DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2299, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, we are this morning discussing the Transportation appropriations bill. As Members know, this bill contains many, many important infrastructure projects across this country for Members' airports, the Coast Guard, roads, infrastructure, bridges. We are trying diligently to move this bill forward so we can make progress and move to the House for a conference so we can do our duty in terms of the transportation infrastructure in this country and getting those projects funded.

I know many Members have priority projects in here they want to make sure are included. Senator SHELBY and I have been working extremely hard together in a bipartisan manner to ensure those projects move forward in a timely fashion.

We implore all of our colleagues who have amendments to come to the floor this morning. It is 10:30 on Wednesday morning. We are here. We are ready. We are waiting for those amendments to be offered. I understand Senator GRAHAM of Florida will be here shortly to offer his. I let all Members know, postcloture their amendments may fall, and we are going to be moving to that very quickly. Members have this morning, the next hour and a half, to offer any amendments they would like to have considered, either to be included in a voice vote that we hope to have or to be offered as amendments. Otherwise, they may not get their project debated on the floor and included in our bill.

Senator SHELBY and I are ready to consider any amendments that Members bring. We let them know that if they don't bring them shortly, they will probably not be allowed to be offered or included in the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I come to the floor to speak again about the issue of highway safety and the issue of allowing Mexican long-haul truckers to come in beyond the 20-mile limit in this country because, as the President suggests, that is part of what NAFTA requires. I disagree with that.

Before I talk about that issue, I will talk about something that happened yesterday and has been happening day after day on the floor of the House. A colleague stood up yesterday and said: Is this a way to run the Senate? He was upset at the end of the day that not much had happened on this appropriations bill. What is happening on these appropriations bills is, we are working in the Appropriations Committee to get these bills out. The chairman of the committee, Senator BYRD, and the ranking member, Senator STEVENS, have done a wonderful job working with all of the subcommittees. We are getting the bills out of the Senate Appropriations Committee. We are getting them to the floor of the Senate. What we see is a slow-motion action by people in the Senate who decide they really don't want the Senate to act. They don't want the Senate to move.

I don't think it is in the Senate's interest and I don't think it is in the country's interest to slow this process down. We have very limited time. We on the Appropriations Committee have tried to do a serious job of putting together good appropriations bills that we can consider, to move forward, so we can have conferences and get the spending bills in place and signed into law before October 1.

Senator MURRAY and Senator SHELBY have worked on this piece of legislation. While I have differences on the issue of Mexican trucking with not only the chairman and the ranking member, I also have differences, very substantial differences, with others who want to offer amendments from the other side. We ought to be able to resolve it, have the amendments and have the votes and move on, finish whatever other amendments are available to be offered to this bill, go to third reading, and pass this appropriations bill.

I bet Senator MURRAY and Senator SHELBY, who have exhibited enormous patience sitting on the floor waiting for people to offer amendments, would like nothing better than to have this Senate dispatch this bill. Today. Move the amendments. Get this bill out of here.

While someone stands on the floor and says, is this any way to run the Senate, the way Senator DASCHLE and other leaders are trying to run the Senate, bringing bills to the floor, offering amendments, and getting the bills passed, others are sitting on the back seat of the bicycle built for two with the brakes on, peddling up hill.

The message is either lead or get out of the way for those who want to stall the business. Senator DASCHLE has come to the floor and said that these are the pieces of legislation we have to finish before the end of next week. He is serious about that. He should be. He understands what the Senate has to accomplish. We have some who don't care much; they want to stall and stall and stall.

We have a number of appropriations bills that are waiting. Let's get this bill done and then move on. It seems to me it serves no national purpose to hold up appropriations bills for any great length of time.

Having said that—which I said because I was nonplused by someone standing up being critical of the way the Senate is being run when we are doing the right thing but we are not getting the cooperation; we need the cooperation to get these things done—we ask for more cooperation today to see if we cannot get this appropriations bill moving and through the Senate.

This morning's Washington Post says ''Battle on Mexican Trucking Heats Up.'' It describes two positions on the issue of Mexican trucking. Really, there are three positions. I want to describe the one the Washington Post forgot to mention. There is the position that is offered in this legislation by Senator MURRAY and Senator SHELBY. They have negotiated and reached a position that describes certain conditions that must be met before Mexican long-haul trucks move into this country. The other position is the position adopted by the House by a nearly 2–1 vote which says we cannot spend money; we are prohibited from spending money to approve the licenses or approve the permits to allow Mexican trucks to come into this country beyond the 20-mile limit during the coming fiscal year. I happen to favor the House approach because I think that is the only way to stop what otherwise inevitably will happen.

The approach taken by the Chair of the subcommittee and the ranking member is one that I think has merit, but one that I think requires certifications that certain things are met. My experience with certifications is that if an administration wants to do something, it will certify anything. I worry very much it will not stop what I don't want to happen. What I don't want to happen is this: I don't want Mexican long-haul truckers to be doing long hauls into the United States of America until and unless we are sure they are going to meet the same safety requirements our trucking industry has to meet: the same safety requirements with respect to equipment, and the same safety requirements with respect to drivers.

As I did yesterday, I refer to a wonderful piece written in the San Francisco Chronicle by a reporter who went to Mexico and rode with a Mexican long-haul trucker. This is what he discovered. He rode 3 days in a Mexican truck with a truckdriver. During the 3 days, they traveled 1,800 miles and that truckdriver slept 7 hours in 3 days, driving a truck that would not have passed inspection in this country, driving a truck for $7 a day, driving a truck that if it comes to the border in this country under today's circumstances would likely not be inspected for safety, and if it were allowed to continue into this country on a long haul, one

would expect that some American driver in his or her rearview mirror would see a truck with 80,000 pounds on an 18-wheel truck moving down America's highways without an assurance it has brakes, without assurance it has the kind of safety equipment that we require in this country. I don't think that is what we ought to allow.

I will not speak at great length because I think there are a couple others who wish to offer amendments this morning. Let me compare the safety regulations between the United States and Mexico. The free trade agreement between our two countries, one which I voted against, has in my judgment, not been a good trade agreement for our country. Prior to the trade agreement, we had a slight trade surplus with Mexico; now we have turned that into a very large deficit. Now we are told by President Bush that because of that trade agreement, we must allow Mexican trucks into our country beyond the 20-mile border. In other words, we must allow Mexican trucks without the same safety requirements—because those safety requirements do not exist in Mexico—to come in with drivers making $7 a day and do long hauls in the United States. That is not a trade agreement that seems, in my judgment, to represent this country's best interests.

Here are the differences between the United States and Mexico with respect to safety regulations: Vehicle safety standards in the United States, comprehensive standards for components such as anti-lock brakes, underride guards, nice visibility, front brakes: Mexico, far less rigorous and, in fact, in some places no inspection. Maximum weight: 80,000 pounds in the United States; 135,000 pounds in Mexico.

Hazardous materials rules: Very strict standards, training, licensure and an inspection regime in this country that is very strict. In Mexico, fewer identified chemicals and substances and fewer licensure requirements.

Roadside inspections: In this country, yes; in Mexico, no.

Hours of service: In the United States you can drive up to 10 hours consecutively in the trucking industry. You can work up to 15 consecutive hours with a mandatory 8 hours of rest. You cannot drive more than 70 hours during each 8-day period. In Mexico, none.

I described the driver who drives for 3 days and has 7 hours of sleep, driving with a reporter from the San Francisco Chronicle riding beside him—3 days, 7 hours. Do you want you or your family to have that truck in your rearview mirror? I don't think so. Hours of service in Mexico, none.

Random drug testing: In Mexico, none. In the United States, yes, for all drivers.

Medical condition disqualification: In the United States, yes, we do disqualify them for medical conditions if they cannot meet medical conditions. In Mexico, no.

Logbooks: In Mexico they say, yes, we require logbooks. There is a requirement in law. But, in fact, no driver carries a logbook. It is very much like the Mexican contention that they have very strict environmental rules. When we had American manufacturing plants moving to the maquiladora border, at the border between the United States and Mexico, we had people worrying about environmental rules. Mexico said: Yes, we have very strict environmental laws. Yes, they do and they do not enforce any of them. Strict laws, no enforcement. The same is true with logbooks.

Finally, here is a picture. GAO, the Government Accounting Office, did the investigation. Overweight trucks from Mexico hauling steel rolls at Brownsville, TX, a gross weight of 134,000 pounds. The U.S. limit is 80,000 pounds. The Department of Transportation's Inspector General said, when we talked about lack of parking spaces at inspection stations in this country as trucks enter—and, incidentally, there are very few inspection stations; only two of them on all of that border are open during all commercial operating hours. Most of them have one or two parking spaces. In response to one of the problems with parking spaces, when we said, why don't they just turn the trucks around if they are unsafe, he said: Let me give an example. We have a truck come in from Mexico and we inspect it and it has no brakes. We cannot turn it around and send it back to Mexico with no brakes, an 18-wheel truck with no brakes.

Is that what you want in your rearview mirror? I don't think so.

We have 27 inspection sites, two of them have permanent facilities. Most of them have no access to telephone lines to be able to check drivers' licenses on some sort of database. The fact is, this is a colossal failure. It would be a serious mistake for our country to embrace a policy suggested by the President to allow Mexican long-haul trucks to come into this country beyond the 20-mile border and haul all across this country with an industry that nowhere near matches the safety requirements that we insist on in this country for trucks and truck-drivers.

All of us understand the consequences. I understand there are people who believe very strongly that we ought to just allow this to happen because it is part of our trade agreement. No trade agreement in this country, none, should ever compromise safety in this country—not with respect to food safety, not with respect to highway safety. No trade agreement has the right to compromise safety for the American people at any time, period.

We have a disagreement about this issue. We will resolve it, I assume, soon. The sooner the better as far as I am concerned. My hope is that we will see people come to the floor of the Senate and offer whatever amendments exist on not only this issue but other issues today. Then we can finish this bill.

Senator DASCHLE, the majority leader of the Senate, has made it quite clear we have work to do. It does not serve this Senate's interests to decide to stay away from the floor of the Senate but try to hold up the work of the Senate. Let's come to the floor. Let's hash these amendments out, decide what we want to do with them, vote on them and pass this piece of legislation. The Senate owes that to the appropriators and the Appropriations Committee. We owe it to Senator DASCHLE and Senator LOTT, who are trying to make this Senate do its work on time.

I hope today we can see real progress on this bill. I hope especially one way or another, with one strategy or another, we can find a way to represent this country's best interests on the subject of stopping or preventing the long-haul Mexican trucks from coming into this country because they do not have anywhere near the equivalent safety standards on which we must insist they have, before we allow them to be on American roads.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

AMENDMENT NO. 1064 TO AMENDMENT NO. 1025

Mr. GRAHAM. Madam President, in October of last year I spoke to the Senate about a specific part of the Transportation appropriations, and that was the earmarking of intelligent transportation systems, or ITS, funds. At that time I expressed my concern that intelligent transportation funds had been earmarked over the last several appropriations cycles, and that earmarking was inconsistent with the purposes and objectives of the underlying legislation which authorized ITS funds which was TEA–21, the current Surface Transportation Act.

The Surface Transportation Act clearly stated the money was to be allocated on a competitive solicitation process overseen by the Secretary of Transportation. I discussed this in the last few months with both Senator MURRAY and Senator SHELBY, and raised my concerns. Therefore, I am pleased to say that, while there are still earmarks of ITS funds in this legislation, they, in my opinion, are noticeably less onerous than those earmarks to which I objected last October. I thank Senator MURRAY and Senator SHELBY for their efforts in that direction.

Let me give a little history and also point out some of the improvements which have given me encouragement from last year's Transportation appropriations bill.

In March of 1998, Congress overwhelmingly approved groundbreaking transportation legislation, TEA–21. This was not only intended to revamp distribution of Federal highway funds but was also to usher America into the completed interstate period of our highway history. We had spent the better part of a half century building the interstate system. By the 1990s, that mammoth national effort, at least as it had originally been conceived, has largely been accomplished. So the question was, Where do we go in the ''after interstate construction'' period?

One of the areas in which the Congress clearly believes we needed to go is to make the interstate and our other national highway systems as efficient as possible. As the Presiding Officer, who comes from a large and growing State, I can appreciate the number of interstate lanes you can build through a city such as St. Louis or Kansas City is just about limited unless you are prepared to do very significant demolition of an urban environment.

We increasingly are asking ourselves how we make these systems that are already in place operate as efficiently as possible. The 1998 TEA–21 legislation set aside money for research and development and also for the deployment of components of intelligent transportation systems. The goal was to accelerate our knowledge of how we make these systems more efficient and then to develop sound national policy for dealing with traffic congestion in the 21st century.

The Intelligent Transportation Program works to solve congestion and safety problems, improve operating efficiencies in vehicles and in mass transit, in individual automobiles and commercial vehicles, and reduces the environmental impact of growing travel demand. Intelligent transportation systems use modern computers, management techniques, and information technology to improve the flow of traffic.

ITS applications range from electronic highway signs that direct drivers away from congested roadways, to advanced radio advisories, to more efficient public transit.

This plan, developed by the Environment and Public Works Committee, was thoughtful and had a specific purpose in mind: to foster the growth of ITS, and, in a scientific manner, gather results from new ITS programs so that we could make wise decisions when the next transportation bill is authorized.

We might make the decision that ITS has been a failure and we should abandon attempts to improve the efficiencies of our highways. I personally doubt that will be the answer. It is more likely, I hope, that the answer will be that the practical necessities and limitations of other alternatives require us to try to make our existing highways as efficient as possible and that there are some means of doing that.

One of my concerns from last year's bill was the small dollar amount allocated to most of the earmarks. If you looked at last year's Transportation appropriations bill under the provision of ITS, you saw almost a mind-numbing list of specific communities with dollar amounts behind them. I know from personal experience that ITS, while a very potentially valuable component of any transportation plan, is not inexpensive. The plan I am most familiar with is Orlando, FL, which is a plan that combines many of the components of a modern ITS system and has had a pricetag in excess of $15 million. Therefore, when I saw many earmarks that were in the range of $500,000, I wondered where they were going to get the ''critical mass'' of funds needed to do an effective ITS system, where there was going to be a critical mass of the various components of ITS that would give us the kind of information we are going to need to make the judgment as to how far we can push this technology and these management systems as an increasingly significant part of our national transportation policy.

This year's Senate bill has earmarks. But many of them seem to reach the level of critical mass. That gives me encouragement that we are going to actually learn something from these projects because there are enough resources for a community to do a serious ITS program.

A second concern is that there has been little correlation between what we have identified as the Nation's most congested communities and where we have sent our ITS money. In the legislation of last year, as I pointed out in my October statement, almost no money went to the cities that had been designated as among the 70 most congested cities in America. There has been some improvement this year.

The source of information the Federal Government looks to to determine where the greatest congestion on the highway exists is a study which is produced annually by the Texas Transportation Institute located at Texas A&M University. They published their annual report for this year in May. The 10 most congested cities in America, based on this analysis, are, in order:

Los Angeles; San Francisco-Oakland; Chicago; Seattle; Washington, DC, and suburbs; San Diego; Boston; Atlanta; Denver; and the Portland, OR, area.

Unlike last year's appropriations bill, actually some money was allocated this year to these most congested cities: $3.75 million is going to the State of Illinois, assuming some of that will be directed towards the third most congested city in America; $4 million to the Washington, DC, area, the fifth most congested area; $1 million to Atlanta, the eighth most congested area; and $6 million to the State of Washington, again assuming that some will go to the fourth most congested area of Seattle.

Having said that, I point out that 6 of the 10 most congested areas did not receive any of the funds. Of the 44 earmarked areas in the Senate bill, 23 are directed towards cities or localities that are in the top 70 most congested areas in America, according to the Texas Transportation Institute study.

Even though I personally believe that there should be no earmarks and that we should fully comply with the prospects laid out in TEA–21, I am encouraged to see that the money seems to be directed, more so than in the past, to where the need is the greatest. I again commend Senator MURRAY and Senator SHELBY for that.

As I mentioned last year, I am not categorically opposed to earmarks. There may be appropriate areas within a mature transportation program where it is appropriate for Congress to indicate a national priority. As a former Governor, my preference is to allocate these funds to the States so that the States which have the responsibility for managing the transportation systems for all of their citizens can make intelligent judgments as to priorities, and then to oversee to determine that the actual results which led to the appropriations were accomplished.

I have grave concerns about where we are earmarking funds in a program that is evolving, where the stated purpose is to be able to enhance our knowledge of how this system operates, so that in the future we can make more informed judgments as to whether it is a program that deserves continued specific Federal support or whether it should be abandoned or whether it should be accelerated because of its demonstrated contribution. I am concerned about the relationship of earmarks to the legislative structure which led to the establishment of these creative and evolving programs.

In an effort to allay those concerns about earmarks, I have presented to the managers of this legislation—I am pleased to state that they have accepted—an amendment that I will soon offer. This amendment states that all of the earmarked projects will have to meet the authorization standards that were included in TEA–21 as to their significance and the contribution they will make towards our better understanding of the potential for intelligent transportation. I thank again Senators MURRAY and SHELBY for having indicated their acceptance of this amendment.

Let me conclude with a few words of caution. There is a role for the National Government beyond just redistribution of highway funds to the States and territories and the District of Columbia which benefit from those funds. We also have the opportunity, from time to time, to be a national laboratory for new, innovative ideas. There were several of those in TEA–21.

There was a new idea about innovative financing, how we could better put national, State, and, in some cases, private funds together in order to finance transportation projects. There was a new idea about streamlining and coordinating the permitting of transportation projects so some of the long

delays that we are all familiar with could be avoided in the future. There was the innovative idea of enhancing our knowledge of intelligent transportation systems in order to make our highways more efficient.

Most of those involve a specific program, with specific funding authorizations. Most of those were intended to use a competitive process so that the best of the best ideas could be given a chance to be demonstrated in real life, that our knowledge would be accelerated.

However, if we proceed in a manner that every time we try to use a national laboratory of innovation, what happens is, the funds that were provided for that end up being earmarked in an unsystematic, I would say in some cases, irrational manner, then what is the point? Why should we try to be a laboratory of innovation if that goal will be frustrated by the manner in which the funds are distributed, that rather than being distributed on a competitive basis, where merit and contribution to the national store of knowledge will be the primary objective, we distribute the money based on who happens to have the most influence within the appropriations process?

If that is going to be the pattern, then I, for one, would say, let's abandon the concept of the U.S. National Government as a laboratory, and let's just put all those moneys back into the pool to be redistributed to the States under an established formula.

I would personally hope we would not abandon that objective and that important role the Federal Government can play as a laboratory, but it is going to require the kind of discipline that we have made between October of 2000 and now into July of 2001, where there has been progress made in the Senate. We are going to have to continue that discipline as we go into conference with the House of Representatives, which, unfortunately, from my examination, has continued most of the practices that I bemoaned back in the fall of last year—a long list of small projects that do not seem to have the critical mass or the direction towards where congestion has been demonstrated to be the greatest and, therefore, where the opportunities to learn most about these ITS projects is the greatest.

So I will hope our conferees will stand strong for the principles they have already adopted and the principles which are represented in the amendment which I offer and ask for adoption.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1064 to amendment No. 1025.

Mr. GRAHAM. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that the funds set aside for Intelligent Transportation System projects are dedicated to the achievement of the goals and purposes set forth in the Intelligent Transportation Systems Act of 1998)

On page 17, line 11, insert after ''projects'' the following: ''that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note)''.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, Senator SHELBY and I have both seen the amendment. It is a good amendment, and I think it will be accepted on both sides.

Mr. SHELBY. That is right. I have no objection.

Mrs. MURRAY. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to amendment No. 1064.

The amendment (No. 1064) was agreed to.

Mr. GRAHAM. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Thank you, Madam President. And I thank Senator MURRAY and Senator SHELBY for their consideration.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from Florida and would, again, let all Members know that Senator SHELBY and I are in the Chamber. We say to all Senators, one more time, Members have just a short timeframe to come to us with any of their amendments.

I understand the Senator from Georgia is on his way. We have heard from several other Senators who may have amendments. I remind all Members that they just have a short time this morning to get their amendments here if they want to speak on them or they will probably not be able to speak to their issue.

We want to move this bill forward. We are here. We are ready. We are working. And we would appreciate it if Members would let us know what amendments they have so we can move this bill.

I 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 the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes, with the proviso that if someone comes to offer an amendment on the underlying bill, I will relinquish the floor.

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

(The remarks of Mr. DORGAN and Mr. REID are printed in today's RECORD under ''Morning Business.'')

Mr. REID. Mr. President, the manager of this bill and I have spoken on a number of occasions. We have some down time here. The Senator from Georgia is on his way and should be here momentarily to offer an amendment. We look forward to him offering that amendment.

We have work that has to be done. We have to work on this bill. The Senator from Washington and the Senator from Alabama have spent weeks of their lives working on this bill. For me, in the State of Nevada, the Transportation bill is very important. It is one of the ways that we in Nevada—especially the rapidly growing Las Vegas area—are able to keep up with the growth—or try to. We need this.

Not only is this an important bill—immediately when we think about transportation, we think of highways—but also the innovations in this bill are tremendous.

Mrs. MURRAY. If the Senator from Nevada will yield for a moment.

Mr. REID. I am happy to yield to the Senator from Washington.

Mrs. MURRAY. Mr. President, we are here on the floor talking about the Transportation appropriations bill, as the Senator from Nevada has stated. We have taken some time to hear about the Patients' Bill of Rights because no Members have come to the floor to offer their amendments.

I can share with you, as chairman of the Transportation Appropriations Subcommittee, many Members on the floor, Republicans and Democrats, have come to me over the last 5 weeks to tell me how critical an airport is in their State, or a road, a bridge, or a highway. Many Members have thanked me for the money for the Coast Guard and for pipeline safety. Many Members have mentioned to me the critical issues facing their States, their infrastructure needs that have piled up. We have done a good job—Senator SHELBY and I—in putting a lot of money into these projects that will help families in every State in this country to be better able to get to work quickly, to take care of their kids and get to a babysitter and pick them up before they go home, to go to an airport that has improvements so they don't have long waits. Those issues are critical.

One amendment on our side is from the Senator from Georgia. He will be here shortly. I have heard rumors of several Members on the Republican side who have amendments. So far, none of them has come to the floor. I tell all of our Members that we cannot get this to conference and advocate for

those needs that you have impressed upon us unless we move this bill off the floor. We are here, and we want to work with you on amendments. But unless somebody comes and offers an amendment, we are unable to move forward.

I remind everybody again that we are moving to a cloture vote tomorrow. Your amendments will not likely be in order after that, and we will not be able to help you with that. Again, I plead with our colleagues on both sides, if you have amendments, come to the floor now. Let us know. We are happy to work with you. Otherwise, your project will not be part of the bill that is going to move out of here.

I thank my colleague from Nevada.

Mr. REID. If I may say to the manager of this bill, I believe that cloture will be invoked. This legislation is so important to this Senator and my colleague, the junior Senator from Nevada.

We know how this bill helps us. The Senator mentioned surface transportation. One of the things the Senator is helping us with on this bill, which we needed so badly, is a fixed-rail system, the monorail we have to take from the airport. McCarran Field now gets almost 40 million visitors a year in that little airport, and we need some way to bring those people into the strip and the downtown.

I say to my friend, having managed a number of appropriation bills over the years, if by some chance this bill does not pass and whoever is responsible for defeating this bill, either directly or indirectly, when this bill goes on some big omnibus bill, many of these projects, many of these programs which Senator MURRAY and Senator SHELBY have worked so hard on will just be gone. Is that a fair statement?

Mrs. MURRAY. The Senator from Nevada is absolutely correct. We can fight for these projects in the conference bill with the House committee that has spoken on many of these issues as well. If cloture is not invoked and this bill ends up in an omnibus bill, we will be subject to whatever small amount of money we have left to deal with, and we do not know what that will be, depending on some of the other appropriations bills that go through here.

I tell my colleague from Nevada that I have worked very hard to fund the President's priorities within this bill. In fact, we did much better in the Senate bill than the House did for the President's priorities. Those may well not be part of the final package if we move to an omnibus bill on this.

I agree with the Senator from Nevada; we will likely invoke cloture tomorrow because so many Members have such critical projects that may not be there if we do not move on this bill.

I say to my colleague from Nevada, and to the Presiding Officer of the Senate, it is clear there is one issue that is hanging up this bill at this point, and that is the issue of safety on American highways, that is the issue of whether or not we are going to implement strong safety protections for our constituents across this country in this bill.

Senator SHELBY and I have worked very hard in a bipartisan manner to put together strong safety requirements that we believe will ensure that the Mexican trucks under NAFTA that are crossing our border have drivers who are licensed, that have been inspected at their sites, that are not overweight, and we can assure our constituents we have safe roads. We believe the unanimous consent of the Appropriations Committee allowed us to move forward on that.

We believe a number of Members of the Senate agree with those safety provisions and are not willing to doom their projects on a cloture vote over the safety provisions that have been included in this bill. Again, that vote will occur tomorrow and we will see where the votes are. We want to move this bill forward.

I see the Senator from Georgia is here. I do know he has an amendment, and we will hear from him shortly on that, and we will be able to move to a vote on that amendment. I again remind all of our colleagues, if they have amendments, get them to the floor.

Mr. REID. It is my understanding—and I say to my friend from Washington, she and her staff have spent a lot of time trying to work something out with Senators MCCAIN and GRAMM—that as we speak there are negotiations in progress; Is that true?

Mrs. MURRAY. The Senator from Nevada is correct.

We met late last night with the staffs from a number of Republican offices. We believe we are able to talk to them about some issues on which we can possibly agree, but as many Members of the Senate on both sides agree, we cannot compromise on some key safety provisions we believe are essential. We are continuing to talk to Senator MCCAIN, Senator GRAMM, and other Senators on the other side who do not want to see provisions in this bill regarding safety.

We will continue to have those discussions up to and including the vote tomorrow, but I tell all of our colleagues I think the provisions in this bill regarding safety are absolutely imperative. I think a majority of the Members of the Senate agree with us. That does not preclude us from talking. We have given our full faith to do that.

We will be meeting with those Members again this afternoon and with the Department of Transportation to see if we can come to some agreements on that, but meanwhile we are ready and willing to work.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 1033 TO AMENDMENT NO. 1025

Mr. CLELAND. Mr. President, I ask unanimous consent to temporarily lay aside the pending amendment and call up amendment No. 1033 and ask for its immediate consideration.

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

The legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 1033 to amendment No. 1025.

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

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

The amendment is as follows:

(Purpose: To direct the State of Georgia, in expending certain funds, to give priority consideration to certain projects)

On page 81, between lines 13 and 14, insert the following:

SEC. 3___. PRIORITY HIGHWAY PROJECTS, GEORGIA.

In selecting projects to carry out using funds apportioned under section 110 of title 23, United States Code, the State of Georgia shall give priority consideration to the following projects:

(1) Improving Johnson Ferry Road from the Chattahoochee River to Abernathy Road, including the bridge over the Chattahoochee River.

(2) Widening Abernathy Road from 2 to 4 lanes from Johnson Ferry Road to Roswell Road.

Mr. CLELAND. Mr. President, this amendment addresses a critical issue of safety in my State of Georgia, and I want to thank the distinguished chairman of the subcommittee, Senator MURRAY, and the ranking member, Senator SHELBY, from the great State of Alabama, for all their work on this tremendous issue of transportation, which is the cornerstone and building block really of our economic development in this country.

Recently, State Farm Insurance ranked the most deadly intersections in the Nation, and five intersections in Georgia made that list. Georgia actually is the fastest growing State east of the Mississippi, and we are in many ways suffering the aftereffects in terms of our traffic problems.

Today I am offering an amendment to improve one of the five most dangerous intersections in my State. Specifically, my amendment would require the State of Georgia to give priority consideration to improvements that would impact the killer intersection of Abernathy Road and Roswell Road in Sandy Springs, just north of Atlanta. This deadly intersection is located in Metropolitan Atlanta which now has the longest average vehicle miles traveled in the Nation. It has, sadly, become the Nation's poster child for pollution, gridlock, and sprawl—not a pretty sight.

There are 85,000 automobiles which travel this particular corridor every day, and to make matters worse this artery narrows from four lanes to two lanes at the historic Chattahoochee River, as one crosses from Cobb County into Fulton County. The result is a bottleneck of historic proportions,

which has continued to be a problem for 25 years. According to an article recently appearing in the Atlanta Journal-Constitution newspaper, ''Fender benders never stop,'' at Abernathy and Roswell Road intersection and the four other killer intersections in Georgia which made State Farm's list.

Specifically, my amendment calls for Georgia to give priority consideration to improving Johnson Ferry Road from the Chattahoochee River to Abernathy Road, including the heavily traveled bridge over the Chattahoochee River. It also calls for priority consideration in widening Abernathy Road from two to four lanes from Johnson Ferry Road to Roswell Road. These improvements enjoy widespread bipartisan support in my State, from the Governor of Georgia to the Georgia Department of Transportation, to Cobb County and Fulton County and their elected commissioners.

I stress that my amendment calls for no new money—no new money. The improvements to this deadly intersection would come from formula funds already guaranteed to Georgia.

As the AJC article points out, this is not a new issue. The streets named by State Farm ''have had their reputations for some time.'' In fact, my distinguished colleague in the House, Representative JOHNNY ISAKSON, has waged this important battle for 25 years. Congress now has an opportunity to do something which will be critically important to metro Atlanta, the State of Georgia, and the safety of their citizens. I call on my colleagues to support this amendment.

I thank the distinguished chairman of the subcommittee and ranking member from Alabama for this opportunity to talk about this important amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. REID. Madam President, I ask unanimous consent the Cleland amendment be laid aside and Senator GRAMM of Texas be recognized to offer a first-degree amendment; further, that the time until 12:20 be under the control of Senator GRAMM and that the time from 12:20 to 12:25 be under the control of Senator MURRAY; that immediately following the expiration of her time, we would move to a vote in relation to the Cleland amendment; that there would be no second-degree amendments in order prior to the vote; further, that following the disposition of the Cleland amendment, the Senate resume consideration of the Gramm amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, I just ask for one clarification. My amendment would be a second-degree amendment to the pending Murray amendment. With that change, I would have no objection.

Mr. REID. Although I did not understand that, I do now and so I move to amend my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request as so modified? Hearing none, it is so ordered. The Senator from Texas.

Mr. GRAMM. Madam President, I thank the distinguished Democratic floor leader for working with me as he so often does in helping the Senate move forward in an efficient fashion.

Mr. REID. I thank the Senator.

AMENDMENT NO. 1065 TO AMENDMENT NO. 1030

(Purpose: To prevent discrimination in the application of truck safety standards)

Mr. GRAMM. Madam President, I send an amendment to the desk on behalf of myself, Senator MCCAIN, and Senator DOMENICI and I ask for its immediate consideration and I ask it be read.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM] for himself, Mr. MCCAIN and Mr. DOMENICI, proposes an amendment numbered 1065:

At the end of the amendment, insert the following: ''*Provided*, That notwithstanding any other provision of this section, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.''.

Mr. GRAMM. Madam President, I think the amendment is fairly self-explanatory. But since this is somewhat of a complicated issue in that it has to do with a Transportation appropriations bill and a rider which is now pending to it, which I am trying to amend, and in that it relates to NAFTA, what I would like to do in the next few minutes is try to go back to the beginning and explain what the NAFTA agreement said, what the obligations are that we have undertaken—the President signing NAFTA, cosigning it with the President of Mexico and the Prime Minister of Canada—and what obligations we undertook as a Congress when we ratified that agreement by adopting enabling legislation, thereby committing not only the executive branch but the American Government to NAFTA.

Much has been said about truck safety. I want to make it clear to my colleagues and anybody who is following this debate that so far as I am concerned there is no disagreement about safety. In fact, I would argue that I am more concerned and with better reason about truck safety than any other Member of the Senate except my colleague from Texas, Mrs. HUTCHISON, since we have more Mexican trucks operating in Texas than any other State in the Union and the implementation of NAFTA will in and of itself assure that more Mexican trucks transit highways in Texas than in any other State in the Union.

What I want and what NAFTA calls for—and I believe that I will show convincingly what it calls for—is that Mexican trucks under NAFTA have to be subject to the same safety standards that we apply to our own trucks and to Canadian trucks, no more and no less.

There are some circumstances where the inspection regime and the enforcement regime might be different, but the standards and the impact cannot be different. Let me begin with a document. This thick, brown document I have here is the North American Free Trade Agreement. This is the agreement that was signed by the President of the United States, the President of Mexico, and the Prime Minister of Canada. It is the agreement through legislation that we ratified. I want to read from this agreement as it relates to cross-border trade in services. Transportation is a service. The basic two commitments we made under this NAFTA trade agreement are embodied in the following two articles: Article 1202, national treatment, says:

Each party shall accord the service providers of another party treatment no less favorable than that it accords in like circumstances, to its own service providers.

Let me read that again ''each party''—obviously that is the United States, Mexico, and Canada—''shall accord the service providers of another party''—that is our trading partners, so ''we'' are the United States, that is Mexico and Canada—''treatment no less favorable than that it accords in like circumstances to its own service providers.''

The second provision is a most-favored-nation treatment, and it says basically the same thing, but for completeness let me read both:

Each party shall accord the service providers of another party treatment no less favorable than that it accords, in like circumstances, to the service providers of any other party or nonparty.

What is our obligation under this trade agreement that the President signed and we ratified by passing legislation which was signed into law, making this agreement the law of the land?

Our obligation is with regard to cross-border trade in services and, in this particular case, trucks. We are going to treat Mexican trucks the same as we treat our own trucks, and we are going to treat our own trucks the same as we treat Canadian trucks.

The basic commitment we made when we ratified this agreement was

that we were going to treat Mexican trucks no less favorably than we treated trucks in the United States. We were going to allow in a free trade agreement the free provision of trucking services in North America, whether those trucking services were provided by an American company, a Mexican company, or a Canadian company. Each of those companies would be subject to safety standards, but the safety standards would have to be the same. They would not have to be implemented identically, but the standards would have to be the same.

There is a proviso. I want to be sure that I talk about this proviso. The United States has a proviso in the agreement. That proviso is on page 1,631. It consists basically of three provisions. The first provision says that 3 years after the date of signatory of this agreement, cross-border truck services to or from the border States of California, Arizona, New Mexico, and Texas, such persons will be permitted to enter and depart the territory of the United States through different ports of entry.

In other words, the first reservation or proviso was that for 3 years we were going to allow Mexican trucks only in these border States. Three years after we entered into the agreement and it was in force, we were going to allow cross-border scheduled bus services. That was the second reservation or proviso.

The third was that 6 years after the date of entry into force of this agreement we would have cross-border trucking services provided on a nationwide basis.

What does the treaty say that the President signed and that we ratified with an act of Congress? It says, subject to phasing in a policy for 3 years where the trucks operate only in border areas, after the treaty was in force for 6 years we would have free trade in trucking.

Those are the only provisos. We had no other reservations in this trade agreement.

The basic principle of the trade agreement was that we would have national treatment for Mexican trucks. Converted into simple, understandable words, that means Mexican trucks would be treated for regulatory purposes as if they were American trucks—no better, no worse. That is the law of the land. This is a ratified trade agreement which is now the law of the United States of America.

Let me try to explain what would be allowed under this law and what would not be allowed under this law.

There has been a lot of discussion about whether or not the pending Murray amendment violates NAFTA. Let me go over, within the provisions of what I have just read, what constitutes a violation.

First of all, the provision makes it very clear that you have to have the same standards. You cannot have discriminatory standards. But, obviously, it also makes it clear that you don't have to enforce them in exactly the same way. For example, it would not be a violation of NAFTA for us to begin our new relationship with Mexico by inspecting Mexican trucks that come into the United States.

I note that would be substantially different than what we do now. Currently, in the year 2000, 28 percent of all American trucks operating in our country were inspected. Forty-eight percent of all Canadian trucks operating in America were inspected. Seventy-three percent of all Mexican trucks were inspected.

It would not be a violation of NAFTA in admitting Mexican trucks to operate nationwide, for the first time for us to inspect every truck until standards were established and until a pattern was developed where it became clear that Mexican trucks were meeting American standards.

After the point where the disqualification rate was similar on American trucks, Canadian trucks, and Mexican trucks, then continuing to require an inspection of all Mexican trucks without any evidence that such inspection was required to meet the standards, at some point that would become a violation of NAFTA, but it would not be a violation in the implementation phases.

Senator MCCAIN has proposed—and I support—a safety regime that initially would inspect every truck coming into the United States from Mexico. If the way the Mexican Government keeps its records is different than the way the Canadian Government keeps its records or the way the United States Government keeps its records, it would not be a violation of NAFTA for us to set up a separate regime in how we interface with the Mexican Government to enforce uniform standards. That would not be a violation. But where violations come is not in enforcing under different circumstances. Where violations come is when the standard is different.

It is perfectly within the bounds of NAFTA that you can have a different inspection regime because of the difference in circumstance. But it is a violation of NAFTA, a violation of the law, and a violation of the letter and the spirit of an international obligation that we undertook and we willingly ratified when you have different standards for Mexican trucks as compared to American trucks and Canadian trucks.

Let me give you four examples of provisions in the Murray amendment that violate NAFTA.

Again, why do they violate NAFTA? It is not a violation of NAFTA if you have a different inspection regime to achieve the same result. That is contemplated in NAFTA. In fact, the North American Free Trade Agreement arbitration panel has noted that there is nothing wrong with enforcing the same standards differently depending on the circumstances.

Let me cite four violations. Under the Murray amendment, it is illegal for Mexican trucks to operate in the United States unless they have purchased American insurance. That is a flat-out violation of NAFTA. Why do I say that? Because it is not required in the United States that Canadian trucks purchase American insurance. In fact, the great majority of trucks that operate in the United States from Canada—100,685 trucks last year—the great preponderance of those trucks had either Canadian insurance or British insurance. Many of them are insured by Lloyd's of London.

Requiring that Mexican trucks have American insurance is a violation of NAFTA because we do not require that our own trucks have American insurance. We require that they have insurance, but we do not require that the insurance company be domiciled in the United States of America. We require that Canadian trucks have insurance, but we don't require that the insurance company be domiciled in the United States of America. But the Murray amendment requires that Mexican trucks have insurance from insurance companies that are domiciled in the United States of America. And that is as clear a violation of NAFTA as you can have a violation of NAFTA. It violates the basic principle of national treatment.

Let me give you a second example.

We have regulations related to companies leasing their trucks. We have laws and regulations in the United States. We enforce those laws on American trucks. We enforce those laws as they relate to Canadian trucks. But the Murray amendment has a special provision that applies only to Mexican trucking companies. That provision is that Mexican trucking companies, if they are under suspension or restriction or limitations, cannot lease their trucks to another company.

I am not arguing that we should not have such a provision in the United States. Quite frankly, I would be opposed to it. Why would we force a trucking company that cannot provide a certain service to simply let its trucks sit idle when the trucks can pass a safety standard and some other trucking company might use them?

For our own trucks, we have deemed that to be inefficient. For our own trucking companies, we have deemed that to be destructive of their economic welfare. We have the same standard for Canadian trucks. But under the Murray amendment, we do not have the same provision with regard to Mexican trucks. Therefore, the Murray amendment violates NAFTA. It violates NAFTA because you cannot say that an American company that is subject to suspension, restriction, or limitation can lease its trucks, that a Canadian company that is subject to the same restrictions can lease its trucks, but that a Mexican company, that is subject to the same restrictions, cannot lease its trucks. You can

treat Mexican trucks any way you treat your own trucks, but you cannot, under NAFTA, treat them any differently. I made that clear when I read the two provisions directly related to trucking.

Another clear violation is a violation with regard to penalties. We have penalties in the United States. If you are a bad actor, if you do not maintain your trucks, if you do not operate them safely, if you violate other provisions, we, in the name of public safety, do—and we should—impose penalties. But the penalties that we apply to our own truckers and we apply to Canadian truckers, under this bill we would have a different penalty regime, and that penalty regime would prohibit foreign carriers from operating—reading the language—apparently, permanently, based on violations.

Look, we would have every right, under NAFTA, to say, if you violate the law, you are permanently banned from ever being in the trucking business again. We very quickly would have nobody in the trucking business. But we can do that. If we did that to our own trucking companies, we could do it to Mexican trucking companies; we could do it to Canadian trucking companies. But what we cannot do—the line over which we cannot step, and which this pending measure, the Murray amendment, does step—is treat Mexican trucks and Mexican trucking companies differently than you treat American trucking companies and than you treat Canadian trucking companies.

Let me give one more example, and then I will sum up, because I see my dear colleague, Senator MCCAIN, is in the Chamber.

Another provision of the pending Murray amendment makes reference to the Motor Carrier Safety Improvement Act of 1999. This was a provision of law adopted by the Congress, signed by the President, in 1999, that made revisions relative to safety.

This bill was adopted, and it applies to every American trucking company, and it applies to every Canadian trucking company. And it can apply to every Mexican trucking company. But that is not what the provision in the Murray amendment does.

The Murray amendment says, until the regulations that are contained in this 1999 law are written, and fully implemented, Mexican trucks cannot operate in the United States. If the bill said, American trucks cannot operate until it is implemented and Canadian trucks cannot operate until it is implemented, we might all go hungry, but that would not violate NAFTA.

What violates NAFTA is, while we have not written the regulations and implemented this act, we have 100,000 Canadian trucks operating in the United States. And by singling out Mexican trucks and saying they cannot come in until these regulations are written and implemented—which probably cannot be done for 2 years, according to the administration; and I am for the implementation of this law; I am for the regulations—but you cannot say, under a national treatment standard, which we entered into—signed and ratified—you cannot say, American trucks can operate without this law being implemented, Canadian trucks can operate without this law being implemented, but Mexican trucks cannot operate without this law being implemented. That violates NAFTA. And it is clearly illegal under the treaty.

Let me sum up by saying I have a letter from the Secretary of the Economy in Mexico. Let me conclude by reading just a couple sentences, and then I want to yield to Senator MCCAIN.

I quote the letter:

> Mexico expects nondiscriminatory treatment from the U.S. as stipulated under the NAFTA. . . . Each and every truck company from Mexico ought to be given the opportunity to show it complies fully with U.S. standards at the state and federal levels. . . .
>
> We are very concerned after regarding—

I am sure they mean ''looking at''—

> the Murray amendment and the Administration's position regarding it that the legislative outcome may . . . constitute a violation of the agreement.

This amendment would guarantee that we do not discriminate against Mexico. That is what this issue is about. This is not about safety; this is about the question of whether or not Mexican trucks, in a free trade agreement, where we committed to equal treatment, will in fact be treated equally.

Madam President, it is my understanding that we have the floor for another 6 minutes, and then the Senator from Washington will be recognized. Didn't the unanimous consent agreement say 12:25?

Mrs. MURRAY. The unanimous consent agreement gives the Senator until 12:20. I have 5 minutes, and then we go to a vote.

Mr. GRAMM. Was it 12:20?

Let me ask unanimous consent that Senator MCCAIN have 5 minutes and then Senator MURRAY have as much time as she would like.

Mr. REID. The only problem with that is one of the Senators has a personal situation. What we can do is have Senator MCCAIN speak until 12:25, and then Senator MURRAY speak from 12:25 until 12:30, and the vote will be put over by 5 minutes.

Mr. GRAMM. We thank the Senator.

Mr. REID. Madam President, I ask unanimous consent that that be the order.

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

The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank my friend from Nevada for his usual courtesy and consideration. I may not even take the 5 minutes because I think we will be debating this amendment for some period of time.

Let me assure my colleagues, we are not seeking to hold up the appropriations process, as was alleged earlier today. Nor is it acceptable for us to be told to go ahead and pass this legislation and hope that it is worked out in a conference where neither the Senator from Texas nor I will be present.

I won't sit idly by on this issue just because I don't happen to be serving on the Appropriations Committee.

Let me remind my colleagues, the jurisdiction of truck and bus safety is under the Senate Committee on Commerce, Science, and Transportation. I can assure the Senate, I was not consulted in advance regarding the Appropriations Committee's truck provisions. This is my opportunity to express my views and seek what I believe are reasonable modifications to certain provisions that are simply not workable.

The amendment would take an important first step to ensure the intent of any of the provisions ultimately approved by the Congress is not allowed to discriminate against Mexico. This does not say they can't be different. It says they can't discriminate.

Later on I will go through various provisions that clearly discriminate. I believe our disagreement is really about the question of whether the Murray provisions are simply different methods or if, in their totality, the 22 requirements result in an indefinite blanket ban. The panel ruled that a blanket ban was a violation of our NAFTA obligation, and the senior advisers to the President of the United States have clearly indicated they will recommend the President veto this bill if it includes either the House-passed or pending Senate language.

As the Statement of Administration Policy said yesterday: The Senate committee has adopted provisions that could cause the United States to violate our commitments under NAFTA, et cetera.

This is a very serious issue. The lesson here should be, No. 1, we should not be doing this on an appropriations bill. That is the first lesson. Members of the committee of jurisdiction were neither consulted nor involved in any of this process. Then once we were told it was there, we should ignore it because it is already in there and leave it to the appropriators. I will not do that. I will not do that on this issue or any other issue, including one that is viewed, at least by the President of the United States, as a violation of the North American Free Trade Agreement, a solemn treaty entered into by three nations.

This is a very serious issue. That is why we may spend a long, long time on it.

A suggestion has been made that the language be dropped. It was made by a member of the Appropriations Committee. I fully support that. Let the language be dropped. We understand there is onerous language in the House. We will proceed because we can't do anything about what the other body does.

Another suggestion has been to negotiate. I have to tell my colleagues again, there has not been negotiations. Thankfully, there has been a meeting. I have negotiated perhaps 200 pieces of legislation since I have been in this body, some of them fairly serious issues such as campaign finance reform, a Patients' Bill of Rights, the line-item veto, and others. I am used to negotiating. I want us to at least come to some agreement. In many respects, on the 22 requirements as imposed by this legislation, we could have some workout language. So far there has not been one comma, not one period, not one word changed in the present language of the bill.

That is why Senator GRAMM and I are required to at least see that we do not discriminate against our neighbor to the south, and we will have other amendments to make sure that it doesn't happen, not to mention a violation of a treaty in wording that is contained in an appropriations bill.

Later this year I am going to propose a rule change on which I am sure I will only get a handful of votes. We ought to abolish the Appropriations Committee. The Appropriations Committee has taken on so much power and so much authority. It was never envisioned that we would be here debating language in an appropriations bill that violates a treaty, a solemn treaty between three nations.

If I seem exercised about it, I am because we are not giving every Senator the voice that they deserve in representing the people of their State when, on appropriations bills, language of this nature is added which has such profound impact not only on domestic but international relations.

I will discuss much further this important amendment by the Senator from Texas.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, clearly, as the Senator from Arizona knows, our staffs met until a little after midnight last night. We stand ready to continue to talk with him about any way that we can find that allows him and other colleagues on the other side to believe we have moved.

We also have to deal with a number of colleagues, both Republicans and Democrats, who believe as strongly as I do in safety. And we will continue to have those discussions and negotiations as long as possible.

The amendment sent forward by the Senator from Texas is about whether or not we can put provisions into legislation that require safety on our highways regarding Mexican trucks. Any effort by the Senator from Texas to change that and try to talk about other issues simply is not fact. This is an issue of safety. The provisions under the bill do, in fact, subject Mexican trucks to stricter provisions than do Canadian trucks, but there is a very good reason for that. It is shown on this chart.

Of the trucks that are inspected, 36 percent found in violation are Mexican trucks; 24 percent, American; only 14 percent, Canadian. It is very clear that Mexican trucks crossing the border have safety violations. That is why a number of our constituents across this country are telling us that, in order to move forward the NAFTA provisions, we need to ensure that our people who are driving on the highway, who see Mexican trucks or Canadian trucks or American trucks, know they are in fact safe.

This isn't discriminating against Mexico. It is ensuring the safety of the American public is something that this Congress and this Senate stands behind.

I am a supporter of NAFTA. I am a supporter of free trade. But I am not a supporter of allowing the American public traveling our highways to be unsafe. The provisions in the underlying bill do not violate NAFTA, no matter what the Senator from Texas says. That is not just my opinion. It is the opinion of the arbitration panel under NAFTA that said in their document:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. . . . U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian or Mexican.

Clearly, they tell us that we have the right in this country to ensure that trucks coming across our borders are safe. That is what the Murray-Shelby amendment does. It is not just my opinion. It is the opinion of the NAFTA arbitration panel that is very clear about that.

The Senator from Texas is trying to say we are violating provisions of NAFTA. We are not. We are assuring, as we have a right to under the treaty, that people who travel in this country, families who are on vacation, traveling to work, dropping their kids off at school, know that the trucks on the highway with them follow specific safety provisions. That is what the underlying amendment does.

The amendment before us clearly is an attempt to gut those safety provisions and will mean that families in this country cannot be assured of their safety.

We have a right under NAFTA to do that. As a supporter of NAFTA, I will fight with everything I have to assure that the American public is safe under any treaty obligation we have.

I thank the Chair.

VOTE ON AMENDMENT NO. 1033

Mrs. MURRAY. Madam President, I ask for the yeas and nays on the Cleland amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 1033. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON) is necessarily absent.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—90

Akaka	Dodd	Lincoln
Allard	Domenici	Lott
Allen	Dorgan	Lugar
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Feingold	Murkowski
Bingaman	Feinstein	Murray
Bond	Fitzgerald	Nelson (FL)
Boxer	Frist	Nelson (NE)
Breaux	Graham	Nickles
Brownback	Grassley	Reed
Burns	Gregg	Reid
Byrd	Hagel	Roberts
Campbell	Harkin	Rockefeller
Cantwell	Hatch	Santorum
Carnahan	Helms	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchinson	Sessions
Cleland	Inhofe	Shelby
Clinton	Inouye	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerry	Stabenow
Corzine	Kohl	Stevens
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden

NAYS—8

Bunning	Hutchison	Thomas
Enzi	McCain	Voinovich
Gramm	Specter	

NOT VOTING—2

Jeffords	Thompson

The amendment (No. 1033) was agreed to.

Mr. DASCHLE. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DASCHLE. Madam President, we have been consulting on both sides of the aisle over the last several moments. The authors of the Gramm-McCain amendment have agreed to a vote on that amendment at 1:45. It is my expectation we will have a vote at 1:45 on the McCain-Gramm amendment and then we will at that point entertain the possibility of moving to the Iranian-Libyan Sanctions Act if we can reach a unanimous consent agreement with regard to time.

So far, one of our colleagues is still contemplating what his legislative options might be, and we have not been able to reach that agreement. If we are not able to reach that agreement, we will proceed with additional amendments to the transportation bill.

I yield the floor.

AMENDMENT NO. 1065

The PRESIDING OFFICER (Mrs. BOXER). The Senator from North Dakota.

Mr. DORGAN. Are we on the Gramm-McCain amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Madam President, I rise in opposition to the amendment. Some of us think the Murray-Shelby amendment that is in the bill is not strong enough. I certainly would oppose attempts to weaken it. The issue here is not that we are singling out one country versus another country. The issue is safety on American highways. The fact is that we have a trade agreement that links the United States, Canada, and Mexico. I happen to have voted against that agreement because I think it is very hard to link two economies as dissimilar as the economies of the United States and Mexico.

Notwithstanding my vote against the trade agreement, I don't think anyone who voted in favor of it ever would have contemplated, when they were voting, that we would be required to compromise safety on America's highways as part of the trade agreement. That is not logical at all.

I indicated earlier this morning that we and Mexico have very different standards with respect to long-haul trucking. The proposition by the President and by the NAFTA arbitration panel that ruled on this is that we should allow Mexican long-haul trucks to operate within this country beyond the 20-miles in which they are currently permitted.

The logical question to ask is, What should we expect from the Mexican trucking industry? Can we expect them to meet the same safety requirements that are imposed on American trucking firms and drivers? The answer clearly is no. They have no minimum standard hours of service in Mexico. They do not carry logbooks in their truck. They, by and large, do not have inspections for safety on their vehicles. They have no random drug testing for their truckdrivers. You can just go on and on. All of us understand they do not have anywhere near the kind of safety inspections and regulatory requirements that we impose on our trucking industry in this country.

Let me refer again to the San Francisco Chronicle that I thought did a wonderful piece. I know it is just anecdotal but still it is, in my judgment, representative of what we find with the Mexican trucking industry.

A reporter went to Mexico and spent 3 days riding with a Mexican trucker. They had a long-haul truck carrying freight from Mexico City to Tijuana. They drove 1,800 miles in 3 days. The truckdriver slept 7 hours in 3 days. This is a truckdriver sleeps 7 hours in 3 days and drives a truck that could not pass a safety inspection in this country. And we are told that a trade agreement requires us to allow Mexican trucks into this country for long hauls, notwithstanding other issues.

It is illogical, in my judgment, to do that. This is not about singling Mexico out. It is about protecting our people on our highways.

Do you want or do you want your loved one to look in a rearview mirror and see an 18-wheel truck bearing down on you with a 80,000-pound load, wondering whether it has been inspected, whether it has brakes, whether the driver has driven for 2 days and slept for 6 hours? Do you want that for yourself or your family or your neighbor? I don't, nor do I think would most Americans want that to be the case.

I know one might say: You are being pejorative here about Mexican truckers and the Mexican trucking industry. All I can tell you is it is a very different industry than the U.S. trucking industry. They drive a much older fleet of trucks than we do. They do not have the same requirements that we have imposed on our drivers. They don't have the same inspection regime that we impose on American trucks.

The question for this Senate is, What kind of safety requirements are we going to require and impose on our highways with respect to foreign trucks that are coming into this country hauling foreign goods? I have said before, let me just say it again, the ultimate perversity, in my judgment, of this terrible trade agreement will be to have Mexican long-haul truckers driving unsafe trucks, hauling unfairly subsidized Canadian grain into American cities. You talk about a hood ornament to foolishness, that is it.

With respect to the amendment, the amendment on the floor now is to weaken the Murray-Shelby language. I have spent time on the floor saying, frankly, the Murray-Shelby language is not bulletproof as far as I am concerned, in terms of preventing unsafe vehicles from coming onto American highways. I would much prefer the House version, the so-called Sabo language, which the House passed 2–1, which simply said no funds can be expended to approve applications to allow long-haul Mexican trucks into this country in the next fiscal year.

It will take some time to integrate the trucking requirements and regulations between our countries. Perhaps it can be done, but there is not a ghost of a chance it can be done by January 1 of next year, which is when President Bush says we ought to allow this to happen. There is not a ghost of a chance for that to occur.

We had a hearing in the Commerce Committee on which I serve, and the Secretary of Transportation and the Inspector General for the Department of Transportation testified. The testimony was fascinating. We have 27 border stations through which Mexican trucks now move into this country. They are only allowed to go 20 miles into this country because of safety concerns. Yet we have found truckdrivers operating Mexican trucks in 26 States in our country, including the State of North Dakota. So we know that the current 20-mile limit is being violated.

At the hearing we held in the Commerce Committee, we were told of the 27 border stations through which trucks enter this country. Only two of them have inspection facilities that are open during all commercial hours of operations. Even in those circumstances there are a very limited number of inspectors. In most cases where they have inspectors, they work only a few hours a day, and they have one or two parking spaces for a truck.

We asked the Secretary and Inspector General of the Department of Transportation: Why do you need a parking space? They said: We just can't turn them back. For example, if a truck comes and has no brakes, we can't turn that truck back to Mexico. Let's not forget that 36 percent of the Mexican trucks inspected are placed out of service for serious safety violations.

Think about this for a moment. A truck shows up at the border with a driver who has been driving for 3 days and has had 7 hours of sleep. They discover it has no brakes. They don't have a parking space to park it. They know they cannot turn it back. Here we in the Senate are debating about allowing trucks into this country unimpeded.

The other side says that Mexican trucks face a serious inspection regime. Show me. Show me the money. Show me the money you are going to commit to have a rigorous regime of inspection at every single U.S.-Mexico border crossing. Show me the money because it doesn't exist.

Even if you show me the money, show me the compliance regime by which you send investigators down to Mexico to investigate the trucking companies before they give them the Good Housekeeping Seal of Approval so we know when someone shows up with a logbook that it hasn't been filled 10 minutes before they reached the border; that it is not somebody who has been up for 20 hours. Show me the money by which you will be able to show the American people they should have confidence these trucks and drivers belong on America's highways.

You cannot do it because that money does not exist in our appropriations bills to accomplish that task, and everybody here knows it. Yet we are debating the conditions under which we allow these trucks into this country.

The issue before us is the amendment offered by my colleagues, Senators GRAMM and MCCAIN. I do not support it. In fact, I do not support at all allowing Mexican trucks to enter this country during the next fiscal year. What I do support is to have our people seriously begin discussions on how you could create reasonably similar inspection opportunities and investigations of the trucking companies and their drivers so at some point when we do this, that we have some certainty of safety on America's roads.

We are nowhere near that time frame. It is not going to happen in 6 months. And, in my judgment, it is not

going to happen in 18 months. But we have to start working on it now. The best way to work on it, in my judgment, is to do what the House of Representatives did. The worst possible thing to do at this moment is to water down the Murray-Shelby language, which is too weak. This amendment waters down language that I think is not sufficient.

The worst possible moment for this Senate would be to support an amendment that carves out the foundation or weakens the foundation of a protection that, in my judgment, still does not meet efficiency.

I am going to oppose the amendment offered today by my two colleagues. I have great respect for both of them.

In my judgment, the Senate will do this country no favor if it rushes to say that the NAFTA trade agreement allows us to compromise safety on America's roads. A trade agreement, should never, under any circumstance, ask any of us to cast a vote that jeopardizes the safety of America's highways. No trade agreement has that right. No trade agreement that anyone votes for, in my judgment, should allow that to happen to this country.

I yield the floor.

Mr. BINGAMAN. Madam President, I would like to address the Gramm amendment and the underlying issue of cross-border trucking.

First, I compliment Chairman MURRAY and Senator SHELBY for their fine work on this Transportation Appropriations bill and to thank them for the funding provided for a number of important projects in New Mexico.

At the outset, let me say that I supported NAFTA, and I continue to support free trade. I do believe NAFTA is good for the country and good for New Mexico. However, it is not inconsistent with NAFTA to ensure that trucks and buses crossing the border from Mexico meet all of our safety standards.

I do believe the American people expect Congress to ensure that our highways are safe to all users. The fact is safety standards in Mexico for trucks and buses are not the same as in our country. NAFTA doesn't require that they be consistent. Under NAFTA, domestic trucks and buses operating in Mexico must comply with Mexican standards and Mexican vehicles operating in our country must comply with our standards. The Mexican Government has never sought reduced safety or security standards for its trucks and buses.

The regulatory structure and systems currently in place of ensuring the safety of trucks and buses in Mexico, including driver safety records, licenses, insurance records, hours of service logs, and so forth, are not as sophisticated as ours or those used in Canada.

In recognition of the differences in standards and regulatory regimes, the NAFTA Arbitration Panel concluded the United States did not have to consider applications from Mexican vehicles exactly the same as we treat U.S. vehicles. The certification process for Mexican trucks and buses needs to be adapted to the different forms and availability of safety information used by government officials in Mexico. The Gramm amendment would have forbidden any adaption of our certification process to the safety and regulatory situation in Mexico.

Let me be clear, the Senate bill does not discriminate against Mexico. The Murray language in this bill does not establish different safety standards for Mexican-owned trucks and buses. Rather, the Senate language will ensure that Mexican trucks and buses meet the same safety standards that U.S. and Canadian trucks are required to meet, before they are allowed free access to our highways.

There is another point I would like to make. The State of New Mexico is not ready to deal with a dramatic increase in cross-border trucks. The New Mexico Department of Public Safety has not completed the truck inspection facility at Santa Teresa—our largest border crossing—because the Governor vetoed $1 million he had requested for the project. Another facility at Orogrande, on U.S. Highway 54 in Otero County, has not been built. Both of these facilities were to include both weigh-in-motion and static scales to ensure all cross-border trucks comply with New Mexico's weight-distance road-use fees. They will also be equipped to perform full level-one safety inspections.

For years Congress has failed to provide the additional funds needed for border States to prepare for the additional truck traffic that we all know would result from NAFTA. This year, the Senate bill has provided an additional $103.2 million—$13.9 for 80 additional Federal safety inspectors, $18 million in safety grants to States, and $71.3 million for construction and improvement of inspection facilities such as those at Santa Teresa and Orogrande in my State. The House bill, unfortunately, does not contain this additional funding.

I applaud Senator MURRAY and the members of the Senate Committee for providing this important additional funding. I urge the House to accept the Senate funding levels. When the additional inspectors are in place and our inspection facilities are completed, I believe we will be in much better position to begin opening our borders fully to cross-border trucking.

Again, I compliment Chairman MURRAY and Senator SHELBY for their work on this bill.

Mr. BAUCUS. Madam President, I rise today to discuss the issue of Mexican trucks. I want to applaud Senator MURRAY and Senator SHELBY for their efforts to craft a common-sense solution on this issue. Their provision would ensure strong safety requirements and would be consistent with our obligations under NAFTA.

As most people are well aware, the last Administration delayed opening the border to Mexican trucks because of serious safety concerns. Indeed, numerous reports have documented these concerns failing brakes, overweight trucks, and uninsured, unlicensed drivers to name just a few.

The Department of Transportation's most recent figures indicate that Mexican trucks are much more likely to be ordered off the road for severe safety deficiencies than either U.S. or Canadian trucks.

While a NAFTA arbitration panel has ruled that the United States must initiate efforts to open the border to these trucks, we need to be clear about what the panel has said.

The panel indicated, and I quote: ''the United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. . . . U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.''

Moreover, U.S. compliance with its NAFTA obligations—and again to quote the panel: ''would not necessarily require providing favorable consideration to all or to any specific number of applications'' for Mexican trucks so long as these applications are reviewed ''on a case-by-case basis.''

In other words, the U.S. government is well within its rights to impose standards it considers necessary to ensure that our highways are safe.

The Administration has suggested that it is seeking to treat U.S., Mexican, and Canadian trucks in the same way—but we are not required to treat them in the same way. That's what the NAFTA panel said.

With Mexican trucks, there are greater safety risks. And where there are greater safety risks, we can impose stricter safety standards.

In addition to safety, we must also be concerned about the effect on our environment. I am co-sponsoring an amendment by Senator KERRY to ensure that—consistent with the NAFTA—opening our border to Mexican trucks does not result in environmental damage.

Mr. REID. Madam President, I ask unanimous consent that the time between now and 2:15 p.m. be equally divided between Senators GRAMM and MURRAY, or their designees, and that at 2:15 either Senators MURRAY or SHELBY be recognized to move to table the Gramm amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wanted to add my voice to the Senator from North Dakota. It is just beyond me that in the name of free trade we would be for sacrificing the safety of Americans on American highways.

I had occasion to rise on the floor yesterday to point out with a chart all

of the huge differences between the safety standards for trucks in Mexico and trucks in America. If there is one consistent complaint I have had in a lifetime of public service to my constituents, it is about safety on our roadways. How many times over the course of three decades have the people of Florida said to me as their elected representative that they saw this or that safety violation or they were concerned about how the truck suddenly cut them off or that they saw a truck spewing all kinds of emissions.

If we then allow new lower standard Mexican trucks on American roadways, not even to speak of the lower safety standards that have been articulated by the Senator from North Dakota, what about the environmental standards? What about all of the emissions that will be coming from these trucks that we don't allow from our own trucks? Are we not concerned about our environment? Are we not concerned about global warming? Are we not getting ready to seriously address the mileage standards of automobiles and SUVs in order to try to reduce the emissions into the atmosphere to try to do something about global warming?

Here we are about to address an amendment that is going to allow for lower emission standards for Mexican trucks.

It is, as we say in the South, just beyond me that we would seriously allow, in the name of free trade, this safety-jeopardizing situation for our American motorists on our American highways.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Madam President, I ask unanimous consent that under the quorum, the time be equally divided.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, how much time is on each side?

The PRESIDING OFFICER. On Senator GRAMM's side, 31 minutes 15 seconds; on the side of the Senator from Washington, 27 minutes 45 seconds.

Mrs. MURRAY. Thank you, Madam President.

Madam President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, I thank the Senator from Washington not only for yielding me the time but for leading this effort in what has been a difficult and important moment for the Senate.

Madam President, it is fairly said that in an institution such as the Senate, every interest is ultimately represented; in an enormous country of varied industries and peoples, there is someone who will represent every cause.

The cause that Senator MCCAIN brings to the Senate today is fair trade. Indeed, this is a cause in which we have all participated in recent years. I voted for the Canadian-American Free Trade Agreement. I have come to this Chamber in favor of the World Trade Organization. We have all understood that open, free, and fair trade is a foundation of our prosperity. But, ultimately, Senator MCCAIN makes the point not for free trade, but that any good cause can be taken to its illogical conclusion. This is the limit of common sense, and it is a collision between our fundamental belief in free trade and our belief in a variety of other causes for more than a generation.

We believe in free trade, but we also believe in a number of other things I want to outline for the Senate today.

We believe in protecting American citizens on our highways. We believe in the highest standards of automotive construction. We believe in emissions controls. We believe in safety from hazardous cargo. We believe in licensing and training drivers. We believe in all of these things.

We believe in free trade, to be certain, but not to the exclusion of everything else. That is the issue before the Senate.

For 50 years, we have looked, in horror, at the death toll on American highways. Every year, 100,000 Americans are injured on our American highways with large trucks hauling cargo. Not hundreds but thousands of Americans lose their lives.

Democrats and Republicans and State legislatures and the American Congress have responded through the years by insisting on weight limitations, training, and better engineering. It has been a struggle of generations to reduce these numbers, even as our economy grew.

The Senator from Arizona would bring to this Senate Chamber today a proposal that on January 1 the United States will allow Mexican trucks to come across the borders on to the highways of every State in the Nation, recognizing that at the 27 crossing points from Mexico to America there are inspectors, 24 hours a day, at 2. Every other road, during all those hours of the day, is without inspection for weight or qualifications or licenses. Those trucks will traverse our highways.

Would the Senator from Arizona come to this Senate Chamber and ask that we repeal weight limitations on American trucks? I think not.

Would he come to this Senate Chamber and ask that we repeal emissions controls? I doubt it.

Would he like to offer a requirement that we reduce licensing requirements from the age of 21 to 18 years old? How about the licensing of the trucks themselves? How about background checks for criminal activity for those who will haul hazardous cargo? I doubt it.

The Senator from Arizona is a reasonable man. He cares about his constituents and, obviously, his country. No Member of this Senate would propose any of those things. Yet that is the practical effect of exactly what he offers.

Mexico, until recently, has had no restrictions on hazardous cargo—no warnings, no signs, no background checks. Those cargoes will flow into America.

Mexico does not have the emissions controls of the United States that have been so important in my State and other urban areas around the country. Those trucks will come into the United States.

Ten years ago, Senators rose in this Chamber—to the man and woman—as we witnessed hazardous cargoes being dumped into our rivers and along our highways, as people dumped these dangerous cargoes. We did background checks to ensure the highest integrity of those hauling such cargoes. Mexico does not. One day it might. Today, it does not. Those trucks will enter America.

Why would we do indirectly—by allowing unlicensed, uninspected Mexican trucks into the United States—that which no logical person would do directly in repealing our own laws? This is the effect.

And here is the further reality: One day, if NAFTA succeeds, the regulatory systems between Mexico and the United States will be similar as they are between the United States and Canada. One day, respect for environmental protection, hazardous cargoes, and labor rights will be similar. That will be a good day for all nations. And in that equalization, this border can truly be liberalized and opened fully and fairly, for the movement of peoples and cargoes as we now want it, for trade under NAFTA.

We have not reached that point. These are fundamentally different transportation systems. The average Mexican truck is 15 years old. That means Mexican highways have trucks that may be 20, 25, and 30 years old. The average truck on the interstate highway system in the United States is 4 years old—with modern emissions controls, modern braking systems, antilock braking systems, and equipment for foul weather, with proper communications.

I respect my colleagues on the other side of the aisle. But as they rise to defend NAFTA, who will rise in this Senate Chamber and defend the average American family, who rides the interstate highway system, with their children strapped in the back seat, to go out for the afternoon, already sharing our interstate highway system with

massive 18-wheel trucks, sometimes two and three trucks long, a necessity of a modern economy, now sharing that road with 18-year-old drivers, potentially in 15-, 20-, and 25-year-old trucks, hauling massive cargo while unlicensed, uninspected, potentially harzardous cargo? It is not a theoretical threat.

Of those Mexican trucks that now are inspected, theoretically, arguably the best of the Mexican trucks, since they are subjecting themselves to inspection, 40 percent are failing. The most common element: their brakes don't work; second, inadequate stoplights. Who in this Senate wants to be responsible for telling the first American family to lose a wife or a child that this was at the alter of free trade? Free trade to be sure, but have we become so blinded in our faith in free trade that we have lost our commitment to all other principles, including the safety of our own constituents?

I have seen causes without merit in the Chamber of the Senate before, but never a cause that so little deserved advocacy. To be intellectually honest, the authors of this amendment that would strike Senator MURRAY's language in the bill should come to the floor with the following proposal: The United States has a limit of 85,000 pounds for trucks because heavier trucks destroy our roads and cost the taxpayers billions of dollars in repair. Mexican trucks are 135,000 pounds. Come to the Senate floor and repeal the American limit and make it identical with Mexico, if that is what you believe.

American drivers are 21 years old. In Mexico, they are 18. Come to the Senate floor and repeal the 21-year-old limit. We are licensing these drivers to ensure they can handle hazardous cargo and toxic waste. Come to the Senate floor and repeal that background requirement.

I do not believe Senator MURRAY's language is perfect. I do not believe in a year or in 18 months we can reconcile differences between the trucking industry in Mexico and the United States. Indeed, I do not believe we can do so in a decade.

I am certain of this: There is no chance of having an inspection regime in place by January 1—none. This is not only wrong; this is irresponsible. I, for one, if I were the only Member of this institution, would not have my fingerprints on the loss of life that will follow.

Yes, there is an advocate for every cause in the Senate. Perhaps every cause should be heard, every voice should be recognized. This cause does not deserve advocacy. Free trade, yes, but to the exclusion of the safety and interests of our citizens, never.

I rise in support of Senator MURRAY's language and urge the Senate to reject the amendment offered by the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that the last 5 minutes of the debate be reserved for Senator SHELBY.

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

Mrs. MURRAY. I ask unanimous consent that time spent under the quorum call be equally divided and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Mrs. MURRAY assumed the chair.)

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, I ask unanimous consent to be told when I have used up to 6 minutes.

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

Mrs. BOXER. Then I will end my remarks and the Senator from Arizona can have the floor at that time.

Madam President, I have listened to this debate, and I have participated in it. I believe, in light of Senator TORRICELLI's remarks, that if he was the only one in the Senate who felt strongly about this issue and how right you were on the issue, Madam President, he would stand and be proud.

I want to make it clear that a lot of us do agree with you about the importance of passing your underlying language and your amendment that you offered to strengthen the safety of NAFTA trucks.

As a member of the Commerce Committee—I am a new member—I had the honor of sitting through the hearing that I actually had requested that Senator HOLLINGS hold on the issue of NAFTA trucks. I have nothing but the highest regard for former Congressman Mineta, now the Secretary of Transportation, but I believe very much—and this is with great respect—that he is not really ready to make January 1 the deadline to allow these trucks into the interior of the country.

One of the things that happened at that hearing was one of the witnesses said something to the effect that those of us who were concerned on the safety issue were really against Mexico. I remember at the time Senator DORGAN, in a sense, chastised that particular witness and said: This is ridiculous.

I said at the time, and I want to repeat now, that the reason I feel so strongly that the trucks coming through our country should be safe is to protect the people that I represent in California, 30 to 40 percent of whom are Mexican Americans.

I want to protect all the people. I want to make sure, as Senator TORRICELLI says, truckdrivers who come through the border are rested; that they don't have any medical condition that might prevent them from driving for hours; that in fact we can test them for drugs as we do with our own truckdrivers. Your decal amendment that is so important would say that the truck companies in Mexico would have to comply with our safety standards, and they would be inspected in Mexico and not have situations that we have now where the trucks are stopped at the border and, by the way, 2 percent of the trucks coming in are stopped because we don't have enough enforcement. And as Senator TORRICELLI said, 40 percent of them fail; my figure is about 36 percent, but it is somewhere in that vicinity.

And then I asked the inspector general, who appeared at the Commerce Committee hearing, why it was that we didn't send these trucks back. He simply said, ''because they have no brakes.'' I would not want to be the Senator in this Chamber who votes against Senator MURRAY's safety language and has to face the parent of a child who is killed, or a family of survivors of someone who is hurt or killed.

I was at a press conference about a year ago where I was calling for tougher standards for our own trucks, our own drivers. We still have far too many injuries on our own highways, and we need to even tighten those up. What we are ready to do here with this loophole amendment offered by Senator GRAMM is to dilute your provision and Senator SHELBY's provision that would, in fact, simply ensure that we are ready for this phase of NAFTA. We cannot be so ideological, bow down at the altar of free trade, and blind ourselves to reality. If it means somebody makes a complaint against us, I want to be there, I say to my friend from Arizona. I will defend us. I will say to those folks sitting in judgment of us that we want our people safe on the roads.

When I asked former Congressman Mineta, now Secretary Mineta, about this, he said the law says we cannot allow trucks on our roads that don't meet the standards. That is right, but if we can't enforce it, what good is it? If we can't enforce the law, what good is it?

If we have a law, and we do, which says you can't walk into a supermarket and pull out a lethal weapon and threaten someone, but we never enforce it, and there are robberies going on all over the country and nobody is enforcing it and going after the bad guys, what good is it?

So until we have enforcement mechanisms in place where all trucks are inspected either at the border or they have a decal before they cross, I am not afraid to fight for our right in a court that is looking at NAFTA. Senator MURRAY and Senator SHELBY say very clearly that their provision does not violate NAFTA—does not violate NAFTA. The fact is, I happen to know that Senator MURRAY supports many free trade agreements. The Senator's State depends on free trade. Yet you are the one who has taken a considered approach to this. You have made sure

your language doesn't interfere with NAFTA. You are simply saying that we want to make sure before these provisions go into effect, where these long-haul trucks can come in, that they, in essence, are compatible with our laws. What a straightforward, commonsense idea. I can't imagine how the American people could understand it if we would do anything less. We have to have the same standards, and we have to enforce the same standards.

Therefore, I strongly support Senator MURRAY's amendment in the underlying bill, the decal amendment.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. MCCAIN. Madam President, I could not help but be entertained by the remarks of the Senator from California who says—I guess she feels if she says it often enough, it will be true—that it doesn't violate NAFTA; it doesn't violate NAFTA; it doesn't violate NAFTA.

Well, although she may not agree with the results of the last election, the fact is that the President of the United States happens to be an individual who believes that it is in violation of NAFTA, and his senior advisers have said the Murray language is in violation of NAFTA, and the President has said he may have to veto because of NAFTA. So with all consideration for the views that the Murray language is not in violation of NAFTA, the fact is, according to the President's senior advisers, it is.

This morning at 11:15, the President said:

> I also am aware that there are some foreign policy matters in the Congress. And I urge Congress to deal fairly with Mexico and to not treat the Mexican truck industry in an unfair fashion; that I believe strongly we can have safety measures in place that will make sure our highways are safe. But we should not single out Mexico. Mexico is our close friend and ally and we must treat them with respect and uphold NAFTA and the spirit of NAFTA.

So every Senator is entitled to their views; I view them with great respect. But the reality is that the President of the United States and his senior advisers—unless changes are made, the President's senior advisers will recommend that the President veto the bill. So that is the situation on the ground, as we say.

This amendment that is pending, however, really has everything to do with discrimination, and this amendment is very simple in its language because all it says is:

> Nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.

We need to talk about some facts for a minute. These are the numbers of trucks and inspections in the United States. There are 8 million registered trucks in the United States; 2.3 million of them have been inspected. That is 28 percent. Now, 100,685 Canadian trucks have been in the United States, of which 48,000, or 48 percent have been inspected. There have been 63,000 trucks from Mexico operating in the United States, of which 46,000, or 73 percent of them have been inspected.

According to the McCain-Gramm-Domenici amendment, which the administration agrees with, we would make sure that every Mexican truck is inspected—every single one.

This chart says ''inspection results/out-of-service rates.'' It says 8 percent in the United States, 9.5 in Canada, and 6 percent in Mexico. The vehicle out-of-service rate for Mexico is 36 percent. The problem is that it has been 36 percent, as opposed to 14 percent for Canada, and 24 percent for the United States. That is why we have in our substitute some very detailed, important, and very stringent requirements, including:

The Department of Transportation must conduct a safety review of Mexican carriers before the carrier is granted conditional operating authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border.

The safety review must include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with U.S. motor carrier safety rules and regulations.

It requires every vehicle operating beyond the commercial zones of a motor carrier with authority to do so to display a Commercial Vehicle Safety Alliance decal obtained as a result of a level 1 North American standard inspection or level V vehicle-only inspection, and imposes fines on motor carriers operating a vehicle in violation of this requirement to pay a fine of up to $10,000.

It requires the DOT to establish a policy that any safety review of a motor carrier seeking operating authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border should be conducted onsite at the motor carrier's facilities when warranted by safety considerations or the availability of safety performance data.

It requires Federal and State inspectors, in conjunction with a level 1 North American standard inspection, to verify electrotonically or otherwise, the license of each driver of such a motor carrier commercial vehicle crossing the border, and for DOT to institute a policy for random electronic verification of the license of drivers of commercial vehicles at U.S.-Mexico border crossings.

There are two pages in the McCain-Gramm-Domenici substitute that require additional inspections, verification, insurance, rulemakings, et cetera. But all of those are not in violation of NAFTA. One reason why they are not is because of this information here. Federal motor carrier safety laws and regulations apply to all commercial motor vehicles operating in the United States.

When the United States-Mexico border is open, all Mexican carriers that have authority to operate beyond the commercial zones must comply with all Federal motor carrier safety laws and regulations and all other applicable laws and regulations.

Mexican carriers will be subject to the same Federal and State regulations and procedures which apply to all other carriers that operate in the United States. These include all applicable laws and regulations administered by the U.S. Customs Service, the Immigration and Naturalization Service, the Department of Labor, and the Department of Transportation. All of these Federal motor carrier safety requirements have to be complied with by any carrier that comes up from Mexico.

For the illumination of my colleagues, this is what is required for a Canadian carrier to operate within the United States of America. This is off the Federal Motor Carrier Safety Administration's Web site.

Basically, what is required is, over the Internet, to verify under penalty of perjury, under the laws of the United States of America, that all information supplied on the form or anything relating to the information is true and correct. Then $300 is sent in and the carrier operates in the United States of America. That is what is required as far as Canadian vehicles are concerned.

I hope someday carriers from Mexico will be able to exercise exactly that same procedure. We all know that is not possible now, and that is why we need very much to have additional requirements until such time as Mexican carriers meet the standards that prevail in the United States of America.

I have a number of comments about section 343, the so-called Murray language, and I will not go through them right now because the subject of discussion is the pending Gramm amendment. The pending Gramm amendment basically says that we cannot discriminate against Mexico. This amendment was carefully crafted.

In all candor, so that everybody knows what they are voting on, some of the language in the so-called Murray language would be negated by this because in the view of the President, in the view of this Senator, in the view of the Department of Transportation, and in the view of the country of Mexico, the language contained is discriminatory. This is a very important issue to our neighbors to the south. This is a very important issue in our relations with Mexico.

It is a very important issue for those who purport to be a friend of the country of Mexico. This is a very important issue. The fact that we are going to vote on whether we choose to or choose not to discriminate against the country of Mexico, and we are taking a recorded vote on that issue, is one of significant importance.

I hope all of my colleagues will vote, no matter how they feel about the Gramm-McCain amendment or the substitute on which Senator GRAMM, Senator DOMENICI and I will seek a vote at the appropriate time.

We intend to stay on this issue. We intend to do whatever we can in the future to make sure the Appropriations Committee does not legislate on an appropriations bill, particularly where it affects trade agreements between sovereign nations, and we intend to see this issue through. We are heartened by the support and commitment of the President of the United States as expressed as recently as a couple of hours ago.

Madam President, I reserve the remainder of my time.

Mr. SHELBY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from Washington.

Mrs. MURRAY. Madam President, it is my understanding that quorum calls will be equally divided. Is that correct?

The PRESIDING OFFICER. The Senator needs to make that request.

Mrs. MURRAY. I ask unanimous consent that the quorum call be equally divided.

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

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. MURRAY. Madam President, how much time remains on our side?

The PRESIDING OFFICER. Six minutes.

Mrs. MURRAY. Madam President, I know the last 5 minutes of our time is yielded to Senator SHELBY, so I ask unanimous consent to use 1 minute of that time.

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

Mrs. MURRAY. Madam President, I rise to make a very simple point. The Senator from Arizona listed a series of provisions contained in his proposed substitute. Those provisions, such as the requirement to inspect every truck, would apply to Mexico, not to Canada, and that really is the point. We can and should impose strict requirements on Mexico.

The Senator cited inspection statistics. These are the results of those inspections. We believe very clearly, as the NAFTA arbitration panel has stated, that the underlying provisions are not a violation of NAFTA, and we think the Senate should uphold the NAFTA arbitration panel by voting to table the Gramm amendment.

I know Senator SHELBY has 5 minutes remaining on his side. How much time is left on the other side?

The PRESIDING OFFICER. Senator MCCAIN has 17½ minutes left, and there is 5 minutes left on the side of the opponents of the Gramm amendment.

Mrs. MURRAY. Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, first of all, we do not disagree over the fact that the February report of the NAFTA Dispute Resolution Panel does not prevent the United States from imposing different requirements on foreign carriers. In fact, let me quote from the report:

> It is important to note what the Panel is not determining. It is not making a determination that the Parties of NAFTA could not set the level of protection that they consider appropriate in pursuit of legitimate regulatory objectives. It is not disagreeing that the safety of trucking services is a legitimate regulatory objective.

I agree with that.

The panel goes on to say:

> The United States may not be required to treat applications from Mexican trucking firms exactly the same as applications from the U.S. or Canadian firms, as long as they are reviewed on a case by case basis.

That is why I pointed out the difference between how a Canadian carrier can enter the United States, basically filing over the Internet, as opposed to the provisions we have in our substitute which are very stringent and detailed.

> However, in order to satisfy its own legitimate safety concerns the United States decides, exceptionally, to impose requirements on Mexican carriers that differ from those imposed on U.S. or Canadian Carriers, then any such decision must (a) be made in good faith with respect to a legitimate safety concern and (b) implement differing requirements that fully conform with all relevant NAFTA provisions.

I believe that what our disagreement is really all about is the question of whether the Murray provisions are simply ''different methods'' or, if in their totality, the 22 requirements —there are 22 requirements in the Murray language—result in an indefinite blanket ban. The panel ruled that a blanket ban was a violation of our NAFTA obligations.

As I have already mentioned on several occasions, the administration estimates that the Senate provisions under section 343 would result in a further delay in opening the border for another 2 years or more. This would be a direct violation of NAFTA. It effectively provides a blanket prohibition on allowing any Mexican motor carrier from operating beyond the commercial zones. Does that permit a case-by-case review of a carrier? I do not believe so.

I would like to find one objective observer who does not view the Murray language as delaying implementation of NAFTA by 2 or 3 years. I do not see how in the world any objective observer could believe that the requirements, including onsite inspections and the inspector general going down into Mexico, could possibly do anything but delay the implementation of NAFTA, and that is what it is all about. This view is shared by a number of us, as well as the President's senior advisers.

Let me give an example of a provision that could be viewed as more than simply different. It concerns how a Mexican carrier would receive authority to operate in the United States under the Murray provision.

The Murray provision requires the Federal Motor Carrier Safety Administration to conduct a full safety compliance review before granting conditional operating authority and again before granting permanent authority to assign a safety rating to the carrier. The reviews must be conducted onsite in Mexico.

The problem with that requirement is that a ''compliance review'' assesses carrier performance while operating in the United States. It is conducted when a carrier's performance indicates a problem—that it is ''at risk.'' As a technical matter, a full-fledged compliance review of a Mexican carrier would be meaningless since that carrier would not have been operating in this country and would not have the type of performance data that is audited during a compliance review. If the Department of Transportation is forced to conduct what would largely be a meaningless compliance review, every carrier will receive a satisfactory rating because there will be no records or data on which to find violations of the Federal Motor Carrier Safety Regulations.

There are, three more important provisions that clearly would delay the implementation of NAFTA, and that is clearly a violation of NAFTA.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER). The Senator reserves the remainder of his time. Who yields time?

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. 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. SHELBY. Mr. President, we have heard a lot about this debate in the last few days, what it is about and

what it is not about. I believe the Senator from Texas, Mr. GRAMM, my good friend, continues to define this issue as one about identical treatment of Mexican trucks, U.S. trucks, and Canadian trucks.

Unfortunately, for my good friend from Texas, this is not about creating a rubber-stamp approach to trucks entering our country and driving on our highways. This is about providing an approach tailored to the out-of-service rates we see in Mexican trucks.

Unfortunately, for the position put forth by my good friends from Texas and Arizona, under NAFTA, we have the right and we have the obligation to provide for safety on our highways in the United States and to regulate Mexican trucks entering this country as long as such regulations are ''no greater than necessary for legitimate regulatory reasons such as safety.'' This language came from the arbitration panel.

The Murray-Shelby provision is clearly within the legitimate safety interests that we have an obligation to regulate in this country. Also, unfortunately, I believe, for my colleague from Texas, his argument that the Murray-Shelby provision violates NAFTA, violations of NAFTA are not judged by the Senate or even the administration. Alleged violations of NAFTA are ruled on by an arbitration panel. That is part of the agreement. His contention that NAFTA would be violated does not make it so.

If you want to talk about discrimination, let's talk about discrimination against the American driver. Nothing in NAFTA should be misread to require that we give Mexican drivers a pass on safety standards while we strip our drivers of their licenses for infractions that may be honored in Mexico or which the Senator's amendment tells us that we should ignore because to do otherwise would violate a treaty that I never supported.

This is about enforcing the safety regulations of the United States of America. That is within the purview of NAFTA, as it would be for the Mexican Government to do likewise.

At the proper time, I will move to table the Gramm-McCain amendment.

The PRESIDING OFFICER. The Senator from Alabama and the Senator from Washington have 2 minutes remaining. The supporters have 13 minutes remaining.

Mr. SHELBY. Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Thirteen minutes.

Mr. GRAMM. Mr. President, first, I want to read a statement made earlier today by the President related to this issue. This is what the President said:

> I urge Congress to deal fairly with Mexico and to not treat the Mexican truck industry in an unfair fashion. I believe strongly we can have safety measures in place that will make sure our highways are safe. Mexico is our close friend and ally, and we must treat them with respect and uphold NAFTA and the spirit of NAFTA.

The issue before us is not safety. There is agreement in the Senate that we want to inspect Mexican trucks, and there is a commitment to inspect every single Mexican truck. We only inspect 36 percent of the Canadian trucks. No one disagrees that in starting up a new system with Mexico it is proper, to begin with, to inspect every single truck. The issue is not safety; the issue is discrimination.

Basically, when we signed NAFTA, the President made the commitment and we ratified it, and that commitment said with regard to trucks coming across the border, going in both directions, all three nations committed that ''each party shall accord the service providers of another party treatment no less favorable than that it accords, in like circumstances, with its own service providers.''

That is what we committed. Convert it into simple English, we committed to treat Mexican trucking companies operating in the United States exactly as we treat American trucking companies, and exactly as we treat Canadian trucking companies. The issue before us is not safety. The issue before us is discrimination and protectionism.

We have every right to inspect Mexican trucks. If you look at the agreement, we do not have to—in implementing uniform standards, we can implement them differently with regard to Mexican trucks if circumstances are different. Senator MCCAIN and I, and the President, have said in our initial implementation it is proper to inspect every Mexican truck, whereas we inspect only one out of three Canadian trucks and only one out of four American trucks each year.

But what we cannot do and what the Murray amendment does is set different standards for Mexican trucks than it sets for American trucks and for Canadian trucks.

It is one thing to say we are going to have safety standards and Mexican trucks have to live up to those standards, but it is quite another thing to set totally different standards. Let me give four examples. It is very simple.

Today we have trucks operating all over America, 100,000 of them from Canada, and virtually none of those trucks are insured by American insurance companies. We have American trucks operating in the United States that are not insured by American insurance companies. Many Canadian trucks are insured by Canadian companies, or by Lloyd's of London. American trucks in some cases are insured by Canadian companies and by British companies. But the Murray amendment puts a requirement on Mexico that we do not put on ourselves, that we do not put on Canada. That requirement is having to have insurance from companies domiciled in America. That is a flatout violation of NAFTA. No denial can change that fact. That is a clear violation of the treaty into which we entered. It is illegal and it is unfair.

We have, in the Murray amendment, three other provisions that clearly violate NAFTA. It is one thing to say we are going to have penalties and that those penalties are going to apply to anybody operating a truck in the United States of America. I want penalties because I want safe roads and highways. We have more Mexican trucks operating in Texas than any other State in the Union. I want safety.

But to say that while we have various penalties for American trucks and truckers, for Canadian trucks and truckers, that we are going to have an entirely different penalty regime for Mexican truckers, so that a violation can forever ban a Mexican trucking company from operating in the United States is discrimination. It is illegal, it violates NAFTA. If we wanted to say if you are an American trucking company and a Canadian trucking company and you have a single violation that you are forever banned from being in the trucking business, that would be GATT legal. It would be crazy because you can not operate a big trucking company without some violations. But we could do it, and it would be legal.

But what you cannot do under NAFTA is you cannot say we are going to have one set of penalties with regard to American trucks and Canadian trucks, and a totally different set of penalties with regard to Mexican trucks.

Under our current trade agreements, United States companies and Canadian companies can lease trucks to each other. In fact, that is necessary for good business. If you do not have the business, you own the trucks, they are sitting there, they meet safety requirements, you lease them to somebody else. If you do not have that right, you do not stay in the trucking business long.

But the Murray amendment has a unique provision that relates only to Mexico. Only Mexican truck operators are forbidden the right to lease trucks if they are in violation in any way.

We might want to say, if you have any violation, you cannot lease trucks. If we apply that to Americans and to Canadians, we can apply it to Mexicans. But what you cannot do is have different standards in a free trade agreement, where we committed to treat Mexican producers exactly the way we do our own.

Finally, on safety standards, we passed a law in 1999 changing safety standards with regard to trucks. I want to implement that bill. The regulations have not been written and it has not been implemented. The Murray amendment says because it has not been implemented, that Mexican trucks cannot come into the United States even though we have entered into a treaty, which has been ratified, saying they can.

If the Murray amendment had said because we have not promulgated regulations, because we have not implemented these new rules, that Canadian trucks cannot operate in the United States, that American trucks cannot operate in the United States, and Mexican trucks cannot operate, we would all go hungry tonight, but that would be legal with regard to the agreement that we entered into called NAFTA. But to say that because we have not promulgated the rules and because we are not at this point therefore enforcing these rules, that Canadian trucks can operate and American trucks can operate but Mexican trucks cannot operate, is a clear, irrefutable, indisputable violation of NAFTA.

Basically what we are seeing here is a choice between special interest groups and high on the list is the Teamsters Union. They don't want Mexican trucks because they don't want competition.

My point is we should have thought about that when we approved this trade agreement because we made a solemn national commitment to allow Mexican trucks to operate in the United States, American trucks and Canadian trucks to operate in Mexico. Our credibility all over the world in hundreds of trade agreements is on the line. If we go back on the commitment we made to our neighbor, if we discriminate against Mexico, how are we going to have any moral standing in asking other countries to comply with the agreements they negotiated with the United States?

It is my understanding, while I think we should have more time to debate this—one of the authors of the amendment, Senator DOMENICI, has not had an opportunity to speak—and while I would like to have more time, it is my understanding there is going to be a motion to table. It is also my understanding that there may be a cloture motion tomorrow.

I want to assure my colleagues that I am not sure where the votes are, but I am sure what my rights as a Senator are. I want to assure you that I am going to use every power that I have as a Member of the U.S. Senate to see that we do not discriminate against a country that has a 1,200-mile border with my State. I am going to use every power I have as a United States Senator to see that we do not violate NAFTA, to see that we do not destroy the credibility of the United States in trade relations around the world.

What that means is we will have, not one cloture vote, we will have five cloture votes. At some point here people are going to want to go on to other business. I want to assure my colleagues if there is not some compromise here that produces a bill the President can sign, we are not going to other business.

Finally, let me conclude by saying this bill is not going to become law until we comply with the treaty. The President is not going to sign the bill. We can fool around and have five cloture votes and hold up all other business until we get back from Labor Day. We can stay in August. We are going to see the full rules and protections of the Senate here because this is a critically important agreement.

When you start not living up to agreements that you made with your neighbor, you start to get into trouble, whether you are a person or whether you are the greatest nation in the history of the world.

I think the Murray amendment is wrong. Senator MCCAIN and I have been willing to compromise. The President is willing to compromise. But we are not going to compromise on violating NAFTA. That is a compromise that is not going to occur. We can come up with a safety regime. It doesn't have to be identical with Canada and Mexico, but the requirements have to be identical. That is what the trade agreement says.

The Murray amendment in four different areas violates NAFTA. This has to be fixed if we are going to go forward.

I urge my colleagues to vote for the pending amendment, which I have offered with Senator MCCAIN and Senator DOMENICI. I urge them to oppose a motion to table. I assure them that this issue is not going to go away. The Senate may vote to discriminate against Mexico, but they are going to get to vote on it on many occasions.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes 1 second.

Mrs. MURRAY. Mr. President, this amendment that is before us, no matter what we hear, is about safety, is about our ability as a country to ensure that our constituents—whether they are traveling to work, taking their kids to daycare, going on vacation, or traveling down the highway—are safe. We have a right in this country to ensure the safety of our constituents.

I hear our opponents saying this is a violation of NAFTA. Do not take my word for it. Take the word of the NAFTA arbitration panel. They have clearly told us that the United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. United States authorities, in their words, are responsible for the safe operation of trucks within United States territory, whether ownership is United States, Canadian, or Mexican.

We have a right under treaties right now to ensure the safety of our citizens on our highways. That is what this amendment is about. That is what this vote is about—whether or not we will undermine that safety all on our own here in the Senate and go beyond what the NAFTA panel has told us we can do and undermine the NAFTA panel, or whether we are going to stand up for safety. That is what this amendment is about.

I urge all of our colleagues to vote on the side of families and safety.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I move to table the Gramm-McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—65

Akaka	Edwards	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Graham	Reed
Bingaman	Harkin	Reid
Boxer	Hollings	Rockefeller
Breaux	Hutchinson	Santorum
Byrd	Inhofe	Sarbanes
Campbell	Inouye	Schumer
Cantwell	Jeffords	Sessions
Carnahan	Johnson	Shelby
Carper	Kennedy	Smith (NH)
Cleland	Kerry	Smith (OR)
Clinton	Kohl	Snowe
Collins	Landrieu	Specter
Conrad	Leahy	Stabenow
Corzine	Levin	Stevens
Daschle	Lieberman	Torricelli
Dayton	Lincoln	Warner
Dodd	Mikulski	Wellstone
Dorgan	Miller	Wyden
Durbin	Murkowski	

NAYS—35

Allard	Domenici	Kyl
Allen	Ensign	Lott
Bennett	Enzi	Lugar
Bond	Fitzgerald	McCain
Brownback	Frist	McConnell
Bunning	Gramm	Nickles
Burns	Grassley	Roberts
Chafee	Gregg	Thomas
Cochran	Hagel	Thompson
Craig	Hatch	Thurmond
Crapo	Helms	Voinovich
DeWine	Hutchison	

The motion was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I want to thank a number of my colleagues, especially Senator GRAMM and Senator MCCAIN. I also especially thank the distinguished Republican leader for his help in getting us to this point.

We have been discussing throughout the day the schedule for the balance of the day. I will propound a unanimous