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Senate

The Senate met at 10 a.m. and was called to order by the Presiding Officer, the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

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

Almighty God, we dedicate this day to discern and do Your will. We trust in You, dear Father, and ask You to continue to bless America through the leadership of the women and men of this Senate. Help them as they grapple with the problems and grasp the potential for the crucial issues before them today.

You provide us strength for the day, guidance in our decisions, vision for the way, courage in difficulties, help from above, unfailing empathy, and unlimited love. You never leave us or forsake us; nor do You ask of us more than You will provide the resources to accomplish. So, here are our minds, think Your thoughts in them; here are our hearts, express Your love and encouragement through them; here are our voices, speak Your truth through them. For You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 27, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN 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.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

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

The legislative clerk read as follows:

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

Pending:

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

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

Gramm amendment No. 1168 (to amendment No. 1030), to prevent violations of United States commitments under the North American Free Trade Agreement.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, the majority leader has asked I advise everyone that the Senate will resume consideration of the Transportation Appropriations Act under postcloture conditions. Cloture was invoked yesterday by a margin of 70–30.

We hope to be able to work out an agreement on this matter today, if possible. If we can't, we would have a vote tonight on the matter now before the Senate dealing with cloture at approximately 8:45. There will be votes throughout the day on other matters if we are not able to work something out.

As we announced yesterday, we very much hope we can move to the agricultural emergency supplemental authorization bill. It is extremely important that be done prior to the August recess. We also have, as my friend, the ranking member of the Banking Committee, knows, concern about moving forward on the Export Administration Act, which also should be done before our August recess because that law expires in mid-August. The high-tech industry throughout America has been calling our offices asking that we do this. With the slowdown of the high-tech industry, we need to move this legislation.

As I indicated, there will be rollcall votes throughout the day. We hope we can move forward on other matters, but we understand the Senate rules and will abide by whatever Senators MCCAIN and GRAMM think is necessary.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, the Senate is now considering the Transportation appropriations bill that has now been before the Senate for a week. There are a number of provisions in this bill that are extremely important to our Nation's infrastructure. This is a bill that I have been very proud to work on in a bipartisan way with the ranking member of my committee, Senator SHELBY. I will take a moment this morning to recognize the tremendous work and help of Senator SHELBY and his staff and our staff. They have spent long nights negotiating this bill this week, working to a

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

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point where we could get this bill out and do it in a way that provides the infrastructure we think is so important, whether it is for our airports, our railways, whether it is for our roads or waterways.

There are extremely important provisions in this bill for many Members of the Senate. We have had considerable requests from every Member of the Senate for important infrastructure improvements in their State. I am very proud of the work Senator SHELBY and I have done. We have worked extremely hard for the last 5 months to put this bill together. I think we have done a very good job. We have met and exceeded every request of this President, unlike the House, and we have done a good job, I believe, of meeting the transportation requirements of every Senator who has come to us.

I was pleased yesterday we were able to come to cloture on this measure on a very strong vote from the Senate of 70–30. I realize there are some Members of the Senate who think the provisions do not meet their requirements, but I think we have done a very good job of not doing what the House did, which was to absolutely prohibit any truck from coming across the border, and not do what the President has asked, which was to simply open up the borders and let trucks come through at will, but to put together a comprehensive piece of legislation which I believe will clearly mean we will be able to have a bill that is passed that assures constituents, whether they live in Washington State or constituents living in border States, when they see a truck with a Mexican license plate, they will know that truck has been inspected, that its driver has a good record, that it is safe to be on our highways, as we now require of Canadian trucks and American trucks.

Can we do better for all trucks on our highways? Absolutely. But it is clear we need to make sure, as NAFTA provisions go into place and we do start getting cross-border traffic, we can assure our moms who are driving kids to school, or our families who travel on vacation, or each one of us as we drive to work today, that we know our highways are safe. I believe the provisions we have put into this bill do make sure that happens.

I understand from the Senator from Nevada we will have a vote sometime this morning. I will take some time between now and then to walk through again what the compromise provisions are. I think they are very solid and give a lot of assurance. It is important we understand what we are passing out of the Senate.

The DOT plans to issue conditional operating authority to Mexican truck companies based on a simple mail-in questionnaire. All that Mexican truck companies will need to do is simply check a box saying they have complied with U.S. regulations and then their trucks will start rolling across the border. In fact, under the Department of Transportation plan, Mexican trucking companies will be allowed to operate for at least a year and a half before they are subjected to any comprehensive safety audit by the DOT.

So under the committee provisions that we have written in a bipartisan manner with the members of Senator SHELBY's staff, under the subcommittee's unanimous vote, and under the full committee's unanimous vote, no Mexican trucking firm will be allowed to operate beyond the commercial zone until inspectors have actually performed a compliance review on that trucking company. This review will look at the conditions of the truck and the recordkeeping. They are going to determine whether the company actually has the capacity to comply with United States safety regulations, and once they have begun operating in the United States, Mexican trucking firms will undergo a second compliance review within 18 months. That second review will allow the Department of Transportation to determine whether the Mexican trucking firm has, in fact, complied with United States safety standards, and it will allow them to review accident breakdown rates, their drug and alcohol testing results, and whether they have been cited frequently for violations.

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

Let me say that again. We have had a long-time policy that pertains to Canada because we have had reciprocal agreements in place for some time. But with the ratification of NAFTA, and now with the January deadline coming upon us, we knew we had to take action when it came to truck traffic between the United States and Mexico.

For several years the opening up of the border between these two countries was effectively put on hold by the administration because they had great concern over the absence of reasonable safety standards for trucks that were operating in Mexico. While Mexican trucks have been allowed to operate between Mexico and a very defined commercial zone along the border—20 miles—the safety record of those trucks has been abysmal. In fact, the Department of Transportation's own inspector general, the General Accounting Office, and many others have published a number of reports that have documented the safety hazards that have been presented by the current crop of Mexican trucks crossing the border.

At a hearing of the Commerce Committee just last week, the inspector general came to that committee hearing and testified about instances where trucks have crossed the border literally with no brakes. Think about the impact of that, if you are a mom driving your kids to school, or if you are driving a bus carrying a busload of kids to school, or driving on vacation, or if you are going to work: A truck that has no brakes and it has crossed the border because we have lack of inspectors, we have lack of inspection, and we have the lack of ability to assure the safety of those Mexican trucks.

Officials with that IG office visited every single border crossing between the United States and Mexico, and they have documented case after case of Mexican trucks entering the United States that were grossly overweight, that had no registration or insurance, and that had drivers with no licenses. We have an obligation to assure that the trucks that drive on our roads have registration, have insurance, have drivers with licenses, and that meet our weight requirements. These are simple, basic safety measures that we have to reassure every family who drives in our country.

In fact, according to the Department of Transportation's most recent figures, Mexican trucks are 50 percent more likely to be ordered off the road for severe safety deficiencies than United States trucks. And Mexican trucks are more than 2½ times more likely to be ordered off the road than Canadian trucks. Equally troubling to all of us is the fact that Mexican trucks have been routinely violating the current restrictions that limit their area of travel to the 20-mile commercial zones.

Knowing these things, we knew we had an obligation as we passed this bill in the Transportation Appropriations Subcommittee to make sure we put in safety requirements. Knowing that Mexican trucks are 50 percent more likely to be ordered off the road, we knew we had to put in safety requirements to assure, as trucks begin to travel beyond that 20-mile limit, even though as some of our colleagues have pointed out they are already doing so illegally—but once they are allowed to do that under the President's order, we need to make sure those trucks are safe before they come in.

The DOT inspector general found that 52 Mexican trucking firms have operated improperly in over 26 States outside the four southern border States. Already, in 26 States of our country, we have these trucks coming in. That is one reason Senator SHELBY, the ranking member of the Transportation Subcommittee, and I put the money into this bill that the House had stripped out—$15 million more than the administration had requested—in order to ensure that we have inspectors in place and inspection stations and weigh stations, so we can monitor the traffic crossing our southern border.

An additional 200 trucking firms violated the restrictions to stay within

that commercial zone in the border States. We know Mexican trucks have been found operating illegally as far away from the Mexican border as New York State in the Northeast and my own State of Washington in the Northwest. We know the trucks are coming in now illegally to 26 States from 200 trucking firms. We want to make sure that as it becomes legal for them to be crossing the border, they are safe; that is a basic safety requirement, that we have an obligation as Senators to be able to go home and say to our constituents as the NAFTA provisions take effect.

Let me just take a moment to remind my colleagues, I supported NAFTA. I support free trade. I believe this NAFTA provision will raise the safety and health standards and labor standards for all three countries as it goes into place. But it will not do that if we lessen the safety requirements of the United States as it is implemented. That is why this provision is so critical.

One thing I found shocking was that the inspector general reported on one case where a Mexican truck was found, on its way to Florida to deliver furniture, and when that vehicle was pulled over, that driver had no logbook and no license. As I said, this is not unique; there have been experiences such as this in half of the States of the continental United States.

Given that kind of deplorable safety record, the official position of the U.S. Government since the ratification of NAFTA was that the border could not be opened to cross-border trucking because of the safety risks involved.

Why has that changed? Why are we now dealing with this provision on the floor of the Senate? Two things have basically changed that policy of restricting those trucks to within that 20-mile border.

First of all, of course, a new administration has come into power and they have said they want our borders opened.

Second, the Mexican Government successfully brought a case before the NAFTA arbitration panel. That panel has ruled the U.S. Government must initiate efforts to open the border to cross-border traffic. So in order to do that, a frenzy of activity occurred at the Department of Transportation so the border could be open to cross-border trucking, as soon as this autumn, they said.

The Department of Transportation has cobbled together a series of measures that was sort of intended to give us, as United States citizens, a sense of security, but I really saw it as a false sense of security as this new influx of Mexican trucks is coming across the boarder.

Both the House and the Senate Transportation Appropriations Subcommittees have looked at what the Department of Transportation is doing very hastily to allow these trucks in, and we determined it was woefully inadequate.

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

That amendment passed by a 2-to-1 margin. It is an amendment that prohibits the Department of Transportation from granting operating authority to any Mexican domiciled truck. That amendment passed 2 to 1 by a vote of 285–143. By the time the Transportation bill left the House, it was in pretty bad shape. Not only did they pass that amendment 2 to 1 to prohibit any truck from coming across, but they stripped every penny of the $88 million the administration requested to improve the truck safety inspection capacity of the United States-Mexico border.

That bill, I believed, and Senator SHELBY believed, and others who worked with us believed, was simply the approach that went too far by taking all of the money away so there were no inspectors, no inspection stations, no weigh stations, and no ability to allow the NAFTA provisions to go through. We believed that the administration's position, on the other hand, was also woefully inadequate. Their position was to allow Mexican trucks to come in, come across our borders, traverse all our States, and inspect them later. The House has one extreme and the White House has another extreme.

That is why Senator SHELBY and I sat down and worked with members of the appropriations subcommittee and the full committee. I commend Senator STEVENS and Senator BYRD who have been working diligently with both of us. They care deeply about the many provisions in this bill, from the infrastructure improvements that affect all of our highways and our waterways. The Coast Guard and the FAA have worked with us to move this bill to a point so we can get it passed in the Senate, get it to conference, work out the differences between us and the White House, and move to a point where we can fund the critical infrastructure, as many of our constituents sit in traffic this morning and listen to this debate.

What Senator SHELBY and I have done is to really write a commonsense compromise that will inspect all Mexican trucks and then let them in.

Let me say that again. The compromise position between the House at one extreme and the White House at another is to make sure that all Mexican trucks are inspected, and then let them in. Just as we require Americans to pass a driving test before they get a license, the bipartisan Senate bill requires Mexican trucks to pass an inspection before they can operate on our roads.

As I said, our bill includes the $103 million. That is $15 million more than the President's request.

The reason I say that again pointedly is the administration has said that with the provisions Senator SHELBY and I have put into this bill, they will not have the money to implement it.

I remind the administration that they asked for $15 million less than we appropriated. We put $103 million into this bill for border truck safety initiatives. If the Department of Transportation, the OMB, and the President determine when this bill gets to conference that we do not have enough money for the truck safety activities and that should be part of our discussion, they need to request more money in order to put that in place. We are happy to work with them on that request. But just to say we have not appropriated enough money and we can't ensure the safety of trucks coming in, to me, is a woefully inadequate response.

The bill we have before us establishes a number of enhanced truck safety requirements that really are intended to ensure that this new cross-border trucking activity doesn't pose a safety risk to our families and the people traveling on our highways, whether it is in a southern border State or a northern border State.

None of us wants to be sitting here several months from now or a year down the road and have a horrendous accident occur in our States and find after the fact the truck that was involved in the accident was never inspected at our border because of lack of inspections, was never weighed, or that the driver had an invalid operating license or a poor safety record. None of us wants to face our constituents with that kind of tragedy.

Senator MCCAIN has been a wonderful help to me in the past. We worked together on a bill on pipeline safety after a tragedy occurred in my State where three young people were killed when a pipeline broke. Oil from that pipeline traveled down along a 1-mile stretch of river in Bellingham, WA. Three young boys were fishing by that river and playing by that river. Tragically, one of them lit a match and the entire mile of that river burst into flames. Three young boys were tragically killed on that day.

As the ranking member of the Commerce Committee, Senator MCCAIN has been just absolutely wonderful in working with us on that provision and working to pass a bill out of the Senate. But, unfortunately, it is now hung up in the House, and it has been for some time. I hope they can move it forward to ensure that our pipelines are safe. But we did that after a tragic accident.

I think it is much more effective, much more wise, and the right thing to do to put the safety requirements in place before we are reacting to a tragic accident.

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

The provisions we put in this bill didn't just come from matching. We worked very closely, looking at what the DOT inspector general recommendations were, the GAO, law enforcement authorities, and highway patrols working along the southern border. We used their recommendations to draft and put in place what we believe are very strong safety provisions within the underlying bill.

Once again, I was very pleased that 70 Members of the Senate affirmed that we do indeed need to have these safety requirements in place and to move this bill along to final passage so we can put in place the important infrastructure requirements that this country is demanding and that our constituents are demanding.

Mr. DURBIN. Madam President, will the Senator from Washington yield for a question?

Mrs. MURRAY. I am pleased to yield to the Senator.

Mr. DURBIN. Will the Senator from Washington please advise Members of the Senate and those who are following this debate where we are in this debate on the Transportation appropriations bill?

Mrs. MURRAY. I think it was 2 weeks ago that the Senate Transportation Subcommittee unanimously passed a Transportation bill. The Senator from Illinois serves on that committee and has been working with us. I appreciate his concern. He has a number of projects in Illinois that I know he wants to have put in place, but he doesn't want them hung up by a long and protracted debate over another issue in the Senate. I know the Senator from Illinois, who serves on our subcommittee, worked well with Members on the other side several weeks ago. It was a little more than a week ago that it passed out of the full committee of the Senate Appropriations Committee. We worked in a bipartisan way and unanimously voted out the provisions of this bill that fund the infrastructure needs of all 50 States, which include the safety provisions we are discussing this morning. We went to this bill last Friday. I believe it was around 2 in the afternoon.

Mr. DURBIN. Is the Senator from Washington telling us that we have been debating this bill for a week?

Mrs. MURRAY. Yes. This bill has been debated in the Senate for an entire week now. We began debate last Friday morning. I made my opening remarks. Senator SHELBY and I have worked very closely on this bill. He made his opening remarks. We opened it up for debate. We have one amendment that is now pending on the bill that Senator SHELBY and I put forward which adds additional safety requirements to the underlying bill. It is, frankly, supported by every Member of the Senate, and by the White House, which has been requesting improved safety conditions as well. That began last Friday.

We asked Members to come to the floor to begin the debate, and we offered our bill up for amendment.

Mr. DURBIN. May I ask the Senator, I am trying to recall how many times we have voted this week on amendments to this bill. I can't recall more than a handful of times that we have voted.

Mrs. MURRAY. The Senator is correct. Senator SHELBY and I have been here. In fact, I got up at 4 o'clock Monday morning to come back from my home State of Washington to be on the floor Monday afternoon and ask Senators to bring their amendments forward. We waited. We have had a few amendments. I believe we have had four or five with which Members came to the floor and finally offered. We were here Monday evening:

I came back on Tuesday morning, ready and begging and telling Senators: We are ready to move this bill along. Offer your amendments. We will vote them up or down. In a week, we have only passed a handful of amendments that Senators have brought to the floor. I would have been happy if there were 20 amendments. Send them forward. We will vote them up or down.

Mr. DURBIN. If the Senator will yield, I ask the Senator from Washington, I believe she believes, as I do, that the nature of this legislative process in the Senate is, if you have an amendment, you should have the right to offer it, debate it, and bring it to a vote.

Mrs. MURRAY. Absolutely. The Senator from Illinois is correct. We are here. Senators have a right to offer amendments. We are happy to consider their amendments. In fact, we have had several amendments on both sides that were adopted by voice vote. We have been waiting in this Chamber. Our staffs have been working diligently until 2 or 3 o'clock in the morning every night in negotiations with Senators concerned about the safety provisions, as well as working with Members who have provisions within the bill. We could have finished this easily Monday evening with the number of amendments we have.

Mr. DURBIN. If the Senator will yield, on this important issue about the inspection of Mexican trucks and drivers coming into the United States, is it not a fact that yesterday we had a procedural vote, known as a cloture vote, which basically says that at some point the debate has to end, and we have to come to a vote? Can the Senator from Washington tell us what the vote was of the Senate to bring this debate to an end and bring this issue to a vote?

Mrs. MURRAY. The Senator from Illinois is correct. After sitting here all Friday, Monday, Tuesday, and Wednesday, it was determined, since Senators were unwilling to offer amendments and have them voted up or down, we needed to move along. As the Senator from Illinois knows, serving on the Appropriations Committee, we have a number of other appropriations bills that need to pass in order to meet the October 1 deadline. There are many other priorities of Senators.

We decided the best way to move forward was to have a cloture vote, which then allows us to move along and finish this debate. Seventy of the 100 Senators said: Yes, it is time to move along; We are done with offering amendments; We want to get this bill passed; We want the infrastructure improvements that are in this bill; We support the safety requirements; Move it out of the Senate so we can get to a conference and pass this bill.

Mr. DURBIN. I ask the Senator from Washington if she will yield for one or two more questions, and then I will yield the floor back to the Senator.

Mrs. MURRAY. Yes.

Mr. DURBIN. Is it not true that because we have spent literally a week with very few, if any, amendments being offered, with very little debate on the floor, and really just a slowdown of activity, that we have been unable to consider other important legislation? There is an Agriculture supplemental appropriations bill, which is an emergency bill that is needed, that we have been unable to bring to the floor, as well as the Export Administration Act, which is important for our economy so we can try to get people back to work and get businesses moving forward.

All of this is being delayed because we have been unable to even come to a vote on important questions such as the inspection of Mexican trucks and drivers. Is that not correct?

Mrs. MURRAY. The Senator from Illinois is absolutely correct. What is in this bill is extremely important to my constituents. We have some of the worst traffic in the Nation. I know the Senator from Illinois has severe traffic problems. We share airport concerns in our home States for which this bill has improvement funding. We are ready to go to final passage.

I would just add, I say to the Senator from Illinois, we have a managers' package ready to go. We could be done in the next half hour, move this bill out, and go to the Ag bill to which the Senator referred. I am deeply concerned that we have delayed its passage.

I have apple farmers and tree fruit farmers in central Washington who are in severe financial straits. They have suffered through a drought that has hurt their crops. They have suffered through the impact of an Asian market that has declined tremendously in the last several years. Many of them are having to sell their farms. To me, it is devastating to watch these poor families. We have help for them in that Ag

bill. We have help for them in it, but they will not have that help until we pass this bill and move it on. And we need to do that, as the Senator from Illinois knows, before we leave next Friday. We have to get it to conference.

I ask the Senator from Nevada, am I correct that we need to get the Ag bill to conference, out of conference, and back to the floor?

Mr. REID. Absolutely.

Mrs. MURRAY. So every minute we delay here means that a family farmer in Yakima, WA, who is suffering under severe financial distress, is going to have to sit through an August break—a month-long August break—not knowing whether or not they are going to get help from the U.S. Government.

Mr. DURBIN. I say to the Senator from Washington, thanks for yielding for those questions. I will fight for any Senator's right to offer an amendment, and also to debate it and bring it to a vote. That is what a legislative body is all about. What we have seen for the past week is a slow dance. There are people who just do not want to see the Senate roll up its sleeves and get down to work.

We have a lot of things to do, such as for farmers, for exporting, and even for important issues such as the ones in the Transportation bill.

I salute the Senator from Washington for her patience and her perseverance and her strength. I hope we can get this job done very quickly and this bill passed.

Mrs. MURRAY. I thank the Senate from Illinois.

I would reiterate, again, that we are ready to go to final passage at a moment's notice. We could wrap this bill up in the next half hour quite easily. We have a managers' package. I do not believe there is any other Senator who has any requests out there. We could pass the managers' package and move to third reading within a few minutes and Senators could go home for the weekend.

I know many Senators have called and said: Can we finish? I have a noon flight I need to catch. I know that planes are leaving and people have plans for this weekend. I certainly would like them to be able to go home and see their families. I would like to go home and see my family, of course, but I am willing to stay here if that is what we need to do. And I will stay here because what is in this bill is so critically important to my constituents at home who are now sitting in traffic at 7:30 in the morning.

Many of them are traveling to work right now, probably sitting in traffic on the Alaskan Way Viaduct or the I–5 corridor because we have failed to do our job.

Mr. BYRD. Madam President, will the distinguished Senator, who is the manager of the bill on this side of the aisle, yield for a question?

Mrs. MURRAY. I would be delighted to yield to the Senator.

Mr. BYRD. I have a brief statement to make. I would like to make that statement and go on to other issues. The distinguished Senator from Arizona has been waiting. I would like to make my speech and get back to my office.

Could the Senator tell me about when I might be able to get the floor? How much longer will she need?

Mrs. MURRAY. Madam President, I ask unanimous consent that we do this: That the Senator from Arizona have 5 minutes to speak, and that following the Senator from Arizona, the Senator from West Virginia have——

Mr. MCCAIN. As much time as he might consume.

Mrs. MURRAY. As much time as he may consume.

Mr. GRAMM. We have plenty of time.

Mr. MCCAIN. Could we modify that? Could I have 7 minutes?

Mrs. MURRAY. Absolutely. That the Senator from Arizona have 7 minutes, and that following that, the Senator from West Virginia be recognized, and following that I would like to finish my remarks.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, and I will not object, other than to alert those Senators here. I have spoken to Senator MURRAY. She has spoken to Senator SHELBY. When these remarks are finished, there is going to be a motion to table on this amendment. I want to make sure everyone understands that or, otherwise, the Senator from Washington will move now to table.

Mrs. MURRAY. Madam President, I amend my unanimous consent request to state that following the Senator from Arizona and the Senator from West Virginia, Senator SHELBY would like——

Mr. GRAMM. Reserving the right to object.

Mrs. MURRAY. I ask that Senator SHELBY have 5 minutes.

Mr. GRAMM. Why don't you complete yours and then let me speak.

Mrs. MURRAY. And then I will be recognized at that time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRAMM. Reserving the right to object, Madam President, I would like to have an opportunity to speak before the motion to table is put.

Mrs. MURRAY. How much time would the Senator like?

Mr. GRAMM. I would like to have the opportunity to speak. I don't know exactly how long it is going to take. I will not speak for any extended period of time, but I want to hear what else is said.

Mrs. MURRAY. I will be happy to yield to the Senator from Texas for a specific period of time. If we can't work that out, then I will make the motion to table.

Mr. MCCAIN. I object to the unanimous consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. MURRAY. Madam President, then I will continue my remarks at this time.

Madam President, in a moment I am going to review the committee's safety recommendations in detail. But first I want to address the issue of compliance with NAFTA because it has been an issue that we have been talking about for some time.

I have heard it alleged in this Chamber that the provision that was adopted unanimously by the committee is in violation of NAFTA. I want the Senators in this Chamber to understand that nothing could be further from the truth.

I voted for NAFTA. I support free trade. My goal in this bill has always been to ensure that free trade and public safety progress side by side.

Rather than take my opinion on this issue or that of another Senator, we have a written decision by an arbitration panel that was charged with settling this very issue.

That arbitration panel was established under the NAFTA treaty. That panel's rulings decide what does and does not violate NAFTA.

I have heard many Senators say that provisions violate NAFTA or that the President should decide what violates NAFTA. In fact, I believe the amendment that is pending before the Senate says the President should decide what violates NAFTA. We do not decide that here. The arbitration panel decides what violates NAFTA. I will read to the Senate a quote from the findings of the arbitration panel. That quote is printed right here on this poster. I will take a minute to read it.

Mr. REID. Will the Senator from Washington yield?

Mrs. MURRAY. I am happy to yield.

Mr. REID. I would like to propound a unanimous consent request.

Madam President, I ask unanimous consent that following the remarks of the Senator from Washington, the Senator from Arizona, be recognized for 7 minutes; the Senator from West Virginia for 10 minutes; the Senator from Texas be recognized for up to 10 minutes; that the Senator from North Dakota be recognized for 10 minutes, Mr. DORGAN; and following that, the Senator from Alabama be recognized for 5 minutes for the purpose of offering a motion to table the amendment now pending.

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

Mrs. MURRAY. Madam President, with that, let me quickly read this and remind my colleagues that the arbitration panel has stated that:

> 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. . . .

In other words, we have the ability within this country to write the safety provisions that we have written under these provisions to ensure the safety of the people who travel on our highways. That is the premise we have made. The amendment that we will be voting on

shortly says that the President can decide what violates NAFTA and what does not.

Clearly, the arbitration panel makes that decision. The Senate effectively, I remind my colleagues, voted on the pending amendment when we tabled the Gramm-McCain amendment by a vote of 65–35. That amendment, as the amendment we will vote on shortly, is really a wolf in sheep's clothing. It is designed to gut the safety provisions in this bill by allowing the President to waive whatever safety provision in the bill he does not like.

If the Appropriations Committee thought that the DOT's plans to address the safety risks posed by Mexican trucks were adequate, we wouldn't have put the important safety provisions into this bill.

What this amendment does say is, OK, administration, whatever safety requirements in this bill you don't like, find a White House attorney who will say it is a violation of NAFTA.

Which provision will they choose to throw away? Will it be the requirement to verify that a Mexican truck driver's licence has not been revoked? Will it be the requirement to inspect trucks when they come across the border? Will it be a requirement to demonstrate that the Mexican trucks have insurance? Under the amendment we will vote on, we won't know. It simply says we will allow the President to gut whatever safety requirement he would like.

I voted for NAFTA. My goal is not to stop free trade. My goal is to see that free trade and safety progress side by side.

I yield the floor to the Senator from Arizona.

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

Mr. MCCAIN. Madam President, I am sorry the Senator from Illinois just left the floor because he seemed to be deeply concerned about the process. From a Chicago Tribune editorial, headlined ''Honk If You Smell Cheap Politics,'' I will read a couple of quotes. Quoting from the Tribune:

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets. The talk is all about safety and concern about how rattletrap Mexican semis, driven by inept Mexicans, would plow into Aunt Bee putt-putting to the grocery store in her Honda Civic somewhere in Pleasantville, U.S.A.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray, and others pushing the Teamster line, instead are prattling on about road safety.

It ends with:

President Bush vows to veto this version of the bill, and quite rightly so. In 1993, the U.S. signed and ratified NAFTA. The agreement went into effect in 1994. There is no justification now, more than seven years later, for the U.S. to try to weasel out of some of its provisions.

I ask unanimous consent that the complete editorial be printed in the RECORD.

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

[From the Chicago Tribune, July 27, 2001]

HONK IF YOU SMELL CHEAP POLITICS

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets. The talk is all about safety and concern about how rattletrap Mexican semis, driven by inept Mexicans, would plow into Aunt Bea putt-putting to the grocery store in her Honda Civic, somewhere in Pleasantville, U.S.A.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray (D-Wash.), and others pushing the Teamster line, instead are prattling on about road safety.

The Bush administration—with a surprising assist from Arizona Sen. John McCain—is right to insist that the U.S. comply with its obligations under the North American Free Trade Agreement and allow Mexican trucks full access to our roads, beginning in January.

Under NAFTA, which went into effect in 1994, there was supposed to be free access to all trucks within Canada, the U.S. and Mexico by January of last year. That only makes sense: There is no point in freeing up trade but restricting the means to move the goods.

But with the 2000 elections looming, President Bill Clinton caved in to pressure from the Teamsters and delayed implementation of the free-trucking part of the agreement. Democratic presidential candidate Al Gore got the Teamsters' endorsement and the Mexican government filed a complaint against the U.S. for violation of NAFTA rules. Mexico won.

A spokesman for the U.S.-Mexico Chamber of Commerce and others in Washington have whispered there may be bits of racism and discrimination floating around in this soup, because Canadian trucks and drivers are not subjected to similar scrutiny and can move about freely anywhere in the U.S.

It's worthwhile to note, too, that while the U.S. is banning Mexican trucks, Mexico is returning the favor, so neither country's trucks are going anywhere. As it stands, Mexican trucks can come in only 20 miles into the U.S. before they have to transfer their load.

Safety need not be an issue. An amendment proposed by McCain and Sen. Phil Gramm (R-Texas) incorporates safety inspection safeguards to be sure drivers and trucks are fit to travel U.S. roads. It's roughly modeled after California's safety inspection system along its own border with Mexico. Presumably, Mexico would inspect the trucks going the other way.

Those are reasonable measures to protect motorists on both sides of the border.

But Sen. Murray's amendment sets up a series of requirements and hurdles so difficult to implement that they would, in effect, keep the border closed to Mexican trucks indefinitely.

President Bush vows to veto this version of the bill, and quite rightly so. In 1993, the U.S. signed and ratified NAFTA. The agreement went into effect in 1994. There is no justification now, more than seven years later, for the U.S. to try to weasel out of some its provisions.

Mr. MCCAIN. The Senator from Washington just stated how she had received requests for Transportation appropriations from every Member of this body. I hope she will correct the record. She received no request from my office. She received no request, nor ever will receive a request from my office, for any transportation pork-barreling of which this bill is full.

This bill has surpassed the President's total budget request by nearly $4 billion. This year's bill contains 683 earmarks totaling $3.148 billion in porkbarrel spending. Last year, there was only $702 million. I congratulate the Appropriations Committee on this.

Always in the contract game of porkbarrel spending, some benefit substantially more than others. The State of West Virginia, for instance, will be the proud recipient of $6,599,062 under the National Scenic Byways Program. Of that money, $619,000 will be directed towards ''Promoting Treasures Within the Mountains II'' program; $8,000 will be given to Virginia's chapel, and $22,640 will go to fund the SP Turnpike Walking Tour.

The State of Washington will also benefit substantially from the National Scenic Byways Program. Under that portion of the bill, Washington will receive $2,683,767, of which $790,680 will fund the North Pend Orielle Scenic Byway—Sweet Creek Falls Interpretive Trail Project; $190,730 will be directed to the Paden Creek Visitor and Salmon Access, and $88,000 will fund the Oakcreek wildlife Byway Interpretive Site Project.

The programs go on and on. Let me tell you the real problem here, how great this problem gets over time: $4,650,000 is carved out of the Coast Guard portion of this bill to ''test and evaluate a currently developed 85-foot fast patrol craft that is manufactured in the United States and has a top speed of 40 knots. Fortunately, and I am sure, coincidentally, for the State of Washington, there is only one company in the country which produces such a vessel, and it just happens to be Guardian Marine International, located in Edmonds, WA. Not only did the U.S. Coast Guard not ask for this vessel, they looked at the Guardian vessel, considered its merits, and concluded that it would not adequately meet the Coast Guard's needs. Taxpayers of America, look at the Guardian fast patrol craft which will be yours whether the Coast Guard wants it or not.

Yesterday, very briefly, my friend from Nevada said that I was mistaken in my comments about setting a precedent. I think his comments were well made. I accept them. There has not been the parliamentary movement as there should have been. I stick to and want to reiterate and will continue to reiterate my comments that what we are doing on an appropriations bill is precedent setting. We are changing and

violating a solemn treaty made between three nations, and we are doing it on an appropriations bill.

The Senator from Washington just enumerated the wonderful language for safety that they have on an appropriations bill.

The authorizers, the committees that are given the responsibility and the duty to authorize, are the ones who should have written this language. The Appropriations Committee should only be appropriating money. Instead, in a precedent-setting procedure, they have now decided to include language which, according to the Governments of two countries, Mexico and the United States, two freely elected Governments of both of those countries have deemed in violation of this solemn treaty.

This language, according to the Mexican Government, according to the U.S. Government, is in violation of the North American Free Trade Agreement. We are subject, obviously, to significant sanctions but, more importantly, again, the Senator from West Virginia is on the floor and he knows the history of this body more than I do. I do not know of a single other time in the history of this body that a solemn agreement, a treaty, has been tampered with on an appropriations bill—in fact, abrogated to a large degree.

There were great debates over the role of the United States in Vietnam. That was conducted under the aegis of the Foreign Relations Committee. There were other great debates on other foreign policy issues. All of them were conducted in this Chamber under the aegis and responsibility of the Foreign Relations Committee and sometimes the Armed Services Committee.

I know of no time where the great debates on treaties were conducted as part of an appropriations bill on Transportation. This debate should be taking place under the responsibility of the Foreign Relations Committee and the Commerce, Science, and Transportation Committee, and I allege again this is a precedent-setting move which, if it carries—and I still hope that it does not—I am convinced the President can muster 34 votes to sustain a veto. This will have very serious consequences for the way we do business in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Madam President, I say to my friend from Arizona, who mentioned the money for scenic byways in West Virginia, all highways in West Virginia are scenic, all highways. They are all scenic, and the money in this bill for scenic highways in West Virginia is going to be yielded in conference with the House.

I take great pride in the fact that all of West Virginia's highways are scenic, and I thank the Senator from Arizona for bringing to the attention of the Senate these scenic byways.

There are scenic byways in Arizona also. My wife and I traveled through Arizona in 1960 on our way to the Democratic Convention in Los Angeles. We took the southern route, and we came back to Washington on the northern route. They are beautiful States that we traveled through.

Madam President, the North American Free Trade Agreement, NAFTA, went into effect on January 1, 1994. I voted against NAFTA. Now, 6 years later, the costs associated with NAFTA are becoming increasingly clear.

On February 6, 2001, a NAFTA dispute resolution panel concluded that the U.S. refusal to approve any applications from Mexican motor carriers who wanted to provide cross-border trucking services is a breach of NAFTA. Even though the panel determined that the Mexican regulatory system for trucks was inadequate, they decided that this was an insufficient legal basis for the United States to maintain its moratorium on approving cross-border trucking applications. In other words, the panel decided that, even though Mexican trucks barreling down American roads would endanger human health and safety, these trucks must be allowed to enter.

This panel's decision has shifted the American public's concern about safety into high gear. The Administration has said that it intends to lift the toll-gate to Mexican trucks sometime before January 1, 2002. Instead, we ought to downshift and carefully consider our route on this issue. Believing that Mexican trucks will suddenly come into compliance with U.S. trucking safety standards within the next six months is like believing that a car will keep running without gas.

Mexican trucking is not well regulated. Mexican truck- and driver-safety standards are nearly nonexistent. Mexican law fails to require many of the fundamentals of highway safety policy that are required by U.S. law and regulation, such as enforced hours of service restrictions for truck drivers or the use of log books. There is no Mexican truck safety rating system and no comprehensive truck equipment standards. From the lack of basic requirements, it is apparent that Mexico is making little investment, and undertaking no regular maintenance, to ensure that its trucks operate in accordance with fundamental trucking safety standards. Opening our borders to more Mexican trucks would allow Mexico to export more than just goods to the United States; it would export truckloads of danger.

Without Mexican investment to ensure that its motor carriers are operating safely, the financial burden of ensuring the safety of Mexico-domiciled motor carriers operating in the United States is loaded onto the shoulders of the American taxpayer. From 1995 to the present, the U.S. Department of Transportation has dedicated $22 million to the border States, above normal allocations, for the purpose of enhancing inspection capabilities. The Senate's fiscal year 2002 Department of Transportation Appropriations bill would appropriate an additional $103.2 million for increased border inspections of Mexican trucks. This amount is $15 million above the level included in the President's request. Of the more than $103 million provided, $13.9 million is provided to the Federal Motor Carrier Safety Administration to hire 80 additional truck safety inspectors, an amount of $18 million is provided for enhanced Motor Carrier safety grants for the border, and $71.3 million is provided for the construction and improvement of Motor Carrier safety inspection facilities along the border between the United States and Mexico. Have we taken leave of our senses?

In addition to the costs associated with an increased need for inspection, more Mexican trucks on U.S. roads will compromise safety, and could result in serious accidents on our highways. During fiscal year 2000, Federal Motor Carrier Safety Administration reports show federal and state border inspectors performed 46,144 inspections on Mexican trucks at the border and within the limited commercial zones where some Mexican trucks are currently allowed to travel. For those trucks that were inspected, the percentage of trucks taken off the road for serious safety violations, declined from 44 percent in fiscal year 1997 to 36 percent in fiscal year 2000. Regardless of these inspections, the fact remains that more than one in three Mexican trucks is a lemon. And we cannot count on inspections to cull out every single one of these time bombs and get them off our highways.

In February, I wrote to U.S. Trade Representative Robert Zoellick and Transportation Secretary Norman Mineta to urge that the United States not compromise the safety of America's highways. We cannot, because of a NAFTA dispute resolution panel decision, subvert U.S. safety standards that have been put in place to protect travelers on our Nation's roads. Until the United States and Mexico agree on comprehensive safety standards, and until the United States is able to effectively enforce those standards, we must stand on the brakes against efforts that would compromise current U.S.-imposed safeguards for Mexican trucks.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Texas is recognized.

Mr. GRAMM. Madam President, so many issues have been talked about. I want to begin my short remarks by reading the amendment which is pending, because we are going to vote on this amendment when a motion is made to table it. What the amendment does is it accepts everything in the Murray amendment with the following proviso:

> Provided that notwithstanding any other provision of 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.

In other words, unless something is in violation of the North American Free Trade Agreement, every provision in the Murray amendment will stand if this amendment is adopted.

Senator MURRAY and her supporters say nothing in her provision violates NAFTA. If nothing in her provision violates NAFTA, then this amendment will have no effect. This amendment, in essence, shows the emperor has no clothes. We are having a lot of discussion on how tough a safety standard we want. Under NAFTA, we can impose any safety standards we want on Mexican trucks, but we have to impose the same standards on Canadian trucks and on American trucks. Everyone is in agreement; we need to have safer trucks. Our own trucks need to be safer, Canadian trucks need to be safer, and Mexican trucks need to be safe to come into the country.

What is at issue is not safety but protectionism. What is at issue is, we had a President, George Bush, in 1994, who signed a solemn agreement with Mexico and Canada called the North American Free Trade Agreement. Then under another President, President Bill Clinton, we ratified this agreement by enacting a bill in Congress that President Clinton signed. Now, under another Republican President, President George W. Bush, we have an effort to enforce the agreement we entered into. Now we have an effort on an appropriations bill to violate the treaty we negotiated and signed in 1994 and that we ratified under a Democrat President.

Our colleagues keep talking about safety, but nothing having anything to do with safety would be stricken by this amendment. This amendment would strike provisions that violate NAFTA. What are some of those provisions? Provisions that say Mexican trucks have to carry a different type of insurance than American trucks and Canadian trucks. Provisions that say Mexican truckers cannot lease their trucks in the same way American truckers and Canadian truckers can lease their trucks; penalty provisions where the penalties are different for Mexican trucks than they are for American trucks and Canadian trucks; provisions that say until we promulgate regulations that have to do with the bill passed in 1999 that Canadian trucks can operate, American trucks can operate, but Mexican trucks cannot operate. There is no more logic to that provision in the Murray amendment than there would be in saying we are not going to live up to a treaty obligation we made until February the 29th occurs on a Sunday. It is totally and absolutely arbitrary and totally and absolutely illegal, and it violates an agreement we entered into and have enforced under three Presidents.

What our amendment does is simply say, take everything in the Murray amendment and it becomes the law of the land unless it violates NAFTA—unless it violates an agreement we entered into and Congress ratified. That is exactly what the amendment does; no more, no less.

If you vote against this amendment, obviously you stand up on the floor of the Senate and say anything you want to say; it is a free country. But if you vote against this amendment, you can't say, it seems to me, that you believe the Murray provision does not violate NAFTA. If you think it doesn't violate NAFTA, why not vote for this amendment and settle this issue? Obviously, anybody who votes against this amendment believes this amendment, despite all the denials of all the proponents, violates obligations we have in an agreement we entered with Mexico.

All over the world we are trying to get countries to live up to their agreements they have with us. What kind of credibility are we going to have when we go back on a solemn commitment we made to our neighbor to the south? What kind of credibility are we going to have when we treat our northern neighbor in one way, have one set of rules for them, but then we say to our southern neighbor, we have an entirely different set of rules for you. In fact, we have to implement laws we passed in the past before you are even going to get an opportunity, in violation of NAFTA, to ever have a chance to compete.

The plain truth is, as the Chicago Tribune pointed out this morning, Teamster truckers don't want competition from their Mexican counterparts. This is not about safety; this is about raw, rotten protectionism, and it is about a willingness to go back on a solemn commitment that our Nation made. I believe this is very harmful to America. I think it undercuts the best ally we have ever had in a President of Mexico.

I reiterate, this may happen, but it is not going to happen until every right that every Member of the Senate has is fully exercised. This is an important issue. Some of our colleagues might wonder; in fact, people watching this probably wonder, when Senator MCCAIN and I clearly don't have the votes, why don't we give this thing up? Our Founding Fathers, in establishing the structure of the Senate, understood there would be times when there would be issues that were important to America that were confusing, that people wouldn't understand, that could be cloaked in other issues. They understood there would be vital national interests at stake. For those circumstances, they gave one Member of the Senate the right to have extraordinary powers. It seems to me that having been blessed to have the opportunity to serve here, as we all have, when we believe that a fundamentally important issue to the future of America and, in this case, our relationship with our neighbor to the south and our credibility in the world are at stake, any Member has an obligation to use those rights.

I don't like inconveniencing my colleagues, but let me make it clear, at 8:42 tonight we will be in a position where cloture can occur on the bill. I am ready to vote. But I am going to exercise my full rights. The people of Texas hired me to represent their interest and the national interest, and Texas and the national interest are both violated by going back on a treaty we made with Mexico.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DAYTON). Under the previous order, the Senator from North Dakota is recognized for 10 minutes.

Mr. DORGAN. Mr. President, as I walked on the floor, I heard the words ''raw, rotten protectionism'' used on the floor of the Senate. I had to smile because that is such an ill described position with respect to what the Senate is doing. If you were to try to misdescribe what is going on in the Senate, you could not do it more aggressively than to use terms such as ''raw, rotten protectionism.'' There is nothing protectionist about this issue.

This issue is about a trade agreement called NAFTA: a terrible trade agreement that, in my judgment, sold out the interests of this country; a trade agreement that turned a very small surplus with the country of Mexico into a huge deficit; and turned a moderate deficit with Canada into a large deficit. NAFTA is a trade agreement that has not served this country's interests, and we are now told, as a part of this trade agreement, we are required as a country to allow Mexican long-haul trucks into this country. We are told that if we don't let in Mexican long-haul trucks, we are somehow guilty of violating the NAFTA trade pact. According to my colleague from Texas, if we don't allow Mexican long-haul trucks into America, Mexico intends to retaliate on the matter of corn syrup.

Sometimes it is a little too confusing. Mexico is already abusing its trade policies on corn syrup by imposing the equivalent of a tariff ranging from 43 percent to 76 percent on corn syrup exported from this country to Mexico. A panel has already ruled against Mexico on the issue of corn syrup, and, yet, they are now threatening that they may take action on United States corn syrup if we don't allow Mexican long-haulers into this country.

Is someone not thinking straight here? The only question, in my judgment, on this issue is, Is it in the interests of the American people to allow Mexican long-haul trucks into this country at this time? If we allow Mexican trucks to operate unfettered throughout the United States, will it sacrifice highway safety? Will it jeopardize people on American highways? The answer to all of these questions is it will jeopardize safety, it will compromise safety on our highways, and this is not the time to do this.

Both the United States and Mexico have had 6 years to cogitate about this—6 years. Really almost nothing

has been done. We have 27 border crossings where trucks enter the United States, but a minuscule percent of those trucks are inspected. Thirty-six percent of the Mexican trucks now coming into this country, and are now limited to a 20-mile zone, are turned back for serious safety violations—36 percent. In most cases there are no inspections at all. There are no facilities to inspect. In only two of the border locations are there inspection facilities during all commercial hours. In most cases, there are no parking spaces and there are no phone lines to verify, for example, commercial driver's license data, and so on.

I have said it before, and I will say it again—I know it is repetitious, but it is important to do—the San Francisco Chronicle, God bless them, sent a reporter down to ride with a long-haul trucker. He filed a report. Here is what he said.

This trucker he rode with traveled 1,800 miles in 3 days, slept 7 hours in 3 days—7 hours in 3 days—and drove a truck with a cracked windshield that would not have passed U.S. inspection. The situation is much different in Mexico than in the United States. In Mexico, there are no standard hours of service in Mexico. There is a logbook requirement, but it is not enforced so truckers do not have them. During the Chronicle reporter's ride with the Mexican trucker, there were no safety inspections along the way.

Now we are told if we do not allow Mexican long-haul trucks into this country, we are somehow in violation of NAFTA. This is not violating anything. I am so tired of a ''blame our country first'' on all these issues. We are not going to violate anything if we decide that highway safety in this country is important enough to say we will not, under any circumstances, allow Mexican long-haul trucks into this country until we have a regime of compliance and safety inspections that give us the assurance, yes, the assurance that Mexican trucks coming into this country and the drivers are meeting the same rigorous, aggressive standards we apply to American drivers and American trucks.

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

Mr. DORGAN. Do you want yourself, your families, your friends, your neighbors looking in the rearview mirror to see an 80,000-pound vehicle coming behind you with a driver who has not slept in 24 hours, who has brakes that may not work, and who has come across the border and has not been inspected? Is that what you want for yourself or your family? I do not.

Let me just say again, there is not a ghost of a chance by January 1, when President Bush wants to allow these trucks in, that the inspectors necessary to assure the protection of American drivers on America's roads will be in place. How do I know that? Because the Department of Transportation's Inspector General testified before the Commerce Committee and said the administration is short of inspectors. Even the plan they are proposing will not allow the inspectors to be present to make sure these trucks coming into our country are safe.

I will be happy to yield.

Mr. DURBIN. I would like to ask the Senator from North Dakota a question. I voted for NAFTA, but I voted for it with the understanding that we could impose the same health and safety standards on companies and countries exporting to the United States that we impose on American companies; that that would be fair trade. We would be treating ourselves the same way as we treat others.

I want to make it clear for the record, and I think the Senator from North Dakota has made this point, all we are trying to establish is that Mexican trucks and Mexican drivers will be held to the same standards of safety and competency as American trucks and American drivers. Is that the case?

Mr. DORGAN. That is exactly the case. Let me just again say that when the term ''raw rotten protectionism'' is used, it is wrong. There is nothing about this proposal to require similar standards on Mexican trucks coming into this country as already exists for the American trucking industry—there is nothing raw about that, there is nothing rotten about that, and there is nothing that is protectionist about that. It represents common sense, something that is too often obscured in these debates in this country in public policy. It is especially obscured in trade policy.

Let me just say this to my friend from Illinois. I am aware of not one trade agreement that this country has negotiated that would require us as Americans to sacrifice safety on America's roads. There is not one trade agreement or one word in a trade agreement that requires us to do that. We should not do that. We will not do that.

When President Bush says on January 1 we are going to remove the 20-mile limit, and we are going to have Mexican drivers and trucks come into this country unimpeded, when in fact he has not proposed the inspectors and compliance officers necessary to make certain this could be done safely, in my judgment he is saying this trade agreement requires us to diminish standards on America's roads. I will not accept that. I do not support that. None of us in this Chamber, in my judgment, should vote for it.

The PRESIDING OFFICER. The Senator will please suspend. Please take other conversations off the Senate floor.

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

The PRESIDING OFFICER. Two minutes.

Mr. DORGAN. The Senator from Texas is attempting to weaken the provisions in the Murray bill. I happen to think the Murray provisions are too weak. I would like a stronger provision. I want the House provision to prevail that simply says during the next fiscal year, no funds will be used for certifying long-haul Mexican trucks to come into this country unimpeded beyond the 20-mile limit. As I said, I happen to think the Murray provision is not strong enough.

The amendment that is before us is to try to weaken the Murray provision. In my judgment, it makes no sense. I will not use terms such as ''raw, rotten protectionism'' because they are totally inappropriate about this decision. This is not about discrimination. It is not about trade. It is not about protectionism. It is not about anything that is raw or rotten. It is about whether we are willing to stand up for standards we have already established in this country for safety on our road dealing with 18-wheel, 80,000-pound trucks.

Do you want a driver behind you who has just come across the border who has been awake for 24 straight hours and is driving a truck that is unsafe, with no brakes? I don't think so. These standards are radically different in the United States. Ten hours of consecutive driving is all you can do in the United States. You have to have logbooks. In Mexico, they have no logbooks.

Alcohol and drug testing: In the United States, yes; in Mexico, no.

The list goes on and on and on.

We are nowhere near having equivalent standards and there is not a ghost of a chance of that happening on January 1. All of us ought to recognize it. This is not about trade. It is about safe hours and it is about common sense. I hope when this vote is taken, common sense will prevail.

The PRESIDING OFFICER. The Republican assistant leader.

Mr. NICKLES. I ask unanimous consent to speak for 5 minutes on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I have been wanting to seek recognition, but I understood we were going to a rollcall. I say to the Senator from Oklahoma that if I can have 5 minutes to speak, I will not object.

Mr. NICKLES. I have no objection to the Senator speaking. I wish to speak for 5 minutes. If he wishes to, he can ask consent.

Mr. DURBIN. I ask consent that the Senator from Oklahoma and myself each be recognized for 5 minutes to speak.

Mr. REID. Reserving the right to object, if I may make a parliamentary inquiry, if we add 10 minutes to the time we have already, when will the vote take place?

The PRESIDING OFFICER. That will be 11:33.

Mr. REID. Senator SHELBY also has time.

The PRESIDING OFFICER. There will be 15 minutes and then the vote. Is there objection? Without objection, it

is so ordered. The Senator from Oklahoma.

Mr. NICKLES. I am appreciative of the cooperation of our colleagues and also of the quality of the debate. I think we have had an interesting debate. I compliment the participants. I will just make a couple of comments.

I am reading this amendment and listening to some of the debate yesterday, and looking at this amendment, it says:

Provided, That notwithstanding any other provision of the Act—

Talking about the Murray amendment that is included in the Transportation bill—

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.

I know I heard people say yesterday the Murray amendment, the underlying legislation that is in the appropriations bill, is compliant with NAFTA, it is compliant with our treaty, a treaty we have already signed.

If that is the case, I think the proponents should adopt this amendment. I wish they would. I would think they would accept it. It would further clarify that we are going to keep our word in the treaty. A treaty is making a commitment on behalf of the United States with other countries. We should keep that.

If we are going to rewrite the treaty on this appropriations bill, we have a problem. I think we have a couple of problems because clearly this is legislation on an appropriations bill and we made rules that we were not going to do that. Now it turns out the rules are only sort of applicable. In other words, you can legislate—if you are in the committee and you legislate in committee, it is OK, but you cannot legislate on the floor.

Maybe we need to probably address that, and we probably will at a later date. But now I look at the legislation, and I have heard some people say that the legislation that came out of committee violates NAFTA. The proponents say no, it doesn't. Here is language that says nothing in this act should be applied in a manner that the President finds to be in violation of the NAFTA. This is further clarification that we are not going to violate NAFTA. That makes sense.

If we are going to rewrite treaties on appropriations bills, something is wrong. What about the Foreign Relations Committee? What about the Commerce Committee and committees that have jurisdiction over NAFTA? What about consulting the NAFTA partners? I have heard they are upset about the language that is coming out of the committee and that came out of the House.

I urge the proponents of the Murray amendment to adopt this language. I think it would further clarify. Maybe it would make a lot of this problem go away. This might make this bill entirely acceptable on all parts. This could be the solution.

I have heard people say nothing in the underlying bill violates NAFTA. Then let's accept this amendment. I believe we could have final passage on this bill today, and we could move on towards other legislative agenda items that all of us would like to do, including some nominations.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. NICKLES. Yes.

Mr. REID. Is that an offer?

Mr. NICKLES. I would love to see that happen. I do not know if the other proponents will consult other people; maybe we can make that an offer. I would love to see that happen.

I think adoption of this language further clarifying that we are not doing anything to violate NAFTA would help make this bill much more presentable and much more acceptable—both to the administration and our trading partners in Mexico and in Canada.

I urge my colleagues not to support a tabling motion. Let's pass this amendment and this bill. Let's go to conference.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. NICKLES. Yes.

Mr. GRAMM. In response to the question from the distinguished Democrat floor leader, I believe the adoption of this amendment would make this debate an honest debate. We would all then agree that it does not affect NAFTA. I think that would be a major step in working out this whole thing. With the adoption of this amendment, I think in a fairly short period of time we could probably work this out in a way that, A, the Department of Transportation can implement, and, B, the President of Mexico and the President of the United States are not embarrassed by us abrogating NAFTA. I think this would be the linchpin for working something out, if we adopt it.

Mr. NICKLES. Today.

Mr. GRAMM. I think if we decided to, we could solve this problem within 2 hours. Working with the Department of Transportation, we could come up with an agreement that the Department of Transportation could make work. That is the first requirement. And, second, that does not violate our obligations under NAFTA.

Mr. NICKLES. Mr. President, I very much appreciate Senator GRAMM's comments, and also Senator REID's suggestion. I think this may help us break this bottleneck. I think too many people are too dug in to kind of look and say how we can fix this problem which we got into by legislating on an appropriations bill and possibly rewriting treaties. That is wrong, at least in this Senator's opinion. This language clarifies that we are not going to violate the treaty.

Let's pass this amendment and this bill, and let's go to other legislative agenda items.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. Mr. President, first I would like to ask the Senator from Washington, the chairman of the subcommittee, if she would yield for a question.

Mrs. MURRAY. I am happy to yield for a question.

Mr. DURBIN. Would she comment on the pending Gramm amendment and the impact she believes it will have on establishing standards for safety for Mexican trucks and Mexican truckdrivers?

Mrs. MURRAY. I thank the Senator for the question. I would be happy to enter into negotiations to talk about accepting this amendment if it didn't actually gut the provisions we have before us. This administration basically says to the President—actually the White House attorney would designate it—the provision of the underlying bill violates NAFTA. That is their position, not ours. It is their decision. They could revoke the Mexican driver's license provision we have, or the inspection of the trucks across the border and the insurance issue on Mexican trucks. At their whim, they could say we think that violates NAFTA.

I think the Members of the Senate have spoken quite loudly, 70–30, that we believe the provisions in this Senate bill are ones that we believe will protect drivers in the country. We have already seen what the DOT protections were. I believe the underlying amendment certainly as written is not safe for American drivers.

Mr. DURBIN. I agree with the Senator from Washington. If we adopt the amendment of Senator GRAMM of Texas, we are basically saying there are no standards when it comes to Mexican trucks and when it comes to Mexican truckdrivers. It is whatever the White House attorneys decide. That, frankly, is an abdication of the responsibility of the Senate.

I hope all Members will join in voting for this Gramm amendment. I voted for NAFTA. When I voted for NAFTA, I was told that the United States would never have to compromise health and safety standards, and, that if we impose standards of safety on American trucks and truckdrivers, the same standards will apply to Canadian and Mexican truckdrivers. If we impose standards of the safety on our trucks, the same standards will be imposed on Mexico and Canada.

That is what is known as fair trade and fair standards evenly applied. Senator GRAMM and those on the other side of the aisle don't want fair trade. They want to have it so the Mexicans and Canadians and others who trade with the United States can establish in the name of free trade their own standards.

This weekend when you are on the highways across America and you look in the rearview mirror, if the truck coming up behind you is an American truck, you can be sure of one thing: It is subject to hours of service requirements so that the truckdriver doesn't stay in that seat so long that he is half

asleep and driving off the road. You know the American truckdriver has to keep a logbook so we know where he has been and how long he has been driving. He is subject to inspection. He has been subject to alcohol and drug testing. He has had a physical. You know the minimum weight limit for the truck is 80,000 pounds, and so forth. But under the standards imposed by the Mexican Government, none of these apply. There are no hours of service requirements. If the truck coming up behind you on the highway is driven by a Mexican truckdriver, there is no prohibition or limitation on the hours he can drive the truck. Under their law, he has to keep a logbook. He ignores it, as most Mexican truckdrivers do. There is no basic alcohol and drug test, and there is no requirement for physicals as in the United States.

Let me tell you about an accident. If you get involved in an accident with a truck driven by an American driver for an American truck company, they have to have liability insurance between $750,000 and $4 million for that accident. The Mexican truckdriver, about $70,000 worth of insurance to cover bodily injury as well as physical damage.

When we say the Mexicans are going to have an opportunity to trade in the United States and we want to strike down trade barriers, we are not trying to strike down common sense. Common sense says that whether your family is on the road going to a Virginia vacation, or for business, when you look in the rearview mirror, or pass a truck, you ought to know that there is a safety standard applied to everybody who wants to use American highways.

Senator MURRAY has put in a reasonable amendment. She established the same standards for Mexican trucking companies and truckdrivers as the United States. Those who oppose this amendment don't want that to happen. The Gramm amendment gives the widest loophole in the world. Some attorney in the White House can declare that the standards for insurance, for example, for Mexico are just fine at $70,000. That is wrong. It is wrong for the American families who expect this Senate to stand up and protect them when it comes to the use of American highways.

I favor free trade. I voted for free trade. But I didn't do it with a blindfold. I did it with the knowledge that we ought to have standards to protect American companies, American individuals, and American consumers, and that the same standards should apply to those exporting to the United States and those producing in the United States. This is not protectionism. This is commonsense. Vote against the Gramm amendment.

The PRESIDING OFFICER. The Republican assistant leader.

Mr. NICKLES. Mr. President, just for the information of our colleagues, we will be voting probably within 5 minutes. I believe there will be a motion to table the Gramm amendment. So just for the Cloakrooms to alert all colleagues, there will be a rollcall vote in 5 minutes.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 5 minutes.

Mr. SHELBY. Mr. President, over the course of the past several days, we have heard several Senators explain what they believe the North American Free Trade Agreement does and does not do. I believe this debate would be better served by reviewing the agreement itself.

Part Seven, Chapter Twenty, of NAFTA establishes the Free Trade Commission which shall resolve disputes that may arise regarding its interpretation or application. NAFTA also establishes a dispute settlement process in the event that the Free Trade Commission is unable to resolve a matter or if a third party brings forth a cause of action. Under NAFTA in these cases, the Commission ''shall establish an arbitral panel.'' Again, I am quoting from the agreement.

Mr. President, I ask unanimous consent that the North American Free Trade Agreement Part Seven: Administrative And Institutional Provision be printed in the RECORD.

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

NORTH AMERICAN FREE TRADE AGREEMENT

Part Seven: Administrative and Institutional Provisions

Chapter Twenty: Institutional Arrangements and Dispute Settlement Procedures

SECTION A—INSTITUTIONS

Article 2001: The Free Trade Commission

1. The Parties hereby establish the Free Trade Commission, comprising cabinet-level representatives of the Parties or their designees.

2. The Commission shall:

(a) supervise the implementation of this Agreement;

(b) oversee its further elaboration;

(c) resolve disputes that may arise regarding its interpretation or application;

(d) supervise the work of all committees and working groups established under this Agreement, referred to in Annex 2001.2; and

(e) consider any other matter that may affect the operation of this Agreement.

3. The Commission may:

(a) establish, and delegate responsibilities to, ad hoc or standing committees, working groups or expert groups;

(b) seek the advice of non-governmental persons or groups; and

(c) take such other action in the exercise of its functions as the Parties may agree.

4. The Commission shall establish its rules and procedures. All decisions of the Commission shall be taken by consensus, except as the Commission may otherwise agree.

5. The Commission shall convene at least once a year in regular session. Regular sessions of the Commission shall be chaired successively by each Party.

Article 2002: The Secretariat

1. The Commission shall establish and oversee a Secretariat comprising national Sections.

2. Each Party shall:

(a) establish a permanent office of its Section;

(b) be responsible for

(i) the operation and costs of its Section, and

(ii) the remuneration and payment of expenses of panelists and members of committees and scientific review boards established under this Agreement, as set out in Annex 2002.2;

(c) designate an individual to serve as Secretary for its Section, who shall be responsible for its administration and management; and

(d) notify the Commission of the location of its Section's office.

3. The Secretariat shall:

(a) provide assistance to the Commission;

(b) provide administrative assistance to

(i) panels and committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), in accordance with the procedures established pursuant to Article 1908, and

(ii) panels established under this Chapter, in accordance with procedures established pursuant to Article 2012; and

(c) as the Commission may direct

(i) support the work of other committees and groups established under this Agreement, and

(ii) otherwise facilitate the operation of this Agreement.

SECTION B—DISPUTE SETTLEMENT

Article 2003: Cooperation

The Parties shall at all times endeavor to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation and consultations to arrive at a mutually satisfactory resolution of any matter that might affect its operation.

Article 2004: Recourse to Dispute Settlement Procedures

Except for the matters covered in Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters) and as otherwise provided in this Agreement, the dispute settlement provisions of this Chapter shall apply with respect to the avoidance or settlement of all disputes between the Parties regarding the interpretation or application of this Agreement or wherever a Party considers that an actual or proposed measure of another Party is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment in the sense of Annex 2004.

Article 2005: GATT Dispute Settlement

1. Subject to paragraphs 2, 3 and 4, disputes regarding any matter arising under both this Agreement and the General Agreement on Tariffs and Trade, any agreement negotiated thereunder, or any successor agreement (GATT), may be settled in either forum at the discretion of the complaining Party.

2. Before a Party initiates a dispute settlement proceeding in the GATT against another Party on grounds that are substantially equivalent to those available to that Party under this Agreement, that Party shall notify any third Party of its intention. If a third Party wishes to have recourse to dispute settlement procedures under this Agreement regarding the matter, it shall inform promptly the notifying Party and those Parties shall consult with a view to agreement on a single forum. If those Parties cannot agree, the dispute normally shall be settled under this Agreement.

3. In any dispute referred to in paragraph 1 where the responding Party claims that its action is subject to Article 104 (Relation to Environmental and Conservation Agreements) and requests in writing that the matter be considered under this Agreement, the complaining Party may, in respect of that

matter, thereafter have recourse to dispute settlement procedures solely under this Agreement.

4. In any dispute referred to in paragraph 1 that arises under Section B of Chapter Seven (Sanitary and Phytosanitary Measures) or Chapter Nine (Standards-Related Measures):

(a) concerning a measure adopted or maintained by a Party to protect its human, animal or plant life or health, or to protect its environment, and

(b) that raises factual issues concerning the environment, health, safety or conservation, including directly related scientific matters,

where the responding Party requests in writing that the matter be considered under this Agreement, the complaining Party may, in respect of that matter, thereafter have recourse to dispute settlement procedures solely under this Agreement.

5. The responding Party shall deliver a copy of a request made to paragraph 3 or 4 to the other Parties and to its Section of the Secretariat. Where the complaining Party has initiated dispute settlement proceedings regarding any matter subject to paragraph 3 or 4, the responding Party shall deliver its request no later than 15 days thereafter. On receipt of such request, the complaining Party shall promptly withdraw from participation in those proceedings and may initiate settlement procedures under Article 2007.

6. Once dispute settlement procedures have been initiated under Article 2007 or dispute settlement proceedings have been initiated under the GATT, the forum selected shall be used to the exclusion of the other, unless a Party makes a request pursuant to paragraph 3 or 4.

7. For purposes of this Article, dispute settlement proceedings under the GATT are deemed to be initiated by a Party's request for a panel, such as under Article XXIII:2 of the General Agreement on Tariffs and Trade 1947, or for a committee investigation, such as under Article 20.1 of the Customs Valuation Code.

Consultations

Article 2006: Consultations

1. Any Party may request in writing consultations with any other Party regarding any actual or proposed measure or any other matter that it considers might affect the operation of this Agreement.

2. The requesting Party shall deliver the request to the other Parties and to its Section of the Secretariat.

3. Unless the Commission otherwise provides in its rules and procedures established under Article 2001(4), a third Party that considers it has a substantial interest in the matter shall be entitled to participate in the consultation on delivery of written notice to the other Parties and to its Section of the Secretariat.

4. Consultations on matters regarding perishable agricultural goods shall commence within 15 days of the date of delivery of the request.

5. The consulting Parties shall make every attempt to arrive at a mutually satisfactory resolution of any matter through consultations under this Article or other consultative provisions of this Agreement. To this end, the consulting Parties shall:

(a) provide sufficient information to enable a full examination of how the actual or proposed measure or other matter might affect the operation of this Agreement;

(b) treat any confidential or proprietary information exchanged in the course of consultations on the same basis as the Party providing the information; and

(c) seek to avoid any resolution that adversely affects the interests under this Agreement of any other Party.

Initation of Procedures

Article 2007: Commission—Good Offices, Conciliation and Mediation

1. If the consulting Parties fail to resolve a matter pursuant to Article 2006 within:

(a) 30 days of delivery of a request for consultations,

(b) 45 days of delivery of such request if any other Party has subsequently requested or has participated in consultations regarding the same matter,

(c) 15 days of delivery of a request for consultations in matters regarding perishable agricultural goods, or

(d) such other period as they may agree,

any such Party may request in writing a meeting of the Commission.

2. A Party may also request in writing a meeting of the Commission where:

(a) it has initiated dispute settlement proceedings under the GATT regarding any matter subject to Article 2005(3) or (4), and has received a request pursuant to Article 2005(5) for recourse to dispute settlement procedures under this Chapter; or

(b) consultations have been held pursuant to Article 513 (Working Group on Rules of Origin), Article 723 (Sanitary and Phytosanitary Measures Technical Consultations) and Article 914 (Standards-Related Measures Technical Consultations).

3. The requesting Party shall state in the request the measure or other matter complained of and indicate the provisions of this Agreement that it considers relevant, and shall deliver the request to the other Parties and to its Section of the Secretariat.

4. Unless it decides otherwise, the Commission shall convene within 10 days of delivery of the request and shall endeavor to resolve the dispute promptly.

5. The Commission may:

(a) call on such technical advisers or create such working groups or expert groups as it deems necessary,

(b) have recourse to good offices, conciliation, mediation or such other dispute resolution procedures, or

(c) make recommendations, as may assist the consulting Parties to reach a mutually satisfactory resolution of the dispute.

6. Unless it decides otherwise, the Commission shall consolidate two or more proceedings before it pursuant to this Article regarding the same measure. The Commission may consolidate two or more proceedings regarding other matters before it pursuant to this Article that it determines are appropriate to be considered jointly.

Panel Proceedings

Article 2008: Request for an Arbitral panel

1. If the Commission has convened pursuant to Article 2007(4), and the matter has not been resolved within:

(a) 30 days thereafter,

(b) 30 days after the Commission has convened in respect of the matter most recently referred to it, where proceedings have been consolidated pursuant to Article 2007(6), or

(c) such other period as the consulting Parties may agree,

any consulting Party may request in writing the establishment of an arbitral panel. The requesting Party shall deliver the request to the other Parties and to its Section of the Secretariat.

2. On delivery of the request, the Commission shall establish an arbitral panel.

3. A third Party that considers it has a substantial interest in the matter shall be entitled to join as a complaining Party on delivery of written notice of its intention to participate to the disputing Parties and its Section of the Secretariat. The notice shall be delivered at the earliest possible time, and in any event no later than seven days after the date of delivery of a request by a Party for the establishment of a panel.

4. If a third Party does not join as a complaining Party in accordance with paragraph 3, it normally shall refrain therefore from initiating or continuing.

(a) a dispute settlement procedure under this Agreement, or

(b) a dispute settlement proceeding in the GATT on grounds that are substantially equivalent to those available to that Party under this Agreement.

regarding the same matter in the absence of a significant change in economic or commercial circumstances.

5. Unless otherwise agreed by the disputing Parties, the panel shall be established and perform its functions in a manner consistent with the provisions of this Chapter.

Article 2009: Roster

1. The Parties shall establish by January 1, 1994 and maintain a roster of up to 30 individuals who are willing and able to serve as panelists. The roster members shall be appointed by consensus for terms of three years, and may be reappointed.

2. Roster members shall:

(a) have expertise or experience in law, international trade, other matters covered by this Agreement or the resolution of disputes arising under international trade agreements, and shall be chosen strictly on the basis of objectivity, reliability and sound judgment;

(b) be independent of, and not be affiliated with or take instructions from, any Party; and

(c) comply with a code of conduct to be established by the Commission.

Article 2010: qualifications of Panelists

1. All panelists shall meet the qualifications set out in Article 2009(2).

2. Individuals may not serve as panelists for a dispute in which they have participated pursuant to Article 2007(5).

Article 2011: Panel Selection

1. Where there are two disputing Parties, the following procedures shall apply:

(a) The panel shall comprise five members.

(b) The disputing Parties shall endeavor to agree on the chair of the panel within 15 days of the delivery of the request for the establishment of the panel. If the disputing Parties are unable to agree on the chair within this period, the disputing Party chosen by lot shall select within five days as chair an individual who is not a citizen of that Party.

(c) Within 15 days of selection of the chair, each disputing Party shall select two panelists who are citizens of the other disputing Party.

(d) If a disputing Party fails to select its panelists within such period, such panelists shall be selected by lot from among the roster members who are citizens of the other disputing Party.

2. Where there are more than two disputing Parties, the following procedures shall apply:

(a) The panel shall comprise five members.

(b) The disputing Parties shall endeavor to agree on the chair of the panel within 15 days of the delivery of the request for the establishment of the panel. If the disputing Parties are unable to agree on the chair within this period, the Party or Parties on the side of the dispute chosen by lot shall select within 10 days a chair who is not a citizen of such Party or Parties.

(c) Within 15 days of selection of the chair, the Party complained against shall select two panelists, one of whom is a citizen of a complaining Party, and the other of whom is a citizen of another complaining Party. The complaining Parties shall select two panelists who are citizens of the Party complained against.

(d) If any disputing Party fails to select a panelist within such period, such panelist shall be selected by lot in accordance with the citizenship criteria of subparagraph (c).

3. Panelists shall normally be selected from the roster. Any disputing Party may exercise a peremptory challenge against any individual not on the roster who is proposed as a panelist by a disputing Party within 15 days after the individual has been proposed.

4. If a disputing Party believes that a panelist is in violation of the code of conduct, the disputing Parties shall consult and if they agree, the panelist shall be removed and a new panelist shall be selected in accordance with this Article.

Article 2012: Rules of Procedure

1. The Commission shall establish by January 1, 1994 Model Rules of Procedure, in accordance with the following principles:

(a) the procedures shall assure a right to at least one hearing before the panel as well as the opportunity to provide initial and rebuttal written submissions; and

(b) the panel's hearing, deliberations and initial report, and all written submissions to and communications with the panel shall be confidential.

2. Unless the disputing Parties otherwise agree, the panel shall conduct its proceedings in accordance with the Model Rules of Procedure.

3. Unless the disputing Parties otherwise agree within 20 days from the date of the delivery of the request for the establishment of the panel, the terms of reference shall be: ''To examine, in the light of the relevant provisions of the Agreement, the matter referred to the Commission (as set out in the request for a Commission meeting) and to make findings, determinations and recommendations as provided in Article 2016(2).''

4. If a complaining Party wishes to argue that a matter has nullified or impaired benefits, the terms of reference shall so indicate.

5. If a disputing Party wishes the panel to make findings as to the degree of adverse trade effects on any Party of any measure found not to conform with the obligations of the Agreement or to have caused nullification or impairment in the sense of Annex 2004, the terms of reference shall so indicate.

Article 2013: Third Party Participation

A Party that is not a disputing Party, on delivery of a written notice to the disputing Parties and to its Section of the Secretariat, shall be entitled to attend all hearings, to make written and oral submissions to the panel and to receive written submissions of the disputing Parties.

Article 2014: Role of Experts

On request of a disputing Party, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the disputing Parties so agree and subject to such terms and conditions as such Parties may agree.

Article 2015: Scientific Review Boards

1. On request of a disputing Party or, unless the disputing Parties disapprove, on its own initiative, the panel may request a written report of a scientific review board on any factual issue concerning environmental, health, safety or other scientific matters raised by a disputing Party in a proceeding, subject to such terms and conditions as such Parties may agree.

2. The board shall be selected by the panel from among highly qualified, independent experts in the scientific matters, after consultations with the disputing Parties and the scientific bodies set out in the Model Rules of Procedure established pursuant to Article 2012(1).

3. The participating Parties shall be provided:

(a) advance notice of, and an opportunity to provide comments to the panel on, the proposed factual issues to be referred to the board; and

(b) a copy of the board's report and an opportunity to provide comments on the report to the panel.

4. The panel shall take the board's report and any comments by the Parties on the report into account in the preparation of its report.

Article 2016: Initial Report

1. Unless the disputing Parties otherwise agree, the panel shall base its report on the submissions and arguments of the Parties and on any information before it pursuant to Article 2014 or 2015.

2. Unless the disputing Parties otherwise agree, the panel shall, within 90 days after the last panelist is selected or such other period as the Model Rules of Procedure established pursuant to Article 2012(1) may provide, present to the disputing Parties an initial report containing:

(a) findings of fact, including any findings pursuant to a request under Article 2012(5);

(b) its determination as to whether the measure at issue is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment in the sense of Annex 2004, or any other determination requested in the terms of reference; and

(c) its recommendations, if any, for resolution of the dispute.

3. Panelists may furnish separate opinions on matters not unanimously agreed.

4. A disputing Party may submit written comments to the panel on its initial report within 14 days of presentation of the report.

5. In such an event, and after considering such written comments, the panel, on its own initiative or on the request of any disputing Party, may:

(a) request the views of any participating Party;

(b) reconsider its report; and

(c) make any further examination that it considers appropriate.

Article 2017: Final Report

1. The panel shall present to the disputing Parties a final report, including any separate opinions on matters not unanimously agreed, within 30 days of presentation of the initial report, unless the disputing Parties otherwise agree.

2. No panel may, either in its initial report or its final report, disclose which panelists are associated with majority or minority opinions.

3. The disputing Parties shall transmit to the Commission the final report of the panel, including any report of a scientific review board established under Article 2015, as well as any written views that a disputing Party desires to be appended, on a confidential basis within a reasonable period of time after it is presented to them.

4. Unless the Commission decides otherwise, the final report of the panel shall be published 15 days after it is transmitted to the Commission.

Implementation of Panel Reports

Article 2018: Implementation of Final Report

1. On receipt of the final report of a panel, the disputing Parties shall agree on the resolution of the dispute, which normally shall conform with the determinations and recommendations of the panel, and shall notify their Sections of the Secretariat of any agreed resolution of any dispute.

2. Wherever possible, the resolution shall be non-implementation or removal of a measure not conforming with this Agreement or causing nullification or impairment in the sense of Annex 2004 or, failing such a resolution, compensation.

Article 2019: Non-Implementation—Suspension of Benefits

1. If in its final report a panel has determined that a measure is inconsistent with the obligations of this Agreement or causes nullification or impairment in the sense of Annex 2004 and the Party complained against has not reached agreement with any complaining Party on a mutually satisfactory resolution pursuant to Article 2018(1) within 30 days of receiving the final report, such complaining Party may suspend the application to the Party complained against of benefits of equivalent effect until such time as they have reached agreement on a resolution of the dispute.

2. In considering what benefits to suspend pursuant to paragraph 1:

(a) a complaining Party should first seek to suspend benefits in the same sector or sectors as that affected by the measure or other matter that the panel has found to be inconsistent with the obligations of this Agreement or to have caused nullification or impairment in the sense of Annex 2004; and

(b) a complaining Party that considers it is not practicable or effective to suspend benefits in the same sector or sectors may suspend benefits in other sectors.

3. On the written request of any disputing Party delivered to the other Parties and its Section of the Secretariat, the Commission shall establish a panel to determine whether the level of benefits suspended by a Party pursuant to paragraph 1 is manifestly excessive.

4. The panel proceedings shall be conducted in accordance with the Model Rules of Procedure. The panel shall present its determination within 60 days after the last panelist is selected or such other period as the disputing Parties may agree.

SECTION C—DOMESTIC PROCEEDINGS AND PRIVATE COMMERCIAL DISPUTE SETTLEMENT

Article 2020: Referrals of Matters from Judicial or Administrative Proceedings

1. If an issue of interpretation or application of this Agreement arises in any domestic judicial or administrative proceeding of a Party that any Party considers would merit its intervention, or if a court or administrative body solicits the views of a Party, that Party shall notify the other Parties and its Section of the Secretariat. The Commission shall endeavor to agree on an appropriate response as expeditiously as possible.

2. The Party in whose territory the court or administrative body is located shall submit any agreed interpretation of the Commission to the court or administrative body in accordance with the rules of that forum.

3. If the Commission is unable to agree, any Party may submit its own views to the court or administrative body in accordance with the rules of that forum.

Article 2021: Private Rights

No Party may provide for a right of action under its domestic law against any other Party on the ground that a measure of another Party is inconsistent with this Agreement.

Article 2022: Alternative Dispute Resolution

1. Each Party shall, to the maximum extent possible, encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties in the free trade area.

2. To this end, each Party shall provide appropriate procedures to ensure observance of agreements to arbitrate and for the recognition and enforcement of arbitral awards in such disputes.

3. A Party shall be deemed to be in compliance with paragraph 2 if it is a party to and is in compliance with the 1958 United National Convention on the Recognition and Enforcement of Foreign Arbitral Awards or the 1975 InterAmerican Convention on International Commercial Arbitration.

4. The Commission shall establish an Advisory Committee on Private Commercial Disputes comprising persons with expertise or experience in the resolution of private international commercial disputes. The Committee shall report and provide recommendations to the Commission on general issues referred to it by the Commission respecting the availability, use and effectiveness of arbitration and other procedures for the resolution of such disputes in the free trade area.

ANNEX 2001.2

Committees and Working Groups

A. Committees

1. Committee on Trade in Goods (Article 316)
2. Committee on Trade in Worn Clothing (Annex 300–B, Section 9.1)
3. Committee on Agricultural Trade (Article 706)

Advisory Committee on Private Commercial Disputes Regarding Agricultural Goods (Article 707)

4. Committee on Sanitary and Phytosanitary Measures (Article 722)
5. Committee on Standards-Related Measures (Article 913)

Land Transportation Standards Subcommittee (Article 913(5))

Telecommunications Standards Subcommittee (Article 913(5))

Automotive Standards Council (Article 913(5))

Subcommittee on Labelling of Textile and Apparel Goods (Article 913(5))

6. Committee on Small Business (Article 1021)
7. Financial Services Committee (Article 1412)
8. Advisory Committee on Private Commercial Disputes (Article 2022(4))

B. Working Groups

1. Working Group on Rules of Origin (Article 513)

Customs Subgroup (Article 513(6))

2. Working Group on Agricultural Subsidies (Article 705(6))
3. Bilateral Working Group (Mexico United States) (Annex 703.2(A)(25))
4. Bilateral Working Group (Canada (Mexico) (Annex 703.2(b)(13))
5. Working Group on Trade and Competition (Article 1504)
6. Temporary Entry Working Group (Article 1605)

C. Other Committees and Working Groups Established Under this Agreement

ANNEX 2002.2

Remuneration and Payment of Expenses

1. The Commission shall establish the amounts of remuneration and expenses that will be paid to the panelists, committee members and members of scientific review boards.

2. The remuneration of panelists or committee members and their assistants, members of scientific review boards, their travel and lodging expenses, and all general expenses of panels, committees or scientific review boards shall be borne equally by:

(a) in the case of panels or committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), the involved Parties, as they are defined in Article 1911; or

(b) in the case of panels and scientific review boards established under this Chapter, the disputing Parties.

3. Each panelist or committee member shall keep a record and render a final account of the person's time and expenses, and the panel, committee or scientific review board shall keep a record and render a final account of all general expenses. The Commission shall establish amounts of remuneration and expenses that will be paid to panelists and committee members.

ANNEX 2004

Nullification and Impairment

1. If any party considers that any benefit it could reasonably have expected to accrue to it under any provision of:

(a) Part Two (Trade in Goods), except for those provisions of Annex 300–A (Automotive Sector) or Chapter Six (Energy) relating to investment,

(b) Part Three (Technical Barriers to Trade),

(c) Chapter Twelve (Cross-Border Trade in Services), or

(d) Part Six (Intellectual Property),

is being nullified or impaired as a result of the application of any measure that is not inconsistent with this Agreement, the Party may have recourse to dispute settlement under this Chapter.

2. A Party may not invoke:

(a) paragraph 1(a) or (b), to the extent that the benefit arises from any crossborder trade in services provision of Part Two, or

(b) paragraph 1(c) or (d),

with respect to any measure subject to an exception under Article 2101 (General Exceptions).

Codex Alimentarius Commission, the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the International Telecommunication Union (ITU); or any other body that the Parties designate;

Land transportation service means a transportation service provided by means of motor carrier or rail;

Legitimate objective includes an objective such as:

(a) safety,

(b) protection of human, animal or plant life or health, the environment or consumers, including matters relating to quality and identifiability of goods or services, and

(c) sustainable development,

considering, among other things, where appropriate, fundamental climatic or other geographical factors, technological or infrastructural factors, or scientific justification but does not include the protection of domestic production;

Make compatible means bring different standards-related measures of the same scope approved by different standardizing bodies to a level such that they are either identical, equivalent or have the effect of permitting goods and services to be used in place of one another or fulfill the same purpose;

Services means land transportation services and telecommunications services;

Standard means a document, approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for goods or related processes and production methods, or for services or related operating methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, process, or production or operating method;

Standardizing body means a body having recognized activities in standardization;

Stardards-related measure means a standard, technical regulation or conformity assessment procedure;

Technical regulation means a document which lays down goods characteristics or their related processes and production methods, or services characteristics or their related operating methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, process, or production or operating method; and

Telecommunications service means a service provided by means of the transmission and reception of signals by any electromagnetic means, but does not mean the cable, broadcast or other electromagnetic distribution of radio or television programming to the public generally.

2. Except as they are otherwise defined in this Agreement, other terms in this Chapter shall be interpreted in accordance with their ordinary meaning in context and in the light of the objectives of this Agreement, and where appropriate by reference to the terms presented in the sixth edition of the ISO/IEC Guide 2: 1991, General Terms and Their Definitions Concerning Standardization and Related Activities.

ANNEX 908.2

Transitional Rules for Conformity Assessment Procedures

1. Except in respect of governmental conformity assessment bodies, Article 908(2) shall impose no obligation and confer no right on Mexico until four years after the date of entry into force of this Agreement.

2. Where a Party charges a reasonable fee, limited in amount to the approximate cost of the service rendered, to accredit, approve, license or otherwise recognize a conformity assessment body in the territory of another Party, it need not, prior to December 31, 1998 or such earlier date as the Parties may agree, charge such a fee to a conformity assessment body in its territory.

ANNEX 913.5.A–1

Land Transportation Standards Subcommittee

1. The Land Transportation Standards Subcommittee, established under Article 913(5)(a)(i), shall comprise representatives of each Party.

2. The Subcommittee shall implement the following work program for making compatible the Parties' relevant standards-related measures for:

(a) bus and truck operations

(i) no later than one and one-half years after the date of entry into force of this Agreement, for non-medical standards-related measures respecting drivers, including measures relating to the age of and language used by drivers,

(ii) no later than two and one-half years after the date of entry into force of this Agreement, for medical standards-related measures respecting drivers,

(iii) no later than three years after the date of entry into force of this Agreement, for standards-related measures respecting vehicles, including measures relating to weights and dimensions, tires, brakes, parts and accessories, securement of cargo, maintenance and repair, inspections, and emissions and environmental pollution levels not covered by the Automotive Standards Council's work program established under Annex 913.5.a–3,

(iv) no later than three years after the date of entry into force of this Agreement, for standards-related measures respecting each Party's supervision of motor carriers' safety compliance, and

(v) no later than three years after the date of entry into force of this Agreement, for standards-related measures respecting road signs;

(b) rail operations

(i) no later than one year after the date of entry into force of this Agreement, for standards-related measures respecting operating personnel that are relevant to cross-border operations, and

(ii) no later than one year after the date of entry into force of this Agreement, for standards-related measures respecting locomotives and other rail equipment; and

(c) transportation of dangerous goods, no later than six years after the date of entry into force of this Agreement, using as their basis the United Nations Recommendations on the Transport of Dangerous Goods, or such other standards as the Parties may agree.

3. The Subcommittee may address other related standards-related measures as it considers appropriate.

ANNEX 913.5.A–2

Telecommunications Standards Subcommittee

1. The Telecommunications Standards Subcommittee, established under Article 913(5)(a)(ii), shall comprise representatives of each Party.

2. The Subcommittee shall, within six months of the date of entry into force of this Agreement, develop a work program, including a timetable, for making compatible, to the greatest extent practicable, the standards-related measures of the Parties for authorized equipment as defined in Chapter Thirteen (Telecommunications).

3. The Subcommittee may address other appropriate standards-related matters respecting telecommunications equipment or services and such other matters as it considers appropriate.

4. The Subcommittee shall take into account relevant work carried out by the Parties in other forums, and that of non-governmental standardizing bodies.

ANNEX 913.5.A–3

Automotive Standards Council

1. The Automotive Standards Council, established under Article 913.5(a)(iii), shall comprise representatives of each Party.

2. The purpose of the Council shall be, to the extent practicable, to facilitate the attainment of compatibility among, and review the implementation of, national standards-related measures of the Parties that apply to automotive goods, and to address other related matters.

3. To facilitate its objectives, the Council may establish subgroups, consultation procedures and other appropriate operational mechanisms. On the agreement of the Parties, the Council may include state and provincial government or private sector representatives in its subgroups.

4. Any recommendation of the Council shall require agreement of the Parties. Where the adoption of a law is not required for a Party, the Council's recommendations shall be implemented by the Party within a reasonable time in accordance with the legal and procedural requirements and international obligations of the Party. Where the adoption of a law is required for a Party, the Party shall use its best efforts to secure the adoption of the law and shall implement any such law within a reasonable time.

5. Recognizing the existing disparity in standards-related measures of the Parties, the Council shall develop a work program for making compatible the national standards-related measures that apply to automotive goods and other related matters based on the following criteria:

(a) the impact on industry integration;

(b) the extent of the barriers to trade;

(c) the level of trade affected; and

(d) the extent of the disparity.

In developing its work program, the Council may address other related matters, including emissions from on-road and non-road mobile sources.

6. Each Party shall take such reasonable measures as may be available to it to promote the objectives of this Annex with respect to standards-related measures that are maintained by state and provincial government authorities and private sector organizations. The Council shall make every effort to assist these entities with such activities, especially the identification of priorities and the establishment of work schedules.

ANNEX 913.5.A–4

Subcommittee on Labelling of Textile and Apparel Goods

1. The Subcommittee on Labelling of Textile and Apparel Goods, established under Article 913(5)(a)(iv), shall comprise representatives of each Party.

2. The Subcommittee shall include, and consult with, technical experts as well as a broadly representative group from the manufacturing and retailing sectors in the territory of each Party.

3. The Subcommittee shall develop and pursue a work program on the harmonization of labeling requirements to facilitate trade in textile and apparel goods between the Parties through the adoption of uniform labelling provisions. The work program should include the following matters:

(a) pictograms and symbols to replace, where possible, required written information, as well as other methods to reduce the need for labels on textile and apparel goods in multiple languages;

(b) care instructions for textile and apparel goods;

(c) fiber content information for textile and apparel goods;

(d) uniform methods acceptable for the attachment of required information to textile and apparel goods; and

(e) use in the territory of the other Parties of each Party's national registration numbers for manufacturers of importers of textile and apparel goods.

Mr. SHELBY. The amendment offered by the Senator from Texas that we have been talking about proposes instead to grant to the President of the United States the sole and final authority to determine what violates NAFTA in regard to highway safety. As much as I respect the office of the President of the United States and particularly this President, the office of the President is not—and should not be—put in this position. In addition, it is unnecessary because the Constitution, as we all know, already gives the President the power to veto legislation.

I believe it is a slippery slope to pursue the concept that the President of the United States, or any other administration official, should determine whether acts of Congress are consistent with treaty obligations or other laws.

I put my faith in the Founding Fathers and their wisdom to separate judicial and executive functions. The Senator from Texas, my good friend, makes some interesting and novel arguments. I would hope that his enthusiasm for his interpretation of NAFTA would not overwhelm our collective support for the constitutional separation of the executive and judicial branches of Government.

The Senator from Texas has argued on several occasions that the Murray-Shelby provision contains what he alleges are four violations of NAFTA. While I believe that we should allow the processes set forth in the NAFTA agreement that I quoted from to determine that, let me assure the Senator from Texas that if his amendment is adopted there is without question one violation of NAFTA—because his amendment clearly creates a new dispute resolution process within the office of the President that appears to be inconsistent—totally inconsistent—with NAFTA itself.

Mr. President, we have talked about this issue. I think we know what is going on. At this point, I move to table the Gramm amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote ''aye.''

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote ''nay.''

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

The result was announced—yeas 65, nays 30, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—65

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

NAYS—30

Allard	Frist	Lugar
Bennett	Gramm	McCain
Brownback	Grassley	McConnell
Bunning	Gregg	Murkowski
Cochran	Hagel	Nickles
Craig	Hatch	Roberts
Crapo	Helms	Thomas
DeWine	Hutchison	Thompson
Domenici	Kyl	Thurmond
Fitzgerald	Lott	Voinovich

NOT VOTING—5

Bond	Enzi	Sessions
Burns	Feinstein	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1180 TO AMENDMENT NO. 1030

(Purpose: To require that Mexican nationals be treated the same as Canadian nationals under provisions of the Act)

Mr. MCCAIN. Mr. President, I send a second-degree amendment to amendment No. 1030 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1180 to amendment No. 1030:

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.

Mr. REID addressed the Chair.

Mr. MCCAIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I will be glad to yield to the Senator from Nevada for a question.

Mr. REID. I do not think the Senator wants to. I am going to move to table.

Mr. MCCAIN. I thank the Senator from Minnesota. I thank him very much for recognizing me.

Mr. President, this amendment is very simple. It simply says the Mexican nationals will be treated exactly the same as Canadian nationals. It has nothing to do with requirements on trucks. It has nothing to do with requirements. It has nothing to do with how these individuals residing one to our north and one to our south would be treated exactly the same way as citizens of their country and trading partners.

I hope there will be no question that our neighbors to the north and the south will be treated on an equal and equitable basis.

I want to quote from the report again from the NAFTA dispute resolution panel.

I remind my colleagues, I believe we have 51 second-degree amendments on file. After this one is dispensed with, we will have 50 amendments remaining. They are all important additions. Hopefully, these modifications can be made to this legislation.

I point out, as we continue to debate this issue again I quote, since a number of my colleagues are in the Chamber, an editorial in the Chicago Tribune. I see my colleague from Illinois. The headline is: ''Honk if you smell cheap politics.'' That is the headline. I emphasize for my colleagues, I am quoting from an editorial. This is not a reflection of my personal views:

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets. The talk is all about safety and concern about how rattletrap Mexican semis, driven by inept Mexicans, would plow into Aunt Bea putt-putting to the grocery store in her Honda Civic, somewhere in Pleasantville, U.S.A.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray (D–Wash.), and others pushing the Teamster line, instead are prattling on about road safety. . . .

Under NAFTA, which went into effect in 1994, there was supposed to be free access to all trucks within Canada, the U.S. and Mexico by January of last year. That only makes sense: There is no point in freeing up trade but restricting the means to move the goods.

But with the 2000 elections looming, President Bill Clinton caved in to pressure from the Teamsters and delayed implementation of the free-trucking part of the agreement. Democratic presidential candidate Al Gore got the Teamsters' endorsement and the Mexican government filed a complaint against the U.S. for violation of NAFTA rules. Mexico won.

A spokesman for the U.S.-Mexico Chamber of Commerce and others in Washington have whispered there may be bits of racism and discrimination floating around in this soup, because Canadian trucks and drivers are not subjected to similar scrutiny and can move about freely anywhere in the U.S.

It's worthwhile to note, too, that while the U.S. is banning Mexican trucks, Mexico is returning the favor, so neither country's trucks are going anywhere. As it stands, Mexican trucks can come in only 20 miles into the U.S. before they have to transfer their load.

Safety need not be an issue. An amendment proposed by McCain and Sen. Phil Gramm (R–Texas) incorporates safety inspection safeguards to be sure drivers and trucks are fit to travel U.S. roads. It's roughly modeled after California's safety inspection system along it own border with Mexico. Presumably, Mexico would inspect the trucks going the other way.

Those are reasonable measures to protect motorists on both sides of the border.

But Sen. Murray's amendment sets up a series of requirements and hurdles so difficult to implement that they would, in effect, keep the border closed to Mexican trucks indefinitely.

President Bush vows to veto this version of the bill, and quite rightly so. In 1993, the U.S. signed and ratified NAFTA. The agreement went into effect in 1994. There is no justification now, more than seven years later, for the U.S. to try to weasel out of some its provisions.

The amendment, which I guess is going to be shortly tabled—I ask that the amendment be read one more time.

The PRESIDING OFFICER (Ms. STABENOW). Is there objection?

Mr. REID. Objection. I did not hear the request.

Mr. MCCAIN. I asked that the amendment be read.

Mr. REID. That is fine.

Mr. MCCAIN. I will read it myself. I am more eloquent than the staff anyway.

Mr. REID. I would love to hear the amendment read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

AMENDMENT NO. 1180

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.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I move to table the amendment and ask for the yeas and nays.

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

Mr. MCCAIN. Madam President, do I still have the floor?

The PRESIDING OFFICER. The Senator lost the floor when he had the clerk read.

Mr. MCCAIN. Very good.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote ''aye.''

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. FRIST), and the Senator from Montana (Mr. BURNS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. SESSIONS) would vote ''nay.''

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

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—57

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

NAYS—34

Allard	Craig	Gramm
Allen	Crapo	Grassley
Bennett	DeWine	Gregg
Brownback	Domenici	Hagel
Bunning	Ensign	Hatch
Cochran	Fitzgerald	Helms

Hutchison	Murkowski	Thomas
Kyl	Nelson (NE)	Thompson
Lott	Nickles	Thurmond
Lugar	Roberts	Voinovich
McCain	Santorum	
McConnell	Specter	

NOT VOTING—9

Bond	Feinstein	Miller
Burns	Frist	Sessions
Enzi	Inhofe	Stevens

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, it seems to me one of the very few things that has been agreed upon in the civilized world over the last few years is the benefits of free trade. It is the source of much of the prosperity we have enjoyed in this country because our advances in technology have led to increases in productivity. It has put us in a very competitive position with regard to the world. Trade has been an integral part of that. It has lifted millions and millions of people out of poverty.

As we see around the world, the expansion of free market philosophy sometimes leads to more democratic institutions. Very much of it is based on these economies opening up. Very much of that has to do with the benefits of free trade where people make the things that they make best and do the things they do best, open up their borders, turn their backs on protectionism, and engage in free trade with other countries.

The most remarkable example of that recently, it seems to me, would be the country of China. We have seen that country under Deng, starting back some years ago, opening up that country's economy somewhat, as many problems we have with them. I will not go into that today. That is a different subject for another day. But we have some very serious difficulties with them in terms of nuclear proliferation, for example. There is a story just today about that in the press that is very disturbing. We will deal with that at the appropriate time.

But we have to acknowledge that they have lifted millions and millions of their people out of poverty. They have bought into the notion that in order for them to prosper economically, in order for them to feed the 1.3 billion people they have, they are going to have to open up somewhat economically and they are going to have to engage in free trade.

We believe in the engagement of free trade with them, even to the extent of the substantial trade deficit. I think it is about $84 billion in deficit we are now running with them. But it attests to our commitment that we have for the general proposition of the benefits of free trade.

A third of the U.S. economic growth during the 1990s came from exports. Since the cold war, the United States has championed the values of democracy and free trade. Global free trade advances the democratic values of consumer choice, workers' rights, transparency, and the rule of law.

Therefore, it pains me to see us begin to move away from the principles of free trade and to hold ourselves open for the criticism that we are violating the agreement into which we entered. The argument can be made that while the world is moving in one direction, we in some respects are moving in another. There are more than, I believe, 133 trade agreements around the world. The United States is a party to two of them. One of the ones that has been beneficial to all parties concerned has been NAFTA. It has been beneficial to my State of Tennessee. I think it has been beneficial to the United States in general.

It pains me to see us move away from our solemn commitment. I think that is what the Murray provision does. I think that is the primary reason for the concern expressed by the Senator from Arizona and the Senator from Texas because their opinion—and apparently the opinion of the President of the United States—is that provision violates our commitment under NAFTA; it violates our commitment to free trade. We are moving in the wrong direction. We are moving in one direction when the rest of the world seems to finally have been convinced of what we are supposed to believe in; that is, benefits of free trade.

Trade benefits small businesses. Ninety-seven percent of all exporters are small businesses that employ fewer than 500 people. Free trade is an invaluable tool to economic development, oftentimes far more successful than direct aid. Trade encourages investment, creates jobs, and promotes a more sustainable form of development. Jobs created through trade often require higher levels of skills and create a higher standard of living for workers.

It is to everyone's benefit—and certainly to this country's benefit—to engage in activities that raise the standard of living which, in turn, often leads, as I say, to demands for individual rights in countries where those are so sorely lacking.

The combined effects of the Uruguay Round trade agreements and NAFTA have increased U.S. national income by $40 to $60 billion a year. Over 85 percent of NAFTA trade is manufactured goods, which grew by over 66 percent between 1993 and 1998.

On the agricultural front, which is important to my State, one of every three acres of U.S. farmland is planted for export.

So that is what is going on in the world. That is of what we are a part. That is in what we should be taking a leadership role. So when we are dealing with the primary trade agreement that we have, and dealing with our own hemisphere, and our own backyard, and our neighbors to the north and our neighbors to the south, and we, because of domestic, political, and economic pressure, willy-nilly do things that might be pleasing to certain, limited constituency groups but not only violate the agreement but violate the principles for which we are supposed to stand, when we do that, we are moving in a wrong and dangerous direction.

The United States is better off today because of that commitment we made. I think the United States is better off today because of that agreement we made. The U.S. economy experienced the longest peacetime expansion in history. That was not because we sat still. That was not by accident. All 50 States and the United States territories participate in NAFTA, and almost all have reaped benefits from more liberalized trade with both Mexico and Canada.

U.S. trade with NAFTA countries grew faster than the rate of global trade expansion. Overall, NAFTA has benefited the entire continent of North America through its promotion of competitiveness and lower prices for consumers. We all are very much aware of the fact that some folks have been displaced—some in my own State have been displaced—as we have gone through the adjustment our economy is having to go through now.

We all know that as we move from an agricultural economy to an industrialized economy to a very high-tech economy that we have now—as we move from one of those areas to another, there are some displacements, and it is unfortunate. The Government should be helpful in legitimate respects to make sure that, as far as workers are concerned, for example, we are mindful of that.

We have passed legislation, some of which workers in my own State have benefited from, to help make this adjustment come about, knowing that we have to make this adjustment, that we have to move from certain areas of our economy into other areas that are more competitive in the world economy and the world market that we have now.

But overall, from the time NAFTA was signed until last year, the following things have happened: U.S. gross domestic product grew by over $2 trillion, unemployment in the United States fell from 7 percent to 4 percent, real income rose by an average of $2,500 for every American. Trade between the United States and Mexico has tripled since 1993 to over $250 billion in 2000. Total merchandise trade among the NAFTA countries was $656 billion in 2000. The United States now trades more with Canada than with the EU. Total United States trade with Canada has doubled to $400 billion. Trade with NAFTA countries doubled from 1993 to 2000, while U.S. trade with the rest of the world grew by half as much.

So not only is free trade important, but this particular episode in our Nation's history with regard to free trade is especially important. The figures bear that out when looking at the American economy.

On another related subject, during the 1994–1995 peso devaluation, Mexico experienced its worst recession since 1932, with a 7-percent decrease in GDP. During the same time, U.S. exports fell

by 8.9 percent, while European and Asian exports fell by 20 to 30 percent.

While in crisis, Mexico raised import tariffs on goods from all of its trading partners, with the exception of NAFTA members. NAFTA prevented the United States from experiencing the level of loss felt by both Asia and Europe.

Trade creates jobs. Over 20 million new jobs were generated by the U.S. economy during the 1990s. The U.S. Chamber of Commerce estimates that by 1999 NAFTA had created over 685,000 export-related jobs in the United States. Over 12 million U.S. jobs now rely on trade in this country.

Economists estimate that the $70 billion increase in United States exports to Mexico since NAFTA began created about 1.3 million new jobs. The U.S. Department of Commerce estimates that 6 million U.S. jobs are dependent on NAFTA-related exports alone. This gives us some indication of the significance of what we are dealing with.

Again, it pains me to see us move in a direction, not because we don't have a right to protect ourselves from trucks or anything else—we can enter into agreements that do that. When we deal with the agreements to start with, we can enter into those things. We can implement those agreements in ways that protect us. All that is allowed under NAFTA. But we cannot have different requirements for our friends in Mexico than we have for our friends in Canada. That is just not right, and it is not compliant with NAFTA. With all of these benefits, I think it is important that we understand what is at stake.

As self-centered as we might want to be—and I hope we are not, but even if we were, it is to our benefit to have a stable and a growing and a prosperous neighbor to the south, as well as to the north, for obvious reasons—for reasons having to do with immigration, for reasons having to do with the economy. That common border is not going to go away. Now that we have new leadership in Mexico, we have the opportunity to make progress in a lot of areas that we have not been able to for some time.

Surpassing Japan, Mexico is now the United States' second largest trading partner. Since the agreement's implementation, Mexico's gross domestic product has increased at an average annual rate of 3.7 percent. I think we have a right—the Nation that came up with the Marshall plan, the Nation that rebuilt much of Europe and Japan after World War II—to be proud of that.

Mexico's credit has improved as a result of NAFTA. Mexico has successfully paid back its loans from the 1995 peso crisis ahead of schedule. Early this spring, Mexico paid off all of its IMF loans. This successful recovery prompted major credit analysts to upgrade Mexican sovereign and corporate debt to investment grade.

Thanks in part to the democratic influence of free trade, NAFTA played a significant part in making Mexico a more democratic country. NAFTA helped foster the civil society in economic development that enabled Mexico to successfully transition to democratic rule after several years of a one-party system.

Those are some of the benefits of free trade in general. Those are some of the benefits to one of our trading partners. At this point in our history, when so much positive is going on in the world in terms of taking down barriers, in terms of intercourse of commerce and the flourishing of market principles in places heretofore unknown to them, we should be leading the world in all of these things. We should not be a part of only two agreements when the rest of the world is moving on. That is bad enough.

But now we are doing things, little by little, that are taking us in one direction while the rest of the world seems to be going in another. We are now in the midst of debating trade or environmental and labor standards. We have entered into an agreement with Jordan, and we are very concerned about their environmental standards. They happen to have some of the better labor and environmental standards already in that part of the world. Now, for domestic reasons, we want to impose nontrade-related requirements on people with whom we want to trade. They in turn, if we do that, have the right to impose those same things on us and to take us to court, so to speak, over changes in our own law potentially.

We don't give our President trade promotion authority. We have heard the debate on fast track over several years now. The President of the United States has not had the ability to enter into these agreements, putting us at a great disadvantage with regard to a large part of the world.

Again, why are we so reticent? Why are we moving in one direction? Why are we becoming more closed and raising more barriers at a time when the rest of the world is doing what we have always said we wanted them to do in taking down barriers, entering into bilateral and multilateral agreements?

I don't know why we would want to do that. I don't know why we would not want to give the President trade promotion authority. I do not know why we would want to hold ourselves up to the accusation of protectionism under these circumstances.

Should people of that persuasion succeed in restricting the freedom of trade, it will be U.S. consumers and workers who will lose out. Trade barriers will never prevent low-wage or low-skilled worker displacement. New technologies and improved efficiency will always displace low-wage and low-skilled workers. I am afraid that is an economic reality. We need to be convinced, apparently, of the obvious proposition that if we are really concerned about labor standards and the environment in some of these other countries, we need to help them lift their economy up so that they can take care of those matters themselves.

We are never going to make any permanent improvement because we try to coerce some small nation, through a trade agreement, to improve their labor and environmental laws. What we can do is enter into trade agreements with them that will let them participate in this global economy and in this prosperity that so many countries and so many people have enjoyed because of free trade and more open markets and which, as I said, in many cases leads to more democratic institutions. We are seeing that play out in Mexico as we speak, moving in the right direction. It is all a part of the same picture. It is a picture where free trade has the central role.

When I look at the current debate we are having, it is unfortunate that it is taking some time. But as I look at it and as we are required as individual Senators to make decisions as to where we stand, we ought to think hard about exactly where we stand and where we ought to stand. All these general principles I have been talking about in terms of the benefits of free trade and how it has benefited our country and how it has benefited Canada and Mexico and how this particular free trade agreement has benefited all of us, all those principles apply to the issue at hand. That is, are we doing something on an appropriations bill, almost as an afterthought as it were, that is going to move us not only contrary to the provisions of the solemn undertaking that we made with regard to NAFTA but take us contrary to the philosophical beliefs and longstanding positions that this Nation has had?

My understanding is that we can make changes or we can have requirements to implement the provisions under these agreements. We are free to do that with regard to Canadian trucks or Mexican trucks or anything else. We can implement this agreement in ways that will protect us, but we cannot change the agreement. We can't change the requirements, and we cannot give different treatment to Mexicans than we do Canadians.

We just voted down an amendment that said simply that we need to treat Canadians and Mexicans alike because we are all three in the same agreement. That was voted down. How anybody could vote against that, I have a hard time understanding.

We are getting down to some very core philosophies and beliefs. I am wondering what people will think about the United States of America in terms of a future trading partner when we cannot even reach a consensus on something such as that, which is not only the right thing to do, the clearly nondiscriminatory right thing to do, but it is the only thing to do to be in compliance with the agreement.

I appreciate the indulgence of the Chair.

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

Mr. THOMPSON. I am happy to yield.

Mr. GRAMM. The Senator is a distinguished lawyer. I am not a lawyer, much less being a distinguished one. But I wanted to read to the Senator the language of NAFTA—it is very short—and ask the Senator if he would give to us his interpretation of what it means and what kind of parameters it sets.

This is in the section of the North American Free Trade Agreement that the President signed in 1994 and then we ratified. A Republican signed it. A Democrat led the ratification, and now we have a Republican President. We are in the third administration committed to this agreement that we entered into.

In the area we are discussing, cross-border trade and services, we have simple language as to what we committed to. I ask the Senator to just give us a description of what he, as a lawyer, a former U.S. attorney, sees this as meaning.

The heading on it is ''National Treatment.'' This is what we committed to, pure and simple:

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

That is what we committed to. That is called national treatment.

Would the Senator give us sort of a legal and commonsense definition of what that is and what that means?

Mr. THOMPSON. Well, to me it means that we have to treat them and their people the way we treat ourselves and our people. That is a fundamental of trade and trade agreements, and something that is fundamental to this particular agreement. It has to do with the concept of equality and comity. It doesn't matter that one country is richer than another or has more population than another. It puts countries, from the standpoint of the agreement, from the standpoint of trade, on a basis of equal trading partners. We will treat you the way we treat our own people.

I must say, if we violate that and we treat them worse than our own people or worse than another trading partner or partner to the same agreement, such as Canada, then obviously they are going to reciprocate. And they are going to treat our people—in this case, our truckers—seemingly, however they feel they are entitled in reciprocation of us violating the agreement.

Mr. GRAMM. If I may, I will follow up by again, calling on the Senator's knowledge of the law and experience with it. Let me give the Senator some examples of provisions in the Murray amendment. In light of this provision that President Bush signed and we ratified with the support of President Clinton and which we are now trying to enforce under the new President Bush, I wanted to get your reading as to whether these provisions would violate the agreement that we made. Currently, Canadian trucks are almost all insured by companies from Great Britain; Lloyd's of London, I think, is the largest insurer of Mexican trucks.

Mr. THOMPSON. You mean Canadian.

Mr. GRAMM. Yes, Canadian. Some are insured by Canadian companies; some are insured by American companies. Most American trucks are insured by American companies, but not all American trucks. Lloyd's of London, as I understand it, insures some trucks. Quite frankly, it is very difficult to tell with a modern company where it is domiciled.

The Murray amendment says that Mexican trucks, unlike Canadian trucks and American trucks, have to have insurance bought from companies that are domiciled in the United States. Now, American trucking companies are required to have insurance. Mexican trucking companies are required to have insurance. The insurance has to meet certain standards. Canadian trucking companies are required to have insurance. But the Murray amendment says, unlike American trucking companies and unlike Canadian trucking companies, Mexican trucking companies have to buy insurance from companies domiciled in the United States of America.

In light of the language I just read, would the Senator see that as about as clear a violation of NAFTA as you could have?

Mr. THOMPSON. Yes, I would. I would wonder how we would view it if Canadians passed a law saying that American trucks had to buy insurance from companies that were domiciled in Mexico. I can't imagine anything that would be more contrary to the spirit I just described a minute ago. My understanding is—and the Senator can correct me if I am wrong—we can implement the agreement in several different ways. We are not bound; we can even do it different ways with regard to different trading partners, as long as it is an implementation under the circumstances that are presented in order to protect ourselves in ways we think are appropriate and reasonable. But we can't change the requirements of the agreement.

That seems to me to be a flatout change of the requirements—basic requirements of the agreement, and it goes contrary to the spirit and the letter of the law with regard to that agreement. Under the agreement, you simply can't treat different trading partners in different ways or change the terms or the requirements of the agreement.

Mr. GRAMM. Let me ask this. Under the Murray amendment, there is a provision that says while American trucks are obviously operating all over our country, and Canadian trucks are operating—about a thousand of them—and they are operating under current law, because of a bill we passed in 1999 called the Motor Carrier Safety Improvement Act—and I want to read you a short part of this which is relevant. Basically, what this bill finds is that the Department of Transportation is failing to meet the statutorily mandated deadlines for completing rulemaking proceedings on motor carrier safety and in some significant safety rulemaking proceedings, including driver hour of service regulations; extensive periods have elapsed without progress toward resolution and implementation. Congress finds that too few motor carriers undergo compliance reviews, and the Department's database and information systems require substantial improvement to enhance the Department's ability to target inspection and enforcement resources.

Finding these things, Congress, in 1999, passed a bill mandating that the Department of Transportation promulgate rules related to truck safety nationwide to apply to all trucks operating in America. Under President Clinton and now under President Bush, those rules, which turned out to be time consuming and complicated, have not been implemented. Canadian trucks are still operating even though these rules have not been implemented. American trucks are, obviously, operating even though these rules have not been implemented, or else we would not be eating lunch today.

But the Murray amendment said that because we have not promulgated these rules, until they are promulgated and until this bill is implemented, even though it applies to all trucking in America—until this happens, Canadian trucks would not be allowed into the United States of America. Now I ask, is that any less arbitrary a discriminatory provision than saying they would not be allowed until a full Moon occurred on a day where the Sun was in eclipse?

Mr. THOMPSON. I would say this would be worse than the hypothetical you mentioned about the Moon or the Sun because the situation you described there is within our discretion. The Sun and the Moon aren't, but, basically, as I understand what you read there, we are setting up a condition and basically saying we are going to discriminate until we comply with a condition that we have set up for ourselves. Quite frankly, it seems to be—and you might want to reread that original language you asked me about. It seems to me——

Mr. GRAMM. I will. It says—and this is the national treatment standard, and maybe I should pose this as a question. Is the Senator aware that the language in the national treatment standard says this? And this is a commitment we made to Canada and Mexico when the President signed this agreement in 1994 and the agreement that we committed ourselves to when we ratified it. The language is simple:

> 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.

Mr. THOMPSON. Well, it seems to me that the situation you referred to a moment ago is pretty directly contrary to that provision you just read.

(Mr. DAYTON assumed the Chair.)

Mr. GRAMM. Let me pose just two more questions. Under the Murray amendment, a Mexican trucking company—let me start, if I may, by stating what the policy is today. As you are probably aware, most trucking companies do not own trucks; they lease trucks. The interesting thing about this whole debate is that we are debating as if Mexico is going to go out to some junkyard somewhere and put together a truck and drive it to Detroit. The reality is that they are going to rent the truck from Detroit just as American companies do. But we have this vast system where companies lease to each other because the last thing on Earth they want as a trucking company is to have a quarter-of-a-million-dollar rig sitting in their parking lot.

So if an American company has some restriction put on it, it is subject to some suspension or to some restriction or some limitation. And there is not a big trucking company in America that at one time or another has not been subject to one of these things.

In the United States and in Canada today, if a company is subject to some limitation so they cannot use the truck, then they lease it to somebody else. The Murray amendment says if a Mexican company is subject to some suspension, restriction, or limitation, the Mexican company cannot lease a truck to anyone else.

In light of the fact we committed that each party shall accord to service providers of another party treatment no less favorable than that which it accords, in like circumstances, to its own providers, does the Senator believe one can possibly justify, under NAFTA, allowing Canadian truck operators to lease their trucks and American truck operators to lease their trucks when they are under some restriction or limitation but not allow Mexican trucking companies to lease their trucks under exactly the same circumstances? Would the Senator not see that as a flagrant violation of NAFTA?

Mr. THOMPSON. In other words, there is no such requirement for Canadian trucks? There is no such requirement?

Mr. GRAMM. No, no such requirement.

Mr. THOMPSON. There is no such requirement imposed on trucks in the United States?

Mr. GRAMM. No such requirement.

Mr. THOMPSON. There is a requirement on Mexico, and Mexico alone, Mexican companies; is that what the Senator is saying?

Mr. GRAMM. That is right.

Mr. THOMPSON. That is, by definition, discriminatory and seemingly clearly contrary to the agreement. That is an interesting provision in and of itself. I am wondering whether or not an entire Mexican company is restricted, even if there is a problem, say, with just one or two trucks.

Mr. GRAMM. If they are subject to some limitation, they will be unable to lease their trucks to another user, say, in the United States or Canada.

Mr. THOMPSON. I do not know what that limitation would be, but obviously that is very broad.

I guess what is going through my mind is whether or not, even if we could under the agreement enter into such an arrangement, that would be a wise or fair thing to do because there is not a trucking company in the world that does not have some violations every once in awhile.

It cannot be prevented. There is too much stuff going on, and having been a truckdriver a little bit myself, I am very much aware that, try as one might, one has to have a lot of rules and regulations and a lot of difficulties facing them.

Obviously, nobody wants any renegades doing business anywhere, but to say any limitations ever placed on a company when they are doing business with regard to, say, maybe even one truck at one location, that in effect bans them for the rest of the Nation with regard to any other trucks, maybe even other trucks leased from another company, I do not see the wisdom in that, quite frankly. Regardless whether it is a good idea or not, it seems to be clearly discriminatory.

Mr. GRAMM. If I could pose the following question: Does it seem to the Senator that it might not only be discriminatory but pernicious in the following sense, that obviously this amendment was written by somebody who knew something about the trucking business?

Mr. THOMPSON. Sure.

Mr. GRAMM. I wonder if it does not strike the Senator as possible that the supporters of this amendment would recognize—and I am not talking about any Member of the Senate; I am talking about interest groups in the country—would recognize one of the ways of assuring no Mexican trucking company could ever compete with any American trucking company and Mexican drivers could never compete with American drivers would be to say that if one has any limitation imposed on them, they have to have their fleet sitting out on their tarmac. It seems to me that is more than unfair or a violation of NAFTA. That is a provision I believe one could argue is simply aimed at saying we are not going to allow Mexican trucks to operate, period.

Mr. THOMPSON. I say to the Senator, that is sad but true. It has a great deal to do with competition, or the desire for lack of competition, and when I say I do not see the wisdom in it, I guess I do not see the wisdom in such a provision unless I am a competing trucker who wants to look for any opportunity to make sure they have less competition. Unfortunately, that is what free trade is all about—competition.

When we entered into NAFTA, we committed ourselves to free and open competition. So I hope we do not get into a situation where we try to hang on technicalities or other provisions that are not only contrary to the agreement but are designed to limit competition.

I do not think we have a thing in the world to be afraid of. On the one hand, the implication seems to be that these are all terrible trucks and they do not know how to operate them. On the other hand, we are afraid of that kind of competition. It does not seem to make a whole lot of sense to me.

Mr. GRAMM. Let me ask the Senator about the final provision of the Murray bill. I could go on and on, but I am trying to make a point by a pattern. As the Senator knows from having been in the truckdriving business for awhile, there are various kinds of penalties one can get. One can get a parking ticket. They can get a speeding ticket. They can get a violation they are overloaded. They can get a violation for something blowing off their truck. They can get a violation if their mud flaps have gotten torn off. They can get a violation because of their tires. They can get a violation because their blinker does not work. It may look as if it is working inside, but it is not working outside.

Mr. THOMPSON. They have not had enough rest.

Mr. GRAMM. They have not had enough rest.

As a result, recognizing not all of these violations are equal, in the United States we have a list of penalties one can get, which might be a $50 fine, a $100 fine, and for serious things they might take someone out of their truck. They might not let one drive for a month. They might penalize the company. They might fix that kind of a problem by entering into an agreement with the company.

In America and in Canada today, we have a variety of penalties. In the Murray provision, if one is in violation of any of these requirements, one can be forever banned from operating trucks in the United States of America. Does that sound as if it is complying with NAFTA?

Mr. THOMPSON. For American trucks?

Mr. GRAMM. No, it is not for American trucks. It is not for Canadian trucks. It is for Mexican trucks. In other words, there is one regime of penalties for American trucks and Canadian trucks, but there is another regime for Canadian trucks, and the regime is focused on the death penalty.

Mr. THOMPSON. Does the Senator mean Mexican trucks?

Mr. GRAMM. I am sorry. I am focused south from Texas, but in the Chamber maybe it is obvious from the votes we are focused more north from here.

In any case, A, does the Senator see that as a violation; and, B, does the Senator see that again as one of these things which goes beyond a violation, where the objective is basically to prevent competition, more than just discriminate against Mexico but to create these artificial barriers which they cannot overcome?

Mr. THOMPSON. I think clearly so.

I have a broader concern in this, and that is, what is the signal that is being received from Mexico and from Mexicans who watch this and listen to this debate and see all of these provisions which are clearly discriminatory, that we do not treat Canada this way, but we are treating Mexico this way. What kind of signal is that?

We have a lot of highball rhetoric on the Senate floor about matters of discrimination, and worse, but I am wondering, in a situation such as this when it comes down to dollars or when it comes down to domestic interest groups that get involved in it, to try to pressure the United States to violate agreements we have entered into, what kind of signal that sends. And I wonder what President Fox, who has come in as a breath of fresh air, who has instituted components of democracy that they have not had, has reached out and is trying to get his arms around a tough economic situation in a complex culture and heritage, and has a good relationship with our President—I wonder what he must be thinking as he looks at all this. I don't think it is good.

Mr. GRAMM. Could I pose a question on that? With practical experience, I can only speak within my own lifetime, but in my lifetime we have never had a President of Mexico who was as committed in dealing with Mexico's problems and problems we have between the two countries or who was as remotely pro-American as President Fox.

This is a President who does not have a majority in his own Congress. In fact, he was elected President defeating the PRI, which is the old established party, but he does not have a majority in either the House or the Senate. He has numerous critics, and he has a coalition government where his Foreign Minister opposed NAFTA when NAFTA was adopted. He is a person who has, in essence, gotten way out on a limb in saying we can be a partner with the United States of America. Something that means more than that in Mexico is, we can be an equal partner with America.

How do you think it affects him in his political situation where, because he didn't have a majority in the Congress in either house, and he had been elected in almost a revolutionary election, he felt compelled to put together a coalition government where his Foreign Minister opposed NAFTA and who now will simply say, it is an agreement we entered into? That is as far as he will go.

What kind of position do you think it puts him in when we are no longer talking about idle speculation? I went through four different areas where, based on your legal background, you clearly concluded that there is no question, not even a gray area, that there are four—at least those are the only ones we went to—outright violations of NAFTA in the Murray amendment. No question about that, he said.

In what kind of position do you think it puts President Fox in when the United States Senate adopts provisions that violate the commitment we made to Mexico when we entered into NAFTA, we said Mexico was an equal partner with Canada and the United States, but they are not quite?

Mr. THOMPSON. I imagine his political opponents would see this as an opportunity to question his effectiveness and his relationship to this country.

It is coming at a time when he made certain commitments to work with us on problems that are very important to us. He has made commitments with regard to the illegal immigration problem knowing, as I believe most of us do, that before we can ultimately deal with that problem, we are going to have to have some progress in terms of the Mexican economy.

We can't beggar our neighbor and get by with it in this world today. We especially can't with that common border we have of 1,200 miles. We cannot solve that problem without a better Mexican economy. NAFTA is at the heart of that. He has to be looking at all of that and seeing us move away from that.

I say his political opponents have to be looking at that and seeing an excellent opportunity to do harm to NAFTA and the principles of NAFTA and to do harm to a new, fresh face on the scene who, as you say, is the best friend we have had down there in a long time, and who is trying to do the right thing.

For all those reasons, it is extremely unfortunate we are moving in that direction.

How much time remains on my hour?

The PRESIDING OFFICER. Eight minutes thirty seconds.

Mr. THOMPSON. I reserve the remainder of my time, and I yield the floor.

AMENDMENT NO. 1165 TO AMENDMENT NO. 1030

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Is it not true that the rules of cloture provide an amendment does not need to be read?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I call up amendment No. 1165.

The PRESIDING OFFICER. The clerk will report.

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

Mr. GRAMM. I ask the amendment be read.

The PRESIDING OFFICER. Senators will withhold.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Regular order is for the clerk to report the amendment by number.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1165.

The amendment is 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.".

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAMM. There is not a sufficient second.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3. Leg.]

Bennett	Gramm	Nickles
Daschle	McCain	Reid
Dayton	Murray	Thompson

The PRESIDING OFFICER. There are nine Senators present. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I move to instruct the Sergeant at Arms to request the presence of absent Senators. I ask for the yeas and nays.

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

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "aye."

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. ROBERTS), and the Senator from Pennsylvania (Mr. SANTORUM), are necessarily absent.

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

The result was announced—yeas 60, nays 28, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—60

Akaka	Cleland	Fitzgerald
Baucus	Clinton	Graham
Bayh	Cochran	Grassley
Biden	Conrad	Gregg
Bingaman	Corzine	Harkin
Boxer	Daschle	Hatch
Byrd	Dayton	Hollings
Campbell	Domenici	Hutchinson
Cantwell	Dorgan	Inouye
Carnahan	Durbin	Jeffords
Carper	Edwards	Johnson
Chafee	Feingold	Kennedy

Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Stabenow
Thompson
Torricelli
Wellstone
Wyden

NAYS—28

Allard
Allen
Bennett
Breaux
Brownback
Bunning
Collins
Craig
Crapo
DeWine
Ensign
Gramm
Hagel
Helms
Hutchison
Kyl
Lott
McCain
McConnell
Murkowski
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thurmond
Voinovich
Warner

NOT VOTING—12

Bond
Burns
Dodd
Enzi
Feinstein
Frist
Inhofe
Miller
Roberts
Santorum
Sessions
Stevens

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The Senator from Washington.

VOTE ON AMENDMENT NO. 1165

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on my motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Georgia (Mr. MILLER), are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN), would vote ''aye.''

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS), would vote ''yea.''

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—88

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

NOT VOTING—12

Bond
Burns
Enzi
Feinstein
Frist
Inhofe
Jeffords
Miller
Roberts
Sessions
Stevens
Thomas

The motion was agreed to.

Mr. SHELBY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, for the information of all Senators, there will be another vote. There will be a number of additional votes, five or six votes between now and 8 o'clock tonight. There will be another vote immediately.

I ask unanimous consent that the Senator from Utah be recognized for 30 minutes and that I be recognized immediately following the completion of his statement immediately following the next vote.

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

AMENDMENT NO. 1164 TO AMENDMENT NO. 1030

Mr. DASCHLE. Mr. President, I call up amendment No. 1164.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1164 to amendment No. 1030.

The amendment is as follows:

(Purpose: To provide for an effective date)

At the appropriate place, insert the following: ''*Provided,* That this provision shall be effective four days after the date of enactment of this Act.''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote ''aye.''

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent. I further announce that if present and voting the Senator from Montana (Mr. BURNS), would vote ''yea.''

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—88

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

NOT VOTING—12

Bond
Burns
Enzi
Feinstein
Frist
Inhofe
Miller
Nickles
Roberts
Sessions
Stevens
Thomas

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, at the request of Senator LOTT pursuant to rule XXII, I yield his remaining hour to Senator GRAMM of Texas.

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

Mr. DASCHLE. Mr. President, with the indulgence of the Senator from Utah, 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 that the order for the quorum call be rescinded.

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

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

Mr. BENNETT. Mr. President, I thank the majority leader for his courtesy and accommodation. I appreciate the opportunity to speak at this time. I have been told by a number of my colleagues they appreciate the fact that I

have the opportunity to speak because it gives them a half hour so they can go back to their offices and do something worthwhile. Some of them, as they said that, promised to read my remarks in the RECORD. I am very grateful for that indication.

Mr. President, I hold the seat from the State of Utah that was held for 30 years by Reed Smoot. Senator Smoot rose to be the chairman of the Finance Committee and was one of the leading powers of this body. He did many wonderful things. He was an outstanding Senator in almost every way. However, he had the misfortune of being branded in history because of his authorship of the Smoot-Hawley tariff, which stands in American economic history as something of a symbol of the isolationist-protectionist point of view. I have said to Senator Smoot's relatives, who are my constituents, with a smile on my face, that I have to do my best as a militant free-trader to remove the stigma of protectionist from this particular seat. I can say that all of Senator Smoot's relatives are equally as excited about free trade as I am, and they have indicated that they approve of that.

I rise to talk in that vein because I think much of the debate that has gone on here would be debate that might go all the way back to Reed Smoot. There is a protectionist strain in our attitude towards trade in this country, and it is showing itself in this debate—a position that says, well, yes, we believe in free trade, but we can't quite trust our trading partners to do the right thing when free trade begins. Yes, we believe in allowing Mexican goods and services to enter the country, but we don't quite trust the Mexicans themselves to take the responsibility of providing those services. This is particularly focused now on the issue of Mexican drivers at the wheels of Mexican trucks.

I am very interested that in this debate we are being told again and again that this bill does not violate NAFTA; that this is an issue about safety rather than an issue about NAFTA; this is not protectionist; this is not isolationist; this is not an obstruction of free trade; this is just about safety.

Of course, if you frame the question about safety, what Senator wants to rise on this floor and be against safe trucks? What Senator wants to rise on this floor and say, I am in favor of massive highway accidents caused by unsafe drivers? Nobody wants to take that posture. Yet that is why the attempts have been made to frame the debate in that fashion—so that it will ultimately end up a 100-to-nothing vote in favor of safety. If we were to ask the Senate to vote solely on the issue of safety, it would be a 100-to-nothing vote.

I would vote in favor of safety. Everybody is in favor of safety. However, the key vote I think came when the Senator from Texas offered a very short, one-sentence amendment that would have said nothing in this bill violates NAFTA. That amendment was voted down. Once again, nothing in this bill violates NAFTA, says the amendment. And the amendment gets voted down. How do we interpret that decision? We have to interpret that decision as saying that something in the bill absent that amendment does violate NAFTA. Otherwise, the amendment would have been adopted 100 to nothing because we say we are in favor of safety. We should say we are in favor of NAFTA.

I can understand those who are opposed to NAFTA voting against that amendment. But NAFTA passed this body by a very wide margin. It was bipartisan. It was supported across the aisle. NAFTA ran into some trouble in the House but not in the Senate. NAFTA has always been strongly supported here. Why didn't an amendment that says nothing in this bill shall be allowed to violate NAFTA pass with the same wide margin? It must be that there is something in this bill that violates NAFTA and people do not want to get that exposed. They don't want to have the basis for a lawsuit and someone coming forward and saying because of the Gramm amendment that says nothing in this bill can violate NAFTA, this provision of the bill has to go, or that provision of the bill is in conflict and has to be removed.

I think there is a prima facie case here, by virtue of the vote that has been cast, that this bill violates NAFTA. That is the position of the administration. The administration is not antisafety. The administration is anxious for proper inspection. Indeed, the Mexican Ambassador and other Mexican officials have said they are in favor of proper inspection and they don't want unsafe trucks rolling on the roads in America any more than we do.

Stop and think about it. Would it be in the Mexicans' self-interest to send dangerous trucks into the United States to cause accidents in the United States? Would that be a wise foreign policy move for the Mexicans as they try to build their friendship with the United States? It is obviously in their self-interest to see to it that the trucks that come across the border are safe. The Mexicans are not stupid. They would not do something so obviously foolish as to send unsafe trucks here.

So what are we talking about? We are talking about pressures within the American political system that want NAFTA to fail. We are talking about special interest groups inside the American political circumstance that want to keep Mexican influences out of America for their own purposes. These are people who were unable to defeat NAFTA in the first place. So they decide they will defeat NAFTA, or the implementation of NAFTA in the second place, by adopting regulations in the name of something that everybody agrees with, such as safety, that will produce the effect of destroying NAFTA and preventing NAFTA from taking place. We know how powerful some of those influences are within the American political circumstance.

We have seen how some people around the world are reacting to the new reality of a borderless economy. Some people use the phrase ''globalization.'' I prefer to describe what is happening in the world as the creation of a borderless economy.

We see how money moves around the world now quite literally with the speed of light. The old days when money was transferred in attache cases handcuffed to the wrists of couriers who went in and out of airports are over. You can transfer money by sitting down at a PC that is connected to the Internet, pushing a few buttons and a few key strokes, and it is done, so that international investors pay no attention to artificial geographic borders. They move money. They move contracts. They move goods around the world literally with the speed of light.

Now, that upsets people. That upset some people in Seattle. They wanted to stop it, and they turned to looting, rioting, and civil disobedience in an attempt to stop it. From my view, that was a very difficult and unfortunate thing that happened in Seattle. The then-President of the United States was a little less convinced it was an unfortunate thing and said: Maybe we ought to listen to these people. Maybe there is something to which we ought to pay attention.

It got worse. Now it has escalated to the point, in Genoa, where one of the demonstrators has been killed—killed because of his attempt to see to it that we go back to the days when there were firm walls around countries, when the borders meant protectionism, where we go back to the attitude that produced the Smoot-Hawley tariff sponsored by the Senator in whose seat I now sit.

I do not mean to blame Senator Smoot because Senator Smoot was simply responding to the conventional wisdom of his day that said: If you keep all economic activity within your own borders, you will be better off. Senator Smoot, however well intentioned, was wrong.

I remember one historian who said the Smoot-Hawley tariff, contrary to conventional wisdom, did not cause the Great Depression; it merely guaranteed that it would be worldwide because we had reached a point in human history where one must trade with somebody other than one's own tribe.

There was a time when all trade took place in the same valley, among members of the same family, the tribe descending from a single patriarch. All of the trade took place there. Then they discovered they could do better if they started to trade with other tribes, but they stayed close to home. That mentality stayed with us. That mentality was behind the Smoot-Hawley tariff. That mentality is comfortable. That mentality makes us feel secure. It does not involve any threatening risk of dealing with strangers. It makes you

feel really good when you are determined to trade only within your own tribe, but if you are going to increase your wealth, you are going to have to start trading with another tribe, and that means that artificial borders have to start coming down.

The Smoot-Hawley tariff demonstrated the foolishness of trying to keep trade entirely within the borders of a single country. But there are those, whether they are at Seattle or Genoa or, frankly, some on the floor of the Senate, who still want to do that, who still want to say: We will not trade outside our borders.

They fail to stop the treaties that say we will trade outside our borders, so they are saying: All right, if we cannot stop the treaty, we can at least stop the implementation of the treaty by adopting regulations that make it impossible for the treaty to work.

The fact is, in the United States we produce more than Americans can consume. That comes as a great surprise to many husbands and wives who think their spouses can consume all there is to consume, but it is true. We produce more than Americans can consume. We produce more food than Americans can eat. No matter how fat Americans seem to get in all of the obesity studies, we still cannot eat all the food we produce. We have to sell this food to somebody other than Americans, and that means we have to deal with the borderless economy. As we have taken steps to do that, we have entered into these free trade agreements.

We have to allow other people to come into our country with their goods and their food if we are going to send our goods and our food into their country. It is just that fundamental. I wish I could sit down with the demonstrators at Seattle and Genoa and elsewhere and explain that to them because, as nearly as I can tell, they do not understand that it is in their best interests to allow the borderless economy to grow, just as Senator Smoot did not understand, in his well-intentioned attempt to help the economy of the United States, that his protectionist stance was against his own best interests.

We found that out in the United States. We paid an enormous price for the protectionist attitudes that dominated this Chamber and both parties in the 1930s. Understand that the Smoot-Hawley tariff was not jammed down the throats of a recalcitrant Democratic Party by a dominant Republican Party. It was adopted as proper policy all across the country: Let's not trade outside our own borders. Let's protect what we have here and not expose it to the risk that foreigners might, in some way, profit at our loss.

As I say, the Smoot-Hawley tariff guaranteed that the Great Depression would go worldwide. We are smarter than that. We have treaties that are better than that. Frankly, I believe if Reed Smoot were still in this Chamber, he would endorse that; he would say: Learn from the mistakes of the past and move forward. He was that kind of a forward-thinking individual. But there are those, with regulations in this bill, who say: No. Since we couldn't defeat NAFTA, we will have to stop NAFTA another way.

The administration has made its position very clear. They intend to live up to the requirements of the treaty that has been signed. They intend to see to it that the United States discharges its responsibilities. They have said the language in this bill does not do that. And the President, if absolutely forced to do it—which he does not want to do—if absolutely forced to, has said he will veto this bill and send it back to us to rewrite.

I know of no one on either side of the aisle who wants that to happen. I know of no one who wants to have a veto. So under those circumstances, why aren't we getting this worked out? Why aren't we saying: All right, the President said he would veto it. The Mexicans have said they believe it violates NAFTA. Let's sit down and see if we can't work this out.

We cannot be that far away. I understand meetings have gone on all night trying to work it out: Nope, we can't do it. We won't budge. I am told: Well, go ahead, vote for this. It will be fixed in conference. In my opinion, that is a dangerous thing to try to do. I hope that is what happens. That is what many of the senior members of the Appropriations Committee have told me: Go ahead, vote for it. Let it go through without a protest. We will fix it in conference. I hope they are correct, but I want to make it clear that as the bill gets to conference the process is going to be watched. There are people who are going to pay attention to what goes on.

If indeed, by the parliamentary power of the majority, this gets to conference in its present language, let's not have it go to conference without any protest; let's not have it go to conference without any notification of the fact that in the minds of many of us, who are free trade supporters, this bill is a modern-day regulatory reincarnation of Smoot-Hawley.

I do not mean to overemphasize that. It is not going to cause a worldwide depression. It is not going to do the damage that Smoot-Hawley did. But it is crafted in the same view that says: A special interest group in the United States, that has power in the political process in the Senate, that is opposed to implementation of NAFTA, can, by getting Senators to stand absolutely firm on language that clearly violates NAFTA, have the effect of preventing NAFTA from going into effect on this issue.

So I hope everyone will understand the posture that I am taking.

This bill, in my view, clearly violates NAFTA. The vote that was taken against the Gramm amendment signals that people understand that it violates NAFTA or the Gramm amendment would have been adopted overwhelmingly.

I congratulate President Bush for saying, as the Executive Officer of this Government, charged by the Constitution with carrying out foreign policy: I will defend the foreign policy posture taken by the signers of NAFTA, and I will veto this bill, if necessary.

My being on the floor today is simply to plead with all of those who are in charge of the process of the bill and the language of the bill, to understand that they have an obligation, as this moves towards conference, to see to it that the effect of the Gramm amendment that was defeated takes place; that the bill is amended in conference in such a way that it does not violate NAFTA and that we do not go back on our international commitments; that we do not return to the days of my predecessor, Senator Smoot, and export protectionism around the world.

Mr. REID. Will the Senator yield?

Mr. BENNETT. I am happy to yield. Might I inquire of the time I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

EXECUTIVE SESSION

NOMINATION OF JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of John Schieffer to be Ambassador to Australia, reported earlier today by the Foreign Relations Committee, the nomination be confirmed, the motion to reconsider be laid on the table, that any statements be printed in the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? The Senator from Idaho.

Mr. CRAIG. Mr. President, reserving the right to object, and I will not object, I would like to engage the assistant majority leader. I am extremely pleased to see that one of our nominees is moving this evening, Mr. Schieffer, to become Ambassador to Australia. I do know that the assistant Republican leader and the assistant majority leader have been working for the last several days to get us to a point of a definable number of nominees that might be considered before we go out today and before we go out for the August recess and some time line as it relates to the consideration of others that are before us.

The Senator from Nevada understands some of our frustration. I am looking at a gentleman now before the Judiciary Committee who has not been

given a time for hearing and consideration. He has been there since May 22, Assistant Attorney General for Natural Resources of the Environment. Yet I am told that he has been told that maybe sometime in November or December the Judiciary Committee might find time to get to his nomination.

Clearly the Senator from Nevada, as I understand, is working on this issue. Although he and the assistant Republican leader have attempted to refine it and define it, that is not a way to treat our President and the people he needs to run the executive branch of Government.

My question to the assistant majority leader is, To his knowledge, where are we now in the possibility of numbers as it relates to what we would finish before the August recess and some time line as to others that we could expect to deal with, let's say when we got back in early September, following the Labor Day period and on into October?

Mr. REID. I say to the Senator from Idaho, I have had a number of long discussions with my counterpart, Senator NICKLES. I think progress is being made. We have exchanged lists. We are exchanging scores of nominees. I think we are making good progress. There has been a little slowdown because of what has been going on on the floor the last few days. Not only have Senator NICKLES and I met on several occasions, but the majority and minority leaders have also met and discussed this. We have done very well. We certainly try not to do anything other than let the chairmen move as they believe their committee should move. We have had tremendous movement in most every committee—in fact, all committees.

As I said, we have exchanged with Senator NICKLES scores of nominees. And at the appropriate time, we are happy to sit down and discuss further with him, as the two leaders have indicated. Once we decide we have something to present to them, we will do that.

Mr. CRAIG. I thank the assistant majority leader.

Mr. President, as I have said, I will not object. It is important that we move these nominees along. I understand that the new Ambassador headed to Australia must get there for the ASEAN conference that is about to convene in the Asian, sub-Asian area which is critical to us and to our country as it relates to climate change and that whole debate, along with the trade debate and the relationships we have with Australia and New Zealand and other nations within that area.

I must also say to the assistant majority leader, clearly the debate on Mexican trucks and the Transportation bill, in my opinion, are an issue separate from the nominees.

Mr. REID. I agree with the Senator.

Mr. CRAIG. I know you had referenced some slowing down of the process. This process must not slow down. We have decisions that need to be made in the field. We have citizens waiting for decisions to be made by agencies of our Government who now are not making them or are making them not with Bush appointees but with former Clinton appointees. I don't think that is the way either of us want that to happen.

I hope that clearly we can confirm a substantial number before the August recess. We are going to pursue this and work certainly with you, and I and my colleague from Arizona will work with our leadership and with the assistant Republican leader. Time lines are critical.

I must tell the Senator that if what I am told is true, that when a nominee engages the staff of one of the committees to ask when he might be scheduled—and he has been there since May 22—and he is told, in essence, when we get around to it in November or December, that sounds to me like something other than timely scheduling. That sounds to me like a great deal of foot dragging on the part of the Judiciary Committee, its chairman, and its staff. If that is the case, and that can be determined, my guess is, there will be less work done here than might otherwise be done in the course of the next number of weeks, if we can't determine to move these folks ahead with some reasonable timeframe both for hearing and for an understanding of when they can come to the floor for a vote.

With that, I do not object.

Mr. REID. Let me say to my friend, we believe nominees should be approved as quickly as possible. I say respectfully to my friend from Idaho, this is not payback time. We have indicated, and I have indicated to the Senator personally, the majority leader has indicated to the minority leader—I spoke to my counterpart, Senator NICKLES—this is not payback time. We will not compare what happened to President Clinton to what has happened to President Bush.

We are going to do our very best. We are working as rapidly as we can.

I think what we have done is quite commendable. You are going to have to work with your side because a number of the holds on some of these important nominations are on your side.

We are doing the best we can. We appreciate your interest. I have taken the assignment given to me by my leader, as Senator NICKLES has by his leader, as being serious. We are doing our very best to come up with a product that will satisfy the body.

The PRESIDING OFFICER. Is there objection to confirmation of the nominee? Without objection, it is so ordered.

Mr. KYL. Mr. President, reserving the right to object.

Mr. REID. I have a parliamentary inquiry. I want to make sure the time is running against the cloture motion. If it is not, then we are not going to bother with this nomination because we don't have the time. Is this counting?

The PRESIDING OFFICER. The time is being charged to the 30 hours under the cloture motion.

Mr. KYL. I don't mean to take any time.

Mr. REID. We have a lot of time.

Mr. KYL. That is not the object. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to ask the assistant majority leader one, maybe two questions. This nomination is a great nomination, as the Senator from Nevada pointed out. It would not be my intention to object. What it demonstrates is, my understanding is that the President, or someone on his behalf, called and said can't we shake this nominee loose, for the reason the Senator from Idaho indicated. It illustrates the fact that we have held up the nominations so long that really important things are beginning to happen that require that we put these people in place.

Therefore, I think it is commendable to bring this nominee to the floor now. I ask the distinguished assistant majority leader—there are also some important efforts at the United Nations which require the attendance of John Negroponte, the nominee for Ambassador of the U.N. The President deserves to have his Cabinet filled out finally. John Walters, the nominee for drug czar, is somebody of great importance to the White House. I spoke yesterday with the Attorney General who asked if we could please get Tom Sansonetti, an assistant from the Department of Justice, confirmed as quickly as possible.

I ask the assistant majority leader, since there are 15 nominees who I think are on the Executive Calendar now, we can do all of those right now if he would agree not only that we could ask unanimous consent on this one nominee, but the others who are at least pending on the Executive Calendar before us.

Mr. REID. I don't think you can list in order of priority which of these nominations are more important than another. If you asked people before the committee, the Environment and Public Works Committee, it may not be, in the minds of some, as important to some under the auspices of the Judiciary Committee because that person is changing their lives to have a new assignment in life. It is very important. So we are doing everything we can to move through these quickly. We want to make sure that the chairmen and the chairwomen of these committees and subcommittees have the opportunity to do whatever they need to do to make sure it is brought before the Senate in the fashion they believe appropriate.

I say to my friend, in answer to the question, Senator NICKLES and I have been working and at an appropriate time we will report to the two leaders as to what we expect to happen on both sides in the next few hours.

Mr. KYL. Mr. President, then I will ask for a second question with the indulgence of the Senator. With all due respect, the answer is a nonanswer. It doesn't tell us when we might consider these nominees. The distinguished assistant majority leader said phrases such as ''as quickly as possible'' and ''as rapidly as we can accommodate.'' Is it not true that there are 15—if I am incorrect, please give the correct number—15 people pending on the Executive Calendar who don't await anything except our action? We can do it now or at the end of the day. Nothing stands in the way—no committee chairmen, no further vote, nothing. As far as I know, there is no controversy with respect to any of these.

Is there any reason that this number, whether it be 14 or 15, could not be agreed to today?

Mr. REID. We hope before the day's end there are more than that on the calendar. Some will be reported today.

This is not quite as easy as the Senator from Arizona has indicated. The Department of the Treasury—these four people who have been reported out by the committee, by Senator GRASSLEY and Senator BAUCUS, are really important, we think—the Deputy Secretary, Assistant Secretary, Under Secretary, and another Under Secretary. These are being held up on your side. We are trying to work our way through this. I say to my friend that we are trying to do our best. We are acting in good faith. That is why we interrupted the proceedings for Mr. Schieffer.

Senator NICKLES and I have been given an assignment. I know you will accept what I say. He and I have been working hard, but I ask you to meet with him. We have had a number of discussions relating to the nominations. I am confident it is going to bear fruit very quickly.

Mr. KYL. I will not object. I appreciate the response of the assistant majority leader, although it suggests to me that these nominees are being held hostage to the legislative process. I hope we can get these confirmations as quickly as possible.

The PRESIDING OFFICER. Is there objection to the confirmation?

Without objection, it is so ordered.

The nomination was comfirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

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

The PRESIDING OFFICER. The Senator from Utah is recognized for his remaining 9 minutes 30 seconds.

Mr. BENNETT. Mr. President, I thank the Chair and the assistant majority leader for his courtesy. I want to conclude by commenting once again on the importance of the United States keeping its international commitment, a commitment made to Canada and Mexico to allow a free trade area to occur on the North American continent. It is in our own interest. It is the intelligent thing to do, and historically it will see to it that the economies of all three of these countries will benefit.

Here is the first test we have of whether or not the actual regulations of NAFTA will be allowed to work in a way that benefits our neighbors to the south, even though it discomfits a powerful political group in the United States. If we fail that test, we will send a message to the Mexicans that says we didn't really mean it; we don't think you really should have equal status with the Americans. I can think of no more corrosive a message to send to the Mexicans than that one. That is why I think we must be as firm as we are trying to be in this debate of making it clear that we are going to hang on to this issue until it is resolved satisfactorily.

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

Mr. BENNETT. I am happy to yield for a question.

Mr. GRAMM. Mr. President, it is not often we get an opportunity to have someone speak in the Senate who has built a successful business, who has been engaged in international commerce, who has negotiated contracts for millions of dollars. I would like to take this opportunity, since he has a few minutes left, to pose some questions to the Senator about the debate before us.

As the Senator is aware, we entered into a free trade agreement with Canada and Mexico in 1994. A Republican President signed the agreement in San Antonio, TX—George Bush. The agreement was ratified with the vigorous support of a Democrat President, Bill Clinton. We are in the process of implementing it under another Republican President. So this is an agreement that was supported on a bipartisan basis by three Presidents.

In that agreement, in the section having to do with the question before us, we have chapter 12, which is on cross-border trade and services. The language of the trade agreement is very simple. I would like to read it to you, and I would like to ask you some questions.

First of all, the language says very simply what America's obligation is under what it calls ''national treatment.'' It is very simple. Our obligation to Canada, our obligation to Mexico, and their obligation to us is the following:

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

First of all, with regard to trucking companies, if you had to convert that legal statement of obligation into English, what do you think it would say?

Mr. BENNETT. I say to the Senator from Texas, I think it would say that Mexican trucks coming into the United States, Canadian trucks coming into the United States, or American trucks going into Mexico would all have to comply with the requirements of the States in which they were operating, but that in the process of thus complying, they would not have to change their procedures to a situation different from the procedures that were considered acceptable on both sides.

This is something that would require the Americans to say we will honor the Mexican Government's procedures just as we expect the Mexican Government to honor the American Government's procedures.

Mr. GRAMM. We would treat them the same. Whatever requirement we would have, they would have.

Mr. BENNETT. I say to the Senator, that would be my understanding of the part of the treaty which he has read.

Mr. GRAMM. Let me raise some issues in the time we have and see if the Senator believes that these issues violate the provision.

The Murray amendment says that under the Motor Carrier Safety Improvement Act of 1999, which we adopted and which has to do with motor safety in America, in general, Canadian trucks can operate in America. Let me explain the problem.

We have not yet implemented this law. Under President Clinton and now under President Bush, the difficulty in writing the regulations this bill calls for are so substantial that the provisions of this law have not yet been implemented.

Even though they have not yet been implemented, a thousand Canadian trucks are operating in the United States under the same regulations American trucks are operating. Many thousands of American trucks are operating. But under the Murray amendment, until the regulations for this law are written and implemented, no Mexican trucks can operate in the United States on an interstate commerce basis.

Would the Senator view that to be equal treatment?

Mr. BENNETT. I would not, and I say to the Senator from Texas that I am familiar with the American legislation to which he refers because I have had, as I suppose the Senator from Texas has had, considerable complaints from my constituents about the regulations proposed under that bill and have contacted the administration, both the previous one and the present one, to say: Don't implement all aspects of this bill until you look at the specifics of these regulations; some of the things you are asking for in this bill would, in my opinion, and in the opinion of the constituents who have contacted me, make the American highways less safe than they are now.

To say we must wait until that is done before we allow Mexican trucks

in, in my view, would not only be a violation of NAFTA, it would be a violation of common sense because we are not implementing that for our own trucks on the grounds that it would not be good, safe procedure for our own trucks.

Mr. GRAMM. Clearly, we are letting our trucks operate even though that law is not implemented; we are letting Canadian trucks operate even though it is not implemented, but in singling out Mexican trucks, it seems to me that violates the NAFTA agreement. Does the Senator agree with that?

Mr. BENNETT. Without the benefit of a legal education, it seems to me that violates the clear language of the NAFTA treaty.

Mr. GRAMM. In the time we have, let me pose a couple more questions.

Currently, most American trucks are insured by companies domiciled in America, though some are insured by Lloyd's of London, which is domiciled in Great Britain. Most Canadian trucks, it is my understanding, are insured by Lloyd's of London, which is domiciled in Great Britain. Some of them are insured by Canadian insurance companies domiciled in Canada. The Murray amendment says that all Mexican trucks must have insurance from companies domiciled in America, a requirement that does not exist for American trucks, a requirement that does not exist for Canadian trucks.

Does it not seem to the Senator from Utah that is a clear violation of the requirement that 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?

Mr. BENNETT. It certainly would appear to me to be a violation. It would seem an interesting anomaly if a Mexican trucking firm had insurance with Lloyd's of London and then was denied the right to operate on American highways on the grounds——

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

Mr. GRAMM. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

AMENDMENT NO. 1163 TO AMENDMENT NO. 1130

Mr. DASCHLE. Mr. President, I call up amendment No. 1163.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1163 to amendment No. 1030.

The amendment is as follows:

(Purpose: To provide for an effective date)

At the appropriate place, insert the following: ''*Provided*, That this provision shall be effective three days after the date of enactment of this Act.''.

Mr. DASCHLE. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote ''aye.''

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote ''yea.''

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—88

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

NOT VOTING—12

Bond	Frist	Roberts
Burns	Inhofe	Sessions
Enzi	Miller	Stevens
Feinstein	Nickles	Thomas

The motion was agreed to.

Mr. REID. 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 Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator GRAMM be recognized for 30 minutes, and at the conclusion of that time, Senator DASCHLE or his designee be recognized.

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

Senator GRAMM of Texas.

Mr. GRAMM. Mr. President, I thank the distinguished majority leader for allowing me to be recognized.

Let me also say that we have a fair number of Members on this side who want to speak before we have our final cloture vote tonight. Whatever we can do to provide time for people to speak would be appreciated. Obviously, I understand the majority have their rights in terms of those.

Let me try to explain to my colleagues what this debate is about, at least as I see it. Obviously, the greatness of our individual personalities and of being human is, as Jefferson once observed, that good people with the same facts are prone to disagree.

I would like to try to outline how I see the issue before us, why it is so important to me, why I believe it is important to Senator MCCAIN, and why I want to do this so people will understand what this debate is about.

First of all, there is no debate about safety. Senator MCCAIN and I have an amendment that requires every Mexican truck to be inspected—every single one. Under our current procedures, 28 percent of all American trucks are inspected at least once during the year. Forty-eight percent of all Canadian trucks are inspected at least once during the year. Currently, 73 percent of all Mexican trucks coming into the border States—which is the only place they are allowed to operate—are inspected.

Senator MCCAIN and I believe in establishing our safety standards and assuring that Mexican trucks meet every safety standard that every American truck and every Canadian truck must meet. We think the logical way of doing that, to begin with, until we establish a pattern of behavior and until clear records are established is to inspect every single truck that comes across the border.

Under NAFTA, we cannot impose requirements on Mexican trucks that we don't impose on our own trucks and that we don't impose on Canadian trucks. But we have every right under NAFTA—I believe every obligation to our citizens—to assure that Mexican trucks are safe and to be sure they meet every safety standard that we set on our own trucks.

Let me also say that if we raise safety standards on our own trucks—in some areas I believe that is justified—we then would have every right to impose the same standards on Mexican trucks.

In 1994, the President of the United States, the President of Mexico, and the Prime Minister of Canada met in San Antonio to sign the North American Free Trade Agreement. It was the most historic trade agreement in the history of North America.

Under President Clinton, and through his leadership and exertion of

efforts, the Congress ratified the North American Free Trade Agreement by adopting enabling legislation which the President signed. We are now in the final stages of implementing NAFTA.

One President signed NAFTA—a Republican President. A Democrat President fought for its ratification, and now a Republican is seeking to comply with the final procedures of NAFTA that have to do with cross-border traded services.

Our obligation under the treaty is very simple. It says each party shall report the service providers of another party treatment no less favorable than that it accords in like circumstances to its own providers.

In fact, the little heading ''National Treatment'' really defines what we agreed to that day in San Antonio and what we ratified here on the floor of the Senate. We agreed that we have every right to have every safety standard we want. We can impose any safety standard on any Mexican truck and on any Canadian truck so long as we impose it on every American truck.

No one disagrees that we can't have a different safety protocol for Mexico as they establish their pattern of behavior. As I said, Senator MCCAIN and I have proposed that we initially inspect every Mexican truck. But let me explain what is not allowed under the treaty which the Murray amendment does.

Under the Murray amendment, there is a provision that says we adopted a bill in 1999, and that bill had to do with highway safety. In fact, it was called the Motor Carrier Safety Improvement Act. It in essence said Congress was not happy with motor safety in America and we wanted changes. We wrote that law in 1999.

President Clinton found writing the regulations for the laws so onerous that those regulations have not yet been written. President Bush is trying now to comply with this law.

We have every right to ask that American law be complied with. But the point is this: We haven't written the regulations. The regulations are not being enforced, but yet there are thousands of Canadian trucks operating in America. There are thousands of American trucks operating in America. The Murray amendment says that until we implement this law by writing the regulations and enforcing them—something that probably cannot be done for 18 months or 2 years—no Mexican trucks will be allowed into America.

Under NAFTA, we can say until this law is implemented, no truck shall operate in the United States of America—American, Canadian, or Mexican. That would be NAFTA legal, because we would be treating Mexican trucks just as we treat American trucks and just as we treat Canadian trucks. We would all go hungry tonight. But we could do that.

What we cannot do under NAFTA is we can't say that American trucks can operate even though we have not implemented this law, and Canadian trucks can operate even though we have not implemented this law, but Mexican trucks can't operate because we haven't implemented this law. That is a clear violation of NAFTA; no ifs, ands, buts about it. It is no less arbitrary since the law has nothing to do with Mexico or Mexican trucks. It is no less arbitrary than saying that no Mexican trucks shall come into the United States until a phase of the Moon and a phase of the Sun reach a certain level on a certain day that might not occur for a million years. That is how arbitrary this is.

Unfortunately, it doesn't end there. Senator MURRAY, while opposing amendments that say things that violate NAFTA don't have to be enforced from her amendment, continues to say: My amendment doesn't violate NAFTA.

Let me give you some other examples.

Most Canadian trucks have British insurance. Most Canadian trucks have insurance from Lloyd's of London. Some of them have Dutch insurance. Some American trucks have British insurance, Dutch insurance, German insurance, and American insurance. As long as that company is licensed in America, and as long as it meets certain standards, those trucks can operate in the United States. In fact, we have Canadian trucks operating today when virtually none of them has American insurance. But the Murray amendment says, if you are operating Mexican trucks, those Mexican trucks must buy insurance from a company that is domiciled in the United States of America.

We have every right and obligation to require Mexican trucks to have good insurance. NAFTA allows us to do that. Logic dictates we do it. But we do not have the right to dictate where the company that sells the insurance is domiciled unless we are willing to do that to our own truckers, which we do not do. Currently, most trucking companies lease trucks.

The untold story of this whole debate is when Mexican truckers start operating in interstate commerce, they are not going to be driving Mexican trucks. By and large, they are going to be driving American trucks because trucking companies do not own many trucks. They lease their trucks. The Mexican companies are going to lease the trucks from the same companies that American companies lease their trucks.

Currently, when a company has leased trucks or purchased trucks, if something happens and they can't put those trucks on the road—and that something can be that they lose business or they are under some kind of suspension or restriction or limitation—they lease those trucks out to other companies. You can't be in the trucking business by having $250,000 rigs sitting in your parking lot.

Canadian trucking companies lease trucks when they cannot use them. American trucking companies lease trucks when they cannot use them. And at any time any big trucking company in America or Canada has at least one violation—at any time—often many because there are so many different things you can be in violation on.

The Murray amendment says if you are under any kind of limitation, and you are a Mexican trucking company, you cannot lease your trucks. What that does is not only violate NAFTA—clearly a violation because we do not have the same requirement for American trucking companies; we do not have the same requirement for Canadian trucking companies—and if you cannot use your trucks, if you are under any kind of restriction or limitation, then, obviously, you cannot be in the trucking business.

So what the Murray amendment does is it not only violates NAFTA, it writes a procedure that no one could stay profitably in the trucking business if they had to meet that requirement.

In the United States, there are a whole range of penalties you can get. You can get a penalty if your blinker light does not work. It may look as if it works inside, but it does not work outside. Your right mud flap is off. You are hauling too much cargo. Gravel is blowing out of the top. There are hundreds—maybe thousands; I don't know, but I will say hundreds—of potential violations you can have.

In America, those violations can mean a warning or a fine of $100; some of them that are serious may be more. It may be a warning to the company; it may be a consent decree with the company.

But under the Murray amendment, all that regime stays in place if the company is an American company, and it all stays in place if they are a Canadian company, but if they are a Mexican company, and they are found to be in violation, they get the death penalty; they get banned from operating in the United States of America.

Look, we could write a law that said, if you are in violation on anything, you are out of the trucking business in America. That would be crazy. The cost of trucking services would skyrocket, but we could do it, and it would be legal under NAFTA to do it to Mexican trucks. But you cannot have one set of rules for American trucks and another set of rules for Mexican trucks or Canadian trucks.

The amazing thing is that when so many people are talking about this debate, they write as if Senator MCCAIN and I want lesser safety standards. Senator MCCAIN and I want exactly the same safety standards for Mexican trucks that we have for American trucks, only we are willing to inspect every single truck until they come into compliance.

What we are opposed to is not tougher safety standards; what we are opposed to is protectionism, cloaked in the cloak of safety, where restrictions are written that, for all practical purposes, guarantee that Mexican trucks cannot operate in the United States—clearly in violation of NAFTA.

There are a few newspapers that are getting this debate right. The Chicago Tribune says today, in its lead editorial:

> Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray, and others pushing the Teamster line, instead are prattling on about road safety.

That is the Chicago Tribune. The Chicago Tribune believes this is not about safety, that this is about protectionism, cloaked in the garb of safety.

Finally, let me explain to my colleagues why Senator MCCAIN and I have us here on this beautiful Friday afternoon at 4 o'clock. Let me say to my colleagues that I am not calling these votes. In fact, I would be very happy to have no vote until we have the cloture vote tonight. The majority leader is calling these votes to try to get people to stay here, which is fine. It is his right.

But why we are doing this is because our Founding Fathers, when they wrote the Constitution, and they established the rules of the Senate, as it evolved, recognized that there would be those issues where the public would be easy to confuse. There would be those issues where special interest groups were paying attention, and they would be out the door of the Senate Chamber where they have every right to be. They would be lobbying. And there would be issues where you could cloak from the public what the real issue was.

Our Founders, in recognizing there would be those issues—and I personally believe this is one of them—gave to the individual Senator, whose views were not in the majority that day on that issue, the right to require that there be full debate, the right to require that those who wanted to end the debate get 60 votes. Senator MCCAIN and I are using those rights today because we believe it is wrong and rotten for America, the greatest country in the history of the world, to be going back on a solemn commitment that it made in NAFTA.

We think it hurts the credibility of our great country, when we are calling on people all over the world to live up to the commitments they made to us, for us to be going back on commitments we made to our two neighbors. We also think it is fundamentally wrong to treat our neighbors differently.

To listen to the debate on the other side, you get the idea we are trying to have different standards for Mexico. We want the same standards for Mexico, but we do not want provisions that, in essence, prevent Mexico from having its rights under NAFTA. That is what this issue is about.

I urge my colleagues—I know we are getting late in the day and I know people are pretty well dug in; and I know a lot of commitments have been made—but we need to ask ourselves some simple questions: No. 1, do we want to go on record in the Senate in passing a rider to an appropriations bill that clearly violates a solemn treaty commitment that we made in negotiating NAFTA? And it was not some President who made it. A Republican President signed it. A Democrat President fought to ratify it. We ratified it. And now a Republican President is trying to implement it. Do we really want to go on record today—on a Friday night—for going back on our word to NAFTA?

No. 2, we have a President in Mexico who is the best friend that America has ever had in a President in Mexico. He virtually created a political revolution in Mexico when he defeated a party that had ruled Mexico for almost all of the 20th century. He is pro-trade and pro-American. But he does not have a majority in either the House or the Senate in Mexico. He had to put together a coalition government where his Foreign Minister opposed GATT, opposed NAFTA, and the best his Foreign Minister will say with NAFTA is: Well, we agree to it.

What kind of position are we putting President Fox in when we pass a bill that violates our agreement in NAFTA and treats Canadians one way and Mexicans another? What kind of signal does that send? And does anybody here—since we are all involved in politics, and we understand that when you have a vulnerability, your political enemies exploit it—does anybody doubt that all the ''hate America'' crowds in Mexico—and there are a lot of them—does anybody doubt that they are going to use this as an issue against President Fox, that we violated our agreement, that we are their neighbor but we are not their equal neighbor, that we don't treat them that bad but we don't treat them as good as we treat the Canadians, that the U.S. Congress said what is good enough for Americans and good enough for Canadians is not good enough for Mexicans?

It is not a question of safety. We have every right to force them to do everything we do. We have a right to have a more strict regime until they prove they are doing it.

What we do not have a right to do is to have a bunch of things that claim to be safety that really say: You can't operate Mexican trucks in the United States. That is what this issue is about.

Obviously, it is frustrating when the word does not get out and people don't necessarily understand what the debate is. Tonight we are using powers that the Founding Fathers thought Senators ought to have. It is up to each individual Senator's conscious as to when they use those powers. We have used those powers on this bill.

It is wrong what we are trying to do. It will hurt America. It will hurt Texas. It will hurt the 20 million people I work directly for and the 280 million people I try to represent. At least that is my opinion. Since that is my opinion and I believe it and believe it strongly, I intend to use every power we have.

We will have a cloture vote tonight. I hope it will be defeated. I am prayerfully hopeful that perhaps a few of our Members will have some enlightenment or an enlightening experience between now and the appointed hour. But we have three more cloture votes after this one, and we intend to use our full rights as Senators to see that if we are going to abrogate NAFTA, if we are going to slap President Fox in the face, if we are going to run over President Bush, we are not going to do it without resistance, without strong, committed resistance. That is what this debate is about.

How much time do I have?

The PRESIDING OFFICER. The Senator from Texas has 6½ minutes remaining.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I have been listening to the debate today and yesterday. I think we have gone beyond the realm of reasonableness.

This is a debate about safety on American highways. We are voting on technical amendments that mean nothing. We are not moving the debate forward. A lot of people are being inconvenienced by votes that don't mean anything. We could all be here voting on substantive amendments until midnight. That is what we are here to do. But to just have technical amendments in order to wait it out and see how many people will leave is wrong.

I am very interested in safety on American highways. I think we can do it within the terms of NAFTA. We are smart enough to figure that out.

The question is not whether we have safety on American highways or we violate NAFTA. It is when we make the agreement. Make no mistake about it, that is the debate.

I ask all of my colleagues to sit down and let's come to a reasonable agreement on when we are going to address the merits of this issue. No one who has an IQ of 25 believes that changing the effective date on this bill every 30 minutes or tabling a motion to change the effective date is moving the ball on the substance one bit further.

Mr. President, I think it is time for us to act as a Senate; that all of the parties who have quite reasonable substantive arguments to make, who are very close to an agreement, sit down and determine when that agreement will be made so that we can come to a reasonable and responsible conclusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. 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 that the order for the quorum call be rescinded.

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

COORDINATED BORDER AND CORRIDOR PROGRAM

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished senior Senator from Michigan and the distinguished chair of the Transportation Appropriations Subcommittee. As the chair knows, over the past few years, the State of Michigan has competed for funds under the Coordinated Border and Corridor Program of the Transportation Equity Act (TEA 21).

I ask the distinguished chair to give consideration to a particularly important project on our U.S.-Canadian border in Michigan. The Ambassador Bridge Gateway Project which will provide direct interstate access to the Ambassador Bridge and improve overall traffic flow to and from our U.S.-Canadian border, needs $10 million this year to keep the project on schedule. To date, there has been a total of $30.2 million in Federal funds either spent or committed with a State match of $7 million. Any consideration that the distinguished Chairwoman can provide is much appreciated.

Mr. LEVIN. I join my colleague from Michigan in asking the chair to give this important project consideration in conference, especially since no Michigan project is funded under this account. The Ambassador Bridge in Detroit, MI is a critical project for the State's trade infrastructure. It is one of the three busiest border crossings in North America, and more trade moves over this bridge than the country exports to Japan. It is crucial that we keep traffic moving safely and efficiently at this crossing. The Ambassador Bridge Gateway project will provide direct interstate access to the bridge, and improve overall traffic flow to and from the Ambassador Bridge. This project also has a wide range of support from the State, local government, metropolitan planning and the business community.

Mrs. MURRAY. I will be happy to work with my colleagues in conference on this matter and to look at the specific corridor project they are recommending.

Mr. VOINOVICH. Mr. President, for the past few days now, we have been here on the floor of the Senate debating a very basic question: do we trust our trading partners?

As I see it, this debate is not about truck safety, but, rather, it is about whether or not the United States is willing to honor its trade agreements and adhere to the principals of NAFTA.

Over the past several years, as my colleagues are aware, the United States has enjoyed one of its longest periods of economic prosperity in our history. Vital to this remarkable economic boom has been international trade. Trade is the economic lifeblood of the United States. Some twelve million American jobs depend directly on exports, and countless millions more, indirectly.

In fact, the growth in American exports over the last ten years has been responsible for about one-third of our total economic growth. That means jobs for Americans and of particular concern to this Senator, jobs for Ohioans.

The United States is the world's single largest exporter of goods and services, accounting for 12 percent of the world's total goods exports and 16 percent of the world's total service exports. Goods and services exports from the State of Ohio constitute a significant share of exports coming from the United States, making the Buckeye State the 8th largest exporter in the nation.

Ohio is a textbook example of why international trade is good for America. When I was Governor, I had four goals in the area of economic development—agribusiness, science and technology, tourism and international trade. We pursued each of these aggressively in order to maximize Ohio's business potential, especially in the trade arena.

Thanks to trade-stimulating agreements, such as the North American Free Trade Agreement (NAFTA), overall Ohio exports have skyrocketed 103 percent in just the last decade.

When the North America Free Trade Agreement took effect on January 1, 1994, it brought together three nations and 380 million people to form the world's largest free trade zone, with a collective output of $8 trillion. We in the State of Ohio were so excited about the potential of NAFTA, that in order to take advantage of this trade agreement, Ohio opened a trade office in Mexico shortly after NAFTA's passage.

Thanks to NAFTA, historic trade barriers that once kept American goods and services out of the Canadian and Mexican markets either have been eliminated or are being phased out. The positive economic effects have been astounding:

From 1993 to 1998, U.S. exports to Canada grew 54 percent and U.S. exports to Mexico grew 90 percent.

Also from 1993 to 1998, Ohio outperformed the nation in the growth of exports to America's two NAFTA trading partners. Ohio's exports to Canada grew 64 percent and Ohio exports to Mexico grew 101 percent.

But, in my view, if the Senate enacts the Murray amendment, we will be jeopardizing one of the most successful trading partnerships that this nation has ever had.

It is hard to believe that this legislation, which singles-out just one nation and holds up one crucial aspect of their trade policy to scrutiny, would not violate NAFTA.

I cannot fathom how supporters of this legislation ignore this fact.

I am every bit as concerned as any other member of this chamber about the safety of tractor trailer trucks. As anyone who has driven through my state of Ohio knows, it is a hub of long-haul trucking.

You can be certain that I do not want my constituents endangered by unsafe tractor trailer trucks regardless of their city, state or country of origin.

But we must be cognizant of the fact that, if this amendment is enacted, we will be unfairly discriminating against our second largest trading partner—Mexico.

Mexican trucks are already required to comply with our laws governing truck safety if they want to operate on our highways. The state and federal laws are already in place.

Is there room for improvements to safety? Of course. But, I also believe if these laws were adequately enforced, we would not be having this discussion today.

Do I think we should enforce these laws vigorously? Of course. But, I am not calling for this nation to enact restrictive laws that single out Mexico.

However, what the Senate is in the process of doing is raising the bar for our Mexican trading partners by requiring an extraordinary safety requirement that does not apply to our other NAFTA trading partner, Canada, and establishes a whole new regimen that Mexican trucks will have to follow that most American trucks do not.

Make no mistake: Our other trading partners throughout the world are watching what the Senate is doing, and our action—should the Murray amendment be enacted—could shake their faith in our willingness and ability to engage in truly ''fair'' trading practices.

The stakes are high—higher than I think anyone in this Chamber realizes.

The United States has proudly claimed itself a bastion of open markets for more than 200 years. Indeed, we have set the example of consistently striving to comply with our trade treaty obligations. But, how can we ask and expect other countries to abide by international trade rules if the United States flagrantly disregards them itself? If we want a rules-based system of international trade to work, so that we can have a level playing field across the board on all goods, America must lead by example and not pass xenophobic restrictions on our neighbors.

How can USTR Ambassador Robert Zoellick successfully negotiate vital trade agreements to open up new markets for American industry that will benefit American workers when the Senate signals that America is unwilling to play by the rules? What faith can our partners have? What can we demand of them?

If the Murray amendment is enacted, can you imagine the damage that we would bring upon ourselves when we try and negotiate the Free Trade of the Americas treaty? Who would trust us?

I can just imagine President Cordoza of Brazil—who is not too keen on the Free Trade of the Americas treaty to begin with—telling all of the Central and South American leaders that they shouldn't get into a treaty with the U.S.

He just might say that the U.S. Senate, that ''reasoned, deliberative body'' cannot be trusted, and is fanned by the flames of political opportunism.

Think also what the amendment will do to the budding relationship between President Bush and President Vicente Fox? They have worked well together and I would hate to think that this amendment could set back our relationship with the Mexican leader and his nation.

President Bush is fully aware of what this amendment would mean, and I would like to quote from the Statement of Administration Policy on this bill:

> The Administration remains strongly opposed to any amendment that would require Mexican motor carrier applicants to undergo safety audits prior to being granted authority to operate beyond commercial zones on the U.S.-Mexico border, as this would violate the NAFTA agreement and the President's strong commitment to open the U.S.-Mexico border to free and fair trade.

This amendment defies logic and reason.

If this amendment is enacted, what the Senate would be doing is re-opening one of the most significant trade treaties in history by legislative fiat.

Mr. President, but we should not be modifying our international agreements via a rider to an appropriations bill. This is no way to run our foreign policy, nor our trade policy.

Senator MCCAIN said the other day that the Commerce Committee, on which he is ranking and which has jurisdiction over surface transportation, has not considered any legislation on this important matter. This is precisely the kind of complex and delicate matter that deserves full and balanced consideration before we charge ahead and make a decision we most assuredly will regret later.

And what about my good friend from Texas, Senator GRAMM. His state has more border crossings from Mexico than any other state represented in this chamber. He would have every right in the world to oppose trucks from Mexico coming into his state.

But the Senator from Texas fully understands the importance of adhering to our trade agreements and he has spoken eloquently on this topic.

Mr. President, it is of obvious concern to make sure that all trucks that operate on American highways do so in compliance with all applicable safety standards.

However, this amendment goes too far in trying to ensure those standards, and it is an inappropriate response for the U.S. Senate to take.

I urge this body not to jeopardize the benefits of international trade in the haphazard way that this amendment would undertake.

Thank you, Mr. President.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the pending amendments be agreed to and the motions to reconsider be laid upon the table en bloc; further, that it be in order for the managers to offer a managers' amendment, postcloture, which has been agreed upon by the two managers and the two leaders, notwithstanding the provisions of rule XXII.

I further ask unanimous consent that the time until 6:25 p.m. today be equally divided and controlled and that at 6:25 p.m. the Senate proceed to a vote on the motion to invoke cloture on H.R. 2299.

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

Without objection, it is so ordered.

The amendments (Nos. 1025 and 1030) were agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, parliamentary inquiry: How much time exists on both sides from now until the time for the vote?

The PRESIDING OFFICER. Ten and one-half minutes on each side.

Mr. MCCAIN. Mr. President, under the agreement of the managers, I request the last 3 minutes be reserved for my comments or just before the final comments of the managers, whatever the managers desire.

The PRESIDING OFFICER. Does the Senator ask unanimous consent?

Mr. MCCAIN. Yes, I ask unanimous consent.

The PRESIDING OFFICER. The understanding of the request is the last 3 minutes.

Mr. MCCAIN. Either the last 3 minutes before 6:25 or the last 3 minutes before the comments of the managers, either one.

The PRESIDING OFFICER. Be reserved for?

Mr. MCCAIN. My purpose.

The PRESIDING OFFICER. The last 3 minutes.

Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. TORRICELLI. Mr. President, as most Members of the Senate, I have listened to this debate patiently for many hours. I have heard many things said that Senators need to consider before this debate comes to a close. Mostly I have heard that the United States somehow will be violating our treaty obligations with Mexico if we insist upon the safety of our citizens on our highways from Mexican trucks. I have heard that this Senate would be turning its back on the NAFTA treaty. I have heard it not a few times but 5 times or 10 times.

For the consideration of my colleagues, I will answer it but once, because this Government does not violate a treaty obligation and the Senate does not violate the law or its obligations. Indeed, it has been said before, but in a recent arbitration panel decision looking at the NAFTA treaty and our obligations to our citizens and truck safety, it has been 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 United States territory, whether ownership is United States, Canadian, or Mexican.

It is not our intention nor will this law violate our treaty obligations. It simply says this: 50 years of efforts to protect Americans on our highways are not abandoned. The facts are clear. Senator MURRAY simply wants to know that Mexican trucks entering America will be inspected and they will be safe.

Our intentions are well founded. Mexican truck on average are 15 years old; Americans' are 4. Mexican trucks weigh 135,000 pounds; American trucks, 85,000 pounds. Mexican drivers are 18 years old; American, 21. American trucks are documented for hazardous or toxic cargo. Until recently, Mexican trucks were not.

Indeed, the evidence supports what Senator MURRAY is attempting to do. Forty percent of all Mexican trucks now entering the United States are failing inspections. This is not an idle problem. One hundred thousand Americans a year are being injured, or their children are injured, or their neighbors are injured in serious trucking accidents in America. We share our neighborhood roads and our interstate highways with 18-wheel trucks weighing tens of thousands of pounds.

For what purpose has this Senate and our State legislatures for all these years required special engineering of trucks if we will not require it of Mexican trucks? Why do we have weight limitations? Why do we implement laws about special training and driving if we are to abandon that effort now? Of the 27 border crossings between Mexico and the United States, 2 have inspectors 24 hours a day.

What would the Senator from Texas and the Senator from Arizona do in these hours when Mexican trucks without training, without weight requirements, and without inspections arrive at America's borders if there is no one there to weigh them or inspect them or assure that our families are safe? That

is a difference of what we do today. Senator MURRAY requires it. The Senator from Texas would not.

The United States has a right to insist under NAFTA that our citizens are safe. No, I say to Senator GRAMM, we don't have a right; we have an obligation recognized by an arbitration panel looking at Mexican law and American law and the NAFTA treaty.

I have never seen it more clear that the Senate has operated within its obligations and its rights to our citizens than in recognition of this amendment.

I do not know how long we will have to be here, but I can tell you this: If it requires tonight, tomorrow night, next week, next month, this Senator will not be responsible for American families losing their lives. I will stand for our treaty obligations, but first I will stand for our families.

I commend the Senator from Washington for her tenacity and her vision.

I yield the floor.

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

Who yields time?

Mr. GRAMM. Mr. President, I yield myself 5 minutes.

Mr. President, let me read from the Chicago Tribune. The headline is ''Honk if you smell cheap politics.''

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination.

We can scream and holler; we can be emotional all we choose to be, but this debate has nothing to do with safety and everything to do with raw, rotten protectionism. It has to do with violating NAFTA and destroying the good word of the United States of America.

The truth is that Senator MCCAIN and I have offered an amendment that would require every Mexican truck to be inspected, that would require every Mexican truck to meet the same safety standards that the United States of America requires of its own trucks, and that those trucks would not be allowed to come into the United States until they had met those standards.

But the Murray amendment is not about safety; it is about protectionism. The Murray amendment says because of a 1999 law that we passed, that had nothing to do with Mexico—and was not fully implemented by the Clinton administration, and has not been implemented by the Bush administration—that Canadian trucks can operate in the United States, that American trucks can operate in the United States, but Mexican trucks cannot.

So we have not implemented a domestic law and, therefore, we are letting Canadian trucks in, we are letting our own trucks operate, but we do not let Mexican trucks in. That violates NAFTA. American truck companies can lease each other trucks. Nobody objects to that. Senator MURRAY does not object to it. Canadian companies can lease each other trucks. But under the Murray amendment, Mexican companies cannot.

Under the Murray amendment, there is only one penalty for Mexican companies, and that is a ban on operating in the United States of America, even though we have numerous different penalties for U.S. trucks than Mexican trucks.

Under the Murray amendment, we basically have entirely different standards for Mexico than we have for the United States of America and that we have for Canada.

Under the Murray amendment, basically we say: In NAFTA we said we were equal partners, but we didn't mean it. We are equal partners with Canada, but our Mexican partners are inferior partners that will not be treated equally.

The problem is, NAFTA commits us to equal treatment. This is not about safety; this is about protectionism. We are not here tonight because Senator MCCAIN and I wanted to be here. We are here tonight because the majority party would not negotiate with us to come up with a bill that did not violate NAFTA.

We have offered two amendments. The first amendment said that any provision of the Murray amendment that violated NAFTA—a treaty, in the words of the Constitution, the supreme law of the land—that violated a commitment made by three Presidents and by the Congress would not be put into place. That was rejected.

The Senator from Arizona offered an amendment that said under the Murray amendment Mexican nationals and Canadian nationals would be treated the same. That was rejected by our colleagues who are in the majority party in the Senate.

So they say the Murray amendment does not violate NAFTA, but when we offered an amendment to not enforce the parts of it that do violate NAFTA, they rejected it. They say the Murray amendment does not discriminate against Mexico and Mexicans, but when we offered an amendment forbidding that they be discriminated against relative to Canadians, they rejected it.

The truth is, this is about special interest as compared to the public interest. I ask my colleagues—I understand politics; I have been in it a long time—is it worth it to destroy the good word of the United States of America on an issue such as this on an appropriations bill?

I urge my colleagues to vote against cloture.

Mr. President, I assume my time has expired. I yield the floor.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield our remaining time to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes 53 seconds.

Mr. DORGAN. Mr. President, seldom in political debate—especially in the Senate—do you find a bright line between that which you think is thoughtful and that which you think is thoughtless. I think I have seen some lines recently.

Let me describe my reaction to someone who suggests those of us who stand up and worry about highway safety in our country are engaged in something that is raw, rotten, and protectionist.

What we are doing is not raw, not rotten, and has nothing to do with protectionism. If you use the word ''protection'' in the manner I describe our duties in the Senate, let me plead guilty for wanting to protect the interests of Americans on American highways. Let me plead guilty for wanting to protect those interests. I, of course, would never apologize to anyone for standing in the Senate saying this is a critically important issue on behalf of those in our country who travel our country's highways.

The question is, Shall we allow Mexican long-haul trucks in beyond the 20-mile limit? Senator MURRAY from Washington has said, the only condition under which they can come in beyond that 20-mile limit is when they meet the standards that we impose in this country. We have compliance reviews and inspections. We do it in a way that protects the American interests.

What are the differences between our standards and the standards in Mexico? We have had 6 years, and both countries have understood we have come to this intersection, but nothing has been done. I wish my friend from Texas would have had the opportunity I had to sit 3 hours in a hearing on this subject and listen to the inspector general tell us what he found on the U.S.-Mexican border. We know, of course, the standards are different.

In Mexico, there is no hours of service requirement. They can drive 24 hours a day. One newspaper reporter drove with one guy for 1,800 miles. In 3 days, the guy slept 7 hours. This is a truckdriver making $7 a day, sleeping 7 hours in 3 days, driving a truck that would not pass inspection in this country. And we have some in this Senate who say: Let's let that truck into this country, or at least let's let that truck present itself to an inspection station.

The inspector general, by the way, says there will not be inspectors sufficient at those stations to inspect those vehicles as they come into the United States. So to those who say our goal is to inspect all these vehicles, I say simply look at the numbers. The fuzzy math that the inspector general described for us between the budget requests and what actually is going to happen to these inspection stations, tell us that those trucks are going to come into this country—and they have already been doing it illegally in 26 States, incidentally, including the State of North Dakota. We have had Mexican long-haul truckers violating that 20-mile limit.

My question is this: If you have radically different standards, and we do—no hours of service requirement in Mexico; we do here for 10 hours. No logbooks in Mexico. Yes, they have a law, and they don't carry them in their trucks; we have the requirement here. No alcohol and drug testing in Mexico; we have it here. Drivers' physical considerations, there is a requirement here, really none in Mexico.

The fact is, it is clear we have radically different standards. What we are saying is, we ought not allow long-haul Mexican trucks into this country until we can guarantee to the American people that the trucks or the drivers are not going to pose a safety hazard to American families driving on our roads.

This is all very simple. It is not raw. It is not rotten. It has nothing to do with protectionism. That is just total nonsense. This has to do with the question of when and how we will allow Mexican long-haul trucks into this country.

What we are saying is, we will allow that to happen when, and if, we have standards—both compliance and reviews and inspections—sufficient to tell us that the Mexican trucking industry is meeting the standards we have imposed for over 50 to 75 years in this country in our trucking industry and for our drivers.

We have had a lot of talk about a lot of things that have nothing to do with the core of this issue. We are told that NAFTA requires us to do this. No trade agreement—no trade agreement at any time, under any circumstances—ever in this country has required us to sacrifice safety on our highways. No trade agreement requires us to sacrifice safety with respect to food inspection. No trade agreement requires us to do that.

I have heard for 3 days now that the NAFTA trade agreement somehow requires us to allow long-haul Mexican trucking beyond the 20-mile limit. That is simply not the case.

In fact, the strangest argument by my friend from Texas was that if we did not do this, the Mexicans say they are going to retaliate on corn syrup. The Mexicans are already in violation of NAFTA in corn syrup. A GATT panel already decided that. I think what we ought to do is protect the Murray language. She has done the right thing, and I hope, in the end, we will understand this is about safety for Americans on American roads.

The PRESIDING OFFICER. The managers' time has expired.

The Senator from Arizona is recognized for 4 minutes 2 seconds.

Mr. McCAIN. I thank the Chair.

Mr. President, first of all, in regard to the allegation of my friend from North Dakota, and the description of the regulations and rules in the country of Mexico, the fact is, in our substitute amendment it calls for the inspection of every single truck that comes into the United States from Mexico.

There is a long list of all the requirements of licensing: Insurance, commercial value, safety compliance decals, et cetera, et cetera—a long and detailed set of requirements for Mexican trucks to enter the United States of America. The difference is, it does not have the same cumulative effect that the Murray amendment does, which violates the North American Free Trade Agreement.

I have always enjoyed these billboards that are brought up on the floor that say: Does not violate NAFTA. Does not violate NAFTA. Unfortunately, for those who allege that, the Governments of the two countries that are involved have judged that it does violate NAFTA.

Perhaps if the election last November had turned out differently, a Gore administration might have viewed it not in violation of NAFTA. But here is what the President of the United States says: ''Unless changes are made to the Senate bill, the President's senior advisers will recommend that the President veto the bill.''

So everybody is entitled to their opinions. But if you are the President of the United States, you are the only one that is entitled to veto.

The Minister of Economics in Mexico:

> 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.

The elected Governments of the two countries say, indeed, this Murray language is in violation of NAFTA. They are the ones who are elected by their people to make the determination, not individual Members of this body.

Finally, as we wind up, I apologize for any inconvenience, any discomfort, any problems this extended debate has caused any of my colleagues. I know many of them had plans and were discomfited. I extend my apologies.

I hasten to add, I have been involved in a number of major issues over the years I have been here. There has always been a willingness to negotiate and work out problems. That was not the case on this issue. I pledge, no matter what the outcome of this vote, I am still eager to sit down and work out what I view are differences that can be resolved and should be resolved between the Murray language and what we are trying to do because I don't think we are that far apart.

Let's have men and women of good faith and goodwill sit down together after this vote so that we can resolve the differences. No one wants a Presidential veto of this bill; I agree. There is a lot of pork I don't agree with, but there are also a lot of much-needed projects. We don't want a Presidential veto. We have demonstrated that we have 34 votes and can easily sustain a Presidential veto.

After this vote, I again promise my colleague from Washington and my colleague from Nevada, who have been here constantly, we want to negotiate and work out our differences. I am convinced we can.

I yield the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The time has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2299, the Transportation Appropriations Act.
>
> Patty Murray, Ron Wyden, Pat Leahy, Harry Reid, Hillary Rodham Clinton, Charles E. Schumer, Jack Reed, Robert C. Byrd, James M. Jeffords, Daniel K. Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara A. Mikulski, and Thomas A. Daschle.

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

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

The yeas and nays are required under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote ''aye.''

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote ''nay.''

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

The yeas and nays resulted—yeas 57, nays 27, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—57

Akaka	Bingaman	Campbell
Baucus	Boxer	Cantwell
Bayh	Breaux	Carnahan
Biden	Byrd	Carper

Chafee	Harkin	Murray
Cleland	Hollings	Nelson (FL)
Clinton	Hutchison	Nelson (NE)
Cochran	Inouye	Reed
Collins	Jeffords	Reid
Conrad	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Dayton	Kerry	Schumer
Dodd	Kohl	Shelby
Dorgan	Landrieu	Snowe
Durbin	Leahy	Stabenow
Edwards	Levin	Torricelli
Ensign	Lieberman	Warner
Feingold	Lincoln	Wellstone
Graham	Mikulski	Wyden

NAYS—27

Allard	Enzi	Lott
Allen	Fitzgerald	Lugar
Bennett	Gramm	McCain
Bunning	Grassley	McConnell
Craig	Gregg	Murkowski
Crapo	Hagel	Smith (NH)
Daschle	Hatch	Thompson
DeWine	Hutchinson	Thurmond
Domenici	Kyl	Voinovich

NOT VOTING—16

Bond	Inhofe	Smith (OR)
Brownback	Miller	Specter
Burns	Nickles	Stevens
Feinstein	Roberts	Thomas
Frist	Santorum	
Helms	Sessions	

The PRESIDING OFFICER (Ms. STABENOW). On this vote, the yeas are 57, the nays are 27. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DASCHLE. Madam President, I enter a motion to reconsider the vote by which the motion was rejected.

The PRESIDING OFFICER. The motion is entered.

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—MOTION TO PROCEED

CLOTURE MOTION

Mr. DASCHLE. Madam President, I understand we are unable to get agreement to go to the Agriculture Supplemental Authorization. Therefore, I move to proceed to S. 1246, the Agriculture supplemental authorization, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

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

Tom Harkin, Harry Reid, Jon S. Corzine, Max Baucus, Patty Murray, Hillary Rodham Clinton, Jeff Bingaman, Tim Johnson, Ted Kennedy, Jay Rockefeller, Daniel K. Akaka, Paul Wellstone, Mark Dayton, Maria Cantwell, Benjamin Nelson, Blanche Lincoln, Richard Durbin, and Herb Kohl.

Mr. DASCHLE. I ask unanimous consent this cloture vote occur at 5:30 p.m. on Monday, July 30, and I ask unanimous consent that the mandatory quorum be waived.

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

Mr. DASCHLE. Madam President, for the information of all Senators, this will be the last vote tonight, and we will have the next vote at 5:30 p.m. on Monday.

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

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

Mr. DASCHLE. Madam President, I want to further elaborate on the comments I made just a moment ago. We made the motion to proceed to the Agriculture supplemental authorization bill because we could not get agreement to bring it up on Monday. As most of my colleagues know, this is a very important piece of legislation for just about every State in the country. It has passed in the House. It is important to pass it before we leave, only because, as most of our colleagues probably already know, if we are not able to utilize and commit these resources prior to the August recess, the Congressional Budget Office has indicated to us that they will not allow us the use of these resources prior to the end of the fiscal year. We will lose $5.5 billion for Agriculture if this legislation does not pass prior to the time we leave in August.

I emphasize I am not making any threats. I am not trying to cajole. I am just trying to state the fact that we need to get this legislation done. This is not a partisan bill. The administration supports dealing with Agriculture. On an overwhelming basis, it passed in the House. We need to pass it in the Senate. I am very disappointed we are not getting the cooperation to proceed to this bill because it is such an important issue. It is for that reason, and only for that reason, that I have delayed the cloture vote on the Transportation bill.

There will be a cloture vote on the Transportation appropriations bill at some point, perhaps early in the week. But, nonetheless, it will happen. If we need to, we will run out the time to get to final passage and then vote on the bill. But I needed to get started on the Agriculture supplemental. And that is what the procedural motion that we just entered into entails.

I appreciate my colleagues' attention.

Mr. DORGAN. Madam President, I wonder if the majority leader will yield for a question.

Mr. DASCHLE. I am happy to yield to the Senator from North Dakota.

Mr. DORGAN. I am trying to understand what has happened. My understanding is that the majority leader is forced to file a cloture motion not to get the bill up but on the motion to proceed to the bill dealing with an emergency appropriation for family farmers. My understanding is in the budget we reserved an amount of money that we all understood was necessary to try to help family farmers during a pretty tough time. Prices have collapsed. Family farmers are struggling. We all understood we were going to have to do an emergency appropriation to help them.

My understanding at the moment is that you are prevented not only from going to the bill but you are having to file a cloture motion on a motion to proceed to go to the bill to try to provide emergency help for family farmers.

Is that the circumstance we are in and, if so, who is forcing us to do this?

I watched this week while for a couple of days nothing happened on the floor. The appropriations subcommittee chair was here wanting amendments to come, and no amendments came. It looked like the ultimate slow motion on the floor of the Senate. Now we are told—those of us who come from farm country—that not only can we not get to the bill but we have to file cloture on the motion to proceed for emergency help for family farmers.

What on Earth is that about, and who is forcing us to do this?

Mr. CRAIG. Madam President, will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Idaho.

Mr. CRAIG. I am forcing it as someone who has stood on this floor for the last 4 years and fought for nearly $8 billion a year for family farmers such as you have. We have stood arm in arm in that. But the bill that is coming to the floor is $2 billion over the budget that you have talked about and that slot in the budget that we prepared.

I must tell you that this Senator is going to vote for emergency funding for farmers in agriculture, but we are not going to go above a very generous budget to do so.

I thought it was most important. Yes, the House has moved. I believe the chairman of the authorizing committee is here, and he can speak for himself.

But it is my understanding that this bill will come to the floor about $2 billion ahead of where the House was. The House complied with the budget resolution. We are rapping on that door of spending that surplus in Medicare.

I don't care how you use the argument. The reality is very simple. The majority leader is moving us—and he is right—to a very important debate. But it was important for some of us who support farmers but also support fiscal integrity and the budget to stand up and say, Mr. Leader, we are out of budget, we are out of line, and we are $2 billion beyond where we ought to be. That is why I objected.

Mr. DASCHLE. Madam President, if I could regain the floor, let me say that I appreciate and respect the position of the Senator from Idaho. I am not sure that having this debate on the motion to proceed is the appropriate place to

do it. It seems to me that it would be an appropriate subject for an amendment to reduce the amount of emergency assistance from $7.49 billion to $5.5 billion. To say, we don't need to spend $7.49 billion. We could have that amendment and have a debate about it. But having a motion to proceed and then having a debate and a filibuster, if that is required on the motion to proceed, just delays when we can actually get into the discussion and debate about whether or not it ought to be $7.49, or $7.1 billion, or $5.2 billion. But we will finish this legislation only because of the ramifications of not finishing it, whether it is Monday, or Friday, or at some other time.

I put my colleagues on notice. I have no other recourse. This is not a threat. It is simply a fact that this is a piece of must-pass legislation. I hope people understand that.

I would be happy to yield to the Senator from North Dakota.

Mr. DORGAN. Madam President, if the majority leader will yield for one additional question, of course, the Senator from Idaho would have every right to come to the floor and protest that the amount of help for family farmers is too much, too generous, and this, that, or the other thing. The Senator has every right to do that. But I think that is different than trying to delay our ability to consider legislation that responds to an emergency need for family farmers.

My question to the majority leader was not about how much money was involved. My question was who is delaying this and why. I urge my friend from Idaho not to delay us. He has every right to come to the floor of the Senate and try to cut it or try to reduce it if he thinks it is too much, but allow us to immediately go to this on Monday because it is an emergency appropriations bill.

We all understood earlier this year that we needed an emergency supplemental. We provided the money for it. Now the Senator from Idaho has a dispute about how much money is going to come to the floor. Allow that bill to come to the floor and then offer an amendment. But don't force the majority leader to file a cloture motion on the motion to proceed. Speaking as somebody who represents farm country—I know the Senator from Idaho does as well—delaying on the motion to proceed is the worst way, in my judgment, to serve our family farm interests. All of us have the same interests.

I say to majority leader, I hope if there are disagreements about the amount of aid that we will have a debate about it. But I certainly hope that Members will allow us to get to this bill. It is an emergency appropriations supplemental bill designed to address an emergency. It ill-serves those who we intend to help to have to file a cloture motion on a motion to proceed to the actual bill.

Let's not do that. Let's get it to the floor and have at it on Monday, get it passed, and help family farmers.

I appreciate the majority leader yielding to me.

Mr. DASCHLE. I would be happy to yield to the distinguished chairman.

Mr. HARKIN. I thank the leader for yielding.

I say to my friend from Idaho that we enjoyed his being on the Agriculture Committee for a number of years. I am sorry that he is not now on the Agriculture Committee. Perhaps if my friend from Idaho were on the Agriculture Committee and had been involved in our debate and deliberations and the markup of the bill, he might not be holding this bill up because it was reported out on a unanimous voice vote. We only had one amendment to take it down to $5.5 billion. That fell on a 12–9 vote.

Two things: There are farmers who are hurting all over this country—not just in Iowa, or North Dakota, or Kansas but even in Idaho. Quite frankly, this Senator went out of his way to accommodate the wishes of Senators in this Chamber representing family farmers in their States to put into that bill what was necessary to meet some of those needs.

In fact, I say to my friend from Idaho, there are provisions in the bill that will help his farmers in Idaho that are not in the bill they passed in the House.

Second, I say to my friend from Idaho that the budget that was passed here allows in the 2001 fiscal year for the Agriculture Committee to spend up to $5.5 billion. It allows the Agriculture Committee to spend for the year 2002 $7.35 billion. The Agriculture Committee in the bill we are trying to consider here adheres to those limits. It is absolutely within the budget. The $5.1 billion goes out before September 3.

The Agriculture Committee recognized that the crop-year and the fiscal year don't coincide. The needs that farmers will have this fall as a result of the crop-year happen in the 2002 fiscal year. I think a lot of us thought that we could under the budget go into that $7.35 billion in 2002 and spend it in 2002. None of that $2 billion is spent in 2001; it is spent in 2002. That is allowed by the budget. We could have gone up to $7.35 billion, but we didn't. We wanted to hold some in reserve. By taking that $2 billion, we are able after the first of the fiscal year, October 1, we are able to have help for farmers until we get a farm bill passed or until we are able to perhaps come again some other time and expend the rest of the $7.35 billion.

I say to my friend from Idaho, this is within the budget the $5.5 billion we spend this year before September 30; the other $2 billion is spent in 2002, and there is nothing in the budget that prohibits the Agriculture Committee from saying in 2001 how we want that money spent in 2002. We have met all the requirements. There will be no budget point of order because we are well within the budget. I point that out to my friend from Idaho. He is no longer a member of the committee. I know that. I am sorry he is not. Maybe had the Senator been there he would have realized and recognized how we went about this and how we are not busting the budget in 2001.

Mrs. BOXER. Will the Senator yield?

Mr. CRAIG. Will the Senator yield?

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

Mr. CRAIG. I thank my colleagues for all of those considerations and I wish I did serve on the authorizing committee of agriculture. I serve on the appropriating subcommittee for agriculture, the appropriations, so I watch Agriculture budgets closely.

What the Senator from Iowa said is absolutely right. It is forward-funding; it is reaching into 2002 and pulling money out for 2001. I understand that. I know it will be spent in 2002 in a 2001 supplemental. I understand what is being done. I also understand that is not necessarily the way it is done. But it is OK if you can get the votes on the floor to do it. It is not necessarily how we work budgets around here.

I will also say, whether I am holding this up or not, we will be on the Agriculture bill come Monday, and Monday evening you will get cloture and we will be there and probably move it quite quickly, depending on the amendments that come. The leaders know this. There are several amendments that may be very protracted in their debate.

The reality is, last year somebody made us file cloture on the Agriculture appropriations conference report. I don't believe that was talked about in such dramatic terms, but that is exactly what happened last year. I have it in front of me, Agriculture appropriations, 106th Congress. After all the work was done, the bill was ready to be sent to the President and be signed so the money could go out and somebody had to file cloture to move the bill.

I don't know that this is so unprecedented. Thou doth protest a bit too much.

We will be on the Agriculture bill come Monday. I do appreciate the work the Senator has done. He has worked thoroughly.

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

Mrs. BOXER. I would like to try to summarize where we are and see if my leader, the majority leader, can confirm if this is accurate.

I think the word of the day is ''delay.'' We are seeing an Agriculture bill, an emergency bill, being delayed. We are not going to be on it. We are going to have to debate a motion to proceed. For those people who don't know the rules of the Senate, you can invoke these rules and it can go slow. We are seeing a delay in getting help to our farmers; and we are seeing anything but a delay in the day we will have the Mexican trucks come barreling through our highways and byways when we should delay that until

we have enough inspectors. We are only inspecting 2 percent of the trucks, and out of that 2 percent, 35 percent of the trucks are failing and a lot of them have no brakes.

I will not reiterate the horror stories and nightmares we heard in the committee.

Where we have a delay, we don't want a delay; that is, to help our American farmers. And where the other side is trying to do away with the delay is the day that we have trucks coming through our border into the interior of our country that are ill-equipped for those journeys.

I wonder if my leader would agree that is where we are right now.

Mr. DASCHLE. The Senator has described it very well. We have spent a week delaying completion of our work on the Transportation appropriations bill, fundamental investments in our Nation's infrastructure. Why have we done that? Because there are those who are opposed to the regulatory commitment that we want to make for truck safety in this country. They are willing to sacrifice public investment in our Nation's infrastructure not for days but for weeks because they don't think we ought to support a rigorous inspection and a rigorous standard of quality with regard to safety on our Nation's highways.

That is what this debate has been about now for several days. I am disappointed that only because of absentee Senators we lost the cloture vote tonight, but we will win that vote and inevitably we will win on the final passage of the Transportation bill. This has been nothing more than delay. This delay has been unnecessary, unproductive, and very unfortunate.

The Senator from California could not have said it better. She is right. There will be another day. We will deal with these issues. I will say, as I said a moment ago, there are some things we must do before we leave. We have no choice. So we can delay now and we will compound the problems and the circumstances involving our departure later.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. I say to the majority leader in the form of a question, we don't have nearly as many farmers—we call them ranchers—in the State of Nevada, but we have some. They have benefits from this Agriculture bill—not as much as we think they should.

I say to the leader, farmers all over America are not concerned about the partisan politics. There are Democrat farmers and Republican farmers. Isn't that right?

Mr. DASCHLE. That is correct.

Mr. REID. The American public wants us to accomplish results. The fact that you have been a leader for a short period of time should not mean we cannot move forward with the legislation. Is that fair?

Mr. DASCHLE. I would say that is fair.

Mr. REID. We had the Senator from North Dakota, the Senator from California, the Senator from South Dakota, huge producers of food and fiber for this country. I know how important it is for your respective States that we move forward on this Agriculture supplemental.

I say to the leader, if I had been in my office I would have taken more calls, but I have been here most of the time, and I have had many, many calls from people interested in the high-tech industry, people on the cutting edge of what is going on in America today with computers. They want to be competitive. They think they are unable to be competitive because we cannot move forward on the Export Administration Act. There are Democrat and Republican farmers. There are also Democrat and Republican people involved in this high-tech industry. They don't care who gets credit for it.

Would the leader agree if we can move forward on the Agriculture supplemental and the Export Administration Act, there will be lots of credit to go around for Democrats and Republicans, and it would help this country?

Mr. DASCHLE. The Senator is absolutely right. The Senator has spent a good deal of time on this floor over not only of the past few months but of the past few years trying to pass the Export Administration Act. He ran into the same problems last year that we confront this year. There are those who are unwilling to consider the tremendous, negative repercussions that this country will continue to experience as a result of our inability to update the Export Administration Act now.

Further delay, and it expires. I might add, it expires in August. Further delay further undermines our ability to be competitive abroad. I don't know why anyone would want to be in a position to put this country into that kind of a situation, but because of objections on the other side, we have so far been unable to move the bill.

Mrs. CLINTON. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from New York.

Mrs. CLINTON. As the majority leader well knows, I am new to this body and I think what we have just seen raises, in my mind, serious questions about what it is we are trying to accomplish for the people of our States and our country.

As I understand the response of the distinguished Senator from Idaho, the delay is because somebody ''unnamed'' delayed something last year. That, to me, is a strikingly inadequate explanation for a delay that is holding up our efforts to help our oldest industry and our newest industry.

With the fact that New York's largest economic sector is agriculture, which most people outside New York would have no idea of, I have a great interest in the Agriculture supplemental bill because we have some aid in there for farmers who are following in the tradition of those having farmed in New York for more than 400 years. Our apple farmers are on the brink of extinction if they do not get some emergency help. We had hail last year that destroyed the crop in the Mid-Hudson River Valley; it took out orchards in the north country. So this is not any geographic issue. This is a national issue that has to be addressed.

At the same time, in New York, we have some of the cutting edge high-tech industries that are begging for the kind of direction the Export Administration Act will give them, the certainty about what they can and cannot export, whether we can be competitive globally. Both of these important pieces of legislation have to be addressed in the next week.

It is regrettable that instead of doing the people's business, dealing with the agricultural needs and the high-tech needs that really cut across every geographic and political line we have in our Nation, we see this kind of delay.

But I would ask the majority leader, is it your intention to do everything you can possibly do, as our leader, who has done, in my view, an absolutely tremendous job since assuming the leadership, to make sure that the people's needs are met? And that includes the Agriculture bill and the Export Administration bill.

Speaking just as one Senator, I do not think there is anything more important than doing the work we were sent here to do, casting the votes that will help people, and it is striking that we do not seem to have the cooperation we need on the other side.

But I would ask the leader if it is his intention to make sure that we do the people's business before we leave for the recess that is scheduled.

Mr. DASCHLE. The Senator may be new here, but she certainly understands how this institution must work. It can only work with cooperation. As she has so rightfully indicated, the situation today is that on issues of great importance, as she said, to our oldest and our newest industries, there is no question that we cannot put any higher of a priority on the work that must be done in the next week than to address both of these bills.

The agricultural supplemental package represents, for many of our program crop farmers, a significant portion of the income they will receive in this calendar year. A large portion of the income they are depending upon rides on whether or not we get this bill done in the coming week. I do not know what percent some of our high-tech companies relate to the ability to export abroad, but I would not be surprised if it were not just as great.

So she is absolutely right. We cannot leave without addressing these critical pieces of legislation. Why? Because they expire. The authorization literally expires during the month of August. So we can do it Monday, Tuesday, Wednesday, or we can work into the weekend, or the following week, but we really

have to understand that these are critical bills that must be addressed. And the only way we can address them, as she correctly points out, is through the cooperative effort of both parties, and I would hope both leaders.

Mr. REID. Will the leader yield just for one more brief question?

Mr. DASCHLE. I would be happy to yield.

Mr. REID. There have been comments the last several days about what has happened in the last year. I want the RECORD to be spread with the fact—I want this confirmed by the leader—one of the assignments you gave me as assistant leader was that when difficult matters arose on the floor, one of my assignments directly from our leader—TOM DASCHLE to HARRY REID—was to do what you can, HARRY REID, to help move legislation. If it benefited the Republicans, I still had that responsibility. And there are many statements in the RECORD by Senator LOTT of how he appreciated the work we did—my name was mentioned on occasion—to move legislation.

I did that because you believed it was the right thing to do to move legislation. That is why we were able to move eight appropriations bills last year—does the Senator remember that—before the August recess?

Mr. DASCHLE. I remember that vividly. I remember how it was that we were able to work through these important matters, because we understood that October 1st is the deadline to complete all of our work on appropriations and that when you fall short of that deadline, you find yourself in a very precarious situation, making decisions without careful thought and, in some cases, making mistakes.

We want to complete our work on time. We want to be able to finish these bills. I appreciate so much the cooperation, the effort, and the leadership shown by the Senator from Nevada in reaching that goal.

Mr. REID. Does the Senator from South Dakota, our distinguished majority leader, agree that when you were the minority leader, one of your primary responsibilities was to move legislation, no matter whether it was sponsored by a Democrat or a Republican, but to move legislation off this floor?

Mr. DASCHLE. By and large, that was exactly what we attempted to do. Obviously, there were many times when there were disagreements, but we tried to work through those disagreements. I am hopeful we can do so again in the coming week.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I will return the floor to the Senator in just one brief minute. I just want to say that I think no one knows more than I do how passionately this majority leader, the then-minority leader, worked with us to get legislation passed. That is why I repeat, eight appropriations bills were passed in this body last year before the August recess. That was hard work. It only came as a result of the direction of the majority leader saying, we have to get this stuff done, that is the responsible thing for this country; and we did it.

I know there are people who come in and make little snippets about the fact that things have happened in the past. Look at our record. Look at our record of how we helped move legislation. Of course, there were disagreements on our side, but they passed quickly. Lots of amendments were filed on bills. We worked through those.

I just say, I hope people will look at what we did and work with us to try to move legislation. We want to do that. If we do something that is good, there is credit for everyone to go around. If we do not do things, there is blame to go around, as well it should. But the blame now should be with the minority because they simply have not allowed us to proceed on important legislation for this country.

The PRESIDING OFFICER. The Senator from New York.

MORNING BUSINESS

Mrs. CLINTON. Madam President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NOMINATIONS

Mr. NICKLES. Mr. President, I have noted with interest the comments of Senators DASCHLE and REID regarding unfinished legislative work before the recess. What is also unfinished business before the recess is nominations. Over the past week, Senator REID and I have had a series of continued conversations regarding nominations, and we will continue to talk in good faith to make progress on nominations.

But our unfinished work here in the Senate is not just legislative in nature. It is necessary that we work hard to clear a sizable number of nominations before the recess, to give the President the public servants he needs to staff his administration, make it run, have it work, and see it accountable to the American people.

I look forward to seeing the Senate head towards the recess with work on both the legislative and executive calendars. I yield the floor.

PLIGHT OF DETAINED PERMANENT UNITED STATES RESIDENT LIU YAPING IN INNER MONGOLIA

Mr. DODD. Madam President, I rise today to bring to my colleague's attention a terribly distressing, and I am afraid, all too familiar situation; the arrest and detention of American citizens and permanent residents traveling in China. I specifically want to comment on the case of Mr. Liu Yaping. Mr. Liu is a resident of my home State of Connecticut and is married to a United States citizen. He has an American son and has been granted permanent residency in this country. Nevertheless, on a trip to his home country of China this past spring, he was abruptly detained and arrested on charges of tax evasion. More than four months after his initial arrest, the evidence against him for this alleged crime has yet to be produced by the Chinese authorities, and he has not been officially charged with a crime. In the meantime, he is being detained indefinitely.

Liu Yaping has been held in near isolation in Inner Mongolia, and we suspect that he may have been mistreated during his time in prison. He has been unable to contact his family, and because he is a permanent resident of the U.S., and not a citizen, he has been denied the right to consult with United States diplomats while in detention. He has been granted only very limited access to his attorneys, and has been unable to answer the charges against him.

The most troubling part of this story is that we have learned that Mr. Liu is ill and may die at any moment. It has been reported that he is suffering from a cerebral aneurysm, possibly caused by torture or beatings, for which he has gone largely untreated. Without immediate and appropriate medical attention, the aneurysm will continue to leak, and the danger is very real that he will die. His family has asked to review his medical records, but thus far this request has been denied. Instead, they receive only bills for medical services performed, without documentation or description. Mr. Liu's family has asked that he be transferred to a hospital in Beijing, but this request has been rejected by the Chinese government.

I cannot begin to imagine the toll that this ordeal has taken on Mr. Liu's wife, and 15 year-old son. Knowing their loved one is alone and in danger, they wait anxiously for any notice from the Chinese authorities indicating that his situation has improved. Mrs. Liu has been in steady contact with my office and grows increasingly distraught with each day that passes with no news of her husband. The U.S. embassy in China, despite their best efforts, has not been able to make inroads in this case, and due to Mr. Liu's grave medical condition, time has become an important factor when considering his case.

We cannot allow gross human rights violations to continue on our watch. It is the responsibility of all of us to ensure that our citizens and permanent residents receive just and equal treatment at home and abroad.

As my colleagues know, in the past year, several American citizens and permanent residents have been detained in China. Gao Zhan, an American University researcher, was sentenced to 10 years on July 24, after a

lengthy detention and a brief trial, during which not a single witness was called. She was arrested on espionage charges and linked to recently convicted business Professor Li Shaomin, who was recently ordered deported. Mrs. Gao was recently granted medical parole, due to a worsening heart condition and, as a precedent exists for this type of parole, it is my hope that Mr. Liu will be granted a similar clemency. Until such time, though, we must do all we can to fight for the safety, basic human rights, and release of Mr. Liu.

As you may know, the Senate has not stayed quiet on this matter. Along with several of my colleagues, I have signed on as a cosponsor to Senate Resolution 128, urging the release of Liu Yaping and other American permanent residents and U.S. citizens. However, despite the efforts of Congress, I believe that this is an issue best dealt with at higher diplomatic levels. As you know, this Saturday, Colin Powell will be arriving in China. Secretary Powell has expressed his frustration with the situation of Mr. Liu, and I hope that he will raise the issue of Liu Yaping's incarceration with the Chinese authorities. Although the Chinese government has indicated that it wishes to focus on the larger issues of trade and economic cooperation between our two countries, I feel that a frank discussion on human rights is an equal priority. I hope that such a discussion would lead to a better understanding of American concerns in this case specifically, and the eventual release of all prisoners wrongfully detained in China.

I feel strongly that the Chinese government must understand that detaining our citizens without due process will only exacerbate the diplomatic tensions between our two nations. By creating a climate of fear for those Chinese-American citizens who would otherwise seek to bring their expertise and knowledge back to their homeland, China is discouraging the flow of intellectual capital back into its countryside, and compromising any confidence on the part of the United States regarding pledged improvements in human rights.

I wish Secretary Powell well on his trip, and urge the Chinese government to release Mr. Liu. I have asked Secretary Powell to bring this case up specifically while in China. It is my sincere hope that this action will bear fruit, and this matter will soon be resolved. Hopefully, Mr. Liu will soon be at home again in Connecticut, safe, and in the company and care of his family.

MURDERS CANNOT GO UNPUNISHED

Mr. McCONNELL. Madam President, the murder of American citizens abroad is always a cause for concern, and I want to bring the attention of my colleagues to the killings of the Bytyqi brothers from New York City. Agron, Mehmet, and Yli were reportedly discovered in a mass grave in Petrovo Selo, Serbia with their hands bound and gunshots wounds to their chests.

This heinous crime should be of particular concern to all of us. Not only were the Bytyqi brothers American citizens, but they were also of Albanian origin. We know well the brutal treatment of Albanians in Kosova and Serbia during the war. My heart goes out to all the victims and their families.

I recently wrote to Attorney General John Ashcroft asking for the Federal Bureau of Investigation to become involved in this case. Human rights workers and investigators, including from the United Nations, should assist in delivering justice to the Bytyqi family.

There are reports that the brothers were murdered by policemen. I know my colleagues will agree that the murder of Americans overseas cannot go unpunished. I will continue to closely follow developments in this case—as well as the continued detention of political prisoners in Serbian jails.

I ask that an article from the July 15th edition of the Washington Post detailing this crime appear in the RECORD following my remarks.

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

[From the Washington Post, July 15, 2001]

THREE AMERICANS FOUND IN SERBIAN MASS GRAVE SITE

(By R. Jeffrey Smith and Peter Fin)

PRISTINA, Yugoslavia, July 14—The three young American men had their hands tied with wire. Their heads were covered by black hoods, and they were dressed in civilian clothes. They were each shot at close range, and their bodies were dumped in a pit dug in the Yugoslav national forest near the Serbian town of Petrovo Selo.

The men—all brothers of ethnic Albanian origin—had worked with their father as painters and made pizzas on Long Island before going to fight in the Kosovo war with the so-called Atlantic Brigade, a group of about 400 Albanian Americans who volunteered to join the rebel Kosovo Liberation Army. But they disappeared into a Serbian prison 17 days after the end of NATO's bombing campaign against Yugoslavia in 1999, when hostilities had ceased.

For nearly two years, neither their family nor the U.S. government was able to learn their whereabouts. Then, last week, their bodies were discovered in a mass grave by Serbian police investigators. Together with officials of a Belgrade-based human rights group, the police have begun to assemble a picture of how the men, born in Illinois, lost their lives during the violence that raged in and around the Serbian province of Kosovo in the spring and summer of 1999.

Serbian officials and others monitoring the probe say the three—Ylli, Agron and Mehmet Bytyqi, ethnic Albanians ages 24, 23 and 21 at the time of their death—appear to have been murdered by policemen. Their bodies were placed in the grave with 13 ethnic Albanians from Kosovo, not far from a special police training center 120 miles east of the capital of Belgrade. A second grave nearby contains 59 bodies, and investigators suspect they will find many other sites as they begin to probe the forest more carefully.

The Bytyqis are the first Americans to turn up in a Serbian mass grave. ''Believe me, this is going to be a very important case for us,'' the U.S. chief of mission in Yugoslavia, William Montgomery, said in a telephone interview. ''We need to get real information from the Yugoslav authorities. We are going to insist they do a full investigation.''

Montgomery said he and other U.S. officials had sought information about the Bytyqis from the Yugoslav Foreign Ministry several times since Yugoslav President Slobodan Milosevic was ousted in October, but the ministry acknowledged only that the brothers had been imprisoned after the war ended.

Circumstantial evidence unearthed so far raises the possibility of a revenge slaying by policemen, possibly motivated by anger over the leading role that the United States played in pressing for Western intervention in Kosovo to halt human rights abuses committed by Yugoslav security forces against Kosovo's ethnic Albanian majority.

''They were killed because they were American citizens,'' said Bajram Krasniqi, a lawyer in Pristina, Kosovo's provincial capital, retained by the Bytyqi family to press for information about the case. ''There were people in that prison who were in [the rebel army] . . . and they were eventually released. This is the only case where someone was arrested, taken to court, tried, released out of the prison and then executed.

''This crime was planned, ordered and conducted without any judicial act and it was done by Serbian officials in cooperation with officials at the prison,'' Krasniqi said. ''Hopefully, the Serb authorities will now arrest these people and they will be brought to justice.''

The men's mother, Bahrije Bytyqi, and their father, Ahmet Bytyqi, had moved their family from Illinois to Kosovo in 1979 and later separated. Ahmet moved to New York and Ylli, Agron and Mehmet joined him one at a time when each turned age 17.

Bahrije was expelled from Kosovo during the war by security forces but later returned to the southern Kosovo city of Prizren. She has been distraught and sedated since learning last week of the discovery of her sons' bodies in Serbia, and could not be interviewed today. When her 22-year old son, Fatos, a resident of Prizren, was interviewed today, he initially lied about his brothers' wartime activities, later explaining he had been ''advised'' not to discuss their membership in the Atlantic Brigade.

But members of the brigade interviewed in New York said that the brothers had been enthusiastic—if naive—volunteers in the unit. They had different personalities: Ylli was quiet, Agron an outgoing partier, Mehmet a hard worker. But all three left New York on the brigade's charter flight in the spring of 1999 and tried to join the same rebel unit—only to be told by rebel leaders that they had to fight separately.

''They had that youthfulness that exploded in their faces,'' said fellow rebel Arber Muriqui in New York.

In mid-June 1999, when NATO forces deployed inside Kosovo to police a cease-fire, the brothers escorted their mother back into the province. Roughly two weeks later, the brothers told Fatos they were going to Pristina. Their mission, he said, was to visit some ethnic Albanian friends from New York who had fought with the Atlantic Brigade.

Amid the postwar chaos—and seething tensions between ethnic Serbs and Albanians—they headed north in a Volkswagen Golf on June 26. An ethnic Roma neighbor of Bahrije's, Miroslav Mitrovic, has told the Belgrade-based Humanitarian Law Center, an independent group, that the three brothers offered him and two other Romas a ride out of Prizren and into southern Serbia, but Fatos says the brothers never mentioned the plan and he cannot confirm the tale.

There is a dispute between Fatos and Mitrovic over why the brothers did not have their U.S. passports with them on the journey; in any event, Fatos and the family lawyer say, the brothers carried other identification that clearly indicated they were American residents, including New York state driver's licenses. Around their necks, he said, were medallions bearing the seal of the Kosovo Liberation Army.

The brothers were detained at a Serbian checkpoint in the village of Merdare; the Romas were allowed to proceed, Mitrovic told the law center. A magistrate in the nearby town of Kursumlija sentenced them to at least 15 days in jail for illegally crossing the border between Serbia and Kosovo, a Serbian province. The next day—June 27—they were transferred to a prison in Prokuplje, in southern Serbia.

There, according to documents and testimony obtained by the law center, the three brothers were interviewed by a police inspector named Zoran Stakovic, whose specialty was cases involving foreign citizens. Four days before the end of their sentence. Stankovic came to the prison and told the warden to release them into his custody, the law center said it had learned.

Fatos said he was told by a prison official, whom the family bribed for information four months ago, that the three brothers were taken to the back door of the prison and handed over to two plainclothes police in the company of the uniformed patrolmen. They were driven away in the company of the uniformed patrolmen. They were driven away in a white car and never seen alive again.

Their family became so desperate that at one point they persuaded their lawyer, Krasniqui, to write a letter to Miloservic, pleading for information about her sons; their mother also went to the prison in Serbia to demand answers. ''They were very hopeful that the boys would return because once they were in prison, Serb authorities would be aware that they are American citizens,'' and Marin Vulaj, vice chairman of the National Albanian American Council.

The law center made inquiries in August, September and October 1999, after Mitrovic contacted the center to express his own concern, but only received a copy of the brothers' prison release order.

''I was hoping they were alive,'' Fatos said. ''We were very shocked. We had no idea how they could have gotten'' to the mass grave site in Petrovo Selo. In a statement issued on Saturday, the law center demanded that the Serbian government ''tell the mother the truth.''

THE PACE OF JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, I was pleased that the Judiciary Committee was able to hold another confirmation hearing for judicial and executive branch nominees this week. Since the Senate was allowed to reorganize just before the July 4th recess, returned from that recess to reconvene on July 9 and then assigned members to committees on July 10, this was the fourth hearings on Presidential nominations that the Judiciary Committee has held in 2 weeks. I cannot remember any time in the last 6 years when the Judiciary Committee held four confirmation hearings in 2 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals.

I appreciated that when Senators LOTT, BAUCUS, COCHRAN, and HUTCHINSON appeared before the Judiciary Committee to introduce nominees, they recognized that we were acting quickly. Likewise, the nominees who have appeared before the committee have recognized that we have been moving expeditiously and have thanked us for doing so. I appreciate their recognition of our efforts and their kind words.

Just last Friday we were able to confirm a number of judicial and executive nominations. We confirmed Judge Roger Gregory for a lifetime appointment to the U.S. Court of Appeals for the Fourth Circuit. This is a nominee who had waited in vain since June of last year for the Senate to act on his nomination. In the year that followed his nomination he was unable even to get a hearing from the Republican majority. This month, in less than 2 weeks the Judiciary Committee held that hearing, reported his nomination favorably to the Senate on a 19 to 0 vote and the Senate voted to confirm him by a vote of 93 to 1 vote. The supposed controversy some contend surrounded this nomination was either nonexistent or quickly dissipated.

In spite of the progress we have been making during the few weeks since the Senate was allowed to reorganize, in spite of the confirmation on Friday of three judicial nominations, include one to a Court of Appeals; in spite of the confirmation of two more Assistant Attorneys General for the Department of Justice, including the Assistant Attorney General in charge of the Civil Rights Division; in spite of the back-to-back days of hearings for the President's nominees to head the Drug Enforcement Administration and the Immigration and Naturalization Service on Tuesday and Wednesday of last week; despite our noticing a hearing for another Court of Appeals nominee and another Assistant Attorney General for this Tuesday; despite our having noticed expedited hearings on the nomination to be Director of the Federal Bureau of Investigation beginning next Monday; despite all these efforts and all this action, on Monday our Republican colleagues took to the Senate floor to change the tone of Senate debate on nominations into a bitterly partisan one. That was most unfortunate.

I regret that we lost the month of June to Republican objections to reorganization or we might have been able to make more progress more quickly. There was no secret about the impact of that delay at the time. Unfortunately, that month is gone and we have to do the best that we can do with the time remaining to us this year. This month the Judiciary Committee is holding hearings on the nominees to head the FBI, DEA and INS. In addition, we have held hearings on two more Assistant Attorneys General and the Director of the National Institute of Justice.

Just last Friday we were able to confirm Ralph Boyd, Jr. to serve as the Assistant Attorney General to head the Civil Rights Division. Of course, the Republican majority never accorded his predecessor in that post, Bill Lann Lee, a Senate vote on his nomination in the 3 years that it was pending toward the end of the Clinton administration. Some of those now so publicly critical of the manner in which we are expediting consideration of President Bush's nominations to executive branch positions seem to have forgotten the types of unending delays that they so recently employed when they were in the majority and President Clinton was urging action on his executive branch nominations.

I noted last Friday that we have already acted to confirm six Assistant Attorneys General as well as the Deputy Attorney General, the Solicitor General and, of course, the Attorney General himself.

We have yet to receive a number of nominations including one for the No. 3 job at the Department of Justice, the Associate Attorney General. We have yet to receive the nomination of someone to head the U.S. Marshals Service. Even more disturbing, we have yet to receive a single nomination for any of the 94 U.S. Marshals who serve in districts within our States. We have yet to receive the first nomination for any of the 93 U.S. Attorneys who serve in districts within our States.

We have much work to do. The President has work to do. The Senate has work to do. That work is aided by our working together, not by the injecting the type of partisanship shown over the last 6 years when the Republican majority delayed action on Presidential nominees or the partisan rhetoric that was cast about on Monday. That may make for backslapping at Republican fundraisers, but it is counterproductive to the bipartisan work of the Senate.

In this regard, I am also extremely disappointed by the decision of the Republican Leadership to have all Republican Senators refuse to chair the Senate. I was one who suggested to Senator DASCHLE, Senator LOTT and others that we resume the practice of having Senators from all parties chair the Senate. That was a longstanding practice in the Senate and the practice when I first joined this body. It was our practice until fairly recently when a breach in Senate protocol led to the period in which only Senators from the majority party sat in the chair of the President of the Senate.

I thought that it sharing the chair was one of the better improvements we made earlier this year when we were seeking to find ways to lower the partisan decibel level and restore collegiality to the Senate. It was a good way to help restore some civility to the Senate, to share the authority and responsibility that comes with being a member of the Senate. I deeply regret that the Republican minority has chosen no longer to participate in this aspect of the Senate. I am disappointed, and fear this is another sign

that they are coming to view the Senate through the narrow lens of partisanship.

That partisan perspective, criticizing for criticism's sake or short-term political advantage, seems to be the motivation for the statements made in the wake of our achievements last Friday. If the Senate majority is going to be criticized when we make extraordinary efforts of the kind we have been making over the last two weeks, some will be forced to wonder whether such action is worth the effort.

Moreover, the criticism is ignorant not only of recent facts but wholly unappreciative of the historical context in which we are working. Let me mention just a few of the many benchmarks that show how fair the Senate majority is being.

This year has been disrupted by two shifts in the majority. We were delayed until March in working out the first resolutions organizing the Senate and its committees. Senator DASCHLE deserves great credit for his patience and for working out the unique arrangements that governed during the period the Senate was divided on a 50–50 basis. Likewise, I complimented Senator LOTT for his efforts in late February and early March to resolve the impasse.

In late May and early June the Senate had the opportunity to arrange a timely transition to a new majority. Republican objections squandered that opportunity and we endured a month-long delay in reorganizing the Senate. Ultimately, the reorganization ended up being what could have been adopted on June 6. Again, I commend Senator DASCHLE's leadership and patience in keeping the Senate on course, productive and working. During that month the Senate considered and passed the bipartisan Kennedy-McCain-Edwards Patients' Bill of Rights.

But work in the Judiciary Committee was limited to investigative hearings. We could not hold business meetings or fairly proceed to consider nominations. That period finally drew to a close beginning on June 29 and culminated on July 10 when Republican objections finally subsided, a resolution reorganizing the Senate was considered and Committee assignments were made.

Now consider the progress we have made on judicial nominations in that context. There were no hearings on judicial nominations and no judges confirmed in the first half of the year with a Republican majority. The first hearing I chaired on July 11 was one more than all the hearings that had been held involving judges in the first half of the year. The first judicial nomination who the Senate confirmed last Friday was more than all the judges confirmed in the first half of the year.

In the entire first year of the first Bush administration, 1989, without all the disruptions, distractions and shifts of Senate majority that we have experienced this year, only five Court of Appeals judges were confirmed. In the first year of the Clinton administration, 1993, without all the disruptions, distractions and shifts in Senate majority that we have experienced this year, only three Court of Appeals judges were confirmed all year. In less than 1 month this year—in the 2 weeks since the committee assignments were made on July 10, we have held hearings on two nominees to the Courts of Appeals and confirmed one. In 1993, the first Court of Appeals nominee to be confirmed was not until September 30. During recent years under a Republican Senate majority, there were no Court of Appeals nominees confirmed at any time during the entire 1996 session, not one. In 1997, the first Court of Appeals nominee was not confirmed until September 26. A fair assessment of the circumstances of this year would suggest that the confirmation of a Court of Appeals nominee this early in the year and the confirmation of even a few Court of Appeals judges in this shortened time frame of only a few weeks in session should be commended, not criticized.

The Judiciary Committee held two hearings on two Court of Appeals nominees this month. In July 1995, the Republican chairman held one hearing with one Court of Appeals nominee. In July 1996, the Republican chairman held one hearing with one Court of Appeals nominee, who was confirmed in 1996. In July 1997, the Republican chairman held one hearing with one Court of Appeals nominee. In 1998, the Republican chairman did hold two hearings with two Court of Appeals nominees, but neither of whom was confirmed in 1998. In July 2000, the Republican chairman did not hold a single hearing with a Court of Appeals nominee. During the more than 6 years in which the Senate Republican majority scheduled confirmation hearings, there were 34 months with no hearing at all, 30 months with only one hearing and only 12 times in almost 6½ years did the Judiciary Committee hold as many as two hearings involving judicial nominations in a month. So even looking at this month in isolation, without acknowledging the difficulties we had to overcome, our productivity compares most favorably with the last 6 years. When William Riley, the nominee included in the hearing this week is confirmed as a Court of Appeals Judge for the Eighth Circuit, we will have exceeded the Committee's record in 5 of the last 6 years. Given these efforts and achievements, the Republican criticism rings hollow.

I also observe that the criticism that our multiple hearings are proceeding with one Court of Appeals nominee ignores that has been a standard practice by the committee for at least decades. Last year the Republican majority held only eight hearings all year and only five included even one Court of Appeals nominee. Of those five nominees only three were reported to the Senate all year. Nor was last year anomalous. With some exceptions, the standard has been to include a single Court of Appeals nominee at a hearing and, certainly, to average one Court of Appeals judge per hearing. In 1995, there were 12 hearings and 11 Court of Appeals judges were confirmed. In 1996 there were only six hearings all year, involving five Court of Appeals nominees and none were confirmed. In 1997 there were nine hearings involving nine Court of Appeals nominees and seven were confirmed. In 1998 there were 13 hearings involving 14 Court of Appeals nominees and a total of 13 were confirmed. In 1999, there were seven hearings involving a rehearing for one and nine additional Court of Appeals nominees and only seven Court of Appeals judges were confirmed. Thus, over the course of the last 6 years there have been a total of 55 hearings and only 46 Court of Appeals judges confirmed.

I have also respectfully suggested that the White House work with Senators to identify and send more District Court nominations to the Senate who are broadly supported and can help us fill judicial vacancies in our Federal trial courts. According to the Administrative Office of the U.S. Courts, almost two-thirds of the vacancies on the federal bench are in the District Courts, 75 of 108. But fewer than one-third of President Bush's nominees so far, nine out of 30, have been for District Court vacancies. The two who were consensus candidates and whose paperwork was complete have had their hearing earlier this month and were confirmed last Friday.

I did try to schedule District Court nominees for our hearing this week, but none of the files of the seven District Court nominees pending before the Committee was complete. Because of President Bush's unfortunate decision to exclude the American Bar Association from his selection process, the ABA is only able to begin its evaluation of candidates' qualifications after the nominations are made public. We are doing the best we can, and we hope to include District Court candidates at our next nominations hearing.

The Senators who spoke earlier this week also sought to make much of judicial emergency designations. What they fail to mention is that of the 23 District Court vacancies classified as judicial emergencies by the Administrative Office of the Courts, President Bush has not sent the Senate a single nominee 23 District Court emergency vacancies without a nominee. Almost one-third of judicial emergency vacancies on the Courts of Appeals, 6 of the 16 are without a nominee, as well. Of course, Judge Roger Gregory was confirmed for a judicial emergency vacancy on the Fourth Circuit, but Republican critics make no mention of that either.

What I find even more striking, as someone who worked so hard over the last several years to fill these vacancies, is that the Republican criticism fails to acknowledge that many of these emergency vacancies became

emergency vacancies and were perpetuated as emergency vacancies by the Republican majority's refusal to act on President Clinton's nomination over the last 6 years. Indeed, the Republican Senate over the last several years refused to take action on no fewer than a dozen nominees to what are now emergency vacancies on the Courts of Appeals. I remind my colleagues of their failure to grant a hearing or Committee or Senate consideration to the following: Robert Cindrich to the Third Circuit; Judge James A. Beaty, Jr. and Judge James A. Wynn, Jr. to the Fourth Circuit; Jorge Rangel, Enrique Moreno and H. Alston Johnson to the Fifth Circuit; Judge Helene White, Kathleen McCree-Lewis and Kent Marcus to the Sixth Circuit; Bonnie Campbell to the Eighth Circuit; James Duffy and Barry Goode to the Ninth Circuit. Those were 12 Court of Appeals nominees to 10 vacancies who could have gone a long way toward reducing the level of judicial emergencies around the country.

So when others talk about the progress we are finally making in Senate consideration of judicial nominations, I hope that in the future they will recognize our accomplishments, understand our circumstances, and consider our record in historical context. I have yet to hear our Republican critics acknowledge any shortcomings among the practices they employed over the last 6 years. When they have done that and we have established a common basis of understanding and comparison, we will have taken a significant step forward. As it is, I must sadly observe that partisan carping is not constructive. It seems part of an unfortunate pattern of actions this week that are a conscious effort to increase the partisan rhetoric. I would rather we work together to get as much accomplished as we possibly can.

QUESTIONS FOR PARENTS

Mr. LEVIN. Madam President, according to a study by the Brady Center to Prevent Gun Violence, in 1998, there was a gun in more than four out of every ten households with children and a loaded gun in one in every ten households with kids. These numbers are frightening. While most parents think to ask where their kids are going, who they are going with and when they will be home, how many think to ask the parents of their children's friends whether they keep a gun in their home and whether they keep it locked?

Unfortunately, the Brady Center's study reports that more than 60 percent of parents have never even thought about asking other parents about gun accessibility. If we want to protect our children from gun violence, these are questions we probably need to start asking. After all, while in 1 year firearms killed no children in Japan, 19 in Great Britain and 153 in Canada, guns killed 5,285 children in the United States. Asking another parent whether they keep a gun in their home is tough. But the question could save a child's life.

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 in April of 1996 in Myrtle Beach, SC. A man was beaten by a group of men yelling ''we're going to get you, faggot'' and left for dead in a trash bin under the body of his friend who had his throat slashed by the men. The attack occurred outside a primarily heterosexual bar. As a result of the attack, the man lost his hearing in one ear, suffered broken ribs and required 47 stitches in his face.

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.

TRIBUTE TO SENATOR MOYNIHAN AND HIS LEGACY OF DEFENDING ZIONISM

Mrs. CLINTON. Madam President, I rise today to honor one of the extraordinary legacies of my predecessor, Senator Daniel Patrick Moynihan, who served in this body for 24 years representing the people of New York.

With some seeking to insert contentious language regarding Zionism into declarations emerging from the upcoming United Nations World Conference Against Racial Discrimination, Xenophobia, and Related Intolerance in Durban, South Africa, I am reminded of Senator Moynihan's courageous statesmanship, when he condemned the 1975 U.N. resolution 3379 which infamously declared ''Zionism is a form of racism and racial discrimination.''

We should never forget the historic battle my predecessor waged to defeat this outrageous effort to de-legitimize the state of Israel and defame the Jewish people. Over 25 years ago, Senator Moynihan boldly called this hate-filled language ''criminal.'' It was criminal then and it's still criminal today.

On the day the resolution passed, Senator Moynihan declared, ''the United States . . . will never acquiesce in this infamous act . . . A political lie of a variety well known to the twentieth century and scarcely exceeded in all the annals of untruth and outrage. The lie is that Zionism is a form of racism. The overwhelming truth is that it is not.''

From the moment he entered the Senate in January 1977, Senator Moynihan dedicated much of his energy to repealing this despicable attack on Israel and the Jewish people, delivering passionate speeches on the Senate floor. As chair of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs, Senator Moynihan introduced Joint Resolution 246, which called on the U.N. to repeal the 1975 resolution.

It took 17 long years to remove this stain from the United Nations' reputation. And as we begin this new century, nothing could be more damaging to the promise and integrity of the U.N. than to revive to this ignominious statement. In order to help prevent the U.N. from reviving one of the moments of its greatest shame, Senators SCHUMER, SMITH, LUGAR and I have written the following letter to Kofi Annan, the Secretary General of the United Nations, condemning any attempts to include inflammatory anti-Israel language into declarations associated with the World Conference Against Racism in Durban.

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

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

JULY 27, 2001.

Hon. KOFI A. ANNAN,
Secretary General of the United Nations, The United Nations, New York, NY.

DEAR SECRETARY GENERAL ANNAN: We are writing to express our serious concern regarding recent efforts to insert contentious language into declarations emerging from the upcoming United Nations World Conference Against Racism in Durban, South Africa. Such language, such as ''the racist practices of Zionism,'' undermines the goals of the conference to eradicate hatred and promote understanding. This meeting of the international community should not be a forum to encourage divisiveness, but a time to foster greater understanding between people of all races, creeds, and ethnicities.

As you know, on November 10, 1975, the United Nations General Assembly designated Zionism a form of racism. It took sixteen long years for the United Nations to acknowledge that this offensive language had no place at such an important world body. In March of 1998, you appropriately condemned this ugly formulation when you noted that the ''lamentable resolution'' equating Zionism with racism and racial discrimination was ''the low-point'' in Jewish-UN relations. Our former colleague Senator Daniel Patrick Moynihan called this designation by the United Nations ''criminal.''

Though this ''Zionism equals racism'' language was overwhelmingly rescinded in 1991 by the General Assembly, this issue is far from resolved. With the Palestinians and Israelis in the middle of a delicate cease-fire and after months of violence, we believe that gratuitously anti-Israel, anti-Jewish language at a UN forum will serve only to exacerbate existing tensions in the Middle East.

Mr. Secretary, we in Congress applaud your hard work in restoring the reputation of the UN. We urge you to continue your efforts by advocating to all nations of the world the importance of keeping inflammatory language out of this important conference. It is our hope that the Conference on Racism remains only as an opportunity to promote peace and reconciliation among all people, not one to target Israel or Jews. We

share a deep common interest in seeing the conference stay focused and embody a sense of unity in the fight against racism. Thank you for your attention to this matter of great importance.

Sincerely,

CHARLES E. SCHUMER,
HILLARY RODHAM CLINTON,
GORDON SMITH,
RICHARD G. LUGAR,
United States Senate.

Mrs. CLINTON. In 1975, Senator Moynihan warned his colleagues at the U.N. and the rest of the world that: ''As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here . . . with full knowledge of what indeed would be lost.''

Senator Moynihan recognized then, as we do today, that this language only serves to fuel hatred and bigotry throughout the world and has no place in international discourse. I am honored to have followed Senator Moynihan in the Senate, and I pledge to continue his tradition of promoting the principles of decency and human dignity and opposing efforts to sow hatred and bigotry, especially when they are cloaked in the guise of diplomacy.

I ask unanimous consent that the attached statement be printed for the RECORD.

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

SPEECH TO THE UNITED NATIONS GENERAL ASSEMBLY, BY U.S. AMBASSADOR TO THE U.N. DANIEL PATRICK MOYNIHAN, NOVEMBER 10, 1975

The United States rises to declare before the General Assembly of the United Nations, and before the world, that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

Not three weeks ago, the United States Representative in the Social, Humanitarian, and Cultural Committee pleaded in measured and fully considered terms for the United Nations not to do this thing. It was, he said, ''obscene.'' It is something more today, for the furtiveness with which this obscenity first appeared among us has been replaced by a shameless openness.

There will be time enough to contemplate the harm this act will have done the United Nations. Historians will do that for us, and it is sufficient for the moment only to note the foreboding fact. A great evil has been loosed upon the world. The abomination of anti-semitism—as this year's Nobel Peace Laureate Andrei Sakharov observed in Moscow just a few days ago—the Abomination of anti-semitism has been given the appearance of international sanction. The General Assembly today grants symbolic amnesty—and more—to the murderers of the six million European Jews. Evil enough in itself, but more ominous by far is the realization that now presses upon us—the realization that if there were no General Assembly, this could never have happened.

As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here, that we were not small in number—not this time—and that while we lost, we fought with full knowledge of what indeed would be lost.

Nor should any historian of the event, nor yet any who have participated in it, suppose, that we have fought only as governments, as chancelleries, and on an issue well removed from the concerns of our respective peoples. Others will speak for their nations: I will speak for mine.

In all our postwar history there had not been another issue which has brought forth such unanimity of American opinion. The President of the United States has from the first been explicit: This must not happen. The Congress of the United States in a measure unanimously adopted in the Senate and sponsored by 436 of 437 Representatives in the House, declared its utter opposition. Following only American Jews themselves, the American trade union movements was first to the fore in denouncing this infamous undertaking. Next, one after another, the great private institutions of American life pronounced anathema in this evil thing—and most particularly, the Christian churches have done so. Reminded that the United Nations was born in struggle against just such abominations as we are committing today—the wartime alliance of the United Nations dates from 1942—the United Nations Association of the United States has for the first time in its history appealed directly to each of the 141 other delegations in New York not to do this unspeakable thing.

The proposition to be sanctioned by a resolution of the General Assembly of the United Nations is that ''Zionism is a form of racism and racial discrimination.'' Now this is a lie. But as it is a lie which the United Nations has now declared to be a truth, the actual truth must be restated.

The very first point to be made is that the United Nations has declared Zionism to be racism—without ever having defined racism. ''Sentence first—verdict afterwards,'' as the Queen of Hearts said. But this is not wonderland, but a real world, where there are real consequences to folly and to venality. Just on Friday, the President of the General Assembly, speaking on behalf of Luxembourg, warned not only of the trouble which would follow from the adoption of this resolution but of its essential irresponsibility—for, he noted, members have wholly different ideas as to what they are condemning. It seems to me that before a body like this takes a decision they should agree very clearly on what they are approving or condemning, and it takes more time.''

Lest I be unclear, the United Nations has in fact on several occasions defined ''racial discrimination.'' The definitions have been loose, but recognizable. It is ''racism,'' incomparably the more serious charge—racial discrimination is a practice; racism is a doctrine—which has never been defined. Indeed, the term has only recently appeared in the United Nations General Assembly documents. The one occasion on which we know the meaning to have been discussed was the 1644th meeting of the Third Committee on December 16, 1968, in connection with the report of the Secretary-General on the status of the international convention on the elimination of all racial discrimination. On that occasion—to give some feeling for the intellectual precision with which the matter was being treated—the question arose, as to what should be the relative positioning of the terms ''racism'' and ''Nazism'' in a number of the ''preambular paragraphs.'' The distinguished delegate from Tunisia argued that ''racism'' should go first because ''Nazism was merely a form of racism.'' Not so, said the no less distinguished delegate from the Union Soviet Socialist Republics. For, he explained, ''Nazism contained the main elements of racism within its ambit and should be mentioned first.'' This is to say that racism was merely a form of Nazism.

The discussion wound to its weary and inconclusive end, and we are left with nothing to guide us for even this one discussion of ''racism'' confined itself to world orders in preambular paragraphs, and did not at all touch on the meaning of the words as such. Still, one cannot but ponder the situation we have made for ourselves in the context of the Soviet statement on that not so distant occasion. If, as the distinguished delegate declared, racism is a form of Nazism—and if, as this resolution declares, Zionism is a form of racism—then we have step to step taken ourselves to the point of proclaiming—the United Nations is solemnly proclaiming—that Zionism is a form of Nazism.

What we have here is a lie—a political lie of a variety well known to the twentieth century, and scarcely exceeded in all that annal of untruth and outrage. The lie is that Zionism is a form of racism. The overwhelmingly clear truth is that is it not.

The word ''racism'' is a creation of the English language, and relatively new to it. It is not, for instance, to be found in the Oxford English Dictionary (appears in 1982 supplement to Oxford Dictionary). The term derives from relatively new doctrines—all of them discredited—concerning the human population of the world, to the effect that there are significant biological differences among clearly identifiable groups, and that these differences establish, in effect, different levels of humanity. Racism, as defined in Webster's Third New International Dictionary, is ''The Assumption that . . . traits and capacities are determined by biological race and that races differ decisively from one another.'' It further involves ''a belief in the inherent superiority of a particular race and its right to dominate over others.''

This meaning is clear. It is equally clear that this assumption, this belief, has always been altogether alien to the political and religious movement known as Zionism. As a strictly political movement, Zionism was established only in 1897, although there is a clearly legitimate sense in which its origins are indeed ancient. For example, many branches of Christianity have always held that from the standpoint of biblical prophets, Israel would be reborn one day. But the modern Zionism movement arose in Europe in the context of a general upsurge of national consciousness and aspiration that overtook most other people of Central and Eastern Europe after 1848, and that in time spread to all of Africa and Asia. It was, to those persons of the Jewish religion, a Jewish form of what today is called a national liberation movement. Probably a majority of those persons who became active Zionism and sought to emigrate to Palestine were born within the confines of Czarist Russia, and it was only natural for Soviet Prime Minister Andrei Gromyko to deplore, as he did in 1948, in the 299th meeting of the Security Council, the act by Israel's neighbors of ''sending troops into Palestine and carrying out military operations aimed''—in Mr. Gromyko's words—at the suppression of the national liberation movement in Palestine.''

Now it was the singular nature—if, I am not mistaken, it was the unique nature—of this national liberation movement that in contrast with the movements that preceded it, those of that time, and those that have come since, it defined its members in terms not of birth, but of belief. That is to say, it was not a movement of the Irish to free Ireland, or of the Polish to free Poland, not a movement of the Algerians to free Algeria, nor of Indians to free India. It was not a movement of persons connected by historic membership to a genetic pool of the kind that enables us to speak loosely but not meaninglessly, say, of the Chinese people, nor yet of diverse groups occupying the same territory which enables us to speak if the American people with no greater indignity to truth. To the contrary, Zionists defined

themselves merely as Jews, and declared to be Jewish anyone born of a Jewish mother or—and this is the absolutely crucial fact—anyone who converted to Judaism. Which is to say, in terms of International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the 20th General Assembly, anyone—regardless of ''race, colour, descent, or nationally or ethnic origin . . .''

The state of Israel, which in time was the creation of the Zionist Movement, has been extraordinary in nothing so much as the range of ''racial stocks'' from which it Orient and Jew from the West. Most such persons could be said to have been ''born'' Jewish, just as most Presbyterians and most Hindus are ''born'' to their faith, but there are many Jews who are just converts. With a consistency in the matter which surely attests to the importance of this issue to that religions and political culture, Israeli courts have held that a Jew who converts to another religion is no longer a Jew. Inn the meantime the population of Israel also includes large numbers of non-Jews, among them Arabs of both the Muslim and Christian religions and Christians of other national origins. Many of these persons are citizens of Israel, and those who are not can become citizens by legal procedures very much like those which obtain in a typical nation of Western Europe.

Now I should wish to be understood that I am here making one point, and one point only, which is that whatever else Zionism may be, it is not and cannot be ''a form of racism.'' In logic, the State of Israel could be, or could become, many things, theoretically, including many things undesirable, but it could not be and could not become racism unless it ceased to be Zionist.

Indeed, the idea that Jews are a ''race'' was invented not by Jews but by those who hated Jews. The idea of Jews as a race was invented by nineteenth century anti-semites such as Houston Steward Chamberlain and Edouard Drumont, who saw that in an increasingly secular age, which is to say an age made for fewer distinctions between people, the old religions grounds for anti-semitism were losing force. New justifications were needed for excluding and persecuting Jews, and so the new idea of Jews as a race—rather than as a religion—was born. It was a contemptible idea at the beginning, and no civilized person would be associated with it. To think that it is an idea now endorsed by the United Nations is to reflect on what civilization has come to.

It is precisely a concern for civilization, for civilized values that are or should be precious to all mankind, that arouses us at this moment to such special passion. What we have at stake here is not merely the honor and the legitimacy of the State of Israel—although a challenge to the legitimacy of any member nation ought always to arouse the vigilance of all members of the United Nations. For a yet more important matter is at issue, which is the integrity of the whole body of moral and legal precepts which we know as human rights.

The terrible lie that has been told here today will have terrible consequences. Not only will people begin to say, indeed they have already begun to say that the United Nations is a place where lies are told, but far more serious, grave and perhaps irreparable harm will be done to the cause of human rights itself. The harm will arise first because it will strip from racism the precise and abhorrent meaning that it still precariously holds today. How will the people of the world feel about racism and the need to struggle against it, when they are told that it is an idea as broad as to include the Jewish national liberation movement?

As the lie spreads, it will do harm in a second way. Many of the members of the United Nations owe their independence in no small part to the notion of human rights, as it has spread from the domestic sphere to the international sphere exercised its influence over the old colonial powers. We are now coming into a time when that independence is likely to be threatened again. There will be new forces, some of them arising now, new prophets and new despots, who will justify their actions with the help of just such distortions of words as we have sanctioned here today. Today we have drained the word ''racism'' of its meaning. Tomorrow, terms like ''national self-determination'' and ''national honor'' will be perverted in the same way to serve the purposes of conquest and exploitation. And when these claims begin to be made—as they already have begun to be made—it is the small nations of the world whose integrity will suffer. And how will the small nations of the world defend themselves, on what grounds will others be moved to defend and protect them, when the language of human rights, the only language by which the small can be defended, is no longer believed and no longer has a power of its own?

There is this danger, and then a final danger that is the most serious of all. Which is that the damage we now do to the idea of human rights and the language of human rights could well be irreversible.

The idea of human rights as we know it today is not an idea which has always existed in human affairs, it is an idea which appeared at a specific time in the world, and under very special circumstances. It appeared when European philosophers of the seventeenth century began to argue that man was a being whose existence was independent from that of the State, that he need join a political community only if he did not lose by that association more than he gained. From this very specific political philosophy stemmed the idea of political rights, of claims that the individual could justly make against the state; it was because the individual was seen as so separate from the State that he could make legitimate demands upon it.

That was the philosophy from which the idea of domestic and international rights sprang. But most of the world does not hold with that philosophy now. Most of the world believes in newer modes of political thought, in philosophies that do not accept the individual as distinct from and prior to the State, in philosophies that therefore do not provide any justification for the idea of human rights and philosophies that have no words by which to explain their value. If we destroy the words that were given to us by past centuries, we will not have words to replace them, for philosophy today has no such words.

But there are those of us who have not forsaken these older words, still so new to much of the world. Not forsaken them now, not here, not anywhere, not ever.

The United States of America declares that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

HONORING BENJAMIN VINCI

Mr. SCHUMER. Madam President, Senator CLINTON and I rise today to recognize and honor the service of Benjamin Vinci of Port Chester, New York—a true American hero.

In 1941, at the age of 21, Benjamin Vinci left home to serve in the U.S. Army, and by December of that year, was stationed in Hawaii with the 97th Army Coast Artillery Guard. Like so many there on the morning of December 7, 1941, Benjamin Vinci was going about his daily business. He had just completed all night guard duty and was eating breakfast when the whole base erupted in smoke and fire as Japanese war plans attacked Pearl Harbor and the surrounding area.

As bombers strafed the mess tent, a 50-caliber bullet hit Private Vinci in the back. But ignoring his wound, Benjamin Vinci reached an anti-aircraft emplacement and began to fight back. He stepped down only when he was ordered to find an ambulance and tend to his wound.

Along the way, instead of seeking cover, Benjamin Vinci ran down to the beach and rescued a man who had been shot through the legs. Helping the other soldier into a motorboat, he navigated through a hail of bombs and ammunition to the other side of the bay where he finally boarded an ambulance. But on the way to the hospital at Hickham field, planes targeted the ambulance and Benjamin Vinci was wounded again—this time a 50-caliber bullet coming to rest near his heart.

Mrs. CLINTON. In the aftermath of the attack, doctors believed Private Vinci's wounds were fatal, but he persevered. He received the Purple Heart and eventually was transferred to a hospital in Colorado, where doctors were able to remove one of the two bullets that had almost taken his life, but not both. He continues to carry with him the second bullet, which has never been able to be removed.

Disabled from his wounds, Benjamin Vinci returned to Port Chester after being discharged from the Army and resumed life as a civilian. For many years, Mr. Vinci worked as a vacuum cleaner salesman in Westchester County. He married Rose Civitella in 1945, and together they raised four children: Peter, Burnadette, JoAnn, and Joseph.

We honor and thank Benjamin Vinci for his tremendous sacrifice, vital contribution, and gallant service to our Nation. His acts of bravery are an exceptional example of the fortitude, determination, and strength of the American spirit. As Mr. Vinci carries the burden of his wounds and the bullet he received on that December morning of infamy, so too must we carry the memory of his heroic deeds, remembering and honoring all the men and women of that great generation—those veterans of World War II who saved our Nation, and the world.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Thursday, July 26, 2001, the Federal debt stood at $5,736,556,518,776.52, five trillion, seven hundred thirty-six billion, five hundred fifty-six million, five hundred eighteen thousand, seven hundred seventy-six dollars and fifty-two cents.

One year ago, July 26, 2000, the Federal debt stood at $5,669,530,000,000, five

trillion, six hundred sixty-nine billion, five hundred thirty million.

Five years ago, July 26, 1996, the Federal debt stood at $5,181,675,000,000, five trillion, one hundred eighty-one billion, six hundred seventy-five million.

Ten years ago, July 26, 1991, the Federal debt stood at $3,558,449,000,000, three trillion, five hundred fifty-eight billion, four hundred forty-nine million.

Twenty-five years ago, July 26, 1976, the Federal debt stood at $619,492,000,000, six hundred nineteen billion, four hundred ninety-two million, which reflects a debt increase of more than $5 trillion, $5,117,064,518,776.52, five trillion, one hundred seventeen billion, sixty-four million, five hundred eighteen thousand, seven hundred seventy-six dollars and fifty-two cents during the past 25 years.

ADDITIONAL STATEMENTS

CANAL STREET STREETCAR GROUNDBREAKING

• Ms. LANDRIEU. Mr. President, I wish to congratulate New Orleans on the groundbreaking of the extension of the historic Canal Street Streetcar, which will eventually connect mid-city to downtown.

This groundbreaking is truly cause for celebration. It is a product of vision and hard work. The streetcar project enriches the city by combining New Orleans tradition with 21st century innovation. The new, state-of-the-art streetcars will be child safe, air-conditioned and in full compliance with disability laws. Not only is the streetcar project important to businesses and residents of the city, but it is also important for the expansion of tourism. By providing free, safe, public transportation, the Canal Street Streetcar will alleviate traffic on Canal Street. And it will connect all who take advantage of its use to several points of pride in the city such as the New Orleans Museum of Art.

Mayor Morial and the city council, Chairman Tucker, and several members of Louisiana's congressional delegation and I have worked hard for many years to secure funding to make this project a reality. Most recently, we helped secure $23 million for the streetcar in a transportation measure. I congratulate the local leadership for helping to make this possible. All who support this project in Congress will continue to do our part so that one day in the not-too-distant future, the streetcar will be up and running. In fact, in Washington, I will honor this dedication with an entry in the Congressional Record. The Canal Street Streetcar is a symbol of our state's rich heritage and New Orleans's eclectic character. I am proud to be a part of its restoration.•

TRIBUTE TO KEN KASPRISIN

• Mr. CONRAD. Mr. President, today I publicly thank Colonel Ken Kasprisin, who will leave his post as District Engineer and Commander of the St. Paul District of the U.S. Army Corps of Engineers today, July 27. Colonel Kasprisin is one of the finest individuals I have worked with as a U.S. Senator representing North Dakota, and we will miss him after he leaves the Corps.

North Dakota and the Nation owe Colonel Kasprisin a deep debt of gratitude. He has served as Commander of the St. Paul District since July, 1998, and he has served admirably. During that period, he has helped lead our communities through several flood disasters including the chronic flood at Devils Lake, ND. Throughout it all, he has always gone above and beyond the call of duty.

Colonel Kasprisin is among the most capable leaders I have ever had the pleasure of working with. He is a true professional, and has a unique ability to walk into a difficult condition, assess the situation, and calmly, but decisively, take action. He listens carefully to people and has a leadership style that invites creative solutions to complex problems.

Colonel Kasprisin is also a man of tremendous integrity. He cares deeply about the people of this nation, and his commitment to doing the right thing is unmatched. He has often been willing to fight for the needs of common citizens, even if it meant leading an uphill fight and challenging others within the Corps.

I know that the Colonel leaves the St. Paul Corps a better organization due to his leadership. The Colonel set high standards for his team, and they delivered time and time again. Under the Colonel's leadership, we have begun the flood protection project for Grand Forks, successfully fought several spring floods throughout the Red River Valley, and have continued to provide protection to residents of Devils Lake from the rising lake water. I will not forget the incredible contributions Colonel Kasprisin has made to the people of my State and the country.

But Colonel Kasprisin's departure from the Corps does not mean he is departing from public life. FEMA Director Allbaugh has tapped him to be the new FEMA Regional Director for the Pacific Northwest Region headquartered in Seattle. The Colonel's leadership will be a valuable addition to the FEMA team, and I believe Director Allbaugh made a great choice for that important position. Colonel Kasprisin will continue to make a difference in people's lives in that position and I am pleased that he has agreed to continue his public service.

I want to again express my deep appreciation and respect for Colonel Kasprisin for his service to my state and to our nation. We in North Dakota will miss you, Colonel, but wish you all the best in your new career.•

RETIREMENT OF MR. PAUL JOHNSON

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a dedicated and distinguished public servant. Paul W. Johnson, the Deputy Assistant Secretary of the Army for Installations and Housing, is retiring at the end of this month after over 50 years of government service.

Paul Johnson began his career with the Federal Government serving on active duty with the Corps of Engineers beginning in 1949, and served as an engineer with the Army and the Air Force until he arrived at the Pentagon in 1962.

During his nearly forty years there, Paul Johnson became an institution in the Army and in the Pentagon. Since 1983, Paul has been the senior career official in the Army responsible for military construction, family housing, base realignment and closure, real property management and disposal, and real property maintenance issues for the active duty Army; the Army National Guard; and the Army Reserve. In this capacity, Paul is responsible for the management of over $200 billion in assets.

For decades, whenever there has been an Army installation or property issue where the Congress needed information or help, we called ''PJ'', because we knew we could rely on his leadership and sound judgment. And PJ did not hesitate to reciprocate and let us know when the Army needed help from the Congress to solve a problem. When you were talking to PJ, there was never any doubt that he was working to do what was best for the Army.

We will miss him, and the Army will miss him even more. I am sure all members of the Senate who have worked with Paul over the years, especially my colleagues on the Armed Services and Appropriations Committees, will join me in congratulating him on his astonishing record of over half a century of public service and wish him and his family all the best as he begins a well-deserved retirement.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3095. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of President of the Government National Mortgage Association, received on July 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3096. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3097. A communication from the Chief of the Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, the Air

Force Structure Announcement for Fiscal Year 2002; to the Committee on Armed Services.

EC–3098. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Protection and Assistance for Victims of Trafficking'' (RIN1115–AG20) received on July 25, 2001; to the Committee on the Judiciary.

EC–3099. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''End of the Service Members Occupational Conversion and Training Program'' (RIN2900–AK45) received on July 26, 2001; to the Committee on Veterans' Affairs.

EC–3100. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Navajo Abandoned Mine Land Reclamation Plan'' (NA–004–FOR) received on July 26, 2001; to the Committee on Energy and Natural Resources.

EC–3101. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diazinon, Parathion, O , O-Diethyl S-[2-(ethylthio)ethyl] Phosphorodithioate (Disulfoton), Ethoprop, and Carbaryl; Tolerance Revocations'' (FRL6787–8) received on July 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3102. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lysophosphatidylethanolamine (LPE); Temporary Exemption From the Requirement of a Tolerance'' (FRL6788–6) received on July 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3103. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Management Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–3104. A communication from the Acting Director of the Retirement and Insurance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Law Enforcement and Firefighter Retirement'' (RIN3206–AJ39) received on July 26, 2001; to the Committee on Governmental Affairs.

EC–3105. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC–3106. A communication from the Assistant Secretary of Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report on the progress made in providing International Development Association grant assistance to Heavily Indebted Poor Countries; to the Committee on Foreign Relations.

EC–3107. A communication from the Chief Counsel of the Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the Annual Report for 2000; to the Committee on Foreign Relations.

EC–3108. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3109. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–3110. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Estate Tax Return; Form 706, Extension to File'' (RIN1545–AX98) received on July 24, 2001; to the Committee on Finance.

EC–3111. A communication from the Regulations Coordinator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Update to the Prospective Payment System for Home Health Agencies for Fiscal Year 2002'' (RIN0938–AK51) received on July 26, 2001; to the Committee on Finance.

EC–3112. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Basis Shifting Tax Shelter'' (Notice 2001–45, 2001–33) received on July 26, 2001; to the Committee on Finance.

EC–3113. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Commissioners' Standard Tables of Mortality and Morbidity'' (Rev. Rul. 2001–38) received on July 26, 2001; to the Committee on Finance.

EC–3114. A communication from the Assistant Secretary of the Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Harmonization of Definitions of Terms in the Export Administration Regulations'' (RIN0694–AC03) received on July 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3115. A communication from the Acting Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report on the Resolution Funding Corporation for the calendar year 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–3116. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Attainment for PM–10; Lakeview, Oregon, PM–10 Nonattainment'' (FRL7018–5) received on July 24, 2001; to the Committee on Environment and Public Works.

EC–3117. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Attainment for PM–10; Oakridge, Oregon'' (FRL7018–6) received on July 24, 2001; to the Committee on Environment and Public Works.

EC–3118. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Preliminary Assessment Information Reporting; Addition of Certain Chemicals'' (FRL6783–6) received on July 24, 2001; to the Committee on Environment and Public Works.

EC–3119. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Type of Contracts'' (FRL7020–5) received on July 25, 2001; to the Committee on Environment and Public Works.

EC–3120. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Pharmaceuticals Production'' (FRL7020–3) received on July 25, 2001; to the Committee on Environment and Public Works.

EC–3121. A communication from the Director of the Office of Congressional Affairs, Office of State and Tribal Programs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Handbook on Nuclear Material Event Reporting in the Agreement States'' received on July 25, 2001; to the Committee on Environment and Public Works.

EC–3122. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting the monthly report on the status of licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–3123. A communication from the Chief of the Division of Endangered Species, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation; Restrictions to Fishing Activities'' (RIN0648–AP20) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3124. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery; Trip Limit Adjustments'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3125. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 13'' (RIN0648–AO41) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3126. A communication from the Acting Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 14'' (RIN0648–AL51) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3127. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Large Coastal, Pelagic, and Small Coastal Shark Species; Fishing Season Notification'' (ID061101A) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3128. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Central Regulatory Area, Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3129. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Central Regulatory Area of the Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3130. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Northern Rockfish Fishery in the Western Regulatory Area, Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3131. A communication from the Acting Director of the Office of the Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3132. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3133. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3134. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Extension of the Emergency Interim Rule That Implements 2001 Steller Sea Lion Protection Measures and the 2001 Harvest Specifications (implements Steller sea lion protection measures for the remainder of 2001)''; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lien on the table as indicates:

POM–157. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the federal Weatherization Assistance Program for Low-Income Persons and the Low-Income House Energy Assistance program; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 140

Whereas, the areas served by electric and gas utilities in Louisiana and throughout the South have poverty levels that are higher than the national average, with many customers being unable to afford utility service without sacrificing other necessities such as medicine and food; and

Whereas, disconnection of electric and gas service presents health and safety risks, particularly for the elderly, disabled, and small children residing in the substandard, poorly insulated, energy-inefficient housing that is prevalent in this region; and

Whereas, the federally funded WAP and LIHEAP are the nation's largest, most comprehensive effective residential energy efficiency and bill payment assistance programs, serving as a vital safety net during periods of escalating and volatile energy prices; and

Whereas, the state agencies and community-based organizations that administer WAP and LIHEAP and distribute the funds on behalf of those eligible and in need have demonstrated their capability to accomplish both energy efficiency services and bill payment assistance when these programs are adequately funded and assured of continued existence for a reasonable number of years; and

Whereas, the Fiscal Year 2002 Bush Administration proposed budget call for continuing LIHEAP funding at the same, inadequate levels as was provided during the past year, $1.4 billion nationally, an amount that was recently recognized as vastly insufficient by the United States Senate; and

Whereas, it is a matter of utmost importance and urgency to persuade both houses of the Congress of the United States to take swift and bold action to increase and release to the states the funding for WAP and LIHEAP: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to act at once to provide for advanced and increased funding of the Weatherization Assistance program for Low-Income Persons and he Low-Income Home Energy Assistance Program, so as to enable the programs to engage in planning their work more efficiently and engaging and retaining qualified employees. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–158. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the sale of crawfish and catfish imported from Asia and Spain; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 143

Whereas, Louisiana's crawfish and catfish industries are vital to the well-being of this state and its citizens; and

Whereas, these industries are facing a serious economic crisis due to the availability of inexpensive crawfish and catfish imported from Asia and Spain; and

Whereas, crawfish from China began appearing in the United States market in the early 1990s; however, they had no significant impact at the time because the amount of available Chinese crawfish was not enough to seriously affect the supply and demand associated with Louisiana's crawfish industry; and

Whereas, in 1993 and 1994 there was a substantial increase in the amount of Chinese crawfish, which harmed Louisiana industry, and crawfish are produced in China at a lower cost than is possible in Louisiana which allows their sale at prices with which Louisiana producers cannot compete; and

Whereas, Louisiana is also experiencing a similar problem with crawfish arriving from Spain being offered for sale at a low price; and

Whereas, since Louisiana crawfish farmers cannot compete with those in China and Spain, the crawfish plants are in danger of closing, which is devastating to Louisiana because it is difficult to re-open the plants because the crawfish peelers have sought other employment, and it is virtually impossible to replace that labor component of the Louisiana crawfish industry; and

Whereas, in response to the problem, the Federal Trade Commission recently imposed a duty on Chinese crawfish, which has allowed Louisiana fishermen and suppliers to compete with Chinese fishermen and suppliers; and

Whereas, nevertheless, crawfish suppliers are presently circumventing the duty and are still providing crawfish at a much lower price, so the threat to the Louisiana industry continues; and

Whereas, the Catfish industry in Louisiana is experiencing similar problems caused by imported Catfish from Vietnam and Spain; and

Whereas, between 1993 and 1999, the amount of Catfish exported from Vietnam increased from sixteen thousand five hundred tons to twenty-four thousand tons, and capital investments in Catfish production in the Mekong Delta have continued to grow dramatically: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to assist the Federal Trade Commission in preventing the sale of crawfish and catfish imported from Asia and Spain at prices with which Louisiana producers cannot compete. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–159. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the federal-aid highway program; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 152

Whereas, legislation is pending introduction in congress to allow states to opt out of the federal-aid highway program; and

Whereas, those states opting out would be required to replace the federal gasoline tax with a state gasoline tax; and

Whereas, five states have laws in effect which would automatically increase the state gasoline tax should the federal gasoline tax be reduced; and

Whereas, if Louisiana were authorized to levy the gasoline tax, it could control more of the revenues and would be less subject to certain efforts by the federal government to control state policy: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to adopt legislation authorizing states to opt out of the federal-aid highway program. Be it further,

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–160. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to Section 527 of the Internal Revenue Code; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 188

Whereas, Congress passed the Full and Fair Political Disclosure Act and the President

signed it into law (Public Law 106–230) to require public disclosure of political activities of organizations that usually do not disclose their expenditures or contributions; and

Whereas, Rep. David Vitter has introduced H.R. 527 (also known as the Vitter Bill) to correct and clarify P.L. 106–230 by reducing duplicative and burdensome federal reporting and disclosure requirements placed on state and local political candidates, their campaign committees, and state political parties; and

Whereas, H.R. 527 relieves individuals and groups from filing pursuant to Section 527 of the Internal Revenue Code if their sole intention is to influence the election of state and local public officers or officers in a state or local political organization and if the state and local contribution and expenditure reporting requirements relating to selections, nominations, elections, and appointments to such offices provide that the reports are publicly available; and

Whereas, H.R. 527 would not exempt any political committee from the requirements if it spent even one dollar on a federal election, including congressional races, or failed to abide by state and local contribution and expenditure reporting requirements; and

Whereas, H.R. 527 exempts state and local political committees because the law is geared toward the federal election cycle which usually does not conform to state and local reporting requirements; and

Whereas, H.R. 527 establishes an exemption for state and local political committees similar to the exemption for federal political organizations that report to the Federal Elections Commission; and

Whereas, H.R. 527 intends to leave intact the intent of P.L. 160–230 as a response to stealth political action committees that were able to raise and spend unlimited amounts of money for political advocacy without having to disclose the sources and amounts of donations, all while enjoying tax-exempt status: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to support House Resolution 527 making changes to Section 527 of the Internal Revenue Code to exempt certain state and local political committees which are required to report contributions and expenditures pursuant to local or state law. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–161. A concurrent resolution adopted by the House of the State of Louisiana relative to the Bayou Lafourche restoration and diversion project from the Mississippi River; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 198

Whereas, until 1904, Bayou Lafourche carried about fifteen percent of the flow of the Mississippi River and provided vital nourishment for thousands of acres of coastal swamps and marshes throughout the Barataria and Terrebonne Basins; and

Whereas, after the bayou was sealed off from the Mississippi River in 1904 to prevent flooding, these marshes began to deteriorate and salt water began to encroach inland; and

Whereas, diverting river water into our coastal basins is the best tool we have to create a sustainable coast; and

Whereas, Bayou Lafourche provides the sole source of drinking water for about two hundred thousand citizens of Louisiana; and

Whereas, during the drought year of 2000, Bayou Lafourche became contaminated by salt water as far north as the Lockport water treatment plant, making the water hazardous to drink; and

Whereas, since 1996, the Breaux Act program has been investigating the feasibility of a project that would restore Bayou Lafourche by removing sediment that currently clogs the channel and by introducing about one thousand cubic feet per second of river water into Bayou Lafourche at Donaldsonville on a continuous basis, without flood risk to local residents; and

Whereas, the project has been proposed as a means of nourishing eight-six thousand acres of coastal marshes by reintroducing river water into a vast area that has been cut off from the river by levees; and

Whereas, the final design of the project should accommodate the reasonable concerns of landowners regarding erosion and property damage; and

Whereas, this one thousand cubic feet per second diversion project would also prevent the future saltwater contamination of municipal and industrial freshwater intakes; and

Whereas, this project would provide critical benefits to a large area of coastal marshes, it would restore the current sluggish, choked bayou to a flowing, healthy ecosystem, and it would provide a continuous supply of high quality fresh water for municipal and industrial needs into the future: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to support, with funding, the expeditious implementation of the proposed Bayou Lafourche restoration and diversion project from the Mississippi River. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–162. A concurrent resolution adopted by the House of Legislature of the State of Louisiana relative to the pending charter boat moratorium in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 114

Whereas, the charter fishing industry in Louisiana is in its infancy but has begun a period of healthy growth which can only be beneficial to the state's overall economic development and the capture of tourist dollars; and

Whereas, the Gulf States Fishery Management Council voted this spring to send to the National Marine Fisheries Service a recommendation for a three-year moratorium on the issuance of new charter vessel permits for reef and coastal migratory pelagic fishing; and

Whereas, the genesis of the recommended moratorium was concerned about the area of the Gulf of Mexico near Florida where the charter industry is much more mature, much more widespread, and has created a situation where there are too many boats with too many fishermen competing for too few fish; and

Whereas, the charter industry in Louisiana exists in a significantly different environment, one where there is not an overabundance of permitted charter boat captains and where there is an abundance of habitat and fish which should result in a productive charter industry; and

Whereas, a productive and expanding charter industry would be of great benefit to the economic health of the state, a benefit that would be denied the state of Louisiana if the moratorium were adopted and new charter captains would not be eligible for permitting: Therefore, be it,

Resolved, That the Louisiana House of Representatives does hereby memorialize the Louisiana congressional delegation and the United States Congress to express its desire to the National Marine Fisheries Service that the pending charter boat moratorium in the Gulf of Mexico not be implemented. Be it further,

Resolved, That if a moratorium is considered by the National Marine Fisheries Service, that the moratorium be limited to the eastern Gulf of Mexico with an authorization for continued expansion of the industry in the western Gulf of Mexico where there are no issues of overcrowding. Be it further,

Resolved, That a copy of this Resolution be forwarded to each member of the Louisiana congressional delegation and to the presiding officers of the United States House of Representatives and the United States Senate.

POM–163. A resolution adopted by the House of the Legislature of the State of Louisiana relative to international child slavery; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 128

Whereas, it is with great moral indignation and deepest concern that the Legislature of Louisiana learns of the continued use internationally of such an unspeakable practice as child slavery; and

Whereas, despite current efforts to end the practice of trafficking in child slaves, the trade remains a serious problem, particularly in West and Central Africa where this most disturbing practice has been on the rise; and

Whereas, currently thousands of children as young as six years of age are trafficked across borders into slavery to work long hours in harsh conditions as domestic servants, as farm and plantation laborers, and as sellers in markets; and

Whereas, while parents living in some of the poorest countries on the planet are on occasion wiling to sell their children for as little as fourteen dollars, often in the belief that their children will receive education and prosperous employment, the vast majority of these children become slaves usually laboring on coffee and cocoa plantations; and

Whereas, during long-distance transportation over land and sea, these children face arduous and sometimes fatal journeys riddled with hardships such as ships that lack sufficient supplies of food and fresh drinking water; and

Whereas, through a 1998–1999 research and interview project funded by the United Kingdom National Lottery Charities Board, Enfants Solidaires d' Afrique et du Monde, a nongovernmental organization in Benin, found that child slaves transported across the border between Benin and Gabon were subjected to fourteen- to eighteen-hour work days, heavy work, and oftentimes sexual abuse including rape and forced prostitution; and

Whereas, interviews by American media reporters in Sudan have revealed a similar pattern of torments, including forced marches, sexual abuse and mutilation, and violent beatings among slaves; and

Whereas, many destination countries of child slave trafficking have failed to take the necessary steps to end the exploitation of children in slavery or other abusive labor; and

Whereas, diplomatic collaboration between nongovernmental organizations and all national governments is important for developing long-term strategies for eliminating trafficking of child slaves and rehabilitating children who have suffered from this practice; and

Whereas, national governments, and particularly the United States government, should ratify and encourage implementation of key measures protecting children, such as the United Nations Convention on the Rights of the Child, to ensure that children are protected against slavery, should work to ensure that the United Nations International Convention Against Transnational Organized Crime includes a protocol to prevent, suppress, and punish the practice of trafficking in slaves, and should urge the United Nations to adopt a specific year as the International Year Against Trafficking in Human Beings to focus attention on the issue; and

Whereas, governments may curb the practice of child slavery internationally via economic tactics, such as embargoes on products and countries that use child slavery and urging action on the part of industries to purchase directly from plantations where they can ensure that growers implement core international labor standards, particularly those banning forced labor and illegal child labor, and by collaborating with other countries to ensure that international labor standards regarding slavery are enforced throughout such countries; and

Whereas, having repealed the terrible and horrific practice of slavery within our own borders with the Emancipation Proclamation and the thirteenth amendment to our constitution, the United States unequivocally opposes slavery in all forms and universally endorses the freedom and dignity of every human being; and

Whereas, in the true and compassionate knowledge that every child deserves the opportunity to live the life of a child without subjection to the burdens of injustice, child slavery can only be deemed insufferable and repugnant: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby urge and request the United States Congress and the President of the United States to institute and enforce legislation and diplomatic action toward the eradication of child slavery internationally. Be it further

Resolved, That copies of this Resolution be transmitted to the presiding officers of both houses of the United States Congress, to the members of the Louisiana delegation to the United States Congress, and to President George W. Bush.

POM–164. A resolution adopted by the House of the Legislature of the State of Louisiana relative to the OCS oil and gas lease sales in the Gulf of Mexico; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 149

Whereas, it has been almost four years since the environmental impact statement was prepared for the Oil and Gas Lease Sales 169, 172, 175, 178, and 182 in the Gulf of Mexico; and

Whereas, as a result of public testimony in response to that EIS, there was recognition of the significant impact which will be felt relative to the infrastructure in offshore activity focal points such as Port Fourchon and LA Highway 1 through Lafourche Parish; and

Whereas, at the present time, forty of the forty-five deep water rigs working in the Gulf of Mexico are being serviced through Port Fourchon as are many of the rigs located on the OCS, with the accompanying increase in land traffic and inland waterway traffic, all primarily through Lafourche Parish; and

Whereas, efforts have so far failed to develop plans to mitigate these present and well-documented impacts while efforts to increase the number of leases in the gulf continue with no apparent effort to provide mitigation for current or increased impacts: Therefore, be it

Resolved, That the House of Representatives of the Louisiana Legislature does hereby memorialize the U.S. Congress to direct the Mineral Management Service to develop a plan for impact mitigation relative to the OCS oil and gas lease sales in the Gulf of Mexico. Be it further

Resolved, That a copy of this Resolution be forwarded to the presiding officer of each house of the U.S. Congress, to each member of the Louisiana congressional delegation, and to the director of the Minerals Management Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 127: A bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market (Rept. No. 107–47).

H.R. 1098: A bill to improve the recording and discharging of maritime liens and expand the American Merchant Marine Memorial Wall of Honor, and for other purposes (Rept. No. 107–48).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 16: A joint resolution approving the extension of nondiscriminatory treatment to the products of the Socialist Republic of Vietnam. (Rept. No. 107–49).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Sue McCort Cobb, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Nominee: Sue McCourt Cobb.

Post: Ambassador to Jamaica.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, date and no., name, and amount:

1. Self:

Federal—Political

5/14/1996, 168—Senator Bob Dole for President (Compliance Fund)	$1,000.00
10/31/1996—Friends of Bob Graham	1,000.00
02/03/1997, 223—Friends of Connie Mack	500.00
03/26/1997, CEC—Campaign for New American Century	1,250.00
09/23/1997, 230—Friends of Bob Graham	500.00
11/24/1997, 231—Friends of Bob Graham	500.00
03/04/1998, 234—Friends of Connie Mack	500.00
03/11/1999, CEC4012—Gov. George W. Bush Expl. Comm	1,000.00
04/12/1999, 4570—Friends of Connie Mack (Contribution refund)	−1,000.00
03/22/2000, 522—Tom Gallagher Campaign (Contribution)	1,000.00
04/25/2000, 523—Presidential Trust (Contribution)	10,000.00

Federal—Political

04/28/2000, AMEX—Republican National State Elections Committee	40,000.00
06/27/2000, 4030—Tom Gallagher Campaign (Contribution refund)	−500.00
07/17/2000, Allocation—Republican National State Elections Committee	−875.00
07/17/2000, Allocation—Republican National State Elections Committee	875.00
08/10/2000, 530—McCollum for US Senate (Contribution)	500.00
09/08/2000, 532—McCollum for US Senate (Contribution)	1,000.00
12/26/2000—Bush-Cheney 2000 Presidential Transition Foundation	5,000.00
Total Political (Contribution)	62,250.00

2. Spouse, Charles E. Cobb, Jr.:

FEDERAL—5081001—IN KIND CONTRIBUTIONS

08/24/2000, 0972—Mac Parking, Inc. (Valet Parking Service 8/24—Bush Event)	$1,100.00
08/28/2000, 4832—Bill's Catering (Catering Services Bush Event)	31,406.00
Total 5081001 in Kind Contributions	32,506.00

FEDERAL—5081001—POLITICAL CONTRIBUTION—CASH PAID

04/02/1996—Republican Ntl Committee (1996 Team 100)	55,000.00
05/03/1996—Republican Party of Kentucky	500.00
05/03/1996—Sutton for Congress	500.00
05/06/1996—Helms Campaign Committee	1,000.00
05/14/1996—Senator Bob Dole for (Compliance Fund)	1,000.00
06/14/1996—Weld for Senate	1,000.00
07/01/1996—Republican National State Elections Committee	3,100.00
08/05/1996—David Funderburk (8/5 reception)	250.00
08/06/1996—People for Lightfoot, Inc. (reception 8/8/96)	500.00
08/27/1996—Jack Kemp for	1,000.00
09/19/1996—Ilena Ros-Lehtinen (Buffet 9/20/96)	200.00
09/30/1996—Bill McCollum for Congress	1,000.00
10/10/1996—Republican Party (Senator McConnell) (Item not reflected in FEC Receipts and Expenditures)	500.00
11/01/1996—Republican Fund	1,000.00
03/14/1997—Republican Ntl Committee (Team 100)	10,000.00
03/14/1997—Republican Fund ($1,250 of $2,500 SMC)	1,250.00
03/26/1997—Campaign for a New American Century	1,250.00
04/02/1997—Ilena Ros-Lethinen (Item not reflected in FEC Receipts and Expenditures)	400.00
06/11/1997—Clay Shaw, Campaign Fund (Contribution)	500.00
11/20/1997—Friends of Don Nickles of Senate	500.00
01/05/1998—Bush-Quayle '92 (92 Compliance debt)	1,000.00
12/29/1997—Bill McCollum for Congress	1,000.00
04/14/1998, 3474—Republican National State Elections Committee (98 Team 100 Contribution)	10,000.00
05/19/1998, 20071—Campaign for a New American Century (1998 Contribution)	2,000.00
05/19/1998, Re-election—Friends of Mark Foley (Re-Election Campaign)	1,000.00
09/16/1998, 3716—Campbell for Senate Victory Fund (Campaign Contribution)	250.00
10/13/1998, Donation—SNOWPAC (Snowpac Contribution)	500.00

01/29/1999, 02699—Friends of Mark Foley (Re-Election Campaign) 500.00
02/25/1999, 3999—Senator Bill Frist Re-Election Campaign (Donation to re-election campaign) ... 500.00
03/11/1999, 4012—Gov. G.W. Bush President Expl. Comm. ($1,000 of $2,000 SMC) 1,000.00
03/18/1999, Donation—Hagel for Nebraska (Re-election campaign) 500.00
04/16/1999, 4079—Republican National State Elections Comm. (99 Team 100 Contribution) 10,000.00
05/21/1999, Re-election—Gordon Smith for U.S. Senate (Re-election campaign) 1,000.00
09/07/1999, 1999—Florida Victory Committee (1999 Contribution) 5,000.00
12/20/1999, 4470—1999 State Victory Fund Committee 12,000.00
12/30/1999, Alloc % of contribution JT FR ..... −8,960.00
12/30/1999—New Jersey Republican State Committee 612.00
12/30/1999—Republican Federal Committee of Pennsylvania 951.00
12/30/1999—California State Republican Party 2,201.00
12/30/1999—Illinois Republican Party 899.00
12/30/1999—New York Republican Federal Campaign Comm. 1,342.00
12/30/1999—Ohio State Republican Party 859.00
12/30/1999—Republican Party of Kentucky 325.00
12/30/1999—Republican Party of Virginia 534.00
12/30/1999—Washington State Republican Party 456.00
12/30/1999—Republican Party of Iowa 286.00
12/30/1999—Massachusetts Republican Party State Congressional Committee 495.00
03/30/2000, 4628—Tom Gallagher for US Senate (Campaign Contribution) 1,000.00
04/25/2000, 4660—Presidential Trust (Contribution) 10,000.00
04/28/2000, CPL Amex—Republican National State Elections Committee 40,000.00
06/09/2000, CPL052500—Abraham for Senate 2000 ..... 500.00
07/17/2000, Allocation—Republican National State Elections Committee ..... −875.00
07/17/2000—Republican National State Elections Committee 875.00
07/27/2000, 4776—McCollum for US Senate (Contribution) 2,000.00
08/24/2000, 4831—Friends of Dick Lugar (Contribution) 500.00
09/12/2000, 4854—Tom Gallagher for US Senate (Campaign Contribution) 500.00
11/08/2000, 4942—Bush-Cheny Recount Fund (Contribution) (Item not reflected in FEC Receipts and Expenditures) 5,000.00
12/26/2000—Bush-Chency 2000 Presidential Transition Foundation 5,000.00

Total 508100—Political Contribution—Cash paid 191,200.00

Total 508100—Political Contribution—In kind and cash paid 223,706.00

COBB PARTNERS, LIMITED

FEDERAL

3/14/97—Republican Ntl. Committee (Team 100) 15,000.00
04/14/1998 4901—Republican National State Election Commit (98 Team 100 Contribution) 15,000.00
04/16/1999 5440—Republican National State Election Commit (99 Team 100 Contribution) 15,000.00
01/08/2001 6334—Presidential Inaugural Committee (Presidential Inaugural) 20,000.00

Total 7126000—Political Contributions 65,000.00

COBB PARTNERS, INC.

FEDERAL

5/16/1996—Republican National (Team 100–1996) 25,000.00

3. Children and Spouses: Christian McCourt Cobb, none; Kolleen Pasternarck Cobb, none; Tobin Templeton Cobb, none; and Luisa Salazar Cobb, none.

4. Parents (deceased).

5. Grandparents (deceased).

6. Brothers and Spouses: Peter Edmond McCourt, $1,400; Suzanne M. McCourt, none.

7. Sisters and Spouses: John D. Veatch, none; and Patricia Cobb Veatch, none.

*Mercer Reynolds, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Nominee: Mercer Reynolds.

Post: Ambassador to Switzerland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions; date, donee, and amount:

1. Self:

8/99—Bush Exploratory Committee 1,000.00
12/22/99—1999 State Victory Fund 25,000.00
7/11/00—RNC Pres Trust 15,000.00
7/11/00—RNSEC Vic 2000 ..... 155,000.00
11/13/00—Bush-Cheny Recount Fund 5,000.00
5/30/97—Campaign America 250.00
12/1/00—Bush/Cheney Presidential Transition 10,000.00
1/6/98—Chabot for Congress 500.00
6/1/98 ..... 250.00
8/28/98 ..... 500.00
10/14/98 ..... 250.00
9/27/99 ..... 1,000.00
6/29/00 ..... 1,000.00
6/30/99—DeWine for U.S. Senate ... 1,500.00
2/23/00—Friends of Giuliani 500.00
7/26/00—Lazio 2000 ..... 500.00
8/30/99—McConnell for Senate 500.00
2/10/00—Portman for Congress 750.00
5/24/00 ..... 250.00
12/9/97 ..... 750.00
1/13/97—Republican Finance Committee 2,000.00
6/14/00—Voinovich for Senate 1,000.00
3/14/97 ..... 1,000.00

2. Spouse:

5/15/99—Bush 1,000.00
12/22/99—1999 State Victory Fund 25,000.00
2/10/00—Portman for Congress 750.00
5/24/00 ..... 250.00
12/9/97 ..... 750.00
7/12/00—RNC Pres Trust 20,000.00
6/14//00—Voinovich for Senate 1,000.00
7/14/97 ..... 1,000.00

3. Children and Spouses:

KATHRINE R. MCMILLAN

4/13/99—Bush Exploratory Committee 1,000.00
12/20/99—1999 State Victory Fund 10,000.00
6/28/00—Georgia Victory 2000 ..... 10,000.00
6/28/00—RNC Pres. Trust 5,000.00

R. ANDREW MCMILLAN (None)

JAMES MERCER REYNOLDS

4/13/99—Bush Exploratory Committee 1,000.00
12/20/99—1999 State Victory Fund 10,000.00
6/28/00—RNC Pres. Trust 15,000.00

TIMOTHY LINCOLN REYNOLDS

4/13/99—Bush Exploratory Committee 1,000.00
12/20/99—1999 State Victory Fund 10,000.00
6/28/00—RNC Pres. Trust 15,000.00

JAMES DAVISON REYNOLDS

4/13/99—Bush Exploratory Committee 1,000.00
12/20/99—1999 State Victory Fund 10,000.00
6/28/00—RNC Pres. Trust 15,000.00

GABRIELLE M. REYNOLDS

4/13/99—Bush Exploratory Committee 1,000.00
12/20/99—1999 State Victory Fund 10,000.00

4. Parents:

ANNA M. REYNOLDS

7/99—Bush Exploratory Committee 1,000.00

5. Grandparents (deceased).

6. Brothers and Spouses:

CHARLES E. REYNOLDS

4/20/99—Bush Exploratory Committee 1,000.00
8/22/00—Ohio Victory 5,000.00
8/22/00—RNC Pres. Trust 15,000.00

LESLIE REYNOLDS

4/20/99—Bush Exploratory Committee 1,000.00

7. Sisters and Spouses: Anna R. Hunter, none; and Rick Hunter, none.

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*Russell F. Freeman, of North Dakota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: Russell F. Freeman.

Post: Ambassador to Belize.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, date, donee, and amount:

1. Self:

3/15/99—Bush Exploratory Committee $1,000
10/4/99—Dorso for Congress Campaign 500
11/16/99—Bush for President GELAC .. 1,000
5/24/00—Sand for Senate 250
8/7/00—RNC Presidential Trust 1,000
11/1/00—Sand for Senate 200

2. Spouse, Sarah (Susan) Freeman

3/15/99—Bush Exploratory Committee 1,000

3. Children and spouses: RUSSELL G. FREEMAN (son)

3/15/99—Bush Exploratory Committee 1,000

ANGIE FREEMAN (daughter-in-law

3/15/99—Bush Exploratory Committee 1,000

SARAH F. LEBENS (daughter)

3/15/99—Bush Exploratory Committee 1,000

MICHAEL LEBENS (son-in-law)

3/15/99—Bush Exploratory Committee 1,000

4. Parents, Louise Freeman (deceased) (mother):

9/30/98—Nalewaja for US Senate 100
3/13/99—Bush Exploratory Committee 1,000

5. Grandparents (deceased).

6. Brothers and spouses, Bradford M. Freeman:

6/5/97—Matt Fong for Senate 1,000
6/23/97—Friends of Dylan Glenn US Congress 500
1997—CA Republican Party 5,000
1997—CA Republican Party 1,000
1997—Friends of Dylan Glenn US Congress 500
1997—Friends of Dylan Glenn US Congress 500
1997—Republican Party of LA County 3,000
1998—Kit Bond for Senate 1,000
1998—Republican National Committee 1,000
1998—GOP House—Senate Dinner 15,000

1998—RNC Team 100 25,000
1998—Abraham Senate 2000 1,000
3/8/99—George W. Bush for President 1,000
1999—Republican National Committee 25,000
7/8/99—Jon Kyl for Senate 1,000
1999—Dorso for Congress 1,000
1999—CRP/Victory 2000 5,000
1999—CRP/Victory 2000 20,000
1999—Bush Legal & Compliance Fund 1,000
1999—1999 State Victory Fund Committee 5,000
1999—1999 State Victory Fund Committee 15,000
12/99—NJ Republican State Committee 848
12/99—NJ Republican State Committee 282
12/99—Republican Federal Com. of PA 1,317
12/99—Republican Federal Com. of PA 439
12/99—IL Republican Party 415
12/99—MI Republican State Party 1,371
12/99—NY Republican Fed. Campaign Com. 1,859
12/99—NY Republican Fed. Campaign Com. 619
12/99—Ohio State Republican Party ... 1,191
12/99—Ohio State Republican Party ... 397
12/99—Republican Party of Kentucky 451
12/99—Republican Party of Virginia, Inc. 740
12/99—Republican Party of Virginia, Inc. 246
12/99—Washington State Republican Party 631
12/99—Washington State Republican Party 210
12/99—Republican Party of Iowa 397
12/99—Massachusetts Republican State Congressional Committee 685
12/99—Massachusetts Republican State Congressional Committee 228
2/11/00—Friends of Dylan Glen 2000 1,000
2/25/00—RNC Victory 2000 Federal Acct. 10,000
2/25/00—CRP Victory 2000 Federal Acct. 5,000
5/11/00—RNC—CA Account 25,000
6/26/00—Abraham Senate 2000 1,000
7/12/00—Republican National State Election Com. 2,000
7/12/00—Republican National State Election Com. 1,750
2000—Bush-Cheney Recount Fund 5,000
12/6/00—Bush-Cheney Transition Fund 5,000

7. Sisters and spouses; none.

*Michael E. Guest, of South Carolina, A Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: Michael E. Guest.

Post: Romania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: not applicable.

3. Children and Spouses: not applicable.

4. Parents: Rupert E. Guest, none; and Jean L. Guest, none.

5. Grandparents (deceased).

6. Brothers and Spouses: not applicable.

7. Sisters and Spouses: Julie Parker Guest, none; and Michele Jean Guest, unknown.

*Stuart A. Bernstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Nominee: Stuart Alan Bernstein.

Post: Ambassador to Denmark.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

3/4/97, Freedom & Free Enterprise PAC $1,000.00
4/16/97, Republican Leadership Council (FKA) Committee for Responsible Government $500.00
5/13/97, Republican National Committee $11,000.00
6/27/97, Citizen for Arlen Specter .. $250.00
7/1/97, Friends of Connie Morella for Congress Committee $250.00
9/22/97, Regula for Congress Committee $500.00
10/22/97, Citizens for Arlen Specter $250.00
10/22/97, Friends of Connie Morella for Congress Committee $250.00
10/28/97, Campaign America Inc. ... $1,000.00
11/19/97, George Bush Presidential Library $500.00
12/22/97, Hatch Election Committee (Primary election contribution) $500.00
3/3/98, Missouri Republican State Committee—Federal Committee $250.00
3/19/98, Team Sununu $200.00
5/22/98, Republican National Committee (Republican Eagles) $5,000.00
5/26/98, D.C. Republican Committee Federal Campaign Committee $200.00
6/15/98, Regula for Congress Committee $500.00
6/18/98, Republican National Committee National State Elections Committee $10,000.00
7/30/98, Republican National Committee (Republican Eagles) $10,000.00
8/20/98, Republican National Committee National State Elections Committee $11,610.00
10/28/98, Citizens for Arlen Specter $200.00
10/28/98, The Coverdell Good Government Committee $200.00
10/28/98, Ensign for Senate $200.00
10/28/98, Sam Brownback for U.S. Senate $200.00
10/28/98, Voinovich for Senate Committee $200.00
10/28/98, Senate Victory '98 ..... $1,000.00
2/25/99, Hatch Election Committee (Primary election contribution) $1,000.00
3/23/99, Campbell Victory Fund $1,000.00
4/15/99, Friends of George Allen (Primary election contribution) $1,000.00
4/26/99, American Renewal PAC $1,000.00
4/26/99, Republican National Committee National State Elections Committee $25,000.00
4/28/99, Hatch Election Committee (refund) ..... −$500.00
9/8/99, Republican National Committee National State Elections Committee $10,000.00
9/28/99, Republican National Committee National State Elections Committee $15,000.00
9/28/99, Frist 2000 ..... $1,000.00
10/11/99, D.C. Republican Committee Federal Campaign Committee $250.00
10/20/99, Snowe for Senate $1,000.00
10/29/99, D.C. Republican Committee Federal Campaign Committee $750.00
11/18/99, Fund for a Responsible Future $1,000.00
12/6/99, Friends of Giuliani Exploratory Committee $500.00
1/6/00, Friends of Scott McInnis Inc. $500.00
1/21/00, Republican National Committee National State Elections Committee $10,000.00
1/21/00, Republican National Committee National State Elections Committee $15,000.00
3/3/00, Yob 2000 ..... $500.00
3/15/00, Roth Senate Committee ... $500.00
3/16/00, Bush for President Inc. $1,000.00
3/16/00, Friends of Connie Morella $250.00
4/10/00, Friends of George Allen (Primary election contribution) $500.00
4/28/00, Republican National Committee $7,500.00
4/28/00, Republican National Committee $2,500.00
4/28/00, Republican National Committee National State Elections Committee $2,500.00
5/16/00, Bush-Cheny 2000 Compliance Committee Inc. $1,000.00
5/17/00, Gordon Smith for Senate 2002 ..... $214.00
5/17/00, Gordon Smith for Senate 2002 ..... $729.23
5/18/00, Gordon Smith for Senate 2002 ..... $1,000.00
6/2/00, Cantor for Congress $250.00
6/9/00, Lazio 2000 ..... $1,000.00
6/15/00, Friends of George Allen (refund)− $500.00
6/15/00, Friends of George Allen (General election contribution $500.00
7/6/00, Republican National Committee National State Elections Committee $7,500.00
7/6/00, Republican National Committee National State Elections Committee $7,500.00
7/6/00, Republican National Committee National State Elections Committee $5,000.00
7/6/00, Republican National Committee National State Elections Committee $5,000.00
7/17/00, Republican National Committee National State Elections Committee $1,800.00
7/17/00, Republican National Committee National State Elections Committee $1,800.00
7/25/00, Republican National Committee National State Elections Committee $1,000.00
7/25/00, Republican National Committee National State Elections Committee $1,000.00
9/15/00, Republican National Committee National State Elections Committee $10,000.00
9/30/00, Republican National Committee $5,000.00
10/5/00, Republican National Committee (refund) ..... −$5,000.00
11/28/00, Bush Cheney Recount Fund $5,000.00
11/28/00, Bush Cheney Transition .. $5,000.00
1/29/01, Republican National Committee National State Election Committee $8,960.00

2. Spouse—Wilma Bernstein:

3/10/99, Bush for President Inc. $1,000.00
11/3/99, Friends of George Allen $500.00
12/22/99, 1999 State Victory Fund Committee $10,000.00
12/22/99, New Jersey Republican State Committee $241.00
12/22/99, Republican Federal Committee of Pennsylvania $374.00
12/22/99, Illinois Republican Party $353.00
12/22/99, Michigan Republican State Committee $292.00
12/22/99, New York Republican Federal Campaign Committee .. $528.00
12/22/99, Ohio State Republican Party $338.00
12/22/99, Republican Party of Virginia $210.00

4/28/00, Republican National Committee $7,500.00
4/28/00, Republican National Committee $2,500.00
4/28/00, Republican National Committee National State Elections Committee $2,500.00
5/16/00, Bush-Cheney 2000 Compliance Committee Inc. (GELAC) $1,000.00
9/30/00, Republican National Committee $5,000.00
10/5/00, Republican National Committee (refund) ..... −$5,000.00

3. Children and Spouses—Adam K. Bernstein:

9/24/97, Friends of Evan Bayh $250.00
3/2/98, Tom Davis for Congress $100.00
3/24/99, Republican National Committee $50.00
4/19/99, Governor George W. Bush Exploratory Committee $1,000.00
5/10/99, Gore 2000 Inc. $1,000.00
11/30/99, Bill Bradley for President Inc. $500.00
8/18/00, Gore/Lieberman General Election Legal and Accounting Compliance Fund $500.00
10/5/00, Friends of Connie Morella $200.00

Tracy Margel Bernstein (spouse): $1,000.00, 11/26/99, Bush for President Inc.;
Alison Bernstein Shulman: none;
John Shulman (spouse): none;
Boruch Chaim Bernstein: none;
Ronit Bernstein (spouse): none.
4. Parents—Evelyn Bishoff (mother): none;
Fred Bishoff (step-father): none;
Leo Bernstein (father): none;
Beverly Bernstein (step-mother): none.
5. Grandparents—Benjamin Bernstein (deceased): none;
Celia Bernstein (deceased): none;
Morris Bernstein (deceased): none;
Anne Bernstein (deceased): none.
6. Brother—Richard Bernstein: $1,000.00, 11/9/99, Bush for President, Inc.
7. Sisters and Spouses—Mauree Jane Perry:

$1,000.00, 2/14/97, Emily's List
$1,000.00, 3/1/99, Feinstein 2000
$1,000.00, 9/15/99, Bill Bradley for President Inc.
$1,000.00, 3/31/00, Pelosi for Congress
$2,000.00, 3/31/00, PAC to the Future

Mark Perry:

$500.00, 7/15/99, Friends of Slade Gorton
$1,000.00, 9/15/99, Bill Bradley for President, Inc.
$1,000.00, 12/15/99, Bush for President Inc.
$1,000.00, 3/7/00, McCain 2000 Inc.
$1,000.00, 3/31/00, Nancy Pelosi for Congress

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*Charles A. Heimbold, Jr., of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Nominee: Charles Andreas Heimbold, Jr.

Post: Ambassador to Sweden.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

New York Republican County Committee, $5,000, 02/97, Roy Goodman
Frist 2000, $1,000, 05/97, William Frist
Friends of John Hostettler, $500, 06/97, John Hostettler
Bristol-Myers Squibb—Political Action Committee, $5,000, 1997, to non-candidate committees and does not count against 1998 limits
National Republican Congressional Committee, $25,000, 10/97
Franks for Congress (Primary & General Election), $2,000, 01/98, Bob Franks
McCain for Senate '98 Committee (Primary & General Election), $2,000, 02/98, John McCain
Heather Wilson for Congress, $1,000, 05/98, Heather Wilson
Bliley for Congress, $1,000, 08/98, Tom Bliley
John D. Dingell for Congress, $1,000, 08/98, John D. Dingell
John Hostettler Committee, $1,000, 08/98, John Hostettler
Nancy Johnson for Congress, $1,000, 08/98, Nancy Johnson
Bennett '98 Committee, $1,000, 08/98, Robert Bennett
Friends of Senator D'Amato, $1,000, 08/98, Al D'Amato
Friend of Chris Dodd 1998, $1,000, 09/98, Christopher Dodd
Faircloth for Senate, $1,000, 09/98, Lauch Faircloth
Mikulski for Senate, $1,000, 09/98, Barbara Mikulski
Newt Gingrich Campaign, $1,000, 09/98, Newt Gingrich
Christopher Shays for Congress, $1,000, 09/98, Christopher Shays
Briston-Myers Squbb—Political Action Committee, $5,000, 1998
National Republican Senatorial Campaign Committee, $25,000, 10/98
Republican National Committee (State Election Committee), $50,000, 10/98
Zimmer 2000 (Congressman-Primary Election), $1,000, 02/99, Dick Zimmer
Torricelli for U.S. Senate, $1,000, 02/99, Robert Torricelli
Elizabeth Dole Exploratory Comm., $1,000, 02/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush
Franks for Congress (Re-election campaign), $500, 04/99, Bob Franks
Bill Thomas Campaign Committee (Primary and General Election), $2,000, 04/99, Bill Thomas
Re-elect Nancy Johnson for Congress, $500, 04/99, Nancy Johnson
Whitman for U.S. Senate (Primary—Refund—$650), $1,000, 06/99, Christine Todd Whitman
Whitman for U.S. Senate (Full refund—$1,000), $1,000, 06/99, Christine Todd Whitman
Friends of George Allen, $1,000, 06/99, George Allen
Bill Bradley for President, $1,000, 06/99, Bill Bradley
Tom DeLay Congressional Comm., (Primary and General Election), $2,000, 07/99, Tom DeLay
Hatch for President (Exploratory Committee), $1,000, 11/99, Orin Hatch
Friends of Giuliani, $1,000, 11/99, Rudolph Giuliani
Franks for Congress, $500, 11/99, Bob Franks
Bristol-Myers Squibb—Political Action Committee, $5,000, 1999, to non-candidate committees and does not count against 1998 limits
1999 State Victory Committee (Texas), $20,000, 12/99
New York Republican Committee, $5,000, 01/00, Roy Goodman
Bristol-Myers Squibb—Political Action Committee, $5,000, 2000
Guiliani Victory Committee, $25,000, 03/00
National Republican Senatorial Committee, $25,000, 03/00
National Republican Senatorial Committee, $75,000, 09/00
National Republican Congressional Campaign $50,000, 10/00
Arkansas 2000 (Republican National Committee—State Election Committee), $50,000, 10/00

2. Spouse—Monika Heimbold:

Pete Wilson for President, $1,000, 08/98, Pete Wilson
Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush
Whitman for U.S. Senate, $1,000, 06/99, Christine Todd Whitman
(Primary—Refund $650), Whitman for U.S. Senate (General Election—Refund $1,000), $1,000, 06/99, Christine Todd Whitman
Black America, $1,000, 09/00
Lazio for Senate, $1,000, 09/00, Rick Lazio

3. Children and Spouse—Joanna Welliver:

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush

Eric Heimbold:

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush
Lazio for Senate, $1,000, 09/00, Rick Lazio

Leif Heimbold:

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush

Charlotte Heimbold (daughter-in-law):

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush

Peter Heimbold:

Lazio for Senate, $1,000, 09/00, Rick Lazio
Franks for Congress, $1,000, 10/00, Bob Franks

4. Parents—Charles Heimbold, deceased; Mary Heimbold: none.
5. Grandparents—Charles and Katherine Heimbold, deceased; Peter and Therese Corrigan, deceased.
6. Brothers and Spouses—Arthur Heimbold, none.

Margaret Heimbold (sister-in-law):

D.C. Republican Committee, $125, 04/97
D.C. Republican Committee, $105, 08/97
David Catania for City Council, $125, 07/98
D.C. Republican Committee, $250, 10/98
Republican National Committee, $100, 03/99
League of Republican Women—D.C., $25, 03/99
League of Republican Women, D.C., $50, 03/99
D.C. Republican Committee, $1,000, 04/99
League of Republican Women—D.C., $30, 05/99
D.C. Republican Committee, $200, 06/99
D.C. Republican Committee, $50, 07/99
League of Republican Women—D.C., $200, 03/00
Republican National Committee, $100, 03/00
League of Republican Women—D.C., $7.50, 03/00
D.C. Republican Committee, $100, 03/00
D.C. Advisory Council, $1,500, 06/00
Bush Delegate Committee, $100, 06/00
Tribute to Laura Bush, $150, 07/00
Mrs. Ann F. Heuer (D.C. Delegation), $140, 07/00
Mrs. Ann F. Heuer (Laura Bush Luncheon), $150, 08/00

Peter and Nancy Heimbold: Lazio for Senate, $25.00, 09/00, Rick Lazio.
Richard and Ursala Heimbold, none.
John and Jennifer Heimbold, none.
David and Ellen Heimbold, none.
7. Sisters and Spouses: none.

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*Jim Nicholson, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Nominee: Robert James Nicholson.

Post: US Ambassador to the Holy See.

The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best my knowledge, the information contained in this report is complete and accurate.

Conributions, amount, date, and donee:

1. Self:

$15,025, 1997, RNC
$15,605, 1998, RNC
$15,000, 1999, RNC

2. Spouse—Suzanne Marie Nicholson:

$100, 1997, RNC
$345, 1998, RNC
$200, 1998, Ron Schmidt for U.S. Senate (South Dakota)
$275, 1999, Susan B. Anthony List
$515, 1999, RNC
$280, 2000, RNC
$1,225, 2000, Susan B. Anthony List
$100, 2000, Virginia State Republican Party
$140, 2001, RNC

3. Children and Spouses—Robert James Nicholson, Jr., none; Nicholas George Nicholson, none; Katherine Marie Nicholson, none.

4. Parents—Donald J. Nicholson, deceased; Helen Nicholson, deceased.

5. Grandparents—Mr. and Mrs. John Dunn, deceased; Mr. and Mrs. William Nicholson, deceased.

6. Brothers and Spouses—John and Sophie Nicholson:

$110, 1997, RNC
$85, 1998, RNC
$200, 1998, DC Republican Federal Campaign Committee
$905, 1999, RNC
$50, 1999, Alan Keyes Committee
$500, 1999, Friends of George Allen
$291, 2000, RNC
$100, 2000, Ferguson for Congress
$500 Est., 2000, Friends of George Allen (cost to host fundraiser)
$500 Est., 2000, Governor Jim Gilmore (cost to host fundraiser)
$100, 2001, RNC

Patrick J. Nicholson:

$150, 1998, RNC
$250, 1999, RNC
$100, 2000, RNC

Timothy R. Nicholson:

$25, 2000, RNC.

7. Sisters and Spouses—Donna J. Staver:

$50, 1998, RNC
$50, 1999, RNC

Mary J. and Gary Ohm:

$50, 1998, RNC
$50, 2000, RNC

Margaret A. Nicholson, None.

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*Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: Thomas J. Miller.

Post: Ambassador to Greece.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse—Bonnie Stern Miller, none.

3. Children and Spouses—Julie Michelle Miller (single), none; Eric Robert Miller (single), none.

4. Parents—Louis R. Miller, Jr. (deceased), none; Barbara S. Mason, none.

5. Grandparents—M/M Sam Shure (deceased), none; M/M Louis R. Miller (deceased), none.

6. Brothers and Spouses—Louis R. Miller (Sherry):

$1,000.00, 8/96, Pete Wilson (President)
$400.00, 4/97, Matt Fong (U.S. Senate)
$1,000.00, 1998, Janice Hahn (Congress)
$2,000.00, 12/00, Nate Holden (U.S. Congress)

M/M Richard M. Miller (Kathan), none.

Bruce D. Miller (single), none.

7. Sisters and Spouses; none.

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*Larry C. Napper, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Larry C. Napper.

Post: Republic of Kazakhstan.

Contributions, Amount, Date, and Donee:

1. Self: Larry C. Napper, None.

2. Spouse: Mary B. Napper, None.

3. Children and Spouses: John David Napper, None. Robert Eugene Napper, None.

4. Parents: Paul Eugene Napper, None. Annie Ruth Napper, None.

5. Grandparents: I.P. and Martha Cooner, None (Deceased). Charles and Nellie Kindell, None (Deceased).

6. Brothers and Spouses: Gary and Terri Napper, None. Billy Joe Napper, None.

7. Sisters and Spouses: None.

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*Thomas C. Hubbard, of Tennessee, A Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas C. Hubbard.

Post: Korea.

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Lindley Taylor Hubbard, None. Carrie Swain Hubbard, None.

4. Parents: Thomas N. Hubbard, Jr. (Deceased). Rebecca Taylor Hubbard (Deceased).

5. Grandparents: Thomas N. Hubbard (Deceased). Lillian Hubbard (Deceased).

6. Brothers and Spouses: Cato Taylor (Deceased). Lolabelle Taylor (Deceased).

7. Sisters and Spouses: Edward Dow Hubbard (Brother), None. Piera Thomason (Sister), None.

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*Marie T. Huhtala, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Marie T. Huhtala.

Post: Ambassador to Malaysia.

Contributions, Amount, Date, and Donee:

Self: $100.00, 1/20/2000, McCain for Pres.

Spouse: Eino A. Huhtala, Jr., None.

Children and Spouses: Karen and Sam Rulli, Jorma D. Huhtala, None.

Parents: Joe & Rosemary Mackey, None.

Grandparents: Austin & Bernice Williamson (deceased), Lois and Fred Wilkining (deceased), None.

Brothers and Spouses: Joe & Susan Mackey, Michael & Fiorenza Mackey, None.

Sisters and Spouses: Maureen & Tom White, None.

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*Franklin L. Lavin, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Franklin L. Lavin.

Post: Ambassador to the Republic of Singapore.

Contributions, Amount, Date, and Donee:

1. Self: 250.00 October 27, 2000 Republican National Committee; 500.00 August 19, 2000 Lazio 2000 Inc.; 1,000 June 17, 1999 Bush for President Committee; 1,000 November 2000 the Bush/Cheney Recount Committee.

2. Spouse: 250.00 October 27, 2000 Republican National Committee; 1,000 June 17, 1999 Bush for President Committee; 500.00 June 23, 2000 Hal Rogers for Congress Committee.

3. Children and spouses: Abigail, Nathaniel, and Elizabeth Lavin (none married), None.

4. Parents: Carl and Audrey Lavin: contributions of less than $100 to Ralph Regula for Congress and Tom Sawyer for Congress in both 2000 and 1998. Contribution of less than $100 to George Voinovich, exact date uncertain. Not in FEC records.

5. Grandparents: Leo B. and Dorothy Lavin (both deceased), None. Manuel and Blanche Perlman (both deceased), None.

6. Brothers and Spouses: Carl Lavin (junior) and Lauren Shay Lavin, None. Douglas Lavin and Lisa Greenwald, None.

7. Sister and Spouses: Maud K. Lavin: none. Locke Bowman (spouse): contributed to Congressional campaign of Jan Shakowski in 1998. Less than $100. Not in FEC records.

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*John Thomas Schieffer, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

Nominee: John Thomas Schieffer.

Post: Ambassador to Australia.

1. Self: John Thomas Schieffer: 500.00, 6/5/97, Martin Frost Campaign Committee; 500.00, 8/6/97, Martin Frost Campaign Committee; 1,000.00, 10/10/97, Martin Frost Campaign Committee; 1,000.00, 4/20/98, John Breaux Committee; 500.00, 9/2/98, Max Sandlin for Congress; 1,000.00, 3/31/99, Bush for President Inc.; 1,000.00, 6/20/99, Martin Frost Campaign Committee; 1,000.00, 8/2/00, Martin Frost Campaign Committee.

2. Spouse: Susanne S. Schieffer: 1,000.00, 3/31/99, Bush for President Inc.

3. Children and Spouses: Son—Paul Robert Schieffer, None.

4. Parents: Mother—Gladys Payne Schieffer, Deceased. Father—John E. Schieffer, Deceased.

5. Grandparents: Maternal Grandparents: Florence Payne, Deceased. Worth Payne, Deceased. Paternal Grandparents: Janette Schieffer, Deceased. Emmitt Schieffer, Deceased.

6. Brothers and Spouses: Brother—Bob L. Schieffer, None. Sister-In-Law—Patricia P. Schieffer, None.

7. Sisters and Spouses: Sister—Sharon Mayes, None. Brother-in-Law—Roger Mayes, None.

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*Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Roger Francisco Noriega.

Post: U.S. Permanent Representative to the Organization of American States.

Contributions, Amount, Date, and Donee:

1. Self: $250, 10/10/95, Bob Dole for Pres.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Richard Noriega, None. Lucille Noriega, None.

5. Grandparents: All Deceased, None.

6. Brothers and Spouses: James P. Noriega (Deceased); Carlos R. Noriega (Deceased).

7. Sisters and Spouses: Rita and Michael Prahm, None. Rosalie and Douglas Jackson, None. Emilie Palmer (Divorced), None.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. 1257. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. DEWINE, Mr. CONRAD, and Ms. LANDRIEU):

S. 1258. A bill to improve academic and social outcomes for teenage youth; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mr. GRAHAM, and Mr. HELMS):

S. 1259. A bill to amend the Immigration and Nationality Act with respect to the admission of nonimmigrant nurses; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 1260. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER:

S. 1261. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. ROBERTS, and Mr. KENNEDY):

S. 1262. A bill to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire (for himself and Mr. ALLARD):

S. 1263. A bill to amend title XVIII of the Social Security Act to establish a voluntary Medicare Prescription Drug Plan under which eligible medicare beneficiaries may elect to receive coverage under the Rx Option for outpatient prescription drugs and a combined deductible; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1264. A bill to require the conveyance of a petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DODD, Mr. WELLSTONE, Mr. CORZINE, and Mr. FEINGOLD):

S. 1265. A bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. CORZINE, Mr. TORRICELLI, and Mr. LEVIN):

S. 1266. A bill to amend title XXI of the Social Security Act to expand the provision of child health assistance to children with family income up to 300 percent of poverty; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. LUGAR, Mr. ROBERTS, and Mr. HUTCHINSON):

S. 1267. A bill to extend and improve conservation programs administered by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of New Hampshire:

S. 1268. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS (for himself and Mrs. FEINSTEIN):

S. Res. 140. A resolution designating the week beginning September 15, 2002, as ''National Civic Participation Week''; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 141. A resolution to authorize testimony and legal representation in People of the State of New York v. Adela Holzer; considered and agreed to.

ADDITIONAL COSPONSORS

S. 145

At the request of Mr. THURMOND, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 159

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 318

At the request of Mr. DASCHLE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 356

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 356, a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase.

S. 381

At the request of Mr. ALLARD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Delaware (Mr. CARPER) were added as cosponsors 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. 567

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 571

At the request of Mr. THURMOND, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 571, a bill to provide for the location of the National Museum of the United States Army.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to

provide for coordination of implementation of administrative simplification standards for health care information.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 940

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 952

At the request of Mr. GREGG, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 961

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 961, a bill to promote research to identify and evaluate the health effects of breast implants; to ensure that women receive accurate information about such implants and to encourage the Food and Drug Administration to thoroughly review the implant manufacturers' standing with the agency.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr. ALLEN) 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. 1030

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1044

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1044, a bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

S. 1066

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1066, a bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1084

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1256

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. RES. 138

At the request of Mr. BURNS, the names of the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. MILLER), the Senator from Connecticut (Mr. DODD), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 138, a resolution designating the month of September as ''National Prostate Cancer Awareness Month.''

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Con. Res. 3 , a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

AMENDMENT NO. 1132

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1132 intended to be proposed 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 1257. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the cold war; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, the cold war was the longest war in United States history. Lasting 50 years, the cold war cost thousands of lives, trillions of dollars, changed the course of history, and left America the only superpower in the world. Because of the nuclear capabilities of our enemy it was the most dangerous conflict our country ever faced. The threat of mass destruction left a permanent mark on American life and politics. Those that won this war did so in obscurity. Those that gave their lives in the cold war have never been properly honored.

Today I introduce a bill that requires the Department of the Interior to conduct a study to identify sites and resources to commemorate heroes of the cold war and to interpret the cold war for future generations. My legislation directs the Secretary of the Interior to establish a ''Cold War Advisory Committee'' to oversee the inventory of cold war sites and resources for potential inclusion in the National Park System; as national historic landmarks; or other appropriate designations.

The Advisory Committee will work closely with State and local governments and local historical organizations. The committee's starting point will be a cold war study completed by the Secretary of Defense under the 1991 Defense Appropriations Act. Obvious cold war sites of significance include: Intercontinental ballistic missiles; flight training centers; communications and command centers, such as Cheyenne Mountain, Colorado; nuclear weapons test sites, such as the Nevada test site, and strategic and tactical resources.

Perhaps no other State in the Union has played a more significant role than Nevada in winning the cold war. The Nevada Test Site is a high-technology engineering marvel where the United States developed, tested, and perfected a nuclear deterrent which is the cornerstone of America's security and leadership among Nations. The Naval Air Station at Fallon is the Navy's premiere tactical air warfare training facility. The Air Warfare Center at Nellis Air Force Base has the largest training range in the United States to ensure that America's pilots will prevail in any armed conflict.

The Advisory Committee established under this legislation will develop an interpretive handbook on the cold war to tell the story of the cold war and its heroes.

I'd like to take a moment to relate a story of one group of cold war heroes.

On a snowy evening in November 17, 1955, a United States Air Force C–54 crashed near the summit of Mount Charleston in central Nevada. The doomed flight was carrying 15 scientific and technical personnel to secret Area 51 where the U–2 reconnaissance plane, of Francis Powers fame, was being developed under tight security. The men aboard the ill-fated C–54 helped build the plane which critics said could never be built. The critics were wrong, the U–2 is a vital part of our reconnaissance force to this day. The secrecy of the mission was so great that the families of the men who perished on Mount Charleston only recently learned about the true circumstances of the crash that took the lives of their loved ones. My legislation will provide $300,000 to identify historic landmarks like the crash at Mount Charleston. I'd like to thank Mr. Steve Ririe of Las Vegas who brought to light the events surrounding the death of the fourteen men who perished on Mount Charleston nearly a half century ago, and for the efforts of State Senator Rawson who shepherded a resolution through the Nevada legislature to commemorate these heroes.

A grateful nation owes its gratitude to the ''Silent Heroes of the Cold War.'' I urge my colleagues to support this long overdue tribute to the contribution and sacrifice of those cold war heroes for the cause of freedom.

By Mr. DORGAN (for himself, Mr. DEWINE, Mr. CONRAD, and Ms. LANDRIEU):

S. 1258. A bill to improve academic and social outcomes for teenage youth; to the Committee on the Judiciary.

YMCA TEEN ACTION AGENDA

Mr. DORGAN. Mr. President, today I am introducing the YMCA Teen Action Agenda Enhancement Act of 2001, along with my colleague Mr. DEWINE. This bipartisan legislation will enable the YMCA to reach more teenagers across the United States who are in need of safe, structured after-school activities.

Unfortunately, the evidence is all around us that our young people today need some extra care and support. Kids today face challenges and obstacles that I never dreamed about when I was growing up in Regent. Children are killing other children because they covet their tennis shoes or their jackets. Kids are having kids. One-quarter of adolescents report that they have used illegal drugs.

Part of the problem is the temptation that kids face when they have too much idle time on their own. Every day, millions of American teens are left unsupervised after school. Studies have shown that teens who are unsupervised during these hours are more likely to smoke cigarettes, drink alcohol, engage in sexual activity, and become involved in delinquent behavior than those teens who participate in structured, supervised after-school activities. Also, nearly 80 percent of teens who are involved in after-school activities are A or B students, while only half of those who are not involved earn these grades. Two out of every 3 teens said that they would participate in after-school programs to help them improve academically, if such programs were offered.

The YMCA is an exemplary organization that is dedicated to serving our nation's youth, and it wants to help them even more. Nearly 2.4 million teenagers, 1 out of every 10, are involved in a program offered by their local YMCA. The Y is a safe place for kids during after school hours. Teens participate in hundreds of programs that feature tutoring and academics, sports, mentoring, community service and life skills. To serve more teens who are in need of structured after-school programs, the YMCA has set a goal of doubling the number of teens served to 1 out of every 5 teens by 2005. This ambitious campaign is called the Teen Action Agenda.

The bill that I offer today provides funding to help the YMCA reach teens who want and need more after-school activities. This piece of legislation authorizes Federal appropriations of $20 million per year for fiscal years 2002 through 2006 for the YMCA to implement its Teen Action Agenda. This funding would in turn be distributed to local YMCAs that are located in all 50 States and the District of Columbia. Similar legislation was passed in the 105th Congress for the Boys and Girls Club and in the 106th Congress for the Police Athletic League to aid in their efforts to reach out to youth. The YMCA is an established and proven organization that is in the position to reach and influence thousands of teenagers who are in danger of falling through the cracks.

This bill will encourage public-private partnerships and leverage additional funding for teen programs. This legislation contains a matching component that will be met by the YMCA through local and private support. The matching component, along with the support the YMCA programs receive from national corporate sponsors, will turn $20 million in Federal funds into $50 million that will be invested in proven programs that serve the teens who are most in need.

In my State, there are six YMCAs that serve North Dakota teens. Through programs focusing on education, life skills, safety, leadership, and service learning, these YMCAs helped 12,500 teens in my State develop character and build confidence within the last year.

One example of how the YMCA reaches teens is the Teen Board recently established in Fargo. This board is comprised of teenage representatives who advise the YMCA and other community residents on issues and concerns affecting local teens. Similar teen programs have been created at the other YMCAs in my State. The legislation I introduce today will provide funding for these YMCAs to expand these important programs.

Nationwide, YMCAs partner with 400 juvenile courts, 300 housing authorities and over 2,500 public schools. While the YMCA is national in scope, they are local in control and every program is designed and evaluated to meet the communities' unique needs. I am confident that this bill will help the YMCA to continue to provide successful solutions for our Nation's teens and their families.

Edmund Burke once said, ''All that is necessary for evil to triumph is for good people to do nothing.'' This legislation will provide good volunteers in YMCAs across the country with the additional resources they need to reach more teens. This bill represents a small step we can take to reach out to at-risk teens in communities across the Nation. For the sake of our children's future, I urge my Senate colleagues to join me in cosponsoring this piece of legislation.

By Mr. BROWNBACK (for himself, Mr. GRAHAM, and Mr. HELMS):

S. 1259. A bill to amend the Immigration and Nationality Act with respect to the admission of nonimmigrant nurses; to the Committee on the Judiciary.

Mr. BROWNBACK. Madam President, I rise today to introduce the Rural and Urban Health Care Act of 2001. I want to thank my cosponsors Senator GRAHAM and Senator HELMS for their support and leadership on this vital issue.

Nothing can traumatize a family more than a medical emergency, particularly one that may have been prevented by timely access to a needed medical professional. In Kansas, I know many communities that would be without a doctor if it was not for an immigrant physician. I know that many communities both in Kansas and around the country would benefit from a greater number of not only doctors, but nurses, nurse aides, radiologists, medical technicians, and other healthcare professionals.

In the area of nurses, it's become apparent that the problem has developed into one of national significance.

According to the American Organization of Nurse Executives, ''A nursing shortage is emerging nationwide that is fueled by age-related career retirements, small to moderate increases in job creation, and reduced nursing school enrollments. Job replacement-related demands due to registered nurse age-related retirements are expected to increase rapidly over the next 5 to 15 years.''

According to data from the Department of Health and Numan Services, today 18.3 percent of registered nurses are under the age of 35, compared to over 40 percent in 1980. Today, only nine percent of registered nurses are under the age of 30, compared to 25 percent in 1980.

Projections by economists Peter Buerhaus, Douglas Staiger, and David Auerbach show that by the year 2020, the number of registered nurses working in America will be ''20 percent below the projected need.''

I believe this legislation contains many crucial elements that would benefit many health care providers and the patients they serve.

First, the legislation amends the H–1C category established in the ''Nursing Relief for Disadvantaged Areas of 1999. The problem with that category is that it allows only a handful of health care facilities throughout the country to hire nurses on temporary visas. That makes little sense. We should open the category up to facilities in all States, rather than select a handful of hospitals that alone would be allowed to hire foreign nurses on temporary visas. In addition, the bill streamlines some of the current processes to remove redundancy and situations that impede the arrival of nurses to work and help patients in the United States.

Second, the legislation retains stringent labor protections established previously for the H–1C category on wages, layoffs and strikes.

Third, the bill authorizes appropriations for the Secretary of Health and Human Services to work with states to develop programs aimed at increasing the domestic supply of nurses in the United States.

Finally, the legislation expands an already successful program by increasing from 20 to 40 waivers for foreign physicians that may be exercised by a particular State, as well allowing a carryover of any unused waivers to the next fiscal year. It also eliminates the sunset date of the program.

This bill does not attempt to solve all problems related to this issue. Other, more expensive solutions, primarily very long-term, may emerge from the HELP or Finance committees. However, it is not possible in one bill to address all outstanding financial or labor issues present in today's hospitals and nursing homes. Indeed, many of these issues will have to be addressed at the State level. But simply because we cannot solve all of today's health-care problems, does not mean that we abdicate our responsibility to find practical solutions to help real people.

I think this bill provides real and immediate help for problems that are only going to grew worse the longer we wait to address them.

I ask that the text of the bill and a section by section summary of the bill be printed in the RECORD.

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

S. 1259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural and Urban Health Care Act of 2001''.

SEC. 2. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES.

(a) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

''(m)(1) The qualifications referred to in the section 101(a)(15)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

''(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education, or has received nursing education in the United States or Canada;

''(B) has passed the examination given by the Commission on Graduates of Foreign Nursing Schools (or has passed another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services), or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

''(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to take the State licensure examination after entry into the United States, and the lack of a social security number shall not indicate a lack of eligibility to take the State licensure examination.

''(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

''(i) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed at the facility.

''(ii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

''(iii) There is not a strike or lockout in the course of a labor dispute, the facility did not lay off and will not lay off a registered staff nurse who provides patient care and who is employed by the facility within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition for clarification of such an alien under section 101(a)(15)(H)(i)(c), and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

''(iv) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to the registered nurses employed by the employer at the facility through posting in conspicuous locations.

''(v) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

''(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

''(II) transfer the place of employment of the alien from one worksite to another.

''(B) A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

''(C) The Secretary of Labor shall review an attestation only for completeness and obvious inaccuracies. Unless the Secretary finds that the attestation is incomplete or obviously inaccurate, the Secretary shall certify the attestation within 7 calendar days of the date of the filing of the attestation. If the attestation is not returned to the facility within 7 calendar days, the attestation shall be deemed certified.

''(D) Subject to subparagraph (F), an attestation under subparagraph (A)—

''(i) shall expire on the date that is the later of—

''(I) the end of the three-year period beginning on the date of its filing with the Secretary; or

''(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

''(ii) shall apply to petitions filed during the three-year period beginning on the date of its filing with the Secretary if the facility states in each such petition that it continues to comply with the conditions in the attestation.

''(E) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

''(F)(i) The Secretary shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for classification of nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) and each such petition filed by the facility.

''(ii) The Secretary shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary, but excluding any governmental agency or entity). The Secretary shall conduct an investigation under this clause if there is probable cause to believe that a facility willfully failed to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether or not an attestation is expired or unexpired at the time a complaint is filed.

''(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

''(iv) If the Secretary finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has willfully failed to meet a condition attested to or that there was a willful misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice,

the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

''(v) In addition to the sanctions provided for under clause (iv), if the Secretary finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(ii) (relating to payment of registered nurses at the facility wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

''(G)(i) The Secretary shall impose on a facility filing an attestation under subparagraph (A) a filing fee in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties under this subsection, but not exceeding $250.

''(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

''(iii) The collected fees in the fund shall be available to the Secretary, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

''(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be for an initial period not to exceed three years, subject to an extension for a period or periods not to exceed a total period of admission of six years.

''(4) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility—

''(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility; and

''(B) shall not interfere with the right of the nonimmigrant to join or organize a union.

''(5)(A) For purposes of paragraph (2)(A)(iii), the term 'lay off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) Nothing in this paragraph is intended to limit an employee's or an employer's rights under a collective bargaining agreement or other employment contract.

''(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term 'facility' includes a hospital, nursing home, skilled nursing facility, registry, clinic, assisted-living center, and an employer who employs any registered nurse in a home setting.

''(7) Except as otherwise provided, in this subsection, the term 'Secretary' means the Secretary of Labor.''.

(b) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (a)) The amendments made by this section shall take effect not later than 90 days after the date of the enactment of this Act, without regard to whether or not regulations to carry out such amendments have been promulgated by such date.

SEC. 3. REPEAL.

Section 3 of the Nursing Relief for Disadvantaged Areas Act of 1999 (Public Law 106–95; 8 U.S.C. 1182 note; relating to recommendations for alternative remedy for nursing shortage) is repealed.

SEC. 4. QUALIFICATION FOR CERTAIN ALIEN NURSES.

(a) ELIMINATION OF CERTAIN GROUNDS OF INADMISSABILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by striking subsections (a)(5)(C) and (r).

(b) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) is amended by adding at the end the following new sentence: ''Any such petition filed on behalf of an alien who will be employed as a professional nurse shall include evidence that the alien—

''(i) has passed—

''(I) the examination given by the Commission on Graduates of Foreign Nursing Schools (CGFNS); or

''(II) another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services; or

''(ii) holds a full and unrestricted license to practice professional nursing in the State of intended employment.''.

SEC. 5. WAIVERS OF TWO-YEAR FOREIGN RESIDENCE REQUIREMENT.

(a) IN GENERAL.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) is amended—

(1) in paragraph (1)(B), by striking ''20'' and inserting ''40, plus the number of waivers specified in paragraph (4)''; and

(2) by adding at the end the following new paragraph:

''(4) The number of waivers specified in this paragraph is the total number of unused waivers allotted to all States for a fiscal year divided by the number of States having no unused waivers remaining in the allotment to those States for that fiscal year.''.

(b) ELIMINATION OF TERMINATION DATE.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416, as amended; 8 U.S.C.1182 note) is amended by striking ''and before June 1, 2002''.

SEC. 6. OTHER MEASURES TO MEET RURAL AND URBAN HEALTH CARE NEEDS.

(a) GRANT AUTHORITY.—The Secretary of Health and Human Services shall award grants to States, local governments, and institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965) to fund training, recruitment, and other activities to increase the supply of domestic registered nurses and other needed health care providers.

(b) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary of Health and Human Services determines to be essential to ensure compliance with the requirements of this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Health and Human Services such sums as may be necessary to carry out this section.

THE RURAL AND URBAN HEALTH CARE ACT OF 2001—SECTION-BY-SECTION

SECTION 1.

The Act may be cited as the ''Rural and Urban Health Care Act of 2001.''

SECTION 2. REQUIREMENTS FOR ADMISSION OF NON-IMMIGRANT NURSES

Section 212(m) of the Immigration and Nationality Act is amended as follows:

To qualify, the alien must:

1. Obtain a full and unrestricted license to practice professional nursing in the country where obtained nursing education, or received nursing education in the U.S. or Canada;

2. Pass the examination given by the Commission on Graduates of Foreign Nursing Schools (or other appropriate examination recognized in regulations of Secretary of Health and Human Services), or have a full and unrestricted license under State law to practice in state of intended employment;

3. Is fully qualified and eligible to take the State licensure examination after entry into the U.S., and lacking a social security number shall not indicate a lack of eligibility to take the State licensure exam.

The attestation with respect to a facility where an alien will perform services (referred to in section 101(a)(15)(H)(i)(c)), requires the following:

1. The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed at the facility;

2. The alien will be paid the wage rate for nurses similarly employed by the facility;

3. There is not a labor dispute involving a strike or lockout at the facility, and the facility did not lay off and will not lay off a registered staff nurse for a period beginning 90 days before and after the date of filing of any visa petition, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

4. At the time of filing of petition for registered nurses, notice of the filing has been given to the bargaining representative of the nurses at the facility, and in the absence of such representative, notice of the filing has been provided to the nurses employed by the employer at the facility through posting in conspicuous locations.

5. The facility will not:

a. Authorize the alien to perform nursing services at any work site other than a work site controlled by the facility;

b. Transfer the place of employment from one work site to another.

6. A copy of the attestation shall be provided to the nurses at the facility within 30 days of the date of filing.

7. The Secretary of Labor shall review an attestation only for completeness and obvious inaccuracies, and shall certify the attestation within 7 days of date of filing. If not returned within 7 days, the attestation shall be deemed certified.

8. An Attestation shall:

a. Expire on the date that is the later of:

1. The end of the three-year period beginning on the date of its filing with the Secretary, or

2. The end of the period of admission of the last alien section 101(a)(15)(H)(i)(c) was applied; and

b. Apply to petitions filed during the three-year period if the facility states in each petition that it continues to comply with the conditions in the attestation.

9. A facility may meet the requirements listed above with respect to more than one registered nurse in a single petition.

10. The Secretary shall:

a. Compile and make available to the public a list identifying facilities which have filed petitions for classification of nonimmigrants under section 101(a)(15)(H)(i)(c), and provide a copy of the attestation filed for each facility.

b. Establish a process for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (but excluding any governmental agency or entity). The Secretary shall conduct an investigation if there is probable cause to believe that a facility willfully failed to meet conditions attested to. This will apply regardless of whether or not an attestation is expired or unexpired at the time a complaint is filed.

c. If a complaint is filed, the Secretary shall provide within 180 days of filing, a determination as to if a basis exists to make a finding described below (iv). If such a basis exists, the Secretary shall provide notice of such determination to the interested parties, and an opportunity for a hearing on the complaint within 60 days of the date of determination. The Secretary shall promulgate regulations providing for penalties, including civil monetary fines, upon parties who submit complaints that are found to be frivolous.

d. After notice and opportunity for hearing, if the Secretary finds that a facility has willfully failed to meet a condition attested to, or that there was willful misrepresentation of material fact, the Secretary shall notify the Attorney General of such finding and may also impose administrative remedies (including civil monetary penalties not to exceed $1000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary deems appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

e. In addition to the sanctions listed above (iv), if the Secretary finds (after notice and opportunity for hearing) that a facility has violated conditions regarding the payment of registered nurses at the facility wage rate (subparagraph (A)(ii)), the Secretary shall order the facility to provide for payment of back pay to comply with such condition.

11. The Secretary shall:

a. Impose a facility filing fee, but not to exceed $250.

b. Such fees collected shall be deposited in a fund established for this purpose with the Treasury of the United States.

c. The collected fees shall be available to the Secretary, to the extent provided in appropriation Acts, to cover the costs described above.

The period of admission of an alien under 101(a)(15)(H)(i)(c) shall be for an initial period not to exceed three years, and subject to an extension not to exceed a total period of admission of six years.

A facility that has filed a petition under 101(a)(15)(H)(i)(c) shall:

1. Provide a wage rate and working conditions the same as those of nurses similarly employed by the facility.

2. Not interfere with the right of the immigrant to join or organize a union.

The term ''lay off'' with respect to a worker (for purposes of paragraph (2)(A)(iii)),

1. Means to cause the worker's loss of employment, other than a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

2. Does not include any situation in which the workers offered, as an alternative to such loss, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

3. Nothing in this paragraph is intended to limit an employee's or an employer's rights under a collective bargaining agreement or other employment contract.

The term 'facility' includes a hospital, nursing home, skilled nursing facility, registry, clinic, assisted-living center, and an employer who employs any registered nurse in a home setting.

The term 'Secretary' means the Secretary of Labor

1. Implementation:

a. No later than 90 days after date of the enactment of this Act, regulations to carry out this amendment shall be made by the Secretary in consultation with the Secretary of Health and Human Services, and the Attorney General. The amendments made shall take effect not later than 90 days after the date of the enactment of this Act, without regard to regulations have been made by that date.

SECTION 3. REPEAL

Section 3 of the Nursing Relief for Disadvantaged Areas As of 1999 is repealed.

SECTION 4. CERTIFICATION FOR CERTAIN ALIEN NURSES

Any such petitions filed on behalf of an alien who will be employed as a professional nurse shall include evidence that the alien has passed: (I) the examination given by the Commission on Graduates of Foreign Nursing Schools; or (II) another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services; or holds a full and unrestricted license to practice professional nursing in the State of intended employment.

SECTION 5. WAIVERS OF TWO-YEAR FOREIGN RESIDENCE REQUIREMENT FOR FOREIGN PHYSICIANS

Section 214(1) of the Immigration and Nationality Act is amended

1. In paragraph (1)(B), by striking ''20'' and inserting ''40, plus the number of waivers specified in paragraph (4)''; and

2. By adding at the end of the following new paragraph: ''(4) The number of waivers specified in this paragraph is the total number of unused waivers allotted to all State for fiscal year divided by the number of States having no unused waivers remaining in the allotment to those States for that fiscal year.''

SECTION 6. OTHER MEASURES TO MEET RURAL AND URBAN HEALTH CARE NEEDS

The Secretary of Health and Human Services shall award grants to States, local governments, and institutions of higher education to fund training, recruitment, and other activities to increase the supply of domestic registered nurses and other needed health care providers. There are authorized such sums as may be necessary to carry out this section.

By Mr. ROCKEFELLER:

S. 1260. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Governmental Affairs.

Mr. ROCKEFELLER. Madam President, millions of Americans live and work overseas. While living abroad, they continue to pay taxes and they can vote in our Federal elections. They are American citizens and they want to be counted in the next decennial Census in 2010. To achieve this goal, it is essential to plan and prepare.

For several years, I have been working closely with Congresswoman CAROLYN MALONEY. She has been a true leader on the important issues of the U.S. Census and I am proud to work with her. The bill I am introducing today is the companion bill to H.R. 680. This legislation authorizes funding to being the work at the Census Bureau to count Americans living overseas. The House Appropriations Committee has included some funding for this important initiative which is encouraging news.

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. 1260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) an estimated 3,000,000 to 6,000,000 Americans live and work overseas while continuing to vote and pay taxes in the United States;

(2) Americans residing abroad help increase exports of American goods because they traditionally buy American, sell American, and create business opportunities for American companies and workers, thereby strengthening the United States economy, creating jobs in the United States, and extending United States influence around the globe;

(3) Americans residing abroad play a key role in advancing this Nation's interests by serving as economic, political, and cultural ''ambassadors'' of the United States; and

(4) the major business, civic, and community organizations representing Americans and companies of the United States abroad support the counting of all Americans residing abroad by the Bureau of the Census, and are prepared to assist the Bureau of the Census in this task.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Bureau of the Census should carry out a special census of all Americans residing abroad in 2004;

(2) the Bureau should, after completing that special census, review the means by which Americans residing abroad may be included in the 2010 decennial census;

(3) the Bureau should take appropriate measures to provide for the inclusion of Americans residing abroad in the 2010 decennial census and decennial censuses thereafter; and

(4) in order to ensure that the measures specified in the preceding provisions of this subsection can be completed in timely fashion, the Bureau should begin planning as soon as possible for the special census described in paragraph (1).

SEC. 2. FUNDING TO BEGIN PLANNING FOR A SPECIAL CENSUS OF AMERICANS RESIDING ABROAD.

For necessary expenses in connection with the planning of a special census of Americans residing abroad (as described in section 1(b)(1)), there is appropriated, out of any

money in the Treasury not otherwise appropriated, $5,000,000 for fiscal year 2002, to remain available until expended.

By Mr. ROCKEFELLER:

S. 1261. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

Mr. ROCKEFELLER. Madam President, millions of Americans live abroad, serving in our military or working in foreign countries. These Americans pay taxes and have the right to vote. They deserve to know that their votes will be counted.

Today, I am introducing legislation designed to streamline and improve the process for absentee ballots to help ensure that Americans living overseas can participate in American elections. The bill is called the Uniformed and Overseas Citizen Absentee Voting Reform Act. It is based on the bipartisan legislation introduced in the House of Representatives by Congresswoman CAROLYN MALONEY and Congressman THOMAS REYNOLDS. This bill is developed through recommendations of overseas Americans.

Our goal is to help both military and civilian citizens overseas to participate in elections. The right to vote is important in our country, and we need to encourage all of our citizens, including those millions living abroad, to participate in elections.

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. 1261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Uniformed and Overseas Citizen Absentee Voting Reform Act of 2001''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 3,000,000 to 6,000,000 American citizens, including 576,000 Federal employees and their overseas dependents in the armed services and in other Federal agencies, live permanently or temporarily reside outside the 50 States and the District of Columbia.

(2) The members of the armed services, their dependents, other employees of the Federal Government and their dependents, and the approximately 3,000,000 to 5,500,000 other American citizens abroad make an inestimable contribution to the security, economic well-being, and cultural vitality of the United States.

(3) Although great progress has been made in recent decades in assuring that these citizens have the chance to participate fully in our democratic process, the national elections of November 2000 revealed grave shortcomings in our system, with nearly 40 percent of overseas ballots rejected in one State alone.

(4) Moreover, during these elections it became apparent that timely information about the numbers of American citizens seeking to vote and voting from abroad, information which is essential to measure the effectiveness of our overseas voting system, is not currently provided by the States.

SEC. 3. SIMPLIFICATION OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCEDURES FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.

(a) REQUIRING STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION; DEADLINE FOR PROVIDING ABSENTEE BALLOT.—

(1) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by amending paragraph (2) to read as follows:

''(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;'';

(B) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application; and

''(5) transmit the absentee ballot for an election to each absent uniformed services voter and overseas voter who is registered with respect to the election as soon as practicable after the voter is registered, but in no case later than the 45th day preceding the election (if the voter is registered as of such day).''.

(2) CONFORMING AMENDMENTS.—Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2) is amended by striking ''as recommended in section 104'' and inserting ''as required under section 102(4)''.

(b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.—Section 104 of such Act (42 U.S.C. 1973ff–3) is amended to read as follows:

''SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

''(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(4))—

''(1) the voter shall be deemed to have submitted an absentee ballot application for each subsequent election for Federal office held in the State; and

''(2) the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State (in accordance with the deadline required under section 102(a)(5)).

''(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.

''(c) NO EFFECT ON VOTER REMOVAL PROGRAMS.—Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993.''.

SEC. 4. REMOVING BARRIERS TO ACCEPTANCE OF COMPLETED BALLOTS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each State''; and

(2) by adding at the end the following new subsection:

''(b) SPECIAL REQUIREMENTS REGARDING ACCEPTANCE OF COMPLETED BALLOTS.—

''(1) MANDATORY MINIMUM PERIOD FOR ACCEPTANCE OF ABSENTEE BALLOT AFTER DATE OF ELECTION.—Notwithstanding any other provision of law, a State shall not refuse to count an absentee ballot submitted in an election for Federal office by an absent uniformed services voter or overseas voter on the grounds that the ballot was not submitted in a timely manner if—

''(A) the ballot is received by the State not later than 14 days after the date of the election;

''(B) the ballot is signed and dated by the voter; and

''(C) the date provided by the voter on the ballot is not later than the day before the date of the election.

''(2) PROHIBITING REFUSAL OF BALLOT FOR LACK OF POSTMARK.—A State shall not refuse to count an absentee ballot submitted in an election for Federal office by an absent uniformed services voter or overseas voter on the grounds that the ballot or the envelope in which the ballot is submitted lacks a postmark if the ballot is signed and dated by the voter and a witness within the deadline applicable under State law for the submission of the ballot (taking into account the requirements of paragraph (1)).''.

SEC. 5. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 4, is amended by adding at the end the following new subsection:

''(c) OTHER REQUIREMENTS AND PROHIBITIONS.—

''(1) RESPONSE TO SUBMITTED MATERIALS.—

''(A) APPLICATIONS FOR VOTER REGISTRATION AND ABSENTEE BALLOT REQUEST.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, the State—

''(i) shall immediately notify the voter as to whether or not the State has approved the application or request; and

''(ii) if the State rejects the application or request, shall provide the voter with the reasons for the rejection.

''(B) ABSENTEE BALLOTS.—With respect to each absent uniformed services voter and each overseas voter who submits a completed absentee ballot, the State—

''(i) shall immediately notify the voter as to whether or not the State has received the ballot; and

''(ii) if the State refuses to accept the ballot, shall provide the voter with the reasons for refusal.

''(2) USE OF FACSIMILE MACHINES AND INTERNET.—Each State shall make voter registration applications, absentee ballot requests, and absentee ballots available to absent uniformed services voters and overseas voters through the use of facsimile machines and the Internet, and shall permit such voters to transmit completed applications and requests to the State through the use of such machines and the Internet. Nothing in this paragraph may be construed to prohibit a State from accepting completed absentee ballots from absent uniformed services voters and overseas voters through the use of facsimile machines.

''(3) PROHIBITING NOTARIZATION REQUIREMENTS.—A State may not refuse to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

''(4) COMPILATION OF STATISTICS.—

''(A) IN GENERAL.—For each election for Federal office held in the State, each State shall compile and publish the following information with respect to absent uniformed services voters and overseas voters:

''(i) The number of voter registration applications received from each such group of voters, together with the number of such applications which were rejected by the State and the reasons for rejection.

''(ii) The number of absentee ballots sent to each such group of voters.

''(iii) The number of completed absentee ballots submitted by each such group of voters, together with the number of such ballots which were rejected by the State and the reasons for rejection.

''(B) BREAKDOWN BY LOCAL JURISDICTION AND OVERSEAS LOCATION.—In compiling and publishing the information described in subparagraph (A), the State shall break down each category of such information by county (or other appropriate local election district) and by the locations to which and from which the materials described in such subparagraph were transmitted and received.

''(C) TRANSMISSION TO PRESIDENTIAL DESIGNEE.—With respect to information regarding a Presidential election year, the State shall transmit the information compiled under this paragraph to the Presidential designee at such time and in such manner as the Presidential designee may require to prepare the report described in section 101(b)(6).''.

SEC. 6. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: '', and ensure that such officials are aware of the requirements of this Act;''.

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.''.

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by sections 3(a) and 4, is further amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(6) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).''.

(c) TRANSMISSION OF FEDERAL WRITE-IN ABSENTEE BALLOT THROUGH FACSIMILE MACHINES AND INTERNET.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g); and

(2) by inserting after subsection (a) the following new subsection:

''(b) TRANSMISSION OF BALLOT THROUGH FACSIMILE MACHINES AND INTERNET.—The Presidential designee shall make the Federal write-in absentee ballot and the application for such a ballot available to overseas voters through the use of facsimile machines and the Internet, and shall permit such voters to transmit completed applications for such a ballot to the Presidential designee through the use of such machines and the Internet.''.

(d) PROVIDING BREAKDOWN BETWEEN OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN STATISTICAL ANALYSIS OF VOTER PARTICIPATION.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by inserting after ''participation'' the following: ''(listed separately for overseas voters and absent uniformed services voters)''.

SEC. 7. GRANTING PROTECTIONS GIVEN TO ABSENT UNIFORMED SERVICES VOTERS TO RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 104 the following new section:

''SEC. 104A. COVERAGE OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.

''(a) IN GENERAL.—For purposes of this Act, an individual who is a separated uniformed services voter (or the spouse or dependent of such an individual) shall be treated in the same manner as an absent uniformed services voter with respect to any election occurring during the 60-day period which begins on the date the individual becomes a separated uniformed services voter.

''(b) SEPARATED UNIFORMED SERVICES VOTER DEFINED.—

''(1) IN GENERAL.—In this section, the term 'separated uniformed services voter' means an individual who—

''(A) is separated from the uniformed services;

''(B) was a uniformed services voter immediately prior to separation;

''(C) presents to an appropriate election official Department of Defense Form 214 showing that the individual meets the requirements of subparagraphs (A) and (B) (or any other official proof of meeting such requirements); and

''(D) is otherwise qualified to vote with respect to the election involved.

''(2) UNIFORMED SERVICES VOTER.—In paragraph (1), the term 'uniformed services voter' means—

''(A) a member of a uniformed service on active duty; or

''(B) a member of the merchant marine.''.

SEC. 8. FINANCIAL ASSISTANCE TO STATES FOR COSTS OF COMPLIANCE.

(a) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act shall make a payment to each eligible State for carrying out activities to comply with the requirements of such Act, including the amendments made to such Act by this Act.

(b) ELIGIBILITY.—A State is eligible to receive a payment under this section if it submits to the Presidential designee (at such time and in such form as the Presidential designee may require) an application containing such information and assurances as the Presidential designee may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the first fiscal year which begins after the date of the enactment of this Act such sums as may be necessary to carry out this section, to remain available until expended.

SEC. 9. EFFECTIVE DATE.

The amendments made by sections 3, 4, 5, 6, and 7 shall apply with respect to elections occurring after the date of the enactment of this Act.

By Mr. ROCKEFELLER (for himself Mr. ROBERTS, and Mr. KENNEDY):

S. 1262. A bill to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Madam President, one of our major national problems is the dismal educational achievement of our children in the areas of mathematics and science. In 1989 President George H. Bush proposed and the Governors adopted as a national goal that by the year 2000, the United States would be first in the world in mathematics and science. Not only has our country neglected this education goal, the evidence shows that our country has not made significant improvements. Several studies have shown that in the intervening years, our performance relative to other industrialized countries is about average and there is no indication of any change. Furthermore, the evidence clearly shows that between the 4th and 8th grades our achievement level actually declines relative to other countries.

Not only is this a concern for our future competitiveness in the modern world but it could present a serious national security problem. The U.S. Commission on National Security/21st Century concluded in a February 2001 report that the ''Second only to a weapon of mass destruction detonating in an American city, we can think of nothing more dangerous than a failure to manage properly science, technology, and education for the common good over the next quarter century.''

One major factor in this situation is the lack of sufficient qualified mathematics and science teachers. A large number of mathematics and science teachers are not certified in their subject area. The greatest number of uncertified teachers are located in areas with large minority populations and high concentrations of poverty. This situation is of great concern since many studies have shown that full certification or a major in the field is a strong predictor of student achievement. Mr. Michael Porter of the Harvard Business School has documented that over 90 percent of urban schools report teacher shortages in mathematics and science. Furthermore, recently, the National Council for Accreditation of Teacher Preparation showed that 50,000 new teachers enter the profession each year lacking appropriate preparation. More than 30 percent of secondary mathematics teachers hold neither a major or minor in mathematics.

I am proud to have Senators ROBERTS and KENNEDY as original cosponsors of this legislation since each is a recognized leader on education. We are introducing a bipartisan bill entitled the

National Mathematics and Science Partnerships Act. Our bill is very similar to legislation reported out of the House Committee on Science, and I have worked with Chairman BOEHLERT on this important initiative. The purpose of this bill is to make a major impact on the teaching of technical subjects in grades K through 12. This bill accomplishes its goal by bringing the wider community including industry into the educational process through partnerships, by increasing the number of qualified teachers and providing support programs to improve their qualifications, and by providing access to master teachers, curriculum related materials, and research opportunities. The bill also sets up Centers of Research on Learning to determine which methodologies are most effective for educating our students in mathematics and science.

One of the main provisions authorizes the National Science Foundation to establish a program of mathematics and science education partnerships involving universities and local educational agencies. These partnerships will focus on a wide array of reform efforts ranging from professional development to curriculum reform for grades K through 12. The partnerships may include the State educational agency and 50 percent of them must include businesses. These partnerships are intended to conceive, develop, and evaluate innovative approaches to education in mathematics, science, engineering, and other technical subjects. A special feature is an emphasis on encouraging the ongoing interest of girls in science, mathematics, engineering, or technology preparing them to pursue careers in these fields.

A second provision authorizes the expansion of the National Science, Mathematics, Engineering, and Technology Education Digital Library to include peer reviewed elementary and secondary education materials. The library will serve as an Internet accessible resource for state-of-the-art curriculum materials in support of teaching technical subjects.

A third provision, that is of particular importance to me, provides for the establishment of a new scholarship program designed to encourage mathematics, science, and engineering majors to pursue careers in teaching. The program provides grants to universities who will, in turn, award scholarships to mathematics, science and engineering majors who agree to teach following graduation and certification. The institutions must also provide education and support programs for the scholarship recipients. A second element is that stipends will be offered to mid-career professionals in mathematics, science, or engineering who need course work to transition to a career in teaching. Recipients are required to teach in a K through 12 school receiving assistance under Title I of the Elementary and Secondary Education Act of 1965 as payback for the scholarship.

The bill also provides for a study of Broadband Network access for schools and libraries. This requires the National Science Foundation to determine how Broadband access can be used and can be effective in the educational process. This section is important to the future of the highly successful E-Rate program that is helping close the digital divide between rich and poor schools and urban, rural, and suburban schools.

Another important provision sets up a grant program to train master teachers to work in K through 9 classrooms to improve the teaching of mathematics or science. This program will develop an invaluable in-house resource for teachers of technical subjects.

There are a number of other provisions, all of which, address shortcomings in our current approach to education in technical subjects.

I often visit West Virginia schools, and during the school year I use the Internet to host on-line chats with students across the State. I believe that students, parents, and teachers recognize the important of math, science and engineering on the workplace, but we need a better support system for these key subjects in my State, and nationwide.

The National Mathematics and Science Partnerships Act is not by itself a solution to solving the crisis in technical education. However, in conjunction with the reauthorization of the Elementary and Secondary Education Act will begin the process of addressing a major national problem. I urge my colleagues to join us in making our children the best in the world.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

NATIONAL MATHEMATICS AND SCIENCE PARTNERSHIPS ACT

The overall purpose of this bill is to make a major impact on the teaching of technical subjects in Grades K–12. Many studies have indicated that the US is seriously lacking in our ability to effectively convey scientific knowledge to K–12 students that will enable them to go on to college and major in technical fields. This situation has led to concern that we are losing our competitive edge in the modern world. A key element is the serious shortage of qualified math and science teachers. This bill helps by bringing the wider community including industry into the educational process, by increasing the number of qualified teachers, and by providing for access to support in the form of materials, research opportunities, and Centers of Research on Learning.

Most of the provisions of this bill originated in the House Science Committee and some of them reflect the Administration's desires. We, in Senator Rockefeller's office, have been working with the Science Committee for several months. Our major input is the inclusion of a Title that establishes scholarships for students who commit to teach mathematics or science in Grades K–12 in return. We have evaluated the other provisions and agree with them as will be reflected in the bill we are planning to introduce. The provisions of the proposed Senate bill are summarized below.

PROVISIONS OF THE ''NATIONAL MATHEMATICS AND SCIENCE PARTNERSHIPS ACT''

1. Mathematics and Science Education Partnerships: This provides for universities or consortia to receive grants to establish partnership programs to improve the instruction of math and science. The partnerships may include local educational agencies and there is a mandate that 50% will include businesses. There is a strong section on programs aimed at girls. The appropriation is $200M/year for 2002–2006

2. Teacher Research Stipend: This provides grants for K–12 math and science teachers to do research in math, science and engineering to improve their performance in the classroom. The appropriation is $15M/year for 2002–2006.

3. National Science, Mathematics, Engineering, and Technology Education Library: This Title expands the existing Digital Library to archive and provide for the timely dissemination through the Internet and other digital technologies of educational materials to support the teaching of technical subjects. The appropriation is $20M/year for 2002–2006.

4. Education Research Centers: This Section will establish 4 multi disciplinary Centers for Research on Learning and Education Improvement. This provision is to do research in cognitive science, education, and related fields to develop ways to improve the teaching of math and science. It also provides for an annual conference to disseminate the results of the Center's activities. The appropriation is $12M/year for 2002–2006.

5. Education Research Teacher Fellowships: This Section provides grants for institutions of higher education to enable teachers to have research opportunities related to the science of learning. The appropriation is $5M/year for 2002–2004.

6. Robert Noyce Scholarship Program: This Title is an updated version of a scholarship program that Senator Rockefeller and Rep. Boehlert sponsored and passed in 1989. It calls for grants to universities or consortia to award scholarships or stipends to students who agree to become K–12 math or science teachers. Scholarships are for $7,500 and are limited to 2 years. In addition, there are provisions for a stipend to enable mid-career math, science and engineering professionals to receive their certificate to teach. The stipend is $7,500 for 1 year. Recipients under this subtitle are obligated to teach math or science. The requirement is 2 years for each year of support within 6 years of graduation. The university or consortium receiving the grant is responsible for monitoring compliance and collecting refunds from those who do not comply. The appropriation is $20M/year for 2002–2005 plus an unspecified amount for the NSF to administer the program for 2006–2011.

Political History: While the Noyce scholarship was authorized in 1989, we never secured appropriations to fund the program, in part because NSF had concerns about the scholarships and never lobbied OMB for the appropriations. This time, we worked with NSF staff to get their consent so that we really can promote these scholarships.

7. Requirements for Research Centers: Grant recipients establishing research centers must offer programs for K–12 math and science teachers and the quality of their programs is a criteria for awarding grants. There is no appropriation for the Title.

The bill to be voted on by the House also contains a number of other provisions added during the Science Committee Mark-up. These are contained in a title called ''Miscellaneous Provisions''.

1. Mathematics and Science Proficiency Partnerships: This section sets up a demonstration project for local educational agencies to develop a program to build technology curricula, purchase equipment, and provide professional development for teachers. It is specifically aimed at economically disadvantaged students and requires private sector participation. The private sector will donate equipment, provide funds for internships and scholarships, and other activities helping the objectives of this section. The appropriation is $5M/year for 2002–2004.

2. Articulation Partnerships between Community Colleges and Secondary Schools: Amends the ''Scientific and Advanced Technology Act of 1992'' (P.L. 102–476) to direct the NSF to give priority to proposals that involve students that are under represented in technical fields. (The act applies to two year Associate Degree granting colleges.) The appropriation is $5M/year for 2002–2004.

3. Assessment of In-Service Teacher Professional Development Programs: This section provides for the Director of the NSF to review all programs sponsored by the NSF that support in-service teacher professional development for science teachers. The purpose is to determine whether information technology is being used effectively and how resources are allocated between summer activities and reinforcement training. A report is due 1 year after enactment of this Act. There is no appropriation.

4. Instructional Materials: The NSF may award grants for the development of educational materials on energy production, energy conservation, and renewable energy. There is no appropriation.

5. Study of Broadband Network Access for Schools and Libraries: The NSF is to provide an initial report to Congress and provide an update every year for the next 6 years. The reports are to how Broadband access can used and can be effective in the educational process. There is no appropriation. This section relates to the ERATE law to which Senator Rockefeller is very committed.

6. Educational Technology Assistance; Learning Community Consortium: This section amends the ''Scientific and Advanced Technology Act of 1992 to enable two year colleges to establish centers to assist K–12 schools in the use of information technology for technical subject instruction. The appropriation is $5M/year for 2002–2004. There is an additional appropriation of $10M to award a grant to a consortium of associate-degree granting colleges to encourage women, minorities, and disabled individuals to enter and complete programs in technical fields.

The Senate bill will also include a title that incorporates the provisions of HR 100. This bill was passed out of the House Science Committee at the same time as HR 1858. This bill was also included as Title II of S 478 previously introduced by Senator Roberts, cosponsored by Senators Kennedy and Bingaman. This approach is agreed to by the House Science Committee. The provisions are:

1. Master Teacher Grant Program: This provision establishes a grant program to train master teachers to work in K–9 classrooms to improve the teaching of mathematics or science. The appropriation is $50M/year for 2002–2004.

2. Dissemination of Information on Required Course of Study for Careers in Science, Mathematics, Engineering, and Technology Education: The NSF shall compile and disseminate information on prerequisites for entrance into college to pursue a course of study leading to teaching in a K–12 environment and on the licensing requirements for such teachers. The appropriation is $5M/year for 2002–2004.

3. Requirement to Conduct Study Evaluation: The NSF shall enter into an agreement with the National Academies of Sciences and Engineering to review existing studies on the effectiveness of technology in the classroom and to report not later than one year after enactment of this Act. The appropriation is $600K.

4. Science, Mathematics, Engineering, and Technology Business Education Conference: The NSF shall convene an annual 3–5 day conference for K–12 technology education stakeholders to 1. identify and gather information on existing programs, 2. determine the coordination between providers, and 3. identify the common goals and divergences among the participants. There will be a yearly report to the Senate Commerce Committee and the House Science Committee.

Mr. ROBERTS. Mr. President, I rise today, along with my colleagues, Senator ROCKEFELLER and Senator KENNEDY, to introduce a piece of legislation that continues to build on our efforts to improve math and science education.

The National Mathematics and Science Partnerships Act creates a program through the National Science Foundation NSF, that provides a variety of recruitment incentives for college students and individuals who are engineering, science and math professionals in other fields, to pursue teaching math and science. Additionally, math and science teachers are provided a variety of professional development opportunities. I am pleased to include in this legislation a portion of a bill I introduced earlier this year, S. 478, the Engineering, Science, Technology and Mathematics Education Enhancement Act.

The Math and Science Partnerships Act will provide grants for K–12 math and science teachers to do research in engineering, science and math to do research in these areas to improve their performance in the classroom, a demonstration project for LEAs to develop a program to build technology curricula, purchase equipment and provide professional development for teachers specifically aimed at economically disadvantaged students. It also provides in-service support and a master teacher grant program to hire master teachers who are responsible for in-classroom help and oversight. Additionally, the legislation assists high school students in pursuit of their careers as math and science teachers by informing them of courses they should complete in preparation for college.

Bipartisan efforts to increase and enhance math and science education has been encouraging and I am glad to see that math and science education is finally beginning to receive the recognition that is needed and deserved.

The need to recruit and retain teachers in the math and science fields as well as the need to improve the professional development opportunities for teachers currently teaching math and science is crucial. An article that appeared on May 6th in The Hutchinson News, discusses the teacher recruiting woes that the State of Kansas is experiencing. The article highlights Fort Hays State University in Hays, KS and tells of a young graduate, Lora Clark, who has a teaching degree in mathematics. With her degree Lora could have found a job anywhere in the State of Kansas or with several other States who were recruiting Fort Hays State teaching graduates. Thankfully, she chose to stay in her home state and fill a mathematics teaching position in Hanston, Kansas.

However, what stands out most from the article is the number of math and science positions available at the career fair at Fort Hays State and the number of students that have graduated with teaching degrees in math and science. There were 125 math and science teaching positions available and only 8 students graduating with math and science teaching degrees. We desperately need to fill these positions with teachers who have been properly trained and have professional development opportunities in order to encourage students to pursue fields in engineering, science, technology and math.

The U.S. will need to produce four times as many scientists and engineers than we currently produce in order to meet future demand. The U.S. has been a leader in technology for decades and the need for skilled workers that will require technical expertise continues to climb. Congress has had to increase the number of H–1B visas to fill current labor shortages within these fields, we need to focus on long-term solutions through the education of our children.

Improving our students knowledge of math and science is not only a concern of American companies but also a concern of U.S. National Security. According to the latest reports and studies regarding National Security, the lack of math and science education beginning at the K–12 level imposes a serious security threat. The report issued by the U.S. Commission on National Security for the 21st Century reports that ''The base of American national security is the strength of the American economy. Therefore, health of the U.S. economy depends not only on an elite that can produce and direct innovation, but also on a populace that can effective assimilate new tools and technologies. This is critical not just for the U.S. economy in general but specifically for the defense industry, which must simultaneously develop and defend against these same technologies.''

We are all aware of the need for good teacher recruitment and retention programs because of the shortage of teachers many of our states are experiencing or will experience. Math and science education is no exception and I am glad to join my colleagues in introducing a piece of legislation that will aid in improving and enhancing math and science education and I encourage my colleagues to join in our fight.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1264. A bill to require the conveyance of a petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine; to the Committee on Armed Services.

Ms. COLLINS. Madam President, I rise today to introduce the MackPoint Petroleum Terminal Conveyance Act. This legislation will authorize the conveyance of a petroleum tank farm at MackPoint in Searsport, ME, from the United States Air Force, USAF, to the Maine Port Authority to promote economic development in the state of Maine. The bill would ultimately allow the transfer of a petroleum tank farm to the Maine Port Authority in the State Department of Transportation, which will provide critical support for the redevelopment strategy in the region. The Port Authority in Maine has developed a three-port strategic goal for economic development in Northern/Central Maine. This economic development remains high on my list of priorities, and this bill would bring us one step closer toward this goal.

I am introducing this bill as a companion to legislation, The Loring Pipeline Reunification Act, which I introduced on the floor earlier this year. This companion legislation would convey a section of a pipeline connected to the tank farm, from the USAF to the Loring Development Authority, LDA, also to contribute to the re-development of the former Loring Air Force Base. Created by the Maine State Legislature, Loring Development Authority is responsible for promoting and marketing the development of the former base so as to attract more economic development to Northern/Central Maine.

The tank farm and pipeline originally were built to supply the former Loring Air Base with fuel products critical to its mission as a support base for B–52 bombers and KC–135 tankers. Prior to the base's closure in 1994, Defense Fuels would deliver fuel products by tanker to the Searsport tank farm, where the line originates, and then pump them through the line to the base. For a period following the base closure, the Maine Air National Guard continued to use the Searsport Tank Farm and the pipeline segment from Searsport to Bangor to supply their activities in Bangor. After a study conducted by the Defense Energy Support Center, a division of the Defense Logistics Agency however, the Air National Guard changed their means of transporting fuel from pipeline to truck.

The Air National Guard supports the vision of re-unifying the pipeline and tank farm, as does the Maine State Department of Transportation, and Sprague Industries, the current owner of the land on which part of the tank farm sits. In consideration of the large geographical expanse of my State, with often treacherous winter conditions, and the fuel shortages that have vexed the Northeast over the past two winters, I believe that the conveyance of this tank farm and the adjoining pipeline would serve the public well. It would provide a safer means of transporting fuel and, by presenting a more efficient means of accessing fuel, manufacturing and processing plants currently considering new operations in the economically-challenged area would be better connected to the resources of the Eastern seaboard.

By Mr. DURBIN. (for himself, Mr. KENNEDY, Mr. REID, Mr. DODD, Mr. WELLSTONE, Mr. CORZINE, and Mr. FEINGOLD):

S. 1265. A bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, this past Spring thousands of students across our Nation donned their caps and gowns and received their high school diplomas as their proud parents and family members looked on. This is an important milestone in the lives of both the graduates and their parents.

However, while many of these graduates will be looking forward to college, tens of thousands of these students will never get to attend college and realize their dreams. Why? Because these children are undocumented. Most of these children were brought to the United States at a very young age by their parents and did not have the ability to make an independent decision about where they would live. They had no choice in matter. Thus, they grew up here. They went to school here. And like other children, they too had thoughts of realizing the American dream. These dreams are quickly dashed when these students realize that, unlike their classmates, college is not on their horizon because of their immigration status.

Although Congress and the United States Supreme Court rightfully require State and local education agencies to permit undocumented children to attend elementary and secondary school, there are very few mechanisms under current law for these children to legalize their immigration status or go on to college once they have completed their high school education. They are effectively denied the opportunity to go to college and are constantly under the threat of deportation. Their lives are filled with uncertainty and lost opportunity.

That is why I, along with Senators KENNEDY, REID, DODD, WELLSTONE, CORZINE, and FEINGOLD, am introducing the Children's Adjustment, Relief, and Education Act, CARE Act. Representatives CANNON, BERMAN, and ROYBAL-ALLARD introduced a companion bill in the House on May 21, 2001.

The CARE Act would provide immigration relief to undocumented children who are in the United States, have lived a significant portion of their lives in this country, are of good moral character, and are interested in remaining in the country and continuing their education. The CARE Act would help lift these vulnerable children from the shadows of society and free them to go to college, regularize their status, and fully contribute to our country, now their country.

The CARE Act includes three major provisions.

As to restoration of the State option to determine residency for purposes of higher education benefits, first, the Act would repeal Section 505 of the 1996 immigration law, under which any State that provides in-state tuition or other higher education benefits to undocumented immigrants must provide the same tuition break or benefit to out-of-state residents. In other words, under Section 505, a State must charge the same tuition to out-of-state U.S. citizens as it charges to resident undocumented aliens. Repeal of Section 505 would restore to the States the authority to determine their own residency rules.

As to immigration relief for long-term resident students, second, the Act would permit students in America's junior high schools and high schools who have good moral character, reside in the United States, and have lived in the United States for at least five years to obtain special immigration relief, known as cancellation of removal, so that they can go to college and eventually become United States citizens. The act also applies to high school graduates who are under 21 years of age and are either enrolled in or are seriously pursuing admission to college.

As to higher education benefits for Student Adjustment Act applicants, finally, the Act would ensure that students who are applying for immigration relief under the Act may obtain federal student assistance on the same basis as other students while their application is being processed.

This legislation would help children like Luis Miguel in my home State of Illinois. Luis was born to a single mother in Guadalajara, Mexico. His mother was having a very difficult time living in Mexico so she decided to take her children and migrate to the United States. Luis was eight years old. He didn't have a say in the matter.

Luis was enrolled in a grammar school and after school he worked in a supermarket carrying groceries for people. Because Luis' mother was unable to make ends meet, she sent Luis to live in Chicago with his aunt and uncle when he was nine. He has lived there ever since.

Luis is currently 17 years old and just finished up his junior year at Kelly High School in Chicago. He is an above average student, and hopes to attend the University of Illinois at Chicago someday and become a computer engineer. He says he loves being involved in all types of activities because it makes him feel good about himself, and motivates him to do better. He is very active in and out of school. He is part of his school band, where he plays percussion, and he plays soccer in the Davis Square Park League. In the past he has participated in his church's choir, marimba band and folkloric ballet dance

group. Luis also volunteers as a teacher for catechism classes at Holy Cross Church.

Luis has so much promise. But without this legislation, he is barred from fulfilling his potential.

The same is true for a young musical prodigy who recently completed her senior year of high school in the City of Chicago. Because of her exceptional musical talent, she was offered a scholarship to Juilliard. It is only in filling out the application that she learned of her undocumented status. Her only recourse: go to Korea, where she has never been, and live her life there. I believe our Nation can do better than this.

These stories are not unique to Illinois. Tens of thousands of high school students across our Nation, some of them valedictorians, are similarly situated and face uncertain futures. They cannot continue their lives or education once they graduate from high school. Instead, they face deportation.

Not only do these children suffer but our Nation suffers because we are deprived of future contributors and leaders, increased tax revenues, economic growth and social richness. We suffer because children who might have been scientists, nurses, teachers or engineers are forced, instead, to settle for the limited employment options available to those without a college degree.

Moreover, the damage to our communities starts long before high school graduation. Guidance counselors report that many promising students drop out of school at an early age once they realize that they will, as a practical matter, be barred from going to college.

I urge my colleagues to join me, Senators KENNEDY, REID, DODD, WELLSTONE, CORZINE, and FEINGOLD in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Adjustment, Relief, and Education Act'' or the ''CARE Act''.

SEC. 2. DEFINITION.

In this Act, the term ''secondary school student'' means a student enrolled in any of the grades 7 through 12.

SEC. 3. STATE FLEXIBILITY IN PROVIDING IN-STATE TUITION FOR COLLEGE-AGE ALIEN CHILDREN.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–672) (8 U.S.C. 1623) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall take effect as if included in the enactment of such Act.

SEC. 4. –CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN ALIEN CHILDREN.

(a) IN GENERAL.—Section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b) is amended—

(1) in subsection (b), by inserting at the end the following new paragraph:

''(5) SPECIAL RULE FOR RESIDENTS BROUGHT TO THE UNITED STATES AS CHILDREN.—

''(A) AUTHORITY.—Subject to the restrictions in subparagraph (B), the Attorney General shall cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States, if the alien applies for relief under this paragraph and demonstrates that on the date of application for such relief—

''(i) the alien had not attained the age of 21;

''(ii) the alien had been physically present in the United States for a continuous period of not less than five years immediately preceding the date of such application;

''(iii) the alien had been a person of good moral character during the five-year period preceding the application; and

''(iv) the alien—

''(I) was a secondary school student in the United States;

''(II) was attending an institution of higher education in the United States as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(III) with respect to whom the registrar of such an institution of higher education in the United States had certified that the alien had applied for admission, met the minimum standards for admission, and was being considered for admission.

''(B) RESTRICTIONS ON AUTHORITY.—Subparagraph (A) does not apply to—

''(i) an alien who is inadmissible under section 212(a)(2)(A)(i)(I), or is deportable under section 237(a)(2)(A)(i), unless the Attorney General determines that the alien's removal would result in extreme hardship to the alien, the alien's child, or (in the case of an alien who is a child) to the alien's parent; or

''(ii) an alien who is inadmissible under section 212(a)(3), or is deportable under section 237(a)(2)(D)(i) or 237(a)(2)(D)(ii).''; and

(2) in subsection (d)(1)(A), by inserting ''or (5)'' after ''subsection (b)(2)''.

(b) EXEMPTION FROM NUMERICAL LIMITATIONS.—Section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b), as amended by this Act, is further amended in subsection (e)(3) by adding at the end the following new subparagraph:

''(C) Aliens described in subsection (b)(5).''.

(c) APPLICATION OF PROVISIONS.—For the purpose of applying section 240A(b)(5)(A) of the Immigration and Nationality Act (as added by subsection (a))—

(1) an individual shall be deemed to have met the qualifications of clause (i) of such section 240A(b)(5)(A) if the individual—

(A) had not attained the age of 21 prior to the date of enactment of this Act; and

(B) applies for relief under this section within 120 days of the effective date of regulations implementing this section; and

(2) an individual shall be deemed to have met the requirements of clauses (i), (ii), and (iv) of such section 240A(b)(5)(A) if—

(A) the individual would have met such requirements at any time during the four-year period immediately preceding the date of enactment of this Act; and

(B) the individual has graduated from, or is on the date of application for relief under such section 240A(b)(5) enrolled in, an institution of higher education in the United States (as defined in clause (iv) of such section 240A(b)(5)(A)).

(d) CONFIDENTIALITY OF INFORMATION.—

(1) PROHIBITION.—Neither the Attorney General, nor any other official or employee of the Department of Justice may—

(A) use the information furnished by the applicant pursuant to an application filed under section 240A(b)(5) of the Immigration and Nationality Act (as added by this Act) for any purpose other than to make a determination on the application;

(B) make any publication whereby the information furnished by any particular individual can be identified; or

(C) permit anyone other than the sworn officers and employees of the Department or, with respect to applications filed under such section 240A(b)(5) with a designated entity, that designated entity, to examine individual applications.

(2) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

(e) REGULATIONS.—

(1) PROPOSED REGULATION.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall publish proposed regulations implementing this section.

(2) INTERIM, FINAL REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish final regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but shall be subject to change and revision after public notice and opportunity for a period of public comment.

(3) ELEMENTS OF REGULATIONS.—In promulgating regulations described in paragraphs (1) and (2), the Attorney General shall do the following:

(A) APPLICATION FOR RELIEF.—Establish a procedure allowing eligible individuals to apply affirmatively for the relief available under section 240A(b)(5) of the Immigration and Nationality Act (as added by this Act) without being placed in removal proceedings.

(B) CONTINUOUS PRESENCE.—Ensure that an alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of section 240A(b)(5)(ii) of the Immigration and Nationality Act (as added by this Act) by virtue of brief, casual, and innocent absences from the United States.

(f) CONFORMING AMENDMENT.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)), as amended by this Act, is further amended in paragraph (4) by striking ''paragraph (1) or (2)'' each place it occurs and inserting ''paragraph (1), (2), or (5)''.

SEC. 5. ELIGIBILITY OF CANCELLATION APPLICANTS FOR EDUCATIONAL ASSISTANCE.

(a) QUALIFIED ALIENS.—Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended by adding at the end the following new paragraph:

''(8) for purposes of determining eligibility for postsecondary educational assistance, including grants, scholarships, and loans, an alien with respect to whom an application has been filed for relief under section 240A(b)(5) of the Immigration and Nationality Act, but whose application has not been finally adjudicated.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if enacted on August 22, 1996.

Mr. KENNEDY. Mr. President, I strongly support the Children's Adjustment, Relief, and Education Act. This needed legislation will give thousands

of immigrant children who are presently unable to obtain a higher education a fair opportunity to realize the American dream.

For too many of these children, the highest level of education they can hope to attain is a high school diploma. It is not their lack of ability or their lack of desire which holds these children back. It is the fact that they were born abroad to parents who unlawfully entered this country. Under current law, they are often denied State and Federal aid for higher education. In an economy in which higher education is a prerequisite for higher wages and benefits, the result of current law is to relegate these children to an uncertain future.

It is wrong to punish these children for their parents' actions. That is why I strongly support the CARE Act. It will help undocumented children who are in the United States, who have lived a significant portion of their lives in this country, who are of good moral character, and who want to remain in this country and continue their education. It will give them special immigration relief so that they can go to college and eventually become U.S. citizens. I urge my colleagues to support this important legislation.

By Mr. CRAPO (for himself Mr. LUGAR Mr. ROBERTS, and Mr. HUTCHINSON):

S. 1267. A bill to extend and improve conservation programs administered by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, I rise today to introduce the Conservation Extension and Enhancement, CEE, Act. I am pleased to be joined in introducing this bill by Senator RICHARD LUGAR, the Ranking Member of the Senate Agriculture Committee, Senator PAT ROBERTS, and Senator TIM HUTCHINSON.

America's agricultural producers have long been the best stewards of the land. This legislation helps farmers and ranchers continue to meet the public's increasing demands for cleaner air and water, greater soil conservation, increased wildlife habitat, and more open space. These demands have resulted in more stringent applications of Federal and State environmental regulations, including the Clean Water Act, the Clean Air Act, and the Endangered Species Act. It is appropriate we direct our funding to help producers in their efforts to provide these public benefits.

Conservation is an important component of Federal farm policy. This proposal dedicates the resources necessary to ensure farmers and ranchers are receiving the assistance they need to provide the environmental benefits the public deserves. It will keep working farms working effectively from an economic and environmental perspective. To do this, CEE re-authorizes necessary conservation programs, makes enhancements to these voluntary programs, and provides increased funding to meet increasing needs.

The last farm bill built on the past successes of the Conservation Reserve Program, CRP, and Wetlands Reserve Program, WRP, and enhanced the flexibility of the compliance programs, while creating a number of new conservation programs. There are many success stories associated with these programs, both new and old. However, there have also been suggestions made to improve these programs. This initiative implements those suggestions to make the programs more effective and increases their funding.

CRP has been one of the most successful conservation programs in USDA history. The program provides a rental payment to producers for voluntarily converting highly-erodible or environmentally-sensitive cropland to a cover crop or grasses or trees. The program has led to a tremendous reduction in soil erosion, and has been responsible for creation of habitat for a wide variety of species. Unfortunately, CRP is currently nearing its acreage cap.

I share the concerns of many producers and rural Americans about the impact of idled land on production and main street economies. CEE increases the acreage cap by 3.6 million acres to a total of 40 million acres, but it sets aside those 3.6 million acres for continuous enrollment CRP and the Conservation Reserve Enhancement Program, CREP. These two programs, continuous CRP and CREP, focus on conservation buffers, allowing producers to maintain working lands, while getting assistance in protecting their most environmentally-sensitive lands.

WRP has played an important role in protecting and restoring wetlands. WRP provides payments to producers for enrolling wetlands in permanent, thirty-year, or ten-year easements. It also provides technical and financial assistance to land owners seeking help in restoring wetlands. The environmental benefits of wetlands cannot be underestimated. Unfortunately, WRP is nearing its acreage cap of 1.075 million acres. CEE allows for an additional 250,000 acres to be enrolled in the program annually.

The Farmland Protection Program is targeted at easing development pressure on agriculture lands. It provides a payment to producers who agree to enroll land in easements and has been an important program in meeting the public demand for open space. Again, producer demand far outpaces available funding. CEE provides $100 million annually to this important program.

Another successful program in need of continued authorization and funding is the Wildlife Habitat Incentives Program. This program provides technical and financial assistance to producers who want to establish improved fish and wildlife habitat. My bill provides $100 million annually to this program, while creating a pilot project that assists landowners in focusing their efforts on addressing species concerns before the species is in threat of listing under the endangered species act.

One of the most important programs available to assist producers is the Environmental Quality Incentives Program. EQIP provides technical and financial assistance to producers to adopt conservation practices. Demand for the program greatly exceeds existing funding. CEE provides for a tripling of the funding, while increasing flexibility in the program. EQIP has been the primary vehicle for assisting producers to comply with the Clean Water Act. It has been estimated producers will have to spend billions to comply with new regulations, such as total maximum daily loads and confined animal feeding operations. Increasing the funding and flexibility of the EQIP programs is vital to helping producers meet the challenges of the Clean Water Act and other environmental regulations.

Also included in this comprehensive bill is the creation of the Grasslands Reserve Program. Like the other conservation programs created through past farm bills, it is a bipartisanly-supported, voluntary program. The Grasslands Reserve Program would be a voluntary grassland easement program to provide protections for native grasslands. This will ease development pressure on ranchlands, providing a long-term commitment to wildlife and the environment. I am also pleased to be a co-sponsor of a free-standing Grassland's legislation introduced by my colleague, Senator LARRY CRAIG.

CEE also provides funding for the Conservation of Private Grazing Lands program. This program offers technical assistance to ranchers seeking to implement best management practices and other range improvements.

The bill codifies existing practices for the Resource Conservation and Development, RC&D, program, while increasing flexibility in the use of funds. RC&Ds effectively leverage federal funds to assist in stabilizing and growing communities while protecting and developing natural resources.

CEE also provides for several studies. It authorizes a National Academy of Sciences study to develop a protocol for measuring accomplishments. This protocol is necessary to ensure we are getting maximum environmental benefits for the taxpayer.

The bill also directs the Secretary of Agriculture to review existing disaster programs and report on how to improve the timeliness and effectiveness of the overall disaster program. Natural disasters are a constant threat to farmers and ranchers. Flooding, drought, fire, and other natural events impact even the most efficient operations, causing losses beyond producer control. An effective disaster program is vital to the survival of many farms and ranches.

Conservation programs are vital to continued progress in creating efficient, environmentally and farmer-friendly agricultural policies. This bill sets a baseline as we endeavor to create

a farm policy that recognizes the importance of conservation efforts, builds upon past efforts, is equitable, and has measurable achievements. I ask my colleagues to join me in co-sponsoring this bill.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 140—DESIGNATING THE WEEK BEGINNING SEPTEMBER 15, 2002, AS ''NATIONAL CIVIC PARTICIPATION WEEK''.

Mr. ROBERTS (for himself, and Mrs. FEINSTEIN) submitted the following resolution: which was referred to the Committee on the Judiciary

S. RES. 140

Whereas the United States embarks on this new millennium as the world's model of democratic ideals, economic enterprise, and technological innovation and discovery;

Whereas our Nation's preeminence is a tribute to our great 2-century-old experiment in representative government that nurtures those ideals, fosters economic vitality, and encourages innovation and discovery;

Whereas representative government is dependent on the exercise of the privileges and responsibilities of its citizens, and that has been in decline in recent years in both civic and political participation;

Whereas Alexis de Tocqueville, the 19th century French chronicler of our Nation's political behavior, observed that the people of the United States had successfully resisted democratic apathy and mild despotism by using what he called ''schools of freedom''—local institutions and associations where citizens learn to listen and trust each other;

Whereas civic and political participation remains the school in which citizens engage in the free, diverse, and positive political dialogue that guides our Nation toward common interests, consensus, and good governance;

Whereas it is in the public interest for our Nation's leaders to foster civic discourse, education, and participation in Federal, State, and local affairs;

Whereas the advent of revolutionary Internet technology offers new mechanisms for empowering our citizens and fostering greater civic engagement than at anytime in our peacetime history; and

Whereas the use of new technologies can bring people together in civic forums, educate citizens on their roles and responsibilities, and promote citizen participation in the political process through volunteerism, voting, and the elevation of voices in public discourse: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CIVIC PARTICIPATION WEEK.

The Senate—

(1) designates the week beginning September 15, 2002, as ''National Civic Participation Week'';

(2) proclaims National Civic Participation Week as a week of inauguration of programs and activities that will lead to greater participation in elections and the political process; and

(3) requests that the President issue a proclamation calling upon interested organizations and the people of the United States to promote programs and activities that take full advantage of the technological resources available in fostering civic participation through the dissemination of information.

Mr. ROBERTS. Madam President, we stand in the midst of an amazing period of history. Not since the industrial revolution has society witnessed such an explosion of technological advancements. The rise of the Internet yields volumes of information to anyone at anytime and is only a mouse click away. It is imperative that we use this medium responsibly.

The strength of our country is deeply rooted in informed citizens freely exchanging ideas. Common men and women engaged in the political process is the lifeblood of the United States. As legislators, we are the stewards of democracy. It is our duty to encourage citizens of all persuasions to actively play a role in this democratic saga.

With the emergence of the Internet, there is no better way to make this possible than by supporting this resolution. I, along with my distinguished colleague, DIANNE FEINSTEIN of California, am submitting a resolution entitled, ''The National Civic Participation Week.'' It declares the week of September 15, 2002 as a time devoted to the education of the political process on the Internet. This resolution challenges the technical industry to create Web sites that promote civic involvement. Further, it calls on local communities to establish links that provide helpful information to its citizens such as polling locations, registration, and, voter information.

We submit this resolution today in response to the declining participation in the American political system, particularly among younger citizens. I offer some sobering statistics: In the last presidential election, of the 25.5 million Americans between the ages of 18–24, only 19 percent registered to vote and only 16 percent actually voted. In the 1996 presidential election, of the 24 million Americans that age, only 47 percent registered, and 32 percent voted. 22 percent of U.S. teens did not know from whom the United States won its independence. 14 percent thought it was France. 10 percent didn't know there were thirteen original colonies. About 23 percent didn't know who fought in the civil war.

Our country has come along way from the early days of the thirteen colonies. Those were times, as Alexis de Tocqueville wrote in his ''Democracy in America,'' of citizens creating ''freedom schools'' to teach and learn of freedom and democracy and the role that each of us can play to help it flourish.

We believe that the Internet and other new technologies can play a crucial role in acting as ''freedom schools.'' With so many young people drawn to the Internet, it is an ideal medium to cultivate democratic virtues and encourage participation. The possibilities are numerous. The World Wide Web has the potential to assist citizens on finding information with how the government works, how laws are made, and how citizens can effectively communicate with their elected officials.

This resolution offers no Federal mandates or governmental expenditures. It does not prescribe what information should be posted on the web or how it is disseminated. Instead, we as Senators are making a collective statement that we recognize the power of the Internet and its vast potential at promoting civic virtues. It is a resolution that encourages those within the technology industry to provide valuable information on the inner-workings of democracy.

Let us use the Internet's vast information highway to cultivate learning and greater awareness in civic affairs. It is our sincere hope that we can rekindle the spirit of the ''freedom school'' of the American Revolution through the Internet. May these new technologies illuminate and continue the lessons and dreams of our forefathers.

Mrs. FEINSTEIN. Mr. President, today Senator ROBERTS and I are submitting a resolution on civic participation. The resolution has three provision: 1. It proclaims the week beginning September 15, 2002 as National Civic Participation Week; 2. It proclaims National Civic Participation Week as a week of programs and activities that encourage greater participation in elections and the political process; and 3. It requests the President to issue a proclamation calling on organizations and the people of the country to promote the use of technology in fostering civic participation through the dissemination of information.

The thrust of this resolution is to encourage activities among Americans, especially young people, to use technology to become more involved in the country's civic life.

As our Nation's leaders, it is our job to show Americans, especially young people, the importance of being involved in local, State, and national affairs.

Civic participation is the arena in which citizens can express their views and engage in dialogue and actions that, influence public policy and guide public officials to carry out the citizen's views and recommendations.

With advances in Internet technology and other computerized forms of communication, today we can offer citizens new and innovative ways of learning about and interacting with their local, State and Federal Government in an easily accessible way.

With only 65.9 percent of all Americans registered to vote in the 1996 Presidential election, according to the Federal Election Commission, the Civic Participation Week resolution will try to make more people aware of their right and responsibility to take an active role in government.

There is no question that we need more Americans involved in their government. In fact, our democracy depends on it. In the most recent Presidential election last year in the United States, only 50.7 percent of the registered voters actually voted, according to the November 9, 2000 Washington Post. This compares to 49 percent in the 1996 and 50.1 percent in the 1988 Federal elections.

Among young people, the voter turnout in this country is considerably lower. In the 18–21 age group, only 43.6 percent are registered to vote, and a dismal 18.5 percent actually voted in 1998, according to Federal Election Commission data.

In many other countries, the voter turnout is considerably higher than in the United States. According to the Federal Election Commission, in Kazakhstan's 1999 Presidential election, there was a 87.05 percent voter turnout. In Iceland, there was a 85.9 percent voter turnout in the 1996 Presidential election. The 1995 Presidential election in Argentina had a 80.9 percent turnout of registered voters.

Internet technology may be an especially effective way to reach young Americans because information is highly accessible. Available at the click of a mouse, and young people seem to prefer computers as an information-gathering tool over more traditional methods.

This use of new technology can help bring people together and can promote citizen participation in the political process through more volunteerism, easier access to information, and heightened activism in our Nation's civic life.

I urge my colleagues to support this resolution.

SENATE RESOLUTION 141—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN PEOPLE OF THE STATE OF NEW YORK V. ADELA HOLZER

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 141

Whereas, the District Attorney of the County of New York in the State of New York is seeking testimony before the Grand Jury of the County of New York from Garry Malphrus, an employee on the staff of the Committee on the Judiciary, in a criminal action prosecuted by the People of the State of New York against Adela Holzer;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics of Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Garry Malphrus is authorized to testify in People of the State of New York v. Adela Holzer, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Garry Malphrus in connection with the testimony authorized in section one of this resolution.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Madam President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 31, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to discuss conservation on working lands for the next federal farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Madam President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on August 2, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to discuss rural economic development issues for the next federal farm bill.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Madam President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, August 2, 2001, at 9 a.m., in SR–301, Russell Senate Office Building, to consider the following legislation: S. 565, the ''Equal Protection of Voting Rights Act of 2001''; an original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; S.J. Res. 19 and 20, providing for the reappointment of Anne d'Harnoncourt and the appointment of Roger W. Sant, respectively, as Smithsonian Institution citizen regents; S. 829, the ''National Museum of African American History and Culture Act of 2001''; and other legislative and administrative matters ready for consideration at the time of the markup.

For further information regarding this markup, please contact Kennie Gill at the Rules Committee on 224–6352.

SUBCOMMITTEE PRODUCTION AND PRICE COMPETITIVENESS

Mr. HARKIN. Madam President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Production and Price Competitiveness will meet on August 1, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to consider the U.S. Export Market Share.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. DASCHLE. Madam 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 Friday, July 27, 2001, to conduct the second 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. Madam President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, July 27, at 9:30 a.m., to conduct a hearing.

The Committee will receive testimony on the nomination of Theresa Alvillar-Speake to be Director of the Office of Minority Economic Impact, Department of Energy. The Committee will also receive testimony on H.R. 308, to establish the Guam War Claims Review Commission, and H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DASCHLE. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 27, 2001 at 11:30 to hold a business meeting.

The Committee will consider and vote on the following nominees:

1. Mr. Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark.
2. Mrs. Sue M. Cobb, of Florida, to be Ambassador to Jamaica.
3. Mr. Russell F. Freeman, of North Dakota, to be Ambassador to Belize.
4. Mr. Michael E. Guest, of South Carolina, to be Ambassador to Romania.
5. Mr. Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden.
6. The Honorable Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea.
7. Mrs. Marie T. Huhtala, of California, to be Ambassador to Malaysia.
8. Mr. Franklin L. Lavin, of Ohio, to be Ambassador to the Republic of Singapore.
9. Mr. Thomas J. Miller, of Virginia, to be Ambassador to Greece.
10. The Honorable Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan.
11. Mr. Roger F. Noreiga, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.
12. Mr. Jim Nicholson, of Colorado, to be Ambassador to the Holy See.
13. 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.
14. Mr. John T. Schieffer, of Texas, to be Ambassador to Australia.

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

PRIVILEGE OF THE FLOOR

Mr. DORGAN. I ask unanimous consent that Mark Zaineddin, a fellow in

my office, be granted floor privileges during pendency of this legislation.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. CLINTON. Madam President, I ask unanimous consent to proceed to executive session to consider the following nominations: Calendar Nos. 262 through 285, and the military nominations placed on the Secretary's desk; that the nominees be considered en bloc; that the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles C. Baldwin, 0000.
Col. Charles B. Green, 0000.
Col. Thomas J. Loftus, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Lance L. Smith, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas C. Waskow, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard E. Brown, III, 0000.

ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general, judge advocate general corps

Col. Scott C. Black, 0000.
Col. David P. Carey, 0000.
Col. Daniel V. Wright, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Burwell B. Bell, III, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John S. Caldwell, Jr., 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James L. Campbell, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Michael L. Dodson, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David D. McKiernan, 0000.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Marylin J. Muzny, 0000.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Thomas W. Eres, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John B. Sylvester, 0000.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. Kevin M. Sandkuhler, 0000.

NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Michael S. Baker, 0000.
Capt. Lewis S. Libby, III, 0000.
Capt. Charles A. Williams, 0000.

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Robert E. Cowley, III, 0000.
Capt. Robert D. Hufstader, Jr., 0000.
Capt. Nancy Lescavage, 0000.
Capt. Alan S. Thompson, 0000.

The following named officers for promotion in the Naval Reserve of the United States to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. James E. Beebe, 0000.
Capt. Hugo G. Blackwood, 0000.
Capt. Daniel S. Mastagni, 0000.
Capt. Paul V. Shebalin, 0000.
Capt. John M. Stewart, Jr., 0000.

The following named officers for appointment in the United States Navy to grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Kathleen L. Martin, 0000.
Rear Adm. (lh) James A. Johnson, 0000.

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael E. Finley, 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Gordon S. Holder, 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James C. Dawson, Jr., 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Walter F. Doran, 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Timothy J. Keating, 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Michael G. Mullen, 0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN565 Army nominations (1232) beginning DAVID L. ABBOTT, and ending X8012, which nominations were received by the Senate and appeared in the Congressional Record of June 22, 2001.

PN593 Army nominations (3) beginning CARL R. BAGWELL, and ending ALLEN M. HARRELL, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2001.

PN638 Army nominations (4) beginning DENNIS E. PLATT, and ending LAWRENCE C. SELLIN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

PN639 Army nominations (9) beginning GEORGE J. CARLUCCI, and ending CHARLES P. SHEEHAN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

PN559 Army nominations (342) beginning HADASSAH E. AARONSON, and ending SANG W YUM, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 2001.

PN669 Army nominations (3) beginning JOSE R. ARROYONIEVES, and ending BRIAN T. *MYERS, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2001.

PN670 Army nominations (8) beginning MARIA L. BRITT, and ending JOHN W. WILKINS, II, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2001.

MARINE CORPS

PN641 Marine Corps nominations (61) beginning DONALD L. ALBERT, and ending

TIMOTHY W. WALDRON, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

NAVY

PN594 Navy nominations (190) beginning MARK M. ABRAMS, and ending DAVID P. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2001.

PN595 Navy nominations (206) beginning MICHAEL J. NYILIS, and ending RYAN S. YUSKO, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2001.

PN289 Navy nominations (231) beginning MICHAEL G. AHERN, and ending RICHARD D. ZEIGLER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2001.

PN290 Navy nominations (347) beginning MILTON D. ABNER, and ending MICHAEL A. ZIESER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2001.

PN436 Navy nominations (745) beginning SCOT K. ABEL, and ending WILLIAM A. ZIRZOW, IV, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2001.

PN437 Navy nominations (260) beginning CHRISTOPHER E. CONKLE, and ending PHILIP D. ZARUM, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2001.

PN642 Navy nominations (484) beginning LEIGH P. ACKART, and ending HUMBERTO ZUNIGA, JR., which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

PN671 Navy nominations (8) beginning DAVID M. BURCH, and ending MIL A. YI, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2001.

PN304 Navy nominations (315) beginning EDWARD P. ABBOTT, and ending ROBERT ZAUPER, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mrs. CLINTON. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 141, submitted earlier today by the majority and Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 141) to authorize testimony and legal representation in People of the State of New York v. Adela Holzer.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Madam President, this resolution concerns a request for testimony in a grand jury investigation in New York City relating to immigration fraud. The District Attorney for New York County has uncovered evidence that a New York resident extracted money from immigrants by falsely promising to obtain private relief legislation to benefit them through her contacts in Washington. The alleged scheme included fabrications of correspondence purporting to be from Senator THURMOND'S office. The District Attorney has requested that an employee on Senator THURMOND'S Judiciary subcommittee staff testify before the grand jury about the fabrications.

Senator THURMOND wishes to cooperate with the District Attorney by authorizing this employee to testify before the grand jury. Accordingly, this resolution authorizes this employee to testify, with representation by the Senate Legal Counsel.

Mrs. CLINTON. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 141) was agreed to.

The preamble was agreed to.

(The text of S. Res. 141 is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

ILSA EXTENSION ACT OF 2001

Mrs. CLINTON. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1954, the Iran-Libya Sanctions Act, just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (H.R. 1954) to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. CLINTON. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (H.R. 1954) was read the third time and passed.

ORDERS FOR MONDAY, JULY 30, 2001

Mrs. CLINTON. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 1 p.m., Monday, July 30. I further ask unanimous consent that on Monday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee from 1 to 1:30 p.m.; Senator GRASSLEY or his designee from 1:30 to 2 p.m.; further, at 2 p.m. the Senate resume consideration of the motion to proceed to S. 1246, the Agriculture supplemental authorization bill, with the time until 5:30 p.m. equally divided between the chairman and ranking member or their designees.

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

PROGRAM

Mrs. CLINTON. Madam President, the Senate will convene Monday at 1 p.m. with 1 hour of morning business. At 2 p.m., the Senate will consider the motion to proceed to the Agriculture supplemental bill. A cloture vote on the motion to proceed to the Agriculture bill will occur at 5:30 p.m. on Monday.

I have no further business to report, Madam President.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JULY 30, 2001

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 1 p.m. on Monday, July 30, 2001.

Thereupon, the Senate, at 7:31 p.m., adjourned until Monday, July 30, 2001, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 2001:

DEPARTMENT OF STATE

JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

AIR FORCE NOMINATION OF COL. CHARLES C. BALDWIN.
AIR FORCE NOMINATION OF COL. CHARLES B. GREEN.
AIR FORCE NOMINATION OF COL. THOMAS J. LOFTUS.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. LANCE L. SMITH.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. THOMAS C. WASKOW.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. RICHARD E. BROWN III.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, Judge Advocate General's Corps

ARMY NOMINATION OF COL. SCOTT C. BLACK.
ARMY NOMINATION OF COL. DAVID P. CAREY.
ARMY NOMINATION OF COL. DANIEL V. WRIGHT.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. BURWELL B. BELL III.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOHN S. CALDWELL JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JAMES L. CAMPBELL.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF LT. GEN. MICHAEL L. DODSON.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. DAVID D. MCKIERNAN.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

ARMY NOMINATION OF COL. MARYLIN J. MUZNY.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

ARMY NOMINATION OF BRIG. GEN. THOMAS W. ERES.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOHN B. SYLVESTER.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

MARINE CORPS NOMINATION OF COL. KEVIN M. SANDKUHLER.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. MICHAEL S. BAKER.
NAVY NOMINATION OF CAPT. LEWIS S. LIBBY III.
NAVY NOMINATION OF CAPT. CHARLES A. WILLIAMS.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. ROBERT E. COWLEY III.
NAVY NOMINATION OF CAPT. ROBERT D. HUFSTADER JR.
NAVY NOMINATION OF CAPT. NANCY LESCAVAGE.
NAVY NOMINATION OF CAPT. ALAN S. THOMPSON.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. JAMES E. BEEBE.
NAVY NOMINATION OF CAPT. HUGO G. BLACKWOOD.
NAVY NOMINATION OF CAPT. DANIEL S. MASTAGNI.
NAVY NOMINATION OF CAPT. PAUL V. SHEBALIN.
NAVY NOMINATION OF CAPT. JOHN M. STEWART JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

NAVY NOMINATION OF REAR ADM. (LH) KATHLEEN L. MARTIN.
NAVY NOMINATION OF REAR ADM. (LH) JAMES A. JOHNSON.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

NAVY NOMINATION OF REAR ADM. (LH) MICHAEL E. FINLEY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. GORDON S. HOLDER.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF REAR ADM. JAMES C. DAWSON JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be Vice Admiral

Navy nomination of Vice Adm. Walter F. Doran.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

Navy nomination of Vice Adm. Timothy J. Keating.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be Vice Admiral

Navy nomination of Vice Adm. Michael G. Mullen.

ARMY NOMINATIONS BEGINNING HADASSAH E. AARONSON AND ENDING SANG W. YUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 2001.

ARMY NOMINATIONS BEGINNING DAVID L. ABBOTT AND ENDING X8012, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 22, 2001.

ARMY NOMINATIONS BEGINNING CARL R. BAGWELL AND ENDING ALLEN M. HARRELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2001.

ARMY NOMINATIONS BEGINNING DENNIS E. PLATT AND ENDING LAWRENCE C. SELLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

ARMY NOMINATIONS BEGINNING GEORGE J. CARLUCCI AND ENDING CHARLES P. SHEEHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

ARMY NOMINATIONS BEGINNING JOSE R. ARROYONIEVES AND ENDING BRIAN * T. MYERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2001.

ARMY NOMINATIONS BEGINNING MARIA L. BRITT AND ENDING JOHN W. WILKINS II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2001.

MARINE CORPS NOMINATIONS BEGINNING DONALD L. ALBERT AND ENDING TIMOTHY W. WALDRON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

NAVY NOMINATIONS BEGINNING MICHAEL G. AHERN AND ENDING RICHARD D. ZEIGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

NAVY NOMINATIONS BEGINNING MILTON D ABNER AND ENDING MICHAEL A ZIESER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

NAVY NOMINATIONS BEGINNING EDWARD P. ABBOTT AND ENDING ROBERT ZAUPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2001.

NAVY NOMINATIONS BEGINNING SCOT K ABEL AND ENDING WILLIAM A ZIRZOW IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2001.

NAVY NOMINATIONS BEGINNING CHRISTOPHER E CONKLE AND ENDING PHILIP D ZARUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2001.

NAVY NOMINATIONS BEGINNING MARK M ABRAMS AND ENDING DAVID P YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2001.

NAVY NOMINATIONS BEGINNING MICHAEL J. NYILIS AND ENDING RYAN S. YUSKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2001.

NAVY NOMINATIONS BEGINNING LEIGH P ACKART AND ENDING HUMBERTO ZUNIGA JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

NAVY NOMINATIONS BEGINNING DAVID M. BURCH AND ENDING MIL A. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2001.