

“(3) a 1-year suspension of tender of all nonpriority bypass mail in the entire State of Alaska for the third offense in the State; and

“(4) a permanent suspension of tender of all nonpriority bypass mail in the entire State of Alaska for the fourth offense in the State.

“(p)(1) The Postal Service or the Secretary, in carrying out subsection (g)(2), (h), or (i), may deny equitable tender to an otherwise qualified carrier who does not operate under this section in good faith or under the intent of the ‘Rural Service Improvement Act of 2002’.

“(2) The Postal Service or the Secretary may waive any provision of subsection (h) or (i), if the carrier provides substantial passenger or nonmail freight service on the route where the carrier seeks tender of nonpriority mail and nonpriority bypass mail.

“(3) To ensure adequate competition among passenger and nonmail freight carriers on a mainline route the Postal Service or the Secretary may waive the requirements of subsection (g) (1)(D), (2)(E), (4), or (5), or any provision of subsection (h), if—

“(A) a 121 bush passenger carrier seeks tender of nonpriority mail or nonpriority bypass mail on a mainline route not served by a 121 mainline passenger carrier and the 121 bush passenger carrier provides substantial passenger or nonmail freight service on the route; or

“(B) a carrier meeting the requirements of subsection (g)(1)(D)(ii) seeks tender of nonpriority bypass mail and provides substantial nonmail freight service on the city pair route.

Waivers granted under this paragraph shall cease to be valid once a qualified mainline carrier begins providing service and seeks tender of nonpriority bypass mail in accordance with this section on the city pair route. The receipt of waivers and subsequent operation of service on a city pair route under this subsection shall not be counted toward meeting the requirements of any part of this section for any other city pair route. In granting waivers under this paragraph and offering equitable tender of nonpriority bypass mail the Postal Service or the Secretary shall give preference to passenger service needs over nonmail freight needs on a city pair route.

“(4) In granting waivers for or denying tender to carriers under this subsection, the Postal Service or the Secretary shall consider in the following order of importance—

“(A) the passenger needs of the destination to be served (including amount and level);

“(B) the nonmail freight needs of the destination to be served;

“(C) the amount of nonpriority bypass mail service already available to the destination;

“(D) the mail needs of the destination to be served;

“(E) the savings to the Postal Service in terms of payments made to carriers;

“(F) the amount or level of passenger service already available to the destination; and

“(G) the amount of nonmail freight service already available to the destination.

“(q) The Secretary shall make a regular review of carriers receiving, or attempting to qualify to receive, equitable tender of nonpriority bypass mail. If the Secretary suspends or revokes an operating certificate, the Secretary shall notify the Postal Service. Upon such notification, the Postal Service shall cease tender of mail to such carrier until the Secretary certifies the carrier is operating in a safe manner. Upon such receipt, the carrier shall demonstrate that it otherwise meets the minimum carriage requirements of this section before being tendered mail under this section.

“(r) The Postal Service shall have the authority to tender nonpriority bypass mail to any carrier that meets the requirements of subsection (g)(1) on any route on an emergency basis. Such emergency tender shall cease when a carrier qualifies for tender on such route under the terms of this section.

“(s) Notwithstanding any other provision of law, and except for written contracts authorized

under subsections (b), (c) and (d) of this section, tender by the Postal Service of any category of mail to a carrier for transportation between any two points within the State of Alaska shall not give rise to any contract between the Postal Service and a carrier, nor shall any such carrier acquire any right in continued or future tender of such mail by virtue of past or present receipt of such mail. This subsection shall apply to any case commenced before, on, or after the date of enactment of this subsection.”

(d) ACTIONS OF AIR CARRIERS TO QUALIFY.—Beginning 6 months after the date of enactment of this Act, if the Secretary determines, based on the Secretary’s findings and recommendations of the Postal Service, that an air carrier being tendered nonpriority bush bypass mail is not taking actions to attempt to qualify as a bush passenger or nonmail freight carrier under section 5402 of title 39, United States Code (as amended by this title), the Postal Service shall immediately cease tender of all nonpriority bypass mail to such carrier.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 39.—Section 5402 of title 39, United States Code, is amended—

(A) in subsections (b) through (e) (as redesignated by this title) and subsection (f) by striking “Secretary of Transportation” each place it appears and inserting “Secretary”; and

(B) in subsection (f)—

(i) by striking “subsections (a), (b), and (c)” and inserting “subsections (b), (c), and (d)”; and

(ii) by striking “subsection (d)” and inserting “subsection (e)”.

(2) TITLE 49.—Section 41901 of title 49, United States Code, is amended in subsection (a), by striking “5402(d)” and inserting “5402(e)”.

(f) REPORTS TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Postal Service and the Secretary of Transportation shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate on the progress of implementing this title.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided under paragraph (2), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(2) SELECTION OF CARRIERS.—Subsection (c)(5) shall take effect 15 months after the date of enactment of this Act.

This Act may be cited as the “2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States”.

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, I will have more to say about the so-called hate crimes legislation tomorrow.

This is a very important cloture vote we are having tomorrow. I am disappointed that we have not had more opportunities to debate amendments. This bill has been pending, yet no one has come forward to offer amendments.

It makes my point as we file cloture. We indicated a concern for the reports that had been shared with us that some of our colleagues wished to offer—I think the phrase was—“hundreds of amendments” to the hate crimes bill. We are working under very tight time constraints.

It is my belief that we ought to have an opportunity to offer amendments, to have the debate on the amendments,

to bring those amendments to closure, and then have a vote on the hate crimes bill. I have heard colleagues in the Chamber on the other side of the aisle say this has never happened before. If it has not been submitted, tomorrow we will submit for the RECORD the number of times our Republican colleagues did exactly what we did. I think it was 34 times—34 times the bill was offered, and cloture was filed immediately. I do not know how many of those times the Republican leader—the majority leader at the time—chose to fill the parliamentary tree as well, denying and precluding Democrats and others from offering amendments to the bill. This is by far not the first time.

I announced at the very beginning of my tenure as majority leader that I would never fill the tree to preclude amendments. And I am going to hold to that promise. But there are times when in order to move legislation along, filing cloture on a bill is important. I intend to do that again this afternoon. It is unfortunate. But we are going to have to increase the debt limit. The administration has made its case publicly. They have talked to me privately on numerous occasions about the importance of increasing the debt limit.

We can go into all the reasons it is necessary. But in an effort not to at least now politicize the issue, I think it is important for us to get the job done. It is the responsible thing to do.

We are going to take up the debt limit and send it to the House as quickly as possible because time is running out. We are told that we only have a couple of weeks. We have to address this issue in that period of time.

If we fail cloture tomorrow on hate crimes, it will be my intention to move as quickly as possible to the debt limit legislation. That will require procedural cooperation. I am hopeful that we can get procedural cooperation. The Republican leader and I talked today. It would be my hope to get a unanimous consent agreement to take it up. Failing that, of course, we would then have to go through the motion to proceed, and then the bill itself.

INCREASING THE PUBLIC DEBT LIMIT—MOTION TO PROCEED

CLOTURE MOTION

Mr. DASCHLE. Madam President, in an effort to anticipate whatever may come with regard to consideration of the debt limit legislation, I now move to proceed to Calendar No. 407, S. 2578, the debt limit increase and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move

to bring to a close the debate on the motion to proceed to calendar No. 407, S. 2578, a bill to amend title 31 of the U.S. Code to increase the public debt limit:

Harry Reid, Jack Reed, John Rockefeller, Daniel Inouye, Jon Corzine, Herb Kohl, Zell Miller, Max Cleland, John Breaux, Richard Durbin, Max Baucus, Barbara Boxer, Maria Cantwell, Daniel Akaka, Edward Kennedy and Tom Daschle.

Mr. DASCHLE. Madam President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

STAR PRINT—S. 2076

Mr. DASCHLE. Madam President, I ask unanimous consent that S. 2076 be star printed with the changes at the desk.

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

ORDER TO PRINT DISPLAY IN SENATE CHAMBER LOBBY OF INFORMATION REGARDING THE CONSTRUCTION OF THE CAPITOL VISITOR CENTER

Mr. DASCHLE. Madam President, I ask unanimous consent that the Sec-

retary of the Senate be permitted to display, in the Senate Chamber Lobby, information regarding the construction of the Capitol Visitor Center, and that such display and persons designated by the Secretary to answer questions about the display be permitted in the lobby on June 11, 2002, from the hours of 2:15 to 3:30 p.m.

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

ORDERS FOR TUESDAY, JUNE 11, 2002

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, June 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 10:45 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Republican leader or his designee; that at 10:45 a.m., the Senate re-

sume consideration of S. 625, with 60 minutes of debate prior to the vote on cloture on the hate crimes legislation; further, that Senators have until 10:45 a.m. to file second-degree amendments to the hate crimes legislation; that the live quorum with respect to the cloture motion filed earlier today be waived, and that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. DASCHLE. Madam President, the Senate will vote on cloture on the hate crimes legislation, therefore, at approximately 11:45 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DASCHLE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Tuesday, June 11, 2002, at 9:30 a.m.