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## Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore [Mr. BYRD].

### PRAYER

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

Gracious Father, replenish our energies so that we can give ourselves unreservedly to the challenges of this new week. Give us gusto to confront problems and work to apply Your solutions. Replace our fears with vibrant faith. Most important of all, give us such a clear assurance of Your guidance that we will have the courage of our convictions.

Bless the women and men of this Senate with a profound personal experience of Your grace, an infilling of Your Spirit of wisdom, and a vision of Your will in all that must be decided this week. In the name of our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

### SCHEDULE

Mr. REID. Mr. President, I have been asked by the majority leader to indicate that we are to be in morning business for 2 hours today. Following that, we will return to legislative business. We will be on the Transportation appropriations bill. There will be an amendment offered at or about 4 o'clock today, with a vote to occur at about 5:45 today. We hope those who

have amendments to offer to the bill will be ready to do so. We know there is at least one difficult issue. We are going to work on that.

Senator MURRAY and Senator SHELBY have spent a great deal of time on this legislation. We hope to complete this matter and one or two other appropriations bills this week.

The recess is fast approaching, a week from this Friday. We are going to have a number of things we have to do, in addition to appropriations bills, that the majority leader and the minority leader have talked about and recognize have to be done before the recess. So we have asked everyone to be cooperative. We are going to move as quickly as we can to try to satisfy the many different desires of the two caucuses.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions: The Senator from Arizona, Mr. KYL, from 2 to 3 p.m., and the Senator from West Virginia, Mr. BYRD, from 3 to 4 p.m.

The Senator from Arizona, Mr. KYL.

Mr. KYL. Thank you, Mr. President.

When my colleague, the Senator from Idaho, arrives, I will stop my presentation and give him an opportunity to join me in our comments today. We intend to take this hour to both talk about the same general subject.

### NOMINATIONS

Mr. KYL. Mr. President, when we first came back and began this Con-

gress in January, there was a lot of talk about bipartisanship at that time due primarily to the fact that the Senate was equally divided between Republicans and Democrats, and we knew we better act in a bipartisan way or not a lot would get done.

Since that time, of course, the Democratic Party has taken the majority, by virtue of the transfer from a Republican to an independent status, and we now have 50 Democrats, 49 Republicans, and one independent in the Senate; therefore, the Senate is under the control of the Democratic Party as the majority party. But we have a Republican administration and no less of a requirement to work together in a bipartisan fashion.

The distinguished President pro tempore chairs a committee which, by its very nature, requires bipartisanship. I think I was presiding in the chair the day the distinguished President pro tempore and his counterpart, the ranking member, the Senator from Alaska, talked about the fact that without the kind of bipartisan cooperation in that committee that has characterized its work, it would be hard for the Senate to get its work done.

That is also true of some other things, some housekeeping, if you will, that the Senate has to do as part of its constitutional responsibilities and, frankly, are among the most important of its responsibilities. That includes the advice and consent that we provide with respect to nominees from the executive branch.

When a new President comes into power, there is also a certain transition that takes place because the new President nominates his own people for his executive branch department, his Cabinet officers and subcabinet officers, and also, of course, judicial nominations.

In order for those departments to be fully staffed and up and operating, it is necessary for the Senate, as quickly as possible, to hold hearings on those

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



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nominees, to act on them one way or the other, and then those that it approves—the vast majority—can join the President and begin work in the executive branch of Government. Ordinarily, that is a somewhat lengthy process but not a particularly difficult process.

Most of the nominations are relatively routine. After they finish their FBI check, there is a hearing. There is almost never any controversy and therefore it is not difficult for the Senate to confirm those nominees. In fact, for the benefit of a lot of folks who would not be aware of the process, we do not take time in this Chamber to debate each and every nominee and hold a rollcall vote on each and every nominee. Instead, most of them are not controversial, and the leader will ask that a group of them be considered in a group, at the end of the day; and if no Senator objects to the nominations, they are all approved, and they are approved unanimously.

That is the way it is done for most of the nominees. There are well over 600—I don't know the exact number—that we have to confirm. The problem is, this year, because of the election difficulties in Florida, the administration did not have as much time during the transition to get these people selected. As a result, we started out about a month behind in terms of the nominations from the Bush administration. Fortunately, the administration has worked very quickly and has actually caught up and even surpassed some previous administrations in the number of nominations that have been sent to the Senate.

But the Senate has not acted very quickly either. Part of that was due to the fact we had this change from an equally divided Senate to a Senate controlled by the Democratic Party, and there was a period when the reorganization resolution had not yet been adopted.

People might say: Why is all that important? Let's just get these nominees approved. Sometimes there are certain steps the Senate has to take before it can do things. The fact is, now we have had quite a period of time within which to act on these nominees, and we are beginning to act on some of them, but, frankly, they are not occurring as fast as I think they should occur and many of us believe should occur.

There are still far too many nominees we have not confirmed, and we are afraid will not be confirmed by the beginning of the August recess, in less than 2 weeks from now. That means it would not be until after Labor Day that the President would have his full complement of Cabinet officers in place, and subcabinet officers. That is far too long.

As of this month, over one-eighth of the Bush administration term is now gone, and many of the people he would have working for him are not even confirmed. The Senate has, so far, confirmed 210 Bush administration nomi-

nees, and that includes the 77 that we have confirmed just in the last 11 days. But even with that progress, it is just 58 percent of the nominees that President Bush has sent to us so far.

This chart represents the 58 percent of nominees confirmed by the Senate from George W. Bush. At this same time during the Bill Clinton administration, the Senate had confirmed 74 percent; and in the Reagan administration, 72 percent. These are administrations that took over from a previous party.

Ronald Reagan took over from Jimmy Carter. Bill Clinton took over from George Bush. And George Bush, of course, took over from Bill Clinton—each changing parties in the process.

So as we can see, the Bush nominees have not been approved, have not been confirmed at the same rate as the Senate confirmed previous Presidents' nominees. That is putting a real burden on this White House.

Incidentally, even though it wasn't a change from Reagan to the first George Bush in terms of party, the percentage was exactly the same as with regard to George W. Bush. Clearly, the Senate has to do a better job getting these nominations heard, getting them to the Senate floor, and getting them approved.

The same thing is true with respect to judicial nominations. We are going to need to hold hearings and confirm judges at a much faster pace, or we are going to be way behind in terms of judgeships. I will talk about that in just a little bit.

The bottom line, the first point I am trying to make is that we would literally have had to confirm about 83 nominations last week to match the nominations that we confirmed for the Clinton administration. We confirmed only 23. We were literally 50 nominations behind as of last week.

The Bush administration has nominated 365 people to date. With the 210 confirmed, that leaves 155. We have less than 2 weeks before the August recess. We would have to do about 75 per week to get these all confirmed. The fact is, 27 of those are judicial nominees. There is no way we can hold all of the hearings on them. So let's subtract the 27 judicial nominees; that still leaves 128 nonjudicial nominees. Those are the people the President needs to help run his Cabinet and his Cabinet agencies. That would mean we would have to do about 65 per week, this week and next week, in order to be done.

We are hopeful the Democratic leadership will cooperate in a bipartisan way to get these nominees confirmed. Because of what I explained earlier, it is not difficult to accomplish this. We can walk and chew gum at the same time. We can do both appropriations bills and nominations because nominations usually don't require a lot of time for debate on the Senate floor, and they don't require rollcall votes in most cases. In most cases, they are bundled together because they are not

controversial. The leader asks unanimous consent at the end of the day that they be approved. That consent is given. They are approved, and it doesn't take very much time at all.

The good news is, the Senate can do both things at the same time. It can both pursue legislative business, which in the case of the next 2 weeks is going to consist mostly of appropriations bills, and at the same time we can do these nominations. That is the good news.

Let me try to give you a little bit of an idea of some of the agencies that have nominations pending and why these are important. As I said, there are 27 judicial nominations pending, 26 or 27. Everybody understands the importance of the judiciary. Tomorrow, the Judiciary Committee is going to hold a hearing on three nominees, but only one of them is a judge. The other two are nominees for the Department of Justice.

We have only confirmed three judicial nominees this entire year for President Bush. There is now a vacancy rate that is far higher than it was at the end of the last administration. In fact, there are today 108 vacancies in Federal courts. This is about 45 or so more than there were at the end of the Clinton administration.

Just to quote a couple of my colleagues to illustrate the significance of these judicial nominees, Senator LEAHY is the chairman of the Senate Judiciary Committee and has always been a very strong advocate for filling these judicial positions. When Bill Clinton was President, this is something Senator LEAHY said:

Any week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis. Any fortnight in which we have gone without a judicial confirmation hearing marks 2 weeks in which the Senate is falling further behind.

Senator LEAHY is right about that. He said this in January of 1998. When he made that statement, there were fewer than 85 vacancies. Today there are 108 vacancies. As lawyers would say, a fortiori, it is important for us to begin confirming these judges. Moreover, as he pointed out, you can't confirm them until you have had hearings, and we are not having hearings on these judges.

We are supposed to have a hearing this week, but only one judge is on the panel. I remember the last three or four hearings of last year, we had five or six judges per panel. To have only 1 judge on the panel when there are 26 others on which we could have a hearing—their FBI clearances have been done; they are ready to have their hearing—is simply to slow down the process. There is no reason why we can't add more judges to the hearing calendar. We should be doing that.

I respectfully request that the chairman of the Judiciary Committee get on with the scheduling of these hearings.

Our majority leader, the distinguished Senator from South Dakota, last year said:

Today there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as judicial emergencies. The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country. This cannot continue.

That was in March of 2000. When he made that statement, there were 76 vacancies, 29 of which were categorized as "judicial emergencies." Today there are 108 vacancies, 40 of which are classified as "judicial emergencies."

It is clear the Judiciary Committee needs to begin holding more hearings, that we need to get these judges to the Senate floor for confirmation, and that the Senate needs to act more quickly on these very important judicial nominations, 40 of which are classified right now as "emergencies." In other words, according to the administrative office of the U.S. courts, these are the positions which need to be filled immediately or the administration of justice will suffer. It represents 12.6 percent of the judicial positions in our country today. That is the vacancy rate, and of those, just under 40 percent, are classified as "judicial emergencies." Clearly, we have to get working on these nominations.

I note that my colleague, Senator CRAIG, has arrived. I was going to begin discussing some of the specific nominees who are not judicial nominees that have been pending for a long time that we want to get cleared. Before I do that, perhaps my colleague is ready to make a presentation. I am happy to wait and go into some of the specific names after a little bit.

I yield to the Senator from Idaho.

The PRESIDENT pro tempore. How much time does the Senator yield?

Mr. KYL. As much time as the Senator takes.

The PRESIDENT pro tempore. The Senator is recognized for as much time as he consumes.

Mr. CRAIG. I thank my colleague from Arizona for yielding. Most importantly, let me thank him for coming to the floor this afternoon to talk about what, without question, is a critically important issue to our country. That is that a President, once elected and sworn in by a Nation, has the right to govern the executive branch of the Government.

We all know that takes a good many hands at the tiller, talented people from all walks of life who can help a President in all of the agencies of the Government make the right determinations and decisions as they relate to how policy ultimately gets implemented into law. We have watched over the years as this has become a most cumbersome approach. It has become increasingly involved, a combination of legislative action on the part of the Congress—the Senate playing a role—executive orders on the part of the President, all coming together in a critical mass. That takes the process a very long while to work. I am talking about simply the selection of, the vet-

ting of, the background checking of an individual whom a President is going to nominate prior to that individual getting to the Senate, and then for the committees of jurisdiction to hold the proper hearings that are necessary to look at all of the material and ultimately to pass judgment on this individual for recommendation before the full Senate.

The reason I talk about that at the outset is that we are not talking about that today. We are talking about the second step—the Senate process, the responsibility we have as Senators to review, confirm, and/or reject these nominees, based on cause, whom a President sends before us.

We are in a situation where the Senate has confirmed about 210 Bush nominees so far this year, including the 77 we have confirmed in the last 11 days. During the Fourth of July break, I was home in my State of Idaho and I was hearing from many constituents who were saying: LARRY, when are we going to get this person? Senator, when are we going to get that person? Or they would say: Senator, do you realize that Clinton people are still in power at the regional levels of the National Marine Fisheries—or U.S. Fish and Wildlife Service, or the EPA—and those decisions are still being made, based on, if you will, the philosophy and attitude of that administration versus the one the American public has just elected to power? When are those things going to happen or change? We elected a new President; we want a new direction. We expect that. That is why we did what we did last November.

It was during that time, in listening to my constituents and trying to explain, that I began to examine the second phase—this phase, the one we are in now as Senators, doing our responsible job and constitutionally mandated job to review and confirm or reject appointments, nominations made by a President.

Coming back from the Fourth of July break, I began to examine the numbers involved to see what the problem was, why we had not moved more. Yes, there was a time when we had a change of power and that took time. I don't argue that. But clearly, if you examine the amount of time involved with all of the nominees who are before us, there were a good many languishing before committees who had not had hearings, nor were hearings scheduled. As a result of that, I began to look at it in the context of how do we make this system work to accelerate itself, to do what it should do responsibly, but to do so in a timely fashion, so that our President can have the people he sent forth to help govern our country at the executive level.

It was at that time that my colleague from Arizona and I teamed up, using the rules of the Senate appropriately, to discuss this issue and to cause the Senate to work in a more expeditious fashion. Even with the recent progress we have made—those 11 days

and 77 confirmations—that is just 58 percent of all of the nominees President Bush has sent to us so far. How does that compare with past Presidents' transitions? As of July 20, the Senate had confirmed, as I say, about 58 percent of the Bush nominees. As of July 20, 1993, the Senate had confirmed, as the chart shows, about 74 percent of President Clinton's. As of July 20, 1981, the Republican-controlled Senate had confirmed 72 percent of President Ronald Reagan's nominations. So somewhere in the seventies is probably a figure that is right and reasonable—if there is a "right and reasonable". Or should the Senate operate clearly in a more expeditious fashion? To keep pace with the record we have shown by the chart this afternoon, we would have had to have confirmed 83 nominees last week to match the Clinton record, instead of the 23 for whom we fought hard to get the majority to work with us on, to ultimately get before the Senate in confirmation.

The transition in power in the Senate, as I mentioned, caused some delays. I accept that, and I am willingly able to talk about that, and I should because that is right and that is fair. The uncertain outcome of a Presidential election stalled any President or President-elect out 36 days before they could begin to actually move in any fashion. Yet the Bush administration has recovered from its delays, and it had sent a record 365 nominations as of last week. I think the Senate now must step up the pace if we are going to deal with this matter in a timely fashion.

As important as all of that is, as my colleague from Arizona knows so well, to allow this President to govern, to set the course in the policy direction that is set by these key people, and also to establish the kind of relationships and esprit de corps that occurs within an agency between administrators of that agency and the rank-and-file civil servant, our goal—the goal of the Senator from Arizona and myself, working with the leadership of Republicans and Democrats in the Senate—is to get the Bush administration fully staffed with qualified people as quickly as possible.

A week and a half ago I told the majority leader, TOM DASCHLE, that our goal was, if you will, to cleanse the Senate of nominees by the August recess. Why? Because we are going to be gone for a month. If there is anyone languishing without cause simply because committee chairmen could not act or would not act, then shame on them, shame on the Senate, and shame on the leadership of the Senate for simply not moving the process along in the next 2 weeks to get the hearings done, to vet these people, to get them voted on, and get them to the floor.

As we know, it is only in a rare case that a nominee actually brings about aggressive debate on the floor of the Senate. Why? Because, in a bipartisan manner, all of us believe that a President has the right to choose, to select.

While it is our responsibility to confirm, very seldom does the Senate actually reject. So why should there be delay, as long as the process is thorough, responsible—and it should be timely. Based on the workload of the Senate today, there is really no reason for a lack of timeliness.

There are 499 positions in the executive branch requiring Senate confirmation, not counting judicial nominees. As the Senator from Arizona knows, while he was tackling the judicial nominees, I looked at all the other agencies as my target, believing that those were the ones we could get out to the administration most quickly. Of those, according to the Brookings Institution, there are 313 positions currently vacant. That is 6 out of 10 positions in Government today. In other words, 6 out of 10 people are not "on the ground," not working with the President and the Vice President to govern our country.

That is what we are talking about—making critical decisions about how policy gets implemented. For those who are the victims of the lack of people being in place, it is the rank-and-file citizens out there in Arizona or in Idaho who find themselves in contests with or in conflict with a given rule or regulation and having someone outside the system make a judgment, or someone who has a given philosophical bent, instead of this administration. That is why what we do here and what the Senate does in the next 2 weeks is so absolutely critical to the American people.

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

Mr. CRAIG. Yes, I am happy to yield.

Mr. KYL. I think the Senator just hit the nail on the head. This isn't an abstract proposition, the fact that the President needs to have his team in place; I think everybody recognizes that. But it has real "on the ground" meaning for everyday decisions that are made affecting all Americans. Maybe we can talk for a little bit about some of the specific positions that are vacant, the people who have been nominated for those positions, why they are important for the American people, and what can happen if these positions are not filled.

Would the Senator like to initiate discussion on that? I can certainly do the same.

Mr. CRAIG. Let me give an example. I thank my colleague. I will reclaim my time and give an example. Some weeks ago, an acting regional administrator of National Marine Fisheries told the largest utility in Idaho, which is a hydro-based utility, that they had to dump their water; they could not generate with it. It just so happens that Idaho and the Pacific Northwest are in a drought at this moment. The 320,000 acre feet of water impounded for the purpose of generating power for Boise, ID, and the surrounding area was being ordered to be dumped in the name of fish and fish recovery. The power company thought it was inap-

propriate to do and unnecessary under the law, even recognizing the need to protect the fish.

When they refused, that acting agent sent a letter to the Federal Energy Regulatory Commission asking they order the water be dumped. At that time, I and other members of the Idaho congressional delegation got involved. We began to examine it. Frankly, we found an individual who was operating and making decisions in a manner that we thought inconsistent with the law, much more consistent with their philosophical bent than the legal responsibility and the right administration of the law. We asked for a conference. We asked that all the parties be brought to Washington to solve this problem.

Under the law, it was decided that the utility could continue to operate normally, and in so flowing the water through its pin stocks and turbines, it could not only generate power—and we know what has happened in the Pacific Northwest, with a real absence of power.

To make a long story short, but a very dramatic example for Idaho, instead of following the edicts of someone whom I felt was philosophically driven by a past administration's attitudes of how that agency ought to operate, under a negotiated settlement and within the law, this utility was allowed to operate, manage the water accordingly so there would be no blackouts in Boise, ID, and the surrounding area this year, save the fish, and solve the problem.

I do believe that if the regional director for National Marine Fisheries had been in place, the request to spill or dump water would never have occurred. That problem could have been solved at the regional level through reasonable negotiation. That is an example, and there are a myriad of others going on out there at this moment.

Let me give another example, and while this one cannot be blamed on the Senate at this moment, it is a perfect example of not having people in place at the right time. It really cannot be blamed on the administration, either. I am talking about our Ambassador to the United Nations, Negroponte, and the stalled nomination and the unwieldy system that impacts this. With no permanent Ambassador, the United States mission at the United Nations has had to rely on a career diplomat, Mr. Cunningham, who was the acting Ambassador in January when Richard Holbrooke resigned.

What happened in the meantime? The problem became a public one because of the unwillingness, in my opinion, to be aggressive in holding the Nation's position as it relates to our role in the United Nations and in the General Assembly.

The problem became public on May 3 when the United Nations lost two influential U.S. Commissioners: one for human rights and one for narcotics control.

According to a source close to the U.S. Commission, diplomats were un-

aware that positions on either panel were in jeopardy until the final hour. In other words, somebody was not doing their homework and somebody was not watching and dealing with it. It appeared that a last-minute campaign effort would have secured the United States one of the three open Western seats in the U.N. Commission on Human Rights. The U.S. diplomat had expected to get a 43-53 vote in favor.

They did not get it, and we know the rest of that story. For the first time since the Commission's inception in 1947, the United States has lost positions. That speaks to the problems and complications of the system.

I cannot lay the blame at the feet of the Senate on that issue, but the reason I bring it up, I tell the Senator from Arizona, is to express the dramatic consequences that can occur when we do not act timely to get the right people in the right place to make the decisions and to administer the role of Government as we would want it done.

I will be happy to yield to my colleague from Arizona.

(Mr. REED assumed the chair.)

Mr. KYL. Mr. President, if I may pursue this, it is an excellent example of one of the nominees who has been pending for a long time. John Negroponte was nominated on May 14. As the distinguished Senator from Idaho pointed out, it was very shortly thereafter that this problem in the United Nations occurred. Many people had said if John Negroponte had been there, this would not have happened. We do not know, as the Senator said.

I do know about a month ago Secretary of State Colin Powell was on national television, on one of these Sunday morning talk shows. He was asked about the nomination of John Negroponte, and Secretary Powell made an eloquent plea to the Senate to please confirm John Negroponte. He said the United States needs him at the United Nations, that we needed to get him confirmed. That was, I believe, over a month ago.

His nomination has been pending since May 14. It is now July 23. The President is going to be speaking to the United Nations this fall, I believe in September. He is going to be addressing the United Nations. For the United States not to have our Ambassador in place would be a breach of significant diplomatic protocol, as well as an important loss to U.S. interests.

I note that because the Senator from Idaho brought up the name of John Negroponte, another perfect example of someone we have had plenty of time to confirm, and we have not yet taken up his nomination for confirmation, and we need to do so.

I thank the Senator for yielding.

Mr. CRAIG. I talked about what could have happened in Idaho if, in fact, we had not been able to move the issue to Washington and those who had been left to administer at the regional level had won.

What the Senator from Arizona and I just talked about is an international problem and clearly an image problem on the part of the United States. How does it look for the United States not to be able to act in a timely and responsible manner to put key diplomats in place to do the work of our country? What does it say to the rest of the world? What does it say to the United Nations as it relates to how we prioritize the value of the U.N. and these very important commissions, the question of drugs being trafficked internationally, the question of human rights that this Senate has spent a great deal of time on over the years—human rights in this country and human rights around the world—and we have now lost key positions because we did not have people in place to lobby effectively for the position of this country, to make sure we had a voice on these key commissions.

It speaks volumes about not only our inability to operate but the cumbersome nature of the system we have allowed to be created.

Mr. KYL. Mr. President, I ask the Senator from Idaho to yield again, primarily to make a point.

Mr. CRAIG. I will be happy to respond.

Mr. KYL. The Senator from Idaho was instrumental at the end of the week in getting an agreement from the Democratic leadership to take up the nomination of Jack Crouch, sometimes known as J.D. Crouch, a distinguished expert in, among other things, missile defense. I had breakfast a couple of months ago, along with other Senators, with Secretary of Defense Rumsfeld. He pleaded with us at that time: Please send me my troops. Please confirm the people we have nominated for the Cabinet and subcabinet positions for the Department of Defense.

Now the President is busy in negotiations with the Russians, with Putin, and with others regarding missile defense, and the nomination of a distinguished member of his subcabinet, Jack Crouch, has not been taken up. He was nominated on May 7. He was nominated even before John Negroponte. Still no confirmation.

I ask the Senator from Idaho, since the Senator was instrumental in getting the agreement of the Democratic leadership to have a vote on J.D. Crouch sometime before the end of the August recess, does the Senator think it is important in this case to get this vote scheduled as soon as we possibly can so we can send Secretary Rumsfeld the team he needs to help provide for the national security of the United States?

Mr. CRAIG. Certainly, I agree with the Senator from Arizona. There is nothing more important to our country; now that these men and women have gone through their background checks and have been thoroughly vetted and sent to us, we ought to act in the most timely fashion.

Where there are objections—there happen to be a few on our side and

some on the other side. Let's solve those, bring them to the floor. If a Senator objects, let her or she come to the floor and defend their position. There is nothing wrong with that. I say that for Republicans and Democrats alike. They can express their opposition; they can vote no. There is nothing wrong if you feel passionately about one of the nominees, in telling the President, who happens to be your President: Mr. President, I vote no.

Why openly and aggressively deny the President the right to select the people he thinks are necessary to work with him in the governance of this country?

I know the Senator went through the list of those key and important individuals still languishing in committee. I understand there are a total of 127 nominees who have had no hearings and no markups, as close as we can determine. There were 48 who came up this month; 46 came up in June; 27 came up in May; 6 came up in April. That is the time that these names have been before the appropriate committees.

The question is, where is that chairman? And why can't we hold hearings and give these people an opportunity to testify? Hector Barreto was nominated to head the SBA on May 1, just Friday. He was placed on the Senate's Executive Calendar. The Executive Calendar is at the desk. It is the calendar that nominations reside on before they are considered by the Senate as a whole. He was reported out of committee by a unanimous vote. This is the head of the Small Business Administration. He got a unanimous vote out of committee, but he came there May 1.

The most modern phrase I can come up with is, "duh." It is kind of a "duh" issue to the chairman of the committee why this man has been before them since May 1, and got a unanimous vote coming out of committee. We will now, I trust, take up Hector Barreto this week. Certainly the Senate, I hope, can act timely. This is the man who will run the Small Business Administration of our country, which we rely on heavily in dealing with the small businesses of our State, those starting up, the problems they might have in trying to create start-up businesses.

The Senator from Arizona and I know first hand, as his is a border State, and border States by definition are oftentimes caught in the backlash of drug trafficking that flows across their borders and into the United States, John Walters was nominated on June 5 to be the Nation's drug czar. We know that problem. We are extremely pleased the Bush Administration is re-emphasizing the drug problem as an enforcement problem for the citizens of our country. The Judiciary Committee has neither held hearings nor reported out this Cabinet-level appointee. They have had him since June 5. I don't know if it meets the "duh" test. I am not sure what it meets.

The Judiciary Committee does not appear to be functioning well. We have

had changes in chairmanships, but the new chairman has had plenty of time. Just send out a notice, bring down the gavel, listen to this man and question this man about what he will do as the new drug czar for our country at a time when drug use is high, lives are being destroyed, and we as a country want to put special emphasis on control and detection and certainly all of the counseling, and the remediation efforts involved in helping our citizens cope.

I hope the Judiciary Committee gets the message that they need to act expeditiously to allow this man the right to begin to administer the antidrug programs of this country.

I thank my colleague from Arizona for yielding. There are other points that can be made. We will continue to make the points as we work with Democrat and Republican leadership to recognize and deal in a timely fashion with all of these nominees. My test, the test of my colleague from Arizona, is to move as many as possible before the August recess so we do not then wait clear until September to see the men and women on the ground managing and doing what they have been asked to do on behalf of this administration.

There is a lot of work to be done. But there are 2 weeks left. In 2 weeks' time, these committees can clearly convene and hold the hearings, make their recommendations, and allow the men and women nominated by President Bush to get to the floor for the purpose of our consideration and our constitutional responsibility of confirming or denying these nominations.

I thank my colleague for the effort he has put forth in the last several weeks. We have worked together as a team to assure that many of the nominees have been moved in a timely manner. In all fairness, I think part of our message and concern is getting out. I have had two chairmen this week in Agriculture and in Veterans' tell me they will attempt to move expeditiously. Hearings are being scheduled.

When I see 127 nominees who have not had hearings, and there are 2 weeks left, that says there is an awful lot of work to be done in the next 2 weeks. I hope our chairmen are up to it. I think the committees and the committee staffs have had adequate time to do the necessary work to prepare for appropriate and necessary hearings.

I thank my colleague from Arizona for securing the time and yielding to me on this issue.

Mr. KYL. Mr. President, I thank the Senator from Idaho for being instrumental in bringing this issue to this Chamber. He helped to prove we can do more than one thing at once. We can do our legislative work on the appropriations bills that come before the Senate, and at the same time have the committees meeting on the nominees and holding hearings and bringing them to the Senate floor, in most cases for a quick unanimous consent vote that does not require a lot of Senate time.

I know he and I will continue to work to see we complete this list of nominees for confirmation before we leave for the August recess. It would be a shame to leave here with that unfinished business, leaving the President without the team he needs to help in the important responsibilities he has.

The Senator from Idaho pointed out he has visited with different committee chairmen—for example, the Agriculture Committee chairman. There are 10 nominees pending before the Agriculture Committee. They need hearings and need to be acted upon. There are 9 pending before the Armed Services Committee, and in addition to that, J.D. Crouch, on whom we need to vote.

In the Banking Committee, there are 7 pending; in the Commerce Committee, there are 8; in the Energy Committee, there are 3; before the EPW Committee, there are 8; before the Finance Committee, there are 12; Foreign Relations has 41, many of whom are important nominees to Ambassadorial positions to various countries. What do these countries think when that we sit on these nominations for so long before confirming them and sending them on to serve the United States abroad?

There are 4 pending before the Governmental Affairs Committee, 6 before the health committee; as I said, before the Judiciary Committee, there are 27 judicial nominees and either 12 or 13, depending on my count of positions, to other judicial branch appointments, and 3 before the Veterans' Affairs Committee, and another before the Judiciary Committee, since the Senator from Idaho singled out the Judiciary Committee out.

I am on that committee and the Judiciary Committee has not done its job either with the executive branch nominees or the judiciary, the judges. John Gillis was nominated in April to head the Office of Victims of Crime. He would be the Director of the Office for Victims of Crime at the Department of Justice. He has had no hearing. John Gillis is an extraordinary man. He is an African American, former police officer from the Los Angeles police force. His daughter was killed, murdered.

John Gillis became a very strong advocate for victims' rights. He is a national hero in this regard. He is a man of great character, of passion for the cause of victims of crime.

President Bush has also strongly advocated the rights of victims of crime. My colleagues know that has been one of my passions, as it has been of Senator FEINSTEIN from California.

In April, John Gillis was nominated. It is critical that he join the team at the Justice Department—no hearing. He has not been approved by the Senate.

Mary Sheila Gall, this is another interesting nominee, interesting in the sense of the position she would hold. She was nominated back on May 8. Apparently there may be a hearing for her on July 25. But she would chair the

Consumer Product Safety Commission. This is only the Commission that is responsible for the regulations and enforcement of regulations that protect the public against unreasonable risks of injuries and deaths associated with consumer products—a very important position for children as well as adult men and women in our country. It is an independent, Federal regulatory agency, and it has jurisdiction over about 15,000 different types of consumer products. Let me give you a couple of examples of things they have been doing:

This past month, the month of July, a Columbus, OH, firm voluntarily recalled 32,000 hand trucks with faulty tires that can explode under intense pressure and injure bystanders or users. A Los Angeles company voluntarily recalled 600 baby walkers that will fit through standard doorways but are not designed to stop at the edge of a step. A Pennsylvania firm announced a voluntary replacement program providing free parts and labor to replace faulty sprinkler heads that relate to the ability for firefighting equipment to work, and so on and so on.

I could go down a long list here.

Mr. CRAIG. Will the Senator yield? I am pleased he is mentioning this one because at times I have been at odds with the Consumer Product Safety Commission as it relates to some of the work they have done. One of the most significant findings they made, and one of the largest recall/replacement efforts was just mentioned by the Senator from Arizona and that was the sprinkler head that you see in new code buildings around the country that fire professionals will tell you is the single greatest way to put out a fire. What they found was that over a period of time a rubber gasket that controlled the release of water would simply rot away. This company that makes them, because of the Consumer Product Safety Commission's oversight and review, is voluntarily replacing these faulty sprinkler heads all across the Nation.

Why can't we hold a hearing in Judiciary to get the head of this Commission in place? How long has that person been before the committee?

Mr. KYL. Mr. President, Mary Gall was nominated as chair of the Consumer Product Safety Commission on May 8. She is pending before the Commerce Committee to this day.

Mr. CRAIG. May, June, July—3 months now—that person has languished before the committee. Both the Senator from Arizona and I have openly discussed the time we lost through the transition when we had one of our colleagues become Independent and the leadership of the Senate changed. At the same time there is no excuse, because staffs didn't change dramatically. We really just passed the gavel over and the total number of members on the committee changed. Yes, we had to wait for an administrative process that allowed a new regulation to be written—a resolution of the Senate, what we call an organizational resolu-

tion—but still, that committee could have gone on, and many did, to hold hearings. They could have voted them out immediately, then, after the hearing record was established because none of us were calling for votes on key committees. But some committees did function. And here, now, we have this critical position languishing because of failure to act.

I thank my colleague for bringing that point forward.

Mr. KYL. Mr. President, let me mention a couple more before my time is up. One would think we would want to have in place the Solicitor for the Department of Labor to ensure the Nation's labor laws are fairly and forcefully adhered to. Eugene Scalia was nominated back in April—April 30—to be Solicitor for the Department of Labor. There have been no hearings for his nomination. Yet that person is responsible, at the Department of Labor, for monitoring agency activities, providing advice and opinions to ensure Department of Labor employees and agencies fully comply with laws and regulations, and to assist in the development of regulations and standards to protect workers in this country.

This is another very important position, Eugene Scalia. We need to have a hearing on him and he needs to be brought to the Senate floor for confirmation before we leave here for our August recess.

Brian Jones, general counsel of the Department of Education: We all like to talk a good game when it comes to education. This is for the children. We need to help them. We need to staff up the Department of Education. It needs to be able to do the work we have asked it to do. Brian Jones was nominated back in April as well, April 30. He has had no hearing. Yet his responsibilities as the general counsel for the Department of Education are to help support equal access to education and education excellence around the country by providing sound, understandable, and useful legal services and effectively managing the Department on all of the ethics and legal issues that come before it as well as to serve as the principal adviser to the Secretary on all legal matters affecting the Department's programs and activities.

I mentioned another individual who was nominated more recently but whose name has really been before the Senate for a long time: Otto Reich. This is one of the key priorities for President Bush because, as everyone, I think, knows, the President has paid special attention to Mexico and the countries of Central and South America. Otto Reich would be the Assistant Secretary of State for Western Hemisphere Affairs. It is an extraordinarily important position to manage and promote U.S. interests in that region by supporting democracy, trade, and sustainable economic development in dealing with a whole range of problems from drug trafficking to crime and poverty reduction and environmental protection. Otto Reich deserves to have a

hearing and deserves to be considered by the Senate before we go out in August.

The Senator from Idaho and I could go through each of these names, well over a hundred. In every case, we are dealing with an important position and we are dealing with people whose lives have basically been held in abeyance. They do not know whether or not to move their families or to do what is necessary to prepare to serve the President. The Senator from Idaho told me of a meeting he had with people who were about ready to give up because their nominations had simply been languishing for so long. I think the Senator from Idaho said: Persevere; the Senate is going to do its work.

I might ask the Senator to recount that brief experience.

Mr. CRAIG. I thank the Senator from Arizona for mentioning that situation. I did visit with a gentleman who was slated to go to Justice, and will in time. But you know there is an image problem here. Oftentimes, or at least sometimes, the public thinks these people who serve a President and are nominated are wealthy people or people of substantial means who can do as they wish. That is not true. They come from all walks of life and all experiences. They fit the situation and/or the responsibility they are going to undertake. A lot of them are young, family people with children in school.

The question is, Are we going to be confirmed and can we bring our kids to Washington and get them into the schools here in the area because remember what happens at the end of August? Kids go back to school. I understand the other day in this city there was a breakfast of about 20 of them, trying to make up their minds whether to tough it out, wondering when the Senate might operate, or if they were going to have to pick up the phone and call the President and say: Mr. President, I am sorry; I really did want to serve you and I wanted to serve the American people, but I have to get on with my life. I have been 3 or 4 months in limbo now, and because of the risk of conflicts of interest, I cannot continue in my current job or my current capacity and I have kids to get in school this fall. I have a home I have to sell and/or a home to buy. What do I do? That is the practical, human side of this very real problem that the Senate of the United States has created.

I thank the Senator from Arizona for mentioning that.

Mr. KYL. Mr. President, let me mention one other very practical problem. The Attorney General, John Ashcroft, told me of a situation which I hope by now has been corrected. But he literally was at his farm in Missouri after he became the Attorney General and I think he was the sole executive person at the Department of Justice. An aide had to literally bring a warrant out to Missouri, fly on an airplane from Washington, DC, out to Missouri so he could sign it because he was the only one

who had the authority at that point to sign this particular document.

I believe since then we have confirmed some people who also have that authority. But the point here is we have to get the executive team in place. We have 155 people who need to be confirmed; at least about 130 of them need to be confirmed before we leave for the August recess. In the name of bipartisanship, for the good of the American people, for the sake of doing the important jobs we have outlined here before, and for the sake of filling our judiciary, I urge my colleagues to work with us to get these people to the floor and to get them confirmed before we leave for the August recess.

Mr. President, might I inquire, do I have another minute or so left? What is the time?

The PRESIDING OFFICER. The Senator is informed it is 3 o'clock, when Mr. BYRD is to be recognized.

Mr. KYL. I thank the Chair.

I conclude by urging all of my colleagues to work with us so we can get these people to the Senate floor and get them confirmed before the August recess. If we do, we will feel better about doing our job and the country will feel better because we will have served the interests of the American people.

I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

#### U.S. IMMIGRATION POLICY

Mr. BYRD. Mr. President, in his delightful work "Democracy in America," Alexis de Tocqueville begins his thoughts on the origins of Anglo-Americans with these words: "The emigrants who came at different periods to occupy the territory now covered by the American Union differed from each other in many respects; their aim was not the same, and they governed themselves on different principles. These men had, however, certain features in common, and they were all placed in an analogous situation. The tie of language is, perhaps, the strongest and the most durable that can unite mankind. All the emigrants spoke the same language; they were all children of the same people."

For generations, the United States has had the good fortune to be able to draw upon not only the talents of native-born Americans but also upon the talents of foreign-born citizens. Immigrants from many nations built our railroads, worked in our factories, mined our coal, made our steel, advanced our scientific and technological capabilities, and added literature, art, poetry, and music to the fabric of American life.

Of course, many of these new Americans struggled with our language and customs when they first arrived, but they learned our language, they absorbed our constitutional principles, they abided by our laws, and they con-

tributed in a mighty way to our success as a nation.

Indeed, I believe that, particularly in the case of those who came to our shores fleeing tyranny, there has existed a unique appreciation for the freedom and opportunity available in this country, an appreciation which makes those special Americans among our most patriotic citizens.

In other words, do not go to Weirton, WV, and burn the flag. No, not in Weirton. We have at least 25 or 30 different ethnic groups in that small steel town in the Northern Panhandle.

Mr. President, the United States today is in the midst of another immigration wave—the largest since the early 1900s. According to the latest numbers from the U.S. Census Bureau, immigrants now comprise about 10 percent of the total U.S. population. That is about 28.4 million immigrants living in the United States.

During the 1990s, an average of more than 1 million immigrants—legal and illegal—settled in the United States each year. Over the next 50 years, the U.S. Census Bureau projects that the U.S. population will increase from its present 284 million to more than 400 million. Immigration is projected to contribute to two-thirds of that growth.

These are unprecedented numbers. When I was born in 1917, there were about 102 million people in this country. When I graduated from high school in 1934, there were about 130 million people in this country. And today, there are 284 million people in America. This nation has never attempted to incorporate more than 28 million newcomers at one time into its society, let alone to prepare for an additional 116 million citizens over the span of the next 50 years.

Although many of the immigrants who have entered our country over the last ten years are skilled and are adjusting quickly, others have had problems. Last year, according to the Center for Immigration Studies, 41.4 percent of established immigrants lived in or near poverty, compared to 28.8 percent of natives. The situation had completely reversed itself from 30 years before, when, in 1970, established immigrants were actually less likely than natives to have low incomes, with about 25.7 percent living in or near poverty compared with 35.1 percent of the native population.

The deterioration in the position of immigrants can be explained, in part, by a significant decline in the education of immigrants relative to natives and by the needs of the U.S. economy. In 1970, 7.1 percentage points separated the high school completion rate of established immigrants versus natives. By 2000, established immigrants were more than three times as likely as natives not to have completed high school, with 34.4 percent of established immigrants and 9.6 percent of natives lacking a high school diploma.

The less skilled the immigrants, the worse their employment prospects, the



bigger the burden on schools, and the greater the demand for social services. The National Research Council recently estimated, in December 1999, that the net fiscal cost of immigration ranges from \$11 billion to \$20.2 billion per year. That is enough money to fund the operations of the State of West Virginia for nearly 3 to 6 to 8 years.

As chairman of the Appropriations Committee and as a member of the Budget Committee, I well know of the extreme shortage of money to meet the needs of our population today. Because of the 10-year tax cut that was enacted earlier this year, I am wrestling mightily with trying to provide enough money to educate our children, meet our health care needs, provide transportation to our population, and battle crime in our streets.

And, so, Mr. President, I grow increasingly concerned when I read media reports about discussions within the administration to grant amnesty to 3 million Mexican immigrants who illegally reside in the United States.

I am very concerned that an open immigration policy only makes it more difficult to adequately meet the needs of our Nation. I have found the attempt to fund critical needs for America to be among the most frustrating challenges that I have ever undertaken. I have implored this administration to take into account these critical needs.

In many school districts overcrowding is already a major problem. As our classrooms fill to the brim, they are becoming breeding grounds for violence. Economic growth in some regions of the country, and the resulting influx of workers, has created a surge in the number of school-aged children. A less stringent immigration policy will only make this problem worse.

This country's personal and commercial highway travel continues to increase at a faster rate than highway capacity, and our highways cannot sufficiently support our current or projected travel needs. Between 1970 and 1995, passenger travel nearly doubled in the United States, and road use is expected to climb by nearly two-thirds in the next 20 years. This congestion will grow even worse as immigration traffic increases.

And, how will we provide for health care costs of these new citizens? Whether or not they arrive here legally or illegally, immigrants can receive federally funded emergency health care service. As the immigrant population continues to increase, so will health care expenditures to the Federal Government.

We also have an obligation to ensure the safety of the residents living in the United States—both native citizens and immigrants. Yet the Attorney General must soon release from jail and into our streets 3,400 immigrants who have been convicted of such crimes as rape, murder, and assault because their own countries will not take them back. We cannot protect our residents if our country is used as the dumping

ground for the criminals of other nations.

We are struggling with ways to preserve and protect our environment. But population growth only exacerbates the increasing demands on our aging water and sewer systems, and further threatens the safety of our drinking water. Our "green spaces" are diminishing as more and more homes are being built to house our growing population. We lament the loss of and the damage to our natural resources, yet we seem unable to see the connection to our loose immigration policy.

We have a weakening economy, an increasing unemployment rate, a problem with adequately educating our people, a congested transportation infrastructure, a lack of adequate health care, and an administration that certainly is not totally unsympathetic to these needs. We cannot afford to take on more. I understand the desire to help the millions of people around the world who crave the blessings of freedom that we, as Americans, enjoy. At this time in our history, I do not know how we can possibly afford to provide for additional people who may need assistance with education, health problems, and job skills.

If we invite new masses to citizenship, we have an obligation to adequately provide for them. Yet we are presently frustrated with an inability to even provide for those who have come before and those who have been born in this country.

Mr. President, an interdepartmental group formed by the White House to suggest reforms of immigration policy is expected to include the option of granting legal residency to undocumented Mexican immigrants who have been working in the United States. The report raises the possibility of these illegal immigrants ultimately becoming citizens. Such a proposal would take this Nation's immigration laws in the wrong direction.

The Immigration and Nationality Act, our primary law for regulating immigration into this country, sets out a very specific process by which immigrants may live and work in this country. To capriciously grant amnesty to 3 million immigrants who circumvented these processes, who have resided and worked in this country illegally, sends exactly the wrong message.

Such an amnesty suggests that it is possible to gain permanent residency in the United States regardless of whether you are an alien who arrived here legally or illegally.

That is the message that was sent in 1986 when President Reagan proposed a blanket amnesty to 2.7 million illegal immigrants based largely on the mere fact that they had lived in this country at least since 1982. I supported that amnesty, after accepting the arguments of the Reagan administration that such an amnesty would reduce illegal immigration when combined with tougher sanctions on employers who hire illegal aliens.

What happened instead, was that the United States sent a message to the world that illegal immigrants could gain legal status in the United States without having to go through the normal processes. Consequently, illegal immigration jumped from an estimated 5 million illegals in 1986 to somewhere between 7 million and 13 million illegals today—and these estimates do not even include the 2.7 million illegals who were granted amnesty in 1986.

So, Mr. President, we should not repeat our earlier mistakes.

If amnesty is given to a class on the basis of their having broken the law, then we are rewarding breaking the law, we are rewarding a criminal act.

This is not the message that we should send to those who would consider illegally entering this country. What is worse, such an amnesty undermines our present immigration laws and suggests that these laws mean nothing if, to those who break them, the Federal Government simply grants amnesty with a wink and a nod.

Millions of potential immigrants are waiting patiently for a chance to come to the United States legally. Why should illegal aliens have preference over these aliens who are waiting patiently? Amnesty sends the message that it is far easier and faster to become a U.S. citizen by immigrating illegally than it is to wait for legal approval.

Now, Mr. President, American citizenship should mean something. It should not be something merely handed out as a means of political expediency. It should not be something that one can achieve as some kind of squatter's right, particularly when access to the soil they claim was gained illegally.

Being an American is something to be cherished, something to be revered. Citizenship in the United States brings with it certain inalienable rights. Those who would come to our country to try to establish citizenship are often enticed by the promise of those rights.

The notion that each citizen is guaranteed certain protections is powerfully alluring. But what many fail to understand is that those rights are protected only so long as Americans are willing and able to defend them. Our populace must be constantly vigilant for those things that threaten to endanger our rights, our Constitution, and our form of Government. Such threats go well beyond military invasion. They include the preservation of ideals such as liberty and equality and justice, which can be so easily chipped away.

In order to become a citizen, most aliens are required to devote time to a study of our country and its history. They receive, at least, elementary guidance to help them appreciate the precious title of "citizen" and all that it entails. What goes all too often unspoken in this debate is that U.S. citizenship entails much more than rights. It entails responsibilities.



Our citizenry should be instilled with at least a basic understanding of the precepts that formed the foundation for this country. Lacking that, they are ill-prepared to be guardians of our future.

We Americans are justifiably proud of their history as a melting pot. If we go back far enough, we are all products of that melting pot, at least most of us. But the melting must be done in a way that ensures that these new citizens are ready to be productive, functioning Americans. We owe it not only to today's citizens but also to future citizens, including those who come to our shores expecting the opportunity for which America is so renowned.

#### PRESIDING OVER THE SENATE

Mr. BYRD. Mr. President, every class of Senators seems to have characteristics or qualities that make it distinguishable from other classes. The Senate class of 1946, for example, has been considered the "post-New Deal Republican Eightieth Congress." The Senate Class of 1958, my own class, had qualities to which I devoted an entire chapter in Volume I of my history of the United States Senate. The class of 1974 has been referred to as "Kennedy children" because of the influence that President John F. Kennedy had on so many of them, and as the "Watergate Babies" because so many of them owed their victories to the fallout from the scandals of the Nixon Administration. The Senate class of 1980 was certainly an integral part the "Reagan Revolution."

I daresay that the Senate class of 2000 may well become known for, and distinguished by, a renewed dedication to the Senate as an institution. That is what they have brought to the Senate. I have never seen a freshmen class of Senators demonstrate more pride in understanding the rules, customs, and traditions of the Senate as has the class of 2000.

They first grabbed my attention early in this session when three of them—namely, Senators MARK DAYTON, BILL NELSON, and HILLARY CLINTON—came to me and asked for my advice not only on how the Senate works, but also what makes it work, and what they could do to make it work better.

I have seen and witnessed so much in my lifetime that few things ever impress me any more, but that did. I was impressed by their eagerness and their sincerity, and their interest, not only in their individual Senate careers, but their interest in the Senate as an institution, as well. These new Senators wanted to know how they could contribute to the Senate, how they could be good Senators in the context of being useful, of being efficient, of being Senators who develop and retain an institutional memory, how they could best serve their States in this institution.

At about that same time, our Majority Leader, Mr. DASCHLE, asked me if I

would conduct a session with new Senators to discuss some of the elemental rules that would be important to new Members, especially when they are called upon to preside.

I began meeting with these new Senators and discussing Senate rules and Senate traditions and how the Senate operates, how it should operate, how it has operated in the past. These meetings have been well attended.

Now I have enjoyed watching members of the class of 2000 preside over the Senate, and the attentiveness and the pride with which they perform this duty.

I realize that presiding over the Senate is often regarded as a chore. The limitations of the position keep it from being seen as an exciting or glamorous assignment. For example, Senators are restricted in what they can say from the Chair. Even when criticisms are directed to the Chair, the Chair is not supposed to respond. The Chair is only to respond when called upon by way of a parliamentary inquiry or to make a ruling on a point of order, or to restore order in the Senate Chamber or in the galleries.

Perhaps this is why, over the years, I have detected a tendency among some Senators not to take the position of Presiding Officer seriously. This is why, no doubt, some Senators have shied away from serving in the position, and why, when they did preside, they could be seen reading a newspaper or magazine, or reading their mail or writing out their checks—anything but paying attention to what was happening on the floor.

But I want to take this opportunity to stress that the Presiding Officer has a most important, most fundamental responsibility to the Senate and to the people of the United States. The Presiding Officer is the person who maintains the rules and the precedents of the Senate, and from these rules and precedents come the order, civility, and decorum in the Senate. In his farewell speech to the Senate, in 1805, Aaron Burr, who was Vice President, referred to the Senate Chamber as a "sanctuary." He said:

This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

This is the place where we, the Nation's lawmakers, come together to talk to one another, to listen to one another respectfully, to learn, and to make our best case to the best of our ability.

Order and decorum are needed so that Senators may be properly recognized, the clerk can hear and record the votes, and the people in the galleries—the people who watch silently over our shoulders—can hear the debate. As I was sitting in the chair ear-

lier today and watching the people in the galleries, I thought: Here are the silent auditors. These are the people; sovereign rests in them. They come here; they listen; they watch us; they watch over our shoulders.

And then my imagination carried me from the Atlantic to the Pacific, and I thought: Here are 284 million people represented in this body by 100 men and women. What an honor, what a responsibility, what an opportunity. Order and decorum are needed if our different political parties are to work together in the best interests of our Nation and its people.

So as we conduct our business in front of the galleries and in front of the television cameras, we must keep in mind that the American people are watching. They are watching us. They are the people who send us here. They are the people who pay our salaries. They are watching us. They are evaluating what we do and what we say, and they are pondering not only what is being said but also the way we act. They are looking over our shoulders. They are judging us.

Calling the U.S. Senate the "citadel of liberty," Senate President pro tempore-elect William King of Alabama pointed out that it is "to this body"—this body—"[that] the intelligent and virtuous, throughout our widespread country, look with confidence for an unwavering and unflinching resistance to the encroachments of power."

Think of that. The people look to us—the Senate in particular—to guard them, to guard their liberties, to guard their freedoms against the encroachments of power from an overweening Executive.

Senator King then proceeded to explain:

To insure success . . . in the discharge of our high duties, we must command the confidence and receive the support of the people. Calm deliberations, courtesy toward each other, order and decorum in debate, will go far, very far, to inspire that confidence and command that support.

Now with the televising of Senate proceedings, we are being observed by teachers, by students around the country, by judges, by coal miners, by farmers, by members of legislatures, members of city councils, observing and studying the legislative process. They are watching us. We are being observed by millions of taxpayers in the kitchens, in the living rooms. We are also being viewed by people around the world.

The U.S. Senate is the premier upper Chamber in the world today, and we ought to keep it that and be proud of it. There are over 61 nations in the world that have bicameral legislative bodies. All the others have unicameral legislatures. But the U.S. Senate and the Italian Senate are the only bicameral legislative bodies in the world today in which the upper chamber is not dominated by the lower chamber.

Furthermore, developing democracies are watching us for guidelines on

how a legislature operates in a representative republic, in a democratic republic.

It is imperative, therefore, that the U.S. Senate be seen as a model, and that the Presiding Officer be seen as a model Presiding Officer; order and decorum are essential to that objective. Order and decorum are established in the Senate rules. Of the 20 rules that the Senate first observed in 1789, many of them regulated order and decorum. Yet Senate rules, like order and decorum, I fear, are taken too much for granted.

I am not the first Senator to express that concern. In 1866, Senator Charles Sumner of Massachusetts cautioned his colleagues that they had become so "accustomed" to the parliamentary rules that "govern legislative proceedings" that they failed to recognize their "importance in the development of liberal institutions." These rules, he maintained, "are among the precious contributions which England has made to modern civilization. . . . [They] have become a beautiful machine by which business is conducted, legislation is molded, and debate is secured in all possible freedom." These rules, he said in a phrase that I have always held dear, are "the very temple of constitutional liberty."

Some years later, Vice President Adlai Stevenson reminded his colleagues "that the rules governing this body [the U.S. Senate] are founded deep in human experience; that they are the result of centuries of tireless effort in [the] legislative hall, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict."

Our English forebears wrested from tyrannical monarchs the power of the purse and vested it in a body made up of the elected representatives of the people, the House of Commons.

The parliamentary rules that "govern legislative proceedings" serve many purposes. They perform many vital functions not only here in the Senate but also in our Government.

Arthur Onslow, whom Thomas Jefferson considered the "ablest among the Speakers of the [British] House of Commons," maintained "that nothing tended more to throw power into the hands of administration . . . than a neglect of, or departure from, the rules of proceeding."

We have seen that right here in this Senate.

"By its rules the Senate wisely fixes the limits on its own power," declared Vice President Adlai Stevenson.

I have said this time, time, and time again, but this is Vice President Adlai Stevenson saying it this time: "The right of amendment and of debate." The right of amendment and of debate, and how often in recent years have we seen Senators denied these fundamental, basic rights: the right to debate and the right to amend?

"Great evils often result," continued Vice President Stevenson, "from hasty

legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact, the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured in words."

I would add, Mr. President, that it is the Senate rules which establish the basis for order and decorum in the Senate.

In his "Manual of Parliamentary Practice for the Use of the Senate of the United States," Thomas Jefferson laid out strict rules for maintaining order and decorum, including a provision that read:

No one [Senator] is to disturb another in his speech by hissing, coughing, spitting, speaking, or whispering to another, nor to stand up or interrupt him, nor to pass between the Speaker and the speaking member, nor to go across the house, or walk up and down it, or take books or papers from the table, or write there.

That was Jefferson speaking.

The Senate has remained ever attentive to the need for order and decorum, Mr. President. According to the Senate Historian's Office:

Persistent concern for the chronically disordered state of floor activity in the early 1850s moved the Senate to authorize construction of a new and larger chamber. The chamber—

This Chamber into which the Senators moved in 1859—

included ample galleries and floor space, and—for the first time—cloakrooms to which members could retire for private conversation and writing.

Ergo, Mr. President, order and decorum are needed because in this Chamber we are dealing with important, often controversial, national issues. We are dealing with precious issues that mean so much to the people we represent and to the Nation's values.

Pressure is constantly building upon us with so much at stake in nearly everything we say and do. As tensions rise and pressures mount, it is essential that we maintain order and decorum as well as mutual respect for one another. Only with respect for and obedience to the rules, especially those governing order and decorum, can the Senate function properly and effectively.

Without observance of these rules, events in the Senate can escalate, and have escalated, out of control. During the decade in which the country approached the Civil War, for example, antagonisms over the difficult issues of the period flared, and so did tempers, and so did disorder in the Chamber.

During a heated argument in 1850, Senator Henry Foote of Mississippi in the Old Senate Chamber just down the hall drew a pistol on Senator Thomas Hart Benton of Missouri. In that same Chamber in 1856 came the caning of Senator Charles Sumner of Massachusetts. In 1859, Senator William Gain of

California challenged Senator Henry Wilson of Massachusetts to a duel. In 1863, in this Chamber, William Salisbury of Delaware threatened to shoot the Sergeant at Arms. Several decades after the Civil War, in a heated debate over a treaty, two South Carolina Senators got into a fight. Senator Benjamin Tillman and Senator John McLaurin, both of South Carolina, traded punches on the Senate floor.

We no longer draw pistols on each other, engage in fist fights, or threaten to shoot the Sergeant at Arms, but for a long while I was seriously concerned about the decline of decorum in this body. In December 1995, I came to the floor and expressed my deep concern at the growing incivility in this Chamber. Senators were using what I call "gutter talk" and "fighting words" that once could have led to fist fights or even duels.

Just last year, I complained of the lack of decorum that had developed over the past few years. Having served in both Houses of the West Virginia State Legislature, I pointed out that the decorum, the order within the House of Delegates of West Virginia and the West Virginia Senate, were far more to be desired than we would find in the United States Senate Chamber.

I was beginning to regret my role in helping to arrange the televising of Senate proceedings. I could not help but believe that the decline in order and decorum fell to a large extent upon the Presiding Officer, the burden of maintaining order and decorum. It is the Chair's responsibility to maintain order in the Senate when disorder arises. It is the duty of the Chair, without being asked from the floor, without a point of order being made from the floor, to maintain order and decorum in the Senate Chamber and in the galleries. When the Presiding Officer fails in the mission, he fails the Senate.

I often say to these new Members: Don't be afraid to use that gavel. Hit the desk hard. Use that gavel. It is made of ivory. It won't crack. Only once has the gavel been broken in more than two centuries of debate in the Chamber. Just tapping is all right. It is all right just to tap the gavel if the pages are being a little noisy or if there are two or three Senators making a noise up here close and if the Chamber is not crowded with Senators. But when there are many Senators in the Chamber, one needs to use that gavel.

I have been very proud of the way these new Senators use the gavel. The Senate ladies here—I am an old-fashioned Senator; I still refer to men as gentlemen and women as ladies—these female Senators use that gavel and they make themselves heard. And they are firm when they ask for order. When they are presiding and they ask for order, they get it. They make that gavel sound. They make the rafters ring with the sound of that gavel. When they ask for order, they get it. I daresay that much of the indecorous ways of the Senate from time to time

come about when the Presiding Officer is not paying attention to the floor, is not enforcing the rule.

My how things have changed in the last few months with the Senate class of 2000. I no longer see the Presiding Officers reading newspapers or signing mail at that desk. They don't do it. They pay attention to the Senate. I have said to the Senators, if you are called upon to preside and you have letters to sign, beg off presiding for that time. We can supply a new Presiding Officer. Don't go to the desk and sign your mail. People are watching you. What are they going to think of you? What do the people in the galleries think of a Presiding Officer who sits up there and reads the newspaper or looks at a periodical?

Our new Senators, when presiding, are not reading the mail. They are paying attention to what is happening on the floor, and they are keenly aware of what is going on. One quick look at them and you realize that they take the responsibility of presiding over the Senate very seriously. They perform very professionally.

To these Senators who are presiding, the class of 2000, it is not just a chore that they must undertake as freshmen. It is a way to learn even more about the Senate, to watch and study the way it works and to learn from it. And perhaps even more importantly, they recognize the importance of the position in keeping the Senate operating and functioning properly.

These Senators are determined to keep order. They are not afraid to pound the gavel to get order in the Senate. Even though they are freshmen Senators, they will pound that gavel against more senior Members when it is called for.

Just the other day I watched as one of the freshman Senators hammered away until he got absolute silence. That is the way it ought to be. I know that sometimes a freshman Senator may hesitate to pound the gavel or to insist that a Senator of great seniority here takes his seat or stops talking. I know just how a freshman Senator feels because I once was in that position as a new Senator. The Chair should pound that gavel. Make it crack. Make it be heard. Make it be heard until it is the only noise in the Chamber.

Because of the efforts of these Presiding Officers to maintain order and decorum, I believe I have detected a Senator or two who would respond with a rather shocked expression.

I have been in that chair and sought order, and I have had a few Senators look at me as though they wondered, who does this fellow think he is? They will give the Chair an impudent stare, but as long as they cease their talking, perhaps the Chair will be done with that. But it is evident. We owe that Chair respect. We owe the gavel, the Presiding Officer, respect. And the leaders can go a long way in helping to get order in this Senate if they, too,

listen to the Chair; if they, too, when the Chair asks that the well be cleared, if they, too, will clear the well, they will set a good example to other Senators.

This crop of Senators has not budged. They are not intimidated. They are determined to do their job. They are making a difference. They are restoring a decorum to the Senate that was on the decline for too long. I thank them for their efforts.

Much to the surprise of many Senators, I am sure, there is a resolution No. 480 of the standing rules of the Senate. For those who do not know this order, it requires Senators to vote from their assigned desks. It is there. It is not often enforced, but it can be enforced. I constantly vote from my chair. I try always to vote from my chair. Only a few vote from their desk. That is what Senators are supposed to do, vote from their desk. I constantly observe Senators going into the well and milling around. As I have stated before, this makes the Senate look more like the floor of the stock exchange than the world's greatest deliberative body.

When I came here, there were giants in the Senate. I did not see the giants of the Senate—Senators Everett Dirksen of Illinois, Styles Bridges of New Hampshire, Richard Russell of Georgia, Stuart Symington of Missouri, Norris Cotton, George Aiken—get into the well and mill around. They may have walked through the well or they may have walked up to the desk and asked something about a vote, but they did not gather in the well and carry on long conversations. They sat in their seats or they moved to the back of the Chamber or moved outside the Chamber. There are plenty of places where Senators can go to converse.

I know how it is. You come to the floor, we have been in committees. It has been a while since you last saw a Senate colleague and we greet other Senators and we sometimes begin talking about the business of the Senate and we become oblivious to the fact there is being business transacted. We become oblivious to the fact we are making a noise. I have been the culprit in many instances. But once that Chair sounds the gavel and asks for order, I try to obey that Chair.

Mr. President, I ask for 3 more minutes.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, there are plenty of places where Senators can converse. Think how different it is on those occasions when Senators do vote from their seats. There is less noise and less chaos and voting goes so much faster. Think how impressive it is when the United States acts and votes in accordance with the standing rules and orders of the Senate.

I want the American people to revere the Senate. If they respect this body, they will have more respect for the laws that we enact. I am not sug-

gesting that it is the fault of the Presiding Officer when Senators fail to vote from their seats, but I must say that when I first came to the Senate I watched the Senate. And even in escorting the Chaplain to the podium at the opening of the Senate, daily, the way those Senators—the way the President pro tempore did that in those days was very impressive. I watched Senator Richard Russell of Georgia escort the Chaplain to the dais. Senator Russell did not walk up on that platform with the Chaplain. Senator Russell paused on the step just below the platform, allowing the Chaplain to stand alone on the platform.

I was really moved by this act. Senator Russell did not stand behind the Chaplain. He did not stand beside the Chaplain, thus crowding the space. He was not hovering over the Chaplain like an old hen watching over her chicks. Senator Russell remained out of the picture until the Chaplain had finished. I kept thinking how proper that was. He was giving the Chaplain the platform. This was God's moment, God's moment before the Senate, and the Presiding Officer was honoring and respecting God's moment. That was class. By Senator Russell's actions, he, too, was according proper homage to the Supreme Being. And people liked that. People liked that.

Nothing we do here in the Senate is more important than seeking the Lord's blessing and paying our respects to the Creator. When the Chaplain is before us—he may be a guest Chaplain of whatever faith—it is God's time. We should respect it. We should cherish it. We should honor it as did the Presiding Officers in that day. The memory of how that impressed me has been with me through the years so that always when I open the Senate I do it the way those Senators did it in those days, now so long ago.

Back in 1990 I pointed out that:

[I]f something seems wrong with the Senate from time to time, we, the members, might try looking into the mirror; there, in all probability, we will see where the problem lies. Those who weaken the Senate are members who, in one way or another, bring discredit on the institution.

Those Members, I said, are the ones: . . . who never quite understand the Senate [and lack] an appreciation of its customs, its traditions, its rules and precedents, and a pride in having been chosen to serve in it.

Only 1,864 men and women have served in this body. Today, more than a decade later, I want to rephrase that point. Let me say that it is the Members who try to understand the Senate, who try to gain an appreciation of its customs and traditions, its rules and precedents, and who take a pride in having been chosen to serve in the Senate—they are the ones who bring credit to the Senate. They are the Senators who will keep the U.S. Senate as a model to the people of America and the world.

In the few months that they have been here, the class of 2000 is doing that. And, again, I salute them for it.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

Mr. MCCONNELL. Mr. President, will the Senator suspend? Could I ask what the order of business is?

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The order is to resume consideration of H.R. 2299.

Mr. MCCONNELL. Seeing no one else on the floor, I ask unanimous consent I be allowed to proceed for 5 minutes as in morning business.

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

#### FEDERAL FUNDS FOR ELECTION REFORM

Mr. MCCONNELL. Mr. President, the subject of election reform has been talked about and discussed a great deal during the past 6 or 7 months. In fact, there have already been more than 60 hearings this year in Washington and in the States.

I appreciate the attention that has been paid to this important issue, and commend my colleague on the Senate Rules Committee, Chairman DODD, for his attention to this issue.

I think we can all agree that America needs, wants, and demands action on election reform.

The Senate is in a strong position to act on this issue of tremendous national importance, and in a refreshingly bipartisan manner. On election reform, Republicans and Democrats agree on far more than we disagree.

In fact, 90 senators agree that we need meaningful election reform.

Ninety Senators are cosponsoring either the bipartisan McConnell-Schumer-Torricelli election reform bill leading the election reform pact with 70 Senators on board—38 Republicans, 31 Democrats, and one Independent; the Democrats-only Dodd bill which has all Democrats and one Independent as cosponsors but no Republicans; or the McCain bill—which has 2 cosponsors.

That means 90 Senators are cosponsoring legislation authorizing federal funding to assist the 50 States in improving their election systems. The McConnell-Schumer-Torricelli bill, the Dodd bill, and the McCain bill all have funding in them for election reform. Federal funding is the common denominator which brings the Senate together on this critical issue and makes election reform possible for the American people.

But no money has yet been appropriated for election reform. No election reform money at all—not one thin dime—is yet in any appropriations bill for fiscal year 2002.

I think we can all agree that is unacceptable. We must have election reform money appropriated for fiscal year 2002. Otherwise, any authorization which is passed later this fall will be all-show and no-go, until subsequent appropriations are enacted.

If we do not appropriate election reform money in this round of appropriations—for fiscal year 2002—then elec-

tion reform will be delayed. Election reform would either be postponed until fiscal year 2003, or be contingent upon an emergency supplemental appropriations bill at some point.

Election reform delayed is election reform denied.

The Republican Leader, Senator LOTT, had planned the election reform debate in the Senate to occur during June. Senators SCHUMER, TORRICELLI, and I were ready to press ahead. The organizations supporting our bill—including Common Cause and the League of Women Voters—were ready to do an all-out push for our election reform bill. Obviously, that floor debate did not happen.

It is not clear now when election reform will pass the Senate in the form of an authorization bill. In any event, any authorization for Federal funding for new voting machines and other enhancements in election systems will require that money be appropriated.

That is why I take the floor today, to announce my plan to pursue a meaningful appropriation for election reform.

The McConnell-Schumer bill authorizes \$500 million annually. The Dodd bill authorizes such sums as many be necessary.

While it may be nearly impossible to appropriate several hundred million dollars for the upcoming fiscal year, I do believe that we can come together on both sides of the aisle to find an election reform appropriation that is possible and meaningful. Today, I am pledging my commitment to do just that and calling on my colleagues on the Rules and Appropriations Committees to help me make this happen.

There will have to be an authorization mechanism later on to determine precisely who will administer the funds, how, to whom and for what. But we do know that the sum is substantial. And that time is running out to make a difference for the 2002 elections.

Senators on the Appropriations Committee have already demonstrated great enthusiasm for election reform with nearly all the Republicans and half the Democrats on my bill and all the Democrats on the Dodd bill.

If not successful at the committee stage in the appropriations process, I will offer an amendment on the floor at a suitable time.

One way or another, we need to make sure that the Senate will have the election reform issue before it—sooner rather than later—in the form of the funding that is absolutely essential to make the McConnell-Schumer-Torricelli election reform bill, the Dodd bill, or the McCain bill work.

Let's appropriate election reform money for 2002. We can decide later which election reform bill will become law, who will hand out the money, and whether there will be Federal mandates.

I look forward to working with Chairman DODD on the Rules Com-

mittee and Senators BYRD and STEVENS and my fellow members of the Appropriations Committee to ensure that this appropriations season does not pass without setting aside funds for election reform.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2299, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

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

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1030

Mr. MCCAIN. Mr. President, I believe the pending business is an amendment by the Senator from Washington; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Mr. President, I rise to speak on the amendment. I will not take very much time because I just discussed with the Senator from Washington an amendment we would have which we would propose, perhaps, as a second-degree amendment to the first-degree amendment of the Senator from Washington. But more importantly, we hope perhaps we can work out an agreement in the areas in which we are in disagreement.

Over the weekend, I examined the language in the Transportation appropriations bill and our concerns about it. I do not think those concerns are unbridgeable. So I would like to speak for just a few moments. And hopefully we can discuss this issue and debate it and then, if necessary, vote on the Murray amendment. If not, hopefully we can work out some agreements which will achieve the goal we all seek.

The goal we all seek is simple: That Mexican trucks that are allowed to come into the United States of America, according to the North American Free Trade Agreement—this is in compliance with the North American Free Trade Agreement. The United States has already been found, by a panel, to be out of compliance with the North American Free Trade Agreement because of our failure to allow trucks

that originate in Mexico to come into the United States. What we need is a way they can come into the United States but that the American people and the Mexican people will have the total and complete confidence that every reasonable safety measure has been employed to prevent needless death on the highways of America. That is the goal we all seek.

As we know, the House has taken action, as part of the 2002 Department of Transportation appropriations bill, that would absolutely prevent the President of the United States from abiding by our NAFTA obligations. It stripped the bill of all funding intended to address motor carrier safety issues along the southern border.

Second, it adopted an amendment to prohibit the approval of any Mexican carriers to operate in this country. That amendment is a blanket prohibition. It is in direct violation of NAFTA, and it is wrong. It is discriminatory, and it must not prevail.

The Senate appropriations subcommittee, under the leadership of the Senator from Washington, has taken a different approach and one that I think is very supportable in part but perhaps not entirely. The bill provides significant funding to enable the Department of Transportation to hire and train more safety inspectors and investigators and to build more inspection facilities at the southern border. I commend the committee for this action.

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

The administration estimates that the Senate provisions would result in a further delay in opening the border for another 2 years or more. This would be a direct violation of NAFTA. It effectively provides a blanket prohibition against allowing any Mexican motor carrier from operating beyond the commercial zones. And this is a view shared by a number of us, as well as the President's senior advisers.

By the way, the present state of play is that if the Mexican Government chose to—since the United States has been found to be in violation of NAFTA—they could impose billions of dollars of sanctions on United States goods. I hasten to add, I have seen no indication that the Mexican Government wishes to take such action. Their object is to try to get their carriers into the United States of America as agreed to under the NAFTA agreement.

As a leading sponsor of the 1999 legislation creating the Federal Motor Carrier Safety Administration, I strongly support proposals to advance truck and bus safety. I recognize the Senate provisions are largely intended to address safety concerns. Unfortunately, some of the provisions' mandates simply are not achievable. The provisions are

overly rigid and burdensome. The modifications, I believe, could go a long way toward promoting motor carrier safety in a nondiscriminatory manner.

At a later time, I will discuss a number of the concerns that I and others and the administration have about the bill. I have some very specific ideas as to how we can address these concerns. But at the moment, since I believe we are in some active discussions, I will not take the time of the Senate in going through all these specifics.

I will again point out that the administration, last Thursday, sent over a letter saying that the President had no choice but to veto the bill with the present provisions as contained in the Senate Transportation appropriations bill. I do not think the President wants to veto the Transportation appropriations bill. I do not want the President to do that, nor do a majority of the Members of the Senate.

But let me make it perfectly clear, the House action is totally unacceptable. I hope we can work with the Senator from Washington, and other interested Senators, particularly, I might say, with those who represent border States.

The majority of this traffic, initially, will be crossing, obviously, our southern borders. Already, our Canadian borders are open. Clearly, that is not the issue. So those of us—Senator GRAMM of Texas and I, and my colleague, Senator KYL—and others who represent border States, where the majority of this commercial activity would take place, feel very strongly about this issue.

I might say, also, we are the last ones—the last ones—who would countenance a situation to prevail that would place the lives and property of our citizens in danger. It is across the southern border where most of this activity initially will take place, although I believe I will live to see the day when we will see basically open transportation between Canada and Mexico.

As it has been a boon to the economy in Canada, so it can be across our southern border.

I hope we can deal with this issue in the ensuing hours. I understand the Senator from Washington may be discussing this issue with the Secretary of Transportation. We encourage all Members to get involved in this issue. It is a very important one. We are not talking about a policy dispute. I emphasize, we are talking about a solemn agreement that was entered into between the United States, Canada, and Mexico. That agreement called for certain safety conditions—which I believe we can satisfy, in the view of most objective observers, satisfy the safety issues—to come into compliance with the North American Free Trade Agreement and have the same situation prevail on our southern border as prevails on our northern border, as the Senator from Washington has with Canada on her border.

The Senator from Texas and I would like to see the same situation prevail on our border that prevails on the border of the Senator from Washington with Canada.

I hope we can work it out. We believe this is a very serious and important issue because we are talking about treaty violations, possible sanctions against the United States of America. I am firmly convinced that we can come to a reasonable conclusion and not have to have this thing spill over into a very unfortunate situation where the President of the United States may have to veto it. I hope to avoid that.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Nevada.

**MR. REID.** Mr. President, I see my friend from Texas. I am going to offer an amendment so we have something to vote on this afternoon. If the Senator from Texas wanted to speak first, how long is he going to speak?

**MR. GRAMM.** Mr. President, I wasn't planning on speaking more than 5 or 10 minutes.

**MR. REID.** I think it would be more convenient, because I need to talk a little bit longer than that, if I yielded the floor to the Senator from Texas.

**THE PRESIDING OFFICER.** The Senator from Texas.

**MR. GRAMM.** Mr. President, as usual, our colleague from Nevada is kind and courteous and helpful to everybody. I appreciate his letting me speak.

I wanted to come over today to join my friend and colleague, Senator MCCAIN from Arizona, to raise a concern about the provision in the Transportation appropriations bill that we believe will have the practical impact of making it impossible for a long period of time for us to conform to the agreement that we made with Mexico in NAFTA.

Let me make it clear that the Senator from Washington, the distinguished chairman of the subcommittee, dramatically improved the work done by the House. Even those of us who believe that her amendment would be harmful and would abrogate our agreement with Mexico are convinced that her work is a dramatic improvement over that of the House.

What we are trying to do is to simply work out an agreement where we can meet legitimate safety standards with regard to Mexican trucks, do it in a way that allows us to meet the obligations that we have under NAFTA, and do it in such a way to try to keep out any provisions that may be cloaked in some garb of safety, when in reality they represent an effort to prevent the implementation of our agreement.

I understand Senator MCCAIN has given the distinguished subcommittee chairman a copy of the amendment. I don't see any reason that this should be or has to be a partisan issue. I am hopeful we can work out an agreement.

Let me explain why it is so important that such an agreement be reached and why I feel so strongly

about it. We entered into the most far-reaching trade agreement of the last 20 years when we signed a free trade agreement that encompassed North America—Mexico, Canada, and the United States. Part of that free trade agreement had to do with the ability of trucks to operate within the free trade area. President Clinton was very slow in implementing the agreement, and many people believe that politics was behind that slowness in implementation.

We are now on the verge of seeing the agreement implemented. We are hearing great protests about safety. In that debate, a lot of points have been made that, when you actually look at the facts, are not borne out by the facts.

Let me give an example. First of all, the good news story with regard to Mexican trucks is that a significant amount of inspection is already occurring so that when we supplement that to deal with trucks that will come to the interior of the country, we have something on which to build.

For example, there are 8 million U.S. registered trucks. Last year, there were 2.3 million inspections and so, therefore, about 29 percent of all American trucks were inspected. There are 63,000 Mexican trucks currently operating in the United States, and 46,000 inspections took place last year involving Mexican trucks. Therefore, roughly 73 percent of Mexican trucks were inspected last year, over twice the percentage of American trucks that were inspected.

Some people have used the number, in sort of scare tactics, that only about 1 percent of Mexican trucks were inspected. In trying to figure out where on earth that number could have possibly come from, the best I can figure out is that the people who made up that number simply took the number of border crossings, 4.6 million, and used that as a measure of Mexican trucks.

The plain truth is, Mexican trucks are now operating within a 20-mile limit, 20 miles from the border. They often cross the border many times during the day. That is the only place I can figure this number came from.

Let me make it clear that Senator MCCAIN and I are concerned about safety. First of all, both of us already have Mexican trucks operating in our States. Our States are working now to see that those trucks are safe. The commitment of the President to get the Federal Government involved in the process is welcomed from our point of view. We believe it is important that Mexican trucks be safe, that they have trained drivers, that they have good equipment, and that that equipment be well maintained.

We are for safety. We are not for protectionism. We are not for using safety concerns as a ruse for not living up to the commitment that we made in NAFTA.

In addition, we are concerned about a process whereby this provision, both

the House provision and the Senate provision, is occurring on appropriations bills, not in the committees that have jurisdiction over this area. It is a very dangerous precedent when we are starting to amend trade agreements as riders to appropriations bills.

Having said all that, Senator MCCAIN and I and others have put together an amendment that we believe deals with legitimate safety concerns. We have put together an amendment where every truck coming into the United States from Mexico would be inspected. But it is not an amendment that will guarantee that for at least 2 years we will not be able to implement the trade agreement. Basically what we are trying to do is to implement a workable program where the level of safety required at the border, at least initially, with regard to Mexican trucks will be far greater than the requirements we currently have for Canadian trucks.

Not every truck coming into the United States from Canada is inspected. We proposed that we have an inspection of every Mexican truck, that that inspected truck then be licensed with a decal, and that it be periodically inspected. I believe the Senator from Arizona has given us a workable way of dealing with legitimate safety concerns without effectively abrogating our trade agreement with Mexico.

I know there are strong special interests that don't want to implement this agreement. But it is very important for us to remember in the Senate that all over the world today other legislative bodies are debating whether to live up to agreements they have made with the United States of America. Other legislative bodies are meeting at this very moment, trying to decide whether to implement an agreement they made with the United States that may not at that very moment, or this very moment, be politically popular in their country.

It seems to me that since we are the world's biggest beneficiary of trade, we are the world's largest exporter and importer of goods and services by a huge margin, it is important we live up to the letter and the spirit of our trade agreements so that we can have moral standing in dealing with countries that do not live up to their agreements with us.

So, in a time when all over the world similar agreements are being debated, it is very important in dealing with our neighbor to the south that we live up to the agreement we have made. I do not believe the House provision lives up to that agreement. I think there are very real problems with the current bill. I think Senator MCCAIN has offered an amendment that provides safety but does not create problems that will delay implementation beyond legitimate requirements of safety. I hope this can be worked out. But the NAFTA agreement is an important agreement. It is vital to my State, vital to the country, and I cannot

imagine, if we can't work this out, that we would want to move forward with this bill.

So I urge my colleagues to look at the language that has been proposed. We are not saying this is the only way it has to be done or we are not going to be satisfied. We have simply raised some concerns with the current bill. I am hopeful in working together with the administration that we can reach a compromise. It will hardly serve anybody's purpose to pass a bill that the President will veto and we will have to start all over again.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the Murray amendment be temporarily set aside.

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

AMENDMENT NO. 1037 TO AMENDMENT NO. 1025

Mr. REID. 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 Nevada [Mr. REID], for himself, Ms. MIKULSKI, and Mr. SARBANES, proposes an amendment numbered 1037 to amendment No. 1025.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require a study of the hazards and risks to public health and safety, the environment, and the economy of the transportation of hazardous chemicals and radioactive material, the improvements to transportation infrastructure necessary to prevent accidents in the transportation of such chemicals and material, and the preparedness of Federal, State, and local emergency response and medical personnel to respond to and mitigate accidents in the transportation of such chemicals and material)

On page 81, at the end of line 13, insert the following:

SEC. 350. (a) FINDINGS.—Congress makes the following findings:

(1) The condition of highway, railway, and waterway infrastructure across the Nation varies widely and is in need of improvement and investment.

(2) Thousands of tons of hazardous chemicals, and a very small amount of high level radioactive material, is transported along the Nation's highways, railways, and waterways each year.

(3) The volume of hazardous chemical transport increased by over one-third in the last 25 years and is expected to continue to increase. Some propose significantly increasing radioactive material transport.

(4) Approximately 261,000 people were evacuated across the Nation because of rail-related accidental releases of hazardous chemicals between 1978 and 1995, and during that period industry reported 8 transportation accidents involving the small volume of high level radioactive waste transported during that period.

(5) The Federal Railroad Administration has significantly decreased railroad inspections and has allocated few resources since



1993 to assure the structural integrity of railroad bridges. Train derailments have increased by 18 percent over roughly the same period.

(6) The poor condition of highway, railway, and waterway infrastructure, increases in the volume of hazardous chemical transport, and proposed increases in radioactive material transport increase the risk of accidents involving such chemicals and materials.

(7) Measuring the risks of hazardous chemical or radioactive material accidents and preventing such accidents requires specific information concerning the condition and suitability of specific transportation routes contemplated for such transport to inform and enable investment in related infrastructure.

(8) Mitigating the impact of hazardous chemical and radioactive material transportation accidents requires skilled, localized, and well-equipped emergency response personnel along all specifically identified transportation routes.

(9) Accidents involving hazardous chemical or radioactive material transport pose threats to the public health and safety, the environment, and the economy.

(b) STUDY.—The Secretary of Transportation shall, in consultation with the Comptroller General of the United States, conduct a study of the hazards and risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material.

(c) MATTERS TO BE ADDRESSED.—The study under subsection (b) shall address the following matters:

(1) Whether the Federal Government conducts individualized and detailed evaluations and inspections of the condition and suitability of specific transportation routes for the current, and any anticipated or proposed, transport of hazardous chemicals and radioactive material, including whether resources and information are adequate to conduct such evaluations and inspections.

(2) The costs and time required to ensure adequate inspection of specific transportation routes and related infrastructure and to complete the infrastructure improvements necessary to ensure the safety of current, and any anticipated or proposed, hazardous chemical and radioactive material transport.

(3) Whether Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(4) The costs and time required to ensure that Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(5) The availability of, or requirements to establish, information collection and dissemination systems adequate to provide the public, in an accessible manner, with timely, complete, specific, and accurate information (including databases) concerning actual, proposed, or anticipated shipments by highway, railway, or waterway of hazardous chemicals and radioactive materials, including accidents involving the transportation of such chemicals and materials by those means.

(d) DEADLINE FOR COMPLETION.—The study under subsection (b) shall be completed not later than six months after the date of the enactment of this Act.

(e) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report on the study.

Mr. REID. Mr. President, I just left a hearing of the Environment and Public Works Committee, the Subcommittee on Transportation and Infrastructure. In fact, the hearing is still going on. Senators VOINOVICH and INHOFE are there completing the hearing.

At the hearing today, we had four mayors of very important cities in America—the mayor of New Orleans, Mayor Marc Morial; the mayor of Atlanta, Mayor Campbell; the mayor of Las Vegas, Mayor Goodman; and the mayor of the District of Columbia, Mayor Williams. The purpose of the hearing is to talk about the decaying infrastructure of our country, especially in our urban areas.

It is tragic—“tragic” is not too powerful a word to describe what they have talked about. We have all kinds of problems. The mayor of the District of Columbia—the Federal city—talked about water pipes that carry water that are over 100 years old. Some of them are wooden. The mayor of Atlanta said they have pipes over 100 years old. He said most mayors are term limited, and their desire is: Please, let me make it through my term and leave the problem to somebody else. They do not have the money to handle the problems facing American cities.

The tunnel we have all seen so often in the news in the past 5 days or 6 days—actually, it was Wednesday at 3 o'clock that the derailment took place in the tunnel in Baltimore. That tunnel is a mile and a half long. It is 100 years old. So that tunnel was created through that area in about 1900. What kind of equipment did they have then? Most of it was done by hand; very little machinery was available for digging a tunnel around the turn of the century. That tunnel has had almost nothing done to it since then. It is the same tunnel.

This amendment is on behalf of myself, Senator SARBANES, and Senator MIKULSKI. It is an amendment to protect against the dangers posed by the transportation of hazardous substances. The amendment requires the Secretary of the Department of Transportation, in consultation with the Comptroller General of the United States, to study the risk to the public health and safety associated with the transportation of these dangerous substances.

My amendment requires the Department of Transportation and the General Accounting Office to study whether our transportation system can safely transport these dangerous substances and ask how it might improve the safety track record.

If you read my amendment, you will see a number of interesting things. The volume of hazardous chemical transport has increased by over one-third in the last 25 years and is expected to continue. Approximately 261,000 people

were evacuated across this Nation because of rail-related accidents during the past 20 years—no, that is not in the last 20 years. It is from the period of 1978 to 1995—less than 20 years. So 261,000 people were evacuated from their homes because of rail-related accidents.

During that period, the industry reported eight transportation accidents involving small volumes of high-level radioactive waste transported during that period.

The Federal Railroad Administration has significantly decreased railroad inspections and has allocated few resources since 1993 to assure the structural integrity of railroad bridges.

One of the mayors today testified that 70 percent of the bridges in America won't meet basic safety standards—70 percent of the bridges. Maybe he is 10 percent wrong. Maybe it is only 60 percent; maybe it is 80 percent. We know there are bridges in America today where schoolbuses stop and let the kids walk across, and the bus will come over and pick them up. We have all kinds of trouble with our infrastructure in America today. We need to do something about it, and that is what this amendment is all about.

It is saying let's at least have some knowledge of what is out there when we are seeing these treks of very hazardous materials. As you know, in Baltimore, which we all saw, the substance there was hydrochloric acid. Hydrochloric acid is extremely dangerous. One of the important things was that it was far enough away from people that it wasn't an immediate danger. Had the accident occurred closer to the populated area, of course, it would have been.

I can remember a number of years ago being in Ely, NV, a rural part of the State of Nevada. One of the men I went to high school with was a police officer there. I always tried to stop him when I came through Ely. He has since retired. I was in the police station and a teletype came through and he looked at it and said: Why do they even send me this stuff? They were telling him there was a transport of hazardous materials coming through Ely. His point was: So what. I could not do anything about it. The only thing that telling me about it does is frighten me. We have no ability to respond to a chemical accident spilled in Ely, NV.

Mr. President, this is an extremely important question: How can the Department of Transportation and the General Accounting Office—we know how they can and they should—study the ability of personnel to respond to transportation accidents involving dangerous substances?

My friend, the police officer in Ely, NV, did what most police officers in rural America would do: They throw the report away. They cannot do anything about it. In fact, Rick said he would rather not know. All it does is frighten him.

While emergency response teams might be equipped and available in



urban areas such as Baltimore—that was interesting. That occurred so they had the ability—and we may hear further from Senators SARBANES and MIKULSKI—that was a great deal of teamwork among county, city, State, and Federal officials in one of our metropolitan areas. They did pretty well from what I can tell.

How prepared are the small rural communities in Nevada? How well prepared are the small rural communities in Nebraska, the State of Washington, all over America? They are not very well prepared.

What resources do they need to protect against the danger of a hazardous accident? I have to say candidly that this is not just a rural America problem; it is a major city problem also. But I guess the answer to both my questions is, we really do not know. We have no idea. That is why this study is important.

Finally, my amendment instructs DOT and GAO to evaluate the way we communicate with the public about accidents involving dangerous substances. As chairman of this subcommittee I talked about earlier, I am confident we are going to have to develop information, as I told the four mayors, and we also had the manager of the port authority there and somebody from the General Accounting Office—I told those people assembled today that we need to be aware of what is wrong with our infrastructure. It is time they were more forceful and told us what is wrong with our infrastructure.

I also told them this is the first of a number of hearings. We have to start identifying what is wrong with the infrastructure. Senator VOINOVICH talked about a 1981 study which showed the problems with our infrastructure. Shortly after that, there were statements about the problems of our decaying infrastructure, but we have done nothing about it. Literally, we have done nothing, except as a Federal Government giving cities and States more responsibilities, these unfunded mandates they talked about today. We give them the responsibility, but we do not join with them in true partnership to help pay for these things.

Some will say these are not national problems; why should the Federal Government be involved? They are national problems. Our decaying infrastructure is a national problem. Our water systems—the mayor of New Orleans indicated that the city of New Orleans is basically in a basin and they are pumping every minute of every day to keep the water from inundating this beautiful city. They have 100 pumping stations in New Orleans. The pumps are 100 years old—100 years old. Those pumps were put there at the beginning of the last century. The mayor of Atlanta said the life expectancy of modern pumps is about 40 years. This is a patchwork network, to say the least, in one of our great cities of America, pumping every day, every hour, with pumps 100 years old.

As events in Baltimore over the last few days have shown us, the need to have an investigation about whether we can transport these dangerous substances is something we certainly need to talk about. I expect my colleagues from Maryland will provide accounts of the train derailment that crippled Baltimore.

I have an article from the Baltimore Sun which gives a day-by-day blow of how this terrible accident played out in the Baltimore area. It is very scary that more people were not hurt and there was not more damage done. The damage is significant. I do not know how much it will wind up costing.

I ask unanimous consent that this article from the Baltimore Sun, July 21, Saturday, Final Edition, be printed in the RECORD.

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

[From the Baltimore Sun, July 21, 2001]

#### CHEMICAL TRAIN FIRE

(By Dan Fesperman)

The first sign of trouble was an unsettling rumble from beneath the streets, a trembling, grinding sensation that lasted several seconds.

Dan Stone felt it on the fifth floor of the cast-iron building he owns at 300 W. Pratt St. In a tavern downstairs, manager Christine Groller felt it, too, believing it was an earthquake.

It wasn't like that for Chad Cadden, but he was in a tunnel some 30 feet underground, the engineer of a thrumming diesel hauling 60 freight cars of paper, chemicals, wood pulp, soy oil, bricks and steel north to New Jersey.

Cadden felt the train lurch, then a light flashed on the instrument panel—the pneumatic control indicator—signaling that the emergency brakes were on. The train groaned to a halt in the darkness. Something had gone wrong.

It was 3:07 Wednesday afternoon, and an exhausting drama of fire, flood, worry and disruption had begun to unfold beneath the heart of Baltimore. At its south end, thousands of baseball fans sat unaware, watching the final innings of an Orioles loss. At its north end, more than a mile and half away, the manager of a high-rise apartment building watched a plume of black smoke unfurl past the 11th floor, wondering if her longtime fears were about to be confirmed.

Soon, both ends of the tunnel would be cloaked by rolling black smoke. Because of it, the fire would yield its secrets stubbornly, and for an entire night there would be just enough mystery to trigger Civil Defense sirens and fears of a toxic disaster, while fire companies fought a two-front war against an enemy they could neither see nor understand.

But that wasn't all. A water main just above the tunnel would burst three hours after the derailment, gushing so much water that the level of Druid Hill Reservoir would drop 3 feet in four hours.

Only by sundown of the next day would the consequences seem clearer—a derailed tanker car leaking hydrochloric acid, several downtown buildings flooded by a torrent of 60 million gallons, enough broken telecommunications lines to disrupt e-mail around the world, two postponed Orioles baseball games (and another yesterday), and enough downtown gridlock to produce a year's worth of headaches and missed appointments.

Yet, for all the smoke and bother, not a single life would be lost, pending the unforeseen discovery of anyone who might have hopped aboard an empty boxcar. In this disaster, for once, every member of the cast would come out alive. But not without a few second thoughts about what might have been, had their luck turned for the worse.

3:07: THE EARTH MOVES

It takes only a crew of two to run a freight train. The engineer mans the controls of the diesel engines while the conductor generally operate the brake, calls out passing signals and maintains the waybill, which carries the information of what's on board.

Cadden, 27, of Stewartstown, Pa., and conductor Edward Brown, 52, of West Baltimore, had just boarded the train a few minutes earlier, six miles short of the tunnel during a crew change at Curtis Bay. If there was trouble ahead you wouldn't expect to encounter it in the tunnel, as straight a stretch of railway as you'll find on the CSX route through the city.

A signal just before the tunnel indicated the track ahead was clear, so the train continued. It was 3:04, and the train was lumbering along at just over 20 mph, black exhaust snorting from three engines at the front.

Looming to the left were the grandstands and warehouse of Camden Yards. The train entered the tunnel, its four headlights on, accelerating on a slight downgrade to about 23 mph before beginning the long, slow climb on the gradual rise beneath Howard Street.

That's when Stone and Groller were at work, in the building just above the tunnel at Howard and Pratt streets. And at 3:07, the earth moved.

"It seemed to be a grinding noise and a grinding sensation," Stone said. "I've been here for 11 years, and I've never felt anything like it."

"It lasted maybe 10 seconds," Groller said. "I honestly thought it was an earthquake."

Cadden and Brown weren't sure what to think, according to federal transportation officials who interviewed them. There was the lurch, then the flashing indicator, then the stopping of the train. Black fumes were everywhere, but that's often the case when three engines are running in a tunnel.

They tried to radio the CSX dispatcher, but no luck, probably because they were underground. Cadden used his cell phone, reaching the train master. It was 3:15. They were still unaware of the brewing disaster to their rear.

With the fumes growing worse, they shut down two engines, then uncoupled all three from their cargo, and drove them out the tunnel's north end underneath the high roof of the old Mount Royal Station at the foot of Bolton Hill. Now the radio worked and they reached the dispatcher. It was 3:25.

By then they'd begun checking the waybill, reviewing what they'd left behind. And that's what troubled them when they began to notice the black smoke pouring out of the tunnel. Something was on fire, and it might be anything from paper to toxic chemicals.

4:15: NO FALSE ALARM

Seven blocks away, on the other side of Bolton Hill, Capt. James Smith, 34, sat in the firehouse for Engine Co. 13, at 405 McMechen St.

A call came in: smoke pouring from the train tunnel. Ho hum. Probably yet another panicky person who'd seen diesel fumes, a common concurrence. But when the truck pulled beneath the Mount Royal shed at 4:15 p.m., Smith said, the volume of smoke made it clear this was no false alarm.

"That," Smith said, "knocked it up a notch."

"IT'S THE TUNNEL"

A block away, Elaine Macklin wondered what all the fuss was about. As resident

manager for 21 years of the high-rise Sutton Place Apartments, it's been her job to find out such things, and the sirens were blowing. She, too, was familiar with the frequent false alarms, but she'd read enough newspaper stories about the sort of cargo that came and went on those tracks to wonder if one day a call might be for real.

"I just had a feeling," said Macklin, 72. Years ago, she'd told her three scoffing children, "Someday, something will happen in that tunnel."

Now, after more than two decades of living and working next door, that day had come. But she didn't know until she rode an elevator to an empty apartment on the 11th floor for a better look. She was joined by her long-time assistance, Patricia Stanitski, who said: "The school's on fire," referring to the old Mount Royal Station, which houses part of the Maryland Institute, College of Art.

"No," Macklin said, watching the smoke rise part the top floor. "It's the tunnel."

She hoped there was nothing hazardous burning.

#### A FORAY INTO DARKNESS

Chief Terry Ryer wondered the same thing when he heard the call go out to Engine Co. 13.

Ryer, 49, was listening to the radio at the firehouse in Brooklyn, where he commands the 6th Battalion, with its hazardous materials squad.

It was a later part of the call that sent him into action. Not only had a train possibly derailed, but hazardous materials might be involved. Ryer opened his office door and told the firefighters relaxing in the bay to stand ready. Less than a minute later they got the call.

The son of a city firefighter, Ryer, like his dad, signed on for duty at age 18, so he's been around long enough to know that some fires aren't the sort that should be rushed into, and this sounded like just such a fire.

Captain Smith was discovering that firsthand. He and three others were the first to enter the tunnel. Within a few feet they were submerged in darkness. Each wore 80 pounds of equipment, picking his way across rail ties, chunky stones and the rails themselves. They talked to each other, touching, anything to keep from separating in the blackness, while wondering what would happen if the fire suddenly intensified. They weren't even sure what was burning.

A situation like this ran counter to almost all their training, which teaches them to constantly be aware of "escape routes" and "safety zones."

"In a dwelling fire," Smith said, "you're usually never more than 12 feet from a window or some stair, a door, a ladder. This really played with your mind. . . . We were concerned it may have been a caustic (substance)."

They made it a hundred yards, at most, before agreeing to back out. A second attempt also failed.

By then, news media were gathering at both ends of the tunnel, and the word going out wasn't good. Chemicals, including three types of acid, were on board, and no one knew yet what was in all that black smoke. The Orioles had just canceled the second game of their day-night doubleheader.

At Sutton Place, Macklin tried to calm the tenants, though most didn't seem too concerned. Then, in walked seven firefighters in full gear, fanning out floor by floor to tell everyone to shut their windows and stay indoors.

Miles to the southeast, somewhere near the Bay Bridge, Mayor Martin O'Malley was on his way home from the annual J. Millard Tawes Crab and Clambake in Crisfield, talking on the phone with officials who were try-

ing to assess the situation. Police had shut down Howard Street, rerouting traffic, with cars stacked up all over downtown. Civil Defense sirens sounded the alarm, blasting like some warning from the Cold War.

But what was burning? Nobody had the answer. Nor did anyone know that the city's problems were about to get worse.

#### 6:15: HOWARD STREET FLOOD

It was 6:30 when Dan Stone, who'd felt that first troubling rumble beneath his feet more than three hours earlier, noticed something new happening outside his office at Pratt and Howard Streets.

Water was coming down Howard Street. Buckets of it. Barrels of it. Rivers of it. Something else had erupted underground, and on meters at city reservoirs the event announced itself like a blip on a seismograph.

It had happened at 6:15, almost certainly due to the fire. A water main nearly 3½ feet in diameter burst, blowing open a jagged hole several feet long. Darrell Owens, 41, a supervisor for west-side maintenance with the city's Department of Public Works, was the first to arrive at the scene.

Owens thought he'd seen it all—burst mains creating huge sinkholes that devoured city blocks; urban streets raging like canyons in a flash flood. But this was a new one—a flood on top of a fire.

"It was a swimming pool, two, three and a half feet deep." Fire hydrants were submerged. A block away, the torrent swamped the first floor of the Prudential Securities Building.

Deb and Paul Pelaia, meanwhile, had left Lombard and Howard streets a few minutes earlier.

As guests from Thomasville, Pa., staying at the Holiday Inn, they were beginning to wonder what they'd gotten into by visiting Baltimore. Deb had come for a three-day nursing conference. Paul came along for a boat cruise and an Orioles game.

What they got instead was a front-row seat at an urban disaster. The Holiday Inn overlooked the flood, itself perhaps 30 feet above the derailed and burning train. Already, Paul's baseball game had been canceled. The bus that was to take them to the harbor cruise got stuck in traffic. So, they walked to the Inner Harbor, wondering at the smoke pouring from manholes.

During their cruise on the Bay Lady, word of the flood spread. Someone said they'd heard the Holiday Inn was closed. The boat returned to find the Coast Guard had closed the Inner Harbor, and docked instead at Pier 5. It was 10 p.m., but traffic was still bumper to bumper, and the bus had to drop them off short of the hotel—still open after all—because of the river in the street. They returned to their room to find water in the tap running brown, at low pressure. Welcome to Charm City.

#### WHITE SMOKE RAISES FEARS

At the ends of the tunnels, where news of the water main break was a little slower in arriving, the first effects of the flood were cause for alarm.

One thing firefighters always pay attention to is the color of the smoke, and suddenly the smoke had gone from black to white. Did it mean something toxic was on fire? The answer was the same as before. No one knew.

However, readings taken by the Maryland Department of the Environment soon put fears to rest. It was steam, caused by water from the burst main. Fire crews asked Owens to leave the line open. Used to simply shutting things off as soon as possible, he was now faced with an unenviable assignment akin to that of a basketball player asked to guard a high-scoring superstar: You can't

stop it, you can only hope to contain it. He said he'd do what he could.

#### THIRD TRY, FIRST CONTACT

Within a few hours more, it was time for firefighters to make a third attempt to reach the train from the north end. The south end was out of the question due to flooding. Captain Smith and Chief Ryer were on the team of six men. So was Dan MacFarlane, 32, another member of Smith's Engine Co. 13.

By now, their faces were blackened by soot and they knew what to expect. This time they rode in slowly on a CSX truck equipped with railway wheels. Each man took two oxygen bottles, a 70-minute supply. After a while, the truck stopped and four of the six set out on foot, flashlights pointed at their feet to light the way. Over the radio, someone at the mouth of the tunnel called out the elapsed time every five minutes. It took a half-hour to go 2,200 feet, Ryer said.

MacFarlane was ready to give up. "We're going to pull out," he radioed. But they took two more steps, and firefighter Pat Hoban, just in front of MacFarlane and Smith, touched the first boxcar. Contact. It wasn't much, but they'd take it. Now the work of removing the train cars could begin.

#### "MOM, YOU WERE RIGHT"

Fourteen floors above, in her apartment at Sutton Place, Elaine Macklin was ready to turn in at midnight after an uneasy night of watching TV news accounts, windows shut tight.

All of downtown was sealed up. You could leave, but you couldn't come back. Police had closed every major road. Helping lessen the sense of isolation, Macklin had heard by telephone from friends and family, some of whom called after radio and TV stations reported that Sutton Place was being evacuated. Officials were standing by to move residents to cots in the Baltimore Convention Center, but never did.

The most satisfying call came from her son Victor, 45, a television producer in California. He'd seen the news on CNN. "He said, 'Mom, you were absolutely right. You told us 21 years ago something would happen in that tunnel.'"

Perhaps by morning, she hoped, everything would be fixed. But she arose Thursday to see white smoke still rising from the tunnel. When she walked close to her living room window, she could smell it.

#### THANK MOTHER NATURE

A few blocks south, at the Holiday Inn, the Pelaia and other lodgers saw that the impromptu hotel "swimming pool" was finally under control. Owens and public works crews had contained it, digging a hole in the street that exposed the ruptured pipe. Water was still dumping into the tunnel.

Overnight, a new guest had checked into the hotel. It was Dan Stone, who hadn't wanted to desert his building at Pratt and Howard streets. Water in the basement had peaked at 9 feet by 11 p.m., when city workers began pumping it out. He hadn't reached the hotel until 4:20 a.m.

Other workers, meanwhile, were just beginning to head home as the new day's rush hour began, ending shifts that had continued while the rest of the city slept. Ryer got home at 6:30 a.m., Smith and MacFarlane around 8. Owens made it by 9:30. But for all of the night's heroes, one of the more unsung ones might have been Mother Nature, in the form of a geological stroke of luck.

Since the first hour of the derailment, hydrochloric acid had been leaking from one of the tanker cars. Yet, there hadn't been a single problem with air or water flowing from the spot. The possible reason, according to state environmental officials, was the limestone bedrock beneath the tunnel. Being an

alkali, it reacts with acid sort of like water with fire, neutralizing its caustic nature.

#### DAY 2: A NEW STRATEGY

The fire, while still burning, no longer seemed an imminent threat to blow into an environmental disaster. By late afternoon, a firefighting force that had peaked at 150 was down to 50. Not that their jobs were getting much easier.

Some boxcars had already been removed from the tunnel. Others would soon follow. But some were still baking at 400 degrees, and smoke still poured from the north end. The next day, two men—a state official and a chemical consultant—were overcome by smoke.

But it was on Thursday afternoon that the firefighters hatched a new strategy. Dan Stone got a preview of it from his office, when three firemen asked if there might be an entrance to the tunnel through his building. There wasn't, but they eventually found another: through a manhole, where they poked a hose to douse the fire's midsection. It was also the entry point for hazardous waste crews that pumped hydrochloric acid from the leaking tanker.

Outnumbering fire crews by then were street crews, digging into the pavement five blocks east of Howard Street to lay new fiber-optic cable. Lines near or through the tunnel had been damaged or destroyed, disrupting e-mail, Internet and phone service from Baltimore to New York to Africa.

#### SORTING OUT EVENTS

By nightfall Thursday, another force had arrived on the scene. The National Transportation Safety Board plays an important role in sorting out such events, ultimately assigning blame. Yesterday, the NTSB made itself known to the public through board member John Hammerschmidt, whose briefings were minor masterpieces of bureaucratic jargon.

On for the day's final briefing was CSX President Michael Ward, who grew up not far from Terry Ryer's 6th Battalion fire headquarters in Brooklyn.

Ward praised the city, praised the mayor and said his company would continue to err on the side of caution. Then came a question. Once this mess was cleaned up, would his company consider installing sprinklers in the tunnel?

Ward testily called any such question "premature."

"Hindsight is 20-20," offered the Fire Department's Mike Maybin, affirming his department's skills.

What about foresight? They must have forgotten to ask Elaine Macklin, at Sutton Place, who again went to bed with smoke pouring past her 14th-floor window.

Mr. REID. Mr. President, this article, among other things, details how this train derailment threatened to leak hazardous chemicals, such as hydrochloric acid, into the main tunnel running under downtown Baltimore. They were able to stop that leak. This train derailment closed roads, broke fiberoptic communications cables, generated a water main break, caused evacuation of residents, and injured workers. While it was not one of the more serious things, it indicates how widespread this was: They canceled three Baltimore Orioles baseball games. They simply could not play with hazardous materials around. People could not get to the game. Baltimore was basically shut off.

To show the cost to the business community, we have only to look at

what happened to the Baltimore Orioles. Damages associated with just the lost baseball revenues are estimated at almost \$5 million for the Baltimore Orioles.

Is Baltimore an isolated example? Of course not. Between 1978 and 1995, as I said, over 260,000 people were evacuated across the Nation due to transportation accidents involving trains. There are some reasons why. The Federal Railroad Administration increased inspections and allocated few resources to ensure bridge safety across the Nation. Train derailments during that period increased 18 percent.

Unfortunately, we do not have good statistics about the prevalence or damages associated with accidents such as the one in Baltimore. We do know from press reports that transportation-related accidents involving dangerous substances occur around the Nation each year. A quick search revealed many.

For example, I found an exploding boxcar in Kansas City sending its hazardous contents, potassium nitrate, into a nearby school. I am told that is one of the things that was used in the bomb in Kansas City.

I found other reports in Charleston, SC, of a train derailment that spilled 300 gallons of formaldehyde and forced the evacuation of 100 families and hospitalized 7.

I know of the train derailment in California where hazardous substances were dumped in a river and endangered the life and property of millions of people in California.

While we do not have a complete count of all the accidents, we do have data to show transportation of dangerous substances is on the rise. With increased transportation comes an increased risk unless we step back and evaluate how well our transportation infrastructure is handling this dangerous cargo.

We need to know whether our emergency response personnel are trained and equipped to deal with hazardous accidents, not only in urban Baltimore but in rural Nevada. We need to know whether we adequately convey information on dangerous accidents to the public in time to ensure their safety.

We do not have reliable estimates of the need to upgrade infrastructure in order to handle unique threats posed by accidents involving dangerous substances. We will need these estimates to prepare a new transportation bill which we are going to begin next year, our every-5-year bill. The study required by this amendment offered by this Senator and the two Senators from Maryland is an important first step in that effort.

It was coincidental that I had the hearing today—it had been scheduled for some time—dealing with our decaying infrastructure. We need to do something, and one of the things we can do will be focused as a result of this amendment, which will cause the Department of Transportation and the

General Accounting Office to take a look at how safe it is to transport and, if not, what do they recommend to make it more safe.

We are going to try to vote on this at 5:45 p.m. today.

There is going to be a vote today and we would like to keep it on Transportation. When we hear from the minority, we will be in a position to offer a unanimous consent in that regard. I hope this amendment will be supported. I think it should be an overwhelming affirmative vote.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am pleased to join with my colleague, the very able Senator from Nevada, Mr. REID, in cosponsoring this amendment to the fiscal year 2002 Transportation appropriations bill which calls for a study of the hazards and risks associated with the transportation of hazardous chemicals or radioactive material on our rail and highway network.

According to the U.S. Department of Transportation, more than 800,000 shipments of hazardous materials, or hazmats, occur each day on our highways, railroads, and waterways. The total volume of hazardous materials such as flammable liquids and corrosive chemicals exceeds some 3 billion tons a year. While the vast majority of these shipments are transported safely, without any release, the number of hazmat incidents reported to the Department of Transportation has nearly doubled in the past decade.

As Senator REID has already noted, last Wednesday a 60-car freight train, including several cars containing hazardous chemicals, derailed and caught fire in the Howard Street tunnel right through downtown Baltimore. The cause of the derailment and fire are still under investigation, but according to news reports, some fire officials speculate the fire started in a car carrying tripropylene, a caustic and flammable chemical used for making detergents and plastics.

I take this opportunity to commend the members of the Baltimore City Fire Department for their heroic efforts in managing the fire and protecting the health and safety of the citizens of our city. For nearly 5 days, the city firefighters undertook tremendous risks, courageously entering the dark tunnel, vision impaired by smoke, to face the fire and the volatile chemicals and hazardous materials that burned within. During the height of the incident, over 150 of the city's firefighters were on the scene and many more obviously reported for duty throughout the course of this incident.

The fact that injuries were kept to a minimum is a testament to the skill and professionalism with which the Baltimore City firefighters performed their jobs. I also express my appreciation to the Coast Guard Strike Force, the Maryland Department of Environment, and all the other members of the team who worked around the clock to

protect public health and the environment.

Firefighters' activities were largely completed last night. This morning, the last of the 60 railcars was pulled out of the tunnel. The tunnel is now free of the train and examination will now take place with respect to the structural status of this tunnel.

As Senator REID and I discussed last week on the Senate floor, this accident underscores the potential dangers to public health and safety, the environment and the economy in connection with the transportation of hazardous materials, but it also makes clear the need to invest in our Nation's infrastructure.

I very much welcome the amendment of my colleague. I want to underscore this is an issue in which he has taken considerable interest. In fact, he held a hearing this morning which had been scheduled, as I understand it, well before this incident took place. Senator REID and others who have been concerned about the infrastructure, and I know it is a concern the chairman of the Appropriations Committee, Senator BYRD, shares with us, have for quite some time tried to focus attention on the necessity to improve the Nation's infrastructure.

Later in the consideration of this bill I will join with my colleague, Senator MIKULSKI, in offering an amendment to specifically begin to address the aging rail infrastructure in the Baltimore area. Our amendment would provide up to \$750,000 in Federal matching funds for the Department of Transportation, in cooperation with Amtrak, Norfolk Southern, CSX, the State of Maryland, and the City of Baltimore, to conduct a comprehensive study to assess the existing problems in the freight and passenger rail infrastructure in the Baltimore region. The study would assess the condition, track, limitation, and efficiency of the existing tunnels, bridges, and other railroad facilities owned and operated by the railroads. It would also examine the benefits and costs of various alternatives, including shared usage of track. It would make recommendations regarding improvements to the rail infrastructure in the Baltimore region or the construction of new facilities to reduce congestion and improve safety and efficiency. The availability of the funds would be contingent upon CSX, Norfolk Southern and the State of Maryland providing equal amounts to conduct the study.

Next year marks the 175th year of railroad in America commemorating the history of railroading that actually began in Baltimore with the Baltimore and Ohio Railroad. While it is an honor to have this historic commemoration, this commemoration also serves to date our railroad infrastructure in Maryland as amongst the oldest, of course, in the country. Indeed, major rail improvements made in the latter part of the 19th century, including rail corridors, bridges and tunnels, continue even to this day to serve by pro-

viding routes for significant inner-city passenger and freight traffic moving up and down the east coast, as well as providing links from the ports to the Midwest and points beyond.

Two major main line corridors traverse Baltimore. Amtrak operates more than 100 trains a day through Baltimore, traversing through two sets of major tunnels, the Union tunnel and the Baltimore and Potomac tunnel, immediately northeast and southwest of Penn Station. These tunnels were built in the 1870s when the Pennsylvania Railroad extended its reach south to Washington. A second parallel Union tunnel was built in the early part of the 20th century. Amtrak's corridor is also used by MARC commuter rail trains linking Baltimore and Washington and Norfolk and Southern freight trains.

While a number of improvements have been made to the corridor since the 1970s, the basic infrastructure of the route, including the tunnels and bridges over the numerous rivers north of Baltimore, is virtually the same as that in place some 75 to 100 years ago. CSX, the descendent of the original Baltimore and Ohio Railroad also operates its main line through Baltimore. The main line serves traffic traveling north and south up and down the east coast and traffic which is ultimately headed west to the Ohio River Valley. Both movements converge between Washington and Baltimore and use the main line through the latter city. It is CSX's main line which passes through Baltimore by the 1.7-mile-long Howard Street tunnel where the accident occurred on Wednesday night. Most of this was built in the 1890s on a single track. Numerous other short tunnels and bridges are also along the route north and east of the central city.

The physical condition of the rail infrastructure and the mix of trains that use it cause various problems for the movement of freight and passengers. There are inadequate vertical clearances for the passage of certain types of freight since high-cube, double-stacked container trains. There are numerous chokepoints and there is capacity-related congestion on the Northeast Corridor and the CSX main line.

So the purpose of this study, this additional amendment that Senator MIKULSKI and I will offer, is to assess these and other problems in the freight and passenger rail infrastructure in the Baltimore region, and to identify potential solutions to those problems. We need to get some sense of what the possibilities are, what the costs associated with them are, and what might be a reasonable course of action in order to address this situation. I very much hope when that amendment is offered our colleagues will be supportive of it.

I do want to have printed in the RECORD at the end of my remarks an editorial from the Baltimore Sun about the effort of our firefighters and other authorities who responded to this emergency entitled, "There when you

need them." I ask unanimous consent that be printed in the RECORD.

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

(See exhibit 1.)

Mr. SARBANES. Mr. President, I want to conclude by, again, underscoring the very important contribution that my colleague from Nevada has made in alerting us, not just now but over a sustained period of time, to the importance of addressing the much broader issue. I, of course, have focused today on this Baltimore tunnel problem, but that is only illustrative, as it were, simply an example of the kind of situation we are confronting in many, many parts of the country. My colleague from Nevada, Senator REID, has repeatedly stressed the importance of addressing this question. His amendment, which I join in cosponsoring, to require a study of the hazards and risks to the public health and safety, the environment, and the economy flowing from the transportation of hazardous chemicals and radioactive materials, and the improvements necessary to our infrastructure, I think, is a very important contribution. I strongly support it, and I trust when it comes to a vote it will receive the overwhelming support of this body.

I yield the floor.

#### EXHIBIT 1

[From the Baltimore Sun, July 20, 2001]

#### THERE WHEN YOU NEED THEM

*Without warning: Emergency responses were generally good, but luck was better, the worst did not happen.*

Baltimore had a close call Wednesday. It could have been so much worse.

Industrial chemicals that caught fire, or that did not, might have sent toxic fumes into the downtown atmosphere, damaging lungs and skin, invading work places and residences.

On the whole, the ugly billows from both ends of the tunnel proved to be benign.

The whole metropolitan population is in debt to the courageous firefighters who entered the tunnel, into the unknown, to deal with a fire they could not locate. Also the police, hazardous materials experts and public works workers who toiled on no notice through the night to cope with the fire, train mishap, water main break and power outage that paralyzed a great city.

They had other plans for the evening. But this was their job and they did it.

City, state and federal authorities were right to err on the side of caution in closing roads, waterways, baseball, business and normal life until public safety was secured.

The one thing that did not work well was the civil defense siren. In nearly a half-century it has been tested but never before used for a real emergency. Those who heard it did not know what it conveyed.

Were they to duck beneath desks in event of nuclear attack? If not, what was the loud siren saying? For those who were just trying to go home in the evening rush hour, the best response was to carry on doing it, assuming they heard a mere malfunction.

People have long since learned to turn on radio, television or the Internet—or battery-operated radios in the event of power outage—to learn if something big is happening. The siren probably did not alert anyone who did not already know about it.

The emergency showed just how interconnected modern society is, how dependent

we all are on everyone else functioning normally.

The disruptions to city life and to East Coast commerce will go on for some time. More lessons will be learned in ensuing days.

New York, Philadelphia, Boston, Washington, Norfolk and the rest had better pay attention. Here, but for the grace of God, go they.

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

Ms. MIKULSKI. Madam President, I join with my colleagues, Senator REID and Senator SARBANES, as an enthusiastic cosponsor of their respective amendments that I believe, should they be agreed to, will make America safer.

Last week in Baltimore we had a terrible train wreck in something called the Baltimore tunnel. A train overturned. It was a freight train. Immediately, we were not sure what was in it; what were the consequences of a fire; were we going to have an explosion; and whether the smoke billowing out of the tunnel was going to be a toxic plume over Baltimore. The civil defense alarm sounded for the first time in Baltimore in 50 years. The mayor jumped into action immediately, as did our brave firefighters and emergency management people because we had to both contain the fire and we had to contain panic.

I salute the mayor and the Governor for the support he gave the mayor, and the brave men and women of our public safety organizations, our firefighters, emergency management, public works, and also the citizens of Baltimore.

The railroad worked in a hands-on fashion with our mayor. I am happy to report that, as of now, we have pulled the railroad cars out, the smoke is clearing, but now the next phase needs to begin. During this saga that was unfolding, both in Baltimore and in the national media, our first fear was for the firefighters, the first responders, the ones who had to go in there and who initially were not sure what they were going into. The temperatures were reading 1,500 degrees. You could not get in through the smoke. They went down through manholes—let me tell you, through a manhole to a 8-foot platform, then down another ladder to see what the deal was. Our firefighters had to be tethered so we did not lose them in the smoke.

You know what. They did it. They did it without flinching. They did it without hesitation. They did it with skill. They did it with integrity and unparalleled courage. We salute them. And also a salute to their spouses who were there to support people doing such daring deeds.

Yes, the railroad worked, chem-hazmat worked, but now we have to get back to our work so we can protect the first responders, protect property, and also protect the nearby neighborhoods.

This accident, which shut down much of Baltimore and the freight movement in the Northeast Corridor, really was a wake-up call to take a close look at the practice of transporting hazardous ma-

terials through roads and tunnels. Because we do use railroads, we do use trucks, we do need to be sure that we know what is going through our communities. What made our quick response possible was that we had a manifest and we knew what was happening.

We do not know the consequences of these new kinds of materials going through together, the synergistic effects. One car had paper, the other car had hydrochloric acid, and the other car had other hazardous waste. One needs to be fought with water. One could have caused other problems if you fought the fire with water. I am not evaluating the best way to transport these items, but we have to do our homework so we can protect our people. This is why I join with my esteemed colleague, Senator REID of Nevada. He has an amendment that calls upon the Secretary of Transportation, in consultation with the Comptroller General, to conduct a study evaluating the hazards and risks to public health, safety, the environment, and the economy associated with the transportation of hazardous chemical and radioactive materials; and to take a look at our transportation infrastructure and the improvements necessary to prevent accidents involving such chemicals and other materials, and to examine the preparedness of Federal, State, and local emergency and medical personnel to respond to these accidents.

Well done, Senator REID. This is exactly the kind of amendment we need. This is exactly the kind of amendment we need so we show we are standing sentry over our communities and making sure we have the infrastructure necessary to protect our communities.

That Baltimore tunnel is over 100 years old. It was built when railroads were built. The Garret family created the B&O Railroad and it went west. It was one of the first railroads to go west. We want those railroads to continue to run. The Port of Baltimore will not exist without our railroads, so we are not saying don't do it. But when we are going to do our transportation, let's do it right.

The whole idea of examining the preparedness of Federal, State, and local emergency and medical personnel is also appropriate. As the chairperson of the subcommittee on VA/HUD that funds FEMA, this is also how we need to make sure our first responders and our emergency management people are ready. We have to have them ready as "all hazards" personnel. We could have something that was an accident, which was a chemical accident, where there are other things where there are attacks on the United States. This is where we need to be prepared. This is where we need to be prepared.

We salute this amendment. I hope my colleagues will endorse it.

Also, my colleague, Senator SARBANES, has taken the leadership role of directing the Secretary of Transpor-

tation to study existing rail infrastructure in the Baltimore metropolitan area. It directs the Secretary to make those recommendations because we are worried about our rail infrastructure, including improvements in tunnels, bridges, and other rail facilities. We want them to do it in conjunction with the FRA, the chair of the Surface Transportation Board, the State of Maryland, our railroad folks, CSX, Norfolk Southern, and Amtrak.

The amendment calls for a study to be used, and it provides that the railroads in the State of Maryland also join in this joint partnership. I believe they will. These studies need to be done with a sense of timeliness and a sense of urgency.

Thank God we escaped without the loss of life. We thank God that there was no major loss of property. Thank God we didn't have to evacuate communities. But an incredible economic toll resulted. It was not only the Orioles game being canceled, but it was the delay of freight which slowed down the corridor with enormous consequences. But the consequences would have been even more severe had we not had the current infrastructure in place.

I believe the best way we say thank you to the emergency management people, our firefighters, and for the excellent job our people did in responding is to have a parade, which I hope Baltimore has—I hope not only with banners, which we ought to display with pride, but I also think we should say it with deeds. And these two studies are a good way to do it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, before my friend leaves the floor, I want to express my appreciation to her, and also the senior Senator from Maryland for joining in this amendment.

The two Senators from Maryland can describe better than anyone here the terror of those brave firefighters facing a tunnel a mile and a half long, knowing there was a train in there and not knowing what was on the train but knowing there was a lot of smoke coming from it.

This was a real act of courage, as the Senators have indicated. I can't imagine the terror that these men and women had in fighting this fire. From all of the accounts I have read—I have followed it very closely—it appears that it was a picture book attack on a very dangerous fire.

Mr. SARBANES. Madam President, will the Senator yield?

Mr. REID. Yes.

Mr. SARBANES. Actually, they knew what was in the train because they had the railroad manifest of what was contained in the railroad cars. They knew, in fact, there was hazardous material being carried in some of the 60 cars that were on that train. Firefighters do a great job day in and day out all across the country. We generally sort of simply come to accept as a matter of

course the tremendous risk they run. A high profile incident like this, of course, focuses attention back on it. There was tremendous heroism there. But there is also tremendous heroism on the part of firefighters taking place every day all across America in extremely dangerous circumstances.

Mr. REID. Madam President, I again express my appreciation to the two Senators from Maryland who have so aptly kept us on top of what was going on there. I also join with them on this amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I ask unanimous consent that the time between now and 5:55 p.m. today be equally divided and controlled in the usual form with respect to the amendment now pending; that at 5:55 p.m. the Senate vote in relation to the amendment, with no amendment in order to the amendment prior to the vote, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I ask unanimous consent the time during the quorum call I will suggest in just a moment be equally charged against both the proponents and the opponents of this amendment.

The PRESIDING OFFICER. Is there objection?

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 legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Madam President, I ask unanimous consent that the previously scheduled vote for 5:55 now occur at 5:50 under the same conditions as previously ordered.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1037. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. SMITH) would vote "yea."

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—96

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

NOT VOTING—4

Domenici  
Kennedy  
Durbin  
Smith (NH)

The amendment (No. 1037) was agreed to.

Mr. REID. Madam 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.

AMENDMENT NO. 1038 TO AMENDMENT NO. 1025

Mrs. MURRAY. Madam President, I ask unanimous consent the Murray amendment be laid aside, and I send an amendment to the desk on behalf of Senator SARBANES and Senator MIKULSKI and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY, for Mr. SARBANES, for himself and Ms. MIKULSKI, proposes an amendment numbered 1038.

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

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

The amendment is as follows:

(Purpose: To set aside funds for a joint study of rail infrastructure in the vicinity of Baltimore, Maryland)

At the appropriate place, insert:

SEC. . (a) Of the funds appropriated by title I for the Federal Railroad Administration under the heading "RAILROAD RESEARCH AND DEVELOPMENT", up to \$750,000 may be expended to pay 25 percent of the total cost of a comprehensive study to assess existing problems in the freight and passenger rail infrastructure in the vicinity of Baltimore, Maryland, that the Secretary of Transportation shall carry out through the Federal Railroad Administration in cooperation with, and with a total amount of equal funding contributed by, Norfolk-Southern Corporation, CSX Corporation, and the State of Maryland.

(b)(1) The study shall include an analysis of the condition, track, and clearance limitations and efficiency of the existing tunnels, bridges, and other railroad facilities owned or operated by CSX Corporation, Amtrak, and Norfolk-Southern Corporation in the Baltimore area.

(2) The study shall examine the benefits and costs of various alternatives for reducing congestion and improving safety and efficiency in the operations on the rail infrastructure in the vicinity of Baltimore, including such alternatives for improving operations as shared usage of track, and such alternatives for improving the rail infrastructure as possible improvements to existing tunnels, bridges, and other railroad facilities, or construction of new facilities.

(c) Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to Congress. The report shall include recommendations on the matters described in subsection (b)(2).

Mrs. MURRAY. Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1038.

The amendment (No. 1038) was agreed to.

Mr. SARBANES. Madam 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.



AMENDMENT NO. 1039

Mrs. MURRAY. Madam President, I ask the pending amendment be set aside, and I send an amendment to the desk on behalf of Mr. THOMAS. I ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment will be set aside and the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington (Mrs. MURRAY), for Mr. THOMAS, proposes an amendment numbered 1039.

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

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

The amendment is as follows:

On page 66, line 8, after the word "bus", insert the following phrase: ", as that term is defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12181)";

On page 66, line 9 strike "; and" and insert in lieu thereof " "; and

On page 66, beginning with line 10, strike all through page 70, line 14.

Mrs. MURRAY. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1039

The amendment (No. 1039) was agreed to.

Mr. SARBANES. Madam 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.

Mr. MURKOWSKI. Madam President, I rise to speak on the pending Reid amendment regarding a Department of Transportation/General Accounting Office study on the hazards and risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material.

In light of the recent events in Baltimore, it is entirely understandable that Senators from Maryland would join the Senator from Nevada in offering this amendment. Many of our urban areas suffer from inadequate and perhaps unsafe transportation infrastructure. However, I hasten to point out that if this derailment had happened to a train carrying spent nuclear fuel or other radioactive material, none of the havoc we saw in Baltimore would have occurred. The Orioles would not have had to cancel games and there would have been no threat to the general public health and safety. That's because the casks used to transport such material are subjected to rigorous safety standards by the Nuclear Regulatory Commission and are tested in such a manner to ensure that a train derailment and any number of other accidents that could befall the casks would neither damage the casks or allow the release of any radioactive material.

As many of you well know, transportation is one of the key issues that

arises in the discussions we have had here on the Senate floor when we debate the matter of how to deal with the disposal of our spent nuclear fuel. But I need to remind everyone that we already transport such material—and have been doing so for over 30 years. There have been close to 3,000 shipments in this country and no fatality, injury or environmental damage has ever occurred because of radioactive cargo. That is not to say there have not been accidents. There have—but the casks have performed as designed. They haven't broken open. They have not leaked. We have done a good job transporting spent nuclear fuel and radioactive waste and we will continue to do so. Great precautions are taken to avoid accidents and when and if Yucca Mountain is declared suitable as a repository for fuel, additional transportation safety provisions under the Nuclear Waste Policy Act will kick in to ensure that the additional transportation of spent fuel will continue in a safe manner.

But we don't have to wait for Yucca to open to have safety measures in place—we already have them. Shipments are happening now and are safe. A nuclear fuel container consists of literally tons of shielding inside a thick steel cylinder. Any container design must be licensed by the U.S. Nuclear Regulatory Commission before the container is used for shipment. The NRC will not certify the container until it undergoes a series of rigorous tests demonstrating that it is invulnerable to impact, flames, submersion and puncture.

In addition to the safety of the casks, spent nuclear fuel may be shipped only along specified highway routes. Shippers submit routes to the NRC for approval ahead of time. The NRC checks that a route conforms to U.S. Department of Transportation regulations, requiring the most direct interstate route, and avoiding large cities when a bypass or beltway is available. NRC officials drive the route ahead of time if it has not been previously approved before or used within the past few years. They will check for law enforcement and emergency response capability as well as secure facilities for emergency stops. DOT regulations also require that the shipper notify the governor of each State on the route seven days before the trip.

Specialized trucking companies handle spent nuclear fuel shipments in the United States. These experienced, specially licensed companies haul all kinds of hazardous materials more than 50 million miles annually. Vehicles are state of the art, equipped with computers that provide an instantaneous update on the truck's location and convey messages between driver and dispatcher through a satellite communications network. Drivers receive extensive training and must be certified.

The DOT and NRC establish emergency preparedness requirements for

radioactive materials. The Federal Emergency Management Agency and the DOE provide emergency response training for state and local law enforcement officials, fire fighters, and rescue squads, covering preparedness planning and accident handling. In addition, DOE radiological assistance teams provide expertise and equipment, including mobile laboratories, to every region of the country. Also, according to a voluntary mutual assistance agreement, utilities respond to incidents in their area until emergency personnel from the shipper and shipping utility arrive.

I have no objection to the overall purpose of the amendment however, in having a study done on infrastructure and training. My colleagues should be award that we already do that continuously for nuclear fuel and high-level radioactive waste.

AMENDMENT NO. 1037

MICHIGAN CORRIDOR PROJECTS

Ms. STABENOW. Madam President, I rise to engage in a colloquy with the distinguished senior Senator from Michigan and the distinguished chairwoman of the Transportation Appropriations Subcommittee. As the chairwoman 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). However, because of increased earmarking, discretionary funds have been greatly diminished. This year, both House and Senate did not contain any discretionary funds, eliminating an important discretionary funding source for the State of Michigan.

I would ask the distinguished chairwoman 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 the distinguished Senator from Michigan in asking the distinguished chairwoman to give this important project consideration in conference. 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.

Ms. MURRAY. I thank the distinguished Senators from Michigan, and I will be happy to work with them in conference on this important corridor project.

#### MORNING BUSINESS

Mrs. MURRAY. I ask unanimous consent the Senate move to a period of morning business with Senators permitted to speak for 5 minutes.

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

Mrs. MURRAY. 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.

Mrs. HUTCHISON. Madam 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. Madam President, is the order that we are in morning business with Senators allowed to speak for up to 5 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Thank you, Madam President.

#### SAFE TRUCKS ON AMERICAN HIGHWAYS

Mrs. HUTCHISON. Madam President, I commend Senator MURRAY and Senator SHELBY for drafting an amendment that is attempting to address the issue of safe trucks on American highways. This is an issue that has caused a lot of disagreement. I know it is a very controversial issue. I want to speak about it because my State is most certainly affected. But I think every State is affected by whether we have safe trucks on our highways.

We do not yet have an agreement on this issue that everyone can live with, but I think we are a lot closer than anyone thinks. I ask Senators MURRAY, SHELBY, MCCAIN, GRAMM, and the administration to work together to try to make sure we come out with regulations that will assure that we have the facilities and manpower to inspect every truck coming into our country, whether it is from Mexico or from Canada.

Second, we must make sure we have foreign-owned trucks and drivers meet U.S. safety standards, while ensuring fair treatment for our trading partners. That is our responsibility and our commitment under NAFTA.

Third, I think it is very important that we commit to providing the financial resources for the inspection stations and other border infrastructure. The administration asked for about \$88 million for this purpose. The Murray-Shelby committee report that is on the floor has more than \$100 million to

make sure we have the border inspection stations, without which we couldn't possibly comply with NAFTA.

If we have good regulations and the money to conduct the inspections, I think we can come up with language that will be acceptable to everyone and keep our commitment under NAFTA.

I voted for NAFTA. I support free trade. But there are provisions in the underlying bill that I think could keep the United States from keeping its commitment under NAFTA.

I also believe the Department of Transportation regulations are not quite strong enough to assure that we will have inspections of every truck. I don't think we have been able to fix this yet. I hope we will be able to work together on language that will assure that we will have real inspections, that will ensure safety on our highways, and comply with our commitments under NAFTA. I don't think we are there yet, but I think we are working on it.

I ask everyone to come to the table. Senator STEVENS has been a leader on this issue. Senator MCCAIN, chairman of the Commerce Committee, certainly is a leader on this issue. Senator SHELBY and Senator MURRAY as the chairman and ranking member of the Appropriations Transportation Subcommittee are leaders on this issue.

I am a member of the Appropriations Transportation Subcommittee as well as the Commerce Committee. But mostly I am a person who is going to be on highways where there is going to be a lot of NAFTA traffic. When we are looking at 8,500 Mexican commercial trucking companies having the authority to operate in commercial zones today, I think we are talking about a lot of Mexican traffic on our freeways. We want a lot of Mexican and Canadian commerce, as long as the trucks meet our standards. We have to assure that those inspection stations are there to make sure it happens.

In 1999, both United States and Mexican commercial motor vehicles made an estimated 4.5 million crossings on the border. Seventy percent of those were in Texas.

This debate is not merely hypothetical to Texas, nor to the other border States. The added burden of overweight and potentially unsafe trucks is a daily reality in south Texas.

The reason for low inspection statistics is the lack of adequate space to conduct safety inspections. Currently, the only permanent inspection facilities at the United States-Mexico border are at the State facilities in Calexico and Otay Mesa, CA. At the other 25 border crossings, Federal and State inspectors have limited access to the existing U.S. Customs lots.

Federal Motor Carrier Safety Administration inspectors do not have the equipment nor the space they need to do the job. Those inspectors have space to inspect only one or two trucks at a time. The construction of dedicated motor carrier safety inspection facilities at or near the existing Federal bor-

der crossing would improve inspection statistics.

Working with the Department of Public Safety in Texas, we have identified funding needs of \$100 million to construct safety inspection stations. So it is very important that all of us focus on this issue and that we all look for a resolution of this issue.

I think we are very close, but we are not there yet. I hope everyone will come together either to fashion an answer right now in this bill before it goes out of this Chamber or agree that we will not do that now, that we will write something in conference, but most certainly we would not stand on the language that is in the underlying bill nor the language that is in the House underlying bill that was passed that would prohibit Mexican trucks from coming into the United States at all.

I think we can come up with language that will be acceptable to the administration and acceptable to our Mexican counterparts. But the bottom line is, we are not going to have unsafe trucks on our highways as long as I have a voice in the Senate, because we have standards. The whole concept of NAFTA was that we would have parity, parity of our truck standards with the truck standards of Canada and Mexico. That means there would be a level playing field in trucking company competition, so that there would not be an unfair advantage to another country and, secondly, so that there would be safety on all of our highways, to make sure we are not in any way discriminating against any country nor are we lowering the standards that we have in our country.

So I intend to be very active in this debate. I intend to be very active in bringing the groups together to try to come to that compromise. My bottom line is only one; and that is that there is parity, safety, and a level playing field for the truckers of our country and the countries in NAFTA with whom we trade.

#### ILSA EXTENSION ACT

Mr. SARBANES. Madam President, I ask unanimous consent that the CBO cost estimate with respect to S. 1218, a bill to extend the authorities of the Iran and Libya Sanctions Act, be printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 20, 2001.

Hon. PAUL S. SARBANES,  
Chairman, Committee on Banking, Housing,  
and Urban Affairs, U.S. Senate, Wash-  
ington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for the ILSA Extension Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Joseph C.

Whitehill (for federal costs) and Paige Piper/Bach (for the private-sector impact).

Sincerely,

BARRY B. ANDERSON

(For Dan L. Crippen, Director).

Enclosure.

#### *ILSA Extension Act of 2001*

The ILSA Extension Act of 2001 would extend the authorities of the Iran and Libya Sanctions Act (ILSA) of 1996 for an additional five years through 2006. The bill would lower the threshold of investments in Libya that could trigger sanctions under the act from \$40 million to \$20 million, and it would revise the definition of investment to include any amendment or modification of existing contracts that would exceed the threshold amount. CBO estimates that implementing the bill would not significantly affect discretionary spending. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

Based on information from the Department of State, CBO estimates that the ILSA Extension Act of 2001 would result in a substantial increase in the number of investments in Libya that could be subject to the sanctions in ILSA. CBO estimates that the additional workload necessary to identify such investments would increase the department's spending by less than \$500,000 annually, assuming the availability of appropriated funds.

By extending the Iran and Libya Sanctions Act, the ILSA Extension Act of 2001 could impose a private-sector mandate as defined by the Unfunded Mandates Reform Act (UMRA). The President would be required to impose certain sanctions of U.S. entities or foreign companies that invest over a specific amount of money in developing the petroleum and natural gas resources of Iran or Libya. Among the sanctions available under the act, the President could impose certain restrictions on U.S. offices of a sanctioned company or on entities and financial institutions engaged in business transactions with a sanctioned entity. The act does, however, allow the President the discretion to make exceptions in applying such sanctions. Since passage of ILSA, no such sanctions have been imposed. Consequently, CBO expects that sanctions are unlikely to be imposed under the extension and that the direct cost of the mandate would fall below the annual threshold established by UMRA for private-sector mandates (\$113 million in 2001, adjusted annually for inflation).

The ILSA Extension Act of 2001 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

CBO prepared two estimates for the House companion bill, H.R. 1954. The first estimate was for H.R. 1954 as ordered by the House Committee on International Relations on June 20, 2001. The second estimate was for H.R. 1954 as ordered reported by the House Committee on Ways and Means on July 12, 2001. The International Relations Committee versions of H.R. 1954 is similar to the Senate bill. The Ways and Means Committee version would require the President to report to the Congress on the effectiveness of actions taken under ILSA within 18 months after enactment, and it would provide for the early termination of that act of any time after submission of the report. CBO estimated that implementing either version of H.R. 1954 would not significantly affect discretionary spending and that the cost of the private-sector mandate would fall below the annual threshold established by UMRA.

The CBO staff contact for federal costs is Joseph C. Whitehill. The CBO staff contact for private-sector mandates is Paige Piper/

Bach. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### MUSCULAR DYSTROPHY RESEARCH

Mr. BURNS. Madam President, S. 805, introduced on May 1, is a vital step toward the day when advanced research will find ways to halt, and even cure, life-threatening muscular dystrophy.

Muscular dystrophy is a genetic disorder, actually a number of separate disorders, that are characterized by weakening and eventual wasting of muscles throughout the body. A quarter of a million Americans of all ages are affected by these disorders. One form, Duchenne, strikes young boys and usually takes their lives before they reach their twenties. Other forms that affect adults are also severely debilitating and can be devastating to the victims and their families.

Since 1966, entertainer Jerry Lewis has hosted the annual Muscular Dystrophy Labor Day Telethon, calling the Nation's attention to the muscular dystrophies and seeking help for individuals and families affected by these diseases. Jerry Lewis is the National Chairman of the Muscular Dystrophy Association which, through its Telethon and year-round fund raising activities, has raised hundreds of millions of dollars for programs of direct patient services, research and summer camp. The MDA program supports a nationwide network of 230 clinics, which are affiliated with hospitals and universities, sends more than 4,000 youngsters it serves to MDA summer camps, and helps pay for wheelchairs, braces, and various therapies for people with muscular dystrophy.

In addition to providing these direct patient and family services, MDA expends about \$30 million per year to support scientific research. Over the past half century, MDA has funded research that was vital in developing the protocols that resulted in groundbreaking discoveries in genetic mapping. This extraordinary organization has played a key role in identifying the gene defects that cause virtually all of the forms of muscular dystrophy. The Muscular Dystrophy Association is to be commended for its work and can be justifiably proud of the very positive role it has in assisting those affected by neuromuscular disease. In fact, the implications of their research extend to all of the estimated 5,000 genetic-based diseases affecting all of mankind. With all of the research insights and opportunities made available by this organization, it is time for us to help.

The next critical phase in muscular dystrophy research is to apply these basic scientific discoveries to the development of effective therapies. That will require substantial Federal funding. Authorizing such a vigorous Federal effort is the purpose of S. 805. The bill calls upon NIH and the Centers for

Disease Control to establish Centers of Excellence in which intensified clinical research can be conducted which will speed the discovery of treatments and cures for the various forms of muscular dystrophy.

S. 805 provides the Director of the NIH and the Directors of the several institutes within NIH that conduct muscular dystrophy research with the authority and responsibility to concentrate and intensify that research effort. The bill also authorizes the funds needed to conduct essential clinical trials. In short, it gives NIH the organization and the mandate to exploit recent advances in gene therapy. The goal is the swiftest possible rescue for children and adults whose lives will otherwise be lost or badly damaged by muscular dystrophy.

Mr. President, the Congress has responded generously and often to the demands for research funding aimed at other diseases that shorten or impair the lives of Americans. It is time to add muscular dystrophy to the list of those diseases. I commend my colleagues for introducing S. 805, and I regret that I am just now getting the opportunity to deliver this statement, two weeks after my name was added to this important legislation as a cosponsor.

#### 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 October 23, 1994 in Buena Park, California. Two men parked near a gay bar were slashed with broken bottles and beaten by a group of men who shouted anti-gay epithets and stole the victims' car.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### THE TRADE ADJUSTMENT ASSISTANCE FOR WORKERS, FARMERS, COMMUNITIES, AND FIRMS ACT OF 2001

Mr. ROCKEFELLER. Madam President, I rise today to lend my full support to the Trade Adjustment Assistance for Workers, Farmers, Communities, and Firms Act of 2001, which I introduced today along with Senators BINGAMAN, BAUCUS, and DASCHLE. I particularly want to congratulate Senator BINGAMAN on all the hard work and dedication that he has shown on this

issue over the past several months in crafting this piece of legislation, which is so critical to American workers and their families.

Improving and expanding TAA is a priority for us, and we hope it will become a priority for Congress and for the President as well. This bill is not just a reauthorization but an improvement to our current TAA program—and not a moment too soon. Earlier this week, the Chairman of the Federal Reserve told us our economic outlook remains troubling. We know that means there will be more and more workers and families who will need to turn to TAA for help to rebuild their futures.

In addition to reauthorizing TAA for an additional five years, this bill makes substantial improvements to the TAA program as a whole. The bill extends possible TAA benefits for an additional 26 weeks, provides wage insurance for many displaced workers over 50, and expands coverage for secondary workers and workers whose jobs were lost when companies shifted their operations overseas.

Given the massive legacy cost issue facing our steel companies, I particularly wanted to take action to provide health care and child care benefits for workers who have lost their jobs due to imports. At my urging, the bill contains several health care provisions, including a refundable tax credit for 50 percent of COBRA benefits and a provision that links TAA beneficiaries to child care and health benefits that they are entitled to under TANF.

As we expand coverage and benefits available under TAA, however, we still have to remember what's really important in this debate: TAA cannot substitute for a good job, and too many good jobs are being lost due to our current trade policies. That's what we really need to focus on, although we still need TAA because there will always be workers who need it.

As Governor of West Virginia in the 1980's and later as a U.S. Senator, I have seen firsthand the devastation that import surges have wrought on manufacturing communities. I have walked the streets of Welch, knowing that one in four people I met that day were unemployed. I have been to Weirton and Wheeling and seen the impact of the recent surge of dumped and subsidized steel imports on the economic landscape and the collective psyche of those communities as thousands of steelworkers, as well as workers whose jobs depend on those steel companies staying open, have been laid off. I have seen jean factories in Elkins and Phillippi, a shoe plant in Marlinton, a glassworks in Huntington, and a shirt factory in Morgantown, close down because of foreign competition, throwing hundreds of people—many of whom had never held another job—out of work.

Many of the unemployed are in their 20's and 30's with young children to support. Others are in their 40's and

50's and have held the same job for more than 20 years. A few may never find work again. For those who do, it will be at a vastly reduced salary with fewer benefits. And as plants continue to close down, who knows if the health care and pension benefits that were guaranteed by their employers and which those workers thought they could depend on will still be there for them when they retire?

It makes me angry that we as a Nation have not done nearly enough to help those who have been dislocated from foreign trade, through no fault of their own, particularly when our trade policies led to their unemployment. Instead, we have provided a TAA program for which many of our workers do not qualify and which provides too little assistance for workers to retrain so that they can adequately provide for their families. That is just not right.

At the same time, our foreign trade partners continue to engage in unfair and illegal trade practices that throw more and more Americans out of work. For years, the relative market shares of the top Japanese steel firms has never varied by more than 1 percent, regardless of changes in the marketplace, because they have a cartel. Russian steelworkers often do not receive wages. New uneconomic steel capacity continues to come on line around the world, often partially funded by loans from international financial institutions that receive U.S. Government funding.

Yet our steelworkers, glassworkers, and others in the manufacturing sector of our economy are forced to compete on the same playing field with these countries, whose producers are heavily subsidized or who have benefitted from a long legacy of indirect government assistance or toleration of anti-competitive activities. Such practices have allowed foreign steel companies to stay in business long after they would have shut down if they were located in the United States. How are our workers supposed to compete with that, no matter how efficient they are?

It is no wonder that people in this country are beginning to wake up to our trade policies and wonder just what we are doing and what principles, if any, we are using to guide them. You should not need to have an MBA from Harvard in order to get a good job, with good wages and benefits, in this country.

If this Administration wants to negotiate more trade agreements, without dealing with the impact that trade has on our steelworkers and workers in other sectors of our economy who built this country into the economic super power that it is today, then it will fail miserably.

This bill is a good step forward. I urge my colleagues in Congress to help us pass it and the President to sign it into law. But it is only the beginning. We simply cannot ignore the fact that with trade, a rising tide does not always lift all boats. Our laws are not

the laws of nature, but rather, the laws of mankind. We cannot say that dislocation through trade is inevitable and just throw up our hands, leaving millions of American workers behind. We have an obligation to them and to their families, to craft trade policies that are to their benefit and which help them prepare for the future. It is an obligation that we simply cannot ignore.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, July 20, 2001, the Federal debt stood at \$5,723,280,631,657.09, five trillion, seven hundred twenty-three billion, two hundred eighty million, six hundred thirty-one thousand, six hundred fifty-seven dollars and nine cents.

One year ago, July 20, 2000, the Federal debt stood at \$5,665,503,000,000, five trillion, six hundred sixty-five billion, five hundred three million.

Twenty-five years ago, July 20, 1976, the Federal debt stood at \$619,038,000,000, six hundred nineteen billion, thirty-eight million, which reflects a debt increase of more than \$5 trillion, \$5,104,242,631,657.09, five trillion, one hundred four billion, two hundred forty-two million, six hundred thirty-one thousand, six hundred fifty-seven dollars and nine cents during the past 25 years.

#### ADDITIONAL STATEMENTS

##### MINIMUM WAGE

• Mr. KENNEDY. Madam President, I ask that the following article from the Wall Street Journal, dated July 19, 2001, be printed in the RECORD.

[From the Wall Street Journal, July 19, 2001]

[By Rick Wartzman]

FALLING BEHIND—AS OFFICIALS LOST FAITH IN THE MINIMUM WAGE, PAT WILLIAMS LIVED IT

SHREVEPORT, LA.—Night had fallen by the time Pat Williams, hungry and bone tired, arrived home to find the little red ticket mocking the more than 10 hours of toil she had just put in.

"Oh, Lord," she said, reaching into her mailbox, "what is this?" She swatted a mosquito, held the ticket to the light above her front stoop and took in the bad news: Reliant Energy Inc. had cut off her gas because her account was \$477 overdue.

"I ain't going to sweat it," she muttered over and over. Clearly, though, she was wound tight, and soon began puffing on a succession of discount cigarettes.

It was early April, and Ms. Williams was dressed in the dark blue uniform that she wears at her first job, caring for the aged and infirm at a nursing home. Atop that was the gray apron she dons for her second job, cleaning offices at night. The place where she works as a nursing assistant, Harmony House, was paying her \$5.55 an hour—barely above the minimum wage—even though she has been there more than 10 years, is a union member and completed college courses to become certified. The cleaning job, which she took up because she couldn't make ends meet, pays right at the federally mandated minimum: \$5.15 an hour.

For the 46-year-old single mother with a bright smile and big dimples, life has never been easy. But, as she will tell you, it certainly has been easier.

When she began minimum-wage work more than two decades ago, Ms. Williams says, she had little difficulty paying her bills. Small indulgences for her and her three children—a burger and fries on a Saturday afternoon, a new blouse, the occasional name-brand sneakers—weren't such a stretch. Most of all, Ms. Williams wasn't nearly so stressed over money.

Sometimes, she and her best friend, Ruby Moore, sit in Ms. Williams's back yard and, as trains thunder by, they talk about how they just can't get ahead. Ms. Moore, 51, has earned around the minimum wage for years, first by working in the kitchen of a drug-treatment center, and now by cooking for recovering addicts of a different sort—the gamblers who've surfaced along with the glittering casino boats on the Red River. "It's much harder than it used to be," she says. "You've got to skip this bill in order to pay that bill."

"You think you're moving forward," adds Ms. Williams, "but you're just moving backwards."

There's little wonder why. As a long-time low-wage worker, Ms. Williams has felt the sting of one of the most profound shifts in American economic policy during the past 20 years: a mounting disdain for the minimum wage. Established during the New Deal, the minimum wage was once viewed by Democrats and Republicans alike as an instrument of economic justice—an effort to "end starvation wages," as President Franklin D. Roosevelt himself put it. Now, though, it is seen by much of official Washington as an economic impediment, an undue burden on a marketplace better left unfettered. Where the onus was once on the business owner to pay "a decent wage," it's now more on the worker to demonstrate that he or she deserves one.

This sea change began when Ronald Reagan swept into office. From 1950 through 1982, the minimum wage was allowed to fall below 45% of the average hourly wage in the U.S. in only four separate years. Since 1982, the minimum wage has never reached 45%, and it currently stands at 36%, of that benchmark. Even using a conservative measure of inflation, the minimum wage throughout the '60s and '70s was consistently worth more than \$5.50 an hour—and frequently more than \$6—in today's terms. After 1980, its value plummeted, sinking to less than \$4.50 as President Reagan left office. Two subsequent increases have nudged it back up to its present \$5.15.

While the robust job market of the '90s thinned the ranks of minimum-wage workers—only about 1% of hourly employees earn exactly \$5.15 an hour now, down from more than 9% in 1980—plenty of people still hover right around the pay floor.

Legislation introduced in Congress last February would elevate the minimum wage to \$6.65 an hour by 2003. More than 11 million workers, or about 15% of the hourly labor force, now earn from \$5.15 to \$6.64. President Bush has signaled that he could accept a moderate increase in the minimum wage—but only if states are allowed to opt out. The Senate, where the Democrats recently gained control, is expected to take up the matter in the coming weeks.

Meanwhile, in communities across the country, low-wage work isn't a relic, but an unremitting reality. A just-published study by two economists—William Carrington, formerly of the Bureau of Labor Statistics, and the Federal Reserve's Bruce Fallick—gives a name to this phenomenon: the "minimum-wage career." They tracked some 3,500 peo-

ple for 10 years after they had left school and found that more than 8% spent at least half of that time in jobs paying at or near the minimum wage. In Ms. Williams's case, practically everyone she knows has been mired in such occupations their whole working lives.

For them, it's as if the two longest peacetime economic expansions in the nation's history—one under President Reagan, the other under President Clinton—never happened at all.

Ms. Williams earned \$10,067 in wages last year. She also received a \$2,353 federal tax credit targeted to the working poor. Because her children are all grown and gone, the size of the credit hinges on Ms. Williams's seven-year-old grandson, Kimdrick, staying with her for more than half the year. Caring for Kimdrick is a survival strategy she worked out with her eldest daughter; if she weren't caring for a child, Ms. Williams would have been eligible for a tax credit of only \$27—a point at which, she says, she'd likely be on the streets. The daughter claims her other two children for tax purposes.

Through the 1980s, Ms. Williams's wages were so low that she received welfare payments—at times as much as \$217 a month—to supplement her income. But she ceased collecting these handouts 12 years ago, partly, she says, because it was a hassle to reapply every few months and partly because of the indignity. "I just wanted welfare to be a stepping stone," she says. "It made me feel terrible." Last summer, Ms. Williams also stopped reapplying for food stamps, which in the past had been worth up to \$324 a month, depending on how many of her children were living with her and other factors. The local housing authority still picks up nearly two-thirds of her monthly \$525 in rent, and she receives free medical care for her high blood pressure at an indigent clinic.

Inside her small but fastidiously kept house—decorated mostly with bric-a-brac from Good Will and the Dollar Store and pictures cut out of magazines hung on the walls—Ms. Williams ticked off the expenses that she was juggling at the moment. Besides the gas bill, a notice recently arrived reminding her that she was late in paying \$142.14 to the electric company. She owed \$55.26 to the phone company, \$23.47 on the student loan she took out years ago for her nursing classes, and \$39.95 for her burglar alarm—a must, she says, in her crime-infested neighborhood.

Violence touched her just last year. Ms. Williams's boyfriend snapped and, according to police records, came at two of her kids with a knife. Ms. Williams shot him with her .25-caliber pistol. He staggered into traffic and was run over and died. The authorities ruled the shooting "justifiable," and Ms. Williams was never charged.

The incident, she says, left a void in her heart. It also left one in her pocketbook. The boyfriend used to chip in on the bills, and his absence has been the main reason that Ms. Williams has had to find a second job—even in Shreveport, where it's relatively cheap to live.

Her budget offers no cushion. The bill from Reliant Energy, swollen in part by unusually cold weather last winter, sent Ms. Williams tearing into her scant savings. She had somehow managed to put away a few dollars in the hopes of eventually moving someplace quieter, out in the country. But in a single stroke, the check to Reliant wiped out most of her nest egg. "It's devastating," she said, "just devastating."

A little later, Ms. Williams moved along Hollywood Avenue, a run-down commercial strip near her house, where sin and salvation compete head-on; for every liquor store and bail bondsman, a Baptist church beckons. "Why is it so hard to get a pay increase?"

she asked. "If I made \$7 an hour, I'd think I was doing good."

Over on Illinois Avenue, Ms. Williams gazed at the simple wooden house she grew up in. She remembered sitting out on the front porch with her daddy, watching him sell watermelons—three for \$1—in the 1950s. "They were good and sweet," she said. It was a different world back then.

One by one, President Eisenhower's top advisers paraded into the Cabinet Room of the White House and took their places around the big mahogany table. The discussion on this morning, Dec. 10, 1954, quickly turned to the workaday business of running the country: an initiative to add 70,000 units of public housing, the Buy American Act, the need for preventive medical care. Yet one subject, above all, seemed to stir the participants' passion: raising the minimum wage.

Mr. Eisenhower—the first Republican to occupy the White House since the minimum wage was enacted—had floated the idea of increasing it from 75 cents an hour early in the year. Now, with the economy humming along, it appeared the perfect time to put the plan in motion. Even the president's economic adviser, the cautious Arthur Burns, agreed that the only question left to decide was what "the optimum figure" for the new wage would be.

Handwritten notes from the cabinet meeting, stored at the Eisenhower Library, suggest that the president listened intently to the numbers being bandied about. George Humphrey, the treasury secretary, declared that going to \$1 an hour "would be too much" and could undermine smooth relations with the business community. All eyes then fell on Labor Secretary Jim Mitchell, a plain-spoken man who had once been in charge of employee relations at Bloomingdale's. One dollar, he countered, "has great appeal." The vice president, Richard Nixon, added that it would be "unfortunate" if the administration recommended less than \$1 because that would only enhance the odds that Democrats in Congress would "raise the ante."

Finally, Mr. Eisenhower spoke up. "We just have to seek that place where both sides will curse us," he said. "Then we'll be right."

The law establishing the federal minimum wage, the Fair Labor Standards Act of 1938, had called for just such a balancing act. It stipulated that workers be paid at least enough to maintain a "minimum standard of living necessary for health, efficiency and general well-being." At the same time, though, it sought to do this "without substantially curtailing employment."

Mr. Eisenhower ultimately proposed an increase to 90 cents—and the cursing came on cue. The U.S. Chamber of Commerce warned that a 90-cent minimum would be "self-defeating" because many mom-and-pop businesses would have to shut their doors and lay people off, hurting the very low-skilled workers who were supposed to benefit. George Meany, the president of the American Federation of Labor, denounced the administration's plan as "grossly inadequate" to lift up the poor and pushed for \$1.25 an hour.

In many ways, the economic debate hasn't changed much over the years. Opponents have long claimed that imposing a higher minimum wage kills jobs. "The direct unemployment," wrote Prof. George Stigler in a landmark article in the June 1946 *American Economic Review*, "is substantial and certain."

Just yesterday, Federal Reserve Chairman Alan Greenspan told a congressional hearing that he would abolish the minimum wage if he could. "I'm not in favor of cutting anybody's earnings or preventing them from rising," he said, "but I am against them losing

their jobs because of artificial government intervention, which is essentially what the minimum wage is."

Yet other analysts have disagreed, touting the minimum wage as an effective means for helping working people to escape poverty. Those in this camp contend that as long as it isn't excessive, an increase in the minimum wage will destroy few, if any, jobs. Their rationale: As businesses raise their wages, they're apt to suffer less turnover and will often find that their employees are more diligent, leading to a jump in output that more than makes up for the extra cost to the payroll.

As the Eisenhower plan moved to Capitol Hill, the action unfolded in a manner typical of the era. Democrats, by and large, wanted a higher minimum wage than did their GOP counterparts. But the divide wasn't purely partisan. Southern Democrats rallied against a raise, while "liberal Republicans" favored one.

In July 1955, a bill emerged from Congress to increase the minimum wage to \$1. A couple of weeks later, Mr. Eisenhower signed the legislation into law. "I think 'fairness' is a good word" to express what the president hoped to achieve, says Maxwell Rabb, who was Mr. Eisenhower's cabinet secretary. "He did not want a divided nation," and lifting wages for those at the bottom was part of that larger agenda.

The minimum wage went up again during each of the next two administrations—those of presidents Kennedy and Johnson—and coverage also was extended to more than 12 million workers, including retail and restaurant employees and farm hands, who previously had been exempt. By 1968, as Richard Nixon was elected president, the value of the minimum wage had hit its apex: \$6.82 an hour in today's terms.

Many lawmakers fixed their sights on the average wage in the U.S., taking care to keep the minimum at about half that amount. "People feel poor when their income is less than 50% of the average," explained Rep. Al Quie of Minnesota, who served for 11 terms beginning in 1958 and would go on to become ranking Republican on the House Labor Committee.

Mr. Quie and other key players from the minimum-wage wars of yesteryear—including members of both parties—say their advocacy for increases was propelled, in large part, by a fundamental belief: People who get up and go to work each day deserve to make enough money to cover their essential needs. Employers that aren't productive enough to provide such a basic level of compensation—"chiselers," some detractors have called them—don't belong in an affluent society.

This way of thinking, recalls Eugene Mittelman, who served as labor counsel for GOP Sen. Jacob Javits of New York from the late 1960s through the mid-1970s, transcended all the conflicting studies about how the minimum wage affected unemployment, inflation and poverty. "It was more of a general feeling that if people worked, they ought to make a living wage," he says. "This wasn't economically driven. It was morally driven."

The Shreveport that Pat Williams was born into in the spring of 1955 was an oil-and-gas boomtown, where folks swayed to the music of Elvis Presley, the young star of the "Louisiana Hayride," a radio show aired right from the city's own Municipal Auditorium.

The Williams household didn't partake in the good times, however. The family never had much money, and Pat was raised under the loving but strict hand of a Jehovah's Witness. She was, she says, "a good kid" until, at age 13, she made a startling dis-

covery: The couple she thought were her parents—the domestic and retired carpenter she had known her whole life as "Mommy and Daddy"—were actually her aunt and uncle. Pat's real mother had abandoned her as a baby.

The revelation "totally messed me up," she says. "I went from getting A's and B's in school to D's and F's, when I showed up at all."

By 19, Ms. Williams was a 10th-grade dropout with three children, no husband and no job. Then, one day in 1979, she says, "something inside me clicked." Bored with just lounging around, living off welfare, and overwhelmed by a sense that "I wanted my children to have more than I did," Ms. Williams set out to find work.

She landed a job at the Hollywood Tourist Courts, a rooms-by-the-hour motel where she cleaned up and checked in patrons, some of them acquaintances of hers apparently sneaking off for illicit trysts. She received only minimum wage—then \$2.90 an hour—but "it felt good," she says, to be bringing in her own money. "I was proud."

What's more, Ms. Williams found that even on her salary—which was equivalent to \$6.34 an hour in today's dollars—she was able to meet her routine expenses without much of a strain. She usually had enough money left on the weekends to take her brood to Mister Swiss, a hamburger joint next to the motel, where they'd grab lunch and pop the leftover change into the jukebox. Despite being poor, says Ms. Williams, "those days were more carefree."

Over the next two years, the minimum wage rose to \$3.35 an hour, or \$6.08 in today's terms, following a four-step increase that had been passed in 1977. Little did Ms. Williams know that this would mark the last time the minimum wage would be raised for nearly a decade, undoing a practice that had been carried out by seven U.S. presidents—and leaving her further and further behind.

In the summer of 1969, an analysis written by a former commissioner of labor statistics named Ewan Clague crossed President Nixon's desk. It indicated that the minimum wage was exacerbating one of the most vexing problems confronting the nation at the time: a skyrocketing youth unemployment rate. A business owner subject to the minimum wage, Mr. Clague wrote, "cannot afford to put up with a mediocre job performance by inexperienced youngsters."

Mr. Nixon's answer—a proposal whose development can be traced through numerous documents culled from the National Archives—was to allow employers to pay 16- and 17-year-olds a "youth subminimum," an amount even lower than the minimum wage. The logic was simple: High-school dropouts could then find entry-level positions much more easily, acquiring the skills and work habits they'd need to eventually secure more-rewarding jobs. Yet the plan faced many critics, who feared that business owners would engage in, as Sen. Javits put it, the "wholesale replacement" of adult workers with younger, cheaper employees.

A bill to raise the minimum wage finally passed the Democratic-controlled Congress in August 1973. However, it didn't include a youth subminimum, and it sought to ramp up the wage on a faster timetable than many Republicans thought prudent. The International Ladies' Garment Workers' Union launched a campaign urging Mr. Nixon to sign the bill; the corset and brassiere assemblers from Local 32 in New York alone mailed him more than 1,500 postcards and letters. Unimpressed, Mr. Nixon vetoed the legislation.

Mr. Meany, the AFL-CIO chief, slammed the president's decision as a "cruel blow" to low-wage workers, while Harrison Williams

of New Jersey, the Democratic chairman of the Senate Labor Committee, accused Mr. Nixon of exhibiting "a callous disregard" for the working poor. But in hindsight, what's most striking about the standoff—so bitter and protracted that the legislative history would one day fill a bound volume more than two inches thick—is that few voices ever assailed the minimum wage itself.

"There can be no doubt about the need for a higher minimum wage," Mr. Nixon said in his veto message. "Both fairness and decency require that we act. . . ."

In the spring of 1974, Congress passed a new minimum-wage bill, which still lacked a youth subminimum. But this time, on April 8, Mr. Nixon signed it, a deed that would get a little lost on the next morning's front page given other news out of Atlanta: Hank Aaron had just smashed his record-setting 715th major-league home run.

Few in the president's party protested the raise, which took the minimum wage to \$2.30 an hour (\$6.25 in 2001 terms) from \$1.60 over three years. That made up for much of the inflation that had eaten away at it since the last increase in '68. The president himself proclaimed that, while Congress "did not go as far as I wished in protecting . . . work opportunities for youth," the fight had dragged on long enough. Improving the wages of workers whose earnings have "remained static for six years," he said, "is now a matter of justice that can no longer be fairly delayed."

It wouldn't take much of a cynic to dismiss President Nixon's comments as politically motivated, especially given that he signed the bill as the Watergate scandal neared its climax. Surely, he no longer had the muscle to sustain another veto. But several Nixon advisers insist that to read it this way would be mistaken.

"This wasn't a political sop to anybody," says Ken Cole, then Mr. Nixon's point man on domestic-policy issues. "He believed in what he was doing."

Whenever Labor Department supervisor Willis Nordlund needed some esoteric piece of information on the minimum wage, he knew right where to turn: the big bank of file cabinets inside room C-3319 at the department's cavernous Washington headquarters—a depository so chockfull, he says, it contained handwritten charts going back to the days of the New Deal.

And so, Mr. Nordlund recalls, it was more than a little shocking when one morning, sometime in the late 1980s, he walked into the third-floor file room, only to find all the material thrown out by another supervisor who wanted the space.

For someone who had taken to heart Franklin Roosevelt's assessment that, next to Social Security, the Fair Labor Standards Act ranked as "the most far-reaching, far-sighted program for the benefit of workers ever adopted," it was not an easy period. Mr. Nordlund's budget for research into the minimum wage had been slashed through the Reagan years. Now, the cleaning out of the files, he says, was "the final kick in the gut"—to him and, symbolically at least, to the minimum wage itself. "This was an administration," he says, "that just wanted the minimum wage to go away."

Indeed, it did. A mere six years after Richard Nixon had talked about raising it as "a matter of justice" and three years after Jimmy Carter had raised it again, Ronald Reagan blasted the minimum wage as the cause of "more misery and unemployment than anything since the Great Depression."

Seen this way, raising the minimum wage wasn't moral; it was downright "immoral," says economist Milton Friedman, the intellectual godfather of the Reagan revolution. "If you're willing to work for \$1.25 an hour,

and I'm willing to pay you \$1.25 an hour because that's what you're worth, are you better off being unemployed" because the government insists on a higher wage?

This wasn't a wholly new line of reasoning, to be sure. But after President Reagan was elected, "the tone changed," says Sen. Edward Kennedy, the Massachusetts Democrat who is a leading champion of a higher minimum wage. "It was much more ideological."

For the first time ever, a president and his top aides set out to see the minimum wage wither. "If we would have had our druthers," acknowledges Murray Weidenbaum, the chairman of Mr. Reagan's first Council of Economic Advisers, "we would have eliminated it." However, because that would have been such "a painful political process," Mr. Weidenbaum says that he and other officials were content to let inflation turn the minimum wage into "an effective dead letter."

The administration's antipathy was fueled by scholarship similar to that which Mr. Nixon had zeroed in on earlier: The minimum wage, these studies found, was a barrier to employment for low-skilled workers, especially African-American teens.

Much of this research was the product of a "neoclassical" movement in economics that had been gaining steam in academic circles since the 1960s, thanks in no small part to the influence of University of Chicago professors, including Mr. Friedman and George Stigler. The school emphasized the virtues of economic efficiency. The concept that every worker is entitled to a "living wage," regardless of his or her skills, "was no longer part of the discussion," says Robert Prasch, who teaches the history of economic thought at Middlebury College.

At one point, Mr. Reagan proposed his own version of a youth subminimum. But unlike President Nixon, whose promotion of a lesser pay scale for teenagers had been tempered by a sense that the minimum wage shouldn't be allowed to erode too much in general, Mr. Reagan saw almost any meddling in the marketplace as anathema. The president "believed that the government should not have the right to step in and bar employment opportunities for anyone," says John Cogan, who served as an assistant secretary in the Reagan Labor Department. "The moral issue was very clear in his mind."

It was for others as well. Many of the Republicans who rode on Mr. Reagan's coattails in 1980 "thought just like he did" on the minimum wage, says John Motley, who was then a lobbyist for the National Federation of Independent Business, a group representing small enterprise. In fact, he says, about two dozen lawmakers elected to Congress that year—far more than ever before—were NFIB members. On Capitol Hill, entrepreneurs were treated increasingly as "heroic figures," Mr. Motley says. "The government needed to help them, not saddle them with mandates and regulations."

As the NFIB and other minimum-wage adversaries such as the National Restaurant Association ascended, the policy's greatest guardian fell on hard times. Following President Reagan's firing of striking air-traffic controllers in 1981, labor unions went on the defensive and were unable to fight as tenaciously as they had in the past for a higher minimum wage. All the while, the portion of the work force that's unionized declined steadily, edging under 20% in 1984.

When Mr. Reagan took office in 1981, the minimum wage was at \$3.35 an hour. When he left eight years later, it was still at \$3.35. In real terms, its value had sunk almost 27%, to \$4.46 in today's dollars.

Back in Shreveport, Pat Williams grappled with the consequences. After a couple of years at the Hollywood Courts, she left the motel for a better job, cooking soul food at

a restaurant called the Riverboat Inn for the comparatively lofty pay of \$5.75 an hour. But the place shut down in the mid-1980s, and Ms. Williams wound up as a nursing assistant at Harmony House, back on the minimum wage.

As her purchasing power dwindled, Ms. Williams scrimped. Where her family once enjoyed a varied diet, including all sorts of meat, by the late '80s they ate strictly chicken—so much of it that her kids would break out in song around the dinner table:

*Chicken fly high  
Chicken fly low  
Chicken fly Mamma's way  
Don't fly no mo'*

When the chicken money ran out, the children recall, they subsisted on beans and rice.

The worst, though, was the holidays. Ms. Williams and the kids—Theresa, Youlonda and Darrell—all still vividly remember the Christmas that they couldn't afford a single gift. Youlonda says that she and her siblings tried to comfort their mom, telling her it was all right, that they understood. But Ms. Williams just sat on her bed and cried. Eventually, she came out of her room and turned on the stereo. She doesn't remember exactly what she played that December afternoon, but she's sure it was her favorite music: the blues.

"If you really listen to the blues," she says, "you find out it's nothing but the truth."

A half dozen Harmony House workers sat on Ms. Williams's threadbare couches one evening last April, sipping beers and peering through a cigarette haze, as union organizer Zack Nauth offered up something rare in their lives: a word of hope.

Louisiana nursing homes, which had been complaining that deficient Medicaid reimbursements were the main culprit for their workers' low pay, were slated to receive a \$60 million infusion from the state. Mr. Nauth, of the Service Employees International Union, told the women that they needed to speak up and make sure they got their fair share. The nursing homes, Mr. Nauth said, would "just as soon put it all into their own bank accounts."

The women were skeptical that any of it would come their way, however, and spent most of the night venting. One worker, Shirley Vance, was particularly testy and questioned why they even have a union at Harmony House. "I don't see no results," she said, griping about her biweekly dues of \$6.50. But Ms. Williams and her friend, Annie Freeman, maintained that the union has been a real plus. Workers had fewer rights and virtually no benefits, they said, before the SEIU got there. "We've had to fight for what we have," said Ms. Williams.

Of the six women at the meeting, all were making less than \$6 an hour, including one who has been at Harmony House for 18 years. "We can't survive on what they pay us," said Ms. Freeman, a nursing assistant who, after more than a decade at the home, earns \$5.60 an hour.

"We sure can't," echoed Ms. Vance. "It's pitiful."

Before the meeting broke up, the conversation turned to the minimum wage. Mr. Nauth told the group that he's heard rumblings that Congress may vote on an increase this year. Ms. Williams said she gets "all excited" at the prospect but knows better than to count on it. The last time lawmakers deliberated on such legislation, just last year, it died.

Since Ronald Reagan left office, the minimum wage has been raised twice: with great reluctance by President Bush in 1989 and by President Clinton in 1996. Both followed drawn-out battles defined by the kind of par-

tisan sniping that has come with the changed complexion of Congress. Many of the seats once held by Southern Democrats have been seized by Republicans, and the number of GOP moderates who used to support the minimum wage has shriveled in the conservative tide.

One new twist, added to the debate in recent rounds, is that tax breaks for small businesses are now routinely linked to any minimum-wage bill. The only way low-wage workers get help is if company owners do, too. In earlier years, "that would have been laughed out of the room by both sides," says Ken Young, a long-time AFL-CIO official. No one thought about business breaks "when you were talking about the people at the very bottom end of the economic ladder."

With the minimum wage worth less today than it was all through the '60s and '70s, a backlash has developed around the nation. Ten states and the District of Columbia now have their own minimum wages that are higher than the federal government's. And in a host of cities, so-called living-wage campaigns have been undertaken to raise workers' pay to anywhere from around \$8.00 an hour—what it takes for someone to support a family of four above the poverty line—to more than \$10.

The immediate aim of the Harmony House workers, though, was far more modest: a \$1-an-hour increase. Mr. Nauth asked the women to devise a slogan that they could use to rally the public to their cause. Ms. Freeman's entry: "Take Care of the People Who Take Care of Yours."

Several of the women said they think from time to time about finding another job. The Shreveport economy has been strong lately, and most "anybody that's got some get-up-and-go" should be able to find work that pays satisfactorily, says Mayor Keith Hightower. The median pay for telemarketers in the area is \$8.50 an hour. Housekeepers at the casinos earn up to \$7. But for someone like Ms. Williams, who burns up so much energy just trying to make it day to day, job hunting seems hugely daunting.

Besides, she and the others say that, save for their wages, they feel good about what they do. The nursing home residents "are like family," says Ms. Williams, who keeps photographs of her patients who've passed on. In the mid-'90s, Ms. Williams left Harmony House for a hospital job that paid a bit better, but she came back a couple of years later because she didn't like the atmosphere at the new place nearly as much.

Over at Harmony House, a low-slung edifice that's antiseptic-clean inside, officials say they'd love to pay their workers more, but the Medicaid situation has made it impossible. "We've really been in a pinch," says James Shelton, a supervisor at Central Management Co., a Winnfield, La.-based firm whose principals own and operate Harmony House along with other nursing homes around the state. Nevertheless, the company's president saw his own pay go up 44% in 1999. According to the latest available records from the state health department, Teddy Price's salary soared to \$402,943 that year from \$279,282 in 1998. A spokeswoman says the increase reflects Mr. Price's heightened responsibilities during the past few years as Central Management has added five new facilities to its portfolio.

Less than a week after The Wall Street Journal asked Central Management about its workers' wages, Harmony House announced that "because of market conditions," it was raising the pay of its certified nursing assistants. Housekeepers, laundry workers and kitchen personnel got no increase.

Ms. Williams says she's "grateful." She now makes \$6.35 an hour—pay that's about equal in value to that of her first minimum-wage job, 22 years ago.



## THE FACES OF LOW-WAGE WORK

Name: Gussie Cannedy.

Age: 76.

Home: Philadelphia.

Occupation: Answers phones at the American Red Cross.

Hourly wage: \$5.15.

Ms. Cannedy, a widow who retired as a clothing-factory supervisor in 1985, works at the Red Cross to supplement her \$715 in monthly Social Security income. Yet it isn't really enough. "If it weren't for my children sending money every so often," she says, "I couldn't get over the hump."

Name: Mary Anne Thomas.

Age: 40.

Home: North Little Rock, Ark.

Occupation: Personal care and home-health aide.

Hourly wage: \$5.60.

Ms. Thomas, who works about 18 hours a week, says she is doing okay, thanks to her husband's \$7.50-an-hour job as a liquor-store salesman. Still, she has been actively campaigning for a "living wage" in her area, after seeing so many colleagues struggling to stay afloat.

Name: Trae Sweeten.

Age: 18.

Home: Newport, Tenn.

Occupation: Does everything from making burgers to cleaning the parking lot at a Wendy's restaurant.

Hourly Wage: \$5.60.

Trae, who lives with his father and will soon start community college, says his wage is sufficient for "putting money in my pocket." Besides, he adds, his stint at Wendy's has been "a nice taste of the working world."

Name: Celia Gonzalez.

Age: 48.

Home: San Antonio.

Occupation: Sews baseball caps and tennis visors at a hat factory.

Hourly Wage: \$6.

Ms. Gonzalez, a single mom, counts on her 21-year-old son, who earns \$5.15 an hour at a tortilla factory, to help with the family finances. "Food is now very expensive," says Ms. Gonzalez, who moved to the U.S. from Mexico about 15 years ago. She stays at home on weekends because going out anywhere would burn the fuel she needs to get herself and her son to work.●

## CONGRATULATING JUDGE RENA MARIE VAN TINE

● Mr. DURBIN. Madam President, I rise to recognize and congratulate Rena Marie Van Tine of Chicago on her recent appointment as an Associate Judge of the Circuit Court of Cook County, IL. When she was sworn in on June 12, 2001, Ms. Van Tine became not only the first judge in Illinois of South Asian heritage, but the first female Indian American judge in the Nation.

With a fast-growing community of Asian Americans in Cook County, it is important that the Judiciary reflects the diversity of the people it serves. I applaud Chief Judge Donald P. O'Connell and other Circuit Judges of Cook County for electing this outstanding lawyer to join them on the bench.

Judge Van Tine is a highly experienced attorney with a distinguished record of service to the people of Illi-

nois. She most recently served as Special Counsel to Illinois State Comptroller Daniel W. Hynes, in a position where she oversaw the regulation of approximately one billion dollars in Illinois consumer trust funds entrusted pursuant to the laws governing the cemetery and funeral industries.

Prior to joining the Comptroller's Office, Judge Van Tine was a Cook County Assistant State's Attorney for 12 years. In this capacity she tried hundreds of cases, both in the Criminal Division where she prosecuted violent offenders, as well as in the Civil Division where she saved taxpayers millions of dollars in lawsuits.

In addition to her public service positions, Judge Van Tine has been active with voluntary bar activities. A past president of the Asian American Bar Association and a former executive committee member of the Alliance of Bar Associations for Judicial Screening, she is currently on the board of the Women's Bar Association of Illinois, and is a founding member of the Chicago chapter of the Indian-American Bar Association.

Her contributions to the legal profession are extensive. Judge Van Tine was an adjunct professor for Trial Advocacy at the Chicago-Kent College of Law, and has served as a mock judge for local and national moot court competitions. She has written a book chapter in the American Bar Association's publication of "Dear Sisters, Dear Daughters: Words of Wisdom from Multicultural Women Attorneys Who've Been There and Done That." She also assisted in establishing a legal clinic at the Indo-American Center, which has been providing legal assistance to the Asian American community since 1997.

Judge Van Tine has made numerous appearances at law schools, bar programs, and symposiums to educate law students, attorneys, and community members about various aspects of law and issues affecting Asian Americans, such as hate crimes. She has also discussed the issue of running ethical judicial campaigns on a cable program aired by the Illinois Judges Association.

Judge Van Tine is a member of the Fourth Presbyterian Church where she has participated in conducting Cabrini Green Health workshops for children, serving as a Cook County Hospital candy striper, and volunteering as a Sunday nursery school teacher.

Judge Van Tine earned her law degree at New York Law School and her undergraduate degree from Oakland University. She has completed several graduate courses at Michigan State University focusing on inter-cultural communication. Judge Van Tine has been married for 13 years to Matthew Van Tine, an attorney specializing in commercial and antitrust litigation. They have a young daughter named Kristen.

As the senior Senator of the State of Illinois, I ask my colleagues to join me

on the occasion of her appointment to the bench in congratulating Rena Marie Van Tine for all of her accomplishments.●

## TRIBUTE TO DONNA CENTRELLA

● Mrs. CLINTON. Madam President, I rise today to pay tribute to Donna Centrella, a very special woman whom I met 2 years ago during my campaign in New York. Donna died on Monday after a long, brave battle with ovarian cancer.

I first met Donna in September 1999 when I visited Massena Memorial Hospital in Massena, NY. Donna had been diagnosed with ovarian cancer in August, but did not have health insurance to cover her treatment. Miraculously, she found a doctor who would treat her without insurance and she was able to afford care through a variety of State programs.

Perhaps even more astounding was her doctor's statement that she was actually better off without managed care coverage because he could better treat her that way. Without HMO constraints, they were free to make the decisions about the best procedures to follow for her treatment and care. Her doctor could keep her in the hospital as long as needed and he would not have to get pre-approval for surgery.

I have retold Donna's unbelievable story many times since meeting this extraordinary woman. Hers is a story that underscores the profound need in this country for immediate reform of the way we provide health coverage to our citizens. We owe it to patients like Donna to sign patient protections into law as soon as possible to ensure that we can provide the best medical treatment possible to everyone who needs it.

We have lost an ally, but I have faith that we will not lose the fight for greater patient protections. It saddens me greatly that Donna will not be here to see it happen. She was an amazing soul whose determination and strength I will never forget.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)



REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

GEORGE W. BUSH.  
THE WHITE HOUSE, July 23, 2001.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on July 20, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-139. A resolution adopted by the National Black Chamber of Commerce, Inc. relative to energy; to the Committee on Energy and Natural Resources.

POM-140. a resolution adopted by the City Council of Berea, Ohio relative to the Domestic Steel Industry; to the Committee on Finance.

POM-141. A petition presented by the Council on Administrative Rights entitled "Reaffirm America"; to the Committee on Finance.

POM-142. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 13

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, the IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and

economic opportunity for millions of Americans; and

Whereas, when the federal government enacted the Individuals with Disabilities Education act, it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 14 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring;*

That the New Hampshire general court urges the President and the Congress, prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the Individuals with Disabilities Education Act to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM-143. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to authorizing greater state regulation of gas pipelines carrying other hazardous substances; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 12

Whereas, ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the federal government is responsible for the oversight of interstate pipelines; and

Whereas, several significant pipeline spills have occurred in other parts of the nation in recent years, including a major petroleum spill in Bellingham, Washington, resulting in a fire which killed 3 people and destroyed much of a city park; and

Whereas, Washington governor Gary Locke thereafter formed a study team of local and state fuel accident response agencies, which in the course of numerous meetings, briefings, and public hearings learned that current federal oversight of pipeline safety is inadequate in many respects; and

Whereas, the state of Washington is providing an example of how oversight of pipeline safety can be effectively accomplished at the state level by developing a strong, coordinated program of state and local oversight of pipeline safety that will be well integrated with concurrent federal oversight; and

Whereas, such state programs cannot be fully implemented without action by the Congress and the President to modify existing statutes and provide necessary administrative and budgetary support; now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

That Congress enact legislation amending the federal Pipeline Safety Act (49 U.S.C. Section 60101, et seq.) to allow states to adopt and enforce standards stricter than federal standards where to do so would not interfere with interstate commerce; and

That such act be further amended to allow states at their option to seek authority to administer and enforce federal pipeline safety standards; and

That as an interim measure pending congressional consideration of such legislative enactments the President direct the federal Office of Pipeline Safety to grant authority to states that qualify to enforce federal standards; and

That Congress increase funding to assist states in responding to pipeline accident emergencies, to implement pipeline safety measures, to support states with delegated authority to enforce federal standards, and to the Office of Pipeline Safety for additional research and development of technologies for testing, leak detection, and oversight operations; and

That the clerk of the New Hampshire house of representatives forward copies of this resolution to the President of the United States, the Secretary of the United States Department of Transportation, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the New Hampshire congressional delegation.

POM-144. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to allowing military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION 1

Whereas, American servicemen and women have dedicated their careers to protecting the rights we all enjoy; and

Whereas, military personnel endure hardships, the threat of death and disability, and long separation from their families in service to their country; and

Whereas, career military personnel accrue retirement pay based on longevity of service and rank at retirement; and

Whereas, service-connected disability pay serves a different purpose from longevity retirement pay and is intended to compensate military personnel for pain, suffering, disfigurement, and impaired earning ability to due to disability; and

Whereas, under a 19th century law that is still in effect, military retirees are denied concurrent receipt of full retirement pay and service-connected disability compensation benefits. They must choose receipt of one or the other or waive an amount of retirement pay equal to the amount of disability compensation; and

Whereas, no other federal employees face a reduction in civil service retirement benefits if they also receive compensation for a service-connected disability; and

Whereas, federal legislation has been introduced to amend Title 38 of the U.S. Code to treat career military retirees like other federal retirees and permit them to receive service-connected disability compensation without requiring a concurrent deduction from retirement pay; and

Whereas, it is fundamentally unfair to require military veterans to essentially fund their own disability compensation by offsetting it against retirement benefits earned in service to their country; now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

That the general court of New Hampshire hereby urges the United States Congress to

enact legislation to allow disabled, military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the chairpersons of committees of the United States Congress having jurisdiction over Veterans Affairs, the Secretary of Defense; and each member of the New Hampshire congressional delegation.

POM-145. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to supporting the electoral college; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION 10

Whereas, the President of the United States has been elected by the electoral college since the adoption of the Constitution; and

Whereas, the electoral college promotes moderation in the political process by encouraging the consideration of varying perspectives and discouraging the exclusion of minorities of all types, including geographic and philosophical minorities; and

Whereas, the electoral college preserves and recognizes the importance of states as states; and

Whereas, the electoral college promotes the separation of powers, without which a federal system of government cannot successfully function; and

Whereas, the constitutional concepts of the electoral college, the bicameral legislature, and the nonelective judiciary serve to articulate the superiority of fundamental rights over majoritarianism; and

Whereas, the abolition of the electoral college necessarily entails the abandonment of a constitutionally-enshrined and historically-tested system in favor of an uncertain alternative requiring federal control of the electoral process; now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

That the preservation of the electoral college is in the best interests of this nation and all of its citizens; and

That any attempt to amend the Constitution to abolish the electoral college should be defeated; and

That the clerk of the New Hampshire house of representatives forward copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and to the members of the New Hampshire congressional delegation.

POM-146. A joint resolution adopted by the Legislature of the State of New Hampshire relative to expanding eligibility for membership in the American Legion; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION 1

Whereas, membership in the American Legion is restricted to veterans who served during certain periods set by Congress of war-time service; and

Whereas, membership in the American Legion is declining; and

Whereas, many otherwise qualified veterans are prevented from joining the American Legion due to the restrictions on dates of service; now, therefore, be it

*Resolved by the Senate and House of Representatives in General Court convened:*

That the general court of the state of New Hampshire hereby urges Congress to expand

membership in the American Legion to include all veterans with records of honorable, active duty service in the United States Armed Forces, regardless of dates of service; and

That copies of this resolution shall be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the New Hampshire congressional delegation.

POM-147. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to insurance coverage for loss, damage, or diminution in value to property caused by drought; to the Committee on Banking, Housing, and Urban Affairs.

#### SENATE CONCURRENT RESOLUTION NO. 140

Whereas, drought is a complex physical and social phenomenon of widespread significance; and

Whereas, drought damage is unforeseeable and not immediately identifiable; and

Whereas, the ongoing drought in some parts of the country has an adverse impact on the economic growth; and

Whereas, many insurers will not recognize damages to property caused by varied climatic conditions, lack of precipitation for extended periods of time being just one example; and

Whereas, many homeowner insurers do not recognize structural damage caused by foundation shifts due to adjustments in subsurface water levels as covered under their respective policy provisions or within the policy definition as an "Act of God"; and

Whereas, millions of homeowners are forced to bear the financial burden to repair homes for damage caused by natural circumstances beyond their control but for which homeowner insurance policies should protect against; Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to study the feasibility of insurance coverage for loss, damage, or diminution in value to property caused by drought: Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-148. A resolution adopted by the Senate of the 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.

#### SENATE RESOLUTION NO. 50

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 concern 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 Senate of the Legislature of Louisiana 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-149. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Outer Continental Shelf oil and gas lease sales in the Gulf of Mexico; to the Committee on Energy and Natural Resources.

#### SENATE RESOLUTION NO. 76

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 environmental impact statement, 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 the parish of Lafourche; and

Whereas, at the present time, 40 of the 45 deep water rigs working in the Gulf of Mexico are being serviced through Port Fourchon, as are many of the rigs located on the Outer Continental Shelf, with the accompanying increase in land traffic and inland waterway traffic, all primarily through the parish of Lafourche; 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 of Mexico continue with no apparent effort to provide mitigation for current or increased impacts. Therefore, be it

*Resolved*, That the Senate of the Legislature of Louisiana does hereby memorialize the Congress of the United States to direct the Minerals Management Service of the United States Department of the Interior to develop a plan for impact mitigation relative to the Outer Continental Shelf oil and gas lease sales in the Gulf of Mexico. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, to each member of the Louisiana Congressional delegation, and to the director of the Minerals Management Service.

POM-150. A resolution adopted by the Senate of the State of Louisiana relative to repealing mandatory minimum sentences; to the Committee on the Judiciary.

#### SENATE RESOLUTION NO. 75

Whereas, the rising cost of incarceration at all levels is placing an increased fiscal burden on state and local governments; and

Whereas, studies continue to indicate that incarceration is not always the answer or the cure-all for crime and its consequences in the nation; and

Whereas, alternatives to incarceration, such as pre-trial intervention programs, drug courts, and restorative justice, are proving to be more effective in rehabilitation of offenders as well as in lowering incidents of recidivism; and

Whereas, only through rehabilitation, educational opportunities, and re-entry and acceptance into the community can an offender make the transition from societal dropout to community contributor; and

Whereas, each offense and each offender's potential must be judged individually by the court system to determine, within statutory guidelines, the consequence which will be most beneficial to society; and

Whereas, realizing the expense and the limitations placed on sentencing options by minimum mandatory sentencing, the state of Louisiana has removed minimum mandatory sentencing for non-violent crimes in the state through passage of Senate Bill 239 during the 2001 Regular Session; and

Whereas, the repeal of mandatory minimum sentencing on a national level is necessary to fully address the issue. Therefore, be it

*Resolved*, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to repeal mandatory minimum sentences. Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-151. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the problem of sexual trafficking; to the Committee on the Judiciary.

#### SENATE CONCURRENT RESOLUTION NO. 29

Whereas, recent headlines have called greater attention to the widespread and growing problem of sexual trafficking in the United States and worldwide; and

Whereas, the selling of young women into sexual slavery is one of the fastest growing criminal enterprises in our global economy with an estimated 45,000 to 50,000 women and children trafficked annually to the United States for "the sex industry and for labor," according to a report by the Center for the Study of Intelligence; and

Whereas, victims have traditionally come from Southeast Asia and Latin America, the trade has been expanded so that victims are increasingly coming from Central and Eastern Europe; and

Whereas, traffickers lure desperately poor young women and their families with false promises of money, jobs, and better opportunities abroad and once in the United States, women find themselves trapped into forced prostitution without money or legal help to escape; and

Whereas, women also are trafficked for forced domestic and sweatshop labor, which often involves sexual violence and exploitation as well; and

Whereas, trafficking victims suffer extreme physical and mental abuse, including rape, imprisonment, forced abortions, and

physical brutality, and they also face an enormous risk of HIV infection from male "customers" who seek younger and younger girls for sexual exploitation; and

Whereas, as in many countries, existing United States laws are inadequate to punish traffickers or to protect and assist the women and girls who are their prey. Therefore, be it

*Resolved*, That the Legislature of Louisiana hereby memorializes the Congress of the United States to address the problem of sexual trafficking and to support the bipartisan federal initiatives to prosecute traffickers and assist victimized women and girls. Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001." (Rept. No. 107-44).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002" (Rept. No. 107-45).

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1218: An original bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006.

#### 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. SARBANES:

S. 1218. An original bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. GRASSLEY:

S. 1219. A bill to amend the Internal Revenue Code of 1986 to include swine and bovine waste nutrients as a renewable energy resource for the renewable electricity production credit, and for other purposes; to the Committee on Finance.

By Mr. BREAU (for himself, Mr.

SMITH of Oregon, Mr. SCHUMER, Mr.

SPECTER, and Mr. DURBIN):

S. 1220. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 1221. A bill to amend title 38, United States Code, to establish an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURNS (for himself, Mr. EDWARDS, Mr. FEINGOLD, Mr. JOHNSON, Mrs. LINCOLN, Mrs. CLINTON, Mr. KENNEDY, Mr. HOLLINGS, Mr. BAYH, Ms. MIKULSKI, Mrs. BOXER, Mr. TORRICELLI, Mr. DURBIN, Mr. CORZINE, Mr. SARBANES, Mr. REID, Ms. LANDRIEU, Mr. SCHUMER, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CLELAND, Mr. KERRY, Mr. INOUE, Mr. MURKOWSKI, Mr. COCHRAN, Mr. SPECTER, Mr. CRAIG, Mr. THURMOND, Mr. CRAPO, Mr. HELMS, Mr. HATCH, Mr. WARNER, Mr. BROWNBACK, Mr. SHELBY, Mr. SESSIONS, Mr. INHOFE, Mr. ALLEN, Mr. DAYTON, Ms. STABENOW, Mr. REED, Mr. BREAU, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. GRASSLEY, Mr. ENSIGN, Ms. COLLINS, Mr. STEVENS, Mrs. HUTCHISON, Mr. DEWINE, Ms. SNOWE, Mr. SANTORUM, Mr. HAGEL, and Mr. ROBERTS):

S. Res. 138; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 70

At the request of Mr. INOUE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 159

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mrs. CLINTON), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors 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. 349

At the request of Mr. HUTCHINSON, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 357

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 357, a bill to amend the Social Security Act to preserve and improve the medicare program.

S. 358

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 358, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes.

S. 538

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 538, a bill to provide for infant crib safety, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 548

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 584

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 584, a bill to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall States Courthouse".

S. 615

At the request of Mr. KOHL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 615, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 661

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 662

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 760

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other ad-

vanced motor vehicle technologies, and for other purposes.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 838

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 913

At the request of Ms. SNOWE, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 932

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 932, a bill to amend the Food Security Act of 1985 to establish the conservation security program.

S. 989

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 989, a bill to prohibit racial profiling.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors 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. 1075

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1078

At the request of Mr. LEVIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1078, a bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods.

S. 1079

At the request of Mr. LEVIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1079, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 1125

At the request of Mr. MCCONNELL, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Illinois (Mr. DURBIN), the Senator from Indiana (Mr. LUGAR), the Senator from Nebraska (Mr. NELSON), the Senator from New York (Mr. SCHUMER), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1126

At the request of Mr. BROWNBACK, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1126, a bill to facilitate the deployment of broadband telecommunications services, and for other purposes.

S. 1204

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1204, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 1219. A bill to amend the Internal Revenue Code of 1986 to include swine and bovine waste nutrients as a renewable energy resource for the renewable electricity production credit, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, for years I have worked to decrease our reliance on foreign sources of energy and accelerate and diversify domestic energy production. I believe public policy ought to promote renewable domestic production that burns clean energy. For this reason, I will be introducing the Providing Opportunities With Effluent Renewables, or POWER Act today which cultivates another home-grown resource: swine and bovine waste nutrients.

Section 45 of the Internal Revenue Code provides a production tax credit for electricity produced from renewable sources. Currently, the production tax credit is available for wind, closed-loop biomass, and poultry waste. The

POWER Act will modify Section 45 to include swine and bovine waste nutrient as a renewable energy source.

The benefits of swine and bovine waste nutrient as a renewable resource are enormous. Right now, there are at least 20 dairy and hog farms in the United States that use an anaerobic digester or similar systems to convert manure into electricity. These facilities include swine and/or dairy operations in California, Wisconsin, New York, Connecticut, Vermont, North Carolina, Pennsylvania, Virginia, Colorado, Minnesota, and my home State of Iowa.

By using animal waste as an energy source, a livestock producer can reduce or eliminate monthly energy purchases from electric and gas suppliers. In fact, a dairy operation in Minnesota that uses this technology generates enough electricity to run the entire dairy operation, saving close to \$700 a week in electricity costs. This dairy farm also sells the excess power to their electrical provider, furnishing enough electricity to power 78 homes each month, year round.

The benefits of using an anaerobic digester do not end at electricity production. Using this technology can reduce and sometimes nearly eliminate offensive odors from the animal waste. In addition, the process of anaerobic digestion results in a higher quality fertilizer. The dairy farm I referenced earlier estimates that the fertilizing value of the animal waste is increased by 50 percent. Additional environmental benefits include mitigating animal waste's contribution to air, surface, and groundwater pollution.

With all the problems that this type of opportunity remedies, I'm sure there will be a number of folks wondering why we haven't tried this before. The reason is, even if we had provided swine and bovine producers with tax incentives to produce renewable energy, they probably wouldn't have had access to the capital necessary for infrastructure development.

In fact, there was a segment on National Public Radio last week addressing the topic of anaerobic digester energy production. A professor from Cal State University who is an expert on anaerobic digesters was interviewed. The professor explained that the main reason farmers have not pursued this type of opportunity is cost.

For that reason, in addition to the tax credit opportunity I'm providing under section 45, I'm also going to guarantee within the POWER Act that funds be made available under the Environmental Quality Incentives Program for the development of anaerobic digesters.

Currently, the Environmental Quality Incentives Program provides funding for technical, educational, and financial assistance to farmers and ranchers for soil, water, and related natural resource concerns on their land. A component of the program allows for improvements to farm manure

management systems. The POWER Act will guarantee that payments, up to two years worth of funding which currently amount to \$100,000, would be made available to producers for "cost sharing" opportunities related to anaerobic digester implementation.

Using swine and bovine waste nutrient as an energy source can cultivate profitability while improving environmental quality. Maximizing farm resources in such a manner may prove essential to remain competitive and environmentally sustainable in today's livestock market.

In addition, more widespread use of this technology will create jobs related to the design, operation, and manufacture of energy recovery systems. The development of renewable energy opportunities will help us diminish our foreign energy dependence while promoting "green energy" production. This tax/farmbill proposal is real "win-win" situation for America and for our livestock producers.

Using swine and bovine waste nutrient is a perfect example of how the agriculture and energy industries can come together to develop an environmentally friendly renewable resource. My legislation will foster increased investment and development in waste to energy technology thereby improving farmer profitability, environmental quality, and energy productivity and reliability.

Why should we promote swine and bovine waste nutrient as an energy source? Consider the recent electricity shortage in California, the sky-high prices at the pump throughout last year and the soaring cost of home heating fuel and natural gas this winter. We have an obligation to consumers across the country to accelerate the nation's production of homegrown, clean-burning, renewable sources of energy.

The POWER Act is good for agriculture, good for the environment, good for energy consumers, and promotes a good, make that great, renewable resource that will reduce our energy dependence on foreign fuels. It is my hope that all of my colleagues join with me to advance this important piece of legislation.

By Mr. BREAUX (for himself, Mr. SMITH of Oregon, Mr. SCHUMER, Mr. SPECTER, and Mr. DURBIN):

S. 1220. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation or improvement of railroad track; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, today my colleague Senator SMITH of Oregon and I have introduced the Railroad Track Modernization Act. As chairman and ranking member of the Surface Transportation and Merchant Marine Subcommittee of the Senate Commerce, Science, and Transportation Committee, the needs of the Nation's small railroads have been brought to

our attention by railroad experts during hearings concerning the state of the railroad industry. Our colleagues Senators SCHUMER, DURBIN, and SPECTER join us in introducing this legislation.

Short line railroads have saved tens of thousands of miles of light density rail line from abandonment. In 1980, there were 220 short line railroads in the U.S. Today there are over 500 short line railroads, due in part to the mergers and streamlining of Class I operations which encouraged the larger companies to sell off their little-used or abandoned branch lines. Short line and regional railroads are an important and growing component of the railroad industry. Today they operate and maintain 20 percent of the American railroad industry's route mileage and account for 9 percent of the rail industry's freight revenue and 11 percent of railroad employment.

These line railroads employ approximately 25,000 individuals, serve thousands of local and rural shippers and are often the only connection these shippers have to the national rail network. To survive, this infrastructure needs to be upgraded in order to move the heavier cars that are currently being moved by the Class I railroads. The revenues of the smaller railroads are not sufficient to get the job done.

Since 1982, the short lines and regional have maintained the track in rural areas where rail service would have been abandoned by the Class I railroad. Because of their relatively low traffic levels, the Class I railroads could not afford to invest in this infrastructure and, as a result, allowed these lines to slowly deteriorate. With a lower cost structure and more flexible service, short line companies that both the track have been able to keep them going. However, the revenue is still not high enough to make up for past years of neglect.

Today, two factors have combined to bring this situation to a head. First, the advent of the heavier 286,000-pound cars that are becoming the standard of the Class I industry puts a greater premium on speed and precisely scheduled operations, the short line railroads must meet these higher standards or be cut off from the national system.

This legislation does not create a long term program to fix this problem, but instead it creates a one time fix for this problem. While these small railroads have enough traffic to operate profitably on an ongoing basis, they do not earn enough to make the large capital investment required by the advent of the 286,000-pound cars or the need to significantly increase speed. This legislation would authorize a program which could provide grants to the nation's smaller railroads to help them make the improvements needed to stay in business and continue to serve small shippers.

This legislation is of vital importance to the economy of Louisiana and the Nation. Louisiana is home to ten

small freight railroads that maintain rail service on over 500 miles of track. Without these small railroads, dozens of Louisiana communities and hundreds of employees would be cut off from our national rail network.

In addition, small railroads are vital to the safety of our highways. Every loaded rail car keeps as many as four trucks off to our nation's roads. At a time when we face record congestion and unprecedented delays we can ill afford the influx of trucks caused by the failure of the small freight railroad system. Millions of additional trucks per year is not only bad for our interstate highways, but also for the state rural roads in Louisiana. These roads will bear the brunt of damage caused by the trucks, while dramatically increasing our highway costs.

The Timber Rock Railroad, TIBR, serves Beauregard Parish and handles 15,000 carloads of freight per year, of which lumber and coal are the major commodities. Without the existence of TIBR, many major employers in western Louisiana such as Boise Cascade, Louisiana Pacific and Energy Gulf States would be without any rail service at all. The New Orleans and Gulf Coast Railway runs for 24 miles from Goudsboro Yard in New Orleans through Orleans, Jefferson, and Plaquemine Parishes to Myrtle Grove. New Orleans and Gulf Coast, NOGC, serves shippers such as Chevron Chemical's Oak Point Plant, Harvest States' Myrtle Grove Grain Export Terminal, and TOSCO Petroleum's refinery at Alliance. Rail is the safest mode of transportation for hazardous materials, and by transporting hazardous materials by rail NOGC keeps hundreds of truckloads of dangerous cargoes off of Highway 23 and the streets of New Orleans. The Louisiana & Delta Railroad, L&D, is headquartered in New Iberia, LA and operates 114 miles of track carrying 12,000 carloads of carbon black, sugar, molasses, pipe, rice and paper products. The railroad serves dozens of customers in Lafayette, St. Martin, Vermilion, Iberia, St. Mary, Assumption, and Lafourche Parishes. In order to upgrade the infrastructure of Louisiana's short lines and those around the nation who provide the same kind of local service as the TIER, NOGC, and L&D, the Railroad Track Modernization Act should be passed.

I look forward to working with my colleagues on this legislation. 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. 1220

*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 "Railroad Track Modernization Act of 2001".

#### SEC. 2. CAPITAL GRANTS FOR RAILROAD TRACK.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

#### “CHAPTER 223—CAPITAL GRANTS FOR RAILROAD TRACK

“Sec.

“22301. Capital grants for railroad track.

#### “§ 22301. Capital grants for railroad track

“(a) ESTABLISHMENT OF PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program of capital grants for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Such grants shall be for rehabilitating, preserving, or improving track used primarily for freight transportation to a standard ensuring that the track can be operated safely and efficiently, including grants for rehabilitating, preserving, or improving track to handle 286,000 pound rail cars. Grants may be provided under this chapter—

“(A) directly to the class II or class III railroad; or

“(B) with the concurrence of the class II or class III railroad, to a State or local government.

“(2) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

“(3) INTERIM REGULATIONS.—Not later than December 31, 2001, the Secretary shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

“(4) FINAL REGULATIONS.—Not later than October 1, 2002, the Secretary shall issue final regulations to implement the program under this section.

“(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case by case basis consistent with this chapter.

“(c) PROJECT ELIGIBILITY.—For a project to be eligible for assistance under this section the track must have been operated or owned by a class II or class III railroad as of the date of the enactment of the Railroad Track Modernization Act of 2001.

“(d) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

“(e) ADDITIONAL PURPOSE.—In addition to making grants for projects as provided in subsection (a), the Secretary may also make grants to supplement direct loans or loan guarantees made under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)), for projects described in the last sentence of section 502(d) of such title. Grants made under this subsection may be used, in whole or in part, for paying credit risk premiums, lowering rates of interest, or providing for a holiday on principal payments.

“(f) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least

as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of the Railroad Track Modernization Act of 2001.

“(g) LABOR STANDARDS.—

“(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

“(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

“(h) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$350,000,000 for each of the fiscal years 2002 through 2004 for carrying out this section.”

(b) CONFORMING AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

“223. CAPITAL GRANTS FOR RAILROAD TRACK ..... 22301”.

By Mr. SPECTER:

S. 1221. A bill to amend title 38, United States Code, to establish an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Madam President, I have sought recognition at this time to comment briefly on legislation that I have introduced today to address an injustice now contained in statutory formulas which define which veterans will, and will not, be allowed priority access to free Department of Veterans Affairs, VA, health care services. To simplify, VA currently provides access to health care under the following priority scheme: veterans who have suffered service-connected disabilities have first opportunity to enroll for VA care; then, veterans who are former prisoners of war, those who are catastrophically disabled, and those who have no where else to turn for health care because of financial constraints may enroll for VA care; and, finally, veterans who simply choose to seek VA care even though they can afford care elsewhere, and, in testimony to the quality of care VA provides, many do, are invited to enroll. Currently, VA



welcomes all veterans to enroll for care, and VA generally turns away no veteran who seeks hospital or clinical care. But lower priority patients are required to make copayments for the care and the medications they receive from VA.

As I have noted, poor veterans, technically, those who are classified as being "unable to defray the expenses of necessary care," have priority over veterans who have nonservice-connected illnesses or disabilities. In order to determine who is, in fact, "unable to defray," VA uses a single, national "means test." In effect, a veteran without dependents who has an annual income of less than \$23,688 has priority access to VA care at no charge; a veteran with a higher annual income who does not otherwise qualify for priority status is required to make a copayment to receive the same care. In addition, that patient is placed in the pool of "discretionary" patients who face the risk of disenrollment should VA budget shortfalls ever require limiting enrollment.

A single, national "means test" applies irrespective of cost-of-living variations among geographic localities. In many other Federal pay and benefits systems, by contrast, geographic cost-of-living variations are taken into consideration. For example, the housing allowance paid to active duty service members is based on the average housing costs in the area they are assigned; salary and wage payments to Federal employees, while utilizing national pay scales, also contain locality adjustments; and, benefits afforded to low income families by the Department of Housing and Urban Development, HUD, are based on median family income in the area in which the applicant resides. VA's "means test" should also take such local cost-of-living variations into account. Today, I introduce legislation which would require VA to do so.

My legislation would adjust VA's current "means test" to allow veterans who live in high-cost areas, such as Philadelphia, to qualify for priority status in VA hospitals even if their incomes are slightly higher than VA's single, national threshold amount. My bill would provide for an additional formula to measure a veteran's "unable to defray" status, the "Low Income index" established by HUD under the U.S. Housing Act of 1937. That index defines "low income" by reference to the median family income in the Metropolitan Statistical Area in which the applicant lives. Clearly, a formula which takes into account local variations in income, and, thus, the local cost of living, more fairly measures a veteran's actual ability to assist in defraying the cost of his or her medical care. I note, however, that the current VA formula would also be retained lest veteran-patients who live in relatively low cost areas lose priority status they might currently have under that formula. It is not my intention to shrink the pool of priority patients; it is my

intention to expand it by allowing more low income persons, particularly the urban poor, to qualify.

I ask my colleagues to join with me in improving VA's medical care priority "means test" so that it more accurately accomplishes its true purpose of measuring whether a veteran can, or cannot, be expected to assist in defraying the cost of his or her necessary medical care. Such a test, clearly, must take into account variations in the cost-of-living in the locality in which the veteran resides.

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. 1221

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITIONAL BASIS FOR ESTABLISHMENT OF INABILITY TO DEFRAY EXPENSES OF NECESSARY CARE.**

(a) ADDITIONAL BASIS.—Section 1722(a) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "or"; and

(3) by adding at the end the following new paragraph:

"(4) the veteran (including any applicable part of the veteran's family) is eligible for treatment as a low-income family under section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) for the area in which the veteran resides."

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on January 1, 2002, and shall apply with respect to years beginning after December 31, 2001.

**STATEMENTS ON SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 138—NATIONAL PROSTATE CANCER AWARENESS MONTH**

Mr. BURNS (for himself, Mr. EDWARDS, Mr. FEINGOLD, Mr. JOHNSON, Mrs. LINCOLN, Mrs. CLINTON, Mr. KENNEDY, Mr. HOLLINGS, Mr. BAYH, Ms. MIKULSKI, Mrs. BOXER, Mr. TORRICELLI, Mr. DURBIN, Mr. CORZINE, Mr. SARBANES, Mr. REID, Ms. LANDRIEU, Mr. SCHUMER, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CLELAND, Mr. KERRY, Mr. INOUE, Mr. MURKOWSKI, Mr. COCHRAN, Mr. SPECTER, Mr. CRAIG, Mr. THURMOND, Mr. CRAPO, Mr. HELMS, Mr. HATCH, Mr. WARNER, Mr. BROWNBACK, Mr. SHELBY, Mr. SESSIONS, Mr. INHOFE, Mr. ALLEN, Mr. DAYTON, Ms. STABENOW, Mr. REED, Mr. BREAUX, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. GRASSLEY, Mr. ENSIGN, Ms. COLLINS, Mr. STEVENS, Mrs. HUTCHISON, Mr. DEWINE, Ms. SNOWE, Mr. SANTORUM, Mr. HAGEL, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 138

Whereas over 1,000,000 American families live with prostate cancer;

Whereas 1 American man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed nonskin cancer and the second most common cancer killer of American men;

Whereas 198,100 American men will be diagnosed with prostate cancer and 31,500 American men will die of prostate cancer in 2001, according to American Cancer Society estimates;

Whereas fully ¼ of new cases of prostate cancer occur in men during their prime working years;

Whereas African Americans have the highest incidence and mortality rates of prostate cancer in the world;

Whereas screening by both digit rectal examination and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and have reduced prostate cancer mortality;

Whereas the research pipeline promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating Americans, including health care providers, about prostate cancer and early detection strategies is crucial to saving men's lives and preserving and protecting our families: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of September as "National Prostate Cancer Awareness Month";

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved screening, treatments, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy and to observe the month of September with appropriate ceremonies and activities.

Mr. BURNS. Mr. President, today prostate cancer remains the most commonly diagnosed non-skin cancer in America. According to estimates by the American Cancer Society and the National Cancer Institute, NCI, more than 198,000 American men will learn that they have the disease within the year. Nearly 32,000 American men will lose their lives to prostate cancer this year, making it the second most common cause of cancer death among men. Those statistics translate into devastating realities for men and families across this country.

This disease will affect one in six men in the United States during his lifetime. More than 25 percent of those battling this disease are under the age of 65, prime years of productivity for families and for this Nation. The number of Americans impacted by cancer, and prostate cancer, is expected to grow. If unchecked during the next decade, cancer incidence and mortality rates could increase by 25-30 percent.



In too many cases, prostate cancer is still undetected until advanced stages of the disease, when conventional therapies no longer work. This makes it critical that all American families understand the risks of prostate cancer and take measures to ensure early detection.

If a man has one close relative with prostate cancer, his risk of the disease is double. With two close relatives, his risk is fivefold. Should he have three close relatives, his likelihood of a prostate cancer diagnosis is nearly certain. African American families are at particular risk. African American men have the highest incidence and mortality rates in the world. According to the National Prostate Cancer Coalition, we must raise public awareness about the impact of prostate cancer and emphasize early detection with the PSA, Prostate Specific Antigen, blood test. Over the last two years prostate cancer mortalities have decreased by 14 percent. This shows that, with the right investment in education and research, we are already saving lives.

I would like to congratulate President Bush for honoring his promise to make meaningful investments in biomedical research. Commitments such as these are bringing us closer to doubling the funding at the National Institutes of Health, NIH, and put us on the right track to dramatically increase the level of funding for research at the National Cancer Institute, NCI, by FY 2003. His commitment and leadership is paramount to the investments needed in the fight against prostate cancer.

In an effort to help increase awareness and educate American men and their families about prostate cancer and early detection, as well as emphasize the need for more prostate cancer research, I ask unanimous consent to consider a resolution that designates every September as the National Prostate Cancer Awareness Month. Together, Senator REID and I, along with many others, ask for your support and encourage all of our colleagues to join us in raising awareness.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1032. Mr. CLELAND (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1033. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1034. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1035. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1036. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended

to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1037. Mr. REID (for himself, Ms. MIKULSKI, and Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1038. Mrs. MURRAY (for Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1039. Mrs. MURRAY (for Mr. THOMAS) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

#### TEXT OF AMENDMENTS

SA 1032. Mr. CLELAND (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

##### SEC. 3. NOISE BARRIERS, GEORGIA.

Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers—

(1) at the locations identified in section 358 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (113 Stat. 1027); and

(2) on the west side of Interstate Route 285 from Henderson Mill Road to Chamblee Tucker Road in DeKalb County, Georgia.

SA 1033. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

##### SEC. 3. PRIORITY HIGHWAY PROJECTS, GEORGIA.

In selecting projects to carry out using funds apportioned under section 110 of title 23, United States Code, the State of Georgia shall give priority consideration to the following projects:

(1) Improving Johnson Ferry Road from the Chattahoochee River to Abernathy Road, including the bridge over the Chattahoochee River.

(2) Widening Abernathy Road from 2 to 4 lanes from Johnson Ferry Road to Roswell Road.

SA 1034. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 16, before the semicolon, insert the following: “, of which \$3,000,000 shall be set aside to conduct the study of east-west transportation infrastructure in the northeastern United States and Canadian Provinces described in section 3 \_\_\_”.

On page 81, between lines 13 and 14, insert the following:

##### SEC. 3. STUDY OF EAST-WEST TRANSPORTATION INFRASTRUCTURE IN THE NORTHEAST.

(a) IN GENERAL.—Not later than January 31, 2003, the Secretary of Transportation shall—

(1) conduct a study of east-west transportation infrastructure in the northeastern United States and Canadian Provinces (referred to in this section as the “region”); and

(2) submit to Congress a report on the results of the study.

(b) REQUIRED ELEMENTS.—The study shall—

(1) assess the sufficiency of the east-west transportation infrastructure of the region, including—

(A) highway and road connections on the 2 east-west axes from Halifax, Nova Scotia, through Montreal, Quebec, to the Buffalo, New York and St. Catherine, Ontario, area and the Detroit, Michigan, and Windsor, Ontario, area; and

(B) portions of Route 401 in Canada and Interstate Route 90 in central and western New York and connecting systems in the vicinity of Detroit, Michigan;

(2) identify potential alternatives for expanding the east-west transportation infrastructure to complement the transportation infrastructure in existence on the date of enactment of this Act (including north-south infrastructure);

(3) evaluate highway, rail, maritime, and aviation infrastructure;

(4) assess whether the transportation infrastructure in existence on the date of enactment of this Act is sufficient to fulfill the transportation needs of the region;

(5) assess the impact of the North American Free Trade Agreement on the transportation needs of the region;

(6) assess any potential long term economic, safety, and efficiency benefits of improvements to the east-west transportation infrastructure of the region; and

(7) evaluate the impact and consequences of no additional improvements to the east-west transportation infrastructure of the region or marginal improvements to the east-west transportation infrastructure of the region.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Transportation should invite the Government of Canada—

(1) to participate in the study required under this section; and

(2) to contribute to the cost of the study.

SA 1035. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was ordered to lie on the table; as follows:

On page 20, line 20, before the semicolon, insert the following: “, of which \$6,000,000 shall be set aside for construction of a connector in Portland, Maine, between Interstate Route 295 and Commercial Street”.

SA 1036. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 8, before the colon, insert the following: “, of which \$2,000,000 of the funds made available for surface transportation research on structures shall be made available to carry out the battery-powered cathodic protection demonstration program described in section 3 \_\_\_\_\_”.

On page 81, between lines 13 and 14, insert the following:

**SEC. 3. BATTERY-POWERED CATHODIC PROTECTION DEMONSTRATION PROGRAM.**

(a) IN GENERAL.—The Secretary of Transportation shall carry out a multistate demonstration program to test the use of battery-powered cathodic protection to extend the life of concrete bridges.

(b) LOCATIONS.—Under the demonstration program, bridges in each of the States of Alaska, Florida, Maine, Mississippi, and Virginia shall be equipped with cathodic protection systems using batteries as a power source.

(c) DATA AND ECONOMIC ANALYSIS.—Under the demonstration program, the Secretary of Transportation shall—

(1) collect data on cathodic protection of the bridges during a 3-year period; and

(2) conduct an economic analysis on the use of battery power for cathodic protection in various climates and for various levels of bridge use.

(d) LEAD FUNDING RECIPIENT.—Under the demonstration program, the Secretary of Transportation shall provide funds made available to carry out this section to the Department of Transportation of the State of Maine, which shall serve as the lead funding recipient.

**SA 1037.** Mr. REID (for himself, Ms. MIKULSKI, and Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 81, at the end of lines, insert the following:

SEC. 350. (a) FINDINGS.—Congress makes the following findings:

(1) The condition of highway, railway, and waterway infrastructure across the Nation varies widely and is in need of improvement and investment.

(2) Thousands of tons of hazardous chemicals, and a very small amount of high level radioactive material, is transported along the Nation's highways, railways, and waterways each year.

(3) The volume of hazardous chemical transport increased by over one-third in the last 25 years and is expected to continue to increase. Some propose significantly increasing radioactive material transport.

(4) Approximately 261,000 people were evacuated across the Nation because of rail-related accidental releases of hazardous chemicals between 1978 and 1995, and during that period industry reported 8 transportation accidents involving the small volume of high level radioactive waste transported during that period.

(5) The Federal Railroad Administration has significantly decreased railroad inspections and has allocated few resources since 1993 to assure the structural integrity of railroad bridges. Train derailments have increased by 18 percent over roughly the same period.

(6) The poor condition of highway, railway, and waterway infrastructure, increases in the volume of hazardous chemical transport,

and proposed increases in radioactive material transport increase the risk of accidents involving such chemicals and materials.

(7) Measuring the risks of hazardous chemical or radioactive material accidents and preventing such accidents requires specific information concerning the condition and suitability of specific transportation routes contemplated for such transport to inform and enable investment in related infrastructure.

(8) Mitigating the impact of hazardous chemical and radioactive material transportation accidents requires skilled, localized, and well-equipped emergency response personnel along all specifically identified transportation routes.

(9) Accidents involving hazardous chemical or radioactive material transport pose threats to the public health and safety, the environment, and the economy.

(b) STUDY.—The Secretary of Transportation shall, in consultation with the Comptroller General of the United States, conduct a study of the hazards and risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material.

(c) MATTERS TO BE ADDRESSED.—The study under subsection (b) shall address the following matters:

(1) Whether the Federal Government conducts individualized and detailed evaluations and inspections of the condition and suitability of specific transportation routes for the current, and any anticipated or proposed, transport of hazardous chemicals and radioactive material, including whether resources and information are adequate to conduct such evaluations and inspections.

(2) The costs and time required to ensure adequate inspection of specific transportation routes and related infrastructure and to complete the infrastructure improvements necessary to ensure the safety of current, and any anticipated or proposed, hazardous chemical and radioactive material transport.

(3) Whether Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(4) The costs and time required to ensure that Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(5) The availability of, or requirements to establish, information collection and dissemination systems adequate to provide the public, in an accessible manner, with timely, complete, specific, and accurate information (including databases) concerning actual, proposed, or anticipated shipments by highway, railway, or waterway of hazardous chemicals and radioactive materials, including accidents involving the transportation of such chemicals and materials by those means.

(d) DEADLINE FOR COMPLETION.—The study under subsection (b) shall be completed not later than six months after the date of the enactment of this Act.

(e) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report on the study.

**SA 1038.** Mrs. MURRAY (for Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs.

MURRAY) and intended to be proposed to the bill (H.R. 2299), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . (a) Of the funds appropriated by title I for the Federal Railroad Administration under the heading “RAILROAD RESEARCH AND DEVELOPMENT”, up to \$750,000 may be expended to pay 25 percent of the total cost of a comprehensive study to assess existing problems in the freight and passenger rail infrastructure in the vicinity of Baltimore, Maryland, that the Secretary of Transportation shall carry out through the Federal Railroad Administration in cooperation with, and with a total amount of equal funding contributed by, Norfolk-Southern Corporation, and CSX Corporation, and the State of Maryland.

(b)(1) The study shall include an analysis of the condition, track, and clearance limitations and efficiency of the existing tunnels, bridges, and other railroad facilities owned or operated by CSX Corporation, Amtrak, and Norfolk-Southern Corporation in the Baltimore area.

(2) The study shall examine the benefits and costs of various alternatives for reducing congestion and improving safety and efficiency in the operations on the rail infrastructure in the vicinity of Baltimore, including such alternatives for improving operations as shared usage of track, and such alternatives for improving the rail infrastructure as possible improvements to existing tunnels, bridges, and other railroad facilities, or construction of new facilities.

(c) Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to Congress. The report shall include recommendations on the matters described in subsection (b)(2).

**SA 1039.** Mrs. MURRAY (for Mr. THOMAS) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 66, line 8, after the word “bus,” insert the following phrase: “, as that term is defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12181)”;

On page 66, line 9 strike “, and” and insert in lieu thereof “.”; and

On page 66, beginning with line 10, strike all through page 70, line 14.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Friday, July 27, 2001, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: 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.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 24, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a business meeting on pending committee business, to be followed immediately by a hearing on S. 266, a bill regarding the use of trust land and resources of the Confederated Tribes of the Warm Springs Reservation in Oregon.

Those wishing additional information may contact committee staff at 202/224-2251.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 25, 2001, at 10:30 a.m. in room 216 Hart Senate Building to conduct a hearing on the Indian Gaming Regulatory Act.

Those wishing additional information may contact committee staff at 202/224-2251.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Monday, July 23, 2001, at 2 p.m. for a hearing regarding "FEMA's Role in Managing a Bioterrorist Attack and the Impact of Public Health Concerns on Bioterrorism Preparedness."

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

#### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation be authorized to meet on Monday, July 23, 2001, at 1 p.m. on E-Health and Consumer Empowerment: How Consumers Can Use Technology Today and in the Future To Improve Their Health.

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

### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

On July 19, 2001, the Senate amended and passed S. 1172, as follows:

#### S. 1172

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, namely:

#### TITLE I—CONGRESSIONAL OPERATIONS SENATE

##### EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$10,000; the President Pro Tempore of the Senate, \$10,000; Majority Leader of the Senate, \$10,000; Minority Leader of the Senate, \$10,000; Majority Whip of the Senate, \$5,000; Minority Whip of the Senate, \$5,000; and Chairmen of the Majority and Minority Conference Committees, \$3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$3,000 for each Chairman; in all, \$62,000.

##### REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

##### SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$104,039,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

##### OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$1,867,000.

##### OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$473,000.

##### OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$2,868,000.

##### OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$1,912,000.

##### COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$9,875,000.

##### CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,250,000 for each such committee; in all, \$2,500,000.

##### OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$618,000.

##### POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,275,000 for each such committee; in all, \$2,550,000.

##### OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$301,000.

##### OFFICE OF THE SECRETARY

For Office of the Secretary, \$15,424,000.

##### OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$39,082,000.

##### OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,350,000.

#### AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$25,219,000.

#### OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$4,306,000.

#### OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,109,000.

#### EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOOR- KEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$3,000; Sergeant at Arms and Doorkeeper of the Senate, \$3,000; Secretary for the Majority of the Senate, \$3,000; Secretary for the Minority of the Senate, \$3,000; in all, \$12,000.

#### CONTINGENT EXPENSES OF THE SENATE

##### INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, \$107,264,000.

##### EXPENSES OF THE UNITED STATES SENATE

##### CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$370,000.

##### SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$8,571,000, of which \$7,000,000 shall remain available until expended.

##### SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$95,904,000, of which \$8,654,000 shall remain available until September 30, 2004, and of which \$11,354,000 shall remain available until expended.

##### MISCELLANEOUS ITEMS

For miscellaneous items, \$11,274,000.

##### SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$270,494,000.

##### OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

##### MAILINGS FOR TOWN MEETINGS

For mailings of postal patron postcards by Members for the purpose of providing notice of a town meeting by a Member in a county (or equivalent unit of local government) with a population of less than 50,000 that the Member will personally attend to be allotted as requested, \$3,000,000, subject to authorization: *Provided*, That any amount allocated to a Member for such mailing under this paragraph shall not exceed 50 percent of the cost of the mailing and the remaining costs shall be paid by the Member from other funds available to the Member.

##### ADMINISTRATIVE PROVISIONS

SECTION 1. (a) Section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) is amended in the first sentence by striking "four individual consultants" and inserting "six individual consultants", and is amended in the second sentence by striking "one consultant" and inserting "not more than two individual consultants".

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 2. STUDENT LOAN REPAYMENTS. (a) DEFINITIONS.—In this section:

(1) EMPLOYEE OF THE SENATE.—The term “employee of the Senate” has the meaning given the term in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) EMPLOYING OFFICE.—The term “employing office” means the employing office, as defined in such section 101, of an employee of the Senate.

(3) STUDENT LOAN.—The term “student loan” has the meaning given the term in section 5379 of title 5, United States Code.

(b) STUDENT LOAN REPAYMENT PROGRAM.—The head of an employing office may, in order to recruit or retain highly qualified personnel, establish a program under which the office may agree to repay (by direct payments on behalf of an employee of the Senate) any student loan previously taken out by such employee.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The head of an employing office shall carry out the program in accordance with the provisions of subsections (b) through (d) and subsection (f) of section 5379 of title 5, United States Code.

(2) APPLICATION.—For purposes of this section, references in such provisions—

(A) to an agency shall be considered to be references to an employing office; and

(B) to an employee shall be considered to be references to an employee of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 3. (a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account “Expenses of the United States Senate Caucus on International Narcotics Control” under the heading “Congressional Operations” shall be paid from the Senate appropriations account for “Salaries, Officers and Employees”.

(b) This section shall apply to pay periods beginning on or after October 1, 2001.

SEC. 4. (a) Section 5(a) under the subheading “ADMINISTRATIVE PROVISIONS” under the heading “SENATE” under title I of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 58a note) is amended by striking “invoice ends” and inserting “invoice begins”.

(b) The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply to base service periods beginning on or after that date.

SEC. 5. (a) Section 120 of Public Law 97-51 (2 U.S.C. 61g-6) is amended in the first sentence by striking “\$75,000” and inserting “\$100,000”.

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 6. Effective on and after October 1, 2001, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2001, increased by an additional \$50,000 each.

#### JOINT ITEMS

For Joint Committees, as follows:

#### JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$3,424,000, to be disbursed by the Secretary of the Senate.

#### JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$6,733,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

#### OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$1,500 per month to the Attending Physician; (2) an allowance of \$500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$500 per month to one assistant and \$400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,159,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$1,765,000, to be disbursed by the Chief Administrative Officer of the House.

#### CAPITOL POLICE BOARD

#### CAPITOL POLICE

#### SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than \$600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$112,922,000, of which \$55,296,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and \$57,626,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

#### GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than \$2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and \$85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, \$12,394,000, to be disbursed by the Capitol Police Board or their delegate: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2002 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

#### ADMINISTRATIVE PROVISION

SEC. 101. Amounts appropriated for fiscal year 2002 for the Capitol Police Board for the

Capitol Police may be transferred between the headings “SALARIES” and “GENERAL EXPENSES” upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading “SALARIES”; and

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading “SALARIES”; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

#### CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$2,512,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 43 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

#### STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

#### OFFICE OF COMPLIANCE

#### SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$2,059,000.

#### CONGRESSIONAL BUDGET OFFICE

#### SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not more than \$3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$30,680,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

#### ADMINISTRATIVE PROVISIONS

SEC. 102. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of chapter 41 of title 5, United States Code, as the Director determines necessary to provide hereafter for training of individuals employed by the Congressional Budget Office.

(b) The implementing regulations shall provide for training that, in the determination of the Director, is consistent with the training provided by agencies subject to chapter 41 of title 5, United States Code.

(c) Any recovery of debt owed to the Congressional Budget Office under this section and its implementing regulations shall be credited to the appropriations account available for training employees of the Office at the time of recovery.

(d) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 103. Section 105(a) of the Legislative Branch Appropriations Act, 1996 (2 U.S.C.

§ 606(a)), is amended by striking "or discarding." and inserting "sale, trade-in, or discarding."; and by adding at the end the following: "Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year."

SEC. 104. (a) The Director of the Congressional Budget Office may, in order to recruit or retain qualified personnel, establish and maintain hereafter a program under which the Office may agree to repay (by direct payments on behalf of the employee) all or a portion of any student loan previously taken out by such employee.

(b) The Director may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code as the Director determines necessary to provide for such program.

(c) The regulations shall provide the amount paid by the Office may not exceed—

(1) \$6,000 for any employee in any calendar year; or

(2) a total of \$40,000 in the case of any employee.

(d) The Office may not reimburse an employee for any repayments made by such employee prior to the Office entering into an agreement under this section with such employee.

(e) Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Office at the time of repayment or recovery.

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

#### ARCHITECT OF THE CAPITOL

##### CAPITOL BUILDINGS AND GROUNDS

##### CAPITOL BUILDINGS

##### SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than \$1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed \$20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$54,000,000, of which \$5,000,000 shall remain available until expended: *Provided*, That the Architect of the Capitol, in consultation with the Comptroller General or his designee, shall appoint a Chief Financial Officer within 90 days after the date of enactment of this Act: *Provided further*, That notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection there-

with: *Provided further*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose.

##### CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$6,000,000.

##### SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$47,500,000, of which \$3,400,000 shall remain available until expended.

##### CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$47,403,000, of which \$3,300,000 shall remain available until expended: *Provided*, That not more than \$4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2002.

#### LIBRARY OF CONGRESS

##### CONGRESSIONAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$81,139,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

#### GOVERNMENT PRINTING OFFICE

##### CONGRESSIONAL PRINTING AND BINDING

##### (INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semi-monthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to

be distributed without charge to the recipient, \$81,000,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

This title may be cited as the "Congressional Operations Appropriations Act, 2002".

#### TITLE II—OTHER AGENCIES

##### BOTANIC GARDEN

##### SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$5,829,000.

#### LIBRARY OF CONGRESS

##### SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$297,775,000, of which not more than \$6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2002, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2002 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,850,000: *Provided further*, That of the total amount appropriated, \$10,824,474 is to remain available until expended for acquisition of books, periodicals, newspapers, and

all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, \$1,517,903 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the amount appropriated, \$500,000 shall remain available until expended for the Abraham Lincoln Bicentennial Commission, of which amount \$3,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission.

#### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$40,701,000, of which not more than \$21,880,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2002 under 17 U.S.C. 708(d): *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than \$5,984,000 shall be derived from collections during fiscal year 2002 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$27,864,000: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

#### BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

##### SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$49,765,000, of which \$14,437,000 shall remain available until expended.

#### FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, \$8,532,000.

#### ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than \$407,560, of which \$86,486 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any manage-

ment official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2002, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$114,473,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) For fiscal year 2002, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading "Library of Congress Salaries and Expenses" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of title I of the Library of Congress Fiscal Operations Improvement Act of 2000, Public Law 106-481: *Provided*, That the total amount of such transfers may not exceed \$1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 207. The Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481) is hereby amended by striking the words "audio and video" in the heading for section 101 and in subsection 101(a).

SEC. 208. The Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481) is hereby amended in section 102 by adding the following new paragraph to subsection (a):

"(4) Special events and programs."

#### ARCHITECT OF THE CAPITOL

##### CAPITOL VISITOR CENTER

For necessary expenses for the planning, engineering, design, and construction of a new facility to provide greater security for all persons working in or visiting the United States Capitol and to enhance the educational experience of those who have come to learn about the Capitol building and Congress, \$1,000,000, to remain available until expended.

#### CONGRESSIONAL CEMETERY

For a grant for the care and maintenance of the historic Congressional Cemetery,

\$2,500,000, to remain available until expended.

#### LIBRARY BUILDINGS AND GROUNDS STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$18,753,000, of which \$6,878,000 shall remain available until expended.

#### GOVERNMENT PRINTING OFFICE

##### OFFICE OF SUPERINTENDENT OF DOCUMENTS SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$28,728,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed \$175,000: *Provided further*, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2000 and 2001 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

##### GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than \$2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,260 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any



flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: *Provided further*, That expenses for attendance at meetings shall not exceed \$75,000.

#### ADMINISTRATIVE PROVISION

SEC. 209. EXTENSION OF EARLY RETIREMENT AND VOLUNTARY SEPARATION INCENTIVE PAYMENT AUTHORITIES. (a) EARLY RETIREMENT.—Section 309(b)(A) of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note), is amended by striking “October 1, 2001” and inserting in lieu thereof “October 1, 2004”.

(b) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—Section 309(c)(2) of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note), is amended by striking “September 30, 2001” and inserting in lieu thereof “October 1, 2004”.

#### GENERAL ACCOUNTING OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than \$12,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$417,843,000: *Provided*, That not more than \$1,751,000 of payments received under 31 U.S.C. 782 shall be available for use in fiscal year 2002: *Provided further*, That not more than \$750,000 of reimbursements received under 31 U.S.C. 9105 shall be available for use in fiscal year 2002: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That \$1,000,000 from funds made available under this heading shall be available for a pilot program in technology assessment: *Provided further*, That not later than June 15, 2002, a report on the pilot program referred to under the preceding proviso shall be submitted to Congress.

#### PAYMENT TO THE RUSSIAN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

For a payment to the Russian Leadership Development Center Trust Fund for financing activities of the Center for Russian Leadership Development, \$10,000,000.

#### TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2002 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$252,000.

SEC. 308. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking “2001” and inserting “2002”.

SEC. 309. Section 5596(a) of title 5, U.S.C., is amended by deleting “and” at the end of

paragraph (4); by deleting the period at the end of paragraph (5) and inserting a semicolon, and by adding the following new paragraphs, which shall be effective for all personnel actions taken on or after the date of enactment of this Act:

“(6) the Architect of the Capitol, including employees of the United States Senate Restaurants; and

“(7) the United States Botanic Garden.”.

SEC. 310. The Architect of the Capitol shall develop and maintain an accounting and financial management system, including financial reporting and internal controls, which—

(1) complies with applicable federal accounting principles, standards, and requirements, and internal control standards;

(2) complies with any other requirements applicable to such systems; and

(3) provides for—

(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Architect of the Capitol;

(B) the development and reporting of cost information;

(C) the integration of accounting and budgeting information; and

(D) the systematic measurement of performance.

SEC. 311. (a) AUTHORITY OF ARCHITECT TO SET PAY FOR CERTAIN POSITIONS.—Section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b-3b) is amended as follows:

(1) Subsections (a) and (b) are deleted in their entirety and a new subsection (a) is added to read as follows:

“(a) The Architect of the Capitol may fix the rate of basic pay for not more than 12 positions, at a rate not less than the minimum rate nor more than the maximum rate for the Senior Executive Service under chapter 53 of title 5, for the locality involved.”.

(2) Subsection (c) is redesignated as subsection (b).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any pay periods beginning on or after the date of the enactment of this Act.

This Act may be cited as the “Legislative Branch Appropriations Act, 2002”.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Delaware (Mr. BIDEN) as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 107th Congress.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Vermont (Mr. LEAHY) as Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 107th Congress.

#### GEORGE WASHINGTON LETTER TO TOURO SYNAGOGUE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 93, S. Con. Res. 16.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 16) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 16

Whereas George Washington responded to a letter sent by Moses Seixas, warden of Touro Synagogue in Newport, Rhode Island, in August 1790;

Whereas, although Touro Synagogue, the oldest Jewish house of worship in the United States, and now a national historic site, was dedicated in December 1763, Jewish families had been in Newport for over 100 years before that date;

Whereas these Jews, some of whom were Marranos, came to the United States with hopes of starting a new life in this country, where they could practice their religious beliefs freely and without persecution;

Whereas they were drawn to the Colony of Rhode Island and the Providence Plantations because of Governor Roger Williams' assurances of religious liberty;

Whereas the letter from Touro Synagogue is the most famous of many congratulatory notes addressed to the new president by American Jewish congregations;

Whereas Seixas articulated the following principle, which Washington repeated in his letter: "For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance; requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support";

Whereas this was the first statement of such a principle enunciated by a leader of the new United States Government;

Whereas this principle has become the cornerstone of United States religious and ethnic toleration as it has developed during the past two centuries;

Whereas the original letter is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C.; and

Whereas Americans of all religious faiths gather at Touro Synagogue each August on the anniversary of the date of the letter's delivery and at the Klutznick Museum on George Washington's birthday to hear readings of the letter and to discuss how the letter's message can be applied to contemporary challenges: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) the George Washington letter to Touro Synagogue in Newport, Rhode Island, in August 1790, which is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; and

(2) the text of the George Washington letter should be widely circulated, serving as an important tool for teaching tolerance to children and adults alike.

#### NATIONAL AIRBORNE DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 94, S. Res. 16.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 16) designating August 16, 2001, as "National Airborne Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. 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. 16) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 16

Whereas the Parachute Test Platoon was authorized by the War Department on June 25, 1940, to experiment with the potential use of airborne troops;

Whereas the Parachute Test Platoon was composed of 48 volunteers that began training in July, 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving from World War II until the present;

Whereas the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions and the numerous other regimental and battalion-sized airborne units were organized following the success of the Parachute Test Platoon;

Whereas the 501st Parachute Battalion participated successfully and valiantly in achieving victory in World War II;

Whereas the airborne achievements during World War II provided the basis for continuing the development of a diversified force of parachute and air assault troops;

Whereas paratroopers, glidermen, and air assault troops of the United States were and are proud members of the world's most exclusive and honorable fraternity, have earned and wear the "Silver Wings of Courage", have participated in a total of 93 combat jumps, and have distinguished themselves in battle by earning 69 Congressional Medals of Honor, the highest military decoration of the United States, and hundreds of Distinguished Service Crosses and Silver Stars;

Whereas these airborne forces have performed in important military and peace-keeping operations, wherever needed, in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia; and

Whereas the Senate joins together with the airborne community to celebrate August 16, 2001 (the 61st anniversary of the first official parachute jump by the Parachute Test Platoon), as "National Airborne Day": Now, therefore, be it

*Resolved, That the Senate—*

(1) designates August 16, 2001, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

#### REAUTHORIZATION OF THE TROPICAL FOREST CONSERVATION ACT OF 1998 THROUGH FISCAL YEAR 2004

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from the consideration of H.R. 2131, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2131) to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action.

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

The bill (H.R. 2131) was read the third time and passed.

#### ORDERS FOR TUESDAY, JULY 24, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Tuesday, July 24. I further ask unanimous consent that on Tuesday, 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 the Senate resume consideration of H.R. 2299, the Transportation Appropriations Act; further, that the Senate recess from 12:30 to 2:15 p.m. tomorrow for our weekly party conferences.

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

#### PROGRAM

Mr. REID. Madam President, on Tuesday, the Senate will convene at 10 a.m. and resume consideration of the

Transportation Appropriations Act. We expect rollcall votes on amendments throughout the day. The Senate will recess, as has been noted, for the weekly party conferences.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 6:40 p.m., adjourned until Tuesday, July 24, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 23, 2001:

DEPARTMENT OF STATE

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

PATRICIA DE STACY HARRISON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE WILLIAM B. BADER.