

boardings, such as when an airline overbooks a flight and forces some passengers to be denied seats for which they had already paid. The only improvement shown by the survey was a slight drop in complaints about baggage handling.

The survey tracked the statistics for 10 major airlines using the Department of Transportation's definition of "major." The airlines, rated from best to worst, were: Southwest, Continental, Delta, Northwest, Alaska, US Airways, American, American West, TWA and United.

"We try to base this on pure performance, something the airline has some control over," said Dean Headley of Wichita State University and a coauthor of the survey with Brent Bowen, director of the Aviation Institute at the University of Nebraska in Omaha.

Headley said he was not surprised by the survey results, but that he was frustrated by the rise in complaints against the airlines, especially after they had all promised to improve service. He said the Internet has made it easier for people to complain but could not account for such a large increase in the number of complaints—up 130 percent between 1998 and 1999.

In December, after nearly a year of promising to improve service in the face of rising consumer complaints and congressional threats, the airlines adopted what they called a consumer bill of rights in an effort to head off threatened government intervention on behalf of passengers. That threat began in January 1999, when Northwest stranded a planeload of passengers on a snowy Detroit runway for nearly eight hours.

Nebraska's Bowen said the report's conclusion that overall industry quality continues to decline indicates that "the entire airline-sponsored plan to increase customer services is failing."

A spokeswoman for the Air Transport Association, the trade group that represents the airlines, said the voluntary bill of rights initiated by the airlines has only been in effect a few months. She said the airlines' new policy should be in place a full year before people judge whether service has improved.

The transportation department's inspector general is scheduled to issue a report to Congress in June on just how well the airlines are doing. A negative report from DOT in an election year is almost certain to rekindle calls for congressional action.

Sen. Ron Wyden (D-Ore.), an advocate of legislation to force better service from the airlines, said that if the inspector general's report mirrors the conclusions of yesterday's study, "it really strengthens my hand." Wyden said yesterday's survey "was a credible report because these fellows have been doing it a long time and they are not normally industry bashers."

Last year, Wyden proposed a bill that would force the airlines to tell customers when a flight was overbooked and to give them information on all available fares on a specific flight. The bill would also allow passengers to get a refund if they canceled a ticket at least 48 hours before a flight.

Headley and Bowen concluded that unless airlines improve service, consumers will lose loyalty to individual carriers and "become driven by price and schedule only."

But Headley said that despite his concerns about deteriorating air service, he did not think setting industry service standards was the answer. "I'm a big fan of not regulating if we can avoid it," he said.

Mr. ALLARD. Mr. President, I ask unanimous consent that the vote in re-

lation to the Allard amendment be stacked to occur first in any sequence of votes that are scheduled relative to the Transportation appropriations bill. Further, I ask that no amendments be in order to the amendment prior to the vote.

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

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

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

#### UNANIMOUS CONSENT AGREEMENT—E-SIGNATURES CONFERENCE REPORT

Mr. REID. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate considers the e-signatures conference report, the conference report be considered as having been read and it be considered under the following agreement:

Three hours to be equally divided between the chairman and ranking minority member of the Commerce Committee, or their designees, with 20 minutes each for Senators LEAHY, SARBANES, and WYDEN.

I further ask consent that following the use or yielding back of time, the conference report be laid aside and the vote occur at 9:30 a.m. on Friday on the adoption of the conference report. I further ask consent that immediately following that vote the Senate proceed to executive session for the consideration of the following nominations reported by the Judiciary Committee:

Laura Swain, U.S. District Judge for Southern District of New York; Beverly Martin, U.S. District Judge for Northern District of Georgia; Jay Garcia-Gregory, U.S. District Judge for District of Puerto Rico.

I further ask that the nominations then be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

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

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

#### MAGNA CARTA

Mr. BYRD. Mr. President, today is a very special anniversary. One will not find it noted on most calendars. Although it lacks the familiarity of the anniversary of the writing of the Constitution, for example, it is a day well worth remembering. The 15th day of this month deserves our attention for one very fundamental reason which is quite important to this Republic and to those of us in this Chamber. It marks the birth of the idea that ours is a government of laws and not of men, and that no man, no man is above the law.

Seven hundred and eighty-five years ago, on June 15, 1215, English barons met on the plains of Runnymede, on the Thames River near Windsor Castle, to present a list of demands to their king. King John had recently engaged in a series of costly and disastrous military adventures against France. These operations had drained the royal treasury and forced King John to receive the barons' list of demands. These demands—known as the Articles of the Barons—were intended as a restatement of ancient baronial liberties, as a limitation on the king's power to raise funds, and as a reassertion of the principle of due process under law, at that time referred to in these words, "law of the land." Under great pressure, King John accepted the barons' demands on June 15 and set his royal seal to their set of stipulations. Four days later, the king and barons agreed on a formal version of that document. It is that version that we know today as Magna Carta. Thirteen copies were made and distributed to every English county to be read to all freemen. Four of those copies survive today.

Several of this ancient document's sixty-three clauses are of towering importance to our system of government. The thirty-ninth clause, evident in the U.S. Constitution's Fifth and Fourteenth amendments, underscores the vital importance of the rule of law and due process of law. It reads "No freeman shall be captured or imprisoned . . . except by lawful judgment of his peers or by the law of the land."

Beginning with Henry III, the nine-year-old who succeeded King John in 1216, English kings reaffirmed Magna Carta many times, and in 1297 under Edward I it became a fundamental part of English law in the confirmation of the charters. (An original of the 1297 edition is on indefinite loan from the Perot Foundation and is displayed in the rotunda of the National Archives.) In 1368, that would have been under the reign of Edward III, a statute of Edward III established the supremacy of Magna Carta by requiring that it "be holden and kept in all Points; and if there be any Statute made to the contrary, it shall be holden for none."

In the early 1600s, the jurist and parliamentary leader Sir Edward Coke interpreted Magna Carta as an instrument of human liberty, and in doing so,

made it a weapon in the parliamentary struggle against the gathering absolutism of the Stuart monarchy. As he proclaimed to Parliament in 1628, "Magna Carta will have no sovereign." Unless Englishmen insist on their rights, another observed, "then farewell Parliaments and farewell England."

By the end of that century, through the course of civil war and the Glorious Revolution, the rights of self-government, first acknowledged in 1215, became firmly secured.

As settlers began their migration to England's colonies throughout the seventeenth and early eighteenth centuries, they took with them an understanding of their laws and liberties as Englishmen. Magna Carta inspired William Penn as he shaped Pennsylvania's charter of government. Members of the colonial Stamp Act Congress in 1765 interpreted Magna Carta to secure the right to jury trials.

After the colonies declared their independence of Great Britain, many of their new state constitutions carried bills of rights derived from the 1215 charter, Magna Carta. As University of Virginia law professor A.E. Dick Howard notes in his classic study of the subject, by the twentieth century, Magna Carta had become "irrevocably embedded into the fabric of American constitutionalism, both by contributing specific concepts such as due process of law and by being the ultimate symbol of constitutional government under a rule of law."

In 1975, the British Parliament offered Congress and the American people a most generous gift. To celebrate two hundred years of American independence from Great Britain, Parliament offered to loan one of Magna Carta's four surviving copies to the United States Congress for a year. The document they selected is known as the Wymes copy and is regularly displayed in the British Library. Parliament also made a permanent gift of a magnificent display case bearing a gold replica of Magna Carta.

A delegation of Senators and Representatives traveled to London in May 1976 to receive that document at a colorful and thronged ceremony in Westminster Hall. On June 3, 1976, a distinguished delegation of parliamentary officials joined their American counterparts for a gala ceremony in the Capitol Rotunda. The display case containing Magna Carta was placed near the Rotunda's center, where, over the following year, more than five million visitors had the rare opportunity to view this fundamental charter at close range.

At a June 13, 1977, ceremony concluding the exhibit, I offered brief remarks in my capacity as Senate Majority Leader. I noted that nothing during the previous bicentennial year had meant more to the nation than this gift. I recalled the Lord Chancellor's

diplomatic interpretation, during the 1976 ceremony, of the reasons for the bicentennial celebrations. This is what he said:

What happened two hundred years ago, we learned, was not a victory by the American colonies over Britain but rather a joint victory for freedom by the English-speaking world.

Today, the magnificent display case remains in the Capitol Rotunda as a reminder of our two nations' joint political heritage. I encourage my colleagues to visit this case in the rotunda and examine its panel with raised gold text duplicating that of Magna Carta. What better way could we choose to observe this very special anniversary day?

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENTS NOS. 3441, 3443, 3445, EN BLOC

Mr. SHELBY. Mr. President, I call up the following amendments and ask for their immediate adoption. They have cleared on both sides: No. 3441 on behalf of Senator McCain, Nos. 3443 and 3445 on behalf of Senator Torricelli.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], proposes amendments numbered 3443, and 3445.

The amendments are as follows:

AMENDMENT NO. 3441

(Purpose: To require a cap on the total amount of Federal funds invested in Boston's "Big Dig" project)

At the appropriate place insert the following:

**SEC. . CAP AGREEMENT FOR BOSTON "BIG DIG".**

No funds appropriated by this Act may be used by the Department of Transportation to cover the administrative costs (including salaries and expenses of officers and employees of the Department) to authorize project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts, until the Secretary of Transportation and the State of Massachusetts have entered into a written agreement that limits the total Federal contribution to the project to not more than \$8.549 billion.

AMENDMENT NO. 3443

(Purpose: To express the sense of the Senate that Congress and the President should immediately take steps to address the growing safety hazard associated with the lack of adequate parking space for trucks along Interstate highways)

At the appropriate place in title III, insert the following:

**SEC. 3 . PARKING SPACE FOR TRUCKS.**

(a) FINDINGS.—Congress finds that—  
 (1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;  
 (2) a Special Investigation Report published by the National Transportation Safety

Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

AMENDMENT NO. 3445

(Purpose: Relating to a study of adverse effects of idling train engines)

At the appropriate place in the bill, insert the following:

**SEC. . STUDY OF ADVERSE EFFECTS OF IDLING TRAIN ENGINES.**

(a) STUDY REQUIRED.—The Secretary of Transportation shall provide under section 150303 of title 36, United States Code, for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety, and to submit a report on the study to the Secretary. The report shall include recommendations for mitigation to combat rail noise, standards for determining when noise mitigation is required, needed changes in Federal law to give Federal, State, and local governments flexibility in combating railroad noise, and possible funding mechanisms for financing mitigation projects.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress the report of the National Academy of Sciences on the results of the study under subsection (a).

Mr. SHELBY. Those amendments have been cleared on both sides. I urge the adoption of the amendments.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 3441, 3443, 3445) were agreed to en bloc.

AMENDMENT NO. 3441

Mr. McCain. Mr. President, my amendment is very simple and straight forward. It prevents Department of Transportation officials from authorizing project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in