAN P. MULLEN, 0000
WILLIAM M. MURPHY, 0000
MATTHEW A. NIELAND, 0000
ERIK V. ORIENT, 0000
WILLIAM F. PELLETIER III, 0000
STEPHEN M. PIRROTTA, 0000
JASON M. RUEDI, 0000
TEDD R. SHIMP, 0000
TODD M. SIEBERT, 0000
KEITH P. TIGHE, 0000
JEFFREY D. WALSH, 0000
EDWARD J. WITKOWSKI, 0000
MICHAEL T. ZIEGLER, 0000