and future generations an insight on her, her family, her husband, her mother and father, those things that had influenced her life. She decided to do this without the assistance of a ghostwriter or someone who would put her words on paper. Rather, she took up pen and yellow paper and for 7 years wrote her memoirs.

At the conclusion, she had accomplished her objective of having placed for all time her life on paper. She also saw some results which were probably unexpected. She changed the way that many women looked at themselves and looked at their possibilities. Yesterday, at the funeral, a woman in a wheelchair told me about how much Kay Graham’s life had meant to her when she was unexpectedly handicapped. She thought she had lost the opportunity to talk whose untimely death and of constant life growth are just not a book of histrionics. It is not a book meant to make people necessarily feel good or to placate and to soften events in the past. It is written with a directness of one friend talking to another with great candor. And it also was a lesson of what is possible.

At the age of 80, after 80 years of living, including 7 years of writing, Kay’s memoirs won the Pulitzer Prize. What an enormous statement about a life which at every stage is one of growth and unwillingness to accept limitations.

I believe these examples of the lessons of compromise, of self-confidence, and of constant life growth are just not a book of histrionics. It is not a book of histrionics. It is not a book meant to make people necessarily feel good or to placate and to soften events in the past. It is written with a directness of one friend talking to another with great candor. And it also was a lesson of what is possible.

These are examples I will be honored to attempt to emulate. My only regret is that she will not be here to critique my performance.

Mr. HATCH. Mr. President, I would like to join my colleagues today in paying tribute to a great woman. Katherine Meyer Graham, whose untimely death and of constant life growth are just not a book of histrionics. It is not a book meant to make people necessarily feel good or to placate and to soften events in the past. It is written with a directness of one friend talking to another with great candor. And it also was a lesson of what is possible.

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These are examples I will be honored to attempt to emulate. My only regret is that she will not be here to critique my performance.

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended for 45 minutes, with Senators permitted to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that the hour be extended for 45 minutes, with Senators permitted to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRANSPORTATION APPROPRIATIONS

Mr. DASCHLE. Mr. President, we have been in a quorum call now for several hours. As I understand it, there are still negotiations ongoing with regard to the trucking amendment. In order to accommodate further discussion, I would like to ensure that other Senators know I will be filing cloture tonight, and it will be very important during this negotiation period for other Senators to come to the floor to offer their amendments.

I expect there will be additional rollcall votes later on tonight. We know of two amendments that will be offered. We will expect rollcall votes on those amendments sometime after 6:30 this evening. Beyond that, there may be other amendments as well. But we will have additional votes tonight.
Again and again we find that passengers are kept in the dark. They are not told when a flight is overbooked. For example, airline advertising would say that the airline was delaying a flight because of bad weather, yet the airline knew all along that it was overbooked. For example, the airline would know hours ahead of time that a flight was going to be significantly delayed by 2 or 3 hours. Yet the airlines would not go out and change the departure board. It seems to me what we ought to require, in an area that is extremely complicated, is that passengers at least have a right to know what their travel options are. Senator REID and Senator MCCAIN and I have been working together very closely for several years now. A bill has cleared the Senate Commerce Committee under the leadership of Chairman HOLLINGS and Senator MCCAIN. Under normal circumstances I would offer a measure that would ensure passengers have these basic rights as they fly this summer--

Suffice it to say, the chair of the Senate Transportation Committee has enough headaches in handling this legislation now as to not put yet another challenge on the bill. But I will tell you my patience with respect to this matter is growing pretty thin.

Senator MCCAIN and I introduced the first bipartisan passenger rights legislation back in 1999. The airlines then said there really was no problem. They said this was just an anecdotal situation and there really was not a problem.

Then, as the evidence began to pour in that this problem was systemwide, they said the answer was a voluntary approach. Just keep the U.S. Congress out of it and everything is going to be fine. The inspector general came forward and did an analysis of the voluntary approach and saw that was not working particularly well. Then the airlines said it was the FAA’s fault, the Federal Aviation Administration.

The fact is, it has been a bottomless pit of excuses with respect to this question of improving passenger service in this country. Now the airlines have basically said that if passengers want any rights, they should basically go to court to get them. But, given that airline regulation is one of the few industries—perhaps the only one—where you consistently can’t get the product for which you contracted. If the local movie house doesn’t have enough people for the 3 o’clock showing, the local movie does not go out and cancel the 3 o’clock showing. It has been found again and again that is what airlines do when they don’t think they have sufficient people on a particular flight.

I am not going to offer the passenger bill of rights as an amendment on Senator MURRAY’s appropriations bill, but I wanted to come to the floor and say this is an area where I think the Senate is ready to go with the good work of Senator REID and Senator MCCAIN, and particularly Senator HOLLINGS, who pulled together a bipartisan bill in the Senate Commerce Committee.

I think we are on our way to passing legislation that could make a real difference. Given the fact that it will take some time to get that new infrastructure which is needed in place—it is going to take time to get additional runways and improvements in air traffic control and other basic purposes—that is all the more reason to pass a passenger’s rights bill now so that passengers, as we are building the additional infrastructure, can know what their travel options are and know how to plan what is best for them and their families.

I again thank Senator MURRAY for the excellent job she has done on this bill. I see Senator SHELBY and others are here as well. Senator SHELBY was very involved in passing and supporting passenger rights as well. I thank him for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as the majority leader announced, we are moving towards an amendment that will be voted on shortly. I understand the Senator from New Jersey would like to speak for 12 minutes. I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Washington for yielding the time.

I rise in opposition to efforts by Senator GRAMM and Senator MCCAIN to strike the Murray language regarding access by Mexican motor carriers to United States highways. In fact, while I commend Senator MURRAY for her efforts to reach compromise with regard to access to United States highways by Mexican truck companies—I am indeed even opposed to her compromise—I believe that any compromise is going to result in danger to American motorists and believe the better course is for the Senate to follow the leadership of the House of Representatives and ban these trucks unless and until we are certain that American motorists can be safe.

Senator DORGAN and I have prepared such an amendment and are considering offering it. Obviously, that can only be done if, indeed, we begin by defeating Senator McCAIN’s efforts.
While serving in the House of Representatives, I opposed the NAFTA treaty. I believe then, as I believe now, that for all of the advantages of integrating the economies of North America, NAFTA was a missed opportunity. It was a missed opportunity to establish regulatory environmental and labor requirements that would protect but also enhance our environment and also our human resources. Now we are about to make the same mistake again at an enormous price.

I do not believe NAFTA or any international law imposes on the United States an obligation to lower or ignore safety standards for our citizens in the name of free trade. I believe in free trade. I have often voted for free trade. I believe its economic advantages to our Nation are overwhelming. But our first obligation is always to protect the health and well-being of American citizens.

If there is a question as to whether allowing Mexican trucks immediate and unlimited access will endanger American citizens, one need look no further than developments along our southern border in the last decade.

Since the enactment of NAFTA, the number of Mexican commercial trucks crossing between our countries has increased by 324 percent. There are over 4.5 million commercial truck crossings a year into our Southern States. Only 1 percent of these vehicles are inspected by U.S. personnel. Thirty-six percent of those trucks inspected failed basic safety standards for such things as faulty brakes, broken lights, unsafe transportation, or dangerous cargo.

As this chart illustrates, the percentage of trucks ordered off the roads because of faulty brakes or hazardous and dangerous cargo is 50 percent higher in Mexican trucks than in American trucks and nearly four times as high as with Canadian trucks. If you were to extrapolate this number on the basis of actually inspecting all those trucks crossing the American border, 1.5 million truck crossings would pose a safety hazard, the vast majority of which are obviously undetected. Public Citizen estimates that were we to do nothing, there would be an additional 3 million truck crossings.

Using the 36 percent failure rate, that means, incredibly, that we could expect 1 million hazardous truck crossings per year from Mexico to the United States. Based on our current experience, 1 million trucks are going to enter into the States that Members of this Senate represent with faulty brakes, hazardous cargo, unsafe lighting, and unsafe design.

How many lives will be consumed by 1 million faulty trucks on America's highways? It is a question no one can answer. But every Senator can agree upon this: It is going to cost lives—not perhaps, not perhaps. People will lose their lives. This problem is driven by systemic flaws within the Mexican regulatory system which result in low compliance, lax enforcement, and little or no sanctions for violations.

The chart on my left demonstrates the stark difference between American and Mexican truck regulations, beginning with driver fatigue.

In order to assure that drivers are alert on American highways, American truckdrivers are limited to 10 hours of consecutive driving. Even with this American limit of 10 consecutive hours on the road, driver fatigue still causes one-third of all truck accidents in the United States.

Only months ago, Mexico instituted its first limitations on hours of service. But most trucks in Mexico are exempt from the limitation. Imagine American highways with Mexican truckdrivers who lack experience with these limitations and who lack compliance with driving for limited hours. Truckdrivers from Mexico earn, on average, $7 per day driving these truck rigs across the United States.

I can look you this about a truck-driver who earns $7 a day to feed his family. Having him stop driving after 10 hours when he lives in those economic circumstances, not being accustomed to these regulations, having no history of them, with questionable enforcement—these trucks are going to be driven for hours and hours past current regulations.

Second, logbooks: In the United States, all truckdrivers are required to keep detailed logbooks of their driving time, cargo, and destination and to present them, on demand, for safety.

In Mexico, the law for keeping logbooks is not enforced, and border inspectors have reported that virtually none of the Mexican truckdrivers entering the United States uses these logbooks—virtually none.

Weight limits: American trucks cannot exceed 80,000 pounds and are often inspected by weigh stations throughout the Interstate Highway System. Eighty-three percent of the fatal truck accidents in the United States involve trucks that are over 26,000 pounds, clearly establishing that heavier trucks are the cause of most fatal truck accidents.

In Mexico, the weight limit is an incredible 135,000 pounds, or 28 tons higher than the American limit. Equally as disconcerting as this higher weight limit is that even should the limit be reduced, there is inadequate infrastructure or even space along the border to perform weight compliance checks. Seventy percent of inspection sites in the United States have room for only one or two trucks. Not only are these trucks out of compliance, not only are they over the legal limit, even if we were requiring compliance, we do not have the infrastructure to do it.

These trucks are coming to American roads. It is a safety problem, to be certain, that is going to cause loss of life. It is also an invitation to massive damage to American highways, massive damage to our neighborhoods because of potential problems of criminal and even organized criminal activity in dumping these hazardous materials.

Nearly a quarter of all trucks entering the United States from Mexico are transporting hazardous materials, but only 1 out of 14 is properly identified. Age: The average age of a commercial truck in the United States is 4½ years. In Mexico, the average truck is 15 years old. There are few truck companies in America that operate any trucks that are 15 years old. “Average” or “median” age means a significant portion of Mexico’s trucks is 20, 25, and 30 years old. By definition, such a truck is not safe to be operating on the American Interstate Highway System.

Lest anyone think my concerns are solely on the Mexican side of the border, let me discuss for a moment the failure of the United States to properly prepare for an inspection system. On the assumption that Senator McCain’s efforts will fail, we are left with Senator Murray’s efforts to reach a compromise on this to try to improve the system. We hope she succeeds. But if she does, it will require a Federal inspection system.

Today, Federal and State inspectors are on duty 24 hours a day at only 2 of the 27 border crossings with Mexico. If a Mexican truck enters a border crossing when no one is there, it is not subject to inspection.

The Department of Transportation, under these proposals, is going to issue operating certificates to Mexican firms based on their answers to questionnaires. The Department will have 18 months to perform a safety audit on the firm. But the firm’s trucks can freely travel throughout the United States during this 18-month period when the questionnaires are being reviewed.

Second, the inadequacy of the U.S. inspection infrastructure is an invitation to problems. Many State inspectors who augment Federal inspectors do not even routinely check for licenses and documents. Most border crossings lack any telecommunications, so the inspection personnel
cannot even check on the validity of licenses and registrations being offered at border crossings.

I make these points to demonstrate that the Mexican trucking industry as well as the American inspection system are not ready to protect the American driving public. There is no infrastructure. There is inadequate personnel. There are not weigh stations. There are not even telephones. There are not parking spaces. There is an avalanche of old Mexican trucks, without requirements for safety or background or design, that are coming to the United States.

This Nation has spent more than 50 years modernizing its trucking industry, learning about safety, training drivers, ensuring that they understand how to operate these rigs. After 50 years of experience, and lowering mortality rates, we are now opening our borders to Mexican trucks.

I recognize that this issue is difficult because of our close relations with Mexico and our obligations under NAFTA. Indeed, on February 6 an international arbitration panel ruled that the United States cannot bar all Mexican applicants from entering the United States. The United States wants to comply with its international obligations. But the arbitration panel also found that because of vast differences between the two regulatory regimes, the United States did not have to treat Mexican applicants the same as it did United States or Canadian applicants.

The panel indicated that NAFTA did not restrict the ability of the United States to implement measures to ensure that Mexican trucking companies and their drivers meet United States standards. I quote:

Nor does it (NAFTA) require that Mexican-domiciled firms currently providing trucking services in the U.S. be allowed to continue to do so, if and when they fail to comply with U.S. safety regulations.

Later on the panel added:

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

I believe the authority of the U.S. Government in this area is clear. We have the right and the obligation to ensure that our citizens are safe and our highways are operated to the highest standards. The record in the United States, for all of our efforts, is not overwhelmingly positive. Despite 50 years of efforts, the highest design requirements in the world, the best training in the world, over 5,000 Americans are killed every year and over 100,000 people are injured on American highways because of accidents with heavy trucks.

There is no one in the Senate who can credibly argue that if Mexican trucks are allowed in the United States without adequate inspection, without modernizing the infrastructure, without a tremendous change in the operating performance of these old Mexican trucks, given their record of experience, and no experience with modern regulations, these 5,000 deaths are not going to be increased and the loss of life will not be considerable.

Mr. President, I believe this case is compelling. These are few times Members of the Senate can cast a vote knowing that the results are potentially so dramatic. The citizens of our States are already frustrated with crowded highways that are deteriorating under heavy use. The loss of life from accidents is inexplicable—100,000 injured Americans.

To now open American highways to Mexican trucks, given their record of compliance, the failures of infrastructure, is to guarantee an increase in this dangerous situation.

I urge defeat of Senator McCain's efforts. Then the Senate needs to seriously consider whether the compromise that is in the legislation is sufficient to protect American families.

ORDER OF PROCEDURE

Mrs. MURRAY. Will the Senator yield for a unanimous consent request?

Mr. TORRICELLI. I am happy to yield.

Mrs. MURRAY. I thank the Senator from New Jersey.

Mr. President, I ask unanimous consent that at 6:40 p.m., we lay aside the pending Murray amendment, that the Senate vote in relation to the Fitzgerald-Bayh amendment regarding the Chicago airports, and that no second-degree amendments will be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I would like to ask a question of the chairman. I didn't want to object. Will this be the last vote today?

Mrs. MURRAY. I cannot answer that question at this time. Senator Daschle has indicated he would like a number of votes, but I don't know the answer to that. I will ask the leader.

Mr. THOMAS. Would it be fair to ask—we have been in morning business almost all day—what kind of a management operation do we have going on here?

Mrs. MURRAY. I would tell the Senator that we have been working diligently all day long to move the Transportation appropriations bill. There are a number of Members on his side who have some concerns about the underlying provisions regarding safety of Mexican trucks, and we have been unable to move forward on that issue at this time. We hope to continue to work to resolve that issue and to move this bill forward.

Mr. THOMAS. We hear from the leader we will move forward. We have a lot of things to do. Yet we spend the whole day, frankly, accomplishing very little.

Mrs. BOXER. Will Senator MURRAY yield for a question?

Mrs. MURRAY. I am happy to yield.

Mr. BOXER. I am confused by that colloquy. It is my understanding that a Republican Senator, or, rather, two Republican Senators had asked the Democratic manager and, for that matter, I am sure the Republican manager, to discuss an underlying provision of the bill that is what has been happening. As a matter of fact, that Republican Senator came out to thank Senator MURRAY for agreeing to sit and negotiate. Am I right on that point?

Mrs. MURRAY. The Senator is correct.

Mr. BOXER. Isn't the reason for the delay to work out this problem?

Mrs. MURRAY. The Senator is correct.

Mr. BOXER. And the request came from two Republican Senators?

Mrs. MURRAY. The Senator is correct.

Mr. BOXER. I thank my friend for sharing that information.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

AMENDMENT NO. 1025 TO AMENDMENT NO. 1025

Mrs. MURRAY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY), for Mr. FITZGERALD, Mr. DURBIN, Mr. BAYH, and Mr. LUGAR, proposes an amendment numbered 1025 to amendment No. 1025.

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

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

(Purpose: Relating to commercial air service at the Gary-Chicago Airport)

On page 55, line 2, insert after “access,” the following: “increasing commercial air service at the Gary-Chicago Airport, and increasing commercial air service at the Greater Rockford Airport.”

On page 55, line 7 insert after “Chicago area” the following: “, including Northwest Indiana.”

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the amendment.