

110TH CONGRESS
1ST SESSION

H. R. 1756

To prohibit Mexico-domiciled motor carriers from operating beyond United States municipalities and commercial zones on the United States-Mexico border until certain conditions are met to ensure the safety of such operations.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. HUNTER (for himself, Ms. KAPTUR, Mr. LATOURETTE, Mr. LIPINSKI, Mr. DUNCAN, Mr. POE, Mr. JONES of North Carolina, Mr. BOOZMAN, Mr. GARY G. MILLER of California, Mr. BERRY, Mr. BOYD of Florida, and Mr. HAYES) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit Mexico-domiciled motor carriers from operating beyond United States municipalities and commercial zones on the United States-Mexico border until certain conditions are met to ensure the safety of such operations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “NAFTA Trucking
3 Safety Act of 2007”.

4 **SEC. 2. OPERATIONS OF MEXICO-DOMICILED MOTOR CAR-**
5 **RIERS IN THE UNITED STATES.**

6 (a) **TERMS AND CONDITIONS.**—No Mexico-domiciled
7 motor carrier shall be granted authority to operate beyond
8 United States municipalities and commercial zones on the
9 United States-Mexico border until the Secretary of Trans-
10 portation and the Secretary of Homeland Security submit
11 to Congress a joint certification that each of the following
12 conditions has been met:

13 (1) The Secretary of Transportation has pub-
14 lished in the Federal Register—

15 (A) a list of all Federal Motor Carrier
16 Safety Regulations;

17 (B) an identification for each of the regu-
18 lations whether the Secretary will—

19 (i) require a Mexico-domiciled motor
20 carrier, commercial motor vehicle, or driver
21 to comply with the regulation; or

22 (ii) be accepting compliance by the
23 carrier, commercial motor vehicle, or driver
24 with a Mexican statute, rule, or regulation
25 (including commercial driver’s license re-

1 requirements) as the equivalent to compli-
2 ance with the regulation; and

3 (C) for each regulation for which compli-
4 ance with a Mexican statute, rule, or regulation
5 will be accepted as described in subparagraph
6 (B)(ii), a citation to and the English translation
7 of the Mexican statute, rule, or regulation.

8 (2) The Secretary of Transportation has pub-
9 lished in the Federal Register—

10 (A) a list of all of the enforcement tools,
11 databases, processes, and conditions required
12 of, and made available by law to, Federal and
13 State motor carrier safety enforcement per-
14 sonnel; and

15 (B) the results of an analysis conducted by
16 the Secretary as to whether such tools are
17 available to provide at least the same level of
18 enforcement capability toward Mexico-domiciled
19 motor carriers and their drivers as is currently
20 applied to United States-domiciled motor car-
21 riers and their drivers.

22 (3) The Secretary of Transportation and the
23 Secretary of Homeland Security have implemented a
24 plan to effectively and regularly monitor and enforce
25 United States immigration and customs regulations

1 that pertain to international traffic under the North
2 American Free Trade Agreement in all areas of the
3 United States that Mexico-domiciled motor carriers
4 will be permitted to operate.

5 (4) The Secretary of Transportation and the
6 Secretary of Homeland Security have adopted pen-
7 alties for anyone who arranges, facilitates, or directs
8 a Mexico-domiciled motor carrier's pick-up and deliv-
9 ery of a load within the United States in violation
10 of United States immigration and customs laws or
11 section 365.501(b) of title 49, Code of Federal Reg-
12 ulations.

13 (5) The Secretary of Homeland Security and
14 Secretary of Transportation have published jointly in
15 the Federal Register—

16 (A) a certification that the driver, criminal,
17 and security databases used in Mexico to verify
18 a person's identification, driving record, crimi-
19 nal history, and risk to homeland security are
20 fully equivalent to those used in the United
21 States for the same purposes;

22 (B) documentation verifying the equiva-
23 lency of the Mexican databases described in
24 subparagraph (A); and

1 (C) a certification that all Federal and
2 State motor carrier enforcement personnel who
3 will come in contact with Mexico-domiciled
4 motor carrier drivers within the United States
5 have the same access to the Mexican databases
6 described in subparagraph (A) for performing
7 checks on such drivers as they do to databases
8 used in the United States for performing checks
9 on United States-domiciled motor carrier driv-
10 ers.

11 (6) The Inspector General of the Department of
12 Transportation has submitted to Congress a report
13 that independently verifies compliance with each
14 condition listed in section 350 of the Department of
15 Transportation and Related Agencies Appropriations
16 Act, 2002 (Public Law 107–87; 115 Stat. 864).

17 (7) The Secretary of Transportation has sub-
18 mitted to Congress a plan to enforce the English
19 language proficiency requirement of section
20 391.11(b)(2) of title 49, Code of Federal Regula-
21 tions, including an identification of the enforcement
22 actions that Federal and State law enforcement per-
23 sonnel will take upon a finding of noncompliance
24 with such requirement.

1 (b) STATUTORY CONSTRUCTION.—The requirements
2 of this section shall be in addition to any other limitation
3 or requirement contained in Federal law that applies to
4 the authority of a Mexico-domiciled motor carrier to oper-
5 ate beyond United States municipalities and commercial
6 zones on the United States-Mexico border.

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