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Senate

The Senate met at 12 noon and was called to order by the Presiding Officer, the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

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

Almighty God, the afternoon and evening ahead are filled with challenges and decisions. In the quiet of this creative moment of conversation with You, we dedicate these hours. We want to live them for Your glory. We praise You that You give strength and power to the Senators when they seek You above anything else. You guide the humble and teach them Your way. Speak to the Senators so that they may speak both in the tenor of Your truth and the tone of Your grace. Make them maximum by Your spirit for the demanding responsibilities and relationships of this day. And now we pray Your historic, Biblical blessing on every Senator. ''The Lord bless You and keep You; the Lord make His face to shine upon You and be gracious to You; the Lord lift up His countenance upon You and give You peace.'' Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 26, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the previously scheduled cloture vote on the Murray-Shelby substitute amendment occur at 2 p.m. today and that the time from noon until 2 p.m. be divided as previously ordered—that is, equally between the two sides—and that it be in order for Senators to utilize some of the available time to speak as in morning business.

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

Mr. REID. Mr. President, I further ask unanimous consent that the last 10 minutes of the debate, the time from 1:50 until 2 p.m., be divided between the two leaders or their designees, with Senator DASCHLE controlling the last 5 minutes.

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

Mr. REID. Mr. President, I further ask unanimous consent that Senators have until 1:30 p.m. today—that is, from the previously scheduled 12:30 p.m. today—to file second-degree amendments to the pending legislation.

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

SCHEDULE

Mr. REID. Mr. President, for the benefit of Senators, we felt it was imperative—and we are grateful there has been agreement between the two leaders—that this time be changed. There is a ceremony taking place in the Capitol today dealing with the Code Talkers, these very courageous Navajos who contributed so much to our success during World War II. So today there will be 2 hours of debate equally divided between Senators DASCHLE and LOTT or their designees prior to 2 p.m. A cloture vote on the substitute amendment to the Transportation act will occur at 2 p.m. We expect to remain on the Transportation act until we complete that. There will be rollcall votes throughout the day today, and there is much more work to do.

We hope we can recess for the August time period next Friday, and there is a lot of work to do from now until then. We hope everyone will cooperate and allow us to move forward as quickly as possible.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I yield myself such time as I may consume from the time allotted to the majority leader or his designee in order to speak in morning business.

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

(The remarks of Mrs. CARNAHAN pertaining to the introduction of S. 1250 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. We are in morning business, is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

TAX RELIEF FOR WORKING FAMILIES—PART II

Mr. GRASSLEY. Mr. President, I rise to speak on the tax relief for working families that the Senate passed a few weeks ago and was signed into law by President Bush.

This is the second in a series of speeches I am giving to highlight the details of this bipartisan tax cut that provided significant relief to millions of Americans.

In today's speech I want to focus on the many provisions in the bipartisan bill that provide tax relief for working families and particularly families with children.

First, I wish to discuss the efforts to address the marriage penalty that existed throughout the structure of the income tax. For far too many years, the Tax Code penalized working families where both the husband and wife work. It is simply wrong that we had a Tax Code that penalized marriage.

The bipartisan tax cut completely ends the marriage penalty for many low- and middle-income families and makes significant strides in reducing the marriage penalty for all other families.

This is accomplished through two actions. First, the bill provides that the standard deduction for those who are married filing jointly will be set at two times the rate of a single individual.

For example, when everyone filed their tax returns this last April 15, the standard deduction for singles was $4,400. However, the standard deduction for married filing jointly was only $7,350. If the new tax law had been fully enacted for tax year 2000, the standard deduction for married filing jointly would have been $8,800.

The second step we took was for the 10 percent and 15 percent marginal rate brackets for married filing jointly to be set at two times the rate of a single individual.

Again, to illustrate. If the first $6,000 of a single individual is taxed at 10 percent, then the first $12,000 of a married individual filing jointly will be taxed at 10 percent.

These two efforts will provide complete elimination of the marriage penalty for low- and many middle-income working families and will also benefit married couples with higher incomes.

Keep in mind, Mr. President, almost one-half of married couples take the standard deduction. These couples tend to be in the lower income brackets and they will get relief upfront.

The doubling of the 10 percent marginal rate bracket is done immediately. The remainder of marriage penalty relief is phased in over several years. The increase in the standard deduction is phased in over a 5-year period beginning in 2005 and the doubling of the 15 percent rate bracket also is phased in beginning in 2005 and is phased in over a 4-year period.

Many Senators were active in providing marriage penalty relief, but certainly Senator HUTCHISON of Texas was a leader in this issue.

Mr. President, let me take a moment to address the point some pundits have made about the fact that some of the marriage penalty relief provisions, as well as other provisions in the bill, are phased in. The requirement of phase-ins simply reflects the reality of the guidance we were provided by the budget resolution.

The budget resolution effectively requires us to phase in these, and other, provisions in the bipartisan tax bill. The budget resolution allows for more tax cuts over time as the economy grows and we see greater surpluses year-by-year.

The last piece of the bill that addresses marriage penalty is an expansion of the earned income credit, EIC, for married families with children. The EIC provides a cash payment to low-income working families. EIC is targeted particularly to help working families with children.

The EIC provision in the tax bill extends out the point at which the EIC begins to phase out for married families with children by $1,000 in 2002 increased to $3,000 by 2008. For example, this year, the EIC begins to phase out for married families with two children at roughly $13,000 of income. Under the new law, next year, the phase out for EIC will be approximately $14,000.

The EIC program directly benefits working families with children and this expansion sends a strong message to married couples that hard work will be rewarded under the tax code.

The extension of the EIC is certainly a tribute to Senator JEFFORDS' hard work.

All told, approximately $60 billion in tax reductions and outlays were devoted to addressing the marriage penalty. This bipartisan legislation provides marriage penalty relief to every family that pays income tax. In addition, millions of families who pay only payroll taxes, receive marriage penalty relief.

This is the most significant marriage penalty relief in over 30 years. And I would say 30 years is a long time. Finally, we're recognizing the value of marriage and stable families.

Mr. President, I have outlined the efforts to address marriage penalty in the bipartisan tax bill, and as you can see these provisions are strongly geared toward providing relief for low- and middle-income married couples.

Let me turn now, to another provision, the expansion of the child credit. The increase of the child credit will be a major benefit to the lives of millions of children in this country.

Under prior law, the child credit is $500 and only available to families that pay income tax. Further, this child credit phases out for single parents with income over $75,000 and $110,000 for married individuals filing jointly.

The bipartisan tax relief bill inreases the child credit to $600 immediately, and over time increases it to $1,000.

The bill protects middle income families from being hit by the alternative minimum tax, AMT, because of the child credit by making the child credit allowable against AMT. This provision helps ensure that middle-income families will realize the full benefit of the child credit. The AMT relief for middle-income families is due to Senator LINCOLN's strong advocacy.

In addition to increasing the child credit, the tax relief bill provides that millions of low-income children who previously did not benefit from the child credit because their parents did not have sufficient taxable income will now also benefit from the child credit. The bipartisan tax relief bill makes the child credit refundable for 16 million kids.

This expansion of the child credit program to low-income families happens immediately. I would say that this is a hallmark of the bill, that we sought to have provisions that help low- and middle-income families take place as soon as possible.

The refundable child credit provides that for every $1,000 above $10,000 that a family with a child makes, they will get $100 in child credit, up to the maximum amount of the child credit. In essence, a bonus of 10 percent for every dollar the working family makes over $10,000. For example, a single mother with one child making $16,000 will now get a check for $600. This is over and above the amount that single mother would receive from EIC. Thus, this single mother will pay no income taxes and will receive EIC as well as an additional $600.

Mr. President, let me make that clear: Last year, that single mom did not get one dime of child credit, this year because of this legislation that working mother will get a check for $600.

How many times have we heard complaints from the harsh critics of this legislation that it does nothing for those who pay only the payroll tax. That is just plain wrong. Under this legislation, the working mom, who pays no income tax receives a refund for this year of $600. Now, it doesn't come in the checks, but she gets it through an even bigger paycheck.

Let's take a look at another example: Under this example, a married couple with two children making $20,000 will now get $1000 from the new expanded child credit and will also benefit from the expansion of the EIC for married couples with children. Again, that is $1000 that family did not receive last year and now will receive because of the bipartisan tax cut.

Even better news for these families, the ten percent rate of payment for the child credit will increase from 10 percent to 15 percent in 2005. For example,

the single mother I cited above, would get a 15-percent bonus for every dollar above $10,000 and given that the child credit will be increased to $700 in 2005, that single mother will receive the entire $700 child credit.

It is estimated that 16 million children from low-income working families will benefit from this expansion of the child credit. We have a lot of complaints from the critics of this legislation that low-income kids are left out. Nothing could be further from the truth. Let me report 16 million children benefit right away from this bipartisan legislation.

There is no question that the expansion of the child credit and EIC is a tremendous benefit to millions of working families. Approximately $170 billion of the bipartisan tax relief bill is dedicated to the child tax credit.

It is particularly vital that we make sure that hardworking families that pay no income tax are made aware of these new benefits that are available to them. It is also important that these families hear an important message of this bill: work pays.

We have sent out a notice to millions of Americans who pay income tax telling them the check is in the mail. However, we haven't informed the millions of American families with children who work full-time, but do not pay income tax, about the enormous benefits this tax relief bill has for their families.

I intend to write Secretary Thompson of HHS and Secretary O'Neill of Treasury encouraging them to seek avenues that will educate and inform working Americans about these new provisions that put real money in the pockets of working families. I am particularly concerned that there be outreach to the millions of new Americans that speak Spanish, Vietnamese, Russian, and dozens of other tongues.

There is no doubt in my mind that this outreach to inform low-income families about the new child credit and expanded EIC is necessary. For clearly, anyone reading the New York Times or the Washington Post would have very little idea that the Congress passed, and President Bush signed into law, legislation that provides such great benefits to low-income families.

For example, the Washington Post on June 24, 2001, provided a summary of the tax provisions giving examples of the tax relief for different families at different incomes. Every example starts at $25,000 or higher.

Not a single example is given of the benefits of this legislation for a mother making say $14,000, $16,000, or $18,000. Nor is there a single example of the benefits for a married couple with two children that is making $17,000, $25,000, or $30,000.

I am stunned that these newspapers, that claim to be champions of working families, would completely ignore these major new benefits. Maybe the simple truth is they're a little embarrassed to admit that this bipartisan tax relief bill signed by President Bush actually does a great deal to help millions of working families that struggle to escape poverty.

So clearly there is a need to educate and inform because the newspaper editors are deciding that ''all the news that's fit to print'' is only news of interest to their middle-income and high-income readers and not their low-income readers.

Let me also add, that when we come to revisit welfare reform, I think it is important to bear in mind the billions of dollars that have been provided in this bill to encourage struggling families to enter the workforce or expand the number of hours they work. Too often, we get focused on the welfare-specific provisions and completely forget or ignore the major efforts to encourage work that are contained in the Tax Code.

Mr. President, that highlights the significant efforts the tax bill had to expand and increase the child credit. While many Senators were advocates of increasing the already existing child credit, and several Senators supported expanding the child credit and making it refundable—there is no question that Senator SNOWE was the key to making it a reality.

Now, I would like to discuss the provisions in the bipartisan tax bill to help working families meet the costs of child care.

The tax bill helps with the costs of child care in two provisions. First, the tax relief bill provides greater incentives for employer-provided child care with the creation of a tax credit for employer-provided child care facilities.

The tax relief act provides taxpayers a tax credit equal to 25 percent of qualified expenses for employer-provided child care and 10 percent of qualified expenses for child care resource and referral services. The maximum credit is $150,000 per year. This is $1.4 billion in tax incentives to encourage businesses to assist in providing child care for their workers.

This new tax initiative will help mothers and fathers to obtain child care—and hopefully child care near their place of work which will allow them the opportunity to spend more time with their children. Senator KOHL has long advocated this proposal and deserves great credit for making this part of the Tax Code.

The second provision regarding child care expands the already existing dependent care tax credit. This is a tax credit that particularly helps low- and middle-income families who pay for child care for their young children.

Thanks to Senator JEFFORDS' work, the bipartisan tax bill expands this program and will allow low and middle income families to take as a tax credit more of their costs of child care. The tax bill provides nearly $3 billion in additional tax relief for working families struggling to meet the costs of having their children in day care.

Thus, the bipartisan tax bill helps working mothers and fathers by encouraging employers to provide child care and also easing the cost burden of child care.

Let me turn now to the final provision I wish to discuss today in this speech that focuses on the provisions in the bipartisan tax relief bill that help working families and children. That provision is the expansion of the adoption tax credit.

I have long been a strong advocate of encouraging adoptions and know it brings joy to the children and the families. I am very pleased that the tax bill provides significant encouragement for families to adopt and reduces the costs of adopting parents.

Prior law provided for a $5,000 tax credit for qualified adoption expenses paid or incurred by a taxpayer in making an adoption. That amount was $6,000 for a special needs child. This full tax credit amount started to phaseout for taxpayers with modified adjusted gross income of over $75,000.

I am very pleased that the bipartisan legislation signed by President Bush increases the tax credit up to $10,000 for qualified adoption expenses and $10,000 for special needs children, regardless of whether there are qualified adoption expenses.

In addition, the new tax law expands the number of families eligible to take advantage of the adoption tax credit by having the credit begin to phaseout at $150,000 modified adjusted gross income.

This is a major expansion of the adoption tax credit and provides over $3 billion in tax incentives for families to adopt. Senators CRAIG and LANDRIEU are to be commended for their efforts in this matter.

Mr. President, that concludes my comments today on the tax relief act. As is plainly true, the tax relief accomplishes President Bush's goal of giving back the people's money. What is also plain and true is that a great deal of the tax relief is focused on helping working families with children.

I know many in the Capitol are very upset about the bipartisan tax bill because the tax relief means less money for them to spend. Incredibly, the Democratic leader in the other body has called for a tax increase.

But let me assure my colleagues, we do far better by allowing working families to keep more of their hard-earned money.

The benefits of the tax relief bill will be realized in millions of small, unseen, quiet acts and decisions that don't make the evening news and unfortunately for the politicians, don't involve cutting ribbons and making speeches.

I see working families now, because of the bipartisan tax bill, having more money in their pocket and being able to finally do the things they've planned or hoped for: be it buying a computer for their children; moving to a bigger apartment in a neighborhood with better schools; or purchasing healthier food for the dinner table.

These are just a few examples of the multitude of priorities that only the

families can best decide—and not the bureaucrats in Washington.

It is my belief that with families getting to keep more of their hard-earned paycheck—the quiet talks at the kitchen table, after the children have been put to bed, will be more about opportunities and possibilities rather than fears and concerns.

Mr. President, I hope this speech will make those who have recently called for a tax increase to think again. My hope is that they may now better appreciate the enormous benefits of this legislation and think long and hard before they try to undermine its accomplishments.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

MEXICAN TRUCKS

Mr. BAUCUS. Mr. President, I rise today to discuss the issue of Mexican trucks.

I want to applaud Senator MURRAY and Senator SHELBY for their efforts to craft a common-sense solution on this issue. Their provision would ensure strong safety requirements and would be consistent with our obligations under NAFTA.

As most people are well aware, the last Administration delayed opening the border to Mexican trucks because of serious safety concerns.

Indeed, numerous reports have documented these concerns—failing brakes, overweight trucks, and uninsured, unlicensed drivers—to name just a few.

The most recent figures of the Department of Transportation indicate that Mexican trucks are much more likely to be ordered off the road for severe safety deficiencies than either U.S. or Canadian trucks.

While a NAFTA arbitration panel has ruled that the United States must initiate efforts to open the border to these trucks, we need to be clear about what the panel has said.

The panel indicated:

> 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.

Moreover, the panel also indicated that U.S. compliance with its NAFTA obligations ''would not necessarily require providing favorable consideration to all or to any specific number of applications'' for Mexican trucks so long as these applications are reviewed, ''on a case-by-case basis.''

In other words, the U.S. government is well within its rights to impose standards it considers necessary to ensure that our highways are safe.

The Administration has suggested that it is seeking to treat U.S., Mexican, and Canadian trucks in the same way—but we are not required to treat them in the same way. That's what the NAFTA panel said.

With Mexican trucks, there are greater safety risks. And where there are greater safety risks, we can—and must—impose stricter safety standards.

I yield the floor.

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

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

The senior assistant bill clerk proceeded to call the roll.

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

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

TRANSPORTATION APPROPRIATIONS

Mr. GRASSLEY. Mr. President, I rise to speak on the issue of the cloture vote that is upcoming. I also rise to speak on the amendment that is pending called the Murray-Shelby amendment, which is in violation of NAFTA.

As a person who believes very much in reducing barriers to trade between countries—and particularly for the benefit of America because other countries have much higher barriers than the United States—as we bring down barriers to trade and other countries, going to our level, it is obviously going to help the United States have a more level playing field in order to export our products and to be able to do it in a way that creates jobs in America. We all know export-related jobs are jobs that pay 15 percent above the national average.

While we have had a very big expansion in trade as a result of the North American Free Trade Agreement between the countries of Canada, the United States, and Mexico, we now have a rider on this bill providing an opportunity to put in place some restrictions which may in fact bring retaliatory action on the part of Mexico.

Obviously, when I hear a threat against American agricultural products as one form of retaliation, it gets my attention, being from an agricultural State, particularly when we work so hard to get lower barriers on trade in these international agreements. Quite frankly, barriers to trade are much greater on agriculture than they are for manufactured products and for services, because the worldwide tariff on agricultural products is 45 percent, whereas for most other products the average is about 10 percent to 12 percent.

U.S. tariffs and obstacles to trade are very low in agriculture compared to other countries.

As indicated in a letter, which I cosigned, to our colleagues for them to consider when voting on this provision of the bill, I am as concerned about safety of trucks from other countries using our highways. But I also understand that our Department of Transportation is also concerned about that and is going to put in place very shortly the very successful California system for inspection of trucks so we can make sure the trucks and drivers from other countries are using our highways safely.

But it was suggested yesterday by the Economic Minister of Mexico that if the Senate approves this provision and it becomes law, as the Reuters news article of yesterday indicated, ''It would leave us''—meaning the country of Mexico—''with no other recourse than to take measures against the United States.'' The Economic Minister of Mexico, according to this report, said one option would be to block imports of high-fructose corn syrup from the United States.

This issue has already been one source of friction between our two countries. Mexico has already been placing prohibitive tariffs on our sweeteners. The United States won a World Trade Organization decision against Mexico on this issue. We will be putting in jeopardy the compliance of that measure if they retaliate.

I don't know why any Member of the Senate from an agricultural State—a very important industry in their respective States—would want to vote in support of the Shelby-Murray provision if there were a chance of retaliation against agricultural products, particularly those from the Middle West where corn is such an important agricultural product, and put in jeopardy our exports to China along the lines of the threat of the Economic Minister of Mexico.

I call upon Members of both parties who understand the importance of agriculture and understand the importance of our ability to export our agricultural production. We produce 40 percent more than we consume domestically, and the profitability of agriculture is very much tied to exports. Why would they want to do anything that would bring retaliation against American agriculture, particularly in the Midwest with products such as corn?

I hope every Member in every state where agriculture is an important product, where they are concerned about profitability of agriculture, and where they are particularly concerned about the ability to export our products, will consider the threat of the Economic Minister of Mexico and what they might do in retaliation. We ought to abide by the spirit of the North American Free Trade Agreement and reject the provisions of the appropriations bill that would restrict some of the international obligations of the United States.

I hope every Member will make sure they see their vote as a vote that could negatively affect American agriculture, particularly as it affects corn farmers in America. Why would anybody want to hurt American agriculture by voting for this provision?

American agriculture has benefited from the North American Free Trade

Agreement. We are exporting much more agricultural products to Mexico than we did 7 years ago when this agreement was put in place. We should respect the spirit of it. International trade is a two-way street. We cannot expect just to export everything to other countries and not import as well.

I want to make sure that people understand that this vote could be potentially negative to American agriculture. I ask them to consider that.

I ask unanimous consent to print in the RECORD a letter from Lee Klien, president of the National Corn Growers Association, and Charles F. Conner, president of the Corn Refiners Association, speaking to their concern about the Murray-Shelby amendment and asking us to take into consideration the position of the Mexican Government, that they might retaliate against American agriculture, particularly American corn and corn products exported to Mexico.

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

JULY 26, 2001.

DEAR SENATOR LOTT: The National Corn Growers Association and Corn Refiners Association, Inc. urge that the Senate not permit unrelated trade actions to destroy the $90 million market for U.S. high fructose corn syrup shipped to Mexico.

The Government of Mexico has clearly stated that if legislation to restrict access of the Mexican trucking industry to the U.S. becomes law, they will retaliate by placing restrictions on U.S. exports of high fructose corn syrup. These exports have already been dampened by trade actions of the Mexican government and could be ended entirely if the Mexican trucking measure passed by the House becomes law. Exports of high fructose corn syrup to Mexico put over $35 million in the hands of U.S. corn farmers and provide a much needed market for U.S. grain.

The U.S. recently won a case in the World Trade Organization contesting existing Mexican restrictions on high fructose corn syrup exports. This case, and other developments, could point to achieving a much larger market for U.S. agriculture in the years to come. Our groups strongly support measures and actions to open, not close, trade between the U.S. and our NAFTA partners.

We urge that you protect this market for U.S. agriculture and reject unwarranted protection that can damage U.S. trade and violate the intent of NAFTA.

Sincerely,

LEE KLINE,
President, National Corn Growers Associations.

CHARLES F. CONNER,
President, Corn Refiners Association, Inc.

Madam President, I yield the floor and suggest the absence of a quorum. And I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Madam President, how much time is left on both sides?

The PRESIDING OFFICER. On the Republican side there are 20 minutes 43 seconds; on the Democratic side there are 35 minutes 54 seconds.

Mrs. MURRAY. I thank the Chair.

Madam President, in every part of our country Americans are frustrated by the transportation problems that we face every day. We sit in traffic on overcrowded roads. We wait through delays in congested airports. We have rural areas that are trapped in the past without the roads and the infrastructure they need to survive. We have many Americans who make their living along our shores, fishing or boating. They count on the Coast Guard to keep them safe. But today the Coast Guard does not have the resources to fully protect us. We have many families who live near oil and gas pipelines. They are afraid that those aging, untested pipelines could rupture, and with very good reason, given all the tragedies we have had lately. They want us to make pipelines safer.

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

For months, Senator SHELBY and I have worked in a bipartisan way with virtually every Member of this Senate to meet the transportation needs in all 50 States. They told us their priorities, and we found a way to accommodate them. We have come up with a balanced, bipartisan bill that will make our highways safer, our roads less crowded, and our country more productive. Now is our chance to put this progress to work for the people we represent.

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

In a short time, the Senate will vote to move forward on this very important bill. I hope the Senate will vote to invoke cloture so that we can begin working on the many solutions across the country that will improve our lives, our travel, and our productivity.

This vote is about fixing the transportation problems that we face, and it is about ensuring the safety of our transportation infrastructure. If you vote for cloture, you are voting to give your communities the resources they need to escape from crippling traffic and overcrowded roads.

If you vote for cloture, you are saying that our highways must be safe and that trucks coming from Mexico must meet our safety standards if they are going to share our roads. But if you vote against cloture, you are telling the people in your State that they will have to keep waiting in traffic and keep wasting time in congestion.

If you vote against cloture, you are voting against the safety standards in this bill. A ''no'' vote would open up our borders to trucks that we know are unsafe, without inspections, and without the safety standards we expect and deserve.

This vote is not about partisanship or protectionism. It is about productivity and public safety.

I want to highlight how this bill will improve highway travel, airline safety, pipeline safety, and Coast Guard protection.

First and foremost, this bill will address the chronic traffic problems facing our communities. In fact, under this bill every State—every single State—will receive more highway construction funding than the President requested. And with this bill, every State would receive more highway construction funding than they would under the levels assumed in TEA–21.

Our bill improves America's highways. Our bill also includes money to increase seatbelt use so we can save lives on our roads.

Let's vote for cloture so we can begin sending help to our States.

Secondly, this bill will improve air transportation, and it will make air travel more safe. This bill provides additional funding to hire 221 more FAA inspectors. The administration's budget did not provide this funding, but our bill does because it is a national priority.

Let's vote for cloture so we can begin putting these new inspectors on the job for our safety.

Third, our bill boosts funding for the Office of Pipeline Safety by more than $11 million above current levels. That means: funding all new 26 positions requested by OPS; $4.7 million for pipeline safety research and development; $8 million for testing and best safety practices; and $3.4 million to improve community right-to-know and to update our national mapping system

Let's vote for cloture so we can begin making America's pipelines safer before another tragedy claims more innocent lives.

Fourth, this bill will give the Coast Guard the funding it needs to protect us and our environment. Our subcommittee has held several hearings on this issue, and we have great respect for the men and women of our Coast Guard. We want them to be able to do their jobs safely with the training and support they need.

Our bill will help modernize the maritime 911 system. It will address serious staffing, training, and equipment shortfalls at search and rescue stations. And our bill funds the mandatory pay and benefit costs for our Coast Guard service members.

Let's vote for cloture so we can begin making our waterways safer.

These examples show how this bill will help address the transportation problems we all so desperately face at home.

This vote, though, is also about making our highways safe, so I want to turn to the issue of Mexican trucks. And I want to clear up a few things.

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

On Tuesday, our staffs met until well after midnight. Again yesterday, Wednesday, our staffs met from mid-afternoon until 3 a.m. this morning. We have worked, as well, this morning, meeting one more time. We have worked with all sides to move this bill forward.

I want to point out something else to those who say we must compromise, compromise, compromise. The Murray-Shelby bill itself is a compromise. It is a balanced, moderate compromise between the extreme positions taken by the administration and the House of Representatives.

On one hand, we have the administration, which took a hands-off approach to let all Mexican trucks across the border and then inspect them later, up to a year and a half later. Even though we know these trucks are much less safe than American or Canadian trucks, the administration thinks it is fine for us to share the road with them, without any assurance of their safety.

At the other extreme was the ''strict protectionist'' position of the House of Representatives. It said no Mexican trucks can cross the border and that not one penny could be spent to inspect them. Those are the extreme positions.

The administration said: Let in all the trucks without ensuring our safety. The House of Representatives said: Don't let any trucks in because they are not safe.

Senator SHELBY and I have worked very hard. We have found a balanced, bipartisan, commonsense compromise. We listened to the safety experts, to the Department of Transportation's own inspector general, to the GAO, and to the industry. We came up with a compromise that will allow Mexican trucks onto our highways and will ensure that those trucks and their drivers are safe. With this balanced bill, free trade and highway safety can move forward side by side.

This bill doesn't punish Mexico, and that is not our intention. Mexico is an important neighbor, ally, and friend. Mexican drivers are working hard to put food on their own families' tables, and we want them to be safe, both for their families and for ours.

NAFTA was passed to strengthen our partnerships and to raise the standard of living in all three countries. We are continuing to move towards that goal, and the bipartisan Murray-Shelby compromise will help us get there.

Right now Mexican trucks are not as safe as they should be. According to the Department of Transportation inspector general, Mexican trucks are significantly less safe than American trucks. Last year, nearly two in five Mexican trucks failed their safety inspections. That compares with one in four American trucks and one in seven Canadian trucks.

Furthermore, Mexican trucks have been routinely violating the current restrictions that limit their travel to the 20-mile commercial zone. The Department of Transportation's own inspector general has found that 52 Mexican trucking firms have already operated illegally in more than half of the United States.

We have, as Members of the Senate, a responsibility to ensure the safety of America's highways. The Murray-Shelby compromise allows us to promote safety without violating NAFTA.

During this debate we have heard from some Senators who say that they think ensuring the safety of Mexican trucks would violate NAFTA. We have heard that some White House advisers think ensuring the safety of Mexican trucks would violate NAFTA. I appreciate all of their opinions, but with all due respect, there is only one authority, only one official body that decides what violates NAFTA and what does not. That organization, established under the NAFTA treaty itself, is the arbitration board known as the Arbitral Panel. Here is what that authority said:

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

Those are not my words. Those are from the people who decide, the NAFTA arbitration panel. It is that simple. We can ensure the safety of Mexican trucks and comply with NAFTA. This bill shows us how with a commonsense safety measure.

Under our bill, when you are driving on the highway behind a Mexican truck, you can feel safe. You will know that truck was inspected and that the company has a good track record. You will know an American inspector visited their facility and examined their records, just as we do with Canadian trucking firms. You will know the driver is licensed and insured and the truck is weighed and is safe for our roads and bridges. You will know we are keeping track of which drivers are obeying our laws and which ones are not. You will know drivers who break our laws won't be on our roads because their licenses will be revoked.

You will know that the person behind the wheel of an 18-wheeler has not been driving for 20 or 30 straight hours. You will know that the truck didn't just cross our border unchecked but crossed where there were inspectors on duty. That is a real safety program. That will make me feel comfortable driving my family on our highways.

The administration's plan is just far too weak. Under the administration's plan, trucking companies would mail in a form saying they are safe and begin driving on our highways—no inspections for up to a year and a half. The White House is telling American families that the safety check is in the mail. I don't know about anybody else, but I wouldn't bet my family's safety on that.

I want an actual inspector looking at that truck, checking that driver's record, making sure that truck won't threaten me or my family.

The White House says: Take the trucking company at its word that its trucks and drivers are safe. Senator SHELBY and I say: Trust an American safety inspector to make sure that truck and driver will be safe on our roads.

This is a solid compromise. It will allow robust trade while ensuring the safety of our highways. The people of America need help in the transportation challenges they face every day on our crowded roads. This bill provides real help and funds the projects for which our Members have been asking.

Some Senators apparently would hold every transportation project in the country hostage until they have weakened the safety standards in the Murray-Shelby compromise. That is the wrong thing to do. Let's keep the safety standards in place so that when you are driving down the highway next to a truck with Mexican license plates, you will know that truck is safe. Let's vote for safety by voting for cloture on this bill.

In closing, this vote is about two things: Helping Americans who are frustrated every day by transportation problems, and ensuring the safety of our transportation infrastructure. Today I urge my colleagues to vote for cloture so we can put this good, balanced bill to work for the American people.

Voting for cloture means we can begin making our roads less crowded, our airports less congested, our waterways safer, our railroads better, and our highways safer. Virtually every Member of this Senate has come up to me and told me about the transportation challenges in their State. Senator SHELBY and I have listened. We have done everything we can to meet America's priorities.

Those who vote for cloture are voting to begin making progress across the country in ensuring the safety of our highways. Those who vote against cloture are voting to keep our roads and our airports crowded and to expose Americans to new dangers on our highways.

The choice is simple. I urge my colleagues to vote for cloture so we can

begin putting this good, balanced bill to work for the people we represent.

I reserve the remainder of my time.

I ask unanimous consent that time under the quorum call be equally divided and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SHELBY. Madam President, I just want to make a few points before we vote on cloture. It is unfortunate that we are even at this point, but if cloture is the only way to move forward on the Transportation appropriations bill, then I urge my colleagues to support cloture.

This isn't a partisan issue—there is no such thing as Republican or Democrat roads. When the Transportation bill finally passes, I suspect that we will have all but a handful of Senators supporting the final bill.

You have to ask yourself who the winners and losers are in the situation we find ourselves today. I think it is hard to pick the winners, but clearly the loser in this situation is the administration. The amount of time that we have had to spend on this bill to this point—and that we will have to spend to complete action on it—pushes the appropriations process into an area that is dangerous for the administration.

The worst thing that can happen for the administration and budget hawks—I have been accused of being a budget hawk and a budget spender. I do not know how you do both—is to have appropriations bills back up against the end of the fiscal year. Unfortunately, the situation in which we find ourselves in this chamber today makes it much more likely that the President will be facing an omnibus appropriations bill.

If we have learned any lesson from the past few years, it is this: spending will increase in an omnibus bill. I know this President is committed to limiting the growth in government spending but, unfortunately, the Senate is making his job harder by failing to expeditiously move these spending measures.

Yesterday, the Department of Transportation, the Office of Management and Budget, and the White House all told me that Senators GRAMM and MCCAIN do not speak on behalf of the President—that the President speaks for himself.

So even if we could come to agreement on the Mexican truck safety provisions, we have no assurance that we have addressed the concerns that the President has with this measure.

The simple solution is to move this issue to conference. Although, I respect the rights accorded every Member of this body. I fail to understand why a small faction in the Senate to desire to tie up the Senate floor until this bill completely reflects their views.

The Senator from Washington and I have spent a great deal of time trying to understand and work with those Senators and their staffs to resolve these issues in the finest traditions of the Senate.

In fact, I remained hopeful that we could come to closure on a package that we could all support until shortly before noon this morning. Unfortunately, I believe we are at an impasse and it is time to let the Senate work its will.

I urge my colleagues to vote for cloture.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields, time will be charged equally to both sides.

Mr. BYRD. Madam President, I compliment the managers of this bill. They have put an enormous amount of time and effort and work into bringing the bill to the floor, marking it up in committee, and conducting hearings on it. I believe the Senate is in their debt.

This is a bill that is needed. It has important appropriations in it for our country and it is a bill that comes to the floor in a situation in which we are very constrained for time. We have the August recess fast approaching. We have already reported from the committee seven appropriations bills in addition to the supplemental appropriations bill.

The committee will be meeting this afternoon to report two additional appropriations bills. Thus, we will have nine appropriations bills reported by the committee, in addition to the supplemental, which has already been signed into law.

Here we are, with only a week remaining before the August break. Presumably, we will go home and not tackle this enormous task before we return. We have all these conferences that have to take place on these bills. I have talked with the chairman of the House Appropriations Committee just this morning. He agrees with me that we need to move ahead with these conferences. I have urged we at least get our staffs to work on the preliminary differences that exist between the two Houses, especially on my own bill, the Interior appropriations bill. So the two Houses, through the chairmen, are working together, not just the chairman. We also include our ranking member, Senator STEVENS, and in the case of my own bill, there is also, of course, Mr. OBEY and Mr. DICKS.

So we have work to do. I hope the Senate will invoke cloture on this motion. We must get on with our work. It is not my choice that we delay our work. Every Senator has certain rights. I respect the rights of any Senator to offer amendments, to debate, speak, even to delay. I have every respect for that. Those things are within Senate rules.

Again, I commend the managers of the bill. I commend our leader, Mr. DASCHLE; our assistant leader, Mr. REID of Nevada; and I hope Senators will respond to the demands of the moment, the demands being that we utilize our time, get on with the work of the Senate, pass this appropriations bill, and send it to conference.

There are 13 regular bills. Those bills have to be passed before we go home. They have to be passed to keep the Government running. I don't want to see an omnibus bill. I am against omnibus appropriations bills; things are done in a hurry. They are more costly because things are added which otherwise might not be added, and all too often the administration is virtually given an open invitation to come into the conference when there is an omnibus bill and we reach the fiscal deadline.

We have done very well thus far this year. We have a lot of work to do and I hope the Senate acts today to save time and act upon this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is my understanding that the time now is for the two leaders; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I say to Senator MURRAY, I have been impressed with her in days past. We worked together on a number of different issues. Her work this week in this appropriations bill has been exemplary. She has been tenacious. She has been willing to compromise, as a legislator must do. I think she and Senator SHELBY have done an outstanding job. It will be a real shame, in my estimation, if we do not have a bipartisan vote this afternoon to invoke cloture on this very important piece of legislation.

For me and the State of Nevada, this legislation is important. Transit, airports, highways—this is a bill that is vital to the people of the State of Nevada.

I want the ability shown by the Senator from Washington spread on the RECORD of the Senate. She has been a good, good legislator. I am proud to work with her, and I think, as far as the traditions of the Appropriations Committee are concerned, she is right there with the best.

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

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

Mr. REID. Madam President, I ask the last 5 minutes of the debate time today, as I asked earlier, be reserved for the Democratic leader.

The PRESIDING OFFICER. 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 bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

Mr. DASCHLE. Madam President, I compliment the distinguished Senator from Washington for her outstanding work and leadership in bringing us to this point. She inherited a very difficult and challenging legislative set of circumstances. She has maneuvered through those circumstances admirably. I am grateful to her for the leadership and the direction she has provided the caucus.

Let me say as he walks on to the Senate floor, I am also very grateful for the outstanding leadership and cooperation provided by the distinguished ranking member from Alabama, Mr. SHELBY. The two have shown what real bipartisanship on complicated matters can be, and they personify it. I am grateful to both of them.

I think it is important to say what this issue is not, then say what it is, and then I think we ought to have a vote. What this issue is not is any threat to NAFTA, any threat to free trade. There have been rumors, in the last 48 hours in particular, that somehow the language presented in this bill would violate NAFTA. Nothing could be further from the truth. I think Senator BAUCUS made that point very eloquently on the floor just recently. I am grateful to him. But this is NAFTA-compliant. There is nothing about which we will now vote that has anything to do with violating NAFTA, so let's make that point clear at the beginning.

Second, there are those, in the last several days, who have somehow tried to imply that to be in favor of the Murray-Shelby language is to be anti-Hispanic. That is not only disappointing, it does a disservice to this debate. That kind of rhetoric ought not be excusable. This is a bona fide, very thoughtful, deliberate consideration about what ought to be American policy with regard to safety. No one in this country—no one—should deny the importance of our relationship with Mexico. No one should deny in any way, shape, or form the importance of open and free trade with Mexico as we consider all the important ramifications of this trade.

But for anyone to say that somehow to be supportive of this makes one anti-Hispanic, in my view, is a direct confrontation with the prestige and the extraordinary reputation of the two Senators who are authors of this bill, along with many other members of the Hispanic caucus and Members on both sides of the Capitol and both sides of the aisle who want to find a resolution to this matter.

This legislation is simply an effort to deal with a problem that is growing in importance and concern. We have a safety problem in this country that has to be addressed. We have standards that are adhered to by every trucking company, every truckdriver, every State in the country. All we are saying is, simply, if we are going to have continued trade with Mexico, if we are going to have Mexican trucks, let's at least ensure that Mexican trucks meet our safety standards. That is all the Murray-Shelby language does. It ensures some degree of confidence that we can address the question of truck safety.

This is not the extraordinary language that was added to the House bill. This is a recognition that we can find middle ground. I will say before the vote, and it ought to be emphasized, how grateful I am that these two Senators in particular spent all the last several days—in fact, we accommodated them with our floor schedule—to try to find common ground with those who oppose this language. They were here last night until 2 o'clock in the morning. I give them credit for making the effort to try to achieve the common ground we failed to achieve as a result of these negotiations.

Let there be no mistake: This vote is a vote about truck safety. This vote is an absolute necessity if we are going to move this Transportation bill forward. I will have no other choice but to pull the Transportation appropriations bill and move on to other issues, given the extraordinary amount of work that has to be done in the brief time we have between now and the August recess.

Let me end where I began by thanking the distinguished chair and ranking member and all of those who have demonstrated good, bipartisan leadership in reaching a solution to this very complex issue.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I am very concerned about unsafe Mexican trucks entering the United States and endangering American motorists. I have no doubts that there will be accidents and lives will be lost.

I very strongly believe that the U.S. Senate must stand firm and do everything in our power to make sure trucks are not allowed to travel throughout the U.S. unless they comply with all U.S. safety rules and regulations. This includes making sure Mexican drivers hold valid drivers licenses, retain adequate American insurance, and abide by U.S. hours of service limits.

Right now on our border, even if a Mexican truck crossing into the United States is inspected, the safety inspector has no idea how long the Mexican driver has been driving. I believe we should not let a driver who has been driving 20 hours into the United States because doing so would endanger American lives.

I have spoken with the Mexican Ambassador on this issue, and we both agreed that Mexican trucks should meet all U.S. laws. I don't want to discriminate against Mexican trucks, but we need to have the proper procedures in place before these trucks expand their travel throughout the United States. There are clearly not enough inspections at the border right now because only 1 or 2 percent of the trucks crossing the border are given safety inspections.

I believe strongly in this issue, and I raised these concerns with Senator MURRAY, the Chairman of the Transportation Appropriations Subcommittee, and I think she has done an excellent job to include provisions to address safety while still ensuring the language is NAFTA compliant.

The Murray-Shelby provisions will keep our highways safe, while meeting our obligations under the North American Free Trade Agreement.

I strongly believe that we must make safety the highest priority and that is exactly what the Murray-Shelby provisions do.

Last year, more than 5,300 Americans died in accidents involving commercial trucks. As the Department of Transportation's Inspector General said last Wednesday, 5,300 fatalities would mean an airline crash every two weeks.

Now just think about that. If there were a catastrophic transportation incident every 2 weeks, would we want to do something to worsen the danger and increase fatalities? I hope we wouldn't, but that is exactly what we are doing if we allow the Bush Administration to proceed and open up the entire U.S. highway system to Mexican trucks.

Mexican trucks pose significant safety threats when out on the roads. U.S. safety inspectors have found that, on average, 36 percent of the Mexican trucks inspected have significant safety defects. This means over one-third of all Mexican trucks have serious safety violations, such as defective breaks, inoperative steering, and bald tires. Truck drivers might also not have a valid drivers license, lawful insurance, or logbooks to document how many hours they have been driving without sleep.

True, U.S. trucks have an ''out-of-service'' rate of over 20 percent, but the rate for Mexican trucks at 36 percent is still well above the U.S. average.

More importantly, safety inspectors can only evaluate 1 or 2 percent of the 4.5 million trucks that cross the U.S.–Mexican border each year.

I believe that until our Nation has the people and the infrastructure at the border necessary to inspect Mexican trucks sufficiently, they must be contained in the 20-mile commercial zone where they now operate.

There are three different approaches to address how to keep our roads safe:

First, the House has said, ''no matter what, keep the trucks out.'' On June 26 the House passed an unconditional ban on Mexican trucks, and that is one option.

Second, the administration and Senators working with the administration

on this issue have said, ''open the border as soon as possible.'' Now, they do call for some safety requirements and some enforcement to be in place, but this is not an issue where we should provide a half-loaf solution.

And third, there is the option that I support—the option chosen unanimously by the members of the Appropriations Committee—to put safety first and not open the border until specific safety requirements are in place.

The Senate Appropriations Committee has provided $103.2 million not approved by the House to pay for more resources at the border. The bill includes $13.9 million for additional safety inspectors, $18 million for grants to border states, and $71.3 million for facilities along the U.S.–Mexican border.

Even with the steps being taken, the Department of Transportation's Inspector General has said that ''additional actions are needed to reasonably ensure the safety of commercial vehicles and drivers as they enter at the southern border, operate within the commercial zone, and traverse the United States.''

To address these concerns, the Appropriations Committee included comprehensive safety provisions in this bill. Most importantly, Mexican trucks will stay within the commercial zone and off all other U.S. highways until they meet the safety standards demanded by American motorists.

Specifically, under the bipartisan Murray-Shelby provisions, Mexican carriers will be given full safety reviews before they will be allowed to operate in the United States and the Department of Transportation will keep a watchful eye on how they operate once they are found to be safe carriers through a follow-up safety audit.

In addition, the following steps must be taken by the Department of Transportation and the 190 Mexican carriers that are awaiting permits to send their trucks throughout the United States:

The Department of Transportation must:

Certify that all border crossings have complete coverage by trained inspectors during all operating hours;

Certify all 80 new border inspectors as ''safety specialists'';

Provide adequate facilities to conduct inspections and place unsafe trucks out of service;

Conduct a sufficient number of inspections to maintain safe roads; and

Certify that there is an accurate system to verify Mexican drivers licenses, vehicle registrations, and insurance certificates on the border.

Mexican carriers must:

Comply with U.S. hours-of-service rules so that U.S. inspectors know how long a trucker has been driving when they arrive at the border; and

Provide proof of valid insurance granted by a U.S. firm.

It is essential to recognize that the Murray-Shelby provisions don't open the border until safety standards are met, but the Bush administration wants to open the border as soon as possible and monitor safety while trucks are operating throughout the United States.

Should we not err on the side of caution and have our inspectors and infrastructure in place before Mexican trucks are allowed north?

As I mentioned, I have met with the Mexican Ambassador, Juan Jose Bremer, on this issue and we both agree that Mexican trucks should meet U.S. safety standards.

Because—at this stage—Mexican trucks present a greater danger than other trucks on our roads, we must protect American motorists.

I am encouraged by the steps Mexico has taken to work with the United States—not just on this issue, but on others as well. Yet, I am a strong supporter of the provisions authored by Senator MURRAY because I believe some more steps need to be taken on both sides to address safety before Mexican trucks travel throughout the United States.

The PRESIDING OFFICER. The Senator from Nevada.

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

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

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

Mr. DASCHLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The bill 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.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 1025, the Murray-Shelby substitute amendment.

Patty Murray, Ron Wyden, Patrick Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, James Jeffords, Daniel Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara Mikulski, Tom Daschle, Richard Shelby.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1025 to H.R. 2299, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 70, nays 30, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—70

Akaka	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Edwards	Nelson (NE)
Biden	Ensign	Reed
Bingaman	Feingold	Reid
Bond	Feinstein	Roberts
Boxer	Graham	Rockefeller
Breaux	Harkin	Santorum
Brownback	Hollings	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Cantwell	Inouye	Shelby
Carnahan	Jeffords	Smith (NH)
Carper	Johnson	Smith (OR)
Chafee	Kennedy	Snowe
Cleland	Kerry	Specter
Clinton	Kohl	Stabenow
Cochran	Landrieu	Stevens
Collins	Leahy	Torricelli
Conrad	Levin	Warner
Corzine	Lieberman	Wellstone
Daschle	Lincoln	Wyden
Dayton	Mikulski	
Dodd	Miller	

NAYS—30

Allard	Fitzgerald	Lott
Allen	Frist	Lugar
Bennett	Gramm	McCain
Bunning	Grassley	McConnell
Burns	Gregg	Murkowski
Craig	Hagel	Nickles
Crapo	Hatch	Thomas
DeWine	Helms	Thompson
Domenici	Hutchinson	Thurmond
Enzi	Kyl	Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 70 and the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield my 1 hour postcloture debate to the Republican leader.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Illinois.

Mr. FITZGERALD. Mr. President, pursuant rule XXII, I yield my 1 hour to the Republican leader.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Texas.

Mr. GRAMM. I yield to Senator STEVENS.

Mr. STEVENS. Mr. President, I yield my 1 hour to the manager of the bill on this side, Senator SHELBY.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRAMM. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 1030 to the substitute to the bill.

AMENDMENT NO. 1168 TO AMENDMENT NO. 1030

(Purpose: To prevent violations of United States commitments under NAFTA)

Mr. GRAMM. Mr. President, I have a second-degree amendment at the desk, amendment No. 1168. I call up this amendment on behalf of myself and Senator MCCAIN and ask for its immediate consideration. I ask it be read.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself and Mr. MCCAIN, proposes an amendment numbered 1168 to amendment No. 1030:

At the appropriate place, insert the following: ''*Provided*, That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement.''

Mr. GRAMM. Mr. President, this pending amendment is about as clear as the amendment can be. Basically, what the amendment says is that in terms of implementing this restriction on funding, notwithstanding any other provision of this section, which consists of 22 restrictions on the fulfillment of NAFTA in its transportation clause, that those provisions would be binding except to the extent the President finds them to be in violation of the North American Free Trade Agreement.

This amendment is very important because it gets down to the heart of the issue before us. The issue before us is when the President negotiates an agreement with sovereign foreign nations—as he did with the NAFTA, the most important trade agreement ever negotiated in the history of the Americas, with Mexico and Canada—when the President commits the Nation with his signature, as he did in San Antonio, TX, when he signed NAFTA, and then when Congress approves that trade agreement by an affirmative action of both Houses of Congress and the President's signature, whether we are bound by that agreement.

Having negotiated the agreement and having ratified the agreement, no matter how popular it may be, no matter what special interest group it might satisfy, we cannot give the word of our President and the ratification of our Congress and then come back after the fact and say we do not want to live up to our end of the bargain.

We have invoked cloture, which at some point 30 hours from now will bring a vote on the Murray amendment. The Murray amendment has many provisions. Many of those provisions violate NAFTA—the agreement that we entered into in San Antonio and ratified in the Congress—and, in doing so, go back on the word of the United States of America.

I object to this for a lot of reasons, but the biggest reason is whether one is an individual or whether they are the greatest nation in the history of the world, when they commit themselves to something, if they do not live up to it they lose their credibility.

It is an interesting paradox that we are in the Chamber of the Senate today going back on the commitment we made under NAFTA at the very moment that our President, our Secretary of State, and our trade representative are urging our trading partners all over the world to live up to agreements they have made with the United States of America.

All over the world today, parliaments and congresses are meeting. And just as it is true outside in the hallway here, there are representatives of powerful special interests there that are saying: Do not live up to this agreement with the United States because it is going to hurt some domestic economic and political interest. They are trying to make a decision: Should they live up to the commitment they made to the United States or should they go back on their word?

We are trying to exert moral authority and suasion in saying to them: Live up to the commitments you made to the United States. We are living up to our part of the agreement. We expect you to live up to your part of the agreement.

The biggest reason I am concerned by the action that we are starting to take here is that we are going back on our word, and not just our word in general, but our word to a neighbor that shares a 2,000-mile border with the United States of America. We are going back on our word with a neighbor that has had the equivalent of a political revolution and has elected a President who is more favorable toward trade, more favorable toward a strong and positive relationship with the United States, than any leader in Mexican history.

We all applaud what President Fox is doing and saying, his leadership, his reform. But I ask my colleagues what kind of signal are we sending to President Fox and what kind of position are we putting him in when we go back on an agreement that we have made with Mexico? This was not an agreement that was made by President George W. Bush alone; this was not an agreement made by President Clinton alone; this was not an agreement that was made by President Bush alone. This was an agreement that was made, ratified, and enforced by three Presidents—two of whom are Republicans and one on whom is a Democrat. It is an agreement that was ratified by a Congress that clearly understood that we were undertaking obligations in that agreement.

As some of my colleagues may have seen, there is a Reuters news story out this morning that describes Mexico's first response to what we are doing in the Senate. The headline on the Reuters news story is: ''Mexico Warns Retaliation Against U.S. on Truck Ban.'' The article goes on to say:

Mexico warned on Wednesday it would retaliate with trade measures against the United States if the U.S. Senate approves a measure prohibiting Mexican trucks from greater access to American roads.

''In the event the Senate approves this and it becomes law, it would leave us no other recourse than to take measures (against the United States),'' Economy Minister Luis Ernesto Derbez told reporters.

He said one option would be to block imports of high fructose corn syrup from the United States, long a source of trade friction. . . .

I am concerned about starting a trade war with Mexico.

Mr. DORGAN. Will the Senator yield?

Mr. GRAMM. I will when I get through.

I am not just concerned about starting a trade war with Mexico. I am concerned about what we are doing to President Fox when we are taking action that violates the treaty we entered into with Mexico. I don't know what kind of position we put him in with his own people when the most important agreement we have ever entered into with Mexico is being abrogated by an action on an appropriations bill in the Senate.

What I do in the pending amendment is make it clear that in implementing the provisions of the Murray amendment, nothing in that amendment will apply in a manner that the President finds will violate the North American Free Trade Agreement. Now, our colleagues who support the Murray amendment say the amendment does not violate NAFTA. If the amendment does not violate NAFTA, then this amendment will do it no violence. But if, in fact, the amendment does violate NAFTA, and I believe it is obvious to any objective observer that it does, then this amendment will say that those provisions that violate NAFTA will not be enforced. That is what the amendment does.

Let me try to explain further, because this is a very complicated issue. What often happens in any great deliberative body is that people cloak objectives in very noble garb. What we have before the Senate is an amendment that claims to be about safety, when most of the amendment is about protectionism and about preventing America from living up to the obligation that it made under NAFTA.

Let me outline what I want to do. First, let me outline what NAFTA says, what it commits us to. Then I will draw a clear distinction in four or five examples about what violates NAFTA and what does not violate NAFTA. Then I will go through the provisions in this bill that violates NAFTA. Then I will conclude by reserving the remainder of my time and letting other people speak.

First, in Chapter 12 of the North American Free Trade Agreement as signed by the President and approved by Congress, reference is made to America's and Mexico's and Canada's obligation on cross-border trade and services. Our agreement was not just about goods coming across the border, but it was about services coming across the border.

Obviously, the service we are talking about today is trucking. Here are the two obligations to which we agreed in the NAFTA. I will read them because it is important people understand exactly what we are talking about.

The first article is called ''National Treaty.'' What it says in English, and in Spanish, too, is that when we enter into this agreement, we are going to give Mexican companies and Canadian companies the same treatment we give to our own nationals. In other words, they are going to be treated the same. Hence the term ''national treatment.''

Specifically, it says ''Each party shall accord the service providers of another party treatment no less favorable than that it accords in like circumstances to its own service providers.'' That is the exact language of NAFTA.

Now, what does that language mean? It says if you are a Mexican trucking company, you will face the same requirements, the same obligations, the same rules, the same laws, as you would face if you were an American trucking company and the same rules, the same laws, the same obligations, the same regulations that you would face if you were a Canadian trucking company.

There is another provision which is very similar to the national treatment provision, but called the most-favored-nation treatment provision. When we entered into this agreement with Canada and Mexico, we not only said we were going to treat them as we treat ourselves in this cross-border trade and services, but we committed we would treat them as well as we treated any other nation.

That language is as follows: ''Each party shall accord to service providers of another party treatment no less favorable than it accords in like circumstances to service providers of any other party or of a nonparty.''

In other words, what we committed to Mexico on that day in the mid-1990s was they could provide services on a competitive basis with services provided by American providers and by Canadian providers, and that they would be treated the same in like circumstances.

Now, we did have a proviso, a reservation. That reservation is in Annex I. I want to make sure that people understand that reservation in no way applies to the bill we are talking about here. The first reservation said that within 3 years of the date of the signature of the agreement, cross-border truck services to or from border States would be allowed to California, Arizona, New Mexico, and Texas. That is where trucks are currently operating today. Then, within 3 years there would be an agreement concerning cross-border bus service. And finally, within 6 years after the agreement went into force—and it went into force in 1994—cross-border trucking services would be allowed.

So that is the agreement we entered into. There is a distinction that needs to be drawn to explain the problem with the Murray amendment. The distinction is as follows: If circumstances in Mexico are different than they are in Canada or the United States, so long as the standards we apply are the same, we don't have to enforce them exactly in the same way.

For example, we have had a long association with Canada. As a result you can apply on the Internet for a license in Canada to operate a truck in the United States. You can pay $300 and you are in business. Because we are beginning a new process with Mexico, obviously we have to have a more stringent regimentation than that.

Senator MCCAIN and I have proposed—and it is perfectly within the NAFTA agreement's purview—that to begin with, we inspect every single Mexican truck; inspect every single Mexican truck, and require that they meet every standard American trucks have to meet with regard to safety.

There is no debate here about safety. Everybody is for safety. I will just say that Senator MCCAIN and I both have numerous Mexican trucks operating in our States today. The chairman and ranking member of the Transportation Appropriations Committee have no Mexican trucks operating in their States. I would say, since my people are affected more today and will be affected more when NAFTA is fully implemented than either of the States that are represented by the chairman and ranking member, I am obviously at least as concerned about safety as they are.

But there is a difference between safety and protectionism. Here is where the difference lies. Under NAFTA, we have every right to set standards and every obligation to set safety standards so Mexican trucks have to meet the same standards as trucks of the United States. Because the situation in Mexico is different, we can have differences in how they are implemented. In fact, today we inspect Canadian trucks. We inspect about 48 percent of the Canadian trucks that come into the United States. We inspect 28 percent of U.S. trucks. In fact, today, even though trucks are limited to the border area, we inspect 73 percent of Mexican trucks. Today we are inspecting Mexican trucks at a rate almost three times the rate we are inspecting American trucks, and that is eminently reasonable because we are establishing the safety of Mexican trucks.

There is no argument that we should have the right initially to inspect every single Mexican truck until we establish the quality of those trucks. But here is where the line is drawn. We can inspect them differently. We can inspect them initially, as long as there is any reason to believe they are different, more intensely. But we cannot apply different standards. That is where the Murray amendment runs afoul of NAFTA.

Let me talk about four ways the amendment clearly violates NAFTA. The first is a fairly simple measure, but it tells you what is going on in this amendment. Today most Canadian trucks are insured by London companies such as Lloyd's of London. Today some Canadian trucks are insured by Canadian insurance companies, and some by American insurance companies. Most American trucks are insured by American insurance companies; some are insured by foreign insurance companies. The plain truth is, many of the companies we know are located all over the world, so the insurance domicile distinction really doesn't mean as much as it once did.

Under NAFTA, we have the right to require that Mexican trucks have insurance. I believe with regard to the health and safety of our own people we have an obligation to require that they have insurance. But we cannot put a requirement on them that is different from the requirement we put on ourselves or on Canada. The Murray amendment violates that principle by saying Mexican truck operators have to carry insurance from companies that are domiciled in the United States of America. American companies do not have to have insurance from companies domiciled in the United States of America. Canadian companies do not have to have insurance from companies domiciled in the United States of America. Most of them have insurance from companies domiciled in Great Britain. But the Murray amendment says Mexican trucks have to be insured by companies domiciled in the United States of America.

That is a clear violation of NAFTA. NAFTA says we have to treat Mexico and Canada the way we treat our own providers. We do not require our providers to have American insurance, and indeed some of them do not. They have insurance from companies domiciled elsewhere. We do not require Canadian trucks to have American insurance, and very few of them do. They have British insurance, and they have Canadian insurance. And we have no right under NAFTA to require Mexican trucks to meet a requirement that our trucks and Canadian trucks do not have to meet.

Second, if a company finds itself unable to operate for some reason—maybe it has lost business, maybe it is subject to some suspension of a license, maybe there is some restriction imposed on it—it has the right to lease its trucks. If you are in the trucking business and you have these rigs that cost huge amounts of money sitting in your

parking lot, and for some reason you cannot serve your customer and you cannot use this rig, it is a standard business procedure in the United States and in Canada to lease those trucks to somebody who can put them to use. That obviously is trying to protect your business from going broke.

We would have the right, under NAFTA, to say that Mexican trucks cannot be leased under a certain set of circumstances to another provider, as long as we did the same thing to our own trucks and to Canadian trucks. We have every right in the world to say to a trucking company that if they are subject to suspension, restriction, or limitations, they cannot lease their trucks. We have the national sovereign right, under NAFTA, to do that. But we do not have the right to say American companies can lease their trucks, Canadian companies can lease their trucks, but Mexican companies cannot lease their trucks under exactly the same circumstances. That is a clear violation of NAFTA—no ifs, ands or buts about it. You cannot have two different standards: One standard applies to the United States and to Canada and another standard applies to Mexico.

Under this amendment, if a Mexican company is found to be in violation of this provision, they can be barred from operating in the United States. In reading the language, this apparently could be a permanent ban. We have the right to ban any trucking company in America from having the right to operate if it should have a violation. And if we did that, since any big trucking company at any one time certainly will have a violation—maybe many violations—we could then we could apply it to Canada and Mexico and it would be NAFTA-legal. Of course we would all go hungry if we did that. It would be a crazy policy to do that, but we could do it.

But what we cannot do under NAFTA is say: OK, we have a regime of penalties for American companies and we apply that regime to Canadian companies, but for Mexican companies, we will apply a different regime even though we entered into a treaty—signed by the President and ratified by Congress—where we said we would treat them exactly as we treat ourselves.

We can't now come along and say that if you are an American trucking company or a Canadian trucking company these are your penalties, but if you are a Mexican trucking company the only penalty is the death penalty—i.e., we are going to put you out of business. That is a clear violation of NAFTA. There are no ifs, ands, or buts about it. It is a clear violation of NAFTA.

In 1999 we wrote a law that dealt with truck safety: the Motor Carrier Safety Improvement Act of 1999. When we wrote that law, we asked the Department of Transportation to promulgate regulations for its implementation. It turned out that it wasn't easy to do. The Clinton administration didn't get it done, and the Bush administration hasn't gotten it done yet.

We could say that until these regulations called for in this law are written and implemented, we will not allow any truck to operate in America. We could say that. That would not violate NAFTA. We could say the Federal Government has not written a regulation and, therefore, we are not going to let trucks operate in America. It would not violate NAFTA, because we wouldn't let Mexican trucks operate, we wouldn't let American trucks operate, and we wouldn't let Canadian trucks operate. We could do that. It would be crazy. I suspect people would be marching on the Capitol and the Senate would change it very quickly. But we could do it. It would not violate NAFTA.

But that is not what we are doing here. What we are saying here is that until the regulations that are called for in this act are written and implemented, American and Canadian trucks can operate freely. American trucks can roll right up and down the road with the radio going full blast, everybody happy. Canadian trucks can operate, come across the border, come and go wherever they want to. But until this law is implemented, Mexican trucks cannot come into the United States.

By saying that, we would be violating the national treatment standard of NAFTA. NAFTA says if you want to do something—no matter how crazy it is—as long as you do it to yourself, you can do it to Mexico and you can do it to Canada. But what you cannot do under NAFTA is simply say, arbitrarily: I don't want Mexican trucks operating in the United States. Until February 29 falls on a Thursday, we are not going to let Mexican trucks operate in the United States. That is about as arbitrary as the provisions of this amendment. There is no basis for doing that. It is arbitrary and it violates NAFTA.

There are many other things that could be violations. I have outlined just four. My amendment very simply does the following: It says that the Murray amendment would stand unless its provisions violate NAFTA. If they did violate NAFTA and remember that ratified treaties under the Constitution, to quote the Constitution, are the "supreme law of the land" then they would not be enforced. And I have outlined four examples of where the Murray amendment violates NAFTA.

I will conclude and reserve the remainder of my time, and let others speak. Here is the principle at issue: We can, should, and must require that Mexicans meet the same standard. We don't have to enforce them exactly in the same way.

For an example of something that would not be a violation to begin with but might become a violation: the checking of the driver's license of every trucker coming into the United States from Mexico. We don't do that for people coming in from Canada. We don't do that for every truck operating in the United States. We might choose to do that for people coming in from Mexico, until we establish the pattern for Mexican drivers.

Interestingly enough, so far our inspections show that the failure rate—the number of times that you don't let the driver on the road, you take them out of the truck—for American truckdrivers is 9 percent, and for Canadian truckdrivers it is 8.4 percent. Interestingly enough, only 6 percent of Mexican drivers are found to be in violation.

The plain truth is that most Mexicans who are driving big rigs are college graduates. The truth is, at least so far it appears, is that Mexican drivers are safer in terms of meeting our regimentation and requirements—if that in fact those requirements measure safety, and supposedly that is what they do—than our own drivers. That is data based just on trucks operating in our border States.

We would have every right to initially stop every truck and check every driver's license. But once we had established that there is no particular problem, then stopping every Mexican truck when we don't do it with our own trucks and we don't do it with Canadian trucks after we have established the pattern that Mexican drivers are just as qualified and licensed as ours would be a violation of NAFTA. Basically, the requirements don't have to be the same, but they do have to be reasonable in terms of burden relative to the problem.

I would think if our colleagues want to pass this bill, if they want to move this process forward, and if they don't want to violate NAFTA, they would simply accept this amendment. This would be a major step forward in fixing the problems we have with the bill. I wish they would accept it. They should accept it. They say this provision does not violate NAFTA, but then if they are right, the adoption of the amendment would have no impact on them.

Why is the amendment important? The amendment is important because we made an agreement with our neighbor to the south. We are in the process on the floor of the Senate, whether it is our intention or whether it is not our intention, of discriminating against Mexico, of saying to them that you are not really an equal partner in NAFTA. We said we were going to give you these rights, but we have decided we are not going to give you the same rights we give to Americans and we are not going to give you the same rights we give to Canadians. Quite frankly, I think it is outrageous.

I remind my colleagues that we are not saying you can't have different ways of enforcing our safety rules. We are simply saying in NAFTA you can't have a different set of rules.

Senator MCCAIN and I and the President support inspecting every Mexican truck and checking the license of every

Mexican driver as they come across the border. But at some point when the patterns are set and we are through this transition period, we are going to have to treat them as we treat our own trucking companies when they have proven themselves. Why are we going to have to do that? We are going to have to do it because that is what NAFTA says.

I know there is a powerful special interest involved here. I know the Teamsters Union does not want Mexican trucks to operate in the United States. They are not out saying we don't want trucks operating in the United States because we are greedy, we are self-interested, and we do not want competition. They are not saying that.

I don't remember anybody ever coming to my office saying: Protect me from competition. I don't want to have to compete. I want to sell at a higher price. I want to make more money. I want to have a place in Colorado. And I want you to cheat the consumer to protect me. Nobody ever came into my office and said that. But they do come into my office and say: Protect me from this unfair competition. Protect me from these products that are not safe. Protect me from this. Protect me from that.

What the Teamsters are against is competition. You can argue that we ought not to have Mexican trucks in America because we ought not to allow competition. But the point is, it is too late. We signed an agreement. We ratified the agreement. Now it is time to live up to the agreement.

Under the Murray amendment, we are going back on our agreement. The proponents of this amendment can say until they are blue in the face that it does not violate NAFTA. But if it does not, accept this amendment. But I do not believe they are going to do that, because I believe their amendment does violate NAFTA. That is why Mexico is talking about retaliation today. That is why the President said that he is going to veto this bill.

In the end, we are going to have to fix this situation. We are going to spend weeks now, it looks to me, fooling around with this issue, when everybody knows in the end that it is going to have to be worked out. But we don't have any recourse now except to do it the way we are doing it.

I am not going to let the President be run over on this. I am not going to let Mexico be discriminated against. I do not think this is right. I do not think it is fair. And I think it destroys the credibility of the United States of America. So I am not going away. We have four more cloture votes. I want to say to my colleagues, don't feel that you have to vote with me against cloture. Vote for cloture. It is obvious that the forces who are against putting NAFTA into effect with regard to trucks have the votes. So I am not asking anybody to vote with me. But I am just saying that we are going to end up having to vote on cloture four times to get this bill to conference.

It can be fixed very easily. Simply take out the parts of the Murray amendment that violate NAFTA. That is what we are going to have to do. We can do it now. We obviously are not going to, but we could. We can do it next week. We can do it in September. But we are going to do it eventually.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1055

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about amendment No. 1055, which has been filed and is at the desk. This is an amendment which I understand will be included in the managers' package. I thought it might be useful to make a comment or two about it.

This amendment is necessary in order to clarify congressional intent on the highway congestion relief program created under the 1998 TEA–21 highway authorization bill. Under the ITS, Traffic.com, a Wayne, PA, company employing some 150 workers, competed for and won an initial $8 million contract to create a traffic management system to monitor congestion in Philadelphia and Pittsburgh. The bidders competing for this initial contract expected and were led to believe that the winner on the first phase of the contract would automatically receive the follow-on contract.

The intent of the TEA–21 ITS provision was to eventually expand this program beyond Philadelphia and Pittsburgh and award the next phase of the contract to the same team that won the first phase.

The fiscal year 2001 Transportation Appropriations Act contained a $50 million earmark to further fund an intelligent transportation system, ITS, section 378, Public Law 106–346. This intelligence transportation system project was originally conceived under TEA–21 to serve as a national, interoperable program that would allow local residents and trucking companies to receive up-to-date information on traffic patterns and congestion.

TEA–21 section 5117 (b)(3)(B)(v) set forth that the ITS program should utilize an advanced information system designed and monitored by an entity with experience with the Department of Transportation in the design and monitoring of high-reliability, mission-critical voice and data systems.

It was thought at the time by the draftsmen that this provision would cover the $50 million, but there has been a determination by general counsel for the Department of Transportation that this language is insufficient. We had thought we might correct it with a colloquy, but we have been advised that there needs to be a so-called legislative fix.

In that light, I have submitted the amendment, which is No. 1055, which has been reviewed by the Department of Transportation. And we have been assured, I have been assured that the language in the amendment will be satisfactory.

This is an important matter to my constituents. It is a Wayne, PA, company employing some 150 workers.

I have conferred with Senator WARNER, who was a party to the initial transaction where, as is the case with many highway projects, the arrangements were worked out that the firm winning the first contract of $8 million, which was, as I say, Traffic.com, would get the second contract. But the legislative draftsmen were not sufficiently precise, as I have said. Senator WARNER confirmed to me yesterday that was the intent at that time, and he is prepared to confirm that.

The distinguished Senator from Washington, Mrs. MURRAY, chairman and manager of this report, had wanted confirmation from the authorizing committee that this was acceptable, as is the practice, if a matter like this is included in an appropriations bill. The appropriate process is to have the authorizers agree that it may be inserted, not to have any jurisdiction taken away.

I had consulted with the distinguished Senator from Nevada, Mr. REID, who is the subcommittee chairman, who is on the floor now and hears what I am saying, and also with the distinguished chairman, Senator JEFFORDS. They have concurred in this.

As I say, it is my expectation, having just conferred with the chairman, Senator MURRAY, that it be included in the managers' package. I thought it would be useful for the record to have this brief explanation as to precisely what happened and what the intent of the amendment will be as included in the managers' package.

As they say at wedding ceremonies, Senator MURRAY and Senator REID, if you have anything to say, speak now or forever hold your peace.

I thank the Chair. They used to call that an adoptive admission before they were declared unconstitutional, when I was a prosecuting attorney.

I thank Senator MURRAY, Senator REID, and my other colleagues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I rise, obviously, in support of the amendment of the Senator from Texas. The reason the Senator's amendment

should be really approved without a single dissenting vote is that the amendment says exactly what the proponents of this so-called Murray language in the appropriations bill are alleging. They are alleging that the language to which we and the administration object is not in violation of NAFTA.

I don't know the number of times—I would be glad to have a scholar research the number of times the Senator from Washington has said this is not a violation of NAFTA; this is not a violation of NAFTA; this is not in violation of NAFTA. So if the language is not in violation of NAFTA, then she should have no problem in approving this amendment, which says:

> Provided that notwithstanding any other provision in the Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American free trade agreement.

Mr. President, during the previous two administrations, I supported a lot of legislation that gave the President of the United States a great deal of leeway in determining foreign policy issues. I did that because of my fundamental belief that the President of the United States should be the individual who conducts foreign policy, obviously, with the advice and consent of the Congress of the United States. So this amendment seems to me to be perfectly in keeping with the rhetoric of the proponents of the present legislation as it stands.

I don't quite understand the objections to it, when the allegations are that the language in the appropriations bill is perfectly in compliance with NAFTA and doesn't violate it.

I want to mention again, particularly in light of the last vote that was taken—and we all know we only got 30 votes on the cloture motion and we needed 41—first, I am still confident that, as to the vote yesterday and other votes that will be taken, we have sufficient votes to sustain a Presidential veto. As we all know, the President has said he would regretfully have to exercise that option.

I also want to point out for the benefit of my colleagues, we have just affirmed a very dangerous practice, in my view. That practice—which in the years I have been here has gradually increased year after year after year—is a proclivity to legislate on appropriations bills. We now have major policy changes, major legislative initiatives, included on appropriations legislation. So when the cloture was voted a short time ago, it not only affirmed, unfortunately, the right—or new right of appropriators to legislate on appropriations bills, but it also can set a very dangerous precedent for the future.

There may be other amendments on other appropriations bills, which individual Senators view is in violation—in this case, of course, in violation of a solemn treaty agreement, but it may be in violation and affect issues that are important to them.

Senators who are not members of the Appropriations Committee, Senators who are simply members of authorizing committees, have suffered under the impression that any major policy changes or legislation would originate in their committees of which they are members, the authorizing committees. Instead, we now see an abrogation—a growing abrogation—and an affirmation of that abrogation of the responsibilities of those who are members on the authorizing committees—in my view, a grossly unwarranted assumption of authority on the part of the Appropriations Committee.

We all know what the purpose of an Appropriations Committee is, and that is to appropriate funds for previously authorized programs. I will be glad to read to my colleagues what the charter of the Appropriations Committee is. I must say, when I first came here—and I think the Senator from Texas who came here a couple years before me would agree—it was a very unusual circumstance when you would see an appropriations bill that had a legislative authorizing impact. We would find the pork barrel projects, although they were dramatically less; we would find the earmark. But now we have a custom, that is increasing year by year, where the Appropriations Committee, in direct violation of their charter, are now setting parameters, which in this case affect a solemn treaty between three nations.

Not only does this particular language, which is called, ''not in violation of NAFTA,'' clearly authorize on an appropriations bill, but it even goes so far as to affect a solemn trade agreement.

I might add that is not just my view. That happens to be the view of the President of the United States and, almost as important, the view of the President of Mexico. Already the Mexican Government, in reaction to this pending legislation, has threatened sanctions which could reach a billion or more dollars against U.S. goods and services. Relations between the United States and Mexico, in my view—and coming from a border State I think I have some expertise on this subject—have never been better.

We have a new party in power in Mexico, a new leader, and for the first time we are seeing border cooperation the likes of which we have never seen before, including the apprehension and extradition of drug dealers, something we could not only not achieve before, I remember back in the 1980s when a U.S. drug agent was kidnapped, tortured, and murdered by individuals that at least allegedly could have had connections with the Mexican Government. We have come a long way in our relations.

I note the President's first state dinner will be in September in honor of President Fox of Mexico. The relationship between our President and the President of Mexico is close, it is cooperative, and it will act to the great benefit of all Americans, particularly those of us who represent border States because we have so many outstanding border issues: immigration, drugs, pollution, transportation, among others.

What do we do early in President Fox's administration? According to them, we violate a solemn treaty that was consummated years ago by previous administrations.

The provisions of Senator GRAMM and I require it, every vehicle beyond the commercial zones to be authorized and to display on their vehicle a decal of inspection, and the list goes on and on. State inspectors that detect violations will enforce such laws and regulations, and it goes on and on.

According to our legislation, we are not giving blanket approval to Mexican carriers to come across the border. What we are doing is imposing some reasonable restrictions which would then stay in compliance with the North American Free Trade Agreement.

Let me read from a letter we received from the NAFTA Coalition For Safe trucks:

> During its consideration of the bill to provide appropriations for the Department of Transportation for fiscal year 2002, we urge the United States Senate to adopt the McCain-Gramm amendment regarding the treatment of cross border trucking operations under the North American Free Trade Agreement.
>
> We represent the manufacturers, shippers and the transporters of the goods crossing the border, and want to ensure all necessary steps are taken to ensure the safe, reliable and efficient transportation of those goods between the United States and our trading partner to the South.
>
> Both the House-passed language and the language included by the Senate Committee on Appropriations violate NAFTA and will result in a ''closed'' border for the foreseeable future. While we commend the Senate Committee for seeking a solution to the outright ban contained in the House Bill, several of the requirements simply cannot be met and are unnecessary to ensure the safe operations of Mexican domiciled trucks when operating in the United States.
>
> Should the Congress vote to require the United States Government to continue to violate our obligations under NAFTA, Mexico will be free to impose extensive sanctions on U.S.-produced products. This will certainly lead to a loss of jobs for U.S. workers, particularly in manufacturing, which has already seen 785,000 lost jobs since July of 2000.
>
> We urge support of the McCain-Gramm Amendment, which will allow the United States to honor its commitments while establishing a safe and reliable flow of goods between the United States and our neighbor, trading partner and friend to the South.

It is signed by the American Trucking Association, National Association of Manufacturers, Grocery Manufacturers of America, U.S.-Mexico Chamber of Commerce, Agricultural Transporters Conference, Border Trade Alliance, United States Chamber of Commerce, National Foreign Trade Council, the Fertilizer Institute, and TASA Trucking, the very people who will be sharing the highways and bridges of America on both sides of the border with Mexican transportation carriers.

What we have done here—and I think it is important to put it in a certain

perspective because there is a lot of heat of the moment; there are conversations about what the Teamsters will or will not do, how important it is for Republicans to gain the support of the Teamsters, and underlying it all is sort of a concern about really what would happen if these Mexican carriers came into the United States.

As the Senator from Texas pointed out, they are 25 miles inside of our border States. We are proud of the relationship we have with our Mexican neighbors to the South. We are proud of their friendship. We are proud of the progress that they have made, both politically and economically. We are proud to call them our neighbors.

What we have done, intentionally or unintentionally, is adopt language in an appropriations bill which was unknown to those of us on the Committee of Commerce, Science, and Transportation, unknown to the authorizing committee on which I am the ranking member. Language was adopted which, in the view of the President of the United States, in view of the President of Mexico, and I am sure the Canadian Government, and I am sure the NAFTA panels that judge these things, is a violation of a solemn trade agreement.

I do not want to waste time reviewing the enormous economic benefit that has accrued to all three countries as a result of the North American Free Trade Agreement. They are phenomenal. When NAFTA was adopted in 1996, there was $300 million worth of trade a day between the United States and Canada. Today there is a billion dollars a day of trade between the United States and Canada.

The numbers are comparable in the south. We have seen the maquiladoras. We have seen the growth of the economy in the northern part of Mexico far exceed the rest of Mexico. Why is that? It is because of the enormous increase in goods and traffic and services between the United States and Mexico.

We have seen now one of the most successful treaties, from an economic standpoint and I argue cultural and other aspects, now being undermined or violated by an act of the appropriations subcommittee of the Senate, without a hearing.

We did have a hearing on Mexican trucks in the Commerce Committee. We never acted. There was never a bill proposed. There was never any legislation proposed for consideration and markup by the Committee on Commerce, Science, and Transportation. No, it was stuck into an appropriations subcommittee bill.

Here is where we are: The repercussions of this action are significant and severe, not only to the people of my State but the people of this country.

We do not grow a lot of corn in Arizona; I wish we grew more, but clearly corn is one of the first areas where the Economic Minister of Mexico has said they may have to impose sanctions because they are entitled to impose sanctions as of this very day.

We have also just heard that telecommunications equipment might be the next target of sanctions enacted by the Mexican Government. Why would they do that? With all due respect, because they have significant manufacturing capabilities within Mexico of telecommunications equipment and it probably would not be too bad for Mexico in the shortrun if they were not subject to foreign competition, although we all know the unpleasant and unwanted consequences of the lack of competition in all products. That is the situation we are in. It is very unfortunate.

The Senator from Texas has an amendment which basically says none of the provisions in the appropriations bill would be applied in a manner that the President of the United States finds to be in violation of NAFTA. Literally, every bill we pass out of this body that has to do with foreign policy has a national security provision stating if it is in the interests of national security, the President can act if he deems so. Basically, that is sort of what this amendment of the Senator from Texas is all about.

I also want to make one other comment about this issue and what we have done. The Senator from Texas and I were allowed to propose one amendment, which was voted on, and we had many other amendments. Obviously, that effort is going to be significantly curtailed because of a cloture vote. I view that as unfortunate, too, because if in the future Members of the Senate are seeking a number of amendments to be considered, and cloture is imposed without them being able to have all their amendments considered, then I think we are obviously setting another very bad precedent for the conduct of the way we do business in the Senate.

For all of those reasons, I not only intend to slow this legislation, but I think we will have to try to see that this issue, no matter how it is resolved, resurfaces on several different vehicles in the future. I am not sure that there are many other issues before the Senate that are this important. We may have to, even after we have exhausted—if we do—all of our parliamentary options, exercise others as well.

I say that not only because of the impact on this issue but the impact on the way we do business in the Senate. I was very proud during consideration of the campaign finance reform bill that everybody had an amendment. Anybody who had an amendment, we considered it; we voted on it; and we worked on it for 2 weeks. On the Patients' Bill of Rights, we worked on it; we had amendments; everybody was heard from; and everybody got their say.

That is not the case with this legislation. It is not the case with this appropriations bill. I regret that. I have been here not as long as many but long enough to know when a very dangerous trend, a very dangerous precedent has been set, I recognize that. I will continue to do what I can to see that every Senator has the right to exercise his and her rights as Members of this body to see that their issues, their concerns, and particularly those that affect international agreements, are fully examined and voted upon and discussed and debated.

I intend, obviously, to talk more on the specifics of what we are doing, but I hope my colleagues have no illusions as to what is being attempted on an appropriations bill where there is absolutely no place for this legislation. Those who are only members of authorizing committees, take note, my friends, because you may be next.

Mr. GRAMM. Will the Senator yield?

Mr. McCAIN. I am happy to yield.

Mr. GRAMM. Obviously, the Senator shares with me the fact that we represent States that border Mexico, and in that process we both have had an opportunity to work with President Fox. Would the Senator agree with me that of all the people who have ever been heads of state in Mexico, that he is, perhaps, the most pro-American in terms of his outlook and willingness to work with us of anyone we have ever dealt with?

Mr. McCAIN. In response, I say to my friend, I don't think we have ever seen a friend of this nature in the history of the country of Mexico. We all know that there was one-party rule since the 1920s. We all know that when one party rules any country for an inordinate length of time, there is corruption. This is a breath of fresh air.

The Senator mentioned we come from border States. Our States are going to be affected first by Mexican carriers coming across our border. In the State of Washington and on the northern tier, there is free access of carriers from Canada. So I kind of wonder about the contrast there. The State of Washington has free movement of trucks back and forth across their border. Yet Representatives of the State of Washington want to restrict flow across our borders with our southern neighbor. I find that interesting.

Mr. GRAMM. Could I ask another question? You obviously know President Fox, and know Mexican politics. What kind of position do you think it puts President Fox in when he has staked his whole political future on a good relationship with the United States, and has committed himself to enforcing NAFTA in his own country, when the Senate is in the process of adopting a provision on an appropriations bill that clearly violates the NAFTA agreement? What kind of position do you think it puts him in?

Mr. McCAIN. The answer, obviously, I say to the Senator from Texas, is it must be somewhat embarrassing for him. I think that was very much appreciated by President Bush. President Bush has expressed on several occasions his concern with what is happening and has taken a very personal interest in these proceedings.

That is another point I emphasize. The relationship between President Fox and President Bush is as close and cooperative and good as any in the history of this country. I appreciated President Reagan's relationship with his southern neighbor as Governor of California. I believe the relationship of President Bush and President Fox opens up a vista for relations with Mexico the likes of which we have never seen, which there has already been manifestations of, by the extradition to the United States of drug dealers from Mexico. That would never have happened under a previous regime.

I think President Fox, obviously, could not be very pleased today and may have to answer to some of his critics, of which there are many since he just unseated a party that had been in power for 60 years.

Mr. GRAMM. If the Senator will yield, I am sure there are people who wonder why we take this issue so seriously. It seems to me our colleagues should be concerned about our relationship with this good man who is president of Mexico and our friend, and with the kind of position it puts him in, and with the message it sends that somehow we treat our neighbors to the north differently than we treat our neighbors to the south. It seems to me that socialists and anti-American politicians in Mexico from the very beginning of our relationship with Mexico have preyed on this point: that we don't respect Mexico, that we don't respect their people, that we treat them differently, that they are our poor neighbors. I conclude with the following question. Don't you believe that this amendment, in all of its terrible manifestations, plays into exactly the kind of demagoguery that has traumatized our relationship with Mexico for all these years?

Mr. McCAIN. First of all, I agree with the Senator from Texas. But also let me point out that because of this action that is taking place right now, the Mexican Government and the President are having to respond to domestic discontent with the threat of sanctions, and they are judged to be able to enact sanctions because the panel determined we are in violation of NAFTA as we speak. Until this legislation was pending, there was no word out of Mexico that they would impose these sanctions. But in the last day, the last 24 hours, the Mexican Government has felt compelled to say they will enact sanctions. Why? Because the legislation before us makes permanent the blocking of the border to Mexican carriers, which was allowed according—not only allowed, but a part, an integral part of the North American Free Trade Agreement.

I mention again to my friend from Texas a letter from the Secretary of the Economy, Luis Ernesto Derbez Bautista:

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

The economic arguments are clear-cut: Because of NAFTA, Mexico has become the second largest U.S. trading partner with $263 billion of goods now being exchanged yearly. About 75% of these goods move by truck. In a few years, Mexico may surpass Canada as the U.S. largest trading partner and market. Compliance with the panel ruling means that products will flow far more smoothly and far less expensively between our nations. Doing so will enable us to take advantage of the only permanent comparative advantage we have: that is our geographic proximity. The winners will be consumers, businesses and workers in the three countries.

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

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

That is from the Secretary of the Economy of the country of Mexico.

I see my respected friend, the Senator from North Dakota, on the floor. I know his views on NAFTA. I do not know if many of the Mexican trucks will be getting up to North Dakota. But I do know that the Mexican Government right now is deeply concerned about this legislation, and if it passes, I can see no other action the Mexican Government would take but to enact sanctions. As the Senator pointed out, this is a critical stage of our relations with that country.

I thank the Senator from Texas. I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have great respect for my friend from Arizona and, for that matter, for my friend from Texas. I might say my colleague from Arizona and I agree on a lot of things and we work together on a lot of things. I do not necessarily agree with a lot of things with my colleague from Texas. We tend more often to come down on opposite sides of the spectrum. But I did want to respond a bit to a couple of questions that were raised.

I just came from the Senate Appropriations Committee. I had to be there because we were marking up an appropriations bill. I was on the floor earlier intending to ask the Senator from Texas a question, but I was not able to be here when he finished his comments. One of the things he said I found very interesting.

Do you know what he said? He said if we do not allow Mexican long-haul trucks into this country, Mexico is going to take action against the United States. Do you know what they are going to do? He was quoting a Mexican official. He said they are going to impose sanctions or tariffs on high-fructose corn syrup from the United States to Mexico.

Do you know what? They have already done that. They are already in violation of NAFTA. An arbitration panel has found Mexico is in violation on high-fructose corn syrup. In fact, they have a high grade and low grade. Guess what. Mexico imposes the equivalent of 43 percent tariff on the low-grade corn syrup and the equivalent of a tariff of 76 percent on the high-grade corn syrup. So my friend from Texas says Mexico is now threatening to do something with respect to high-fructose corn syrup when in fact they are already violating international trade agreements in terms of the tariffs and the obstructions they put in the way of high-fructose corn syrup going from the United States to Mexico.

God forbid we be upset about that, that Mexico is going to do something to us that they are already doing in violation of the trade agreement.

I heard a long discussion by my colleague from Texas saying we may not and we must not violate NAFTA. I said yesterday and I will say again, there is nothing in any trade agreement, including NAFTA, nothing that will ever require us to compromise safety on America's roads. There is nothing that makes that requirement of the United States.

I would also say this. If one would allege that what we are about to do would be to violate NAFTA on behalf of American road safety and complain about that, I wonder then whether someone would complain about Mexico, for example, violating trade agreements with respect to the obstructions and the tariffs applied to high-fructose corn syrup that we now send to Mexico, or that we now try to send to Mexico.

This cuts both ways. But it only cuts one way when you talk about things that really matter; that is, highway safety in this country. The United States and Mexico have had a half dozen years to understand the consequences of allowing long-haul Mexican trucks into this country. They have had a half dozen years to prepare for this. What have they done? Nothing. Now we are told in 5 months the United States border must be open to Mexican trucks to come into this country for long hauls.

I will say again what I said yesterday. I am sorry if it is repetitious to some, but it is important to say it. The anecdotal evidence obtained by a reporter from the San Francisco Chronicle, I think quite masterfully presented to us in that feature story, is compelling. The San Francisco Chronicle sent a reporter to Mexico to ride

with a long-haul trucker who began that ride in Mexico City and went 1,800 miles to Tijuana. That trucker was driving an 18-wheel truck that would not have passed inspection in this country, with a crack in its windshield among other things. That truck driver drove 3 days, 1,800 miles, and slept a total of 7 hours; had no logbook, no limits on his hours of service, and was never stopped for an inspection along the way. Now we are told: By the way, it is our requirement to allow that kind of truck to come into this country.

It is not our requirement. It is not. My colleagues will say: But what we are really saying is we want to inspect every truck. There is not a ghost of a chance of that happening, and we all know it.

Let me put up a chart that describes the differences in standards between the United States and Mexico. Hours of service: 10 hours of consecutive driving, and no more, in this country—10 hours, and no more. I am telling you, this reporter from the San Francisco Chronicle rode 3 days, 1,800 miles, with that truck driver, and the truck driver slept 7 hours in 3 days because there are no limitations on hours of service in Mexico. There are no limitations on the driver. These are drivers who make, on average, $7 a day, sleep 7 hours in 3 days. Is that what you want in your rearview mirror: A truck weighing 80,000 pounds with 18 wheels coming down the highway, perhaps with no brakes, with a driver that has been awake for 21 straight hours? Is that what we want in this country? I do not think so. And there is no trade agreement ever written—none—that requires this country to compromise safety on its roads.

I know some say: well, no one is suggesting a trade agreement would do that. They say they are suggesting a robust area of inspections. Not true. There is no requirement being proposed that investigators go into Mexico to investigate compliance of the Mexican trucking industry to make sure that when someone presents themselves at the border with a logbook, they have filled it out one-half hour before they arrived at the border. They simply fill out their logbook. They have been driving 21 straight hours, but they present a logbook saying they have only been on the road for 3 hours.

There is nothing remotely resembling a broad-scale compliance program or a broad inspection program at the border that would provide the margin of safety this country needs.

We have, I believe, 27 border entry points. Only two of them are staffed during all commercial operating hours. Most of them don't have telephone lines to access a driver's license database. Most of them don't have parking places where you can park a truck that is pulled out of service.

We asked the inspector general who testified last week: Why do you want a parking space if a truck shows up from Mexico that is not safe trying to come into this country? Why not just turn it around and send it back? He said: Let me give you an example. A truck shows up at the border and has no brakes. It happens. Are we going to send an 18-wheel truck back with no brakes? No. We have to park it.

The fact is that we only inspect a small percentage of trucks crossing the border. It is not a large percentage as has been alleged. We actually inspect a very small percentage of trucks coming into this country.

The proposal for additional investigators and inspectors is far short of what is needed to have a broad regimen of inspections. It is just far short of what is needed. I just did the math. I asked the Secretary of Transportation and the inspector general: Am I not right that you are short, and you don't have the people? The inspector general said: You are right, we are short of inspectors, because these numbers don't add up.

To those who say let's open the borders and somehow we will inspect all of these trucks, I say to them even if you could do that, where are the inspectors? They are not being proposed. They have some, but not nearly enough.

What about the compliance reviews of sending someone into Mexico to make sure the industry is going to require the kind of compliance that is necessary? I mentioned the requirement of logbooks. Mexico requires logbooks. They do. But nobody has them. It is just like Mexican laws with respect to the environment. They have very stringent laws with respect to pollution and the environment. They are not enforced. You can have wonderful laws, but if they are not enforced, they are irrelevant.

There is in Mexico a requirement for a standardized logbook. It is not enforced. Virtually no trucker in Mexico uses a logbook.

Alcohol and drug testing in this country, yes; Mexico, no.

Driver's physical considerations: In this country, a separate medical certificate, and an examiner's certificate is renewed every 2 years. In Mexico, a physical examination is required as part of licensing, But no separate medical card is required.

We have a weight limit of 80,000 pounds in this country. It is 135,000 pounds in Mexico.

Hazardous materials: I don't even want to describe the difference here. You can only imagine the difference.

Strict standards, training, and inspection regime in this country; there, a lax program, few identified chemicals and substances, and fewer licensure requirements.

Vehicle safety inspections: Here, yes, of course.

There they are not yet finalized.

Insurance: Incidentally, the inspector general pointed out that when they come across the border, they buy insurance for 1 day.

Some have questioned why I should care about this issue. One of my colleagues said: Senator DORGAN is from North Dakota, Mexican trucks probably won't even get to North Dakota.

But in fact they have already been found to be improperly operating in North Dakota. They have been stopped for a range of infractions and difficulties.

There is supposed to be a 20-mile limit for long-haul Mexican trucks in this country.

If someone says it is not going to affect North Dakota, they are wrong. It already has. They have already been apprehended on our roads.

Let me say, with this one question of inspections and all of the soothing words about, we will just inspect all those trucks, and there is not going to be any problem with the big 18-wheeler coming down the highway—let me describe where we are with inspections.

Out-of-service rates at El Paso, TX, 50 percent but only 24 percent at Otay Mesa, CA where they have a full inspection process.

I could put up 25 border crossings and you would find exactly the same thing.

It is preposterous to allege that in 5 months we are going to have a regime of inspections and compliance audits that will provide the margin of safety that we expect for our country's highways. It is not going to happen. There is not a ghost of a chance of it happening.

Let me again say that it is true, I voted against NAFTA.

Before this trade agreement which our trade negotiators negotiated with Mexico and Canada, we had a very small trade surplus with Mexico. It quickly turned into a very large deficit. Is it a trade agreement that works in our interest? I don't think so. We had a reasonably modest trade deficit with Canada. It quickly doubled. Is that a trade agreement that works in our interests? I don't think so.

Yes, I voted against the trade agreement. I have from time to time suggested that perhaps, just as we do in the Olympics, we require them to wear a jersey so they can look down and see a giant ''U.S.A.'' printed on this jersey to see whom they are working for, so they remember from time to time whom they represent. I am so tired of our trade negotiators negotiating agreements that they lose in the first week.

Will Rogers once said that the United States of America has never lost a war and never won a conference. Surely he must have been talking about our trade negotiators. It takes them just a moment to begin negotiating with some country and give away the store. That is the case with NAFTA.

But I say this: There is nothing in that trade agreement—nothing in NAFTA—that requires our country to sacrifice safety on America's highways—nothing. We have had 6 years, I say to my colleague from Texas, for both countries to prepare for Mexican

long-haul trucks to come into America, and neither country has done anything. Now we are told by the President that on January 1 we are going to take the lid off this 20-mile limit and Mexican long-haul trucks are coming in.

My position is this: There is not a ghost of a chance of our having the compliance and inspection capability to assure the American people that we have safety on our highways. I don't want my family, or yours, and I don't want any American family driving down the road looking in a rearview mirror and seeing an 18-wheeler coming with 80,000 pounds perhaps without brakes, with the driver having driven the rig for 21 straight hours, in a truck that has not been inspected. I don't want that for the American people, and no trade agreement requires that it happen.

To those of us who have come to the floor in the last several days on this issue, I say this isn't about trying to be discriminatory against anyone. If it were Norway, I would be saying the same thing. Canada has a reasonably similar system with trucking. We suspended trucking privileges for Canada for a number of years until they came into compliance. We restored them.

With airlines, what we do is very simple. We understand the safety issue with airlines. With airlines, we send compliance inspectors to airlines all around the world to insist and demand, if airlines want to come into our country, they must meet rigid compliance standards. We audit them and require them to comply. There are 13 countries in which their airlines are not allowed into the United States of America. Why? Because we have not deemed it safe to allow those airlines to come in.

That is the issue here with these long-haul trucks. It is very simple. This is not an issue about the Murray-Shelby language versus the Gramm-McCain amendment. There are more than two sides; there are three.

I happen to believe we ought to have the House language simply prohibiting funding for the issuing of licenses or permits to allow long-haul trucks to come in during the next fiscal year. I say no. If at the end of the next fiscal year it can be described to us that we have a full regime of compliance, investigators, and inspectors at the border, and if we set up all of the burdens to show us that this will work, then I will be the first to admit it and say I am with you. But that is not the case now. It will not be the case in January. In my judgment, it will not be the case in a year and a half.

Until that time, on behalf of the American people, we ought to insist—we ought to demand—on behalf of highway safety in this country that we take this issue seriously.

In my judgment, what we ought to do, at some point before this debate is over, is take the House language, the Sabo amendment that the House passed 2–1, put it on this bill, put it in conference, and keep it there; and say to the President: If you want to veto it, that is your choice. But if you want to do it, you are wrong. This Congress is going to do the right thing. If you want to do the wrong thing, that is up to you. But our job is to do the right thing right now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I have a statement in support of Senator DORGAN's comments, but Senator GRAMM had something he wished to do for a minute or two. If I could yield to him and reclaim my time, I would appreciate it.

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

Mr. GRAMM. Mr. President, let me yield myself 3 minutes off my time. If you would let me know when that time is up, I will stop. And I thank Senator BYRD, who came over to speak, for letting me do this.

Mr. President, when I was a boy and my brothers and I got into arguments, my mama would always say: Argue about whether something makes sense, but don't argue about facts. So I am not going to get into an argument with our dear colleague from North Dakota. But I want to reiterate what the facts are.

When we entered into NAFTA, we had every right in our obligations under NAFTA to enforce safety standards in the United States of America. Any safety standard that we impose on our own truckers and Canadian truckers, we can impose on Mexican truckers. We could inspect every single truck coming into the United States from Mexico so long as we can show that inspection was needed to assure Mexican compliance with American law. But what we cannot do, what NAFTA clearly says is a violation, is setting one standard for American trucks and Canadian trucks, and then another standard for Mexican trucks.

It is interesting that our colleague decided to talk about Mexican truckers, because even though Mexican trucks are operating only in the border States now, our experience with inspecting the Mexican drivers has been very encouraging. In fact, of all the drivers inspected in America last year—where the truck was inspected and the driver was tested in terms of their log, their license, and their training—Canadian truckdrivers failed that test 8.4 percent of the time. American truckdrivers failed that test 9 percent of the time. Mexican truckdrivers failed that test 6 percent of the time.

Why is that so important? Because they are operating only in border areas. The trucks coming across are not even big 18-wheelers; they are small trucks basically carrying produce. The point I want to make is that we cannot have two different sets of rules under NAFTA. Many of the Mexican drivers that are going to be driving 18-wheelers are college graduates. Our experience, thus far, indicates that we are going to have many problems, but drivers are not going to be one of them. My point is that under NAFTA we can set whatever standards we want on Mexican trucks, but they have to be the same standards that we set on our own trucks.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. GRAMM. That is what is being violated by the amendment before us.

I thank the Chair.

Mr. DORGAN. Will the Senator yield for 1 minute?

Mr. CAMPBELL. I do still have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Colorado, by previous order, is entitled to be recognized at this time.

Mr. CAMPBELL. I would like to give a statement, but if the Senator has a response for a minute or two, I do not mind yielding to him.

Mr. DORGAN. If the Senator would be kind enough to do so.

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

Mr. DORGAN. Mr. President, I want to observe that the Senator from Texas said he doesn't think our States are involved because we have a 20-mile limit. My point is, Mexican truckdrivers have been stopped in North Dakota already exceeding the 20-mile limit, so of course we are involved. Twenty-four States have found that similar condition.

No. 2, the Senator from Texas said he didn't want to talk about the facts. The facts are that when Mexico alleged they are going to take action against our high-fructose corn syrup, does the Senator from Texas agree a panel has already ruled against Mexico, and they are now unfairly imposing tariffs on high-fructose corn syrup in violation of NAFTA? Does the Senator agree with that assertion?

Mr. GRAMM. Mr. President, I would respond that if you are trying to get somebody to live up to their agreement, are you in a stronger position if you live up to your end of it, or is your position weakened when you stop living up to your end of it?

If you want to enforce the agreement, then we need to live up to it. We need to be like Caesar's wife; we need to be above suspicion.

Mr. DORGAN. My point is, alleging somehow Mexico will hurt this country if we don't allow Mexican long-haul trucks into this country, with respect to high-fructose corn syrup, and actions they will take—the facts are stubborn. The Mexicans are already doing that unfairly.

I am a little tired of saying, ''let's blame America for something we might do.'' How about blaming Mexico for something they are doing with respect to high-fructose corn syrup that is in violation of NAFTA.

I thank the Senator from Colorado for yielding.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Colorado.

Mr. CAMPBELL. Madam President, there are no Hispanic members of the Senate or I am sure they would say what I am about to with an equal amount of outrage. But since most Hispanics who trace their ancestry to Mexico are also part Native of the Americas, I think I can speak for them.

I am very disturbed that any Member of this body, regardless of party affiliation, would transform an issue of truck safety into a racial issue.

I take a back seat to no one in this body supporting Hispanics, like economic opportunity, race relations, English only, and a host of other issues. In fact, I believe I have the largest number of Hispanic staff members of any Senator in this body.

I am as concerned about jobs for Mexican workers as I am for American workers. I also know the only way to reduce illegal immigration is by stabilizing the Mexican economy. I want to do that. Does that mean I have to put my children's lives at risk on American highways? I won't do it, nor will I risk any American life in the name of free trade.

I would remind my colleagues that of the twenty Hispanic Members of the House, half of them voted for more restrictive measures than the proposed Murray-Shelby language.

I would strongly suggest that those who are using the race card in this debate for personal or political gain, put a lid on it and recognize that we have a duty to protect the lives and property of the people who sent us here.

Now that I have that off my chest, let me use a graphic illustration of just one—just one—of the reasons why we should be careful in allowing free access to our highways. The problems of hours of service, age of the trucks, drug testing, and monitoring compliance have been discussed by other Senators.

Since I am a certified CDL driver, let me focus on that facet of this problem. This is an enlarged page from a daily driver's log. These logs are required by the Federal Government and are reviewed and monitored. Mexican drivers have log books, too, but almost no oversight of their order. Note this area here on the log book. It is broken down into minute by minute sections of a 24-hour day.

Each working day, American drivers are required to fill out this form which enables Federal officials to track exactly what the driver was doing. I know of no other job in America, with exception of airline pilots, that has such a high degree of scrutiny. That scrutiny is meant to ensure safety on our highways. Why is it unfair to ask foreign trucks to comply with the same standards?

Let me now say a few words about the trucks themselves. We know that the American fleet averages 3 to 5 years old, while the Mexican fleet averages 15 years old. If the average is 15 years old, that means some trucks are 30 years old with all the inherent problems of old machinery.

What has not been mentioned is the use of the high-tech equipment that is on most new American fleets but rarely on older trucks. Modern U.S. trucks have CB radios, weather band radios, cell phones, and GPS tracking systems. This not only makes them more efficient but helps keep the driver out of trouble. His boss, the carrier, can tell at any given moment exactly where he or she is, what speed they are traveling, if there are bad road conditions ahead, if there are accidents or congestion that would require re-routing, and a host of other pertinent facts about both the driver and his vehicle.

The point is this. Do you think any company which pays as little as $7.00 per day to their drivers is going to invest the thousands of dollars to equip their trucks with this state-of-the-art efficiency and safety equipment? Not likely, particularly when you factor in the initial cost of $100,000 for each of those new tractors and for the $30,000 for those new trailers in the American fleet.

It is not always the big things that add up to safer highways. Sometimes subtle things are equally important. As an example, no driver or company that I know will run retreads on their front tires. There may be laws addressing this, but any driver with a lick of sense knows that the risk factor for himself and everyone near him goes up if, while thundering down the road at speed, pulling 80,000 pounds, a front tire blows out. They may run recaps on back tires because other tires will distribute the load in case of a blow out. But not the front.

Do Mexican trucks run recaps on front tires? Many do and again I would ask, do you think anyone paying his drivers $7.00 per day, will buy $400.00 tires for the front wheels when he can buy caps for a quarter of the price?

I stand before this body not just as a concerned Senator but as a licensed commercial truck driver. This amendment attempts to provide equal and fair standards. For my colleagues who believe this amendment violates components of our trade agreements, I challenge them to tell the American people they are willing to sacrifice the safety of our roads for the economic vitality of our neighbors.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, my friend from Arizona—we came to the House together; we came to the Senate together—stated a number of things in the last hour or so. He said, and I have it from the official transcript:

> I regret that. And I have been here not as long as many but long enough to know when a very dangerous trend or a very dangerous precedent has been set that I recognize it.

He further went on to say, again from the transcript:

> Cloture vote. I view that unfortunate, too, because if in the future Members of the Senate are seeking a number of amendments to be considered and cloture is imposed without them being able to have all their amendments considered, then obviously we are setting another, I think, very bad precedent for the conduct of the way we do business in the United States Senate.

He also said:

> I also want to make another comment about this issue and what we have done here. The Senator from Texas and I were allowed to propose one amendment, one amendment which was voted on, and we had many other amendments. But, obviously, that effort is going to be significantly curtailed.

My friend, the senior Senator from Arizona, said that a dangerous precedent has been set. No amendments could be offered. The senior Senator from Texas offered an amendment. It was tabled, defeated.

Senator MURRAY and I have begged for people to come and offer amendments, literally legislatively begged for people to come and offer amendments, day after day. No, there has been no dangerous precedent set.

This is the way the Senate has operated, by the rules. We want to move on with other legislation. The Senator from Arizona has refused to let us go forward, as has the Senator from Texas, to go forward on a Transportation appropriations bill that is vitally important to every State in the Union. Senator SHELBY and Senator MURRAY have worked very hard on this very important appropriations matter.

There was no choice but the leadership had to move to invoke cloture. What does that mean? It means stop unnecessary, dilatory debate. It was done on a bipartisan basis. This is not Democrat versus Republican. This is Democrats and Republicans wanting to move on with the business of this country; therefore, the business of the Senate.

We should move forward with this legislation. We are not doing that. Because of these dilatory tactics on this matter, we have been unable to move forward on other important legislative matters for this country.

Madam President, before we leave for the recess we have to finish the Export Administration Act. This is extremely important, and it expires August 14. This legislation is the most important aspect of the high-tech legislative agenda. The high-tech industry, by the way, is hurting. Just look at what is happening in the stock market. They need help. One of the things we can do to help is to change the rules so they can compete with the rest of the world. We don't want these jobs to be sent overseas. That is what is happening. We have a handful of Senators out of 100 who don't want us to move forward. Holding this up is wrong. The Export Administration Act is extremely important.

Madam President, the food and fiber in this country is produced by farmers and ranchers all over America. America is the greatest producer of food in the world. But we have another bill that we must take up before we leave to help the farmers and ranchers of America. It is called the agricultural supplemental bill. We have to do this

because if we don't, the farmers of this country, by virtue of some budgetary provisions that are placed in the law, will lose over $5 billion. This is essential to the very survival of many farmers and ranchers in America. We can't move forward on that because of the dilatory tactics on this issue. No, there is no bad precedent set. We are following the precedent established in the Senate to move forward when dilatory tactics are being used.

I repeat, we have stood here and asked for amendments to be offered. All day Tuesday we were in quorum calls. All day. Yesterday, almost all day. So we need to move forward. We not only need to pass the agricultural bill that is so important, which I have referred to, we have to finish the conference on that bill before August. We need to move expeditiously with the Export Administration Act. Senator BOND and Senator MIKULSKI have spent many days of their lives working on another appropriations bill, VA/HUD and Independent Agencies, which is worth approximately $50 billion to this country, to keep the institutions of Government running. That needs to be finished before the August recess. But, no, we are being held up in a filibuster—that is what it is—and the Senate, on a bipartisan basis today, said enough is enough.

I think this is wrong. We need to move forward. When my friend says that a dangerous precedent is set, I respectfully disagree. The Senate is working as it has for 200 years—in fact, more than that. We are the great debating institution. That is what we are called. But there comes a time, under our rules, when enough debate is enough, enough stalling is enough, enough dilatory tactics is enough. That was confirmed today on a bipartisan vote.

The Senate has done the right thing. We need to move off of this legislation and move forward with other important matters to this country.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I wonder if I may have 15 minutes of Senator MCCAIN's time.

Mr. MCCAIN. Absolutely.

Mr. DOMENICI. Madam President, parliamentary inquiry. Is there a time limitation?

The PRESIDING OFFICER. The Senate is operating under cloture. Each Senator has a maximum of 1 hour.

Mr. DOMENICI. I ask to use 15 minutes of my time.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOMENICI. I may even take 5 or 10 more. I think maybe 15 minutes is more than I ought to use.

First, I want my colleagues to know that I am not here as part of any dilatory tactics. I wish we could resolve this issue. But I thought that at least I ought to add a little bit to the notion of the kind of problem we have—that it is serious, which has the potential of very serious repercussions; or rather is this a typical problem on the Senate floor?

I came to the Chamber because I suggest there is a sea change occurring in this hemisphere between the United States and Mexico. It is a great and positive sea change. If we look at our history, it is incredible that we have come to the year 2001 and we still have a great country on our border with which, for some reason or another, the United States has not had a long and abiding friendship with that has yielded benefits for both countries.

We have been the victims of Mexican leadership that blamed America. There were a number of their Presidents who, when things didn't go well in Mexico, chose to say: It is America's problem. They are so wealthy that they ought to take care of things. They are letting all our workers go there and get jobs when we need them over here.

Today, however, sitting right on our border is potentially the greatest trading partner we could have in the world. What we need to do is what the NAFTA agreement called for and let Mexico grow and prosper, so that as neighbors, we become gigantic partners in trade. Many of the sore spots between our countries will disappear if Mexico has a chance to grow and prosper.

All of a sudden, there is on the horizon, as a result of a very different election in Mexico, a new kind of President. There is nobody writing about Mexico that says anything different than that. A new kind of President was elected in the most democratic election they have ever had. We all see him. We all admire him. I understand he was in the city of Chicago to have a meeting and to speak with those who might be concerned about Mexican problems, and 50,000 people showed up in Chicago to hear President Fox speak.

What has he said? He has said this about America: You are not our problem. I am not going to blame America for our economic situation. I want to be a friend, neighbor, and partner; and I want the Mexican people to have their own jobs. He said: I want them to grow and prosper. All I want is fair treatment from the United States.

Whether people like international agreements or not, we did approve and ratify an agreement with Mexico and Canada on this hemisphere regarding free trade. That is of the most serious type of agreement.

I noted that my good friend, Senator REID, was on the floor discussing with Senator BYRD the issue of a great book out there named ''John Adams,'' who was one of our great Founding Fathers. Would you believe that in the first 300 pages out of 600 pages of that book, which I am reading now, John Adams used the words ''America thrives on free trade.'' Think of this now; that was just after or during the Revolutionary War. ''Without free trade America cannot abide in this world, but we must sell our abundance in the world.'' John Adams said that more than one time.

Look at how long it took us to get an understanding that, with reference to Mexico and our neighbor Canada, we would open our borders and get rid of taxes that impose limitations upon free trade and move ahead together.

What else has the President of Mexico said? Believe it or not, he has actually said that he does not like the situation where Mexican men and women have to come here to find jobs. He does not like the situation with illegals coming here and getting jobs—not because he is angry at any of his people; he is saying they ought to be robust enough where that doesn't have to happen. He is saying: Let's work it out so we don't have the border conflicts over immigration that we are having today, which lead to big arguments and very serious sores between the two nations.

Right now, that country is growing. In fact, their gross domestic product is growing faster than America's. I wish we could turn around and reach that soon. So here is a rare opportunity to let this man lead Mexico and let the Mexican people become our friends and openly be sympathetic to us right now, as they are under his leadership. I can't think of anything worse than to turn that relationship around and have the Mexican leadership say that we are discriminating and treating them unfairly and watch this relationship sink into some kind of condition that will not let us, during the term of this new President who gets along with them very well, achieve the significant things that we can achieve together in this hemisphere. It will take some time.

I have come to the Chamber to give an example of how far we have come.

First of all, we have traveled a long road on this issue. The House of Representatives voted to ban Mexican trucks' access to the United States—period—and then put all kinds of limitations, including you cannot spend any money to help certify them or the like, which means we close the borders. That is essentially what the House amendment means: No trucks going back and forth. Everybody knows that would be a very serious mistake.

Some Senators here—minimal in number—had voiced their approval of this action of the House. Thankfully, Senator MURRAY did not. Senator MURRAY, chairman of this subcommittee, did not accept the House language, but proceeded to write her own language. She has attempted to craft something balanced to meet our obligation under NAFTA, while ensuring safety concerns.

Frankly, this Senator is as concerned as anyone about safety, but I do not believe implementing the NAFTA agreement, rather than breaking it, is inconsistent with safety, nor that it need be. I believe NAFTA can be implemented in such a way that we do no violence to it and we do not breach it or break it and still we have significant safety advantages over what we have today or

what we can expect today. I believe that is what we ought to do in due course.

I suggest that probably there is no part of our transportation system that does more good for American trade and American commerce than the trucking industry, be it large or small, be it those who are members of the Teamsters or independents. The trucking industry in America spends a lot of money on making sure trucks are as safe as they can be.

We are all having trouble getting people to be truckdrivers and trained to do the right job. For certain, the wages are pretty good and are moving in the right direction. America can be very proud of that.

We ought to say we want those trucks to have an opportunity to go to Mexico, and we want Mexico to move in the direction of having trucks as safe as ours and, indeed, adopt safety regulations and certification rules together with Mexico, not separate, but together with them which will make sure we can say the same things are happening in Mexico with reference to their future.

Now, I come to the point. Senator MURRAY, as I just said, tried very hard to produce an amendment. It is very detailed. We have a disagreement about what the amendment does. I still have people telling me it violates NAFTA; that is to say, if we were to adopt it and keep it in law, there would be a justification for Mexico to say: Since you do not abide by NAFTA, we have an opportunity to say we are not going to abide by some other things, and take their action against us.

The Minister of Economy for the Republic of Mexico, with whom I had the privilege of meeting 5 months ago, has voiced his concern about the language. The President of the United States has voiced his concern about the language.

I believe, after talking to fellow attorneys and those schooled in NAFTA, it does violate NAFTA, but I do not want somebody to think by saying that, I am accusing anybody of doing anything intentionally wrong. Not at all. It is just there are others who say it does not violate NAFTA.

Here we are in the Senate Chamber with a group of Senators, albeit at this point smaller in number, saying it does violate NAFTA, and another group, larger, saying it does not. I submit, and actually since the two people who have the most to do with this are here, I submit that at least we ought to adopt an amendment—I am not saying this amendment—but we ought to adopt an amendment that simply says it is not the intention of this legislation to violate NAFTA. It is pretty simple language. Do not bulk it up with a whole bunch of things. Just say, since both sides seem to say it does not violate NAFTA, why don't we adopt an amendment to say it is not the intention of any of these amendments that have to do with Mexican-American trucking to violate NAFTA.

Mr. REID. Will my friend yield for a question?

Mr. DOMENICI. Yes.

Mr. REID. If I thought that would move the legislation along, I would be happy to speak to the manager and the majority leader.

Mr. DOMENICI. I am not the one moving the legislation along, nor am I the one trying to stall it. I am stating that I believe there is a common ground which at some point we ought to adopt unequivocally, and that is that there is no intention to violate NAFTA.

Mr. REID. If I can ask my friend one more question.

Mr. DOMENICI. Sure.

Mr. REID. The senior Senator from New Mexico and I have served together on the Appropriations Committee since I came here. He is certainly someone from whom I have learned a great deal. I am fortunate to have been on the Energy and Water Development Subcommittee with the Senator from New Mexico for many years. We have been the chairman and ranking member off and on over those time periods.

After Senator BYRD, no one has as much experience as the Senator from New Mexico. I say to the Senator, you are a peacemaker. I understand that. Legislation is the art of compromise. I say to my friend from New Mexico, this is not an issue with which I have been heavily involved, but we do know the House has passed a very tough provision. In effect, what their provision says is no Mexican trucks coming to the United States, whereas the Senator from Alabama and the Senator from Washington have come up with a provision that is much softer than the House provision.

My point is, I cannot understand why this matter is not taken to conference and worked out there. That is where it is going to be worked out anyway, no matter what happens. I ask my friend if he will use his experience and the friendship everyone feels for him and the need to move this legislation along in an attempt, with his good offices, to work out a situation where we can take this to conference and work it out there.

Mr. DOMENICI. How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 1½ minutes of his 15 minutes remaining.

Mr. DOMENICI. Did Senator REID's comments count against my time?

The ACTING PRESIDENT pro tempore. The Senator yielded for a question.

Mr. DOMENICI. I ask unanimous consent that it not be counted.

Mr. REID. Mr. President, I ask unanimous consent that the time I consumed be charged against me.

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

Mr. DOMENICI. Then how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3½ minutes.

Mr. DOMENICI. I yield myself another 5 minutes, so I have 8½ minutes off my hour.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will conclude, hopefully not using the time I have allowed for myself. We have gotten to this point without anybody understanding how we got here. All of a sudden we are in an extreme logjam about something on which fundamentally we do not disagree.

I repeat, there is probably no Senator here who wishes Mexico and America to break off their ongoing friendly relationships which move in the direction of Mexico growing and prospering and together having a great trading relationship.

I have done the best I can to explain why free trade is important and why Canada, America, and Mexico can be important for all free peoples and how ludicrous it was we did not have this years ago, but now we have it.

I have concluded there are not very many Senators who want to openly defy and break that and cause Mexico to say we can now have repercussions on commodities that America is selling to Mexico by imposing duties. I don't think anyone wants that. We want the two countries to be able to work out, under NAFTA, a set of rules and regulations built around safety, fairness, and nondiscrimination toward Mexico.

That is very simple. That is what we ought to try to do. If I were to pose that question to Senators, I think there would be agreement. I came to the floor merely to suggest there ought to be a way to arrive at a conclusion that reaches the fundamentals.

It is strange that two groups of Senators say they are doing the same thing yet the things they are saying we should do are very different. For instance, those who favor the Murray amendment language—and I have just praised the Senator for her hard work and for how far she has come from the House proposal—there is a larger group who would say there is no intention to break the law and to break it and violate it in this Murray amendment.

It is interesting, on this side, if there are some people of bad faith—and I don't know of any of bad faith—it seems we are at each other's throats here. There appear to be relationships that are not working for some reason. On our side there are Senators—I am one—who think we do violate NAFTA with the amendment and its specificity, and it does discriminate against Mexico as compared with Canada, and we are not supposed to be doing that.

If we both—good, solid groups of Senators—think in that manner, that it doesn't violate, it does violate, or vice versa, why not find a way to not violate NAFTA? I cannot do it, I am not in control of this legislation. Why not find a way to unequivocally say we are not violating, there is no intention to violate NAFTA, it is not our intention, we want NAFTA to be implemented—

language that is affirmative about what we are doing?

Having said that, I have a pending amendment, and I would strike a portion of it. It is the amendment of which I am speaking. It says it is the intention that we not violate NAFTA in this bill. I cannot bring it up now. It is not my intention. Nor do I intend to wait around and use that as a dilatory tactic.

Whatever time I reserved I yield back, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, pursuant to rule XXII, I hereby yield 1 hour for Senator MCCAIN and 1 hour to Senator GRAMM.

The ACTING PRESIDENT pro tempore. The leader has that right.

Mr. LOTT. At this point, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent to use a portion of my time on a subject that is not germane to the matter before the Senate.

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

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

Mr. BYRD. Mr. President, I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield myself time under my time allotment.

Mr. President, I have been watching the debate intermittently this afternoon on the issue of trucks under the NAFTA agreement. I am really amazed that we are having this debate because I don't think there should be a question at all that we are going to make the safety of our highways the highest priority. I don't think anything in NAFTA says you can't. NAFTA does say that we will agree there is parity among Canada, the United States, and Mexico. There are ways to implement the differences in safety rules through negotiations. But the idea that we would give up the right to control the safety of our highways is a nonstarter.

I think we are very close in agreement on what those safety requirements should be. I think the administration and the Department of Transportation have been sitting at the table with many of us who are debating this issue. I think we are very close in substance with Senator GRAMM, Senator MCCAIN, Senator MURRAY, and Senator SHELBY. Everyone has been involved in the process. I think we all agree that we have the ability for safe highways, to assure that we have safety on our highways, and that we are going to be evenhanded.

I really think what we are talking about is process. We are really talking about when we come to that determination. Many of us are concerned that if we don't talk about exactly what is going to be the end result, maybe it is not going to come out that way. But I think we have the ability to talk across the aisle.

I am certainly supportive of the stricter definitions that are in the bill. It is certainly better than what the House passed, which abrogates the responsibility under NAFTA.

I do not think we are very far apart. For all the heat that is being generated, I think we are very close to the language in the Murray amendment with the language the Department of Transportation is seeking. I think we are very close to coming to a conclusion. I hope we can agree in due time on that final language, or at least a process to get there. I think we are talking process, even though it seems there is a lot of heat being generated on the issue.

I am going to call up an amendment at the appropriate time, No. 1133, that will assure we have the ability to weigh trucks at a crossing where at least 250 trucks a year go across, where there will be commercial scales available to weigh trucks.

One of the differences between Mexico and the United States is weight limits. There is also a difference between Canada and the United States on this issue.

This is an important issue because, of course, our highways are maintained based on our weight limits. The heavier a truck is, the more wear and tear there is on our highways. So we do need to make sure that we have a system, once we agree on what the weight limits are going to be, to check those weights and assure that everyone is meeting the requirements.

So I am hoping my amendment No. 1133 will be adopted in due course. Senator DOMENICI is a cosponsor of my amendment. We are two Senators from border States who understand very much the wear and tear on highways. I would also say that the bill that is before us, thanks to Senator MURRAY and Senator SHELBY, has enough money to equip these stations.

Another action that the House took was to wipe out the money that would allow us to inspect these trucks. The House just went into a hole and hid. We cannot do that. The bill before us that has been laid out by the appropriations subcommittee does have good regulations. There should be some changes in the language, but I think we are close to coming to that agreement. And it does have the money for the inspection stations. I want to make sure that included in that agreement also are weigh stations, if there are going to be any number of trucks that go through at any one time.

We have lived with the 20-mile commercial zone in Texas, which has the most border crossings. Texas has 1,200 miles of border of the 2,000-mile border with Mexico. So we do have the most crossings, of course. We have the most highways. We have had a 20-mile commercial zone that was established by NAFTA in the interim period while we were working on these regulations.

There have been some problems within these commercial zones. Many people who live on the border are very concerned about seeing trucks that do not have the clear safety standards that American trucks are required to have. Only 2 of the 27 U.S.-Mexico border crossings are currently properly equipped with infrastructure and manpower to enforce the safety regulations. That is why I have worked so hard with Senator MURRAY and Senator SHELBY on the committee to restore the President's request for border safety activities.

This bill does have $103 million dedicated to border safety activities. So most certainly, I think we are on the right track to making sure that families who are traveling on American highways are not going to have to worry about substandard trucks from any other country being on that highway.

We agree that we should have agreements with Mexico and that Mexico should be comfortable in that they are not being discriminated against. That is not even a question, although it has certainly been a question in the Senate debate.

I hear from my border constituents. I talk to people in El Paso and Laredo and McAllen and Harlingen. They are the most concerned of all about the trucks they are seeing in this 20-mile commercial zone, where we have Mexican trucks that are legal as NAFTA provided in this early transition time. It is those people who are complaining the most about Mexican trucks that might not meet the same safety standards.

We have had a lot of debate. It is legitimate debate. But I do not think anyone in this Senate Chamber intends to violate NAFTA. I do not think anyone in this Senate Chamber intends for us to have unsafe trucks on American highways. So if we can all agree on those two points, I think it is time for us to come to an agreement on the process.

Let's have strict safety requirements; let's have a process by which we can inspect Mexican trucks, where Mexican authorities can inspect U.S. trucks that want to go into Mexico,

and where we can have a certification process that requires that every truck must be inspected; but if it is inspected at a site before it crosses the border, and it gets a sticker, then we will agree that that truck can go through. But we also must have the facilities for those trucks that are not inspected and will not have that certification sticker.

We have to make sure that we provide the money for those inspection stations. This bill has the money. I want to make sure that weighing stations are as much a part of those border safety inspection facilities as are the checks that we would make for brakes, for fatigue, for driver qualifications, for good tires, and all of the other things that we would expect if we had our families in a car going on a freeway. We would hope that we would be safe from encroachment by a truck that did not meet the standards that we have come to expect in our country.

So I hope very much that we can come to a reasonable and expedited conclusion. I think we are all going for the same goal. I think there is no place in this debate for pointing fingers or name-calling. We do not need that. We need good standards, good regulations for the safety of our trucks, and to treat Mexican trucks and United States trucks in a mutually fair way. That is what we are trying to do.

I want to work with all of the parties involved. I think we have a good start in this bill, and I think we will be able to perfect this language in conference. I think everyone has shown the willingness to do that. I hope we can roll up our sleeves and pass what I think is a very good Transportation Appropriations Committee product. I think it is a good bill. It certainly adequately funds the major things that we need to do. With some changes in the Mexican truck language, which the sponsors of the legislation are willing to do, I think we can have a bill that the President will be proud to sign. That is my goal.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

ORDERS FOR FRIDAY, JULY 27, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, July 27. I further ask that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date and the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2299, the Transportation appropriations bill, and that the time remaining under cloture be counted as if the Senate had remained in session continuously since cloture was invoked earlier this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object. Posing a question to the Chair, the time that is being used this evening will not count against any individual Senator's time; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAMM. I have no objection.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, the majority leader has asked that I announce that there will be no more rollcall votes tonight, but there are expected to be several tomorrow starting in the morning.

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

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

Ms. SNOWE. Mr. President, today I rise to support an amendment to increase the Coast Guard's funding by $46.1 million. Unfortunately, under the funding levels in the pending bill, the Coast Guard would be forced to reduce routine operations by 20 percent. The increase provided by our amendment will address the Coast Guard's current readiness needs and raise the Coast Guard's law enforcement capabilities to the levels enacted in the budget resolution.

The past two national defense authorization bills mandated pay raises, new medical benefits, recruiting and retention incentives, and other entitlements that exceeded the funds appropriated during the consideration of the regular Transportation appropriations bills. Compounding this, the Coast Guard has had to face rising energy costs, aging assets, and missions that grow increasingly complex. To pay for these increases the Coast Guard has had to dip into its operational accounts resulting in reduced law enforcement patrols.

Without the funding authorized in this amendment, the Coast Guard will again be forced to reduce its level of operations. These routine operations are extremely important. As you know, the Coast Guard is a branch of the Armed Forces, but on a day-to-day basis, they are a multi-mission agency. Last year alone, the Coast Guard responded to over 40,000 calls for assistance, assisted $1.4 billion in property, and saved 3,355 lives.

These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, and other national security threats. And in 2000, the Coast Guard seized a record 132,000 pounds of cocaine and 50,000 pounds of marijuana through successful drug interdiction missions. They also stopped 4,210 illegal migrants from reaching our shores. They conducted patrols to protect our valuable fisheries stocks and they responded to more than 11,000 pollution incidents.

On April 6 Senior DEWINE, myself, and 10 of the colleagues offered an amendment to the budget resolution which was adopted by the Senate that addressed this very issue. That amendment increased funding for the Coast Guard by $250 million.

The amendment that we are offering today, will go a long way toward repairing the fundamental problems facing the Coast Guard. It will increase funding by $46.1 million in fiscal year 2002 so that the Coast Guard will not need to reduce its routine operations.

Now, during the drafting of the fiscal year 2002 Transportation appropriations bill, Senators MURRAY and SHELBY had a daunting task in crafting a bill that would cover a wide range of priorities within the allocations provided to their subcommittee. Fortunately, they both recognize the importance of the Coast Guard to their home States and the Nation and their bill provides a significant increase above the President's budget request accordingly. However, based upon the Coast Guard's estimates, this increase will not eliminate the need for operational cutbacks.

The $46.1 million increase we are asking for in this amendment is well below the $250 million the Senate agreed to in April, but the Coast Guard has assured us that they have taken a careful look at the funding allocations provided in this bill and that this small increase is all that is needed to restore the Coast Guard's operations and readiness. This will allow the Coast Guard to address an alarming spare parts shortage, maintain operations, and take care of other basic readiness problems.

By supporting this amendment, my colleagues will be saying that it is unacceptable to reduce these critical law enforcement missions and supplying the Coast Guard with the resources and tools they need to fulfill the mandates Congress has given them. It provides the Coast Guard with the foundation needed to do its job.

This is a bipartisan amendment, and I thank Senators GRAHAM and DEWINE for their efforts on behalf of the Coast

Guard. This is noncontroversial amendment, and I urge my colleagues to support it.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak for not to exceed 10 minutes each, and further, of course, this time, under the previous unanimous consent agreement, will be charged against the postcloture time that is now pending.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Madam President, reserving the right to object, may I ask a question?

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I would be perfectly happy to go to morning business, but I want to be assured that tonight we are not going to go back on the bill.

Mr. REID. No. The only thing we are going to do is wrapup, and it will have no bearing whatsoever on the legislation.

Mr. GRAMM. With that understanding, I have no objection.

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

NAVAJO CODE TALKERS' CONGRESSIONAL GOLD MEDAL

Mr. BYRD. Madam President, for those who toil in the clandestine world of national security, where the dictates of secrecy cloak heroes actions in vaults full of files marked with code words and warnings, there are precious few opportunities to stand before bright lights and listen to applause. Today, a group of men were honored who kept their secret from 1942 until 1968, when their talents and contributions in winning the war in the Pacific were finally declassified. Today was their turn in the sun, as the President awarded the original 29 Navajo Code Talkers the Congressional Gold Medal.

Now the world knows how these men gave the U.S. military a decisive edge in communications during the war in the Pacific theater and elsewhere. Their presence at Iwo Jima, at Guadalcanal, and throughout the Pacific provided U.S. military units with secure communications and the element of surprise that allowed U.S. forces to overwhelm dug-in Japanese units and win some of the bloodiest battles in World War II. The Navajo Code Talkers' unique contribution to the nation's security can be counted in those victories and in the number of servicemen who survived the war and returned home to their families.

The story behind the development of the Navajo Code Talkers is fascinating. Every American knows the history behind December 7, 1941, the ''day that will live in infamy,'' as Japanese forces launched a surprise attack on U.S. military bases in Pearl Harbor, Hawaii. Almost simultaneously, having assured themselves that the U.S. could not react militarily, the Japanese attacked and overwhelmed other islands throughout southeast Asia and the Pacific. U.S. losses were staggering, and reaction was immediate—the U.S. declared war against Japan and the other Axis powers within hours.

Declaring war and waging war, however, are two very different animals. The Pacific theater of war presented U.S. military forces with unique challenges. Distances were large, and the Japanese defenders were able to ''dig in,'' creating bastions from which small numbers of Japanese troops could hold off invading forces and inflict terrible losses upon the military men of the United States. Synchronizing air, land, and seaborne forces in coordinated attacks proved to be a major challenge. And the Japanese held an early intelligence advantage.

An elite group of English-speaking Japanese soldiers would intercept U.S. radio communications and then sabotage the message or issue false commands that led American forces into ambushes. The U.S. responded by creating ever more complex military codes, but his effort had its own problems. At Guadalcanal, military leaders faced a two-and-a-half hour delay in sending and decoding a single message. Something needed to be done.

That something was first suggested by Philip Johnston, a World War I veteran who was familiar with the use of Choctaw Indians as Code Talkers during that war. Johnston, the son of a missionary who was raised on a Navajo Indian reservation and who spoke Navajo fluently, believed that the Navajo language was the ideal candidate for service as a military code. Navajo is an unwritten language of great linguistic complexity. It would be doubtful indeed to suppose that the Japanese Army would possess any fluent Navajo speakers. Mr. Johnston contacted the U.S. Marine Corps with his proposal in early 1942, and after a demonstration of his concept, a group of twenty-nine Navajo speakers was recruited to become Marine Corps radio operators.

Those first twenty-nine men, and the others that followed them and who will be receiving a Congressional Silver Medal in a ceremony next month, developed a code so successful that it became one of the war's most closely held secrets. The first twenty-nine recruits developed the original code vocabulary of some 200 terms. Then, in a novel way of addressing other words outside that initial vocabulary, the group developed an ingenious method of spelling out any other word using any Navajo words that would, when translated into English, begin with the initial letter that was desired. Thus, if a Code Talker wanted to spell ''day,'' for instance, they could use the Navajo word for ''dog'' or ''dig'' or ''door'' followed by any Navajo words that translated to a word beginning with ''a'' and ''y.'' Thus any five radio operators could pick a different combination of Navajo words that would, when translated, spell ''day.'' ''Dog'' ''ant,'' and ''yellow'' or ''door,'' ''apple,'' ''yawn'' would both give you the initials ''d,'' ''a,'' and ''y'' in the correct order. Combined with the unique linguistic and tonal qualities of the Navajo language, such flexibility made the Navajo Code bewildering to the Japanese yet speedy and flexible to use.

Military commanders credited the Code Talkers with saving the lives of countless American soldiers and with providing a decisive edge in such battles as those that took place in Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa. Major Howard Connor, the 5th Marine Division signal officer at Iwo Jima, had six Navajo Code Talkers working nonstop during the first 48 hours of the battle for Iwo Jima. Those six men sent and received more than 800 error-free messages during that period. Major Connor stated that ''Were it not for the Navajos, the Marines would never have taken Iwo Jima.'' The raising of the American flag at Iwo Jima was captured on film—I can see it now—captured on film as one of the war's most compelling images, one that was translated into bronze at the Marine Corps memorial here in Washington, here in the city.

Today the Department of Defense has an Undersecretary of Defense for what is termed ''C4ISR'' which stands for Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance. Billions of dollars are spent in an effort to keep swift-moving combined military forces coordinated in an attack and aware of the dangers around them. In World War II, such things were more rudimentary. Communications were largely confined to open radio waves, making U.S. forces vulnerable to exactly the kind of intercept and sabotage practiced by Japanese forces. The Navajo Code Talkers, like World War I's Choctaw Code Talkers, represented an innovative and hugely successful answer to a problem that plagues military forces to this day. It is not surprising that the Department of Defense wanted to keep the Navajo Code Talkers a closely guarded military secret until 1968. What is laudable is that the Code Talkers kept their secret so well, despite every temptation to brag and every disappointment in having their priceless contribution remain hidden behind a Top Secret stamp.

In receiving the Congressional Gold Medal, the Navajo Code Talkers join a very short list of American heroes and luminaries that began with General George Washington on March 25, 1776. Their service merits this, the long-overdue thanks of a grateful nation and the award of the Congressional Gold Medal. To each Navajo Code Talkers, I offer the sincere thanks and deep appreciation of the United States Senate. My thanks also go to Senator Jeff BINGAMAN for sponsoring the legislation in the Senate authorizing the

award of the Congressional Gold Medal to this gathering of heroes, the Navajo Code Talkers. It should never be too late to recognize and reward the heroism of those who risk much to preserve the freedom and liberty that we all enjoy. It is all too common to heap the laurels on the general, admirals, and other leaders, and to overlook the invaluable contribution made by each soldier, sailor, airman, and, in this case, each radio operator who put just as much on the line as did those with more braid and brass on their collars. The Navajo Code Talkers were an essential element in each victory, as much as the man at the top who gave the command to attack.

I close on that thought with the words of John Jerome Rooney, who wrote the following lines in his poem, ''The Men Behind the Guns.'' I give you his first and last stanzas.

A cheer and salute for the Admiral, and here's to the Captain bold,
And never forget the Commodore's debt when the deeds of might are told!
They stand to the deck through the battle's wreck when the great shells roar and screech—
And never they fear when the foe is near to practice what they preach:
But off with your hat and three times three for Columbia's true-blue sons,
The men below who batter the foe—the men behind the guns!

Oh, well they know how the cyclones blow that they loose from their cloud of death,
And they know is heard the thunder-word their fierce ten-incher saith!
The steel decks rock with the lightning shock, and shake with the great recoil,
And the sea grows red with the blood of the dead and reaches for his spoil—
But not till the foe has gone below or turns his prow and runs,
Shall the voice of peace bring sweet release to the men behind the guns!

Today, Mr. President, I tip my hat and offer three times three to the Navajo Code Talkers.

Mr. CAMPBELL. Madam President earlier today I was honored to join President Bush, four of the five surviving Navajo Code Talkers, their families, and the families of all the Code Talkers in a ceremony in which the President awarded the Code Talkers the Congressional Gold Medal.

The ceremony also included other members of Congress, Indian tribal leaders, and dignitaries from around the Nation.

For far too many Americans, bred on cynicism and hopelessness, these men remind us what real American heroes are all about.

It is unfortunate that we could not have recognized these men and their contributions sooner than this.

Think of this—just 77 years before World War II, the grandfathers of these heroes were forced at gunpoint with 9,000 other Navajos from their homeland and marched 300 miles through the burning desert. For four long years the Navajo people were interned at the Bosque Redondo.

For these men and their comrades to rise above that injustice in American history and put their lives on the line speaks of their character and their patriotism.

Just as the Japanese were never able to break the Navajo Code, it is also a mystery why it took so long for our Nation to recognize the critical role the Code Talkers played in achieving victory in the Pacific.

The answer may lie in the secrecy of their mission.

The Navajo Code Talkers took part in every major assault the U.S. Marines conducted in the Pacific from 1942 to 1945. It was their duty to transmit messages in their native language, Diné Bizaad, a code the Japanese were never able to decipher.

Mr. Philip Johnston, the son of a missionary to the Navajos and one of the few non-Navajos who spoke the Navajo language fluently, was the individual responsible for recognizing the potential of the Navajo people and language and the contributions they could make to World War II.

A World War I veteran who knew the value of secure communications, Johnston was reared on the Navajo reservation, and recommended the Navajo language be used for this purpose.

The Navajo language is complex because it has no alphabet or symbols and fit the military's need for an ''undecipherable code''.

Johnston staged tests under simulated combat conditions with the commanding general of the Amphibious Corps, Pacific Fleet.

The tests demonstrated that Navajos could encode, transmit, and decode a three-line message in 20 seconds. After the simulation the Navajo were recommended to the Commandant of the Marine Corps to serve as Code Talkers. It was recommended that the Marines recruit 200 Navajos.

In May 1942, the first 29 of the 200 requested Navajo recruits attended boot camp. During this time they developed and memorized a dictionary and numerous words for military terms.

After the successful completion of boot camp, the Code Talkers were sent to a Marine unit deployed in the pacific theater. At this duty station it became the primary job of the Code Talkers to transmit information on tactics, troop movements, orders, and other vital battlefield communications over telephones and radios.

The Navajos were praised for their skill, speed, and accuracy in communications throughout the war.

At Iwo Jima, Major Howard Connor, 5th Marine Division Signal officer, declared, ''Were it not for the Navajos, the Marines would never have taken Iwo Jima.'' Connor had six Navajo Code Talkers who worked around the clock during the first two days of the battle sending and receiving over 800 messages—all without error.

The Japanese, who were skilled code breakers, were confused by the Navajo language. The Japanese chief of intelligence, Lieutenant General Seizo Arisue said that while they were at times able to decipher the codes used by the other armed forces, they never were able to crack the code used by the Marines and Navajos.

American Indians and their commitment to this Nation can be described in one quote from David E. Patterson, of the 4th Marine Division, ''When I was inducted into the service, one of the commitments I made was that I was willing to die for my country—the U.S., the Navajo Nation, and my family. My [native] language was my weapon.''

I would like to thank the Navajo Code Talkers who served in World War II for their dedication and bravery to our Nation.

They believed in what they fought for and were willing to sacrifice their lives to create a communication system that was unbreakable.

Without these brave men and their knowledge of their language, the success of our Nation's military efforts in the Pacific would not have been possible.

I urge all Americans to thank these brave men for their uncommon valor and dedication to a cause higher than themselves.

Mr. DOMENICI. Madam President, I rise to formally pay tribute to the Navajo Code Talkers, who today received the Congressional Gold Medal.

The award of the Congressional Gold Medal, one of our Nation's highest honors, is a fitting tribute to the Navajo Code Talkers for their relentless efforts, sacrifice and dedication during the decisive battles for the Pacific in World War II. I am proud and honored to witness our country's long overdue recognition of the Navajo Code Talkers' place in history.

I salute my friend, Senator BINGAMAN, for leading the effort to bring national attention to the crucial role the Navajo Code Talkers played in the history of our country, and indeed, the world.

The Navajo Code Talkers began as an idea by Phillip Johnston, a Marine Corps officer living in Los Angeles, CA, whose father was a Protestant missionary on the Navajo reservation. He was aware that the Marine Corps was deeply troubled over Japan's ability to break American codes.

In late April of 1942, two recruiting officers were sent to the Navajo reservation. In May, 29 Navajos were sworn in at Ft. Wingate, NM, and taken to Camp Elliott where they became the first all-Navajo platoon in Marine Corps history—Platoon 382.

This was not an easy recruitment. Many Navajos were willing to help, but not as many were literate in the English language. The Navajo recruits adjusted well to boot camp, considering few had ever been off the reservation before. Many had never met ''Anglos'' before.

They fought across an ocean they had never seen, against an enemy they had never met. To ensure their own land would not be in danger, they

joined in the effort with the United States.

The Navajo Code Talkers made a major contribution to WWII. They provided instantaneous technical, detailed communication. None of their codes were written; they were only memorized. The Navajo Code Talkers came to be known as extremely dependable. They were called upon for tasks other than just code talking; they also had duties as Marines.

The Navajo code was used almost exclusively during the battle of Iwo Jima. They were credited for sending and receiving over 800 messages with out an error.

''Were it not for the Navajos, the Marines would never have taken Iwo Jima,'' stated Major Howard M. Conner, signal officer for the Fifth Division.

Eventually there would be over 400 Marine Code Talkers who would play a vital part in the United States winning the war against Japan. In fact, the Navajo Code Talkers would participate in every assault the Marines took part in from late 1942 to 1945.

During the 3 years the Navajo Code Talkers participated in the war, Japanese Intelligence was able to break almost every U.S. Army and Army Air Corps code but not once were they able to break the Navajo code.

The Navajo Code Talkers are becoming more widely known by appearing in Veterans Day events, special honoring ceremonies, and there was even a Navajo G.I. Joe code talker toy developed. And now, a Hollywood film is being developed.

So I add my voice to the much-deserved recognition and appreciation going out today to the Navajo Code Talkers for their relentless efforts, sacrifice and dedication in the successful outcomes in the battle for the Pacific in World War II.

THE SPACEPORT EQUALITY ACT

Mr. REID. Madam President, I am pleased to join my distinguished colleague from Florida, Senator GRAHAM, as a sponsor of the Spaceport Equality Act.

Space commercialization holds great promise for the development of new drugs, ultrapure materials with incredible strength and flexibility, and even space tourism. To make space commercialization a reality, the US needs to support the growth of its domestic commercial space launch facilities or ''spaceports.'' It's a sad state of affairs, but U.S. satellite manufacturers are facing increasing pressure to use foreign launch services due to a lack of a sufficient domestic launch capability.

The purpose of the Spaceport Equality Act is to ensure a strong U.S. launch capability. This act will provide tax exempt status for spaceport facility bonds, just like we do for publicly-owned airports and seaports. The government will not be directly funding the commercial space transportation business, but creating the conditions necessary to stimulate private sector capital investment in these spaceports. Coupled with the development of ''reusable launch vehicles,'' these spaceports will be ''aero-space ports'' that will accommodate both air and space vehicles. Reusable launch vehicles are essential to reduce the cost of access to space by a factor of 10 to 100 from its present level of $2000/pound.

My home State of Nevada has an important role to play in space commercialization. As part of NASA's Space Launch Initiative, a public-private team will use the Nevada Test Site for orbital flights. This sets the stage for commercial space operations in Nevada as early as 2003–4.

The Spaceport Equality Act simply puts spaceports on equal footing with airports by treating them the same for purposes of exempt facility bond rules. I urge my colleagues to support this legislation which is essential to opening the space frontier for continued civil exploration and commercial development.

Mr. LUGAR. Madam President, earlier this month, the United States and the country of Kazakhstan successfully completed one of the most ambitious nonproliferation projects undertaken in history—the securing of one of the world's largest stockpiles of weapons-grade plutonium under the auspices of the Nunn-Lugar Cooperative Threat Reduction program. The security surrounding some three tons of plutonium—sufficient to make some 400 bombs—was enhanced and, commencing in 1998, the fuel assemblies containing spent nuclear fuel were packaged to prevent theft.

In August of 1998, I visited a torpedo factory in Almaty, then the capital of Kazakhstan, that had been converted to manufacture the big steel cannisters in which the plutonium-rich assemblies were packaged and sealed. The last cannister was sealed and lowered into a cooling pond in early July of this year.

Last week, the Washington Times carried a special report by Christopher Pala on this program under the title of ''Kazakh Plutonium Stores Made Safe.'' I ask unanimous consent that this article be printed in the RECORD and urge all of my colleagues to inform themselves about a real success story in U.S.-Kazakhstan relations.

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

[From the Washington Times, July 21, 2001]

KAZAKH PLUTONIUM STORES MADE SAFE

(By Christopher Pala)

ALMATY, KAZAKHSTAN.—U.S. officials last week voiced quiet satisfaction after one of the world's largest stockpiles of weapons-grade plutonium, located in a sensitive zone, was successfully made theft-proof in what the Energy Department called ''one of the world's largest and most successful nonproliferation projects.''

More than three tons of plutonium, enough to make about 400 bombs, had been stored in a fast-breeder reactor on the Caspian Sea shore in security conditions one early visitor described as similar to those of an office building.

Today, the plutonium has been fully secured, said Trisha Dedik, director of the U.S. Department of Energy's Office of Nonproliferation Policy, in an interview July 13 in Almaty, Kazakhstan's economic capital. ''It's been a great success.''

A day earlier, Miss Dedik and others took part in a ceremony at Aktau with Kazakh officials celebrating completion of the project.

The plutonium was produced by a BN–350 fast-breeder nuclear reactor on the arid northwestern shore of the Caspian, a few miles from the city of Aktau. Both the city and 350-megawatt power plant on the Mangyshlak Peninsula, the first-ever commercial breeder reactor, owed their location to considerable uranium deposits that were mined nearby.

The plutonium had been intended to be shipped to other parts of the Soviet Union for use as fuel in other reactors like it, but only one, the BN–600, was ever built. Located near Yekaterinburg on the eastern slope of the Urals nearly 900 miles north-northeast of Aktau, it ultimately took little or no plutonium from the BN–350, so the material just piled up.

The plant closed in 1999, at the end of its useful life.

After 26 years of providing electricity and water (by powering a desalination plant) to the Aktau region, the plant had an accumulation of 3,000 15-foot cylinders, called fuel assemblies, containing spent nuclear fuel.

About 7,250 pounds of weapons-grade plutonium could be extracted from the assemblies with relative ease, according to the Energy Department.

Nearly half the assemblies emitted little radiation and could be safely handled by workers wearing light protection. The other half were too ''hot'' to be handled by anything but robots. All spent years in a cooling pond the size of a football field at the plant.

''When I walked in there the first time back in 1995, it had all the security of a modern office building,'' said Fredrick Crane, an American physicist familiar with the plant.

''It was a clean and well-run reactor,'' said Mr. Crane. There were some guards, but otherwise all you needed was one code, like in an airport terminal, and you were in.''

With each fuel assembly weighing 300 pounds, a couple of strong men with accomplices inside could spirit out the half-dozen cylinders it would take to make a nuclear bomb.

''It was attractive material, and it was accessible,'' said Miss Dedik of the Energy Department.

Just 500 miles to the south along the Caspian coastline lies Iran and what U.S. officials say is a covert nuclear-weapons program. Eight hundred miles to the southeast is Afghanistan, base and refuge of accused terrorist mastermind Osama Bin Laden, and due west, straight across the Caspian, Chechnya smolders.

''There are fast-breeder reactors in Western Europe and Japan, but the plutonium produced there doesn't accumulate like it did in Aktau. It's reprocessed pretty quickly,'' Miss Dedik said.

''There just aren't any big stockpiles. Remember, most weapons-grade plutonium is produced by dedicated reactors, controlled by the military, and they're usually much better guarded than this one was.''

So in 1996, the government of President Nursultan Nazarbayev, the International Atomic Energy Agency and the United States quietly set up a program to immediately enhance security and, starting in 1998, to package the fuel assemblies to prevent theft.

Miss Dedik and Mr. Crane were among several dozen Americans who worked on the

project, which was funded by the U.S. Cooperative Threat Reduction Program under the Nunn-Lugar Act. The law was named for its sponsors, Sen. Richard G. Lugar, Indiana Republican, and then-Sen. Sam Nunn, Georgia Democrat.

A torpedo factory in Almaty that had been converted to civilian work was assigned to manufacture big steel canisters in which four or six of the plutonium-rich assemblies—some ''hot,'' some ''cooled''—were packed together and sealed before being returned to the cooling pond.

Weighing more than a ton, the filled canisters are far too heavy to be handled by anything but a large robot, and all of them now emit lethal doses of radiation.

Last month, after nearly three years and $43 million in U.S. support, the 478th and last canister was welded shut and lowered into the pond.

At the plant, Mr. Crane said, there are now manned gates, closed-circuit TV cameras, X-ray machines and turnstiles with magnetic cards, along with sensors that monitor the nuclear materials around the clock.

The packing is designed to last 50 years, but the plutonium isn't destined to stay at the closed Aktau plant that long.

Eventually, under a decree signed six months ago by Mr. Nazarbayev, the canisters will be taken 2,750 miles by train to the former nuclear-testing grounds at Semipalatinsk, on the other side of this country four times the size of Texas.

There, silos will be dug into the steppe and the fat cylinders will be buried, using a technique perfected in the United States.

''It will be the longest rail shipment of plutonium ever attempted,'' said Miss Dedik. ''They will have to design special transportation casks.''

And since the rail line wanders through what is now Russia and Kyrgyzstan, special loops will have to be built so that the plutonium stays in Kazakhstan during its whole voyage.

CONTROLLING THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

Mrs. FEINSTEIN. Madam President, last week I came to the floor to express my concern about U.S. policy at the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

This was the first effort by the international community to address the issue of the illicit proliferation of small arms and light weapons at the United Nations. I believed it was imperative that the United States take a leadership role in the conference rather than being an impediment to progress.

It seemed to me, that the position staked out by Undersecretary Bolton in his opening statement at the conference—a position which I found to be unwarranted and unwise—had created the very real possibility the conference, because of the U.S. position, would be doomed to failure.

The conference did not fail—a consensus on a program of action was achieved. But the conference was far from a total success.

The conference had presented the international community with an unparalleled opportunity to take meaningful and concrete steps to develop and implement a clear international plan of action.

Instead the program of action, approved by the conference, is all too often silent on important issues, and all too often weak and equivocal in places where a course of action is needed.

The program of action does contain provisions addressing such critical issues as: establishing national regulations on arms brokers; the need for greater security of weapons stockpiles held by states; a commitment to carry out more effective post-conflict disarmament and demobilization programs, including the destruction of surplus stocks; and, criminalizing the illegal production, possession, stockpiling, and trade of small arms and light weapons.

If individual nations and the international community are able to effectively follow through in these areas it will mark a significant step forward on this issue.

And, just as importantly, the program of action calls for a follow-up conference, no later than 2006, the time and place to be determined by the 58th United Nations General Assembly.

Unfortunately, consensus on the program of action was only achieved after lengthy and sometimes acrimonious negotiations.

Many of the participants—especially those from sub-Saharan Africa, which has been hit so hard by the scourge of small arms and light weapons—have come away with a deep sense of disappointment that more was not accomplished.

And they are laying the blame for much of the conference's shortcomings squarely at the feet of the United States.

A number of critical issues were left out of the final program of action, including: failure to reach a commitment to negotiate international treaties on arms brokering or the marking and tracing of weapons; absence of any reference to regulate civilian ownership of weapons; no reference to protecting human rights; and, a lack of commitment to greater transparency on the trade in small arms and light weapons.

In addition, in all too many cases the forward looking action that was agreed on is to take place ''within existing resources'' rather than with the additional resources that are required to address this issue—or to only be carried out ''as appropriate'' allowing wide latitude for interpretation.

Considering the strong commitments for such issues as international agreements on brokering and the marking and tracing of weapons in the earlier drafts of the Program of action, it is very disappointing that these items were blocked from inclusion in the final document.

While some of the blame must also be allotted to others, the United States must face up to the role it played in impeding action on some of these issues—including in areas where the United States itself already has strong laws on the books.

For example, there were legitimate questions about what the appropriate language for the program of action should have been regarding private ownership of small arms and light weapons. But it is important to recognize that U.S. law and numerous Supreme Court rulings recognize that government regulations on private ownership of weapons is legitimate, notwithstanding somewhat spurious arguments about the nature of the Second Amendment raised by some who influenced the U.S. position at the conference.

The National Firearms Act and the assault weapons ban are just two of the laws that the United States has on the books which control private ownership of small arms and light weapons and pass constitutional muster.

For the United States to stand in the way of a non-binding document suggesting international efforts to seek ways, consistent with individual national constitutional and political structures, to control private ownership of small arms and light weapons is, to me at least, mind boggling.

This is especially important given the clear nexus between legal trade and private ownership and the growth of the international black market in small arms and light weapons.

According to the independent Small Arms Survey 2001 by the Graduate Institute of International Studies in Geneva, Switzerland, the black market often operates on a individual basis, where a small numbers of legally purchased guns are sold to illegal buyers across international borders.

Such individual black market transfers have a dramatic cumulative effect. The United States, with its huge stores of privately-held firearms, is both a source, a supplier, and a recipient of these transfers.

Although it is very difficult to quantify illicit arms trafficking in the United States, there are clear indicators that a number of criminal gangs operating on U.S. territory are active in the trafficking of small arms and light weapons into Canada and Mexico.

The United States is the largest source of illegal weapons for Mexico, for example, with this arms trade directly linked to the drug trade.

I believe that Ambassador McConnell and Assistant Secretary Bloomfield and others on the U.S. delegation acted to the best of their abilities to represent the United States. But I am also concerned that the unrelenting unilateralist position taken by the United States has served to undermine and damage our reputation as a leader in the international community.

The majority of delegations at the conference expressed displeasure with the U.S. attitude and approach to the meetings, sometimes in terms that verged on the undiplomatic.

For example, Camilio Reyes of Colombia, the president of the conference—who deserves recognition for

his hard work on this issue—said at the conference's close that: ''I must express my disappointment over the conference's inability to agree due to the concerns of one State on language recognizing the needs to establish and maintain controls over private ownership of these deadly weapons and the need for preventing sales of such arms to nonstate groups.'' Both of these issues were blocked by the United States.

As I stated on the floor last week, I believe that the global flood of small arms is a real and pressing threat to peace, development, democracy, human rights, and U.S. national security interests around the world.

These weapons are cheap: An AK–47 can be bought for as little as $15 in sub-Saharan Africa.

They are durable and easy to transport and to smuggle across international boundaries.

And, with little or no training, anyone—including children—can use these weapons to deadly effect.

According to the independent Small Arms Survey 2001, small arms are implicated in well over 1,000 deaths around the world every single day.

The goals of the United Nations conference was not to infringe on national sovereignty or to take guns away from their legal owners. And it would not have, in my opinion, even with the inclusion of some of the language to which the United States objected.

The freedoms and rights of American citizens would not have been diminished by a stronger, more forward looking program of action.

As Secretary General Annan stated, the goals of the conference were to address the problems created by ''unscrupulous arms dealers, corrupt officials, drug trafficking syndicates, terrorists and others who bring death and mayhem into streets, schools and towns throughout the world.''

The conference's program of action represents an important first step by the international community toward developing an international framework for cooperation and collaboration to promote better national and international laws and more effective regulations to eliminate the illicit trade in small arms and light weapons.

In fact, the United States has not formally consented to the program for action, so this is a step I urge the Administration to take as soon as possible.

And much more will be needed in the future. Many important issues that should have been addressed by the conference were not and other issues that were did not receive sufficient emphasis.

I am hopeful that, looking ahead, the United States will be able to play a more constructive leadership role as we work towards developing real and binding international norms and agreements on these issues.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 28, 1993 in New York City. Two gay men were beaten with a golf club by three men outside a Greenwich Village gay bar. Noel Torres, Joseph Vasquez, and David Santiago were charged in connection with the assault.

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.

HONORING THE HISTORY OF THE U.S.S. CASSIN YOUNG, DD–793

Mr. DURBIN. Madam President, I rise today to call attention to an important date in the history of a valiant ship, the U.S. Navy Destroyer U.S.S. *Cassin Young*, DD–793.

The ship today is moored with the U.S.S. *Constitution* in Charlestown, MA, and has been open to the public under the custody of the National Park Service since 1981.

The *Cassin Young* was constructed at the Bethlehem Steel Shipyards in San Pedro, CA, and commissioned on December 31, 1943. She was named for Captain Cassin Young, a true naval hero who received the Medal of Honor for valor during the attack on Pearl Harbor and who later lost his life during the great naval battle off Guadalcanal on Friday, November 13, 1942.

From early 1944 until the end of World War II in 1946, the U.S.S. *Cassin Young* was involved in active combat operations. She suffered strafing off the island of Formosa in 1944 and withstood two Japanese kamikaze attacks, one of them causing heavy damage. Despite this damage, the U.S.S. *Cassin Young* was repaired locally and returned to the battle line. The ship was the last destroyer to be struck by a kamikaze during the fight for Okinawa, a battle that was so destructive to the U.S. destroyer fleet. The U.S.S. *Cassin Young* lost 21 crew members and saw approximately 100 others injured in combat.

At war's end, the U.S.S. *Cassin Young* rested in mothballs until the Korean War brought expansion of the U.S. fleet and she was recommissioned on September 7, 1951, in Long Beach, CA. During her second tour of active duty, the U.S.S. *Cassin Young* operated with both the Atlantic and the Mediterranean Fleets and completed a voyage around the world to the Philippines and Korea. She returned to the western hemisphere via the Panama Canal and joined the Atlantic Reserve Fleet in April 1960.

In addition to her many Service Ribbons and Battle Stars, the U.S.S. *Cassin Young* received the Navy Unit Citation and the Philippine Presidential Unit Citation for her actions during World War II and also was given the Korean Presidential Unit Citation during the Korean War.

In 1978, the National Park Service acquired the U.S.S. *Cassin Young* and painstakingly restored her to the configuration under which she sailed in the 1950s. Ceremonies commemorating the second commissioning of the U.S.S. *Cassin Young* are scheduled to take place on August 18, 2001, when the ship will undertake a towed sea trial of Boston Harbor. Some 500 individuals, including many of the original crew members from both of her tours of duty, will be on board the ship as it tours the waters off Massachusetts' capital city. Former crew members and friends of the ship have created the U.S.S. *Cassin Young* Association, which counts more than 400 men and women among its members.

Through the U.S.S. *Cassin Young*, the citizens of this country and visitors from abroad have the opportunity to experience firsthand an heroic vessel that represents the sacrifices of our Naval personnel during not one, but two, wars.

It is my sincere desire that the U.S.S. *Cassin Young* remain available to the people of this country far into the future so that she and those who served aboard her may continue to receive the honor they so deserve.

PRAISE ON THE 11TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. JOHNSON. Madam President, I rise today in praise of the Americans with Disabilities Act on the occasion of its 11th anniversary. The advances in law, health care, education and technology promoted in this historic legislation over the past 11 years have given Americans with disabilities a new lease on life.

Today, 53 million Americans live with a disability, and 1 in 8 of them is severely disabled. According to the most recent data available, there are approximately 117,701 individuals sixteen years or older living with a disability in South Dakota and 57,233 who have a severe disability. Yet due to the landmark Americans with disabilities Act, the stereotypes against these persons are crumbling and they are able to lead increasingly integrated and fulfilled lives. The Act has guaranteed that people with disabilities be able to live in the most integrated settings possible in their communities. The Americans with Disabilities Act has also spurred research and improved care for seniors, children and mentally

disabled persons. In doing so, the Act has ensured improved quality of life for people living with disabilities and has promised disabled children hope for a successful future. The contributions of the Americans with Disabilities Act over the past 11 years are an inspiration for what can be done to improve the lives of Americans living with disabilities, and a proponent of more progress in the future.

Once again, it gives me great pleasure to recognize and honor today's celebration on behalf of the millions of disabled Americans throughout this country.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, July 25, 2001, the Federal debt stood at $5,725,120,881,956.31, five trillion, seven hundred twenty-five billion, one hundred twenty million, eight hundred eighty-one thousand, nine hundred fifty-six dollars and thirty-one cents.

One year ago, July 25, 2000, the Federal debt stood at $5,670,718,000,000, five trillion, six hundred seventy billion, seven hundred eighteen million.

Five years ago, July 25, 1996, the Federal debt stood at $5,181,309,000,000, five trillion, one hundred eighty-one billion, three hundred nine million.

Ten years ago, July 25, 1991, the Federal debt stood at $3,557,315,000,000, three trillion, five hundred fifty-seven billion, three hundred fifteen million.

Fifteen years ago, July 25, 1986, the Federal debt stood at $2,072,020,000,000, two trillion, seventy-two billion, twenty million, which reflects a debt increase of more than $3.5 trillion, $3,653,100,881,956.31, three trillion, six hundred fifty-three billion, one hundred million, eight hundred eighty-one thousand, nine hundred fifty-six dollars and thirty-one cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO THE 100TH ANNIVERSARY OF THE KUHLMAN CORPORATION

• Mr. DEWINE. Mr. President, I rise today to recognize an outstanding achievement resulting from a century of hard work and perseverance. This spring, the Kuhlman Corporation, a family-owned, Toledo-based company that provides Northwest Ohio and Southeast Michigan with quality concrete and building supplies, celebrated its 100th anniversary. This is quite a milestone—a testament to the Kuhlman Corporation's commitment to its customers.

In 1901, German immigrant and bricklayer, Adam Kuhlman, helped establish the Toledo Builders Supply Company. Mr. Kuhlman put up much of his own money to provide the Toledo Builders Supply Company with new brick oven equipment. The purchase of this equipment was a risky investment, but Mr. Kuhlman had the foresight to sacrifice his own money for the good of the company. The investment proved to be a good one, and, with his strong work ethic and solid business sense, Mr. Kuhlman turned Toledo Builders Supply into a very successful brick business.

In the mid-1920's, he became the majority stockholder and founded a new company, called Kuhlman Corporation—a fitting tribute to the man who shaped the early success of the company. Since then, the Kuhlman Corporation has remained a family-owned and operated business and maintains the values that made it so successful—hard work and innovation.

In 1928, the Kuhlman Corporation set the precedent for Northwest Ohio building suppliers by becoming the first company in the region to enter the ready-mixed concrete business. With a fleet of advanced mixing trucks, the Kuhlman Corporation traveled all over Northwest Ohio and Southeast Michigan, helping build structures, like Scott and Waite High Schools in Toledo, Anthony Wayne Bridge in Toledo, the Toledo Zoo, and the Medical College of Ohio.

The Kuhlman Corporation has survived two World Wars, a depression, severe inflation, and the constant fluctuation of the construction market to remain a leader in concrete and building supplies, now accumulating annual revenue of $36 million. The company has helped the people of Ohio and Michigan to build their dreams. At the same time, the Kuhlman Corporation has achieved the American dream.

So today, I salute the Kuhlman Corporation for a century of demanding work, inspiration, and commitment to the Toledo community. I wish them all the best for the next 100 years.•

REPORT ON THE PROGRESS OF SPENDING BY THE EXECUTIVE BRANCH DURING THE FIRST TWO QUARTERS OF FISCAL YEAR 2001 IN SUPPORT OF PLAN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Pursuant to section 3204(e) of Public Law 106–246, I hereby transmit a report detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2001 in support of Plan Colombia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 26, 2001*.

MESSAGES FROM THE HOUSE

At 12:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 1954. An act to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.

At 1:09 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 bill, in which it requests the concurrence of the Senate:

H.R. 2590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 625. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1099. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. LEVIN, Committee on the Judiciary:

James W. Ziglar, of Mississippi, to be Commissioner of Immigration and Naturalization.

Asa Hutchinson, of Arkansas, to be Administrator of Drug Enforcement.

Mr. LEVIN, Committee on Armed Services:

Air Force nominations beginning with Col. Charles C. Baldwin, and ending Col. Thomas J. Loftus. (See Executive Journal proceedings of March 22, 2001, for complete list.)

Air Force nomination of Maj. Gen. Lance L. Smith.

Air Force nomination of Maj. Gen. Thomas C. Waskow.

Air Force nomination of Maj. Gen. Richard E. Brown III.

Army nominations beginning with Col. Scott C. Black, and ending Col. Daniel V.

Wright. (See Executive Journal proceedings of April 30, 2001, for complete list.)

Army nomination of Maj. Gen. Burwell B. Bell III.

Army nomination of Maj. Gen. John S. Caldwell, Jr.

Army nomination of Maj. Gen. James L. Campbell.

Army nomination of Lt. Gen. Michael L. Dodson.

Army nomination of Maj. Gen. David D. McKiernan.

Army nomination of Col. Marylin J. Muzny.

Army nomination of Brig. Gen. Thomas W. Eres.

Army nomination of Maj. Gen. John B. Sylvester.

Marine Corps nomination of Col. Kevin M. Sandkuhler.

Navy nominations beginning with Capt. Michael S. Baker, and ending Capt. Charles A. Williams. (See Executive Journal proceedings of February 27, 2001, for complete list.)

Navy nominations beginning with Capt. Robert E. Cowley III, and ending Capt. Alan S. Thompson. (See Executive Journal proceedings of February 27, 2001, for complete list.)

Navy nominations beginning with Capt. James E. Beebe, and ending Capt. John M. Stewart, Jr. (See Executive Journal proceedings of February 27, 2001, for complete list.)

Navy nominations beginning with Rear Adm. (lh) Kathleen L. Martin, and ending Rear Adm. (lh) James A. Johnson. (See Executive Journal proceedings of April 23, 2001, for complete list.)

Navy nomination of Rear Adm. (lh) Michael E. Finley.

Navy nomination of Vice Adm. Gordon S. Holder.

Navy nomination of Rear Adm. James C. Dawson, Jr.

Navy nomination of Vice Adm. Walter F. Doran.

Navy nomination of Vice Adm. Timothy J. Keating.

Navy nomination of Vice Adm. Michael G. Mullen.

(Nominations were reported with the recommendation that they be confirmed.)

Mr. LEVIN, Committee on Armed Services, reported favorably sundry nominations in the Army, Marine Corps and Navy which had previously appeared in the Congressional Record and, at the Senator's request and by unanimous consent, it was ordered that they lie at the Secretary's desk for the information of Senators:

Army nominations beginning with HADASSAH E AARONSON, and ending SANG W YUM. (See Executive Journal proceedings of June 21, 2001, for complete list.)

Army nominations beginning with DAVID L ABBOTT, and ending X8012. (See Executive Journal proceedings of June 22, 2001, for complete list.)

Army nominations beginning with CARL R. BAGWELL, and ending ALLEN M. HARRELL. (See Executive Journal proceedings of June 29, 2001, for complete list.)

Army nominations beginning with DENNIS E. PLATT, and ending LAWRENCE C. SELLIN. (See Executive Journal proceedings of July 12, 2001, for complete list.)

Army nominations beginning with GEORGE J. CARLUCCI, and ending CHARLES P. SHEEHAN. (See Executive Journal proceedings of July 12, 2001, for complete list.)

Army nominations beginning with JOSE R. ARROYONIEVES, and ending * BRIAN T. MYERS. (See Executive Journal proceedings of July 18, 2001, for complete list.)

Army nominations beginning with MARIA L. BRITT, and ending JOHN W. WILKINS II. (See Executive Journal proceedings of July 18, 2001, for complete list.)

Marine Corps nominations beginning with DONALD L. ALBERT, and ending TIMOTHY W. WALDRON. (See Executive Journal proceedings of July 12, 2001, for complete list.)

Navy nominations beginning with MICHAEL G. AHERN, and ending RICHARD D. ZEIGLER. (See Executive Journal proceedings of April 23, 2001, for complete list.)

Navy nominations beginning with MILTON D. ABNER, and ending MICHAEL A. ZIESER. (See Executive Journal proceedings of April 23, 2001, for complete list.)

Navy nominations beginning with EDWARD P. ABBOTT, and ending ROBERT ZAUPER. (See Executive Journal proceedings of April 26, 2001, for complete list.)

Navy nominations beginning with SCOT K. ABEL, and ending WILLIAM A. ZIRZOW IV. (See Executive Journal proceedings of May 21, 2001, for complete list.)

Navy nominations beginning with CHRISTOPHER E. CONKLE, and ending PHILIP D. ZARUM. (See Executive Journal proceedings of May 21, 2001, for complete list.)

Navy nominations beginning with MARK M. ABRAMS, and ending DAVID P. YOUNG. (See Executive Journal proceedings of June 29, 2001, for complete list.)

Navy nominations beginning with MICHAEL J. NYILIS, and ending RYAN S. YUSKO. (See Executive Journal proceedings of June 29, 2001, for complete list.)

Navy nominations beginning with LEIGH P. ACKART, and ending HUMBERTO ZUNIGA, JR. (See Executive Journal proceedings of July 12, 2001, for complete list.)

Navy nominations beginning with DAVID M. BURCH, and ending MIL A. YI. (See Executive Journal proceedings of July 18, 2001, for complete list.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CARNAHAN (for herself, Mr. DEWINE, Mr. LEAHY, Mr. DASCHLE, Mr. JOHNSON, Ms. LANDRIEU, and Ms. SNOWE):

S. 1250. A bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1251. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

By Mr. TORRICELLI:

S. 1252. A bill to amend title 18, United States Code, to make unlawful the tampering with computers of schools and institutions of higher education, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. TORRICELLI, Mr. CORZINE, Mrs. BOXER, and Mr. REED):

S. 1253. A bill to protect ability of law enforcement to effectively investigate and prosecute illegal gun sales and protect the privacy of the American people; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. REED, and Mr. ALLARD):

S. 1254. A bill to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN (for himself and Mr. BROWNBACK):

S. 1255. A bill to encourage the use of carbon storage sequestration practices in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS , Mr. CRAIG, Mr. DASCHLE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH , Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. ROBERTS, Mr. REID, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. NELSON of Nebraska, and Mr. CARPER):

S. 1256. A bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself and Mr. GRASSLEY):

S. Res. 139. A resolution designating September 24, 2001, as ''Family Day—A Day to Eat Dinner with Your Children''; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Con. Res. 61. A concurrent resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31st; considered and agreed to.

ADDITIONAL COSPONSORS

S. 205

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 252

At the request of Mr. VOINOVICH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 252, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water

pollution control revolving funds, and for other purposes.

S. 270

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 270, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 281

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. LUGAR) 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. 326

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 392

At the request of Mr. SARBANES, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 530

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 530, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind.

S. 535

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from California (Mrs. FEINSTEIN) 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. 627

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. SMITH) 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. 744

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 744, a bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 776

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 776, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 912

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 912, a bill to amend title 38, United States Code, to increase burial benefits for veterans.

S. 913

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 960

At the request of Mr. BINGAMAN, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Hawaii (Mr. INOUYE), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 980

At the request of Mr. FITZGERALD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 980, a bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

S. 986

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 995

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 995, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1008

At the request of Mr. BYRD, the names of the Senator from Nevada (Mr. REID), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1008, a bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic

and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes.

S. 1075

At the request of Mr. BIDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1119

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1119, a bill to require the Secretary of Defense to carry out a study of the extent to the coverage of members of the Selected Reserve of the Ready Reserve of the Armed Forces under health benefits plans and to submit a report on the study of Congress, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. JEFFORDS) 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. 1144

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1144, a bill to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 1186

At the request of Mr. DOMENICI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1186, a bill to provide a budgetary mechanism to ensure that funds will be available to satisfy the Federal Government's responsibilities with respect to negotiated settlements of disputes related to Indian water rights claims and Indian land claims.

S. 1200

At the request of Mr. CLELAND, the names of the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1200, a bill to direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor.

S. 1204

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1204, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

AMENDMENT NO. 1157

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 1157 intended to be proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CARNAHAN (for herself, Mr. DEWINE, Mr. LEAHY, Mr. DASCHLE, Mr. JOHNSON, Ms. LANDRIEU, and Ms. SNOWE):

S. 1250. A bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation; to the Committee on Armed Services.

Mrs. CARNAHAN. Mr. President, our Nation's Reserve components are assuming increasingly greater roles in the U.S. military. Today we have more commitments around the world but fewer Active Forces. For these reasons, we have increasingly come to depend on our Reserve components.

Since the gulf war, our Army and Marine Corps have increased their operations abroad by 300 percent. Air Force deployments have quadrupled since 1986. And our Navy now deploys 52 percent of its forces on any given day.

These deployments would be impossible without guardsmen and reservists. Last year's Reserve components served a total of 12.3 million duty days, compared to 5.2 million duty days in 1992.

It is time to recognize the contribution of our reservists and given them the benefits they deserve. We must find a way to provide immediate short-term relief to reservists who stand in need of our support, those who have just returned home from deployments abroad.

Last month, Senator LEAHY and six other colleagues set a goal to provide health care for all National Guard members and reservists. Senator LEAHY's legislation recognizes the role that Reserve components now play in our national security. This bill authorizes a Defense Department study to develop the most feasible plan to provide health care for all Reserve components.

Providing coverage to all reservists is a monumental task. It will require intense analysis in developing a cost-effective approach. But it is a worthy goal, one that will prove important to sustaining our force strength and our military morale.

Today I am introducing legislation that will take the first step towards Senator LEAHY's goal for covering reservists. The bill will significantly improve the quality of life for our men and women in the National Guard and Reserves. Reservists like SSG Jonathan Reagan, this young Army reservist just returned home from an 8-month peacekeeping mission in Kosovo. He served in the 313th hospital surgical unit providing care to military personnel and needy Kosovars. Yet when he returned home to Missouri, he found himself without health care coverage of his own.

Sergeant Reagan had just finished graduate school and was looking for a job as a physical therapist. Currently the law allows military personnel to extend their military health coverage for 30 days after they return home. Well, that was not enough for Sergeant Reagan. He was uninsured and was forced to purchase his insurance out of his own pocket.

Sergeant Reagan is not alone. Sergeant Jason Dunson served on that same deployment. He did not have health care coverage when he returned home to Springfield, MO, either. Luckily before he deployed, he transferred his 3-year-old daughter's health care coverage to his wife's plan. Unfortunately, his employer will not be able to cover him for a number of months.

But the case of CPT Terri McGranahan is the most troubling. She volunteered to be a part of our peacekeeping mission in Kosovo. During her service, she worked at a health clinic that had been newly painted with a toxic sealant.

When she returned home, her private health insurance company refused to retain her. Working in this clinic had made her very ill. Her condition resulted in pneumonia and eventually a spot on her lung.

She did not detect the condition right away. When she finally sought medical treatment, the 30 days of TRICARE coverage had already expired.

She asked the Army for help but was turned down. Moreover, her private insurer refused to cover her for a condition acquired during military service.

Eventually, she would be able to obtain reimbursements from the Department of Defense, once it was fully clarified that her illness was service related. But how long will she have to

wait before she receives this relief? And why should she and her family be forced to undergo such stress as she endures a serious ailment, contracted while in the military service?

Senators DEWINE, LEAHY, DASCHLE, JOHNSON, LANDRIEU, SNOWE, and I have joined together to propose a short-term solution. Our legislation will allow Reserve and National Guard personnel to extend their TRICARE coverage for up to 1 year after their deployment.

Already, the Carnahan-DeWine bill has been endorsed by organizations across the country, including the National Guard and Reserve Committee of the Military Coalition, the Reserve Officers Association, National Guard Association, Enlisted Association of the National Guard, and several other organizations promoting quality of life to serve men and women.

The Joint Chiefs of Staff have indicated that this legislation would have a positive impact on military quality of life and retention rates. They further believe that such extension of benefits would assist members who, following activation and deactivation, decide to leave their civilian employment.

We are not asking for an overly extensive benefit for Reserve components. Some may think this proposal is far too modest. I understand that in the other body there is a proposal to provide an even more comprehensive approach. But I believe that before we attempt to establish a full health care program for these service men and women, it is essential that we authorize the Pentagon to explore the most feasible option. The bill and the legislation authored by Senator LEAHY will work to achieve this goal.

In the meantime, I am proud to be pursuing this initiative in the name of our Missouri National Guard and Reservists, as well as our country's other citizen soldiers. As the Kansas City Star stated in a recent editorial:

> The United States has come to rely more and more heavily on the military reserves and the National Guard.
>
> The men and women who make so many sacrifices to serve in those forces should not have to worry about inadequate health insurance coverage as soon as they return to civilian life.

Mr. President, let's do the right thing for our Nation's citizen soldiers.

Mr. LEAHY. Mr. President, I rise today to congratulate Senator CARNAHAN on the introduction of S. 1250. I am an original co-sponsor of her legislation that deals with health care shortfalls among members of the National Guard and Reserve. This bill will enable citizen-soldiers to receive health insurance coverage for up to one year following an extended deployment. It is an important part of a larger effort to ensure that all members of the National Guard and Reserve have adequate health insurance.

This bill arises out of the changing role of the National Guard and Reserve in defending our Nation. During the Cold War, the military reserves served as an ace-in-the-hole, ready to fight but held back as a force of last resort. As our military posture has shifted, reservists have started supplementing active forces and taken up a greater share of the burden of projecting our national military presence abroad.

In many cases, these proud men and women are serving side-by-side with their active duty counterparts in deployments that can last upward of six months. I will not repeat many of the facts and figures that Senator CARNAHAN so adeptly underscored in her statement, but, suffice to say here, our citizen-soldiers are experiencing all of the same hardships, challenges, dangers that full-time servicemembers go through every time they leave their barracks or launch into the skies.

This courage and sacrifice deserves our support, both in symbolic and concrete terms. Unfortunately, many are experiencing difficulties as they transition back-and-forth between their usual, employer-provided health coverage and the military TRICARE Prime coverage they receive when they deploy longer than 60 days. More disturbing are the cases where a reservist might be between jobs in their professions, go on an extended deployment, and return to that unemployed status with no health insurance coverage at all. There are innumerable variations on each one of these stories, but each points towards a larger problem.

Cases like those add up, inevitably impacting military readiness and raising troubling moral questions. Military readiness diminishes when soldiers, sailors, Marines, and airmen arrive for deployment less healthy than possible. Basic questions of fairness come into play when two people can do exactly the same job, but receive different levels of respect and gratitude from the country. Congress has the responsibility to deal with these inequities and tailor a solution to address the problem.

Recently, Senators CARNAHAN, DEWINE, DASCHLE, COCHRAN, JOHNSON, and SNOWE joined me to introducing S. 1119, the Selected Reserve Health Care Act. This bill commissions an independent, detailed study of the health insurance needs of our citizen-soldiers, but, more importantly, expresses the sense of Congress that every reservist should have full health care coverage. This is a long-term goal that may take some time to achieve. In the meantime, though, we should take steps to move us in the right direction.

Senator CARNAHAN's legislation will ensure a smooth transition back to civilian employment after an extended deployment. It increases the time that a member of the reserve can remain on TRICARE following deployment from one month to a year. Though it merely extends an existing benefit, it will provide a much-needed stopgap for those who are unemployed or facing difficulties with their civilian insurance providers. This legislation is sensible and affordable, finding a balance between our responsibilities to our servicemembers and our responsibilities as caretakers of the national treasury.

Senator CARNAHAN has shown tremendous leadership on this issue, not only co-sponsoring a companion legislation that I introduced almost a month ago, but, more importantly, by coming up with a realistic, concrete step to start addressing this complex problem today. I am happy to be an original co-sponsor of this legislation, and I look forward to working with her to enact both of these bills.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1251. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today along with my colleague from Maine to introduce legislation for the relief of Nancy Wilson of Bremen, ME, who has been denied widow's benefits from Social Security despite the very extenuating circumstances of her case.

Nancy Wilson was denied Social Security widow's benefits because she had not been married to the late Alphonse Wilson for the required nine-month period prior to his death even though they had lived together as a couple for 19 years. Alphonse had been unable to marry Nancy earlier because Massachusetts law forbade him from divorcing his first wife, Edna, due to her being institutionalized with a mental illness. Upon Edna's death on April 12, 1969, Alphonse and Nancy were married just 20 days later, with Alphonse dying on December 5, 1969.

While the nine-month requirement for receiving widow's benefits was understandably created to prevent marriages in anticipation of death, the reason for Nancy Wilson's delayed nuptials were clearly unique. Given the extenuating circumstances, I urge my colleagues to support this private relief bill for Nancy Wilson.

Ms. COLLINS. Mr. President, I am pleased to join Senator SNOWE in introducing legislation for the private relief of Nancy B. Wilson. Nancy's compelling case merits such action.

In 1945, Al Wilson was married with two children when tragedy struck the family. His wife Edna was institutionalized following a severe mental breakdown, and Al was left with no one to care for his children. Five years later, he met Nancy Butler, who took up residence with Al and began caring for his two children, as well as her own son. The eldest child has written that Nancy ''is the person who brought me up in place of my biological mother, who was institutionalized. I think of Nancy as my real mother.''

Though Al and Nancy wished to get married, Al was prohibited from divorcing his first wife under a Massachusetts law barring divorce for reasons of insanity or institutionalization for insanity. Time passed, and although not legally married, Al and Nancy raised their family together.

Edna Wilson died on April 12, 1969, and Al and Nancy were married twenty days later. Tragically, just seven months after their wedding, Al died of cancer. Though only married for those seven months, Al and Nancy had lived together for 19 years.

When Nancy turned 64 she applied to the Social Security Administration for survivor's insurance benefits. She was told that a couple must be married for 9 months for the spouse to be eligible to collect survivor benefits, and that her legal marriage failed to meet that threshold. Nancy has since exhausted the administrative appeals process to no avail.

The private relief bill we are introducing will simply allow Nancy to receive widow's benefits from her husband's earnings. Though Al and Nancy were legally prevented from being married for all but seven months of their years together, they were, for all practical purposes, married for 19 years. She raised his children, allowing him to work and accumulate a Social Security benefit.

These unique circumstances illustrate why Congress must enact private relief legislation from time to time. Certainly, Nancy's unique situation fulfills the intent of the Social Security Act, and it is a situation that will not be repeated due to a change in Massachusetts law repealing the legal hurdle that prevented Al and Nancy from being married in the first place. Mrs. Wilson's case is truly compelling, and merits this corrective action by Congress. I urge my colleagues to support this measure.

By Mr. SARBANES (for himself, Mr. REED, and Mr. ALLARD):

S. 1254. A bill to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, today I am introducing the Mark-to-Market Extension Act of 2001 with my colleagues Senator REED and Senator ALLARD, the chair and ranking member of the Housing and Transportation Subcommittee of the Banking, Housing, and Urban Affairs Committee. This legislation will extend the Multifamily Assisted Housing Restructuring and Affordability Act of 1997, MAHRAA, for an additional five years.

The legislation will ensure that HUD continues to have the authority to restructure the rents and the mortgages of its FHA-insured section 8 project-based portfolio. These properties have been operating for the past 20 years on long term rental subsidy contracts, many of which are currently paying above-market rents. The program we seek to reauthorize provides HUD with the tools to reduce those rents to market levels and restructure the underlying mortgages so that the new, lower rents will be sufficient to cover the debt. At the same time, the program provides for the rehabilitation of these projects, and requires another long term commitment to keep the properties affordable.

This program expires in September. Both HUD and the General Accounting Office believe the program should be reauthorized in order to continue the progress in getting these projects restructured, rehabilitated, and on a sound footing for the taxpayer, for the owner, and for the resident.

In a hearing on this program held on June 19, we heard from all the stakeholders, HUD, and the GAO. We have adopted many of the recommendations heard at that hearing in this legislation. Some of the changes we have included should further reduce the costs of the program to the federal government, while simultaneously allowing for more extensive rehabilitation and more economic certainty for property owners. The bill also extends the authorization for funding for tenants, non-profits, and public agencies that participate in the restructuring process.

I ask unanimous consent that a section by section analysis be printed in the RECORD.

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

SECTION-BY-SECTION OF THE MARK-TO-MARKET EXTENSION ACT OF 2001

This legislation reauthorizes the ''Multifamily Assisted Housing Reform and Affordability Act of 1997'' (MAHRAA) with some amendments.

Section 1—Short Title.

Section 2—Purposes.

Section 3—Definitions.

Section 4—Provides for reauthorization of grants for tenant services, non-profits, and public entities engaged in the restructuring process; readjustment of calculation of properties eligible for exception rents; use of enhanced vouchers; notice regarding rejection of restructuring plan; voluntary participation of Preservation projects in mortgage restructuring upon sale or transfer of property; discretion for the Secretary in requiring owner contributions for new features in addition to basic rehabilitation; establish consistent rent standard; provide for GAO reports on physical and financial condition of the property and HUD's oversight; and, allow for resizing of second mortgages.

Section 5—Provides for consistent rent standard for projects undergoing restructuring, and for tenant-based vouchers.

Section 6—Provides for HUD-held mortgages to go through FHA's streamlined refinance process established by section 237(a)(7) of the National Housing Act; provides for the term of such loans to be up to 30 years.

Section 7—Technical correction to renumber a section of the law.

Section 8—Eliminate the requirement that the Director of the Office of Multifamily Housing Assistance Restructuring, OMHAR, be confirmed by the Senate; make the Director report to the FHA Commissioner; extend the program and Office for 5 years; and make the limitation on subsequent employment 1 year, consistent with Congressional rules.

By Mr. WYDEN (for himself and Mr. BROWNBACK):

S. 1255. A bill to encourage the use of carbon storage sequestration practices in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WYDEN. Mr. President, today Senator BROWNBACK and I are introducing legislation that uses a simple, scientifically sound and entirely voluntary approach to combat global warming. It's not regulatory, and it's not revolutionary, except for the fact that this approach could account for and solve up to 50 percent of the United States' atmospheric carbon problem. The Carbon Sequestration and Reporting Act will expand the Nation's forested lands, protect watersheds, conserve agricultural lands and put forests and farms on the frontlines in the battle against global warming. The legislation is entirely voluntary and incentive-based. It makes new resources available to private landowners through State-operated revolving loan programs and USDA conservation programs to provide assistance for tree planting, other forest management actions, and soil conservation for the purposes of carbon sequestration. Both of these programs will lead to better water quality, less runoff pollution, better wildlife habitat and an additional revenue source for farmers and forest land owners.

Thirty-eight industrialized countries account for one-half of the carbon released into the atmosphere. The U.S., all alone, accounts for one-quarter of the total carbon released into the atmosphere. This country cannot afford to be a bystander on the climate change issue, and yet two days ago the headlines read: ''Climate Agreement Leaves U.S. Out in the Cold;'' ''Isolated on Global Warming;'' ''178 Nations Reach Climate Accord; U.S. Only Looks On.'' I am convinced that it is possible to put together a bipartisan alternative to inaction. I started that process with the Forest Resources for the Environment and Economy Act. Today, I continue that process with Senator BROWNBACK as we introduce The Carbon Sequestration and Reporting Act.

We cannot afford to sit out this debate as it goes on around us. It costs between $2 and $20 per ton to store carbon in trees and soil but alternative strategies such as emissions reductions can cost up to $100 per ton. Sequestering carbon in forests and soil is a scientifically sound and cost-effective strategy that can reduce carbon dioxide levels by up to 50 percent. My approach has been to use trees for carbon sequestration; Senator BROWNBACK's approach has been to sequester carbon in agricultural soil. Our legislation joins the best of both these approaches.

I am not saying that carbon sequestration should be the only tool in our toolbox. We need all the tools available to address the enormous issue of global climate change. But we believe this approach, this bill, will provide a jump start to a stalled political process. Carbon sequestration is a technology that can begin working right now, today, to reduce the negative effects of climate change.

Investing in healthy forests today is an investment in the well-being of our

planet for decades to come. In the Pacific Northwest, forests are more than critical environmental resources, they are also a cornerstone of our economy. The same is true for agriculture. Last year, in Oregon alone, agriculture accounted for over $3 billion in trade and business revenues. Investing in improved land management and conservation to offset greenhouse gases is a win for the environment, a win for agriculture and a win for local economies.

According to the Pacific Forest Trust, our forest lands in the United States are only storing one-quarter of the carbon they can ultimately store. Just tapping a portion of this potential by expanding and increasing the productivity of the Nation's 737 million acres of forests is an important part of a win-win strategy to slow global warming. The forestry component of this bill works through a revolving loan fund for private, non-industrial landowners to be used to plant trees for carbon sequestration and conservation purposes. The forestry loans are not limited by time, but can be forgiven if the landowner decides to institute a permanent easement on his or her land for the purposes of conservation and carbon sequestration. This bill also takes an important first step toward sequestering greenhouse gases on Federal lands: it directs the Forest Service to report to Congress on options to increase carbon storage in our national forests.

The agriculture portion of the bill will encourage landowners to offer the best plans detailing practices they would be willing to undertake to store additional carbon in the soil. The program is limited to 5 million acres, and is not a set aside. Rather, this bill encourages conservation practices like no-till, buffer strips and biomass production, to name a few, which are known to enhance soils' ability to store carbon. Using funding similar to current CRP payments, the agricultural contracts under this bill would be for a minimum of 10 years and USDA would be required—in conjunction with other agencies—to finalize criteria for measuring the carbon-storing ability of various conservation practices.

We know these types of approaches work because of the leadership of our home states in carbon sequestration practice and research: Oregon for forestry and agriculture and Kansas for agriculture. The objectives of this bill will be greatly aided by institutions like Oregon State University and Kansas State University, who are already conducting significant research on various carbon-storing practices.

This bill also makes important changes to the Energy Policy Act of 1992: it would strengthen the voluntary accounting and verification of greenhouse gas reductions from forestry and agricultural activities. The bill directs the Secretary of Energy to develop new guidelines on accurate and cost-effective methods to account for and report real and credible greenhouse gas reductions. These guidelines are absolutely necessary because without them we could be doing all the environmental good in the world, but we have no record of it and, therefore, no concept of the progress we would have made. The guidelines will be developed with the input of a new Advisory Council representing agriculture, industry, foresters, States, and environmental groups.

As in the last Congress, the forestry portion of the bill will pay for itself by using money that polluters pay when they are caught violating the Clean Air Act and Clean Water Act as there are currently no guarantees that these penalties, which revert to the General Fund, are used to improve our environment, but our bill would put the penalties toward this goal. We would use these fines to expand our forests, protect streams and rivers and help remove greenhouse gases from the air. The agricultural portion of this bill will be paid for by conservation appropriations to the USDA.

This bill is about taking advantage of a clear win-win opportunity. It's a win for the global environment. It's a win for sustainable forestry. It's a win for local water protection. And it's a win for rural communities. For these reasons, the forestry portion of this bill has already received positive reactions from timber companies and environmental organizations alike, including the National Association of State Foresters and the Society of American Foresters, American Forest and Paper Association, American Forests, Environmental Defense, Governor John A. Kitzhaber of Oregon, PacifiCorp, The Nature Conservancy, and The Pacific Forest Trust. The agricultural portion of this bill has received positive reactions from many of these same groups.

I look forward to pursuing this common-sense step toward protecting the environment and supporting our forest workers and agricultural interests.

I ask unanimous consent that the text of the bill and a summary of the Carbon Sequestration and Reporting Act be printed in the RECORD.

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

S. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Carbon Sequestration and Reporting Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CARBON ADVISORY COUNCIL

Sec. 101. Carbon advisory council.
Sec. 102. National inventory and voluntary reporting of greenhouse gases.

TITLE II—FOREST CARBON MANAGEMENT

Sec. 201. Forest carbon storage and sequestration.

TITLE III—CARBON SEQUESTRATION PROGRAM

Sec. 301. Establishment.
Sec. 302. Funding.
Sec. 303. Regulations.
Sec. 304. Effective dates.

TITLE IV—REPORTS

Sec. 401. Initial report.
Sec. 402. Annual report.
Sec. 403. State report.

TITLE I—CARBON ADVISORY COUNCIL

SEC. 101. CARBON ADVISORY COUNCIL.

The Energy Policy Act of 1992 is amended by inserting after section 1609 (42 U.S.C. 13388) the following:

''SEC. 1610. CARBON ADVISORY COUNCIL.

''(a) DEFINITIONS.—In this section:

''(1) CARBON ADVISORY COUNCIL.—The term 'Carbon Advisory Council' means the Carbon Advisory Council established under subsection (b).

''(2) CARBON SEQUESTRATION.—The term 'carbon sequestration' means the action of vegetable matter in—

''(A) extracting carbon dioxide from the atmosphere through photosynthesis;

''(B) converting the carbon dioxide to carbon; and

''(C) storing the carbon in the form of roots, stems, soil, or foliage.

''(3) CARBON STORAGE.—The term 'carbon storage' means the quantity of carbon sequestered from the atmosphere and stored in forest carbon reservoirs.

''(4) FOREST CARBON PROGRAM.—The term 'forest carbon program' means the program established under section 2404(b) of the Global Climate Change Prevention Act of 1990 to provide financial assistance for forest carbon activities through—

''(A) cooperative agreements; and

''(B) State revolving loan funds.

''(5) FOREST MANAGEMENT ACTION.—

''(A) IN GENERAL.—The term 'forest management action' means an action that—

''(i) applies forestry principles to the regeneration, management, utilization, and conservation of forests to meet specific goals and objectives; and

''(ii) maintains the productivity of the forests.

''(B) INCLUSIONS.—The term 'forest management action' includes management of forests for the benefit of—

''(i) aesthetics;

''(ii) fish;

''(iii) recreation;

''(iv) urban values;

''(v) water;

''(vi) wilderness;

''(vii) wildlife;

''(viii) wood products; and

''(ix) other forest values.

''(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term by section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(7) REFORESTATION.—

''(A) IN GENERAL.—The term 'reforestation' means the reestablishment of forest cover naturally or artificially.

''(B) INCLUSIONS.—The term 'reforestation' includes—

''(i) planned replanting;

''(ii) reseeding; and

''(iii) natural regeneration.

''(b) ESTABLISHMENT.—The Secretary shall establish an advisory council, to be known as the 'Carbon Advisory Council', to—

''(1) advise the Secretary on the development and updating of guidelines for accurate reporting of greenhouse gas sequestration from soil carbon and forest management actions;

''(2) evaluate the potential effectiveness of the guidelines in verifying carbon inputs and outputs from various soil carbon and forest management strategies;

''(3) estimate the effect of implementing the guidelines on carbon sequestration and storage; and

''(4) assist the Secretary in preparing the annual report required by section 402(a) of the Carbon Storage and Sequestration Act (including the assessment of the vulnerability of forests and agricultural land to the adverse effects of climate change).

''(c) MEMBERSHIP.—The Carbon Advisory Council shall be composed of 21 members as follows:

''(1) The Secretary of Agriculture (or a designee).

''(2) The Secretary of Energy (or a designee).

''(3) The Secretary of the Interior (or a designee).

''(4) The Secretary of State (or a designee).

''(5) The Administrator of the Environmental Protection Agency (or a designee).

''(6) The Chief of the Forest Service (or a designee)

''(7) 15 members appointed jointly by the Secretary of Agriculture and the Secretary of Energy as follows:

''(A) 1 member representing professional forestry organizations.

''(B) 2 members representing environmental or conservation organizations.

''(C) 1 member representing nonindustrial private landowners.

''(D) 1 member representing the forest industry.

''(E) 1 member representing Indian tribes.

''(F) 1 member representing forest workers.

''(G) 3 members representing the academic scientific community.

''(H) 2 members representing State forestry organizations.

''(I) 2 members representing nongovernmental organizations who have an expertise and experience in soil carbon sequestration practices.

''(J) 1 member representing commercial agricultural producers.

''(d) TERM.—

''(1) IN GENERAL.—Except as provided in paragraph (3), a member of the Carbon Advisory Council appointed under subsection (c)(7) shall be appointed for a term of 3 years.

''(2) CONSECUTIVE TERMS.—No individual appointed under subsection (c)(7) may serve on the Carbon Advisory Council for more than 2 consecutive terms.

''(3) INITIAL TERMS.—Of the members first appointed to the Carbon Advisory Council under subsection (c)(7)—

''(A) 5 of the members shall be appointed for a term of 1 year;

''(B) 5 of the members shall be appointed for a term of 2 years; and

''(C) 5 of the members shall be appointed for a term of 3 years.

''(e) VACANCY.—

''(1) IN GENERAL.—A vacancy on the Carbon Advisory Council shall be filled in the same manner as the original appointment was made.

''(2) FILLING OF UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(f) COMPENSATION.—

''(1) NON-FEDERAL EMPLOYEES.—A member of the Carbon Advisory Council who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Carbon Advisory Council.

''(2) FEDERAL EMPLOYEES.—A member of the Carbon Advisory Council who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

''(3) TRAVEL EXPENSES.—A member of the Carbon Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Carbon Advisory Council.

''(4) SUPPORT.—The Secretary shall provide financial and administrative support to the Carbon Advisory Council.

''(g) USE OF EXISTING COUNCIL.—The Secretary may designate a council in existence as of the date of enactment of this section to perform the tasks of the Carbon Advisory Council if (as determined by the Secretary)—

''(1) the responsibilities of the Carbon Advisory Council, as described in subsection (b), are a high priority for the existing council; and

''(2) the representation, membership terms, background, and responsibilities of the existing council correspond to the requirements for the Carbon Advisory Council established under subsections (c) and (d).

''(h) DUTIES.—

''(1) REVIEW OF GUIDELINES.—Not later than 18 months after the date of enactment of this section, the Carbon Advisory Council shall—

''(A) review the guidelines established under section 1605(b)(1) that address procedures for the accurate voluntary reporting of greenhouse gas sequestration from tree planting, forest management actions, and agricultural land;

''(B) make recommendations to the Secretary to amend the guidelines; and

''(C) before submitting the guidelines to the Secretary, provide an opportunity for public comment on the guidelines.

''(2) ESTABLISHMENT OF GUIDELINES.—

''(A) REPORTING GUIDELINES.—The recommendations under paragraph (1)(B) shall include recommendations for reporting guidelines that—

''(i) are based on—

''(I) measuring increases in carbon storage in excess of the carbon storage that would have occurred but for reforestation, forest management, forest protection, or other soil carbon and forest management actions; and

''(II) comprehensive carbon accounting that reflects net increases in the carbon reservoir and takes into account any carbon emissions resulting from the disturbance of carbon reservoirs existing at the beginning of a soil carbon or forest management action; and

''(ii) include options for—

''(I) estimating the indirect effects of soil carbon and forest management actions on carbon storage, including the potential displacement of carbon emissions;

''(II) quantifying the expected carbon storage over various time periods, as determined by the Secretary, taking into account the duration of carbon stored in the carbon reservoir; and

''(III) considering the economic and social effects of soil carbon and forest management alternatives.

''(B) ACCURATE MONITORING, MEASUREMENT, AND VERIFICATION GUIDELINES.—

''(i) IN GENERAL.—The recommendations under paragraph (1)(B) shall include recommended practices for monitoring, measurement, and verification of carbon storage from soil carbon and forest management actions.

''(ii) REQUIREMENTS.—The recommended practices shall, to the maximum extent practicable—

''(I) be based on statistically sound sampling strategies that build on knowledge of the carbon dynamics of forests and agricultural land;

''(II) compute carbon stocks and changes in carbon stocks, by taking field condition measurements and modeling;

''(III) include guidelines on how to sample and calculate carbon sequestration across multiple participating ownerships; and

''(IV) encourage the use of more precise measurements at the option of a reporting entity.

''(C) STATE GUIDELINES.—The recommendations under paragraph (1)(B) shall include State guidelines for reporting, monitoring, and verifying carbon storage under the forest carbon program.

''(D) BIOMASS ENERGY PROJECTS.—The recommendations under paragraph (1)(B) shall include guidelines for calculating net greenhouse gas reductions from biomass energy projects, including—

''(i) net changes in carbon storage resulting from changes in land use; and

''(ii) the effect of using biomass to generate electricity (including co-firing of biomass with fossil fuels) on the displacement of greenhouse gas emissions from fossil fuels.

''(3) REVIEW OF GUIDELINES.—At least once every 24 months, the Carbon Advisory Council shall meet to—

''(A) evaluate the latest scientific and observational information on reporting, monitoring, and verification of carbon storage from forest soil carbon and forest management actions; and

''(B) recommend to the Secretary, revised guidelines for reporting, monitoring, and verification of carbon storage from soil carbon and forest management actions to reflect the evaluation.

''(4) COMPLIANCE WITH OTHER LAWS.—The Advisory Committee shall meet, as necessary, to ensure that the guidelines for reporting, monitoring, and verification of carbon storage from forest management actions are revised to be consistent with any Federal or State laws enacted after the date of enactment of this section.''.

SEC. 102. NATIONAL INVENTORY AND VOLUNTARY REPORTING OF GREENHOUSE GASES.

Section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) is amended by adding at the end the following:

''(5) AMENDMENT OF GUIDELINES.—Not later than 180 days after receiving the recommendations of the Carbon Advisory Council under subsection 1610(h)(1)(B), the Secretary (acting through the Administrator of the Energy Information Administration) shall, as appropriate, revise the guidelines established under paragraph (1) to reflect the recommendations of the Carbon Advisory Council.''.

TITLE II—FOREST CARBON MANAGEMENT

SEC. 201. FOREST CARBON STORAGE AND SEQUESTRATION.

The Global Climate Change Prevention Act of 1990 is amended by inserting after section 2403 (7 U.S.C. 6702) the following:

''SEC. 2404. FOREST CARBON MANAGEMENT.

''(a) DEFINITIONS.—In this section:

''(1) CARBON ADVISORY COUNCIL.—The term 'Carbon Advisory Council' means the Carbon Advisory Council established by section 1610(b) of the Energy Policy Act of 1992.

''(2) CARBON STORAGE.—The term 'carbon storage' means the quantity of carbon sequestered from the atmosphere and stored in forest carbon reservoirs.

''(3) FOREST CARBON PROGRAM.—The term 'forest carbon program' means the program established under subsection (b) to provide financial assistance for forest carbon activities through—

''(A) cooperative agreements; and

''(B) State revolving loan funds.

''(4) FOREST CARBON RESERVOIR.—The term 'forest carbon reservoir' means—

''(A) trees, roots, soils, or other biomass associated with forest ecosystems; and

''(B) products from the biomass that store carbon.

''(5) FOREST LAND—

''(A) IN GENERAL.—The term 'forest land' means land that is, or has been, at least 10 percent stocked by forest trees of any size.

''(B) INCLUSIONS.—The term 'forest land' includes—

''(i) land on which forest cover may be naturally or artificially regenerated; and

''(ii) a transition zone between a forested area and nonforested area that is capable of sustaining forest cover.

''(6) FOREST MANAGEMENT ACTION.—

''(A) IN GENERAL.—The term 'forest management action' means an action that—

''(i) applies forestry principles to the regeneration, management, use, and conservation of forests to meet specific goals and objectives; and

''(ii) maintains the productivity of the forests.

''(B) INCLUSIONS.—The term 'forest management action' includes management of forests for the benefit of—

''(i) aesthetics;

''(ii) fish;

''(iii) recreation;

''(iv) urban values;

''(v) water;

''(vi) wilderness;

''(vii) wildlife;

''(viii) wood products; and

''(ix) other forest values.

''(7) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(8) INVASIVE SPECIES.—The term 'invasive species' means a species that is not native to an ecosystem, the introduction of which may cause harm to the economy, the environment, or human health.

''(9) NONINDUSTRIAL PRIVATE FOREST.—The term 'nonindustrial private forest' means forest land that is privately owned by a person that—

''(A) does not control a forest products manufacturing facility; and

''(B) manages the land solely for the purposes of timber production.

''(10) REFORESTATION.—

''(A) IN GENERAL.—The term 'reforestation' means the reestablishment of forest cover naturally or artificially.

''(B) INCLUSIONS.—The term 'reforestation' includes—

''(i) planned replanting;

''(ii) reseeding; and

''(iii) natural regeneration.

''(11) REVOLVING LOAN PROGRAM.—The term 'revolving loan program' means a State revolving loan program established under subsection (b)(2)(A).

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(b) FOREST CARBON PROGRAM.—

''(1) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with willing landowners who are State or local governments, Indian tribes, private, nonprofit entities, [and other persons] to carry out forest carbon activities on private land, State land, Indian tribe land, [or private land.]

''(2) REVOLVING LOAN PROGRAM.—

''(A) IN GENERAL.—In collaboration with State Foresters and representatives of nongovernmental organizations, the Secretary shall provide assistance to States to establish a revolving loan program to carry out forest carbon activities on nonindustrial private forest land.

''(B) ELIGIBILITY.—An owner of nonindustrial private forest land shall be eligible for assistance from a revolving loan fund for forest carbon activities on not more than a total of 5,000 acres of nonindustrial private forest land of the owner.

''(C) LOAN TERMS.—

''(i) IN GENERAL.—To be eligible for a loan under this section, an owner of nonindustrial private forest land shall enter into a loan agreement with the State.

''(ii) INTEREST RATE.—The loan agreement shall have loan interest rates that are established by the State—

''(I) to encourages participation of nonindustrial private forest landowners in the revolving loan program;

''(II) to provide a net rate of return of not more than 3 percent; and

''(III) to further the objectives of this section.

''(iii) REPAYMENT.—The loan agreement shall require that loan obligations be repaid to the State—

''(I)(aa) at the time of harvest of land covered by the revolving loan program; or

''(bb) in accordance with a repayment schedule determined by the State; and

''(II) at a rate proportional to the percentage decrease of carbon stock.

''(iv) INSURANCE.—The loan agreement shall include provisions that provide for private insurance, or that release the owner from the financial obligation for any portion of the timber, forest products, or other biomass that—

''(I) is lost to insects, disease, fire, storm, flood, or other circumstance beyond the control of the owner; or

''(II) cannot be harvested because of restrictions on tree harvesting imposed by the applicable Federal, State, or local government after the date of the loan agreement.

''(v) LIEN.—The loan agreement shall—

''(I) impose a lien on all timber, forest products, and biomass produced on land covered by the loan agreement; and

''(II) provide an assurance that the terms of the lien shall transfer with the land on sale, lease, or transfer of the land.

''(vi) BUYOUT OPTION.—The loan agreement shall include a buyout option that specifies the financial terms under which the owner may terminate the agreement—

''(I) before harvesting timber from the stand established with loan funds; and

''(II) by repaying the loan with interest.

''(vii) ATTRIBUTION.—The loan agreement shall provide that, until the loan is paid in full by the participating owner or otherwise terminated in accordance with this section, all reductions in atmospheric greenhouse gases achieved as the result of the loan shall be attributed to any non-Federal entities that provide funding for the loan (including the State or any other person or nongovernmental organization that provides funding to the State for the issuance of the loan).

''(viii) MONITORING AND VERIFICATION.—The loan agreement shall include provisions for the monitoring and verification of carbon storage.

''(D) PERMANENT CONSERVATION EASEMENT.—

''(i) IN GENERAL.—A borrower may donate to the State or to another appropriate entity a permanent conservation easement that—

''(I) furthers the objectives of this section, including managing the land in a manner that maximizes the forest carbon reservoir of the land; and

''(II) permanently protects the covered private forest land and resources at a level above that required under applicable Federal, State, and local law.

''(ii) TERMS.—A permanent conservation easement under clause (i) may permit the continuation of forest management actions that—

''(I) increase carbon storage on the land and forest; or

''(II) furthers the objectives of this section.

''(iii) EFFECT ON LOAN AGREEMENT.—

''(I) REQUIRED CANCELLATION.—If the borrower donates to the State a permanent conservation easement under clause (i), the State shall cancel—

''(aa) the loan agreement under subparagraph (C); and

''(bb) any liens on the timber, forest products, and biomass under subparagraph (C)(v).

''(II) PERMISSIBLE CANCELLATION.—If the borrower donates to another appropriate entity a permanent conservation easement under clause (i), the State may cancel—

''(aa) the loan agreement under subparagraph (C); and

''(bb) any liens on the timber, forest products, and biomass under subparagraph (C)(v).

''(E) REINVESTMENT OF FUNDS.—Any funds collected under a loan issued under this section (including loan repayments, loan buyouts, and any interest payments) shall be—

''(i) reinvested by the State in the revolving loan program; and

''(ii) used by the State to make additional loans under the revolving loan program.

''(F) RECORDS.—The State Forester of a State shall—

''(i) maintain all records related to any loan agreement funded by a revolving loan fund of the State; and

''(ii) make the records available to the public.

''(G) MATCHING FUNDS.—

''(i) IN GENERAL.—Beginning the second year in which a State participates in the revolving loan program, and each year thereafter, to be eligible to receive Federal funds under this subsection a State shall provide matching non-Federal funds equal to at least 25 percent of the Federal funds made available to the State for the revolving loan program.

''(ii) ADMINISTRATION.—The State shall—

''(I) provide matching funds in the form of cash, in-kind administrative services, or technical assistance; and

''(II) establish procedures to ensure accountability for the use of Federal funds.

''(H) LOAN FUNDING DISTRIBUTION.—

''(i) FORMULA.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with State Foresters, shall—

''(I) establish a formula under which Federal funds shall be distributed under this section among eligible States; and

''(II) submit to Congress a report on the formula (including the methodology used to establish the formula).

''(ii) BASIS.—The formula shall—

''(I) be based on maximizing the potential for meeting the objectives of this section;

''(II) consider—

''(aa) the acreage of un-stocked or underproducing private forest land in each State;

''(bb) the potential productivity of the land;

''(cc) the potential long-term carbon storage of the land;

''(dd) the potential to achieve other environmental benefits;

''(ee) the number of owners eligible for loans under this section in each State; and

''(ff) the need for reforestation, timber stand improvement, or other forestry investments consistent with the objectives of this section; and

''(III) provide a priority to States that have experienced or are expected to experience significant declines in employment levels in the forestry industry because of declining timber harvests on Federal land.

''(I) PRIVATE FUNDING.—A revolving loan fund may accept and distribute as loans any funds provided by nongovernmental organizations or persons to carry out this section.

''(J) BONNEVILLE POWER ADMINISTRATION.—

''(i) IN GENERAL.—The States of Washington, Oregon, Idaho, and Montana may apply for funding from the Bonneville Power Administration for purposes of funding loans that meet—

''(I) the objectives of this section; and

''(II) the fish and wildlife objectives of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.).

''(ii) APPLICATION OF REQUIREMENTS UNDER OTHER LAW.—An application under clause (i) shall be subject to all rules and procedures established by the—

''(I) Pacific Northwest Electric Power and Conservation Planning Council; and

''(II) the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.).

''(3) ELIGIBLE FORESTRY CARBON ACTIVITIES.—

''(A) IN GENERAL.—An owner may use a loan or other funds provided under this section to carry out eligible forestry carbon activities (as determined by the Secretary) that—

''(i)(I) help restore under-producing or understocked forest land;

''(II) provide for protection of forests from nonforest use; or

''(III) allow a variety of sustainable management alternatives; and

''(ii) have no net negative impact on watersheds and fish and wildlife habitats.

''(B) ASSISTANCE.—The Secretary, in collaboration with State Foresters, shall provide guidance on eligible forestry carbon activities under this subsection.

''(C) APPLICATION OF OTHER LAWS.—Funding shall not be provided under this section for activities required under other applicable Federal, State, or local laws.

''(D) PRE-AGREEMENT ACTIVITIES.—Funding shall not be provided for costs incurred before entering into a cooperative agreement or loan agreement under this section.

''(E) LIMITATION ON LAND CONSIDERED FOR FUNDING.—No owner shall enter into a loan agreement under this section to fund reforestation of land harvested after the date of enactment of this section if the owner received revenues from the harvest that are sufficient to reforest the land.

''(F) ELIGIBLE TREE SPECIES.—

''(i) INVASIVE SPECIES.—Selection of tree species for loan projects under this paragraph shall be consistent with Executive Order No. 13112 (42 U.S.C. 4321 note).

''(ii) PROGRAM FUNDING.—Funding for reforestation activities under this section may be provided for—

''(I) tree species native to a region;

''(II) tree species that formerly occupied the site; or

''(III) nonnative tree species or hybrids that are noninvasive.

''(G) FOREST-MANAGEMENT PLAN.—Priority shall be provided under this section to projects on land under a forestry management plan or forest stewardship plan that is consistent with the objectives of the carbon storage program.

''(H) USE OF FUNDS.—

''(i) PERMITTED USES.—Funds under this section may be used to—

''(I) pay the cost of purchasing and planting tree seedlings; and

''(II) pay other costs associated with the planted trees, including the cost of—

''(aa) planning;

''(bb) site preparation;

''(cc) forest management;

''(dd) monitoring;

''(ee) measurement and verification; and

''(ff) consultant and contractor fees.

''(ii) PROHIBITED USES.—Funds under this section shall not be used to—

''(I) pay for the labor of the owner; or

''(II) purchase capital items or expendable items, such as vehicles, tools, and other equipment.

''(I) AMOUNT OF FINANCIAL ASSISTANCE.—The amount of financial assistance provided to an owner under this section shall not exceed—

''(i) 100 percent of total project costs of the owner, including funds received from any other source; or

''(ii) $100,000 during any 2-year period.

''(J) FEDERAL FUNDING.—During fiscal years 2001 through 2010, civil penalties collected under section 113 of the Clean Air Act (42 U.S.C. 7413) and under section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) shall be available, without further act of appropriation, to fund cooperative agreements and revolving loan funds authorized under this section.

''(4) ALLOCATION OF FUNDS.—The Secretary shall allocate—

''(A) not less than 15 percent of available funds for cooperative agreements described in paragraph (1); and

''(B) after determining that States have implemented a system to administer loans made under paragraph (2) in accordance with this section, 85 percent of available funds for State revolving loan programs.

TITLE III—CARBON SEQUESTRATION PROGRAM

SEC. 301. ESTABLISHMENT.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by inserting after chapter 1 the following:

''CHAPTER 2—CARBON SEQUESTRATION PROGRAM

''SEC. 1238. CARBON SEQUESTRATION PROGRAM.

''(a) IN GENERAL.—Effective beginning with the 2002 calendar year, the Secretary, acting through the Chief of the Natural Resources Conservation Service, shall establish a carbon sequestration program to permit owners and operators of land located in the United States to enroll the land in the program to increase the sequestration of carbon.

''(b) ELIGIBLE LAND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may include in the program established under this chapter any land, as determined by the Secretary.

''(2) CONSERVATION RESERVE LAND AND WETLANDS RESERVE LAND.—The Secretary may include in the carbon sequestration program land that is enrolled in the conservation reserve program or the wetlands reserve program established under subchapters B and C, respectively, of chapter 1, if the owner or operator of the land has not received any payments under the program for the implementation of carbon sequestration measures on the land.

''(c) MAXIMUM ENROLLMENT.—The Secretary may maintain up to 20,000,000 acres of land in the United States in the carbon sequestration program at any 1 time during a calendar year.

''(d) DURATION OF CONTRACT.—

''(1) IN GENERAL.—For the purpose of carrying out this chapter, the Secretary shall enter into contracts of not less than 10 years.

''(2) CERTAIN LAND.—In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this chapter, the owner or operator of the land may, within the limitations prescribed under this section, specify the duration of the contract.

''SEC. 1238A. CARBON SEQUESTRATION PRACTICES.

''(a) CRITERIA FOR EVALUATING CARBON SEQUESTRATION PRACTICES.—

''(1) IN GENERAL.—The Carbon Advisory Council established under section 1610(b) of the Energy Policy Act of 1992 shall develop, and propose to the Secretary, criteria for determining the acceptability of, and evaluating, practices by owners and operators that will increase the sequestration of carbon for the purposes of determining the acceptability of contract offers made by the owners and operators.

''(2) CONTENT.—The criteria shall address—

''(A) forest preservation and restoration and afforestation;

''(B) biodiversity enhancement;

''(C) the use of acreage to produce high-storage crops;

''(D) soil erosion management;

''(E) soil fertility restoration;

''(F) wetland restoration;

''(G) no-till farming practices;

''(H) conservation buffers;

''(I) improved cropping systems with winter cover crops; and

''(J) any other conservation practices that the Secretary determines to be appropriate for increasing carbon sequestration.

''(3) REGULATIONS.—The Secretary, acting through the Chief of the Natural Resources Conservation Service and the Chief of the Forest Service, by regulation, shall establish criteria described in paragraphs (1) and (2).

''(b) ACCEPTABILITY OF CARBON SEQUESTRATION PRACTICES.—

''(1) IN GENERAL.—As part of a contract offer accepted under this chapter, the owner or operator shall agree to carry out on land enrolled in the program established under this chapter carbon sequestration practices proposed by the owner or operator that (as determined by the Secretary)—

''(A) provide for additional sequestration beyond that which would be provided in the absence of enrollment of the land in the program; and

''(B) contribute to a positive reduction of greenhouse gases in the atmosphere through sequestration over at least a 10-year period.

''(2) MAXIMUM SEQUESTRATION BENEFITS.—In determining the acceptability of contract offers, the Secretary shall take into consideration the extent to which enrollment of the land that is the subject of the contract offer would provide the maximum sequestration benefits under the criteria developed under subsection (a).

''(c) COMPLIANCE WITH CARBON SEQUESTRATION CONTRACTS.—

''(1) IN GENERAL.—As part of a contract offer accepted under this chapter, an owner or operator of land shall permit the Secretary to verify that the owner or operator is implementing practices that sequester carbon in accordance with the contract, including an actual verification of the practices at least once every 5 years and such random inspections as are necessary.

''(2) FRAUD OR FALSE STATEMENTS.—Section 1001 of title 18, United States Code, shall apply to a statement, representation, writing, or document provided by an owner or operator under this subsection.

''(3) CONFIDENTIALITY.—Information provided by an owner or operator under this subsection shall be considered to be confidential information for the purposes of section 552(b)(4) of title 5, United States Code.

''(d) MONITORING.—The Secretary, in consultation with the Administrator of the Energy Information Administration, shall develop forms to monitor sequestration improvements made as a result of the program established under this chapter and distribute the forms to owners and operators of land enrolled in the program.

''(e) EDUCATIONAL OUTREACH.—In consultation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, the Secretary, acting through the Extension Service, shall conduct an educational outreach program to collect and disseminate to owners and operators of land research-based information on agricultural practices that will increase the sequestration of carbon, while preserving the social and economic well-being of the owners and operators.

''SEC. 1238B. DUTIES OF OWNERS AND OPERATORS.

''(a) IN GENERAL.—Under the terms of a contract entered into under this chapter, during the term of the contract, an owner or operator of a farm or ranch shall agree—

''(1) to implement a plan approved by the Secretary for carrying out on land subject to the contract practices that will increase the sequestration of carbon, substantially in accordance with a schedule, covering a period of not less than 10 years, that is outlined in the plan;

''(2) to place land subject to the contract in the carbon sequestration program established under this chapter;

''(3) in addition to the remedies provided under section 1238F(d), on the violation of a term or condition of the contract at any time at which the owner or operator has control of the land—

''(A) to forfeit all rights to receive rental payments and cost-sharing payments under the contract and to refund to the Secretary any rental payments and cost-sharing payments received by the owner or operator under the contract, and interest on the payments as determined by the Secretary, if the Secretary determines that the violation is of such nature as to warrant termination of the contract; or

''(B) to refund to the Secretary, or accept adjustments to, the rental payments and cost-sharing payments provided to the owner or operator, as the Secretary considers appropriate, if the Secretary determines that the violation does not warrant termination of the contract;

''(4) on the transfer of the right and interest of the owner or operator in land subject to the contract—

''(A)(i) to forfeit all rights to rental payments and cost-sharing payments under the contract; and

''(ii) to refund to the United States all rental payments and cost-sharing payments received by the owner or operator, or accept such payment adjustments or make such refunds as the Secretary considers appropriate and consistent with the objectives of this chapter; unless

''(B)(i) the transferee of the land agrees with the Secretary to assume all obligations of the contract;

''(ii) the land is purchased by or for the United States Fish and Wildlife Service; or

''(iii) the transferee and the Secretary agree to modifications to the contract that are consistent with the objectives of the program, as determined by the Secretary;

''(5) not to adopt any practice specified by the Secretary in the contract as a practice that would tend to defeat the purposes of this chapter; and

''(6) to comply with such additional provisions as the Secretary determines are desirable and are included in the contract to carry out this chapter or to facilitate the practical administration of this chapter.

''(b) PLAN.—The plan referred to in subsection (a)(1)—

''(1) shall specify the carbon sequestration practices to be carried out by the owner or operator during the term of the contract; and

''(2) may provide for the permanent retirement of any existing cropland base and allotment history for the land.

''(c) FORECLOSURE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an owner or operator that is a party to a contract entered into under this chapter may not be required to make repayments to the Secretary of amounts received under the contract if—

''(A) the land that is subject to the contract has been foreclosed on; and

''(B) the Secretary determines that forgiving the repayments is appropriate in order to provide fair and equitable treatment.

''(2) RESUMPTION OF CONTROL.—

''(A) IN GENERAL.—This subsection shall not void the responsibilities of such an owner or operator under the contract if the owner or operator resumes control over the land that is subject to the contract within the period specified in the contract.

''(B) CONTRACT APPLICABILITY.—On the resumption of the control over the land by the owner or operator, the provisions of the contract in effect on the date of the foreclosure shall apply.

''SEC. 1238C. DUTIES OF THE SECRETARY.

''In return for a contract entered into by an owner or operator under section 1238B, the Secretary shall—

''(1) share the cost of carrying out on the land carbon sequestration practices specified in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest;

''(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for—

''(A) the use of carbon sequestration practices on the land; and

''(B) the retirement of any cropland base and allotment history that the owner or operator agrees to retire permanently; and

''(3) provide conservation technical assistance to assist the owner or operator in carrying out the contract.

''SEC. 1238D. PAYMENTS.

''(a) TIME OF PAYMENT.—The Secretary shall provide payment for obligations incurred by the Secretary under a contract entered into under this chapter—

''(1) with respect to any cost-sharing payment obligation incurred by the Secretary, as soon as practicable after the obligation is incurred; and

''(2) with respect to any annual rental payment obligation incurred by the Secretary—

''(A) as soon as practicable after October 1 of each calendar year; or

''(B) at the option of the Secretary, at any time before that date during the year in which the obligation is incurred.

''(b) COST-SHARING PAYMENTS.—

''(1) IN GENERAL.—In making cost-sharing payments to an owner or operator under a contract entered into under this chapter, the Secretary shall pay not more than 50 percent of the cost of carrying out carbon sequestration practices required under the contract for which the Secretary determines that cost-sharing is appropriate and in the public interest.

''(2) MAXIMUM AMOUNT.—The Secretary shall not make any payment under this chapter to the extent that the total amount of cost-sharing payments provided to an owner or operator for carbon sequestration practices from all sources would exceed 100 percent of the total cost of carrying out the practices.

''(3) OTHER FEDERAL ASSISTANCE.—An owner or operator shall not be eligible to receive or retain cost-share assistance for land under this subsection if the owner or operator receives any other Federal cost-share assistance under this subsection with respect to the land under any other provision of law.

''(c) RENTAL PAYMENTS.—

''(1) IN GENERAL.—In determining the amount of annual rental payments to be paid to owners and operators for carrying out carbon sequestration practices, the Secretary may consider, among other factors, the amount necessary to encourage owners or operators of land to participate in the program established by this chapter.

''(2) BIDS OR OTHER MEANS.—The amounts payable to owners or operators in the form of rental payments under contracts entered into under this chapter may be determined through—

''(A) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or

''(B) such other means as the Secretary determines are appropriate.

''(3) FACTORS.—In determining the acceptability of contract offers, the Secretary—

''(A) shall take into consideration the extent to which enrollment of the land that is the subject of the contract offer would increase the sequestration of carbon in accordance with section 1238A;

''(B) may take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, or wildlife habitat, or provide other environmental benefits; and

''(C) may establish different criteria in various States and regions of the United States based on the extent to which the sequestration of carbon, water quality, or wildlife habitat may be improved or erosion may be abated.

''(d) FORM OF PAYMENT.—

''(1) IN GENERAL.—Except as otherwise provided in this section, payments under this chapter—

''(A) shall be made in cash or in the form of in-kind commodities in such amount and on such time schedule as is agreed on by the owner or operator and specified in the contract; and

''(B) may be made in advance of determination of performance.

''(2) IN-KIND COMMODITIES.—If the payment is made with in-kind commodities, the payment shall be made by the Commodity Credit Corporation—

''(A) by delivery of the commodity involved to the owner or operator at a warehouse or other similar facility located in the county in which the land subject to the contract is located or at such other location as is agreed to by the Secretary and the owner or operator;

''(B) by the transfer of negotiable warehouse receipts; or

''(C) by such other method, including the sale of the commodity in commercial markets, as is determined by the Secretary to be appropriate to enable the owner or operator to receive efficient and expeditious possession of the commodity.

''(3) SUBSTITUTION IN CASH.—If stocks of a commodity acquired by the Commodity Credit Corporation are not readily available to make full payment in kind to the owner or operator, the Secretary may substitute full or partial payment in cash for payment in kind.

''(4) STATE CARBON SEQUESTRATION PROGRAM.—Payments to an owner or operator under a special carbon sequestration program described in subsection (f)(4) shall be in the form of cash only.

''(e) PAYMENT TO OTHERS.—If an owner or operator that is entitled to a payment under a contract entered into under this chapter

dies, becomes incompetent, is otherwise unable to receive a payment under this chapter, or is succeeded by another person that renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.

''(f) PAYMENT LIMITATIONS.—

''(1) TOTAL AMOUNT.—The total amount of rental payments, including rental payments made in the form of in-kind commodities, made to a person under this chapter for any fiscal year may not exceed $50,000.

''(2) AMOUNT PER ACRE.—The amount of rental payments made to a person under this chapter for any fiscal year may not exceed $20 per acre.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall issue regulations—

''(i) defining the term 'person' as used in this subsection; and

''(ii) prescribing such rules as the Secretary determines are necessary to ensure a fair and reasonable application of the limitation contained in this subsection.

''(B) CORPORATIONS.—The regulations issued by the Secretary on December 18, 1970, under section 101 of the Agricultural Act of 1970 (7 U.S.C. 1307) shall be used to determine whether corporations and their stockholders may be considered to be separate persons under this subsection.

''(4) OTHER PAYMENTS.—Rental payments received by an owner or operator shall be in addition to, and shall not affect, the total amount of payments that the owner or operator is otherwise eligible to receive under—

''(A) the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127), including the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.);

''(B) the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624); or

''(C) the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

''(5) STATE CARBON SEQUESTRATION PROGRAM.—

''(A) IN GENERAL.—This subsection and section 1305(f) of the Agricultural Reconciliation Act of 1987 (7 U.S.C. 1308 note; Public Law 100–203) shall not be applicable to payments received by a State, political subdivision, or agency of a State or political subdivision in connection with agreements entered into under a special carbon sequestration program carried out by that entity that has been approved by the Secretary.

''(B) PAYMENTS TO STATES AND POLITICAL SUBDIVISIONS.—The Secretary may enter into such agreements for payments to States, political subdivisions, or agencies of States or political subdivisions as the Secretary determines will advance the purposes of this chapter.

''(g) EXEMPTION FROM AUTOMATIC SEQUESTER.—Notwithstanding any other provision of law, no order issued for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall affect any payment under this chapter.

''(h) OTHER ASSISTANCE.—In addition to any payment under this chapter, an owner or operator may receive cost-share assistance, rental payments, or tax benefits from a State or political subdivision of a State for enrolling land in the carbon sequestration program.

''(i) TREATMENT OF PAYMENTS.—Payments received by an owner or operator under this chapter shall be considered rentals from real estate for the purposes of section 1402(a)(1) of the Internal Revenue Code of 1986.

''SEC. 1238E. CHANGES IN OWNERSHIP; MODIFICATION OR TERMINATION OF CONTRACTS.

''(a) CHANGES IN OWNERSHIP.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), no contract shall be entered into under this chapter concerning land with respect to which the ownership has changed in the 1-year period preceding the first year of the contract period unless—

''(A) the new ownership was acquired by will or succession as a result of the death of the previous owner;

''(B) the new ownership was acquired before April 1, 2001;

''(C) the Secretary determines that the land was acquired under circumstances that give adequate assurances that the land was not acquired for the purpose of enrolling the land in the carbon sequestration program; or

''(D) the ownership change occurred because of foreclosure on the land and the owner of the land immediately before the foreclosure exercises a right of redemption from the mortgage holder in accordance with State law.

''(2) LIMITATIONS.—Paragraph (1) shall not—

''(A) prohibit the continuation of an agreement by a new owner after an agreement has been entered into under this chapter; or

''(B) require a person to own the land as a condition of eligibility for entering into the contract if the person—

''(i) has operated the land to be covered by a contract under this section for at least 1 year preceding the later of—

''(I) the date of the contract; or

''(II) April 1, 2001; and

''(ii) controls the land for the contract period.

''(3) OPTIONS FOR NEW OWNER OR OPERATOR.—If, during the term of a contract entered into under this chapter, an owner or operator of land subject to the contract sells or otherwise transfers the ownership or right of occupancy of the land, the new owner or operator of the land may—

''(A) continue the contract under the same terms or conditions;

''(B) enter into a new contract in accordance with this chapter; or

''(C) elect not to participate in the program established by this chapter.

''(b) MODIFICATION OF CONTRACTS.—The Secretary may modify a contract entered into with an owner or operator under this chapter if—

''(1) the owner or operator agrees to the modification; and

''(2) the Secretary determines that the modification is desirable—

''(A) to carry out this chapter;

''(B) to facilitate the practical administration of this chapter; or

''(C) to achieve such other goals as the Secretary determines are appropriate, consistent with this chapter.

''(c) TERMINATION OF CONTRACTS.—

''(1) IN GENERAL.—The Secretary may terminate a contract entered into with an owner or operator under this chapter if—

''(A) the owner or operator agrees to the termination; and

''(B) the Secretary determines that the termination would be in the public interest.

''(2) CONGRESSIONAL NOTICE.—Not later than 90 days before taking any action to terminate under paragraph (1) a contract entered into under this chapter, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate written notice of the action.

''SEC. 1238F. BASE HISTORY.

''(a) IN GENERAL.—A reduction, based on a ratio between the total cropland acreage on the farm and the acreage placed in the carbon sequestration program authorized by this chapter, as determined by the Secretary, shall be made during the period of the contract, in the aggregate, in crop bases, quotas, and allotments on the farm with respect to crops for which there is a production adjustment program.

''(b) PRESERVATION OF BASE AND ALLOTMENT HISTORY.—Notwithstanding sections 1211 and 1221, the Secretary, by regulation, may provide for preservation of cropland base and allotment history applicable to acreage on which carbon sequestration practices are carried out under this section, for the purpose of any Federal program under which the history is used as a basis for participation in the program or for an allotment or other limitation in the program, unless the owner and operator agree under the contract to retire permanently that cropland base and allotment history.

''(c) EXTENSION OF BASE AND ALLOTMENT HISTORY.—

''(1) IN GENERAL.—The Secretary shall offer the owner or operator of a farm or ranch an opportunity to extend the preservation of cropland base and allotment history under subsection (b) for such time as the Secretary determines is appropriate after the expiration date of a contract under this chapter at the request of the owner or operator.

''(2) CONDITIONS.—In return for the extension, the owner or operator shall agree to continue to abide by the terms and conditions of the original contract, except that the owner or operator shall receive no additional cost share, annual rental, or bonus payment.

''(d) VIOLATION OF CONTRACTS.—In addition to any other remedy prescribed by law, the Secretary may reduce or terminate the quantity of cropland base and allotment history preserved under this section for acreage with respect to which there has occurred a violation of a term or condition of a contract entered into under this chapter.

''SEC. 1238G. CARBON MONITORING PILOT PROGRAMS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall carry out 4 or more pilot programs to develop, demonstrate, and verify the best management practices for carbon monitoring on agricultural land.

''(2) CRITERIA.—The Secretary shall select pilot programs based on—

''(A) the merit of the proposed program; and

''(B) the diversity of soil sequestration types available at the site of the proposed program.

''(b) REQUIREMENTS.—Pilot programs carried out under this section shall—

''(1) involve agricultural producers in the development and verification of best management practices for carbon monitoring on agricultural land;

''(2) involve research and testing of the best management practices in various soil types and climactic zones;

''(3) analyze the effects of the adoption of the best management practices on watershed levels; and

''(4) use the results of the research conducted under the program to—

''(A) encourage agricultural producers to adopt the best management practices;

''(B) analyze the economic impact of the best management practices; and

''(C) develop the best management practices on a regional basis for watersheds and States not participating in the pilot programs.

''SEC. 1238H. FUNDING.

''The Secretary shall use to carry out this chapter (including to pay administrative

costs incurred by the Natural Resources Conservation Service in carrying out this chapter)—

''(1) funds of the Commodity Credit Corporation made available under section 1241(a)(3); and

''(2) at the option of, and transfer by, another Federal agency, funds of the agency that are available to the agency for climate change initiatives or greenhouse gas emission reductions.''.

SEC. 302. FUNDING.

Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by striking ''chapter 4'' and inserting ''chapters 2 and 4''.

SEC. 303. REGULATIONS.

(a) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Agriculture shall publish in the Federal Register proposed regulations for carrying out this title and the amendments made by this title.

(b) FINAL REGULATIONS.—Not later than 60 days after the date of publication of the proposed regulations, the Secretary shall promulgate final regulations for carrying out this title and the amendments made by this title.

SEC. 304. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title take effect on January 1, 2002.

(b) REGULATIONS.—Section 203 takes effect on the date of enactment of this title.

TITLE IV—REPORTS

SEC. 401. INITIAL REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Agriculture and other appropriate Federal agencies, shall submit to Congress a report on—

(1) the quantity of carbon contained in the forest carbon reservoir of the National Forest System and the methodology and assumptions used to determine that quantity;

(2) the potential to increase the quantity of carbon in the National Forest System and provide positive impacts on watersheds and fish and wildlife habitats through forest management actions;

(3) the role of forests in the carbon cycle; and

(4) the contributions of United States forestry to the global carbon budget.

(b) CONTENTS.—The report shall include an assessment of the impact of forest management actions on timber harvests, wildlife habitat, recreation, forest health, and other statutory objectives of National Forest System management.

SEC. 402. ANNUAL REPORT.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of Energy shall jointly submit an annual report on the results of the carbon storage program under section 2404(b) of the Global Climate Change Prevention Act of 1990 and carbon sequestration program under section 1238 of the Food Security Act of 1985 to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition and Forestry of the Senate;

(3) the Committee on Resources of the House of Representatives; and

(4) the Committee on Energy and Natural Resources of the Senate.

(b) GUIDELINES.—The Secretary of Agriculture, in consultation with the Carbon Advisory Council established under section 1610(b) of the Energy Policy Act of 1992, shall develop guidelines for the annual report that—

(1) require a statement of the quantity of carbon storage realized;

(2) include the data used to monitor and verify the carbon storage;

(3) are consistent with reporting requirements of the Energy Information Administration; and

(4) prevent soil carbon and forest carbon management actions from being counted twice.

(c) CONTENTS.—The report shall include—

(1) the information required by the guidelines developed under section 1610(h) of the Energy Policy Act of 1992;

(2) an assessment of the effectiveness of carbon monitoring and verification;

(3) a report on carbon activities associated with cooperative agreements for the forest carbon program under section 2404(b)(1) of the Global Climate Change Prevention Act of 1990;

(4) a State forest carbon program compliance report established by—

(A) reviewing reports submitted by States under section 403;

(B) verifying compliance with the guidelines developed under subsection 1610(h) of the Energy Policy Act of 1992;

(C) notifying the State of compliance status;

(D) notifying the State of any corrections that are needed to attain compliance; and

(E) establishing an opportunity for resubmission by the State; and

(5) an assessment of the effectiveness of the carbon sequestration program established under section 1238 of the Food Security Act of 1985, including a report on—

(A) sequestration improvements made as a result of the carbon sequestration program;

(B) sequestration practices on land enrolled in the carbon sequestration program; and

(C) compliance with contracts entered into under the carbon sequestration program.

SEC. 403. STATE REPORT.

Entities participating in cooperative agreements for forest carbon programs under section 2404(b)(1) of the Global Climate Change Prevention Act of 1990, and States receiving assistance to establish a revolving loan fund under section 2404(b)(2) of that Act, shall—

(1) monitor and verify carbon storage achieved under the forest carbon program in accordance with guidelines developed under section 1610(h)(2) of the Energy Policy Act of 1992; and

(2) submit an annual report on the results of the carbon storage program to—

(A) the Secretary of Agriculture; and

(B) any nongovernmental organization or person that provides funding for the carbon storage program.

THE CARBON SEQUESTRATION AND REPORTING ACT—BILL SUMMARY

SUMMARY

The purposes of the bill are to develop monitoring and verification systems for carbon reporting in forestry and agricultural soils, to increase carbon sequestration in forests and agricultural soils by encouraging private sector investment in forestry and conservation in agriculture, and to promote both the forestry and agriculture economies in the United States. This bill is a combination of two previously introduced bills, S. 820 and S. 785, introduced by Senators Wyden and Brownback respectively.

Title I: Carbon Advisory Council: Guidelines for Accurate Carbon Accounting for Forests. The bill directs the Secretary of Energy and the Secretary of Agriculture, through the Forest Service, to establish scientifically-based guidelines for accurate reporting, monitoring, and verification of carbon storage from forest management actions. The bill establishes a multi-stakeholder Carbon and Forestry Advisory Council to assist USDA in developing the guidelines.

Title II: Forest Carbon Management: State Revolving Loan Programs/Cooperative Agreements. The bill provides assistance to plant and manage underproducing or understocked forests to increase carbon sequestration by authorizing a state-run revolving loan program. Assistance is provided through Cooperative Agreements with State or local governments, American Indian Tribes, Alaska natives, native Hawaiians, and private-nonprofit entities; or through loans to nonindustrial private forest landowners. The Federal share of funding for Cooperative Agreements and the loan program will come from penalties that are being assessed against violators of the Clean Air Act and the Clean Water Act (civil penalties assessed in FY 1998 totaled $45 million).

Title III: Carbon Sequestration Program: Agriculture Conservation Program. The bill authorizes USDA contracts for a minimum of 10 years for farmers who wish to conserve land, improve water quality and sequester carbon by employing conservation practices, like no-till farming and the use of buffer strips to enhance carbon sequestration. The USDA would be required—in conjunction with other agencies—to finalize criteria for measuring the carbon-storing ability of various conservation practices. This bill allows farmers to submit plans on how they would store carbon on their land. Landowners already employing carbon-conservation practices would also be eligible. Participation in this program is completely voluntary, and is limited to 20 million total acres at a maximum $20 per acre.

Title IV Reports: Report on Options to Increase Carbon Storage on Federal Lands: The bill directs the Secretary of Agriculture, through the Forest Service, to report to Congress on forestry options to increase carbon storage in the National Forest System. *Forestry and Agriculture Reporting:* This bill will provide for a documented carbon database reported by participants to the Administrator of Energy Information Administration. The Administrator shall develop forms to keep track of both domestic and international sequestration gains. This data will provide a road map for dealing with climate change through independent carbon market offsets in the future.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS, Mr. Craig, Mr. DASCHLE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. ROBERTS, Mr. REID, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER,

Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. NELSON of Nebraska, and Mr. CARPER):

S. 1256. A bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes; to the Committee on Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, on behalf of Senator HUTCHISON and myself and 71 other Senate cosponsors, I rise today to offer legislation to extend the life of the Breast Cancer Research Stamp for an additional six years.

I was surprised by the U.S. Postal Service's recent rule-making which could possibly terminate the Breast Cancer Research Stamp program by next July. The Postal Service effectively decided to permit only one stamp to be issued at a time to raise funds for a specific cause.

This rule would therefore force competition for survival among a number of other potential and worthy fund-raising stamps. This action would be a terrible mistake.

The Breast Cancer Research Stamp has demonstrated itself to be a highly effective and self-supporting fund-raiser.

To date, the stamp has raised $21.1 million for research in addition to the $60,000 the Postal Service has recovered for administrative costs.

Every year the stamp has existed, it has generated strong consumer sales. In two months of operation in fiscal year 1998, consumers bought 9.2 million stamps, generating $700,000 for research on net sales of $3.68 million.

In fiscal year 1999, consumers bought 101.2 million stamps, yielding 7.5 million for research on net sales of $40.48 million.

In fiscal year 2000, consumers purchased 119.9 million stamps, garnering $8 million for research on net sales of $47.96 million.

In fiscal year 2001, the program continues to be vital. With two months remaining, consumers have already bought 75.2 million stamps, raising $4.8 million for research on sales of $30.08 million.

In total, the American people have purchased 305 million Breast Cancer Research stamps. This means that, on average, more than one stamp has been purchased for every citizen in our Nation and 100 million stamps were sold per year since the stamp was first introduced in August 1998.

Clearly, the program continues to have a strong and committed customer base.

We should also recognize that the National Cancer Institute and the Department of Defense have put these research dollars to good use by funding novel and innovative research in the area of breast cancer.

According to Dr. Richard Klausner, National Cancer Institute director, these awards benefit ''over a dozen critical areas of breast cancer research.''

Millions of Americans have bought the stamps to honor loved ones with the disease, to highlight their own personal battle with breast cancer, or to promote general public awareness. Virtually everywhere I travel, people tell me they buy the stamps in the hopes of helping to find a cure.

Moreover, one cannot calculate in dollars or cents the value the stamp has played in increasing the visibility of the disease and the need for additional research funding.

The life of such an extraordinary program should not prematurely end because of an administrative decision.

There is still so much more to do because this disease has far reaching effects on our nation: breast cancer remains the leading cause of cancer among women. In 2001, approximately 192,200 women will get breast cancer. This year 40,200 women will die from breast cancer. Breast cancer represents 31 percent of all new cancers faced by women. Approximately 3 million women in the United States are living with breast cancer. Of these individuals, 2 million know they have the disease, and 1 million remain unaware of their condition.

We have learned over the past few years how effective the Breast Cancer Research Stamp is at promoting public awareness of the disease. Yet, we still must reach out to the one million American women who do not know of their cancer.

Some may argue that the Breast Cancer Stamp should end so that other semi-postal stamps can have their turn at raising funds for a cause.

But it is a faulty premise that only one semi-postal stamp can succeed at a time. I believe there is room for multiple fund-raising stamps at the same time.

Every year, the Postal Service issues dozens of commemorative steps. In 2001, for example, the Postal Service sold stamps commemorating topics as various as diabetes awareness, Black Heritage, and military veterans. Many of these stamps have sold extraordinarily well.

The viability of a postage stamp depends on its appeal to postal customers. Over a three year period, the Breast Cancer Research has demonstrated a sustained and committed customer base.

I urge my colleagues to join me in passing this important legislation to grant the Breast Cancer Stamp another six years. Every dollar raised to fight the disease can help save lives.

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. 1256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF BREAST CANCER RESEARCH SPECIAL POSTAGE STAMP.

(a) SHORT TITLE.—This Act may be cited as the ''Breast Cancer Research Stamp Act of 2001''.

(b) REAUTHORIZATION AND INAPPLICABILITY OF LIMITATION.—

(1) IN GENERAL.—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

''(h) This section shall cease to be effective after July 29, 2008.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of enactment of this Act; or

(B) July 29, 2002.

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking ''of not to exceed 25 percent'' and inserting ''of not less than 15 percent''; and

(2) by adding after the sentence following paragraph (3) the following: ''The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 139—DESIGNATING SEPTEMBER 24, 2001, AS ''FAMILY DAY—A DAY TO EAT DINNER WITH YOUR CHILDREN''

Mr. BIDEN (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 139

Whereas the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of the Nation's children;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have consistently found that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol, and cigarettes;

Whereas teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol, and cigarettes;

Whereas the correlation between family dinners and reduced risk for teenage substance abuse are well-documented;

Whereas parental influence is known to be 1 of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

Whereas family dinners have long constituted a pillar of family life in America: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 24, 2001, as ''Family Day—A Day to Eat Dinner With Your Children'';

(2) recognizes that eating dinner as a family is an important step toward raising drug-free children; and

(3) requests that the President issue a proclamation calling upon—

(A) the parents of the children of the United States to observe the day by eating dinner with their children; and

(B) the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. BIDEN. Mr. President I rise today with my colleague Senator GRASSLEY to introduce a resolution to designate Monday, September 24, 2001 as ''Family Day: A Day to Eat Dinner With Your Children.'' A similar resolution has been introduced in the House of Representatives by Representative RANGEL.

Last year, the Senate passed the first Family Day resolution. Since that time, a number of States have followed suit. The Governors of several States—including Alabama, Connecticut, Florida, Indiana, Maine, Nebraska, New Hampshire, New Jersey, Ohio, and South Carolina, have already issued Family Day proclamations and additional States are expected to do so in the near future. Family Day has been endorsed by the National Family Partnership, the U.S. Conference of Mayors, the National Association of Counties, the National Fatherhood Initiative, the National Restaurant Association, Join Together, the National Council on Family Relations, and the Community Anti-Drug Coalitions of America. The U.S. Chamber of Commerce is also urging its member chambers to adopt Family Day.

The idea for the resolution grew out of research done by The National Center on Addiction and Substance Abuse at Columbia University, CASA, a New York-based research organization led by former Secretary of Health Education and Welfare Joseph A Califano, Jr. Among CASA's many projects is an annual survey of the attitudes of teens and their parents on issues related to drugs, alcohol and cigarettes.

In its past three surveys, CASA has found that the more often a child eats dinner with his or her parents, the less likely that child is to use addictive substances. The results from the 1999 survey were the most striking, revealing that teens who almost always eat dinner with their families are 31 percent less likely than the average teen to smoke, drink or use illegal drugs and that teens who virtually never eat dinner with their families are 72 percent more likely to engage in these activities.

Of course, having dinner as a family is just a proxy for spending time with kids. It is not the meat, potatoes and vegetables that alter a child's likelihood to use drugs. It is the everyday time spent with mom and dad, the two most important role models in most kids lives.

I do not believe that this resolution will be the silver bullet to solving this Nation's drug problem. But I do feel these statistics are telling. CASA President Joe Califano talks about ''Parent Power.'' It is important that parents know the power they have over their children's decisions and the power that they have to deter kids from drinking, smoking or using drugs. For example, nearly half of the teens who have never used marijuana say that it was lessons learned from their parents that helped them to say no.

Unfortunately, many parents are pessimistic about their ability to keep their kids drug-free; forty-five percent admit that they are resigned to the fact that their child will use an illegal drug in the future.

This pessimism is often reinforced by news reports that indicate that while most parents say that they have talked to their kids about the dangers of drugs, only a minority of teens recall the discussion. Rather than be discouraged by this apparent disconnect, I think it should teach us an important lesson: that talking to kids about drugs ought not just be a one-time conversation. Rather, it must be an ongoing discussion.

Keeping up on children's lives, including knowing who their friends are and what they are doing after school, is critical. The experts tell us that some of the telltale signs that a child is drinking or using illicit drugs include behavior changes, change in social circle, lack of interest in hobbies and isolation from family. These changes can be subtle; picking up on them requires a watchful eye.

Eating dinner as a family will not guarantee that a child will remain drug-free. But family dinners are an important way for parents to instill their values in their children as well as remain connected with the challenges that children face and help them learn how to cope with problems and pressures without resorting to smoking, drinking or using drugs.

I sincerely hope that all of my colleagues join me to support this resolution and send a message to parents that they can play a powerful role in shaping the decisions their kids make regarding drinking, smoking and drug use.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator BIDEN in introducing a bi-partisan resolution designating September 24, 2001 as ''Family Day: A Day to Eat Dinner With Your Children.'' This resolution recognizes the benefits of eating dinner as a family, especially as a way to keep children from using illegal drugs, tobacco, and alcohol.

Many of us here in this Chamber are parents, and some of us are even grand parents. We know the trials and difficulties of raising children. But we also know the rewards, as a father, one of my proudest moments is seeing the success of my children as they raise their own families. What I know, what many parents have come to realize, and what we are trying to emphasize through Family Day, is spending time with your children, having dinner with them regularly, is one of the best ways to develop and maintain a healthy family, and encourage our children to make healthy choices.

Senator BIDEN spoke about the most recent survey from the National Center on Addiction and Substance Abuse. And those are scary numbers, but also hopeful ones. Kids listen. Teens do recognize what their parents say. They see what their parents do. Communication is the key to all of this, and communication at the dinner table is a wonderful place for this to happen. All of this shows how essential it is for parents to get involved in their children's lives.

The family unit is the backbone of this country. Solutions to our drug problems involve all of us working together. Parents and communities must be engaged and I am committed to help making that happen. Parents need to provide a strong moral context to help our young people know how to make the right choices. They need to know how to say ''no,'' that saying no is okay, that saying no to drugs is the right thing to do—not just the safe or healthier thing, but the right thing.

I am pleased to join with Senator BIDEN, the National Center on Addiction and Substance Abuse, the Community Anti-Drug Coalitions of America, and the National Restaurant Association in designating September 24, 2001, as ''Family Day: a Day to Eat Dinner With Your Children.'' I urge our colleagues to join us.

SENATE CONCURRENT RESOLUTION 61—TO WAIVE THE PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970 WHICH REQUIRE THE ADJOURNMENT OF THE HOUSE AND SENATE BY JULY 31ST

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198(a)), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain or for adjournment sine die.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1158. Mr. DAYTON (for himself and Mr. WELLSTONE) 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.

SA 1159. Mr. GRAMM 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 1160. Mr. GRAMM 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 1161. Mr. GRAMM 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 1162. Mr. GRAMM 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 1163. Mr. GRAMM 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 1164. Mr. GRAMM 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 1165. Mr. GRAMM 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 1166. Mr. GRAMM 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 1167. Mr. GRAMM 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 1168. Mr. GRAMM proposed an amendment to amendment SA 1030 submitted by Mrs. MURRAY and intended to be proposed to the amendment SA 1025 proposed by Mrs. MURRAY to the bill (H.R. 2299) supra.

SA 1169. Mr. GRAMM 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 1170. Mr. FEINGOLD 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 1171. Mr. CRAIG 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 1172. Mr. GRAMM 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 1173. Mr. GRAMM 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 1174. Mr. GRAMM 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 1175. Mr. FITZGERALD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 1071 submitted by Mr. FITZGERALD and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1176. Ms. SNOWE (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 1130 submitted by Ms. COLLINS and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1177. Ms. SNOWE (for herself, Mr. MCCAIN, Mr. BREAUX, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1132 submitted by Ms. COLLINS and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1178. 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 1179. 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 1180. 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 1181. 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 1182. 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 1183. 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 1184. Mr. SMITH, of New Hampshire 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 1185. Mr. BOND 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 1186. Mr. BOND 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 1187. Mr. BOND 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 1188. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1158. Mr. DAYTON (for himself and Mr. WELLSTONE) 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 . PRIORITY HIGHWAY PROJECTS, MINNESOTA.

In selecting projects to carry out using funds apportioned under section 110 of title 23, United States Code, the State of Minnesota shall give priority consideration to the following projects:

(1) The Southeast Main and Rail Relocation Project in Moorhead, Minnesota.

(2) Improving access to and from I–35 W at Lake Street in Minneapolis, Minnesota.

SA 1159. Mr. GRAMM 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: ''*Provided*, That this provision shall be effective one day after the date of enactment of this Act.''.

SA 1160. Mr. GRAMM 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: ''*Provided*, That this provision shall be effective one day after the date of enactment of this Act.''.

SA 1161. Mr. GRAMM 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: ''*Provided*, That this provision shall be effective one day after the date of enactment of this Act.''.

SA 1162. Mr. GRAMM 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: ''*Provided*, That this provision shall be effective two days after the date of enactment of this Act.''.

SA 1163. Mr. GRAMM 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: ''*Provided*, That this provision shall be effective three days after the date of enactment of this Act.''.

SA 1164. Mr. GRAMM 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: ''*Provided*, That this provision shall be effective four days after the date of enactment of this Act.''.

SA 1165. Mr. GRAMM 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: ''*Provided*, That this provision shall be effective five days after the date of enactment of this Act.''.

SA 1166. Mr. GRAMM 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: ''*Provided*, That notwithstanding any other provision of this Act, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this Act shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.''.

SA 1167. Mr. GRAMM 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: ''*Provided*, That effective one day after the date of enactment of this Act, notwithstanding any other provision of this Act, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this Act shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.''.

SA 1168. Mr. GRAMM proposed an amendment to amendment SA 1030 submitted by Mrs. MURRAY and intended to be proposed to the amendment SA 1025 proposed by Mrs. MURRAY 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:

At the appropriate place, insert the following: ''*Provided*, That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement.''

SA 1169. Mr. GRAMM 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: ''*Provided*, That effective one day after the date of enactment of this Act, not withstanding any other provision of Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement.''

SA 1170. Mr. FEINGOLD 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 end of the matter proposed to be inserted, insert the following:

SEC. . General Mitchell International Airport in Milwaukee, Wisconsin shall be considered as an alternative airport in any plan relating to alleviating congestion at O'Hare International Airport.

SA 1171. Mr. CRAIG 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 in the amendment, insert the following:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND NAFTA COUNTRIES.

(a) STUDY BY SECRETARY OF TRANSPORTATION.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a study on the extent to which motor carriers from a NAFTA country currently operating in the United States, or applying for a long-haul permit to operate in the United States, meet or exceed the safety standards required for United States motor carriers.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall report to Congress on the results of the study conducted under paragraph (1).

(B) CONTENTS.—The report shall specify whether, according to the Department of Transportation standards relating to inspected motor carriers that are ordered off the road, the motor carriers from each of the NAFTA countries—

(i) meet or exceed the Department of Transportation standards compared to United States motor carriers; or

(ii) have a failure rate greater than United States motor carriers.

(3) ACTION BASED ON REPORT.—If the report described in paragraph (2) establishes that the motor carriers from a NAFTA country meet or exceed United States motor carrier standards, subsection (b) shall not apply with respect to the motor carriers of that country. If the report establishes that the motor carriers of a NAFTA country have a greater rate of failure than United States motor carriers, the provisions of subsection (b) shall apply with respect to the motor carriers of that country for fiscal year 2002.

(4) NAFTA COUNTRY.—For purposes of this section, the term ''NAFTA country'' has the meaning given that term in section 2(4) of the North American Free Trade Agreement Implementation Act.

(b) REVIEW AND PROCESSING CERTAIN APPLICATIONS.—In the case of a NAFTA country whose motor carriers have a greater rate of failure of the Department of Transportation inspections pursuant to the report described in subsection (a), no funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a motor carrier from that NAFTA country for authority to operate beyond United States municipalities and commercial zones on the United States border with that country until—

(1) the Federal Motor Carrier Safety Administration—

(A) performs a full safety compliance review of the carrier consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, and gives the carrier a satisfactory rating before granting conditional and, again, before granting permanent authority to any such carrier;

(B) requires that any such safety compliance review take place onsite at the motor carrier facilities of the NAFTA country;

(C) requires Federal and State inspectors to verify electronically the status and validity of the license of each driver of a commercial motor carrier from the NAFTA country crossing the border;

(D) gives a distinctive Department of Transportation number to each motor carrier from that NAFTA country operating beyond the commercial zone to assist inspectors in enforcing motor carrier safety regulations including hours-of-service rules under 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) requires State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce them or notify Federal authorities of such violations;

(G) equips all United States border crossings with that NAFTA country with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and requires that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no motor carrier from that NAFTA country will be granted authority to operate beyond United States municipalities and commercial zones on the United States border with that country unless that carrier provides proof of valid insurance with an insurance company licensed and based in the United States; and

(I) publishes in final form regulations—

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

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

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States border with that NAFTA country;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that 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;

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

(vi) under which a commercial vehicle operated by a motor carrier from that NAFTA country may not enter the United States at a border crossing unless an inspector is on duty; and

(2) the Department of Transportation Inspector General certifies in writing that—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in a NAFTA country consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States border with a NAFTA country, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by motor carriers from NAFTA countries seeking authority to operate beyond United States municipalities and commercial zones on the United States border ;

(E) the information infrastructure of the government of the NAFTA country is sufficiently accurate, accessible, and integrated with that of United States law enforcement authorities to allow United States authorities to verify the status and validity of licenses, vehicle registrations, operating authority and insurance of motor carriers from that NAFTA country while operating in the United States, and that adequate telecommunications links exist at all United States-NAFTA country border crossings used by motor carrier commercial vehicles from that NAFTA country, and in all mobile enforcement units operating adjacent to the border, to ensure that licenses, vehicle registrations, operating authority and insurance information can be easily and quickly verified at border crossings or by mobile enforcement units;

(F) there is adequate capacity at each United States-NAFTA country border crossing used by motor carrier commercial vehicles from that NAFTA country to conduct a sufficient number of meaningful vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of said inspections;

(G) there is an accessible database containing sufficiently comprehensive data to allow safety monitoring of all motor carriers from that NAFTA country that apply for authority to operate commercial vehicles beyond United States municipalities and commercial zones on the United States-NAFTA country border and the drivers of those vehicles; and

(H) measures are in place in the NAFTA country, similar to those in place in the United States, to ensure the effective enforcement and monitoring of license revocation and licensing procedures.

SA 1172. Mr. GRAMM 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: ''*Provided,* That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the Inspector General of the Department of Transportation certifies to be in violation of the North American Free Trade Agreement.''

SA 1173. Mr. GRAMM 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: ''*Provided,* That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the Department of Transportation Inspector General certifies to be in violation of the United States' obligations regarding the granting of operating authority to Mexican motor carriers.''

SA 1174. Mr. GRAMM 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: ''*Provided,* That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the United States' obligations regarding the granting of operating authority to Mexican motor carriers.''

SA 1175. Mr. FITZGERALD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 1071 submitted by Mr. FITZGERALD 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:

In the matter proposed to be inserted, strike ''preserving service at Chicago Meigs Airport ('Meigs Field'),'' and insert ''preserving and utilizing existing Chicago-area reliever and general aviation airports,''.

SA 1176. Ms. SNOWE (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 1130 submitted by Ms. COLLINS 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:

After ''Coast Guard.'' add the following: ''No percentage limitation on funds made available for depot-level maintenance and repair workload may be imposed as a result of this section.''.

SA 1177. Ms. SNOWE (for herself, Mr. MCCAIN, Mr. BREAUX, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1132 submitted by Ms. COLLINS 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:

Add before the period the following: ''and insert the following:

SEC. 332, Notwithstanding any other provision of this Act, section 328 shall have no force or effect.

SA 1178. 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:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that imposes additional requirements on Mexican nationals not imposed on Canadian nationals.

SA 1179. 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:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals.

SA 1180. 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:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals.

SA 1181. 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:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals effective one day after the date of enactment of this Act.

SA 1182. 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:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that impose additional requirements on Mexican nationals

than imposed on Canadian nationals effective one day after the date of enactment of this Act.

SA 1183. 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:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals effective one day after the date of enactment of this Act.

SA 1184. Mr. SMITH of New Hampshire 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 end of the amendment, add the following:

SEC. ___. SENSE OF THE SENATE ON FUNDING FOR THE NATIONAL SCENIC BYWAYS PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) Congress authorized the national scenic byways program (referred to in this section as the ''program'') under section 1219 of the Transportation Equity Act for the 21st Century (112 Stat. 219), which added section 162 of title 23, United States Code, to identify and recognize roads that have outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities;

(2) the program directs that, upon nomination by a State or a Federal land management agency, the Secretary of Transportation has authority to designate roads to be recognized under the program as All-American Roads or National Scenic Byways;

(3) the program provides discretionary grants for—

(A) scenic byway projects on an All-American Road, a National Scenic Byway, or a State-designated scenic byway; and

(B) planning, designing, and developing State scenic byway programs;

(4) Congress established priorities and eligibility criteria for the program in order to ensure that a project protects the scenic, historic, cultural, natural, recreational, and archaeological integrity of a highway and adjacent areas;

(5) using the criteria and guidance authorized under section 162 of title 23, United States Code, the Secretary of Transportation applies a competitive selection process to make grants to a wide variety of projects, with the project funding requests for each year being 3 times the amount of available funds;

(6) since authorization of the program under the Transportation Equity Act for the 21st Century, the Secretary of Transportation has received applications totaling over $60,000,000 each year, and has distributed grants totaling over $20,000,000 for each fiscal year, of which—

(A) in fiscal year 1999, 242 projects were funded out of 286 projects requested from 39 States;

(B) in fiscal year 2000, 122 projects were funded out of 262 projects requested from 42 States; and

(C) in fiscal year 2001, 142 projects were funded out of 288 projects requested from 43 States;

(7) for fiscal year 2002, the Secretary of Transportation has received application requests for 281 projects from 41 States;

(8) for the first time since the Transportation Equity Act for the 21st Century authorized annual funding for the national scenic byways program, the Committee reports by the Committees on Appropriations of the House of Representatives and the Senate for fiscal year 2002 have directed the program funds to specific activities, with the Senate Committee report directing the full amount of $28,550,348 provided for the program to only 6 States; and

(9) directing funds for the program to specific activities—

(A) thwarts the purposes of the program; and

(B) severely limits the number and variety of projects to receive grants.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the authorized amount for the national scenic byways program under the Transportation Equity Act for the 21st Century of $28,848,128 for fiscal year 2002 should be available for discretionary grant award by the Secretary of Transportation; and

(2) none of those funds should be directed to specific activities by Congress.

SA 1185. Mr. BOND 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, please insert:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.

No funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a Mexican 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 the carrier before granting conditional and, again, before granting permanent authority to any such carrier;

(ii) requires that such safety review shall, at a minimum, include the verification of available safety performance data necessary to determine the carrier's preparedness to comply with United States motor carrier safety rules and regulations;

(B) requires that any such safety compliance review should take place onsite at the Mexican motor carrier's facilities where such onsite review is necessary to ensure compliance with United States motor carrier safety rules and regulations;

(C) requires a policy whereby Federal and State inspectors randomly verify electronically the status and validity of the license of drivers of Mexican motor carrier commercial vehicles crossing the border;

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

(E) requires—

(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States–Mexico border that do not display a valid Commercial Vehicle Safety Alliance in accordance with the requirements for a Level I inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when it is determined that such vehicle has a safety violation subsequent to the inspection for which the decal was granted;

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

(G) initiates a study to determine whether (i) to equip significant United States-Mexico border crossings with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and (ii) to require that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no Mexican 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; and

(I) publishes in final form regulations or issues policies—

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

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

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that 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;

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

(vi) under which a commercial vehicle operated by a Mexican motor carrier may not enter the United States at a border crossing unless an inspector is on duty or transmits to the Congress within 30 days of the date of enactment of this Act, a notice in writing that it will not be able to complete such

rulemaking or issue such policy, that explains why it will not be able to complete such rulemaking or policy, and the date by which it expects to complete such rulemaking or policy; and

(2) the Department of Transportation Inspector General reports in writing to the Secretary of Transportation and the Congress that he will periodically report on—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in Mexico consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States-Mexico border, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by Mexican motor carriers seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

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

For purposes of this section, the term ''Mexican motor carrier'' shall be defined as a Mexico-domiciled motor carrier operating beyond United States municipalities and commercial zones on the United States-Mexico border.

SA 1186. Mr. BOND 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:

In lieu of the matter being proposed please insert:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.

No funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a Mexican 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 the carrier before granting conditional and, again, before granting permanent authority to any such carrier;

(ii) requires that such safety review shall, at a minimum, include the verification of available safety performance data necessary to determine the carrier's preparedness to comply with United States motor carrier safety rules and regulations;

(B) requires that any such safety compliance review should take place onsite at the Mexican motor carrier's facilities where such onsite review is necessary to ensure compliance with United States motor carrier safety rules and regulations;

(C) requires a policy whereby Federal and State inspectors randomly verify electronically the status and validity of the license of drivers of Mexican motor carrier commercial vehicles crossing the border;

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

(E) requires—

(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance in accordance with the requirements for a Level I inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when it is determined that such vehicle has a safety violation subsequent to the inspection for which the decal was granted;

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

(G) initiates a study to determine whether (i) to equip significant United States-Mexico border crossings with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and (ii) to require that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no Mexican 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; and

(I) publishes in final form regulations or issues policies—

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

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

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that 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;

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

(vi) under which a commercial vehicle operated by a Mexican motor carrier may not enter the United States at a border crossing unless an inspector is on duty

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

(2) the Department of Transportation Inspector General reports in writing to the Secretary of Transportation and the Congress that he will periodically report on—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in Mexico consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States-Mexico border, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by Mexican motor carriers seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

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

For purposes of this section, the term ''Mexican motor carrier'' shall be defined as a Mexico-domiciled motor carrier operating beyond United States municipalities and commercial zones on the United States-Mexico border.

SA 1187. Mr. BOND 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 end of the Amendment please insert:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.

No funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a Mexican 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 the carrier before granting conditional and, again, before granting permanent authority to any such carrier;

(ii) requires that such safety review shall, at a minimum, include the verification of available safety performance data necessary to determine the carrier's preparedness to comply with United States motor carrier safety rules and regulations;

(B) requires that any such safety compliance review should take place onsite at the Mexican motor carrier's facilities where such onsite review is necessary to ensure compliance with United States motor carrier safety rules and regulations;

(C) requires a policy whereby Federal and State inspectors randomly verify electronically the status and validity of the license of drivers of Mexican motor carrier commercial vehicles crossing the border;

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

(E) requires—

(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance in accordance with the requirements for a Level I inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when it is determined that such vehicle has a safety violation subsequent to the inspection for which the decal was granted;

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

(G) initiates a study to determine whether (i) to equip significant United States-Mexico border crossings with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and (ii) to require that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no Mexican 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; and

(I) publishes in final form regulations or issues policies—

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

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

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that 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;

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

(vi) under which a commercial vehicle operated by a Mexican motor carrier may not enter the United States at a border crossing unless an inspector is on duty

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

(2) the Department of Transportation Inspector General reports in writing to the Secretary of Transportation and the Congress that he will periodically report on—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in Mexico consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States-Mexico border, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by Mexican motor carriers seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

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

For purposes of this section, the term ''Mexican motor carrier'' shall be defined as a Mexico-domiciled motor carrier operating beyond United States municipalities and commercial zones on the United States-Mexico border.

SA 1188. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7___. INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.

(a) REMOVAL OF LIMITATION.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended by striking subsection (d) and inserting the following:

''(d) ACTIVITIES NOT SUBJECT TO PROHIBITION.—This section does not apply to the selling, buying, transporting, or delivery of animals in interstate or foreign commerce for any purpose or purposes, so long as those purposes do not include that of an animal fighting venture.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 30 days after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 31, 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 Indian Health Care Improvement Act focusing on urban Indian Health Care Programs.

Those wishing additional information may contact committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DASCHLE. 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 Thursday, July 26, 2001. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. 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 July 26, 2001, to conduct a hearing on the nominations of Ms. Linda Mysliwy Conlin, of New Jersey, to be an Assistant Secretary of Commerce for Trade Development; Ms. Melody H. Fennel, of Virginia, to be an Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Relations; Ms. Henrietta Holsman Fore, of Nevada, to be Director of the Mint; Mr. Michael J. Garcia, of New York, to be an Assistant Secretary of Commerce for Export Enforcement; and Mr. Michael Minoru Fawn Liu, of Illinois, to be an Assistant Secretary of Housing and Urban Development for Public and Indian Housing.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. 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

Thursday, July 26, 2001, to conduct the first in a series of hearings on predatory mortgage lending: the problem, impact, and responses.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DASCHLE. 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 Thursday, July 26, at 9:45 a.m. to conduct a hearing. The committee will receive testimony on legislative proposals relating to comprehensive electricity restructuring legislation, including electricity provisions of S. 388 and S. 597, and electricity provisions contained in S. 1273 and S. 2098 of the 106th Congress.

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

COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in Open Executive Session during the session of the Senate on Thursday, July 26, 2001.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 26, 2001, at 10:30 a.m., to hold a business meeting.

The Committee will consider and vote on the following agenda items:

Legislation:

S. , Foreign Relations Authorization Act, fiscal year 2002 and 2003.

S. 367, A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

Nominations:

Mr. Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark.

Mrs. Sue M. Cobb, of Florida, to be Ambassador to Jamaica.

Mr. Russell F. Freeman, of North Dakota, to be Ambassador to Belize.

Mr. Michael E. Guest, of South Carolina, to be Ambassador to Romania.

Mr. Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden.

Mr. Thomas J. Miller, of Virginia, to be Ambassador to Greece.

The Honorable Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan.

Mr. Roger F. Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Mr. Jim Nicholson, of Colorado, to be Ambassador to the Holy See.

Mr. Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, July 26, 2001, at 9:30 a.m., to consider the nomination of Lynn Leibovitz to be an Associate Judge of the Superior Court of the District of Columbia.

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

COMMITTEE ON THE JUDICIARY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 26, 2001, at 10 a.m. in SD226.

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

SPECIAL COMMITTEE ON AGING

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, July 26, 2001, from 10 a.m.–12 p.m., in Dirksen 124 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. DASCHLE. 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 Thursday, July 26, 2001, at 9 a.m., on chemical harmonization.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on National parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 26, 2001, at 2:30 p.m., to conduct a hearing. The committee will receive testimony on S. 423, to amend the Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon,'' and for other purposes; S. 941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; S. 1057, to authorize the addition of lands to Pu'uhonuao Honaunau National Historical Park in the State of Hawaii, and for other purposes; S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of the Grand Teton National Park, and for other purposes; and H.R. 640, to adjust the boundaries of Santa Monica Mts. National Recreation Area, and for other purposes.

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

NOTICE—2001 MID YEAR REPORT

The mailing and filing date of the 2001 Mid Year Report required by the Federal Election Campaign Act, as amended, is Tuesday, July 31, 2001. All Principal Campaign Committees supporting Senate candidates must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8:00 a.m. until 6:00 p.m. on the filing date for the purpose of receiving these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

WAIVING PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, submitted earlier today by Senators DASCHLE and LOTT.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 61) to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and the Senate by July 31st.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action.

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

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring, That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198(a)), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain or for adjournment sine die.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, under the previous order, I ask unanimous consent that the Senate adjourn for the evening.

There being no objection, the Senate, at 6:14 p.m., adjourned until Friday, July 27, 2001, at 10 a.m.