families can best decide—and not the bureaucrats in Washington.

It is my belief that with families getting to keep more of their hard-earned paycheck—the quiet talks at the kitchen table, after the children have been put to bed, will be more about opportunities and possibilities rather than fears and concerns.

Mr. President, I hope this speech will make those who have recently called for a tax increase to think again. My hope is that they may now better appreciate the enormous benefits of this legislation and think long and hard before they try to undermine its accomplishments.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

## MEXICAN TRUCKS

Mr. BAUCUS. Mr. 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 most recent figures of the Department of Transportation 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:

> 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, the panel also indicated that U.S. compliance with its NAFTA obligations ''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—and must—impose stricter safety standards.

I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

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

The senior assistant bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## TRANSPORTATION APPROPRIATIONS

Mr. GRASSLEY. Mr. President, I rise to speak on the issue of the cloture vote that is upcoming. I also rise to speak on the amendment that is pending called the Murray-Shelby amendment, which is in violation of NAFTA.

As a person who believes very much in reducing barriers to trade between countries—and particularly for the benefit of America because other countries have much higher barriers than the United States—as we bring down barriers to trade and other countries, going to our level, it is obviously going to help the United States have a more level playing field in order to export our products and to be able to do it in a way that creates jobs in America. We all know export-related jobs are jobs that pay 15 percent above the national average.

While we have had a very big expansion in trade as a result of the North American Free Trade Agreement between the countries of Canada, the United States, and Mexico, we now have a rider on this bill providing an opportunity to put in place some restrictions which may in fact bring retaliatory action on the part of Mexico.

Obviously, when I hear a threat against American agricultural products as one form of retaliation, it gets my attention, being from an agricultural State, particularly when we work so hard to get lower barriers on trade in these international agreements. Quite frankly, barriers to trade are much greater on agriculture than they are for manufactured products and for services, because the worldwide tariff on agricultural products is 45 percent, whereas for most other products the average is about 10 percent to 12 percent.

U.S. tariffs and obstacles to trade are very low in agriculture compared to other countries.

As indicated in a letter, which I cosigned, to our colleagues for them to consider when voting on this provision of the bill, I am as concerned about safety of trucks from other countries using our highways. But I also understand that our Department of Transportation is also concerned about that and is going to put in place very shortly the very successful California system for inspection of trucks so we can make sure the trucks and drivers from other countries are using our highways safely.

But it was suggested yesterday by the Economic Minister of Mexico that if the Senate approves this provision and it becomes law, as the Reuters news article of yesterday indicated, ''It would leave us''—meaning the country of Mexico—''with no other recourse than to take measures against the United States.'' The Economic Minister of Mexico, according to this report, said one option would be to block imports of high-fructose corn syrup from the United States.

This issue has already been one source of friction between our two countries. Mexico has already been placing prohibitive tariffs on our sweeteners. The United States won a World Trade Organization decision against Mexico on this issue. We will be putting in jeopardy the compliance of that measure if they retaliate.

I don't know why any Member of the Senate from an agricultural State—a very important industry in their respective States—would want to vote in support of the Shelby-Murray provision if there were a chance of retaliation against agricultural products, particularly those from the Middle West where corn is such an important agricultural product, and put in jeopardy our exports to China along the lines of the threat of the Economic Minister of Mexico.

I call upon Members of both parties who understand the importance of agriculture and understand the importance of our ability to export our agricultural production. We produce 40 percent more than we consume domestically, and the profitability of agriculture is very much tied to exports. Why would they want to do anything that would bring retaliation against American agriculture, particularly in the Midwest with products such as corn?

I hope every Member in every state where agriculture is an important product, where they are concerned about profitability of agriculture, and where they are particularly concerned about the ability to export our products, will consider the threat of the Economic Minister of Mexico and what they might do in retaliation. We ought to abide by the spirit of the North American Free Trade Agreement and reject the provisions of the appropriations bill that would restrict some of the international obligations of the United States.

I hope every Member will make sure they see their vote as a vote that could negatively affect American agriculture, particularly as it affects corn farmers in America. Why would anybody want to hurt American agriculture by voting for this provision?

American agriculture has benefited from the North American Free Trade

Agreement. We are exporting much more agricultural products to Mexico than we did 7 years ago when this agreement was put in place. We should respect the spirit of it. International trade is a two-way street. We cannot expect just to export everything to other countries and not import as well.

I want to make sure that people understand that this vote could be potentially negative to American agriculture. I ask them to consider that.

I ask unanimous consent to print in the RECORD a letter from Lee Klien, president of the National Corn Growers Association, and Charles F. Conner, president of the Corn Refiners Association, speaking to their concern about the Murray-Shelby amendment and asking us to take into consideration the position of the Mexican Government, that they might retaliate against American agriculture, particularly American corn and corn products exported to Mexico.

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

JULY 26, 2001.

DEAR SENATOR LOTT: The National Corn Growers Association and Corn Refiners Association, Inc. urge that the Senate not permit unrelated trade actions to destroy the $90 million market for U.S. high fructose corn syrup shipped to Mexico.

The Government of Mexico has clearly stated that if legislation to restrict access of the Mexican trucking industry to the U.S. becomes law, they will retaliate by placing restrictions on U.S. exports of high fructose corn syrup. These exports have already been dampened by trade actions of the Mexican government and could be ended entirely if the Mexican trucking measure passed by the House becomes law. Exports of high fructose corn syrup to Mexico put over $35 million in the hands of U.S. corn farmers and provide a much needed market for U.S. grain.

The U.S. recently won a case in the World Trade Organization contesting existing Mexican restrictions on high fructose corn syrup exports. This case, and other developments, could point to achieving a much larger market for U.S. agriculture in the years to come. Our groups strongly support measures and actions to open, not close, trade between the U.S. and our NAFTA partners.

We urge that you protect this market for U.S. agriculture and reject unwarranted protection that can damage U.S. trade and violate the intent of NAFTA.

Sincerely,

LEE KLINE,
*President, National Corn Growers Associations.*

CHARLES F. CONNER,
*President, Corn Refiners Association, Inc.*

Madam President, I yield the floor and suggest the absence of a quorum. And I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative 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 is left on both sides?

The PRESIDING OFFICER. On the Republican side there are 20 minutes 43 seconds; on the Democratic side there are 35 minutes 54 seconds.

Mrs. MURRAY. I thank the Chair.

Madam President, in every part of our country Americans are frustrated by the transportation problems that we face every day. We sit in traffic on overcrowded roads. We wait through delays in congested airports. We have rural areas that are trapped in the past without the roads and the infrastructure they need to survive. We have many Americans who make their living along our shores, fishing or boating. They count on the Coast Guard to keep them safe. But today the Coast Guard does not have the resources to fully protect us. We have many families who live near oil and gas pipelines. They are afraid that those aging, untested pipelines could rupture, and with very good reason, given all the tragedies we have had lately. They want us to make pipelines safer.

Our transportation problems frustrate us as individuals, and they frustrate our Nation's economy, slowing down our productivity and putting the brakes on progress. It is time to help Americans on our highways, our railways, our airways, and our waterways. We can do so by passing this transportation appropriations bill.

For months, Senator SHELBY and I have worked in a bipartisan way with virtually every Member of this Senate to meet the transportation needs in all 50 States. They told us their priorities, and we found a way to accommodate them. We have come up with a balanced, bipartisan bill that will make our highways safer, our roads less crowded, and our country more productive. Now is our chance to put this progress to work for the people we represent.

Our bill has broad support from both parties. It passed the Transportation Appropriations Subcommittee unanimously. It passed the full Appropriations Committee unanimously. Now it is before the full Senate ready for a vote, ready to go to work to help Americans who are fed up with traffic congestion and airport delays.

In a short time, the Senate will vote to move forward on this very important bill. I hope the Senate will vote to invoke cloture so that we can begin working on the many solutions across the country that will improve our lives, our travel, and our productivity.

This vote is about fixing the transportation problems that we face, and it is about ensuring the safety of our transportation infrastructure. If you vote for cloture, you are voting to give your communities the resources they need to escape from crippling traffic and overcrowded roads.

If you vote for cloture, you are saying that our highways must be safe and that trucks coming from Mexico must meet our safety standards if they are going to share our roads. But if you vote against cloture, you are telling the people in your State that they will have to keep waiting in traffic and keep wasting time in congestion.

If you vote against cloture, you are voting against the safety standards in this bill. A ''no'' vote would open up our borders to trucks that we know are unsafe, without inspections, and without the safety standards we expect and deserve.

This vote is not about partisanship or protectionism. It is about productivity and public safety.

I want to highlight how this bill will improve highway travel, airline safety, pipeline safety, and Coast Guard protection.

First and foremost, this bill will address the chronic traffic problems facing our communities. In fact, under this bill every State—every single State—will receive more highway construction funding than the President requested. And with this bill, every State would receive more highway construction funding than they would under the levels assumed in TEA–21.

Our bill improves America's highways. Our bill also includes money to increase seatbelt use so we can save lives on our roads.

Let's vote for cloture so we can begin sending help to our States.

Secondly, this bill will improve air transportation, and it will make air travel more safe. This bill provides additional funding to hire 221 more FAA inspectors. The administration's budget did not provide this funding, but our bill does because it is a national priority.

Let's vote for cloture so we can begin putting these new inspectors on the job for our safety.

Third, our bill boosts funding for the Office of Pipeline Safety by more than $11 million above current levels. That means: funding all new 26 positions requested by OPS; $4.7 million for pipeline safety research and development; $8 million for testing and best safety practices; and $3.4 million to improve community right-to-know and to update our national mapping system

Let's vote for cloture so we can begin making America's pipelines safer before another tragedy claims more innocent lives.

Fourth, this bill will give the Coast Guard the funding it needs to protect us and our environment. Our subcommittee has held several hearings on this issue, and we have great respect for the men and women of our Coast Guard. We want them to be able to do their jobs safely with the training and support they need.

Our bill will help modernize the maritime 911 system. It will address serious staffing, training, and equipment shortfalls at search and rescue stations. And our bill funds the mandatory pay and benefit costs for our Coast Guard service members.

Let's vote for cloture so we can begin making our waterways safer.

These examples show how this bill will help address the transportation problems we all so desperately face at home.

This vote, though, is also about making our highways safe, so I want to turn to the issue of Mexican trucks. And I want to clear up a few things.

Some Members have suggested that Senator SHELBY and I have refused to negotiate on this bill. That simply is not the case. As I have said several times in this Chamber, we are here, we are ready, and we are listening. And we have had extensive meetings, bringing both sides together.

On Tuesday, our staffs met until well after midnight. Again yesterday, Wednesday, our staffs met from mid-afternoon until 3 a.m. this morning. We have worked, as well, this morning, meeting one more time. We have worked with all sides to move this bill forward.

I want to point out something else to those who say we must compromise, compromise, compromise. The Murray-Shelby bill itself is a compromise. It is a balanced, moderate compromise between the extreme positions taken by the administration and the House of Representatives.

On one hand, we have the administration, which took a hands-off approach to let all Mexican trucks across the border and then inspect them later, up to a year and a half later. Even though we know these trucks are much less safe than American or Canadian trucks, the administration thinks it is fine for us to share the road with them, without any assurance of their safety.

At the other extreme was the ''strict protectionist'' position of the House of Representatives. It said no Mexican trucks can cross the border and that not one penny could be spent to inspect them. Those are the extreme positions.

The administration said: Let in all the trucks without ensuring our safety. The House of Representatives said: Don't let any trucks in because they are not safe.

Senator SHELBY and I have worked very hard. We have found a balanced, bipartisan, commonsense compromise. We listened to the safety experts, to the Department of Transportation's own inspector general, to the GAO, and to the industry. We came up with a compromise that will allow Mexican trucks onto our highways and will ensure that those trucks and their drivers are safe. With this balanced bill, free trade and highway safety can move forward side by side.

This bill doesn't punish Mexico, and that is not our intention. Mexico is an important neighbor, ally, and friend. Mexican drivers are working hard to put food on their own families' tables, and we want them to be safe, both for their families and for ours.

NAFTA was passed to strengthen our partnerships and to raise the standard of living in all three countries. We are continuing to move towards that goal, and the bipartisan Murray-Shelby compromise will help us get there.

Right now Mexican trucks are not as safe as they should be. According to the Department of Transportation inspector general, Mexican trucks are significantly less safe than American trucks. Last year, nearly two in five Mexican trucks failed their safety inspections. That compares with one in four American trucks and one in seven Canadian trucks.

Furthermore, Mexican trucks have been routinely violating the current restrictions that limit their travel to the 20-mile commercial zone. The Department of Transportation's own inspector general has found that 52 Mexican trucking firms have already operated illegally in more than half of the United States.

We have, as Members of the Senate, a responsibility to ensure the safety of America's highways. The Murray-Shelby compromise allows us to promote safety without violating NAFTA.

During this debate we have heard from some Senators who say that they think ensuring the safety of Mexican trucks would violate NAFTA. We have heard that some White House advisers think ensuring the safety of Mexican trucks would violate NAFTA. I appreciate all of their opinions, but with all due respect, there is only one authority, only one official body that decides what violates NAFTA and what does not. That organization, established under the NAFTA treaty itself, is the arbitration board known as the Arbitral Panel. Here is what that authority said:

> 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.

Those are not my words. Those are from the people who decide, the NAFTA arbitration panel. It is that simple. We can ensure the safety of Mexican trucks and comply with NAFTA. This bill shows us how with a commonsense safety measure.

Under our bill, when you are driving on the highway behind a Mexican truck, you can feel safe. You will know that truck was inspected and that the company has a good track record. You will know an American inspector visited their facility and examined their records, just as we do with Canadian trucking firms. You will know the driver is licensed and insured and the truck is weighed and is safe for our roads and bridges. You will know we are keeping track of which drivers are obeying our laws and which ones are not. You will know drivers who break our laws won't be on our roads because their licenses will be revoked.

You will know that the person behind the wheel of an 18-wheeler has not been driving for 20 or 30 straight hours. You will know that the truck didn't just cross our border unchecked but crossed where there were inspectors on duty. That is a real safety program. That will make me feel comfortable driving my family on our highways.

The administration's plan is just far too weak. Under the administration's plan, trucking companies would mail in a form saying they are safe and begin driving on our highways—no inspections for up to a year and a half. The White House is telling American families that the safety check is in the mail. I don't know about anybody else, but I wouldn't bet my family's safety on that.

I want an actual inspector looking at that truck, checking that driver's record, making sure that truck won't threaten me or my family.

The White House says: Take the trucking company at its word that its trucks and drivers are safe. Senator SHELBY and I say: Trust an American safety inspector to make sure that truck and driver will be safe on our roads.

This is a solid compromise. It will allow robust trade while ensuring the safety of our highways. The people of America need help in the transportation challenges they face every day on our crowded roads. This bill provides real help and funds the projects for which our Members have been asking.

Some Senators apparently would hold every transportation project in the country hostage until they have weakened the safety standards in the Murray-Shelby compromise. That is the wrong thing to do. Let's keep the safety standards in place so that when you are driving down the highway next to a truck with Mexican license plates, you will know that truck is safe. Let's vote for safety by voting for cloture on this bill.

In closing, this vote is about two things: Helping Americans who are frustrated every day by transportation problems, and ensuring the safety of our transportation infrastructure. Today I urge my colleagues to vote for cloture so we can put this good, balanced bill to work for the American people.

Voting for cloture means we can begin making our roads less crowded, our airports less congested, our waterways safer, our railroads better, and our highways safer. Virtually every Member of this Senate has come up to me and told me about the transportation challenges in their State. Senator SHELBY and I have listened. We have done everything we can to meet America's priorities.

Those who vote for cloture are voting to begin making progress across the country in ensuring the safety of our highways. Those who vote against cloture are voting to keep our roads and our airports crowded and to expose Americans to new dangers on our highways.

The choice is simple. I urge my colleagues to vote for cloture so we can

begin putting this good, balanced bill to work for the people we represent.

I reserve the remainder of my time.

I ask unanimous consent that time 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 legislative clerk proceeded to call the roll.

Mr. SHELBY. Madam 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. Madam President, I just want to make a few points before we vote on cloture. It is unfortunate that we are even at this point, but if cloture is the only way to move forward on the Transportation appropriations bill, then I urge my colleagues to support cloture.

This isn't a partisan issue—there is no such thing as Republican or Democrat roads. When the Transportation bill finally passes, I suspect that we will have all but a handful of Senators supporting the final bill.

You have to ask yourself who the winners and losers are in the situation we find ourselves today. I think it is hard to pick the winners, but clearly the loser in this situation is the administration. The amount of time that we have had to spend on this bill to this point—and that we will have to spend to complete action on it—pushes the appropriations process into an area that is dangerous for the administration.

The worst thing that can happen for the administration and budget hawks—I have been accused of being a budget hawk and a budget spender. I do not know how you do both—is to have appropriations bills back up against the end of the fiscal year. Unfortunately, the situation in which we find ourselves in this chamber today makes it much more likely that the President will be facing an omnibus appropriations bill.

If we have learned any lesson from the past few years, it is this: spending will increase in an omnibus bill. I know this President is committed to limiting the growth in government spending but, unfortunately, the Senate is making his job harder by failing to expeditiously move these spending measures.

Yesterday, the Department of Transportation, the Office of Management and Budget, and the White House all told me that Senators GRAMM and MCCAIN do not speak on behalf of the President—that the President speaks for himself.

So even if we could come to agreement on the Mexican truck safety provisions, we have no assurance that we have addressed the concerns that the President has with this measure.

The simple solution is to move this issue to conference. Although, I respect the rights accorded every Member of this body. I fail to understand why a small faction in the Senate to desire to tie up the Senate floor until this bill completely reflects their views.

The Senator from Washington and I have spent a great deal of time trying to understand and work with those Senators and their staffs to resolve these issues in the finest traditions of the Senate.

In fact, I remained hopeful that we could come to closure on a package that we could all support until shortly before noon this morning. Unfortunately, I believe we are at an impasse and it is time to let the Senate work its will.

I urge my colleagues to vote for cloture.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields, time will be charged equally to both sides.

Mr. BYRD. Madam President, I compliment the managers of this bill. They have put an enormous amount of time and effort and work into bringing the bill to the floor, marking it up in committee, and conducting hearings on it. I believe the Senate is in their debt.

This is a bill that is needed. It has important appropriations in it for our country and it is a bill that comes to the floor in a situation in which we are very constrained for time. We have the August recess fast approaching. We have already reported from the committee seven appropriations bills in addition to the supplemental appropriations bill.

The committee will be meeting this afternoon to report two additional appropriations bills. Thus, we will have nine appropriations bills reported by the committee, in addition to the supplemental, which has already been signed into law.

Here we are, with only a week remaining before the August break. Presumably, we will go home and not tackle this enormous task before we return. We have all these conferences that have to take place on these bills. I have talked with the chairman of the House Appropriations Committee just this morning. He agrees with me that we need to move ahead with these conferences. I have urged we at least get our staffs to work on the preliminary differences that exist between the two Houses, especially on my own bill, the Interior appropriations bill. So the two Houses, through the chairmen, are working together, not just the chairman. We also include our ranking member, Senator STEVENS, and in the case of my own bill, there is also, of course, Mr. OBEY and Mr. DICKS.

So we have work to do. I hope the Senate will invoke cloture on this motion. We must get on with our work. It is not my choice that we delay our work. Every Senator has certain rights. I respect the rights of any Senator to offer amendments, to debate, speak, even to delay. I have every respect for that. Those things are within Senate rules.

Again, I commend the managers of the bill. I commend our leader, Mr. DASCHLE; our assistant leader, Mr. REID of Nevada; and I hope Senators will respond to the demands of the moment, the demands being that we utilize our time, get on with the work of the Senate, pass this appropriations bill, and send it to conference.

There are 13 regular bills. Those bills have to be passed before we go home. They have to be passed to keep the Government running. I don't want to see an omnibus bill. I am against omnibus appropriations bills; things are done in a hurry. They are more costly because things are added which otherwise might not be added, and all too often the administration is virtually given an open invitation to come into the conference when there is an omnibus bill and we reach the fiscal deadline.

We have done very well thus far this year. We have a lot of work to do and I hope the Senate acts today to save time and act upon this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is my understanding that the time now is for the two leaders; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I say to Senator MURRAY, I have been impressed with her in days past. We worked together on a number of different issues. Her work this week in this appropriations bill has been exemplary. She has been tenacious. She has been willing to compromise, as a legislator must do. I think she and Senator SHELBY have done an outstanding job. It will be a real shame, in my estimation, if we do not have a bipartisan vote this afternoon to invoke cloture on this very important piece of legislation.

For me and the State of Nevada, this legislation is important. Transit, airports, highways—this is a bill that is vital to the people of the State of Nevada.

I want the ability shown by the Senator from Washington spread on the RECORD of the Senate. She has been a good, good legislator. I am proud to work with her, and I think, as far as the traditions of the Appropriations Committee are concerned, she is right there with the best.

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 the last 5 minutes of the debate time today, as I asked earlier, be reserved for the Democratic leader.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

Mr. DASCHLE. Madam President, I compliment the distinguished Senator from Washington for her outstanding work and leadership in bringing us to this point. She inherited a very difficult and challenging legislative set of circumstances. She has maneuvered through those circumstances admirably. I am grateful to her for the leadership and the direction she has provided the caucus.

Let me say as he walks on to the Senate floor, I am also very grateful for the outstanding leadership and cooperation provided by the distinguished ranking member from Alabama, Mr. SHELBY. The two have shown what real bipartisanship on complicated matters can be, and they personify it. I am grateful to both of them.

I think it is important to say what this issue is not, then say what it is, and then I think we ought to have a vote. What this issue is not is any threat to NAFTA, any threat to free trade. There have been rumors, in the last 48 hours in particular, that somehow the language presented in this bill would violate NAFTA. Nothing could be further from the truth. I think Senator BAUCUS made that point very eloquently on the floor just recently. I am grateful to him. But this is NAFTA-compliant. There is nothing about which we will now vote that has anything to do with violating NAFTA, so let's make that point clear at the beginning.

Second, there are those, in the last several days, who have somehow tried to imply that to be in favor of the Murray-Shelby language is to be anti-Hispanic. That is not only disappointing, it does a disservice to this debate. That kind of rhetoric ought not be excusable. This is a bona fide, very thoughtful, deliberate consideration about what ought to be American policy with regard to safety. No one in this country—no one—should deny the importance of our relationship with Mexico. No one should deny in any way, shape, or form the importance of open and free trade with Mexico as we consider all the important ramifications of this trade.

But for anyone to say that somehow to be supportive of this makes one anti-Hispanic, in my view, is a direct confrontation with the prestige and the extraordinary reputation of the two Senators who are authors of this bill, along with many other members of the Hispanic caucus and Members on both sides of the Capitol and both sides of the aisle who want to find a resolution to this matter.

This legislation is simply an effort to deal with a problem that is growing in importance and concern. We have a safety problem in this country that has to be addressed. We have standards that are adhered to by every trucking company, every truckdriver, every State in the country. All we are saying is, simply, if we are going to have continued trade with Mexico, if we are going to have Mexican trucks, let's at least ensure that Mexican trucks meet our safety standards. That is all the Murray-Shelby language does. It ensures some degree of confidence that we can address the question of truck safety.

This is not the extraordinary language that was added to the House bill. This is a recognition that we can find middle ground. I will say before the vote, and it ought to be emphasized, how grateful I am that these two Senators in particular spent all the last several days—in fact, we accommodated them with our floor schedule—to try to find common ground with those who oppose this language. They were here last night until 2 o'clock in the morning. I give them credit for making the effort to try to achieve the common ground we failed to achieve as a result of these negotiations.

Let there be no mistake: This vote is a vote about truck safety. This vote is an absolute necessity if we are going to move this Transportation bill forward. I will have no other choice but to pull the Transportation appropriations bill and move on to other issues, given the extraordinary amount of work that has to be done in the brief time we have between now and the August recess.

Let me end where I began by thanking the distinguished chair and ranking member and all of those who have demonstrated good, bipartisan leadership in reaching a solution to this very complex issue.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I am very concerned about unsafe Mexican trucks entering the United States and endangering American motorists. I have no doubts that there will be accidents and lives will be lost.

I very strongly believe that the U.S. Senate must stand firm and do everything in our power to make sure trucks are not allowed to travel throughout the U.S. unless they comply with all U.S. safety rules and regulations. This includes making sure Mexican drivers hold valid drivers licenses, retain adequate American insurance, and abide by U.S. hours of service limits.

Right now on our border, even if a Mexican truck crossing into the United States is inspected, the safety inspector has no idea how long the Mexican driver has been driving. I believe we should not let a driver who has been driving 20 hours into the United States because doing so would endanger American lives.

I have spoken with the Mexican Ambassador on this issue, and we both agreed that Mexican trucks should meet all U.S. laws. I don't want to discriminate against Mexican trucks, but we need to have the proper procedures in place before these trucks expand their travel throughout the United States. There are clearly not enough inspections at the border right now because only 1 or 2 percent of the trucks crossing the border are given safety inspections.

I believe strongly in this issue, and I raised these concerns with Senator MURRAY, the Chairman of the Transportation Appropriations Subcommittee, and I think she has done an excellent job to include provisions to address safety while still ensuring the language is NAFTA compliant.

The Murray-Shelby provisions will keep our highways safe, while meeting our obligations under the North American Free Trade Agreement.

I strongly believe that we must make safety the highest priority and that is exactly what the Murray-Shelby provisions do.

Last year, more than 5,300 Americans died in accidents involving commercial trucks. As the Department of Transportation's Inspector General said last Wednesday, 5,300 fatalities would mean an airline crash every two weeks.

Now just think about that. If there were a catastrophic transportation incident every 2 weeks, would we want to do something to worsen the danger and increase fatalities? I hope we wouldn't, but that is exactly what we are doing if we allow the Bush Administration to proceed and open up the entire U.S. highway system to Mexican trucks.

Mexican trucks pose significant safety threats when out on the roads. U.S. safety inspectors have found that, on average, 36 percent of the Mexican trucks inspected have significant safety defects. This means over one-third of all Mexican trucks have serious safety violations, such as defective breaks, inoperative steering, and bald tires. Truck drivers might also not have a valid drivers license, lawful insurance, or logbooks to document how many hours they have been driving without sleep.

True, U.S. trucks have an ''out-of-service'' rate of over 20 percent, but the rate for Mexican trucks at 36 percent is still well above the U.S. average.

More importantly, safety inspectors can only evaluate 1 or 2 percent of the 4.5 million trucks that cross the U.S.–Mexican border each year.

I believe that until our Nation has the people and the infrastructure at the border necessary to inspect Mexican trucks sufficiently, they must be contained in the 20-mile commercial zone where they now operate.

There are three different approaches to address how to keep our roads safe:

First, the House has said, ''no matter what, keep the trucks out.'' On June 26 the House passed an unconditional ban on Mexican trucks, and that is one option.

Second, the administration and Senators working with the administration

on this issue have said, ''open the border as soon as possible.'' Now, they do call for some safety requirements and some enforcement to be in place, but this is not an issue where we should provide a half-loaf solution.

And third, there is the option that I support—the option chosen unanimously by the members of the Appropriations Committee—to put safety first and not open the border until specific safety requirements are in place.

The Senate Appropriations Committee has provided $103.2 million not approved by the House to pay for more resources at the border. The bill includes $13.9 million for additional safety inspectors, $18 million for grants to border states, and $71.3 million for facilities along the U.S.–Mexican border.

Even with the steps being taken, the Department of Transportation's Inspector General has said that ''additional actions are needed to reasonably ensure the safety of commercial vehicles and drivers as they enter at the southern border, operate within the commercial zone, and traverse the United States.''

To address these concerns, the Appropriations Committee included comprehensive safety provisions in this bill. Most importantly, Mexican trucks will stay within the commercial zone and off all other U.S. highways until they meet the safety standards demanded by American motorists.

Specifically, under the bipartisan Murray-Shelby provisions, Mexican carriers will be given full safety reviews before they will be allowed to operate in the United States and the Department of Transportation will keep a watchful eye on how they operate once they are found to be safe carriers through a follow-up safety audit.

In addition, the following steps must be taken by the Department of Transportation and the 190 Mexican carriers that are awaiting permits to send their trucks throughout the United States:

The Department of Transportation must:

Certify that all border crossings have complete coverage by trained inspectors during all operating hours;

Certify all 80 new border inspectors as ''safety specialists'';

Provide adequate facilities to conduct inspections and place unsafe trucks out of service;

Conduct a sufficient number of inspections to maintain safe roads; and

Certify that there is an accurate system to verify Mexican drivers licenses, vehicle registrations, and insurance certificates on the border.

Mexican carriers must:

Comply with U.S. hours-of-service rules so that U.S. inspectors know how long a trucker has been driving when they arrive at the border; and

Provide proof of valid insurance granted by a U.S. firm.

It is essential to recognize that the Murray-Shelby provisions don't open the border until safety standards are met, but the Bush administration wants to open the border as soon as possible and monitor safety while trucks are operating throughout the United States.

Should we not err on the side of caution and have our inspectors and infrastructure in place before Mexican trucks are allowed north?

As I mentioned, I have met with the Mexican Ambassador, Juan Jose Bremer, on this issue and we both agree that Mexican trucks should meet U.S. safety standards.

Because—at this stage—Mexican trucks present a greater danger than other trucks on our roads, we must protect American motorists.

I am encouraged by the steps Mexico has taken to work with the United States—not just on this issue, but on others as well. Yet, I am a strong supporter of the provisions authored by Senator MURRAY because I believe some more steps need to be taken on both sides to address safety before Mexican trucks travel throughout the United States.

The PRESIDING OFFICER. 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. DASCHLE. 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.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Resumed

Mr. DASCHLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The bill 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.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 1025, the Murray-Shelby substitute amendment.

Patty Murray, Ron Wyden, Patrick Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, James Jeffords, Daniel Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara Mikulski, Tom Daschle, Richard Shelby.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1025 to H.R. 2299, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 70, nays 30, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—70

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

NAYS—30

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|---|---|---|
| Allard | Fitzgerald | Lott |
| Allen | Frist | Lugar |
| Bennett | Gramm | McCain |
| Bunning | Grassley | McConnell |
| Burns | Gregg | Murkowski |
| Craig | Hagel | Nickles |
| Crapo | Hatch | Thomas |
| DeWine | Helms | Thompson |
| Domenici | Hutchinson | Thurmond |
| Enzi | Kyl | Voinovich |

The PRESIDING OFFICER. On this vote, the yeas are 70 and the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is 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 Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield my 1 hour postcloture debate to the Republican leader.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Illinois.

Mr. FITZGERALD. Mr. President, pursuant rule XXII, I yield my 1 hour to the Republican leader.

The PRESIDING OFFICER. The Senator has that right.