this protection, the rescuers themselves were caught by a seismic shift in the mountain, and two more miners and one mine inspector were killed, bringing the tragic total to nine. More holes were drilled. More attempts were made to find out what could be found. But the mountain had claimed its nine lives and still has not yielded any of those bodies.

This double tragedy has united the mine community in Utah in the ways Senator HATCH has described. And throughout the State of Utah, far away from the minefields, flags were flown at half staff as the people of our State joined together in mourning for those who had lost their lives in this tragic accident. Hearings have been held. We hope to learn as much as we possibly can, to continue to work as hard as we can as a nation to see that the deaths in the mining world continue to decrease, but we recognize that whatever satisfaction we take from the fact that mining deaths have decreased over the decades, that still does not lessen the tragedy for those loved ones and coworkers who have seen this kind of death occur.

I am pleased to join with my colleague Senator HATCH in cosponsoring this resolution and I thank the Senate for its unanimous support of the resolution and extend, once again, my personal condolences and sympathies for all of those who are personally touched by the tragedy.

We must, as a Congress, do everything we can to see that this kind of tragedy is reduced to the point where, ultimately, it ceases to be.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mrs. MURRAY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CYBER ATTACKS

Mr. BENNETT. Mr. President, I rise to make note of an event that the newspapers have talked about and then passed over, but one we should pay a great deal more attention to. This has to do with the number of increasing cyber attacks that have occurred where hackers have gotten into computers and upset their ability to function. I am not talking about the kind of hackers who break into a computer to leave behind an obscene message simply to demonstrate that they could do it. These are amateurs. I am talking about attacks that appear to be state sponsored.

The Nation of Estonia had its computers shut down for a period of a week, unable to perform any kind of connection with the outside world, almost as if it were a test on the part of some nation state to determine whether they could perform this kind of activity. Now we have had further demonstrations of their ability to do it in government computers. This has been going on for years. I remember, when I was connected with the Y2K issue as chairman of the Senate's committee on that problem, going over to the Pentagon and standing in the room where we watched the cyber attacks come in. The officials in the Pentagon would identify for me the countries from which they were coming. They would say: Those are attacks coming from the Philippines. Those are attacks, probing, trying to get into our computers. They come from South Korea. These are coming from whatever other country. That does not mean the attacks originated in any of those countries. It is entirely possible in today's world for someone to have a sophisticated computer attack in one nation and route the attacks through a second or even third or fourth nation as cutouts so the victim of the attack will not be able to know the original source.

The recent attacks that have occurred against our Government computers clearly come from a higher level of sophistication than those I saw 3 or 4 years ago.

I pursued an interest in this issue and then became consumed with other Senate business—that happens to us—and said, a few years later: I probably need to check into this to see what has happened. So I went back to the National Security Agency, I went back to the Pentagon, I made contact again with people at the CIA and said: What is going on in the world of cyberattacks and cyberterrorism?

I was startled that everything had progressed two, three, four, five generations beyond what it had been just a few years before. It is a classic sword-and-shield confrontation. The attack comes—representing the sword—we create firewalls—representing the shield—and then a new sword is invented and a new shield is called for. This game has been going on now to an escalated level where now we are seeing sophisticated nation state-sponsored attacks, and they break through occasionally, and they get a little space in the newspaper and maybe a mention on the evening news, and then we go about business as usual.

I am as guilty as anyone else of going about business as usual. I want to get back into this issue, dig a little deeper, and find out what is going on because eventually this will be the ultimate battlefield. Eventually, the people who wish this country ill will not come at us with tanks and aircraft carriers or cruise missiles; they will come at our computers. Our military is the most sophisticated in the world, but if you shut down their ability to communicate through satellites and by computers, our military becomes crippled and impotent. I remember when I went through basic training being told that an army has to do three things: It has to move, shoot, and communicate. Those who are mounting these cyberattacks are developing the capability to prevent us from communicating. We need to spend more time and effort looking at this issue.

I have one suggestion for the executive branch. During the Clinton administration, the highest official dealing with this issue was in the White House. After President Bush became the President, that official reported to Condoleezza Rice in her role as National Security Adviser. I sat down with Condoleezza Rice to talk about this issue, to try to bring her up to date on what I thought was important. She was very polite, but I became quickly aware she knew more about this issue than I did. She was not patronizing about it, but she was up to speed and up to date on it, and I felt reassured that the White House had that level of understanding.

Well, she has now gone on to other duties, and the highest official now is in the Department of Homeland Security. I am not sure that is the place where it needs to be. It may very well be that it needs to go back into the White House at the high level it held at one point in the past.

I will be discussing this and other issues relating to this question in the months to come. I appreciate the opportunity of alerting my fellow Senators to this very important but often overlooked issue.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENTS OF TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

VOTE ON AMENDMENT NO. 2792

Mrs. MURRAY. Mr. President, I believe a vote will now occur on an amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN),

the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 33, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—60

Akaka	Grassley	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Roberts
Brownback	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Smith
Casey	Levin	Snowe
Coleman	Lieberman	Specter
Collins	Lincoln	Stabenow
Conrad	McCaskill	Stevens
Domenici	McConnell	Tester
Dorgan	Menendez	Warner
Durbin	Mikulski	Webb
Feingold	Murkowski	Whitehouse
Feinstein	Murray	Wyden

NAYS—33

Alexander	Cornyn	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Lugar
Bond	Ensign	Martinez
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Gregg	Sununu
Coburn	Hatch	Thune
Cochran	Hutchison	Vitter
Corker	Inhofe	Voinovich

NOT VOTING—7

Biden	Dodd	Obama
Clinton	Hagel	
Craig	McCain	

The amendment (No. 2792) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The underlying amendment is agreed to.

The amendment (No. 2791), as amended, was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are hoping to shortly get an agreement on an amendment that will be considered, we believe, with an hour time agreement, equally divided, and a vote in about an hour from now. It is the amendment that will be offered by Senator DORGAN. I believe the minority is looking at the amendment right now. We hope to get an agreement in just a minute.

I will suggest the absence of a quorum, but Members should know that we hope to get an agreement and move to that vote in about an hour. We should know in the next several minutes.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2797

Mr. DORGAN. Mr. President, I have previously described an amendment I wish to offer. I believe I have filed the amendment. It is an amendment that deals with Mexican trucks. I wish to offer it at this point on behalf of myself and Senator SPECTER from Pennsylvania and other cosponsors. It is amendment No. 2797.

I ask that we consider that amendment. I believe there is no amendment pending at the moment, so I do not need consent to set an amendment aside. I ask for the immediate consideration of the amendment I just described.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mrs. CLINTON, Mr. OBAMA, Mr. BROWN, and Mr. SPECTER, proposes an amendment numbered 2797.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the establishment of a program that allows Mexican truck drivers to operate beyond the commercial zones near the Mexican border)

At the appropriate place, insert the following:

SEC. ____. None of the funds made available under this Act may be used to establish a cross-border motor carrier demonstration program to allow Mexico-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico.

Mr. DORGAN. Mr. President, as I indicated, I am offering the amendment on behalf of myself, Senator SPECTER of Pennsylvania, and others. I believe my colleague, the chairman of the subcommittee, is working with the ranking member of the subcommittee for a time agreement. I don't believe a time agreement exists at this point.

With consent, I ask that Senator SPECTER from Pennsylvania be recognized. He has a time commitment. He was asking to be recognized now. I previously said a few words about this amendment. I will speak about it in greater detail in a bit. I ask unanimous consent for Senator SPECTER to be recognized for as much time as he may consume. If he is not ready, Mr. President, I will continue for just a moment to describe the amendment.

I will be happy to yield to my colleague from the State of Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask if we could set up a time agreement on this amendment so Members know when the vote is going to occur tonight. I ask unanimous consent for 60 minutes of debate prior to the vote; that no second-degree amendment be in order to the amendment prior to the vote; that the time be equally divided and controlled in the usual form; and that upon the use or yielding back of time, the Senate proceed to vote in relation to this amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. Reserving the right to object, I regret we have not been able to clear this request on this side. As much as we would like to, I have to object at this point.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am going to recognize my colleague from Pennsylvania in a moment, but let me describe very briefly what this amendment is.

Over this past weekend, a pilot project was initiated by the Department of Transportation dealing with long-haul Mexican trucks coming into this country. My contention is, and I think it is buttressed by the inspector general's report that was issued on this subject, that they are nowhere near having the information that would give them the opportunity to initiate long-haul Mexican trucks coming into this country. We have, since the advent of the North American Free Trade Agreement, allowed Mexican trucks to come in within a 25-mile radius of the Mexican border.

Mr. REID. Mr. President, will the Senator withhold for a brief statement to the Senate?

Mr. DORGAN. I will be glad to yield.

Mr. REID. Mr. President, based on my conversation with the Republican leader, there will be no vote on this amendment this afternoon. That being the case, I think it is a fair statement to say there will be no more votes today. I had indicated already we would not have any votes after 5 or 5:30 today. We have at least an hour's debate on this, and the Republican leader said we would not vote on this amendment today.

This means we will have votes in the morning, unless there is something untoward. So everyone should understand we will have votes in the morning, we will have our caucuses between midday, and there is a White House meeting, I know for a few people, but that doesn't mean we could not go forward tomorrow. But we have a lot of work to do on this bill. It is to the Senate's advantage to finish this bill this week. That would mean we will have finished one-third of our appropriations bills, if we finish this bill.

In my brief conversation in the well with a number of Senators a few minutes ago, we have Senators wanting to move the Labor-HHS bill and the Energy and Water Appropriations bill. Those are my only two conversations today. We, of course, have to deal with the Defense Appropriations bill in the near future. So the sooner we finish this bill, the better off we will be. There is a lot of work that needs to be done before the end of the fiscal year, which is in a few weeks. I hope everyone understands that if we are going to maintain some degree of financial integrity, we are going to have to finish these appropriations bills. The Republican leader has told me on more than one occasion that the minority is interested in finishing the appropriations bills, and we have had some good cooperation in the last several weeks. So I do hope we can finish this bill.

There will be votes more than likely in the morning, though.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, again, this is an amendment that deals with the issue of a pilot project on long-haul trucking into this country. The House of Representatives has already passed a piece of legislation that would prohibit that pilot project, and this amendment would do the same for the Senate.

I will describe in some detail the reasons for the amendment, but I am pleased a cosponsor, Senator SPECTER, wishes to make a statement. I know he has a time constraint, so I will relinquish the floor so Senator SPECTER can make a statement.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the senior Senator from Louisiana has asked for 2 minutes to precede my comments, and I am prepared to yield to her for that purpose.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleagues for yielding because of time constraints.

I came to the floor to thank Senator MURRAY for her extraordinary work on the bridge replacement amendment and for the colleagues—60—who joined her in supporting this amendment. It is important to all of our States, but particularly for Louisiana, that is struggling, like so many of our other States are, to find funding for critical infrastructure. We, of course, 2 years ago, had the collapse of an infrastructure, of our levees. We have great impacts on many of our highways. Of course, the collapse of the bridge in Minnesota has caused us all to refocus on the importance of this issue.

Mr. President, I will submit my longer statement for the RECORD, but we have over 4,000 bridges in the State of Louisiana alone, that is including overpasses over highways. Nearly 30 percent of the total are categorized as structurally deficient or functionally obsolete. In fact, one of the bridges I have outlined in my statement is the Red River Bridge that was built in 1936. It alone will cost $100 million. This U.S. 71/165 bridge is in a very small parish in Louisiana. We are straddling the great Mississippi River, and it causes a great deal of strain on some of our poorer parishes that need to find ways to cross but have very little capacity.

The backlog of bridge replacement needs for bridges that are either structurally or functionally deficient and have a sufficiency rating of less than 50 in Louisiana is $2.1 billion. The I–35 West Bridge in Minneapolis was given a sufficiency rating of 50 in 2005.

A total of almost 4,000 bridges, or nearly 30 percent, of the total bridges in Louisiana are categorized as either ''structurally deficient'' or ''functionally obsolete.''

If all bridges categorized as ''structurally deficient'' or ''functionally obsolete'' in Louisiana were to be replaced, the total projected cost would be more than $10.5 billion today, not fully including other costs such as rights of way, engineering or utilities.

Louisiana is not unlike most other states with a backlog of transportation projects. The Louisiana Department of Transportation and Development alone has a total transportation backlog of over $14 billion. The funding in this amendment will help address a critical piece of that backlog by providing additional funds for bridges in the State.

I hope my colleagues will join me in supporting Senator MURRAY and this critical amendment for our Nation's bridge infrastructure.

Specific examples in Louisiana are:

The I–10 Calcasieu River Bridge in Lake Charles, built in 1952, is now functionally obsolete, with additional capacity needed in the corridor and estimated replacement cost several times the current annual funding of the entire bridge replacement program. This bridge is nationally significant because it is part of Interstate 10, a ''Corridor of the Future'' as designated by the Department of Transportation.

The Red River Bridge at Fort Buhlow, US 71/165, built in 1936, is structurally deficient and functionally obsolete, with an estimated replacement cost of greater than $100 million, a significant portion of our current annual funding of the entire bridge replacement program.

I thank Senator MURRAY, and my colleagues for yielding before we go on to the next debate, which is on trucks and trucking, and I am happy to cosponsor their amendment as well.

I ask unanimous consent to have printed in the RECORD a letter from the Department of Transportation.

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

SEPTEMBER 10, 2007.

DEAR SENATOR LANDRIEU: Your inquiry regarding the condition of bridges in Louisiana, comes at a time where the citizenry and leadership in this State have recognized the criticality of our infrastructure and have opened a serious discussion of the needs for better roads and bridges, especially the types of funding levels which are needed to make improvements to our overall transportation systems. We welcome the opportunity to provide you the information you require to assist in your capacity as a member of the United States Senate.

This letter and attachment should provide answer to help in preparation of remarks for the floor. It includes information pertinent to our bridge programs, current status of our bridge system and important nomenclature and rationale for the replacement, rehabilitation and repair of our critical infrastructure.

The backlog of bridge replacement needs in Louisiana is $2.1 billion. These are bridges that qualify for federal bridge replacement funds. They are either structurally or functionally deficient, and have a sufficiency rating of less than 50 (on a scale of 1–100).

If there was $1 billion additional bridge funds nationwide, that would only equate to approx. $20 million +/− for each state on average. That would only address about 1% of our needs.

As a starting point for this discussion, we would like to assure a common understanding of the utilization of the terms ''structurally deficient'' and ''functionally obsolete''. These phrases portray a dire description of a structure which is normally unwarranted, as they are specifically used to define structures as qualifying for rehabilitation or replacement based on structural repair and traffic safety related needs, respectively. For federal bridge funding to be distributed in accordance with the regulations, bridges must be so defined to qualify for this funding. Using these terms literally generally causes trepidation amongst motorists regarding specific bridges which are quite able to safely carry traffic.

We trust that this reply provides information which will assist you in your upcoming committee hearings. As always, if I may be of further service in this matter, please notify me.

Sincerely,

JOHNNY BRADBERRY,
Secretary.

THE FEDERAL BRIDGE PROGRAM IN LOUISIANA

The Highway Bridge Program in the DOTD is separated into three distinct subsets: Bridge Preservation On-System, Bridge Preservation Off-System and Bridge Preventative Maintenance. Bridge Preservation On-System projects are selected based on eligibility for funding, District priorities and additional factors such as truck routes, average daily traffic, route continuity, structure age, material and condition, crash data, construction cost estimate, constructability and available program funds. Rehabilitation and replacement under this program require that the structure meet current standards when construction is complete. Funding of this program has historically been $60 million to $73 million per year until last year, prior to the collapse of the I–35 West Bridge in Minneapolis, when a decision was made to fund the program starting in FY 07–08 at $125 million for at least the next 5 years.

The Bridge Preservation Off-System projects are selected based on eligibility for funding and availability of funds, utilizing similar methodology as with the Bridge Preservation On-System Program. Local governments are allowed to prioritize the projects in their parishes in order to meet their specific needs and priorities. Program funding has historically been $13 million to $15 million per year and is limited by the amount of funding allocated in capital outlay to match the federal funds.

The Preventative Maintenance Program, which allows us to repair rather than replace

or rehabilitate structures, is currently funded at $3 million. The primary difference between this program and the aforementioned programs is that funds are allowed to go towards maintenance work that prevents the structure from deteriorating, provided an approved systematic approach is used to select projects. This maintenance work does not follow the caveat that the structure be constructed to current standards, allowing us to more economically repair structures in limited specific cases.

The term ''Structurally Deficient'' is used to identify structures that could qualify for rehabilitation or replacement because of structural-related problems. Such a problem could include a particularly low rating of a bridge deck, superstructure or substructure element (girder, pier, etc.). This does not amount to a declaration that the bridge is unsafe, just an indication that the bridge could qualify for federal bridge funding for rehabilitation or replacement.

The term ''Functionally Obsolete'' is used to identify elements of the structure which are not currently up to current standards. A bridge over an Interstate highway with 15 feet of vertical clearance is obsolete by AASHTO standards, but may service quite well. Another example is an Interstate Highway bridge with 4–foot outside shoulders; again, full shoulders are not provided, but the bridge functions quite well.

The term ''Sufficiency Rating'' is a way of evaluating a bridge, based on a structural inventory of the bridge's geometry, clearances, load rating, traffic and other criteria. It is a score from 0 (completely deficient) to 100 (totally sufficient). Bridges with a sufficiency rating of 50–80 qualify for rehabilitation under Federal funding regulations, while a rating of 50 or less qualifies a bridge for replacement.

The table below demonstrates the status of Bridges Categorized ''Structurally Deficient'' or ''Functionally Obsolete''.

Program	Total Number of Bridges	Bridges Categorized Structurally Deficient (SD)	Bridges Categorized Functionally Obsolete (FO)	Bridges Under Construction	Bridges Currently Programmed	Replacement/ Rehabilitation Cost (Currently Programmed)	Replacement/ Rehabilitation Value (All SD or FO Bridges)
On-System	7694	664	1562	124	304	$1.003 B	$6.185 B
Off-System	5259	1071	645	51	328	189 M	4.370 B
Total	13223	1735	2207	175	632	1.192 B	10.555 B

A total of 3942, or nearly 30%, of the total bridges in Louisiana are categorized as either ''structurally deficient'' or ''functionally obsolete''. There are currently 175 bridges currently being rehabilitated or replaced and under construction. There are 632 bridges currently programmed for rehabilitation or replacement within our 6–year program with a replacement cost of $1.192 Billion; the figure in the table for on-system bridges ($1.003 Billion) includes estimates of real estate acquisition, engineering and utility relocation. If all bridges categorized as ''structurally deficient'' or ''functionally obsolete'' were to be replaced, the total projected cost would be $10.555 Billion today, not fully including other costs such as real estate, engineering or utilities.

There are currently 202 bridges closed which are classified either ''structurally deficient'' or ''functionally obsolete''. Of these closed bridges, 199 (12 on-system, 187 off-system) are classified as ''structurally deficient'' and 3 (all off-system) are classified as ''functionally obsolete''. Of this total, 86 (1 on-system and 85 off-system) are currently not programmed for rehabilitation or replacement. It should be noted that these numbers do not include detour bridges for bridges in these categories currently under construction, which are considered ''open'' to traffic.

Based on the funding limitations and other programmatic restrictions as regards the federal bridge program, there are several bridge projects which we need to point out as problematic in their implementation:

I–10 Calcasieu River Bridge in Lake Charles, built in 1952, functionally obsolete (narrow shoulders) and additional capacity needed in the corridor, estimated replacement cost several times the current annual funding of the entire bridge replacement program.

I–310 Hale Boggs Memorial Bridge in Luling, built in 1984, does not qualify based on sufficiency rating, though it has fallen significantly in a short period of time, need to replace cables ($30 million), does not fit into program well.

Red River Bridge at Fort Buhlow, US 71/165, built in 1936, structurally deficient and functionally obsolete, estimated replacement cost (greater than $100 million) a significant portion of our current annual funding of the entire bridge replacement program.

US 190 Mississippi River Bridge at Baton Rouge, built in 1940, preventative maintenance required—cleaning and painting ($68 million) to preserve structure from further deterioration and to protect investment to widen roadway (1989).

Consequently, it is very difficult to provide to you a list of specific structures most in need of replacement or rehabilitation. There are numerous considerations we make in the programming of bridges for replacement, rehabilitation or repair, including eligibility for funding, District priorities and additional factors such as truck routes, average daily traffic, route continuity, structure age, material and condition, crash data, construction cost estimate, constructability and available program funds. However, the list above is illustrative of projects which are problematic to fit into the existing bridge program, though it is clear that repair, rehabilitation or reconstruction is needed on these structures immediately.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am cosponsoring the amendment offered by the distinguished Senator from North Dakota because I believe there are very serious safety issues involved here which have not been answered sufficiently by the Department of Transportation.

Here we have a situation where the Secretary of Transportation announced a pilot program on February 23 of this year to allow up to 100 Mexican trucking companies to ship goods to and from the United States. The Iraq supplemental appropriations bill delayed implementation of this program until there was a report by the inspector general and a response by the Department of Transportation. The inspector general released his report and the Department of Transportation submitted responses on the same day—on September 6. As I read these documents, it is insufficient to have the requisite guarantees of safety. And of no little concern to me is that all of this should be done on the same day, without taking into account some very serious underlying problems.

There are safety concerns here which include the database deficiencies that prevent the Department of Transportation inspectors from being able to accurately gather information on truckdriver convictions and driving violations, vehicle accident reports, and insurance records. The inspector general confirms that these databases are still under development. The Department of Transportation report does not respond to these issues.

The inspector general report also states that the Department of Transportation has not developed and implemented adequate plans for checking trucks and drivers participating in the demonstration project as they cross the border. The DOT report responded by stating they created border-crossing plans with the U.S. Customs and Border Protection. Well, that is hardly an assurance of safety.

We do want to have good relations with Mexico. We do not want to impede legitimate commerce. But safety is a very vital factor, and there are good reasons to insist on safety and verification before we permit this pilot program with 100 trucking companies, which we can obviously expect to be supplemented in a very substantial number. When you are dealing with issues on truckdriver convictions and driving violations and vehicle accident reports, you are talking about something which is very probative on whether it is a safe program. When you are talking about insurance records, those are necessary in order to be sure that if there are accidents, and there is liability, there is adequate insurance to protect Americans from these trucks which are coming into our country.

We have had a fair amount of experience here. I believe there is ample time to reevaluate this program if and when this database is updated and there is sufficient record documentation to guarantee the requisite safety. But on this date of the record, it seems to me this program ought not to go forward, and the amendment which Senator DORGAN has advanced is very sound. I

intend to support it and I urge my colleagues to do the same.

Mr. President, I thank my colleague from North Dakota for yielding me time at this stage of the debate.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague from Pennsylvania. The statements he made represent the crux of the matter, the issue of: Are there equivalent standards and is there equivalent enforcement with respect to trucking in Mexico, and would that then allow us to feel assured that long-haul Mexican trucks entering this country all across the United States would give us the same notion of safety we have with respect to the kinds of restrictions, the kinds of regulations we have in the United States?

Mr. President, I am going to get some charts I will make a presentation with in a couple of moments. It will take me a minute to get the charts I want to show my colleagues.

Let me, for the moment, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, my colleague from Pennsylvania said it well, I believe. Look, Mexico is a neighbor of ours to the South. We don't come to the floor, none of us would come to the floor of the Senate, under any condition, whether it is a trade debate or a debate about Mexican trucking, in a way that is pejorative with respect to our neighbor. But it is important to understand that we are two different countries and, in many ways, have very different approaches to some of these issues.

With respect to trucking, we have not previously allowed long-haul Mexican trucking into this country. We have allowed a 25-mile periphery, or 25-mile diameter from the border, but we have not allowed long-haul trucking in this country from Mexico. The reason: There has not been a demonstration that there are equivalent standards and equivalent enforcement with respect to Mexican trucks and U.S. trucks.

Now, we have built, over a long period of time, very significant and stiff requirements for long-haul trucks in this country. We require certain things of drivers. There are hours of service they can't go beyond, there are logbook requirements that are significant, there is equipment inspection that is very significant, there is reporting of accidents, and a whole series of things we have done in this country to try to understand and make certain the trucking is safe. Are there accidents from time to time? Sure. But it is not because we don't have in place significant regulatory capability, and it is not because we don't enforce it. We have regulations and we have enforcement.

Now, I want to show my colleagues what happened last Thursday night. Last Thursday night, at 7:30 in the evening, the Department of Transportation received what is called the Office of Inspector General's Report. They have always wanted down at DOT to do a pilot program for long-haul Mexican trucks, but they have been prevented from doing that because I and others put a provision in law that says you can't proceed with this pilot project until you get the inspector general's report and see what the situation is.

Well, they got it Thursday night. It is 42 pages. I have a copy of it, or we are getting a copy of it—42 pages. At 7:30 at night they received the inspector general's report, and at 8:30 at night they triggered the pilot project.

I tell you what, I took Evelyn Woods' speed reading course in college. I remember taking that, and all of a sudden I was galloping along. I started at about 300 words a minute and pretty soon I was reading at about 1,200 words per minute. It was remarkable. But that is nothing compared to what they do at the Department of Transportation, apparently. This is speed reading par excellence. In 1 hour, they digested the inspector general's conclusions in the inspector general's report. Or maybe there is another answer. Maybe they had already decided what they were going to do, and it didn't matter very much.

Let me tell you what the inspector general's report says. It says:

> While Department of Transportation officials inspecting Mexican truck companies took steps to verify the on-site data, we noted that certain information was not available to them.

What kind of information wasn't available? Well, little things, apparently. They say:

> Specifically, information pertaining to vehicle inspections, accident reports, and driver violations.

Excuse me, I am sorry, that represents the entire guts of what you need to know if you are going to assure the safety of the American driver as we begin to see long-haul Mexican trucks coming into this country—vehicle inspections, accident reports, and driver violations.

Now, this morning I showed a news report of a tragic accident, an almost unbelievable accident that happened in Mexico. It is heartbreaking to understand the consequences of this. Two trucks collided. This is in today's paper. Two trucks collided. Thirty-seven died and 150 were injured. There was a blast, because one of the trucks was carrying explosives. This was in a mining area. One truck loaded with explosives crashed into another. It caused a crater of 65 feet, with 150 people injured and 37 people killed.

Now, I don't know the specifics of this. I am only saying that at a time when we are speaking of safety issues, this was in the paper this morning. My guess is when you move explosives around in this country, particularly on our roads, we have very specific standards—vehicles in front with warning signs, vehicles behind. My guess is—and I don't know what those standards are—that we have very specific standards about the conditions under which you would do that.

I don't know whether those standards exist in Mexico. I suspect we will learn about that. But I think the questions of the maintenance of the vehicles, these heavy, 18-wheel vehicles that come moving down our highways, are very important questions. They are not resolved.

Let me go to page 2 of the inspector general's report. You don't have to go further than page 2. It says the following, that the Federal Motor Vehicle Group down at DOT ''agreed to develop a plan to check every truck every time.''

So they are going to check every truck every time in this pilot program, and they have certified 100 trucking companies to be able to come in, but the inspector general says, ''as of July, 2007,'' a month and a half ago, ''no coordinated site-specific plans to carry out such checks were in place'' and they stated they would have the plans then outlined by August 22, but we have not received any outlines or completed plans. ''In our opinion,'' they say, ''not having site specific plans developed and in place prior to initiating this project will increase the risk that project participants will be able to avoid the required checks.''

All of us have heard these things from the Federal agencies: Trust us; we are going to do it; we promise; we pledge. Somehow it does not get done.

We have an inspector general's report that came out on Thursday evening at 7:30, and on Thursday evening at 8:30 the Department of Transportation wanted to trigger this report.

I have found some things in this report that would give the Department some comfort. They are there. But you cannot avoid page 2. That provides no comfort at all. They say they are going to inspect every truck every time. They are not and cannot. You cannot avoid this: that the only information they have is information that comes from the trucking companies that wish to give it to them. Otherwise no information was available. No database was made available to them, and no information on these three critical issues: vehicle inspections, accident reports, and driver violations.

That is the ball game. So the U.S. House of Representatives has already passed by voice vote a provision that says ''no money in this appropriations bill shall or can be used to continue this pilot project.'' With my colleague from Pennsylvania, Senator SPECTER, and others, I propose we do exactly the same thing. This amendment is identical to that which the House has

passed. It makes sense to me. Will there be, at some point, because we have a trade agreement called NAFTA with Mexico, homogenization of rules and standards and so forth with respect to trucking? Maybe. Will at that point there be long-term trucking in this hemisphere from Canada to the United States to Mexico? Maybe. But there will not be, in my judgment, until we are satisfied as a country that the standards and enforcement of those standards, which is the most important issue—the enforcement of those standards with respect to Mexican long-haul trucking are at least equivalent to that which we have in this country.

When an American citizen pulls up at a four-way stop sign or drives down a road, a two-lane or a four-lane road, it doesn't matter, and comes next to an 18-wheel truck, I believe most of them want to be assured that the inspections on that vehicle, the requirements on that driver, are the equivalent—if they are not from this country—are the equivalent to the standards we have already imposed.

When that is the case, I think the consumers, the drivers, the American people will not have additional risk. Until that is the case they most certainly will have additional risk.

Again, one can argue, I suppose—one can debate at great length this issue and talk about what has been done—the improvements, the progress. But one cannot ignore the fact that what we know about Mexican trucking with respect to vehicle inspections, with respect to drivers' records and accident reports, we are getting only from voluntary compliance from those companies that wish to provide it. That is the case.

My amendment is very simple. I have more to say, but I think there are others who wish to speak. I will defer to them and then speak following that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am under no illusion that I can change the mind of my good friend from North Dakota, but maybe I can ease his concerns, at least in several areas, because he did raise some things that I think should be noted.

Prior to 1982, Mexican trucks did operate throughout the United States without restriction. Since then, Canadian trucks have continued to operate through the United States. Surprisingly, even some of the Mexican carriers who were authorized to operate beyond the commercial zones in 1982 have continued to operate in the United States. As best we can tell, they have as good a safety record as the U.S. drivers. But, obviously, there are lots of arguments in terms of efficiency, in terms of commitments made under the North American Free Trade Agreement for carrying this out. But I want to focus just a minute on a couple of items of concern about meeting safety standards.

Mexican trucking companies, drivers, and vehicles participating in the demonstration program have to abide by stricter safety standards than U.S. and Canadian trucking companies, drivers, and vehicles operating in the United States. These safety standards include they have to have a U.S.-based insurance policy, full compliance with hours of service regulations, vehicle maintenance, driver qualifications, including the ability to communicate in English, and drug and alcohol testing. Every carrier satisfactorily completing the test has to have its drivers drug tested by U.S. labs.

In addition, as many of us would be concerned about the tremendous accident with hazardous materials, these carriers are prohibited from transporting hazardous materials in the United States. They cannot transport passengers, and they cannot pick up domestic freight going from point to point.

Every Mexican truck participating in the program has to pass a rigorous 39-point, front-to-back inspection and is required to display a valid Commercial Vehicle Safety Alliance—CVSA—inspection decal that indicates it has passed this inspection. The decals are valid only for 3 months and can be renewed only by passing another inspection.

As far as who is going to verify that the trucks are following U.S. regulations, U.S. Federal inspectors perform, and Mexican trucking companies must pass, a preauthorization safety audit to get into the program, conducted in Mexico prior to granting the authority to operate beyond U.S. commercial zones.

The audit includes inspections of vehicles the company intends to use in long-haul operations in the United States and a thorough inspection of the company's records to ensure compliance with Federal safety regulations. Vehicles not inspected by the U.S. Federal inspectors cannot be used for long-haul operations in the United States.

Every inspector reviews Federal safety regulations with the carrier, including those concerning driver hours of service, to ensure the carrier is knowledgeable of and comprehends the Federal Motor Carrier Safety Regulations.

All the motor vehicles and drivers in the cross-border demonstration program will be subject to roadside inspections, just like U.S. and Canadian vehicles and drivers, and will be placed out of service, as any carrier would be, if they fail critical portions of the inspection.

I thought that might be of some comfort to my colleague who raised questions about safety inspections. I suggest that be taken into consideration as we review the appropriateness of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I am going to wind the clock back to 1994. I had the occasion of voting twice against NAFTA, once when I was in the House and once when I was in the Senate, in the same year because I came in in a special election. I remember at that time we had a delegation of six, four House Members and two Senators from Oklahoma, and I was the only one out of six who voted against NAFTA.

Ironically, the very arguments I made in the House and Senate back in 1994 are the same things we are hearing now. I said at that time I could see what was going to be happening in the future; that we would be having Mexican truckers coming in; that they would be competing in a way where they would not have to qualify with all of our environmental standards, our safety standards, our wage and hour standards. It appears to me that is the case.

I listened very carefully to my good friend from Missouri, but I have not seen—and having reviewed the IG report—that all of these questions have been answered. I have to say I am inclined to agree with the Senator from North Dakota that the problem that existed in 1994 still exists today, and I would probably oppose this amendment.

I would like to also make a comment, a request. When I have a chance, after the disposition of this, I would like to bring up amendment No. 2796 for its immediate consideration. I will wait and see if I can get in the queue.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. First of all, I thank the Senator from Oklahoma. I think it is the case that the Department of Transportation—and I think this is true under most administrations—that whatever they want to do they will give you words of assurance that whatever they want to do they will do it right and make sure all the t's are crossed and the i's are dotted, but it is the case that the inspector general describes for us what the Department of Transportation says it will do, it is not doing.

We do not have to debate that. It is a circumstance—let me go back to this chart, if I might, to describe what the inspector general says.

It seems to me the key issue, as my colleague from Oklahoma suggests, if we have long-haul Mexican trucks on the roads in this country, the question is, when you are driving beside one or coming to a four-way stop and meeting one, does that 18-wheel truck have the same vehicle inspection, the same level of safety? Does the driver have the same hours of service, the same requirements that our drivers do? Do we have the same accident record and reports on that driver?

The answer is no. So that in itself obliterates the question of are we ready to integrate that Mexican long-haul trucking experience into this country.

It is true the Canadians are here. We have similar, nearly equivalent standards and enforcement with respect to

Canada. Of course, an added issue with respect to Mexico is the language issue, and there is an English requirement. But the Department of Transportation folks, who really do this sort of thing, kind of roll their eyes, saying: That is fairly hard to enforce.

But I do want to make this point. What the inspector general's report says, on two pieces—No. 1, on page 2, again, he said ''DOT said they will check every truck every time.'' That is part of the assurance.

[B]ut in July 2007, no coordinated site-specific plans to carry out such checks were in place.

FMCSA stated that it would have plans outlined by August 22, 2007, but [the inspector general said] we have not received any outlines or completed plans. In our opinion, not having site-specific plans developed and in place prior to initiating the demonstration project will increase the risk that project participants will be able to avoid the required checks.

That is the dilemma.

Also, in addition to that, the inspector general says:

The DOT officials inspecting Mexican truck companies took steps to verify the on-site data. We noted that certain information was not available to them. Specifically, information pertaining to vehicle inspections, accident reports, and driver violations—

That is the ball game. If you do not have those, you don't have a base of information on which to make a judgment that this is going to be safe for the American people.

My point is we have developed certain standards in this country. I know in some cases we have developed those standards after great debate. They represent regulations, and no one likes regulations. But in many cases these regulations are necessary in order to assure us of the kind of safety we would expect on the roads. We license drivers, we inspect trucks, and require certain things of trucks. We have certain standards which you are required to meet when you haul certain kinds of products. We do all those things.

Is it perfect? No, not at all. But are they standards we understand, and are they standards we try to enforce in every case in every State? They are. Sometimes we make mistakes, sometimes the enforcement fails a bit, but that is a very different set of circumstances than trying to integrate that system with a country that while it has standards, does not have the same kind of enforcement.

You do not have to take it from me, there are volumes of testimony in the Congress from previous hearings about the circumstances of the lack of enforcement of these standards in Mexico.

Now, when these issues are resolved, you will not have amendments such as this on the floor of the Senate. But I do not see them resolved any time soon. I think the inspector general's report itself says they are not resolved. When you say, as they have said in the report released last Thursday night, the only information available was in the company records when the records were volunteered to them, otherwise there is no base of information.

There is no base of data with which to judge these central questions: Are the trucks safe? Is the inspection standard rigorous? Does it meet anything near our standard? Do we have drivers who are going to enter this country with the same rigorous requirement with respect to hours of service, recordkeeping, logbooks, accident reports, all of those issues? The answer to that is no. It is clearly no.

The answer to that is embedded in the inspector general's report. I, for the life of me, do not understand why, before the ink was dry Thursday night, 1 hour later the Department of Transportation decided we have to now have assimilated, apparently through some kind of speed reading of this IG's report, we now have to implemented this program which the House of Representatives, by voice vote, said: No funds should be allowed to be used for the program for the reasons I have described. I believe the Senate should take similar action.

Finally, let me say this, I tried to say it earlier: Mexico is a neighbor of ours. Always we should treat neighbors with respect. We have a lot of things we do with Mexico. There are many areas in which we cooperate and agree. We have a trade agreement. I happen to agree with my colleague from Oklahoma. I did not vote for the trade agreement either. I think the trade agreement has been a horrible mistake.

I am talking about NAFTA, the North American Free Trade Agreement. We turned a very small surplus with Mexico into a very large trade deficit with Mexico. We turned a moderate trade deficit with Canada into a very large trade deficit. So by any standard I think this has been a failure.

But aside from the fact it is a failure, it does have a requirement to homogenize the standards and the ability to allow long-haul trucking into this country; but it does not do so in a way that allows us or requires us to obliterate our determination for what is safe for American drivers. That is why I am on the floor of the Senate hoping we will do what the House of Representatives has already done by voice vote and pass this amendment.

It will come back. There will be another day. There will be a time, my guess is, when there will not be objection to this because the standards are homogeneous, the standards Americans have are the same and the enforcement is reasonable. We believe the enforcement to be significant enough to provide significant safety without additional risks to American drivers. That is not the case today.

Mr. BOND. Mr. President, would the Senator yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. BOND. Through the Chair, I would ask my colleague if he wants to apply these same standards to Canadian truckers. Because it is my information, I do not have it documented, that the standards required of Canadian truckers are less than the standards required of Mexican truckers. The Canadian truckers coming into the United States, into North Dakota and beyond, do not have to have U.S. insurance.

I would ask my colleague if he is concerned about the Canadian trucks coming in as well and what he plans to do about those.

Mr. DORGAN. Well, it is interesting to me in trade discussions. For example, Mexico has pretty decent environmental standards. Someone said: Well, you have big environmental standards in Mexico. Yes, the problem is they are not enforced at all.

So it doesn't matter to me what the standards required are, that is why I have emphasized enforcement. What are the standards and are the standards enforced? In most cases the answer is, with respect to Mexico, they are not enforced to the same degree we enforce the standards in this country.

I do not believe you can make the case that there is similarity between the Canadian enforcement of good standards with respect to truck safety and the Mexican lack—I don't think you can make the same case it exists in identical fashion with Canada or Mexico. I think the evidence is quite clear the standards, with respect to Mexico, are lower, especially with respect to its enforcement.

The reason I say that is this: If you had standards in Mexico that were enforced, and therefore you had knowledge of the issue of vehicle inspections, you had knowledge of accident reports and driver violations, there would be a database in Mexico by which you could access the data and make an evaluation of the data.

Our inspector general has already determined no such database exists.

Mr. BOND. May I ask my colleague another question?

Mr. DORGAN. I would be happy to respond.

Mr. BOND. It relates to the fact that the U.S. Federal inspectors will be going to Mexico and making those inspections with Mexican trucks would satisfy his concern about the enforcement. Before the trucks can come in, U.S. Federal inspectors go to Mexico and make the inspections.

Does he think we ought to be doing the same thing in Canada, for example? What about requiring Canadian trucking companies to have U.S. insurance as well?

Mr. DORGAN. Well, it is interesting. We have some experience in that as well. Let me use the experience of meat; meat from Canada and meat from Mexico. We allow, because they have equivalent standards and equivalent inspections, we believe, for meat to leave a Canadian plant and to come into this country uninspected at our border.

We allow that because we believe there are standards and enforcement that are equivalent to the standards of this country. I have spoken on the floor, and my colleague, I think, was not here at the time, but I held up a, I think a 2-pound piece of T-bone steak one day and said: Can anybody tell me where this came from? Because meat is not labeled, it should be, but it is not. I said: Can you tell me if it came from the processing plant, the slaughter plant in Hermosillo, Mexico. Because if it did, I wish to read to you the one time an inspector went there. It was a plant that was allowed to slaughter cattle and produce meat shipped into our country. One inspector showed up one time. I read the report of the inspector on the floor of the Senate. Sufficient to say, no one would want to purchase meat from that plant.

It was promptly closed down, the ownership changed, the plant is now sending meat back into this country. I do not believe it has been inspected again. My point is the requirement to inspect, with respect to slaughterhouses in Mexico, is one example. My colleague says: Well, if we would send people down to inspect in Mexico, would that give you comfort?

Well, we are told by the Department of Transportation what will give us comfort is this, that they will check every truck every time. The problem is, we are told this by the inspector general: They are not going to inspect every truck every time. Yes, they tell you that. That is what they claim. But here is the reality. They have no plans, no outlines to inspect every truck every time. They have no site-specific plans developed and in place prior to initiating this project. The risk is, the project participants will be able to avoid the required checks.

So you know, once again, there is a great variation between what the Federal agency says and what it is willing to do. So my colleague and others might be comforted by the fact that say: We will go there, we will do those rigorously. I am not so comforted because we have had plenty of experience with that.

Mr. BOND. Mr. President, may I ask another question? We are not talking about packing houses where there was obviously a failure of sanitation. We are talking about a situation where U.S. Federal inspectors go down, conduct a pretest, a preinspection of the Mexican trucking operations, the vehicles coming in have to go through a U.S. overseen or implemented safety inspection every 3 months.

Now, I do not think we require Canadian trucks, and certainly we do not require U.S. trucks, to be inspected every time they travel on our roads. But we do have inspections, random inspections that will apply to United States, Canadian, and Mexican trucks.

What I am asking, if U.S. Federal inspectors are doing this—nobody ever said they are going to do it every time. Nobody expects to have inspectors inspecting every truck. But what is the difference, I would ask my colleague, between having U.S. inspectors every 3 months in Mexico and having random safety inspections—in what situation do either the Canadian or the U.S. trucks get the same degree of inspection?

Mr. DORGAN. Mr. President, my colleague is not accurate. They, in fact, did say they were going to inspect every time. Let me read the inspector general's report. After our visit to Federal—it is the FMCSA, one of these other acronyms in Government again. The Federal Motor Carrier Safety Administration. It is in DOT.

So the Federal Motor Carrier Safety Administration agreed to develop a plan to check every truck every time. So that is exactly what they said. But the inspector general says: They are not going to do that. He says, as of July, there is no coordinated site-specific plan to carry out such checks. Then they said: Well, we will have it done by August 22. They said: We have not received any outlines or completed plans. In our opinion, not having site-specific plans in place prior to initiating the project will increase the risk project participants will be able to avoid the required checks.

I would say to my colleague, I do not always dismiss this issue of inspections because I think sufficient inspections can be very helpful. But having been on the floor of the Senate now speaking about the issue of tainted products coming into this country, understanding whether it is trinkets or toys or shrimp or catfish or tires, car tires, or any number of pet foods, having spoken about them at some length and understanding that we inspect 1 percent of them.

We inspect 1 percent, 99 percent of the vegetables and the trinkets and toys come in here without any inspection. Now we are told, if we would allow the Department of Transportation to proceed with this project, which they announced late at night with 1 hour of review of the inspector general's report, if we would only allow them to proceed, boy, they guarantee they will inspect.

I am sorry. I think the evidence, with respect to the Federal Government, would suggest a different conclusion and a different result. I hope at some point we do not have these issues. You know, I mean I can give you lots of examples of what has promised to have been homogenized between the United States, Canada, and Mexico because of the trade agreement. But promises are cheap.

I mean, there are lots of promises, and very few are kept with respect to these trade agreements. The trade agreements are similar to Swiss cheese, riddled with holes.

This, in my judgment, is a circumstance where, if we decide to proceed to say: Under these conditions, we will allow immediately the Department of Transportation to move to this pilot project, I think we will make a mistake. We will make a mistake on behalf of those who are traveling on America's roads, who at some point, coming up to a four-way stop or a stoplight or meeting on a four-way highway, some vehicle that was not subject to the same rigor and the same inspections that exist in this country because they did not have the same enforcement, I think someone will be injured. That risk ought not be borne by the American consumer or the American driver.

We ought to decide what is fair. You know, we have spent a century lifting this country's standards and demanding in this country. Upton Sinclair wrote that book and described at the start of the century, start of the last century, in Chicago, IL, at the big packing houses, how when they were slaughtering cattle and trying to control the rat population in the slaughterhouses, they put poison on bread loaves and things.

They would kill the rats, and they would shove the dead rats and the bread loaves and the meat down the same chute, and out the other side of the chute would come some sausage and some steak and some meat, and off to the consumer. Well a tremendous public outcry resulted from that, and we developed regulations.

So we have standards and regulations in a number of areas. This is but one area in which we have standards and regulations. They can be standards and regulations that are the difference between life or death. Because, when you are on America's roads and highways, safety is very important.

My own view is, I think the Department of Transportation is making a mistake. I think all the promises and all the assurances will fall far short of what the American consumer and the American driver should expect to minimize risk and to maximize safety on America's roads.

I yield the floor.

Mrs. MURRAY. Mr. President, we are working our way through the Transportation appropriations bill. We have one amendment pending. I see the Senator from Oklahoma is here, and he shortly is going to ask to set aside this amendment in order to call up an amendment. I ask any other Members who have amendments they wish to offer during this debate to come to the floor, offer their amendments, and we will work our way expeditiously through as many as possible. I remind all colleagues that the majority leader has been very clear that due to the Jewish holidays we will be finishing by midday on Wednesday; therefore, Members should expect a very long night tomorrow night as we work our way through these amendments. It will work a lot better if Members come to the floor and offer their amendments so we know what order we have and how we can work through them. I ask Members who have been calling us and letting us know they have an amendment to come to the floor this evening

or tomorrow morning at the latest and get those amendments up so we can go through them.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I join with my colleague from Washington, the chairman of our committee. I urge my colleagues on this side of the aisle to bring in their amendments. Because of the timeline we are working under, we will be much more willing and able to work out the amendments that come in early. We may be able to cut off the time for filing amendments, I would hope, as early as sometime tomorrow afternoon. But I suggest that in case that happens, people come forward with their amendments as early as possible because we are facing a time deadline and need to get this bill amended, if desired, and passed. I would appreciate the cooperation of colleagues on both sides.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2796

Mr. INHOFE. Mr. President, I ask unanimous consent to set the pending amendment aside for consideration of amendment No. 2796.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment No. 2796.

Mr. INHOFE. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to implement the proposed Air Traffic Control Optimum Training Solution of the Federal Aviation Administration)

On page 147, between lines 8 and 9, insert the following:

SEC. 414. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration to transfer the design and development functions of the FAA Academy or to implement the Air Traffic Control Optimum Training Solution proposed by the Administrator .

Mr. INHOFE. Mr. President, it is my understanding that the test language, the IG said, apparently has been corrected. I only remind my friend from North Dakota and my friend from Missouri that when I had the English language amendment up, we used the same definition I believe they are using right now in order to make sure there is adequate knowledge of English language by Mexican truckers. I will read what it said: Applicants have up to three chances to read and write one sentence correctly in English. That is the test, which doesn't give me a very high comfort level.

The amendment I am offering, No. 2796, would prohibit the FAA from using any money in fiscal year 2008 to implement their proposed new ATC training system. It is called the ATCOTS. The FAA has sped up the schedule for transition without giving sufficient attention to the transition from the old to the new. By prohibiting the FAA from using fiscal year 2008 funds to implement this new training system, there will be additional time to plan for the transition, if we decide the transition at that point is something we want to do.

Finally, there has been no explanation on why the existing system does not work. This additional time can be used to examine the current system and determine where it needs to be changed, if it needs to be changed.

This is how the current system works. This is how the FAA wants to change it. Currently, candidates must enroll in an FAA-approved education program and pass a preemployment test which measures his or her ability to perform the duties of a controller. Let's keep in mind, we are talking about controllers who have our lives in their hands. It happens that I am in my 51st year of aviation. Just as recently as 2 days ago, I was flying, and I have a great deal of respect for these people. To me, the training must absolutely be perfect. The candidates currently must enroll in an FAA-approved education program and pass a preemployment test which measures their ability to perform the duties of a controller. Then the FAA has designated 15 institutions around the country for preemployment testing. The candidates must also have 3 years of full-time work experience and have completed a full 4 years of college. These have to be people who have a college education, have to have 3 years of on-the-job training. Then they have to, of course, have gone through this preemployment test. Then if the candidate successfully meets those three tests, they are eligible for employment as an air traffic controller.

Successful candidates attend the FAA Academy in Oklahoma City for 12 weeks to learn fundamentals of the airway system, the FAA regs, controller equipment, and aircraft performance characteristics. Upon graduating from the academy, the candidates are assigned to an air traffic control facility as ''developmental controllers'' where they receive training on specific controller positions. Generally, it takes 2 to 4 years, depending on the facility and the availability of facility staff or contractors, to provide the on-the-job training.

Currently, there are two separate contractors that provide training for potential controllers: one contractor at the academy and one contractor for on-the-job training at the facility. What the FAA wants to do is to combine these two contracts into one, thereby speeding up the training, they believe, and getting more controllers to train faster.

Because controllers hired—and most of us have been around long enough to remember this—after the PATCO strike are now eligible for retirement, the FAA estimates they need to hire and train approximately 15,000 new air traffic controllers over the next 10 years. They believe the air traffic control optimum training solution, which is called ATCOTS, will accomplish this because it will, No. 1, leverage current industry best practices to develop innovative training services delivery solutions; No. 2, achieve efficiencies by reducing time and the cost it takes to certify professional controllers; No. 3, institute continuous improvement within the training program; and No. 4, establish a performance-based contract management system. That is what the FAA hopes to achieve, but I have yet to understand how.

Recently, the FAA announced that they plan to issue a request for proposals for this new single controller training contract in January of 2008, with an expected award in June of 2008. That is less than a year from this month. This is despite assurances to the Oklahoma delegation that there would be a multiyear transition to ATCOTS. In other words, it is going to take several years to make the transition, if it is desirable. Now it appears ATCOTS could be fully implemented within 1 year, although there is no clear transition plan. The winning bid is supposed to provide the transition plan.

Furthermore, there is no clear assurance that the millions in taxpayer dollars already invested in the FAA training academy in Oklahoma City will continue to be used. Per the documents I have seen, if the winning bidder should choose to conduct the initial classroom instruction elsewhere, they have that option. I question why we would abandon the academy and our Federal investment there.

Finally, I do not believe there has been sufficient examination of the cost benefits of this new training program. Rather, there has been a rush to fix a system that no one has been able to explain, at least to me, how or if it is broken.

My amendment merely slows down the process so Congress can have more time to examine what are the shortfalls of the current training system and how the proposed ATCOTS system will improve the training. This is like so many things we rush into. We lay out the predicate that we are going to spend all this time and be deliberate in making sure we are not getting into something that is not, in fact, a lot better than the old system, when we have yet to see anything to at least convince me or any plausible argument that there is a problem with the existing system.

While I could have introduced an amendment to stop this, I didn't want to do that because I thought if it is more efficient, then it might be something we may want to consider. But I can assure my colleagues that nothing has been done so far that would convince me that it is a better system. I don't think we should be using 2008

funds. My amendment would give us another year to determine whether this is the wise thing to do. I believe it is a reasonable approach.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Senator from Oklahoma for coming to offer his amendment. He has my commitment that we will take the time to review it. We have not had a chance to do so as yet. We want to know what the impact is on the FAA budget, as well as the training needs we have, but we will evaluate it as quickly as possible and work with him in order to dispose of it.

Mr. INHOFE. I thank the Senator.

Mrs. MURRAY. I encourage, again, Senators to come to the floor and offer their amendments so, like the amendment we are currently looking at, we have time to review it and get it done in a timely fashion. I remind all Members that if they wait until the last minute to get their amendments here, they may likely not be considered or adopted simply because of time. Again, if Members are here, come tonight quickly, get your amendments up. We will have a chance to review them and hopefully be able to dispose of them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

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

IRAQ

Mr. SESSIONS. Mr. President, it is time for us to review our policy in Iraq. We have been aware this day was coming for some time.

To recap how things have occurred, we had hearings in the early part of this year to confirm General Petraeus. This has been General Petraeus's third tour in Iraq. I first had the opportunity to meet with him when he commanded the 101st Airborne in Mosul. He was part of the initial invasion—a brilliant combat commander who impressed all of us on our CODEL.

I later visited him in Iraq when he was in charge of training the Iraqi military and their police. It was a critical moment in their development. He was asked to go back early to do that, and he agreed to do so.

He then returned to the United States and wrote the counterinsurgency manual for the Department of Defense. Before the ink was dry on that manual, the President asked him to go back to Iraq, for the third time, to lead this critical effort at this critical time.

So I wish to first say how disappointed I have been that some have seen fit to attack this man, attack what he might say. I am afraid, frankly, the purpose of that was to sort of preemptively smear his testimony. I saw most of his testimony this afternoon. As a member of the Armed Services Committee, I expect to see more of it tomorrow and to be there tomorrow when he testifies before our committee and to hear it all in complete form.

So let me say this: It is right and just and appropriate this Congress, which sent him there in January, I believe, which voted on May 24 to fund the surge—we had a lot of debate about this surge, whether we should do it, whether we should increase our troop levels. The situation in Baghdad was not good. The situation in Al Anbar had made some improvement but was not where we wanted it to be. The country was in a difficult time.

The President said: Let's step up the troop level. Let's have a surge. We had much debate about it. I know our leader, HARRY REID, went to the White House along with NANCY PELOSI, the Speaker of the House. They came out with an agreement, and only 14 Senators opposed—in a truly bipartisan vote—funding of this effort.

So I have been disappointed that some announced it a failure even before it got started good. But we all committed to one thing; and that is that General Petraeus would come back and he would report to us and we would hear from him.

Some thought we needed more than that. So we as a Congress included in our funding legislation a requirement that another commission be set up, an independent commission, with retired officers and so forth. GEN Jimmy Jones, former Commandant of the Marine Corps and former Supreme Allied Commander Europe, chaired that commission. He reported last week.

Also, we had the Government Accountability Office do an independent analysis of the benchmarks in Iraq.

Now we are having General Petraeus and Ambassador Crocker, who is clearly one of the best respected Ambassadors in the State Department with experience in this region of the world. They are giving us their report today and tomorrow.

If Congress concludes this effort ought not to go forward, so be it. But we ought to do it after listening to our generals. In fact, I noticed some of the polling data showed more than two-thirds of the American people prefer to have their decision process be informed by the military, and only less than 10 percent, I think, or maybe 20 percent, said the Congress should set the military standards.

Here is an article by Bing West I noticed in the National Review in May. He has been to Iraq multiple times. He has written two books on the Iraq war. He said:

> The new American military team has infused the effort with energy and strategic clarity, and seized the initiative. In this war, the moral/psychological element outweighs the physical by 20 to 1.

I think there is a good bit of truth in that. I think we have seen a more coherent, focused strategy under General Petraeus's leadership.

With regard to his testimony and its truthfulness, I remember interviewing him before he was to testify in January, before being sent to Iraq, and he said: I will tell you one thing, Senator. I am going to tell you the truth as I see it if you send me there.

So the next morning I thought I would ask him that very question before the committee while he was under oath. I said:

> You've indicated, I think, in your opening statement [General Petraeus] that you would, but I'd like you to say that so the American people would know that a person who knows that country [Iraq], who's written a manual on counterinsurgency—if you believe it can't be successful, you will tell us so we can take a new action. That was my question to him: Will you tell us if you think this will not work? Because he told us and made the public statement our effort in Iraq was difficult, but he did not think it was impossible.

He replied to me this way:

> Sir, I firmly believe that I have an obligation to the great young men and women of our country who are putting themselves in harm's way, and certainly to all Americans, to tell my boss if I believe that the strategy cannot succeed at some point.

I believe this man told us the truth today as he saw it and will tell us the truth before the Armed Services Committee tomorrow, as God gives him the ability to do so. He finished near the top of his class at West Point. He was No. 1 in his class at the Command and General Staff College. He has a Ph.D. from Princeton. He has been in combat. He has led one of the Army's finest combat divisions in combat. He has trained the Iraqi Army. He knows most of the Iraqi leaders pretty well because of his time there. We could not have a better person. We need to listen to him and then make our independent judgment after he testifies.

So I thank the Chair for this time. I hope all Americans will participate, as Congress should, in evaluating where we are today. Then, once we make a decision about what our next step will be, I would call on my colleagues to not do things that undermine the strategy once we have established it. Don't come up 2 weeks after we have voted on what to do and then say it is a failure. Let's don't do that this time. Let's agree to—no matter what it is, no matter how it comes out—have our debate and then our vote, and let's establish a policy and stick together and work hard to make it a success.

I thank the Chair, and I yield the floor.

Mrs. MURRAY. Mr. 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.