

COMMENDING STEPHEN G. BALE,  
KEEPER OF THE STATIONERY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 240, submitted earlier today by Senators LOTT and DASCHLE. The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislation clerk read as follows:

A resolution (S. Res. 240) commending Stephen G. Bale, Keeper of the Stationery, United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, on December 31, 1999, Steve Bale will retire as Keeper of the Stationery for the United States Senate.

Steve began his Senate career in November 1969 as a clerk in the Stationery Room. In July 1980, he was appointed Assistant Keeper of the Stationery, and in September 1987, assumed the responsibilities as the 16th Keeper of the Stationery.

In this capacity, Steve has directed a busy operation, successfully serving a client base that now spans over 240 offices and five buildings. His leadership of the recent renovations to the Stationery Room has ensured that the office will function efficiently, well into the 21st century.

In his 30 years of public service, Steve has set a standard among his associates for commitment to excellence and dedication to personal service. According to his staff, one of Steve's favorite expressions is, "In this business, one 'oops' can wipe out fifteen 'attaboys!'" The standard of excellence he set will benefit the Senate for years to come, as the associates he leaves behind continue in the tradition of the principles he espoused.

Steve Bale should enter his retirement with tremendous satisfaction for all he has accomplished. I am pleased to join so many others in thanking him for his long and faithful service and in wishing him health and happiness in the years to come.

Mr. DASCHLE. Mr. President, Steve Bale is one of those individuals who serve faithfully and diligently over many years to ensure that the United States Senate runs efficiently and effectively. All Senators know and appreciate the members of the Senate community who share their pride in public service and commitment to the Senate. We know we could not do our jobs without the dedication of people such as Steve Bale.

Steve began his career in the Senate in 1969 as an employee of the Stationery Room under the jurisdiction of the Secretary of the Senate and ultimately became Keeper of the Stationery. Not many ascend to that unusual title; there have been only four in the history of the Senate. The first person to hold that title was John Lewis Clubb who was given the title in 1854, after some twenty years of actually doing the job. Some may wonder

what the Keeper of the Stationery does for the Senate and how that job and title came into being.

The Stationery Room can be traced back to the First Congress and the first Secretary of the Senate, Samuel A. Otis, who provided various writing and other supplies for the Senate. Operated initially out of a corner of the Secretary's office, the Stationery Room has occupied nine different locations within the Senate. It has grown from this corner-office operation into a multi-million dollar one serving about 240 offices in the Senate and expanded from its initial offerings of "ink, quills, and parchment" to a complex merchandise facility which meets the high-tech and traditional needs of these offices.

The Stationery Room used to be a simple, service desk facility. Steve led the transition to a full self-service store. Under Steve's direction, the administrative and business functions of the Stationery Room were automated for the first time. He oversaw the installation and GAO certification of an inventory control system and has supervised the installation and testing of the new Y2K compliant computer system. With Steve at the helm, we can all be absolutely certain that the Senate's Stationery Room will NOT have Y2K problems!

Of particular note is the role Steve played in the development and procurement of the Senate's official flag. S. Res. 369, agreed to on September 7, 1984, directed "the Secretary of the Senate to design and make available to Members an official Senate flag." Working closely with the staff of the Committee on Rules and Administration, Steve provided the expertise to have a flag designed, find the appropriate manufacturer and ensure that the Senate has official flags for all of its official functions. Few Senators know about the relatively brief history of the Senate flag and fewer still know about Steve's important role in seeing that this resolution's direction was successfully carried out and that the Senate has a suitable and dignified flag.

We are fortunate to share a wonderful sense of community among the members and staff who serve here. Steve is among the most respected and well liked within this small community. Always helpful, always smiling, always encouraging to the numerous staff who come into his office on a daily basis, he has found no problem too trivial and no task too difficult to handle.

As Steve leaves his many friends and admirers in the Senate, we wish him a long retirement filled with many hours on the golf course.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 240

Whereas the Senate has been advised that its Keeper of the Stationery, Stephen G. Bale, will retire on December 31, 1999;

Whereas Steve Bale became an employee of the Senate of the United States on November 13, 1969, and since that date has ably and faithfully upheld the high standards and traditions of the Senate for a period that included sixteen Congresses;

Whereas Steve Bale has served with distinction as Keeper of the Stationery, and at all times has discharged the important duties and responsibilities of his office with dedication and excellence; and

Whereas his exceptional service and his unflinching dedication have earned him our esteem and affection: Now, therefore, be it

*Resolved*, That the United States Senate commends Stephen G. Bale for his exemplary service to the Senate and the Nation; wishes to express its deep appreciation for his long, faithful and outstanding service; and extends its very best wishes upon his retirement.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Stephen G. Bale.

MOTOR CARRIER SAFETY  
IMPROVEMENT ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3419.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3419) to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

● Mr. MCCAIN. Mr. President, today the Senate will consider H.R. 3419, the Motor Carrier Safety Improvement Act of 1999. H.R. 3419 reflects a negotiated compromise between the House and Senate on two bills (S. 1501 and H.R. 2679). I want to extend my appreciation to Senators HUTCHISON, HOLLINGS, and BREAU, along with Congressmen SHUSTER and OBERSTAR, for their bipartisan effort in developing this comprehensive motor carrier safety legislation. I also want to acknowledge the recommendations by the Office of the Department of Transportation (DOT) Inspector General, Ken Mead and his staff, as well as the highway safety advocates, truck drivers, industry officials, and safety enforcement officials for their suggestions on improving truck and bus safety.

During the past year, significant attention has been directed toward truck safety issues in both chambers. Following a comprehensive analysis on the federal motor carrier safety program by the DOT Inspector General, the Commerce Committee held two hearings on truck safety concerns. The

House Transportation and Infrastructure Committee also conducted a number of oversight hearings and DOT initiated its own programmatic review. Based on these efforts, a consensus on the need to enact legislation to improve truck safety developed leading to the bipartisan legislation before the Senate today.

The Motor Carrier Safety Improvement Act would establish a separate Federal Motor Carrier Safety Administration within the DOT to carry out motor carrier safety responsibilities. I clearly do not desire to expand the size of the federal government. I know my view is shared by many of my colleagues. However, the near unanimous views voiced by all the interested parties involved in motor carrier safety agree that a separate agency is needed to remedy a severe lack of leadership over motor carrier safety enforcement and regulatory responsibilities at DOT. This legislation addresses this serious safety lapse, but guards against increasing the already bloated Federal bureaucracy by capping employment and funding for the new agency for Fiscal Year 2000.

This legislation provides additional motor carrier safety funding and we fully expect those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities. The cost for unnecessary headquarters administrative or overhead positions, including public affairs officers, congressional liaison representatives and other nonsafety related positions, is not a proper use of the additional authorized funding. Therefore, the Administration is required to provide a detailed justification to the Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure before increasing any administrative or overhead positions beyond the current level.

Mr. President, this legislation includes numerous provisions to remedy truck and bus safety problems. I believe one of the most important items in the bill is the provision directing the Department to implement all of the safety recommendations issued by the IG's April 1999 audit report. DOT has indicated it will act on some of the recommendations, but it has been more than six months since the release of the IG's report and DOT has yet to articulate a definitive action plan to implement all of the IG's recommendations. I do not believe we can risk the consequences of ignoring any of these recommendations and accordingly, H.R. 3419 would require concrete action to eliminate the identified safety gaps at DOT. It also gives DOT authority to establish an advisory committee to assist the Secretary in the timely completion of rulemakings and other matters.

This legislation is also designed to improve the Commercial Driver's License program. It would ensure a commercial motor vehicle driver has only

one driver record. This uniform driving record would include all traffic violation convictions, whether those violations are committed in a passenger vehicle or a commercial vehicle. The legislation would also require DOT to initiate a rulemaking to combine driver medical records with the commercial drivers license.

Mr. President, the legislation also initiates several actions to remedy inaccurate and incomplete safety data. We must have accurate data if we are going to be able to target enforcement action against unsafe carriers and get them off our roads. Consequently, H.R. 3419 directs the Secretary to carry out a program to improve the collection and analysis of commercial motor vehicle crash data, including accident causation. The National Highway Traffic Safety Administration (NHTSA), in cooperation with the newly established Motor Carrier Safety Administration, would administer the data improvement program.

The legislation also addresses problems identified by the DOT Inspector General concerning foreign truck companies. It reaffirms the existing prohibition on foreign motor carriers from operating or leasing equipment anywhere within the United States outside the boundaries of a commercial zone along the U.S.-Mexico Border unless such foreign carriers have DOT authority to operate beyond the zones.

Mr. President, this comprehensive safety legislation includes many other important provisions. I urge my colleagues to support passage of this important safety legislation. I ask unanimous consent a detailed Joint Explanatory Statement of the bill be printed in the RECORD immediately following my remarks. This Joint Statement will provide legislative history interpreting this important motor carrier safety legislation.

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

JOINT EXPLANATORY STATEMENT ON H.R. 3419,  
MOTOR CARRIER SAFETY IMPROVEMENT ACT  
OF 1999

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

The provision provides that this Act may be cited as the "Motor Carrier Safety Improvement Act of 1999." The section also includes a table of contents for the bill.

SEC. 2. SECRETARY DEFINED

The provision defines the term "Secretary" to mean the Secretary of Transportation.

SEC. 3. FINDINGS

The provision makes eight findings on motor carrier safety. Among other findings, Congress finds that the current rate, number, and severity of crashes involving motor carriers are unacceptable; the number of Federal and State motor carrier compliance reviews and commercial motor vehicle and operator inspections is insufficient; civil penalties for violators must be utilized to deter future violations; and meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities. Congress further finds that proper use

of Federal resources is essential to the Department of Transportation's ability to improve its research, rulemaking, oversight, and enforcement activities.

SEC. 4. PURPOSES

The provision lists the purposes of this Act as improving the administration of the Federal motor carrier safety program by establishing a Federal Motor Carrier Safety Administration in the Department of Transportation and by enacting measures to reduce the number and severity of large truck-involved crashes through increased inspections and compliance reviews, stronger enforcement measures, expedited rulemakings, scientifically sound research, and improvements to the commercial driver's license program.

TITLE I—FEDERAL MOTOR CARRIER  
SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR  
CARRIER SAFETY ADMINISTRATION

Subsection 101(a) adds a new section 113 to title 49, United States Code, to establish, as a separate administration within the Department of Transportation, the Federal Motor Carrier Safety Administration (FMCSA). The managers note that Section 101 provides that "in carrying out its duties, the Administrator shall consider the assignment and maintenance of safety as the highest priority." This subsection is modeled on provisions which govern the activities of the Federal Aviation Administration and the Secretary of Transportation's responsibilities for the regulation of air transportation. See 49 U.S.C. 40101(a)(1) and (d) and 49 U.S.C. 47101(a)(1). The Managers intend that new section 101 be interpreted and implemented in the same manner as the above-listed provisions in the laws governing aviation.

The Administration is headed by a Presidentially appointed, Senate-confirmed Administrator with professional experience in motor carrier safety; a Deputy Administrator appointed by the Secretary with the approval of the President, and a Chief Safety Officer appointed in the competitive service. In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the duties and powers related to motor carriers and motor carrier safety set forth in chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 of title 49, United States Code, and 42 U.S.C. 4917.

Subsection (b) provides dedicated funding for the administrative and research expenses of the FMCSA. This subsection increases funding 70 percent (an average of \$38 million per year) above the level currently provided within the Federal Highway Administration, to improve the motor carrier safety research, rulemaking, oversight, and enforcement activities transferred to the FMCSA.

Subsections (c) and (d) make conforming amendments to titles 5 and 49, United States Code.

Subsection (e) caps the employment level currently at the Office of Motor Carrier Safety at its headquarters location in fiscal year 2000, except for staff transferred to the Office from the Federal Highway Administration, for fiscal year 2000. The cap includes Office of Motor Carrier Safety staff and FHWA transferred employees (FTEs) who were already dedicated to motor carrier safety matters when the Office of Motor Carrier Safety was established in October 1999. It does not preclude further transfers from the FHWA to the FMCSA during fiscal year 2000.

The Congress has provided additional motor carrier safety funding and expects those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities and to expedite

rulemakings. The cost of unnecessary headquarters administrative or overhead positions, including public affairs officers, congressional liaison representatives and other nonsafety-related positions, is not a proper use of the additional authorized funding. These headquarters' officials are not involved in carrying out safety responsibilities such as developing policies and regulations to enforce motor carrier safety laws.

Subsection (e) requires the Secretary to report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the specific FMCSA personnel requested for each of fiscal years 2001, 2002, and 2003. The Secretary's justifications for any additional FMCSA headquarters' administrative or overhead positions shall include detailed descriptions of the specific needs to be addressed by the additional personnel. Such justifications must be submitted to allow sufficient time for the Committees to review the Secretary's request.

Subsection (f) provides that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary of Transportation and may be delegated.

Subsection (g) requires the Secretary to comply with the requirements of a discretionary departmental regulation, at 48 C.F.R. 1252.209-70, concerning the disclosure of conflicts of interest in research contracts, and to include the text of such regulation in each such contract. This requirement is Department wide. This subsection also calls for a study to determine the effectiveness of this requirement. Eliminating or mitigating conflicts of interest will increase the likelihood that the research results will be more widely accepted and therefore be a more acceptable basis for policy decisions.

The managers note the bill does not establish any specific offices of the FMCSA because the Secretary is best positioned to determine the specific organizational structure of the Administration. The Congress intends for the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle safety, international affairs, and consumer affairs.

#### SEC. 102. REVENUE ALIGNED BUDGET AUTHORITY

Subsection 102(a) amends section 110 of title 23, United States Code, concerning revenue aligned budget authority, to include the motor carrier safety assistance program (MCSAP) in the group of programs for which funding is annually adjusted to correspond to Highway Trust Fund receipts.

Subsection (b) makes a number of technical and conforming amendments, including the relocation of a second section 110, concerning uniform transferability of Federal-aid highway funds, to section 126 of title 23, United States Code.

#### SEC. 103. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM

Subsection 103(a) authorizes an additional \$75 million from the Highway Trust Fund for each of fiscal years 2001 through 2003 for the motor carrier safety assistance program.

Subsection (b) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA 21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: \$65 million for each of fiscal years 2001 through 2003. This subsection also amends section 1102 of TEA 21 to reduce the obligation ceiling for federal-aid highways and highway safety construction programs by \$65 million for each of fiscal years 2001 through 2003.

Subsection (c) establishes a maintenance of effort requirement for States receiving

MCSAP funds under this section. Each State must maintain its spending for MCSAP-eligible activities at a level equal to the average annual level of expenditures for MCSAP activities for fiscal years 1997, 1998, and 1999.

Subsection (d) permits the Secretary to provide emergency grants of up to \$1 million to a State that is having difficulties in meeting the requirements associated with the commercial driver's license program and is in danger of having its program suspended due to noncompliance.

Subsection (e) provides that if a State is not in substantial compliance with each requirement of 49 U.S.C. 31311, concerning commercial driver's licensing, the Secretary shall withhold any allocation of MCSAP funds authorized under this section. This subsection also provides that if, before June 30 of the fiscal year in which it was found in noncompliance, a State is found by the Secretary to be in substantial compliance with each requirement of section 31311 of such title, the Secretary shall allocate to the State the funds withheld under this subsection.

#### SEC. 104. MOTOR CARRIER SAFETY STRATEGY

Subsection 104(a) requires the Secretary of Transportation, as part of the Department's existing federally required strategic planning efforts required under GPRA, to develop and implement a long-term strategy, including an annual plan and schedule for improving commercial motor vehicle, operator, and carrier safety, and sets forth four goals to be included in the strategy. The goals are: (1) reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles, (2) improving enforcement and compliance programs, (3) identifying and targeting enforcement at high-risk carriers, vehicles, and drivers, and (4) improving research.

Subsection (b) requires that goals be established that are designed to accomplish the safety strategy and that estimates be developed concerning the funding and staffing resources needed to accomplish the goals. By working toward the measurable goals, the Administration will also be progressing toward the strategic goals.

Subsection (c) requires the submission of the strategy and annual plan with the President's annual budget submission, starting with fiscal year 2001.

Subsection (d) establishes that for each of the fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements between: (1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Administrator and the Deputy Federal Motor Carrier Safety Administrator; (3) the Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration; and (4) the Administrator and the regulatory ombudsman designated by the Administrator. Each of these officials shall enter into a performance agreement that contains the appropriate numeric or measurable goals of the Administration's motor carrier safety strategy.

The provision requires that the Secretary assess the progress of the officials toward achieving their respective goals, and that the Secretary convey the assessments to the officials, identifying possible future performance improvements. An official's progress toward meeting the goals of a performance agreement is to be given substantial weight by the Secretary when bonuses or other achievement awards are dispersed consistent with the Department's established performance appraisal system.

Subsection (e) requires that the Secretary and the Administrator of the FMCSA assess the progress of the Administration toward achieving the goals set out in subsection (a)

no less frequently than semiannually. The assessment should be conveyed to the employees of the FMCSA, and deficiencies identified. The Secretary is required to report to the Congress the results of the individual and Administration progress assessments annually.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory ombudsman to expedite rulemakings in order to meet statutory and internal departmental deadlines.

#### SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE

The provision permits the establishment of a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of commercial motor vehicle safety issues. Members are appointed by the Secretary and include representatives of industry, drivers, safety advocates, manufacturers, safety enforcement officials, representatives of late enforcement agencies from border States, and other individuals affected by rulemakings. No one interest may constitute a majority. If the Secretary establishes the advisory committee, it should provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration. The committee will remain in effect until September 30, 2003.

#### SEC. 106. SAVINGS PROVISION

The savings provision is intended to provide for the orderly transfer of personnel and property from the Office of Motor Carrier Safety to the FMCSA. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date of the transfer, and proceedings in effect, will continue as if the Act had not been enacted. The savings provision also provides that lawsuits commenced against the Office of Motor Carrier Safety or its employees, in their official function, continue as if this Act had not been enacted. Further, the provision assures the authority of officials of the FMCSA to continue the functions and performances that had been previously performed by officials of the Office of Motor Carrier Safety, and deems any reference to the Office of Motor Carrier Safety, or its predecessors, to apply to the FMCSA.

#### SEC. 107. EFFECTIVE DATE

Subsection 107(a) provides that this Act shall take effect on the date of its enactment; except that the amendments made by section 101 which establish the Federal Motor Carrier Safety Administration, shall take effect on January 1, 2000.

Subsection (b) requires that the President's budget submission for fiscal year 2001 and each fiscal year thereafter reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

#### TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

##### SEC. 201. DISQUALIFICATIONS

Subsection 201(a) amends section 31310 of title 49, United States Code, to make a single violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a one-year disqualifying offense, and to make a conviction for causing a fatality through the negligent or criminal operation of a commercial motor vehicle a one-year disqualifying offense. This subsection also makes the commission of more than one violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a lifetime disqualifying offense,

and to make a conviction of more than one offense of causing a fatality through the negligent or criminal operation of a commercial motor vehicle a lifetime disqualifying offense.

Subsection (b) amends section 31310 to give the Secretary emergency disqualification authority to revoke the commercial driving privileges of an individual upon a determination by the Secretary that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard. The Secretary can disqualify an individual under this provision for no more than 30 days without providing notice and an opportunity for a hearing.

Subsection (b) also amends section 31310 to require the Secretary to issue regulations establishing criteria for disqualifying from operating a commercial motor vehicle an individual who holds a commercial driver's license and who has been convicted of a serious offense involving a vehicle other than a commercial motor vehicle (CMV) resulting in the revocation, cancellation, or suspension of the individual's license, or has been convicted of a drug or alcohol-related offense involving a motor vehicle other than a commercial motor vehicle. The behavior of a CDL holder in operating vehicles other than CMVs is relevant to the CDL holder's fitness to operate a commercial motor vehicle; therefore the Secretary is directed to conduct a rulemaking to determine the appropriate minimum time periods for which a CDL holder should be disqualified, but in no case shall the time periods for which CDL holders are disqualified for such offenses be more stringent than the disqualification periods for offenses involving a commercial motor vehicle.

Subsection (c) amends section 31301 of title 49, United States Code, to add three offenses to the list of serious traffic violations for which a CDL holder can be disqualified under subsection 31310(e). The new offenses are: driving a CMV without obtaining a CDL; driving a CMV without a CDL in your possession; and driving without a required endorsement. But it shall not be a serious traffic violation if a driver cited for operating a CMV without a license in his or her possession can produce proof, before the time to appear or pay the fine for such citation, that he or she did have a valid CDL at the time of the citation.

Subsection (d) makes clarifying amendments to section 31305(b)(1) of title 49, United States Code.

#### SEC. 202. REQUIREMENTS FOR STATE PARTICIPATION

Subsection 202(a) amends section 31311(a)(6) of title 49, United States Code, to require a State to request, before renewing an individual's CDL, all information about the driving record of such individual from any other State that has issued a driver's license to the individual.

Subsection (b) amends section 31311(a)(8) of such title to require a State, when notifying the Secretary, the operator of CDLIS, and the issuing State of the disqualification, revocation, suspension, or cancellation of a CDL holder's commercial driver's license, to also notify such entities of the underlying violation that resulted in such disqualification, revocation, suspension, or cancellation.

Subsection (c) revises 31311(a)(9) of such title to require a State to notify a CDL holder's home State of any violation of traffic laws committed by the CDL holder, not just violations involving a commercial motor vehicle. The subsection also requires a State to notify any State that has issued a driver's license (non-CDL) to an individual of any violation committed while the individual is operating a CMV.

Subsection (d) amends section 31311(a)(10) of such title to provide that a State may not issue any form of special license or permit, including a provisional or temporary license, to a CDL holder that would permit the CDL holder to drive a CMV during a period in which the CDL holder's license is revoked, suspended, or canceled, or the CDL holder is disqualified from operating a CMV.

Subsection (e) revises 31311(a)(13) of title 49 to provide that a State may establish penalties, with the Secretary's approval, that are consistent with chapter 313, for violations committed by an individual operating a commercial motor vehicle.

Subsection (f) adds a new paragraph 31311(a)(18) to title 49 to require the State to maintain, as part of its driver information system, a record of each violation of motor vehicle traffic control laws committed by a CDL holder, and to make such record available upon request to the individual driver, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

Subsection (g) adds a new paragraph 31311(a)(19) to title 49 to prohibit both conviction masking and deferral programs by requiring every State to keep a complete driving record of all violations of traffic control laws (including CMV and non-CMV violations) by any individual to whom it has issued a CDL, and to make each such complete driving record available to all authorized persons and governmental entities having access to such record. This provision provides that a State may not allow information regarding such violations to be masked or withheld in any way from the record of a CDL holder.

Subsection (g) also adds a new paragraph 31311(a)(20) to title 49 to require each State to comply with the requirements of the regulation issued under 31310(g) of such title.

#### SEC. 203. STATE NONCOMPLIANCE

Section 203 clarifies the Secretary's authority to shut down a State's CDL program if a State is not substantially complying with Federal CDL requirements. The section permits a CDL holder or applicant to go to another State for licensing or renewal if his/her home state program has been shut down for noncompliance. This provision does not invalidate or otherwise affect commercial driver's licenses issued by a State before that State's CDL program was found to be non-compliant and shut down.

#### SEC. 204. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES

Section 204 amends section 30304 of title 49, United States Code, to require a State, before issuing or renewing any motor vehicle operator's license to an individual, to query both the National Driver Register (NDR) and the commercial driver's license information system (CDLIS). The intent of this provision is to close a loophole in the CDL program identified in the Department of Transportation's CDL Effectiveness Study, whereby a driver currently holding a valid CDL applies for a non-CDL without revealing or surrendering the CDL. Without a check of both NDR and CDLIS, the fact that the driver already holds a CDL at the time of application for a non-CDL can go undetected, thus defeating the fundamental "one driver, one license" principle behind the CDL program that prevents drivers from spreading multiple convictions over multiple licenses. The provision also amends section 31311(a)(6) to require that before issuing or renewing a commercial driver's license, the State shall request from any other State that has issued a driver's license to the individual all information about the driving record of the individual.

#### SEC. 205. REGISTRATION ENFORCEMENT

The provision adds new subsection 13902(e) to authorize the Secretary to put a carrier out of service upon finding that the carrier is operating without authority or beyond the scope of its authority. Foreign motor carriers who operate vehicles in the U.S. are not permitted to operate in interstate commerce without evidence of registration in each motor vehicle.

#### SEC. 206. DELINQUENT PAYMENT OF PENALTIES

Subsection (a) amends section 13905(c) of title 49, United States Code, to provide that registration of a carrier, broker, or freight forwarder may be suspended, amended, or revoked for failure to pay civil penalty, or arrange and abide by a payment plan, within 90 days of the time specified by order of the Secretary for the payment of such penalty. This provision does not apply to a person unable to pay assessed penalties because a person is a debtor in a case under chapter 11 of title 11, United States Code.

Subsection (b) amends section 521(b) of title 49, United States Code, to provide that an owner or operator of a commercial motor vehicle who fails to pay an assessed civil penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty, may not operate in interstate commerce. This provision does not apply to a person unable to pay assessed penalties because the person is a debtor in a case under chapter 11 of title 11, United States Code.

#### SEC. 207. STATE COOPERATION IN REGISTRATION ENFORCEMENT

The provision amends section 31102(b)(1) of title 49, United States Code, to clarify that State motor carrier plans shall ensure State cooperation in enforcement of registration and financial responsibility requirements in sections 13902, 13906, 31138 and 31139 of such title.

#### SEC. 208. IMMINENT HAZARD

The provision revises the definition of imminent hazard in section 521(b)(5)(b) of title 49, United States Code, to refer to a condition that "substantially increases the likelihood of" serious injury or death.

#### SEC. 209. HOUSEHOLD GOODS AMENDMENTS

Subsection 209(a) is a technical amendment to the definition of household goods in section 13102(10)(A) of title 49, United States Code, regarding certain property moving from a store or factory.

Subsection (b) increases the limit for mandatory arbitration under section 14708(b)(6) of such title from \$1,000 to \$5,000.

Subsection (c) requires a General Accounting Office study on the effectiveness of DOT enforcement of household goods consumer protection rules and other potential methods of enforcement, including State enforcement.

#### SEC. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS

This provision requires the Secretary to initiate a rulemaking to establish minimum requirements for new motor carriers to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. It requires motor carrier owners and operators who are granted new operating authority to be reviewed by a safety inspector within eighteen months of commencing operations. The provision requires the Secretary, in establishing the elements of the safety review, to consider the impact on small businesses and to consider establishing alternative locations for conducting such reviews. It also allows the new entrant review requirements to be phased in over time to take into account the availability of

certified motor carrier safety auditors and provides for designating new motor carriers as "new entrants" until the required review is completed.

#### SEC. 211. CERTIFICATION OF SAFETY AUDITORS

The provision requires the Secretary to complete a rulemaking within one year of enactment to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits. The provision prohibits private contractors from issuing safety ratings or operating authority, and authorizes the Secretary to decertify any motor carrier safety auditors.

#### SEC. 212. COMMERCIAL VAN RULEMAKING

This provision requires the Secretary to complete in one year an on-going rulemaking, Docket No. FHWA-5710, to determine which small passenger vans should be covered by Federal motor carrier safety regulations. At a minimum, the rulemaking shall apply safety regulations to commercial vans referred to as "camionetas"—carriers providing international transportation between points in Mexico and points in the United States—and to commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks. In no case should the rulemaking be concluded to exempt all small commercial passenger carrying vans.

The managers note there have been a number of fatal accidents involving small passenger vans known as camionetas particularly in the Southern border States. In an effort to address this safety problem, the Congress has acted on two separate occasions directing the Secretary to apply Federal motor carrier safety regulations to these passenger vans. First, the definition of passenger vans was amended as part of the ICC Termination Act of 1995 with the intent of applying safety regulations to these carriers. However, the Department took no action based on this statutory requirement. Due to the lack of action by the Department to regulate these vehicles, the Congress again directed the Department to apply certain motor carrier safety regulations to those vans in the Transportation Equity Act for the 21st Century (TEA 21). The TEA 21 provision required that all commercial vans carrying more than 8 passengers to be covered by most Federal motor carrier safety rules by June 1999, except to the extent DOT exempted operations as it determined appropriate through rulemaking. The Department took no action to even initiate the statutory rulemaking by the June deadline. On September 3, 1999, the Department finally issued a rule but it actually exempted the entire class of vehicles from regulation until further notice. The managers find the Department's blatant misinterpretation of the statute unacceptable. Therefore, a provision has been included in this bill directing the Secretary to finally address this identified safety problem.

#### SEC. 213. 24-HOUR STAFFING OF TELEPHONE HOTLINE

The provision amends section 4017 of TEA 21 to require that the Department's toll-free telephone hotline for reporting safety violations be staffed 24 hours a day, 7 days a week, by individuals knowledgeable about Federal motor carrier safety regulations and procedures. This section also increases the funding authorization for the hotline to the level of the Department of Transportation's estimate of the cost of 24-hour coverage.

#### SEC. 214. CDL SCHOOL BUS ENDORSEMENT

The provision requires the Secretary to conduct a rulemaking to establish a special CDL endorsement for drivers of school buses. The section requires, at a minimum, that the

endorsement (1) include a driving skills test in a school bus, and (2) address proper safety procedures for loading and unloading children, using emergency exits, and traversing highway grade crossings.

#### SEC. 215. MEDICAL CERTIFICATE

The provision requires the Secretary to initiate a rulemaking to provide for the Federal medical qualification certificate to be made part of the commercial driver's license.

#### SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS

The provision requires the Secretary to implement all the DOT Inspector General's motor carrier safety improvement recommendations contained in the IG's April 1999 report assessing the effectiveness of DOT's motor carrier safety program, except to the extent to which such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act. These recommendations, found on pages 17, 18, 26, and 27 of the IG report, are as follows:

Recommendations to Improve the Effectiveness of Motor Carrier Safety Enforcement:

1. Strengthen its enforcement policy by establishing written policy and operating procedures to take strong action against motor carriers with repeat violations of the same acute or critical regulation. Strong enforcement actions would include assessing fines at the statutory maximum amount, the issuance of compliance orders, not negotiating reduced assessments, and when necessary, placing motor carriers out of service.

2. Remove all administrative restrictions on fines placed in the Uniform Fine Assessment program and increase the maximum fines to the level authorized by TEA-21.

3. Establish stiffer fines that cannot be considered a cost of doing business and, if necessary, seek appropriate legislation raising statutory penalty ceilings.

4. Implement a procedure that removes the operating authority from motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are completed.

5. Establish criteria for determining when a motor carrier poses an imminent hazard.

6. Require follow-up visit and monitoring of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained, or if safety has deteriorated that appropriate sanctions are invoked.

7. Establish a control mechanism that requires written justification by the OMC State Director when compliance reviews of high-risk carriers are not performed.

8. Establish a written policy and operating procedures that identify criteria and time frames for closing enforcement cases, including the current backlog.

Recommendations for Data Enhancement:

1. Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers they employ and require all motor carriers to periodically update this information.

2. Revise the grant formula and provide incentives through MSCAP grants for states to provide accurate, complete and timely commercial vehicle crash reports, vehicle and driver inspection reports and traffic violation data.

3. Withhold funds from MCSAP grants for those States that continue to report inaccurate, incomplete and untimely commercial vehicle crash data, vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.

4. Initiate a program to train local enforcement agencies for reporting of crash, road-

side inspection data including associated traffic violations.

5. Standardize OMC and NHTSA crash data requirements, crash data collection procedures, and reports.

6. Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluations to identify safety improvements.

The provision requires that every 90 days, beginning 90 days after enactment, the Secretary provide status reports on the implementation of recommendations. The IG would also be directed to provide the Committees with assessments of the Secretary's progress. The IG report shall include an analysis of the number of violations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of the Act, and the circumstances in which such findings are made.

#### SEC. 217. PERIODIC REFLILING OF MOTOR CARRIER IDENTIFICATION REPORTS

The provision requires periodic updating, but not more frequently than once every two years, of the Motor Carrier Identification Report, Form MCS-150, filed by each motor carrier conducting operations in interstate or foreign commerce. An initial updating of the information is required within 12 months from enactment of the Act.

#### SEC. 218. BORDER STAFFING STANDARDS

Subsection 218(a) requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards. These include the volumes of traffic, hours of operation of the border facilities, types of commercial motor vehicles (including passenger vehicles) and cargo in the border areas, and the responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not ensured that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

#### SEC. 219. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS

Subsection 219(a) provides for civil penalties and disqualifications for foreign motor carriers that operate, before implementation of the land transportation provisions of NAFTA, without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than \$10,000 and may include disqualification from operating in U.S. for not more than 6 months.

Subsection (c) provides that the civil penalty for a pattern of intentional violations shall not be more than \$25,000; the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that acts committed without knowledge of the carrier or committed unintentionally are not grounds for penalty or disqualification.

#### SEC. 220. TRAFFIC LAW INITIATIVE

The provision permits the Secretary to carry out a program with one or more States to develop innovative methods of improving motor carrier traffic law compliance, including the use of photography and other imaging technologies.

#### SEC. 221. STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA

The provision requires the Secretary to develop a uniform system to support the electronic transmission of data State-to-State on violations of all motor vehicle traffic control laws by individuals possessing a commercial driver's license.

#### SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS

Subsection 222(a) directs the Secretary to ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license (CDL) laws.

Subsection (b) recommends the Secretary establish and assess minimum civil penalties for Federal motor carrier safety and CDL violations and requires the Secretary to assess the maximum civil penalty for repeat offenders or a pattern of violations.

Subsection (c) recognizes that extraordinary circumstances do arise that merit the assessment of civil penalties at a level lower than any level established under subsection (b) of this section. If the Secretary assesses such lower penalties, the Secretary must document the justification for them.

Subsection (d) requires the Secretary to conduct and submit to Congress a study of the effectiveness of revised civil penalties established in TEA 21 and this Act in ensuring compliance with Federal motor carrier safety and commercial driver's license laws.

#### SEC. 223. MOTOR CARRIER SAFETY PROGRESS REPORT

The provision directs the Secretary to submit a status report on the Department's progress in achieving its goal of reducing motor carrier fatalities by 50 percent by 2009.

#### SEC. 224. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION

Subsection 224(a) requires the Secretary to conduct a comprehensive study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles, including vehicles defined in section 31132(1)(B) of title 49, United States Code, and to identify the data requirements needed to improve the Department's and the States' ability to evaluate crashes and crash trends, identify crash causes and contributing factors, and develop safety measures to reduce such crashes.

Subsection (b) addresses the design of the study, requiring that it yield information to help the Department and the States identify activities likely to lead to significant reductions in commercial motor vehicle-involved crashes including crashes by commercial vans.

Subsection (c) lists the area of expertise of the people with whom the Secretary is required to consult in conducting the study.

Subsection (d) requires the Secretary to provide for public comment on various aspects of the study.

Subsection (e) requires the Secretary to submit the results of the study to Congress, review the study at least once every five years, and update the study and report as necessary.

Subsection (f) provides \$5 million in contract authority to carry out this section.

#### SEC. 225. DATA COLLECTION AND ANALYSIS

This provision directs the Secretary to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation. NHTSA, in cooperation with the new Federal Motor Carrier Safety Administration, is required to administer the program. It requires NHTSA to integrate driver citation and conviction information and provide \$5 million from the FMCSA's administrative takedown to fund this program. This section also provides \$5 million in contract authority for information systems under 49 U.S.C. 31106.

#### SEC. 226. DRUG TEST RESULTS STUDY

Subsection 226(a) directs the Secretary to conduct a study on the feasibility and merits of having medical review officers or employers report positive drug tests of CDL holders to the State that issued the CDL and requiring all prospective employers, before hiring any driver, to query the State that issued the driver's CDL on whether the State has on record any verified positive controlled substances test on such driver.

Subsection (b) lists factor to be considered in the study. They are: safeguarding confidentiality of test results; costs, benefits and safety impacts; and whether a process should be established to allow drivers to correct errors and expunge information from their records after a reasonable time.

Subsection (c) requires the Secretary to issue a report to Congress on the study within two years.

#### SEC. 227. APPROVAL OF AGREEMENTS

Section 227 amends section 13703 of title 49, United States Code, by adding a new requirement to require the Surface Transportation Board to review every five years any agreement for any activities approved under section 13703. The provision also provides for the continuation of any pending cases before the Board, but prohibits certain nationwide agreements.

#### SEC. 228. DOT AUTHORITY

This section clarifies Congressional intent with respect to the criminal investigative authority of the Department of Transportation Inspector General (IG).

When the Office of Motor Carrier Safety finds evidence of egregious criminal violations of motor carrier safety regulations through their regulatory compliance efforts, it refers these cases to the IG's Office of Investigations. Recently, a U.S. District Court concluded that an investigation undertaken by the IG exceeded its jurisdiction, see *In the Matter of the Search of Northland Trucking Inc.* (D.C. Arizona), finding that the motor carrier involved was not a grantee or contractor of the Department, nor was there evidence of collusion with DOT employees. This narrow construction of the IG's authority is not well grounded in law, and the managers are concerned about the adverse impacts the Order could have on IG operations. This provision, therefore, clarifies Congressional intent with respect to the authority of the IG, reaffirming the IG's ability and authority to continue to conduct criminal investigations of parties subject to DOT laws or regulations, whether or not such parties receive Federal funds from the Department.●

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3419 the Motor Carrier Safety Improvement Act of 1999. This bill creates a separate modal administration, the Federal Motor Carrier Safety Administration, to administer the commercial motor vehicle safety laws and make needed improve-

ments to our highway safety programs. To secure enactment of this important legislation, Senator MCCAIN and I worked with our colleagues in the House to craft a compromise bill. I would like to commend Chairman SHUSTER and Ranking Democrat OBERSTAR of the House Transportation and Infrastructure Committee for their efforts on this compromise proposal. The Administration supports this legislation and the Secretary of Transportation has requested that the Senate complete consideration of this legislation prior to the adjournment of the first session of the 106th Congress.

As many of you may know, I introduced legislation in the 1980s to establish a separate modal administration within the Department of Transportation for the motor carrier industry. Since safety oversight was moved from the Interstate Commerce Commission in 1966, truck and bus safety oversight has been a part of the Federal Highway Administration. H.R. 3419 continues the bifurcation of motor carrier economic and safety regulation. The economic regulatory authority will still be vested at the Surface Transportation Board, and the safety regulatory authority will be designated to the new Administration. Under the current regulatory structure there is a separate regulatory agency for rail, transit, air, and maritime transportation, but no primary agency for the largest mode of commercial transportation—the trucking industry. Establishing a separate agency with the stated responsibility for making the highways safer would be an important step forward in highlighting the importance of truck and bus safety as well as improving regulatory efficiency. I am pleased that members of the Senate and House have agreed to establish a new modal administration; we have high expectations this change will lead to tougher standards, more expeditious rule makings, and a greater degree of enforcement than has been the norm in recent years.

The trucking industry generates over 80% of the revenues derived from the domestic transportation of cargo. The industry has undergone fantastic growth in the past five years. The number of carriers operating in the trucking industry has close to doubled since 1994 alone. Overall, the volume of truck traffic on the highways in this country is astounding, and clearly has an impact on safety. As many of you know, I was not a supporter of deregulating the trucking industry, and I question whether this policy has contributed to our present safety concerns.

The Senate Commerce, Science, and Transportation Committee has held several hearings on the subject of motor carrier safety in the last year. These hearings have included testimony from a number of organizations, including the Department of Transportation's Inspector General, the Chairman of the National Transportation Board and consumer groups all expressing concern about the Office of Motor

Carriers and stating the need for reform. Chairman MCCAIN and I have worked to incorporate many of the recommendations by these groups into the legislation we are considering today.

I would like to briefly summarize some of the major provisions and important consequences of H.R. 3419. This legislation undoubtedly will increase the overall number of safety inspections by requiring that all new entrants to the truck and bus industry undergo a safety review. The bill also requires that carriers become familiar with motor carrier safety regulations and undergo a safety review in order to obtain operating authority. Currently 25,000 to 40,000 new carriers enter into interstate commerce annually. In order to obtain operating authority under the present system, new operators must show proof of insurance and sign a form attesting that they are familiar with safety regulations. This new provision would require that new carriers be designated as "new entrants" until the completion of a successful safety review. The intent of this provision is to make sure that new operators have basic safety management practices in place. During their first eighteen months of operation, they would need to show that they have critical safety elements in place—for example, drug testing, maintenance plans, and driving records such as logbooks. This safety review is not intended to be a time consuming investigation of the property and drivers, nor is it intended to be a barrier to entry for new operators; in fact we have stipulated that the Secretary should take into consideration the needs of small businesses when conducting the rulemaking on new entrant safety reviews. However, there is broad consensus that an entry level safety review to ensure a minimum level of safety and compliance with federal safety regulations.

I am pleased that this bill increases the number of motor carrier safety inspectors by requiring that DOT certify private contractors to perform safety audits. I would also like to commend Senator BREAUX for his leadership on the issue of third party inspectors. His introduction of S. 1524, the Motor Carrier Safety Specialist Certification Act, following the Mother's Day bus accident in New Orleans was instrumental in demonstrating the need for additional qualified inspectors. These third party auditors will be required to conduct the initial safety reviews of the new carriers and are likely to lead to an increasing number of inspections and audits overall. These auditors will be certified by DOT to perform safety audits and inspections, however DOT will retain the authority to grant operating authority and issue ratings—we have no plans to delegate this vital enforcement authority to the private sector. The Secretary is directed to complete a rulemaking to establish how third party inspectors are to be certified. However, our expectation is that their role is to assist with the collec-

tion of data, not supersede the existing authority of the DOT.

This legislation authorizes an additional \$140 million a year for motor carrier safety and data improvements over the levels established in TEA-21, the federal safety transportation bill that was passed in the last year. Of that money \$65 million is guaranteed under the budgetary firewalls established in TEA-21. The bulk of this funding will go directly to the states through the Motor Carrier Safety Assistance Program (MCSAP). This grant program to the states is the underpinning for the enforcement of commercial motor vehicle safety laws and I am pleased that we are more than doubling the funding authorized for this important safety program. I look forward to working the Department Transportation to ensure this new agency will have adequate personnel to achieve the important safety objectives set forth in this bill.

H.R. 3419 also requires many data improvements, including periodic refilling of motor carrier information, which means that safety statistics on trucks and buses are soon to be more up to date and that improvement data will be available to the public. Currently, only twenty percent of the carriers operating in interstate commerce have been inspected or audited in relation to safety ratings by the Department of Transportation—this number is insufficient. In order to increase the number of safety rated carriers, accurate data is required. H.R. 3419 directs the National Highway Traffic Safety Administration (NHTSA), in cooperation with the new Federal Motor Carrier Safety Administration, to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation and requires NHTSA to integrate driver citation and conviction information. In addition, the Secretary is directed to conduct a crash causation study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles—all interested parties, including victims and safety groups, should be consulted in designing the study. The legislation also requires the Department of Transportation to disclose potential conflicts of interest, and requires DOT to study whether disclosure obligations are sufficient to avoid conflicts of interest. Proper safety regulation is dependent on thorough and impartial research.

H.R. 3419 also toughens Commercial Drivers License (CDL) requirements. It will require that medical qualification certificates be part of all CDLs. It will prohibit the masking of convictions on CDL's, thereby ending the practice of erasing convictions for increased fines and plea bargaining down convictions, and erasing convictions in exchange for attending bypass or educational programs. The legislation also will provide access to driver records for safety enforcement and hiring purposes—driver

records would be made available to employees, current employers, future employers and law enforcement personnel on request. This language will address concerns about inaccurate driver records and ensure that the practice of masking convictions or records is ended. This provision lists parties which should have access to the driving records of commercial motor vehicle operators, however, the expectation is that parties such as insurers which currently have access to this information will continue to do so.

I am pleased that this legislation now includes a separate school bus CDL endorsement. By requiring the Secretary to establish a rule making for a CDL endorsement, which includes at a minimum, a driving skills test in a school bus, as well as safety procedures for loading and unloading, using emergency exits and traversing highway rail grade crossings, this bill places a greater emphasis on the safety of transporting our children.

H.R. 3419 also includes recommendations from the DOT IG's report. These recommendations call for the strengthening of enforcement policy by increasing fines, requiring greater monitoring of carriers and standardizing data. The IG's report clearly indicates that we need to do more in the way of compliance reviews and clearing up the backlog of regulatory initiatives that have not been completed. These initiatives are overdue, and the public deserves an aggressive pro-active safety policy.

Several of the IG's recommendations address the enforcement of civil penalties to ensure greater compliance with Federal motor carrier safety and commercial drivers' license laws. Section 222 of H.R. 3419 includes provisions establishing minimum, as well as maximum, penalties for violations. Because situations arise when the Secretary may choose to exercise discretion in the assessment of maximum penalties, a provision was included to allow assessment of penalties at a lower level than established by this provision in extraordinary circumstances. The goal of this provision is to provide administrative flexibility while ensuring that the previous abuses in motor carrier safety enforcement practices are not perpetuated by the new agency. In assessing penalties for violations, the Secretary's exercise of discretion under extraordinary circumstances to reduce or eliminate fines should only be used in rare and unusual conditions and this legislation requires that the Secretary document the justification for such a situation. In addition, the bill will require the Secretary of Transportation and the IG to periodically report to the Congress on their progress implementing not only the application of civil penalties but all of the IG's recommendations.

Additionally, the legislation addresses the issue concerning truck inspections at the US-Mexico border. Currently, far too few trucks are being inspected at the US-Mexico border and

far too few inspected trucks comply with U.S. safety standards. I should note that I do not support Mexican truckers operating in the United States, because this policy ultimately threatens public safety. For example, according to the DOT Inspector General, at the border crossing in El Paso, Texas, an average of 1,300 trucks enter daily, yet only one inspector is on duty allowing for only 10 to 14 truck inspections daily. At other crossings, there are no inspectors. Of those Mexican trucks inspected, about 44 percent were placed out of service because of serious safety violations. This contrasts with a 25 percent out-of-service rate for US trucks and 17 percent for Canadian trucks. This safety record is unacceptable.

The DOT's Inspector General confirmed last year that 68 Mexican trucks were found operating beyond the border commercial zones, where they are legally allowed to work and are probably involved in US cabotage reserved for US truckers. H.R. 3419 would reaffirm the prohibition on foreign motor carriers operating outside the boundaries of a commercial zone along the U.S.-Mexico border. Foreign trucks that are found to be operating outside the commercial zones without authority will be subject to civil penalties.

In conclusion, I would like to ask my colleagues for their support in the passage of this legislation. I would like to thank the following Senate staff for their work on this bill; Debbie Hersman, Carl Bentzel, Kevin Kayes and Moses Boyd, Ann Begeman, Charlotte Casey, and Mark Buese. I would also like to thank House staffers, Clyde Woodle, Dave Heymsfeld, Ward McCarragher, Jess Sharp, Chris Bertram, Patty Doersch, Jack Schenendorf and Roger Nober. These staffers all worked hard to help reach a bipartisan compromise.

H.R. 3419 is a good bill. I strongly support the passage of H.R. 3419 and look forward to its enactment.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3419) was read the third time and passed.

#### MILTON FRIEDMAN CONGRESSIONAL GOLD MEDAL ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1971 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1971) to authorize the President to award a gold medal on behalf of the Con-

gress to Milton Friedman, in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society through his exhaustive research and teaching of economics, and his extensive writings on economics and public policy.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1971) was read the third time and passed, as follows:

S. 1971

*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 "Milton Friedman Congressional Gold Medal Act".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) Milton Friedman, born July 31, 1912 in New York, New York, is acclaimed as one of the great original thinkers of this century;

(2) Milton Friedman is a living American success story in rising from poverty in an immigrant family to realize the American dream;

(3) Milton Friedman is the world's most renowned economist;

(4) Milton Friedman was awarded the Nobel Memorial Prize for Economic Service in 1976;

(5) Milton Friedman is a Paul Snowden Russell Distinguished Service Professor Emeritus of Economics at the University of Chicago, where he taught from 1946 to 1976, and where he is widely regarded as the leader of the Chicago school of monetary economics;

(6) Milton Friedman has been a senior research fellow at the Hoover Institute since 1977, and a member of the research staff of the National Bureau of Economic Research from 1937 to 1981;

(7) Milton Friedman has selflessly served his country on several occasions, serving as an informal economic advisor to Presidents Richard Nixon and Ronald Reagan;

(8) Milton Friedman has been awarded honorary degrees by universities in the United States, Japan, Israel, and Guatemala, as well as the Grand Cordon of the First Class Order of the Sacred Treasure by the Japanese government in 1986; and

(9) Milton Friedman is known throughout the world as a champion of freedom, opportunity, free markets, and capitalism.

#### SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Milton Friedman in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society through his exhaustive research and teaching of economics, and his extensive writings on economics and public policy.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

#### SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pur-

suant to section 3, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

#### SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

#### SEC. 6. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

#### CONGRESSIONAL GOLD MEDAL AWARD TO FATHER THEODORE M. HESBURGH

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1932, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1932) to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1932) was read the third time and passed.

#### AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1996, introduced by Senators JEFFORDS, KENNEDY, and FRIST.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1996) to amend the Public Health Service Act to clarify provisions relating to the content of petitions for compensation under the vaccine injury compensation program.

There being no objection, the Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, in 1986, the Vaccine Injury Compensation Act was signed into law. The act created the National Vaccine Injury Compensation program which serves two important functions: it provides timely and fair compensation to those few children who are injured from routine immunization and it reduces the adverse effect of the tort system on vaccine supply and cost. Prior to enactment of this bill, the number of U.S.