

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 McCRAIN 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 McCRAIN 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 McCRAIN 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 long-time 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 awoke 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 Pelaias 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 fiber-optic 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 ably 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 SARBAKES 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. SARBAKES, 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. SARBAKES. 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 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 hood 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 aware 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, Washington, 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.