

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

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

Allard	Crapo	Gramm
Allen	DeWine	Grassley
Bennett	Domenici	Gregg
Bunning	Enzi	Hagel
Burns	Fitzgerald	Hatch
Craig	Frist	Helms

Hutchinson	McCain	Thomas
Kyl	McConnell	Thompson
Lott	Murkowski	Thurmond
Lugar	Nickles	Voivovich

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.

The Senator from Texas.

Mr. GRAMM. I yield to Senator STEVENS.

Mr. STEVENS. Mr. President, I yield my 1 hour to the manager of the bill on this side, Senator SHELBY.

The PRESIDING OFFICER. The Senator has that right.

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

The PRESIDING OFFICER. The pending question is amendment No. 1030 to the substitute to the bill.

AMENDMENT NO. 1168 TO AMENDMENT NO. 1030
(Purpose: To prevent violations of United States commitments under NAFTA)

Mr. GRAMM. Mr. President, I have a second-degree amendment at the desk, amendment No. 1168. I call up this amendment on behalf of myself and Senator MCCAIN and ask for its immediate consideration. I ask it be read.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself and Mr. MCCAIN, proposes an amendment numbered 1168 to amendment No. 1030:

At the appropriate place, insert the following: "Provided, That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement."

Mr. GRAMM. Mr. President, this pending amendment is about as clear as the amendment can be. Basically, what the amendment says is that in terms of implementing this restriction on funding, notwithstanding any other provision of this section, which consists of 22 restrictions on the fulfillment of NAFTA in its transportation clause, that those provisions would be binding except to the extent the President finds them to be in violation of the North American Free Trade Agreement.

This amendment is very important because it gets down to the heart of the issue before us. The issue before us is when the President negotiates an agreement with sovereign foreign nations—as he did with the NAFTA, the most important trade agreement ever negotiated in the history of the Americas, with Mexico and Canada—when the President commits the Nation with his signature, as he did in San Antonio, TX, when he signed NAFTA, and then when Congress approves that trade agreement by an affirmative action of both Houses of Congress and the President's signature, whether we are bound by that agreement.

Having negotiated the agreement and having ratified the agreement, no matter how popular it may be, no matter what special interest group it might satisfy, we cannot give the word of our President and the ratification of our Congress and then come back after the fact and say we do not want to live up to our end of the bargain.

We have invoked cloture, which at some point 30 hours from now will bring a vote on the Murray amendment. The Murray amendment has many provisions. Many of those provisions violate NAFTA—the agreement that we entered into in San Antonio and ratified in the Congress—and, in doing so, go back on the word of the United States of America.

I object to this for a lot of reasons, but the biggest reason is whether one is an individual or whether they are the greatest nation in the history of the world, when they commit themselves to something, if they do not live up to it they lose their credibility.

It is an interesting paradox that we are in the Chamber of the Senate today going back on the commitment we made under NAFTA at the very moment that our President, our Secretary of State, and our trade representative are urging our trading partners all over the world to live up to agreements they have made with the United States of America.

All over the world today, parliaments and congresses are meeting. And just as it is true outside in the hallway here, there are representatives of powerful special interests there that are saying: Do not live up to this agreement with the United States because it is going to hurt some domestic economic and political interest. They are trying to make a decision: Should they live up to the commitment they made to the United States or should they go back on their word?

We are trying to exert moral authority and suasion in saying to them: Live up to the commitments you made to the United States. We are living up to our part of the agreement. We expect you to live up to your part of the agreement.

The biggest reason I am concerned by the action that we are starting to take

here is that we are going back on our word, and not just our word in general, but our word to a neighbor that shares a 2,000-mile border with the United States of America. We are going back on our word with a neighbor that has had the equivalent of a political revolution and has elected a President who is more favorable toward trade, more favorable toward a strong and positive relationship with the United States, than any leader in Mexican history.

We all applaud what President Fox is doing and saying, his leadership, his reform. But I ask my colleagues what kind of signal are we sending to President Fox and what kind of position are we putting him in when we go back on an agreement that we have made with Mexico? This was not an agreement that was made by President George W. Bush alone; this was not an agreement made by President Clinton alone; this was not an agreement that was made by President Bush alone. This was an agreement that was made, ratified, and enforced by three Presidents—two of whom are Republicans and one on whom is a Democrat. It is an agreement that was ratified by a Congress that clearly understood that we were undertaking obligations in that agreement.

As some of my colleagues may have seen, there is a Reuters news story out this morning that describes Mexico's first response to what we are doing in the Senate. The headline on the Reuters news story is: "Mexico Warns Retaliation Against U.S. on Truck Ban." The article goes on to say:

Mexico warned on Wednesday it would retaliate with trade measures against the United States if the U.S. Senate approves a measure prohibiting Mexican trucks from greater access to American roads.

"In the event the Senate approves this and it becomes law, it would leave us no other recourse than to take measures (against the United States)," Economy Minister Luis Ernesto Derbez told reporters.

He said one option would be to block imports of high fructose corn syrup from the United States, long a source of trade friction. . . .

I am concerned about starting a trade war with Mexico.

Mr. DORGAN. Will the Senator yield?

Mr. GRAMM. I will when I get through.

I am not just concerned about starting a trade war with Mexico. I am concerned about what we are doing to President Fox when we are taking action that violates the treaty we entered into with Mexico. I don't know what kind of position we put him in with his own people when the most important agreement we have ever entered into with Mexico is being abrogated by an action on an appropriations bill in the Senate.

What I do in the pending amendment is make it clear that in implementing the provisions of the Murray amendment, nothing in that amendment will

apply in a manner that the President finds will violate the North American Free Trade Agreement. Now, our colleagues who support the Murray amendment say the amendment does not violate NAFTA. If the amendment does not violate NAFTA, then this amendment will do it no violence. But if, in fact, the amendment does violate NAFTA, and I believe it is obvious to any objective observer that it does, then this amendment will say that those provisions that violate NAFTA will not be enforced. That is what the amendment does.

Let me try to explain further, because this is a very complicated issue. What often happens in any great deliberative body is that people cloak objectives in very noble garb. What we have before the Senate is an amendment that claims to be about safety, when most of the amendment is about protectionism and about preventing America from living up to the obligation that it made under NAFTA.

Let me outline what I want to do. First, let me outline what NAFTA says, what it commits us to. Then I will draw a clear distinction in four or five examples about what violates NAFTA and what does not violate NAFTA. Then I will go through the provisions in this bill that violates NAFTA. Then I will conclude by reserving the remainder of my time and letting other people speak.

First, in Chapter 12 of the North American Free Trade Agreement as signed by the President and approved by Congress, reference is made to America's and Mexico's and Canada's obligation on cross-border trade and services. Our agreement was not just about goods coming across the border, but it was about services coming across the border.

Obviously, the service we are talking about today is trucking. Here are the two obligations to which we agreed in the NAFTA. I will read them because it is important people understand exactly what we are talking about.

The first article is called "National Treaty." What it says in English, and in Spanish, too, is that when we enter into this agreement, we are going to give Mexican companies and Canadian companies the same treatment we give to our own nationals. In other words, they are going to be treated the same. Hence the term "national treatment."

Specifically, it 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." That is the exact language of NAFTA.

Now, what does that language mean? It says if you are a Mexican trucking company, you will face the same requirements, the same obligations, the same rules, the same laws, as you would face if you were an American

trucking company and the same rules, the same laws, the same obligations, the same regulations that you would face if you were a Canadian trucking company.

There is another provision which is very similar to the national treatment provision, but called the most-favored-nation treatment provision. When we entered into this agreement with Canada and Mexico, we not only said we were going to treat them as we treat ourselves in this cross-border trade and services, but we committed we would treat them as well as we treated any other nation.

That language is as follows: "Each party shall accord to service providers of another party treatment no less favorable than it accords in like circumstances to service providers of any other party or of a nonparty."

In other words, what we committed to Mexico on that day in the mid-1990s was they could provide services on a competitive basis with services provided by American providers and by Canadian providers, and that they would be treated the same in like circumstances.

Now, we did have a proviso, a reservation. That reservation is in Annex I. I want to make sure that people understand that reservation in no way applies to the bill we are talking about here. The first reservation said that within 3 years of the date of the signature of the agreement, cross-border truck services to or from border States would be allowed to California, Arizona, New Mexico, and Texas. That is where trucks are currently operating today. Then, within 3 years there would be an agreement concerning cross-border bus service. And finally, within 6 years after the agreement went into force—and it went into force in 1994—cross-border trucking services would be allowed.

So that is the agreement we entered into. There is a distinction that needs to be drawn to explain the problem with the Murray amendment. The distinction is as follows: If circumstances in Mexico are different than they are in Canada or the United States, so long as the standards we apply are the same, we don't have to enforce them exactly in the same way.

For example, we have had a long association with Canada. As a result you can apply on the Internet for a license in Canada to operate a truck in the United States. You can pay \$300 and you are in business. Because we are beginning a new process with Mexico, obviously we have to have a more stringent regimentation than that.

Senator McCain and I have proposed—and it is perfectly within the NAFTA agreement's purview—that to begin with, we inspect every single Mexican truck; inspect every single Mexican truck, and require that they meet every standard American trucks have to meet with regard to safety.

There is no debate here about safety. Everybody is for safety. I will just say that Senator McCain and I both have numerous Mexican trucks operating in our States today. The chairman and ranking member of the Transportation Appropriations Committee have no Mexican trucks operating in their States. I would say, since my people are affected more today and will be affected more when NAFTA is fully implemented than either of the States that are represented by the chairman and ranking member, I am obviously at least as concerned about safety as they are.

But there is a difference between safety and protectionism. Here is where the difference lies. Under NAFTA, we have every right to set standards and every obligation to set safety standards so Mexican trucks have to meet the same standards as trucks of the United States. Because the situation in Mexico is different, we can have differences in how they are implemented. In fact, today we inspect Canadian trucks. We inspect about 48 percent of the Canadian trucks that come into the United States. We inspect 28 percent of U.S. trucks. In fact, today, even though trucks are limited to the border area, we inspect 73 percent of Mexican trucks. Today we are inspecting Mexican trucks at a rate almost three times the rate we are inspecting American trucks, and that is eminently reasonable because we are establishing the safety of Mexican trucks.

There is no argument that we should have the right initially to inspect every single Mexican truck until we establish the quality of those trucks. But here is where the line is drawn. We can inspect them differently. We can inspect them initially, as long as there is any reason to believe they are different, more intensely. But we cannot apply different standards. That is where the Murray amendment runs afoul of NAFTA.

Let me talk about four ways the amendment clearly violates NAFTA. The first is a fairly simple measure, but it tells you what is going on in this amendment. Today most Canadian trucks are insured by London companies such as Lloyd's of London. Today some Canadian trucks are insured by Canadian insurance companies, and some by American insurance companies. Most American trucks are insured by American insurance companies; some are insured by foreign insurance companies. The plain truth is, many of the companies we know are located all over the world, so the insurance domicile distinction really doesn't mean as much as it once did.

Under NAFTA, we have the right to require that Mexican trucks have insurance. I believe with regard to the health and safety of our own people we have an obligation to require that they

have insurance. But we cannot put a requirement on them that is different from the requirement we put on ourselves or on Canada. The Murray amendment violates that principle by saying Mexican truck operators have to carry insurance from companies that are domiciled in the United States of America. American companies do not have to have insurance from companies domiciled in the United States of America. Canadian companies do not have to have insurance from companies domiciled in the United States of America. Most of them have insurance from companies domiciled in Great Britain. But the Murray amendment says Mexican trucks have to be insured by companies domiciled in the United States of America.

That is a clear violation of NAFTA. NAFTA says we have to treat Mexico and Canada the way we treat our own providers. We do not require our providers to have American insurance, and indeed some of them do not. They have insurance from companies domiciled elsewhere. We do not require Canadian trucks to have American insurance, and very few of them do. They have British insurance, and they have Canadian insurance. And we have no right under NAFTA to require Mexican trucks to meet a requirement that our trucks and Canadian trucks do not have to meet.

Second, if a company finds itself unable to operate for some reason—maybe it has lost business, maybe it is subject to some suspension of a license, maybe there is some restriction imposed on it—it has the right to lease its trucks. If you are in the trucking business and you have these rigs that cost huge amounts of money sitting in your parking lot, and for some reason you cannot serve your customer and you cannot use this rig, it is a standard business procedure in the United States and in Canada to lease those trucks to somebody who can put them to use. That obviously is trying to protect your business from going broke.

We would have the right, under NAFTA, to say that Mexican trucks cannot be leased under a certain set of circumstances to another provider, as long as we did the same thing to our own trucks and to Canadian trucks. We have every right in the world to say to a trucking company that if they are subject to suspension, restriction, or limitations, they cannot lease their trucks. We have the national sovereign right, under NAFTA, to do that. But we do not have the right to say American companies can lease their trucks, Canadian companies can lease their trucks, but Mexican companies cannot lease their trucks under exactly the same circumstances. That is a clear violation of NAFTA—no ifs, ands or buts about it. You cannot have two different standards: One standard applies to the United States and to Canada and another standard applies to Mexico.

Under this amendment, if a Mexican company is found to be in violation of this provision, they can be barred from operating in the United States. In reading the language, this apparently could be a permanent ban. We have the right to ban any trucking company in America from having the right to operate if it should have a violation. And if we did that, since any big trucking company at any one time certainly will have a violation—maybe many violations—we could then we could apply it to Canada and Mexico and it would be NAFTA-legal. Of course we would all go hungry if we did that. It would be a crazy policy to do that, but we could do it.

But what we cannot do under NAFTA is say: OK, we have a regime of penalties for American companies and we apply that regime to Canadian companies, but for Mexican companies, we will apply a different regime even though we entered into a treaty—signed by the President and ratified by Congress—where we said we would treat them exactly as we treat ourselves.

We can't now come along and say that if you are an American trucking company or a Canadian trucking company these are your penalties, but if you are a Mexican trucking company the only penalty is the death penalty—i.e., we are going to put you out of business. That is a clear violation of NAFTA. There are no ifs, ands, or buts about it. It is a clear violation of NAFTA.

In 1999 we wrote a law that dealt with truck safety: the Motor Carrier Safety Improvement Act of 1999. When we wrote that law, we asked the Department of Transportation to promulgate regulations for its implementation. It turned out that it wasn't easy to do. The Clinton administration didn't get it done, and the Bush administration hasn't gotten it done yet.

We could say that until these regulations called for in this law are written and implemented, we will not allow any truck to operate in America. We could say that. That would not violate NAFTA. We could say the Federal Government has not written a regulation and, therefore, we are not going to let trucks operate in America. It would not violate NAFTA, because we wouldn't let Mexican trucks operate, we wouldn't let American trucks operate, and we wouldn't let Canadian trucks operate. We could do that. It would be crazy. I suspect people would be marching on the Capitol and the Senate would change it very quickly. But we could do it. It would not violate NAFTA.

But that is not what we are doing here. What we are saying here is that until the regulations that are called for in this act are written and implemented, American and Canadian trucks can operate freely. American trucks

can roll right up and down the road with the radio going full blast, everybody happy. Canadian trucks can operate, come across the border, come and go wherever they want to. But until this law is implemented, Mexican trucks cannot come into the United States.

By saying that, we would be violating the national treatment standard of NAFTA. NAFTA says if you want to do something—no matter how crazy it is—as long as you do it to yourself, you can do it to Mexico and you can do it to Canada. But what you cannot do under NAFTA is simply say, arbitrarily: I don't want Mexican trucks operating in the United States. Until February 29 falls on a Thursday, we are not going to let Mexican trucks operate in the United States. That is about as arbitrary as the provisions of this amendment. There is no basis for doing that. It is arbitrary and it violates NAFTA.

There are many other things that could be violations. I have outlined just four. My amendment very simply does the following: It says that the Murray amendment would stand unless its provisions violate NAFTA. If they did violate NAFTA and remember that ratified treaties under the Constitution, to quote the Constitution, are the "supreme law of the land" then they would not be enforced. And I have outlined four examples of where the Murray amendment violates NAFTA.

I will conclude and reserve the remainder of my time, and let others speak. Here is the principle at issue: We can, should, and must require that Mexicans meet the same standard. We don't have to enforce them exactly in the same way.

For an example of something that would not be a violation to begin with but might become a violation: the checking of the driver's license of every trucker coming into the United States from Mexico. We don't do that for people coming in from Canada. We don't do that for every truck operating in the United States. We might choose to do that for people coming in from Mexico, until we establish the pattern for Mexican drivers.

Interestingly enough, so far our inspections show that the failure rate—the number of times that you don't let the driver on the road, you take them out of the truck—for American truckdrivers is 9 percent, and for Canadian truckdrivers it is 8.4 percent. Interestingly enough, only 6 percent of Mexican drivers are found to be in violation.

The plain truth is that most Mexicans who are driving big rigs are college graduates. The truth is, at least so far it appears, is that Mexican drivers are safer in terms of meeting our regimentation and requirements—if that in fact those requirements measure safety, and supposedly that is what they do—than our own drivers. That is data

based just on trucks operating in our border States.

We would have every right to initially stop every truck and check every driver's license. But once we had established that there is no particular problem, then stopping every Mexican truck when we don't do it with our own trucks and we don't do it with Canadian trucks after we have established the pattern that Mexican drivers are just as qualified and licensed as ours would be a violation of NAFTA. Basically, the requirements don't have to be the same, but they do have to be reasonable in terms of burden relative to the problem.

I would think if our colleagues want to pass this bill, if they want to move this process forward, and if they don't want to violate NAFTA, they would simply accept this amendment. This would be a major step forward in fixing the problems we have with the bill. I wish they would accept it. They should accept it. They say this provision does not violate NAFTA, but then if they are right, the adoption of the amendment would have no impact on them.

Why is the amendment important? The amendment is important because we made an agreement with our neighbor to the south. We are in the process on the floor of the Senate, whether it is our intention or whether it is not our intention, of discriminating against Mexico, of saying to them that you are not really an equal partner in NAFTA. We said we were going to give you these rights, but we have decided we are not going to give you the same rights we give to Americans and we are not going to give you the same rights we give to Canadians. Quite frankly, I think it is outrageous.

I remind my colleagues that we are not saying you can't have different ways of enforcing our safety rules. We are simply saying in NAFTA you can't have a different set of rules.

Senator MCCAIN and I and the President support inspecting every Mexican truck and checking the license of every Mexican driver as they come across the border. But at some point when the patterns are set and we are through this transition period, we are going to have to treat them as we treat our own trucking companies when they have proven themselves. Why are we going to have to do that? We are going to have to do it because that is what NAFTA says.

I know there is a powerful special interest involved here. I know the Teamsters Union does not want Mexican trucks to operate in the United States. They are not out saying we don't want trucks operating in the United States because we are greedy, we are self-interested, and we do not want competition. They are not saying that.

I don't remember anybody ever coming to my office saying: Protect me from competition. I don't want to have

to compete. I want to sell at a higher price. I want to make more money. I want to have a place in Colorado. And I want you to cheat the consumer to protect me. Nobody ever came into my office and said that. But they do come into my office and say: Protect me from this unfair competition. Protect me from these products that are not safe. Protect me from this. Protect me from that.

What the Teamsters are against is competition. You can argue that we ought not to have Mexican trucks in America because we ought not to allow competition. But the point is, it is too late. We signed an agreement. We ratified the agreement. Now it is time to live up to the agreement.

Under the Murray amendment, we are going back on our agreement. The proponents of this amendment can say until they are blue in the face that it does not violate NAFTA. But if it does not, accept this amendment. But I do not believe they are going to do that, because I believe their amendment does violate NAFTA. That is why Mexico is talking about retaliation today. That is why the President said that he is going to veto this bill.

In the end, we are going to have to fix this situation. We are going to spend weeks now, it looks to me, fooling around with this issue, when everybody knows in the end that it is going to have to be worked out. But we don't have any recourse now except to do it the way we are doing it.

I am not going to let the President be run over on this. I am not going to let Mexico be discriminated against. I do not think this is right. I do not think it is fair. And I think it destroys the credibility of the United States of America. So I am not going away. We have four more cloture votes. I want to say to my colleagues, don't feel that you have to vote with me against cloture. Vote for cloture. It is obvious that the forces who are against putting NAFTA into effect with regard to trucks have the votes. So I am not asking anybody to vote with me. But I am just saying that we are going to end up having to vote on cloture four times to get this bill to conference.

It can be fixed very easily. Simply take out the parts of the Murray amendment that violate NAFTA. That is what we are going to have to do. We can do it now. We obviously are not going to, but we could. We can do it next week. We can do it in September. But we are going to do it eventually.

I reserve the remainder of my time and yield the floor.

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

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

AMENDMENT NO. 1055

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about amendment No. 1055, which has been filed and is at the desk. This is an amendment which I understand will be included in the managers' package. I thought it might be useful to make a comment or two about it.

This amendment is necessary in order to clarify congressional intent on the highway congestion relief program created under the 1998 TEA-21 highway authorization bill. Under the ITS, Traffic.com, a Wayne, PA, company employing some 150 workers, competed for and won an initial \$8 million contract to create a traffic management system to monitor congestion in Philadelphia and Pittsburgh. The bidders competing for this initial contract expected and were led to believe that the winner on the first phase of the contract would automatically receive the follow-on contract.

The intent of the TEA-21 ITS provision was to eventually expand this program beyond Philadelphia and Pittsburgh and award the next phase of the contract to the same team that won the first phase.

The fiscal year 2001 Transportation Appropriations Act contained a \$50 million earmark to further fund an intelligent transportation system, ITS, section 378, Public Law 106-346. This intelligence transportation system project was originally conceived under TEA-21 to serve as a national, interoperable program that would allow local residents and trucking companies to receive up-to-date information on traffic patterns and congestion.

TEA-21 section 5117 (b)(3)(B)(v) set forth that the ITS program should utilize an advanced information system designed and monitored by an entity with experience with the Department of Transportation in the design and monitoring of high-reliability, mission-critical voice and data systems.

It was thought at the time by the draftsmen that this provision would cover the \$50 million, but there has been a determination by general counsel for the Department of Transportation that this language is insufficient. We had thought we might correct it with a colloquy, but we have been advised that there needs to be a so-called legislative fix.

In that light, I have submitted the amendment, which is No. 1055, which has been reviewed by the Department of Transportation. And we have been assured, I have been assured that the language in the amendment will be satisfactory.

This is an important matter to my constituents. It is a Wayne, PA, company employing some 150 workers.

I have conferred with Senator WARNER, who was a party to the initial

transaction where, as is the case with many highway projects, the arrangements were worked out that the firm winning the first contract of \$8 million, which was, as I say, Traffic.com, would get the second contract. But the legislative draftsmen were not sufficiently precise, as I have said. Senator WARNER confirmed to me yesterday that was the intent at that time, and he is prepared to confirm that.

The distinguished Senator from Washington, Mrs. MURRAY, chairman and manager of this report, had wanted confirmation from the authorizing committee that this was acceptable, as is the practice, if a matter like this is included in an appropriations bill. The appropriate process is to have the authorizers agree that it may be inserted, not to have any jurisdiction taken away.

I had consulted with the distinguished Senator from Nevada, Mr. REID, who is the subcommittee chairman, who is on the floor now and hears what I am saying, and also with the distinguished chairman, Senator JEFFORDS. They have concurred in this.

As I say, it is my expectation, having just conferred with the chairman, Senator MURRAY, that it be included in the managers' package. I thought it would be useful for the record to have this brief explanation as to precisely what happened and what the intent of the amendment will be as included in the managers' package.

As they say at wedding ceremonies, Senator MURRAY and Senator REID, if you have anything to say, speak now or forever hold your peace.

I thank the Chair. They used to call that an adoptive admission before they were declared unconstitutional, when I was a prosecuting attorney.

I thank Senator MURRAY, Senator REID, and my other colleagues.

I yield the floor and 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. McCAIN. 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. McCAIN. Mr. President, I rise, obviously, in support of the amendment of the Senator from Texas. The reason the Senator's amendment should be really approved without a single dissenting vote is that the amendment says exactly what the proponents of this so-called Murray language in the appropriations bill are alleging. They are alleging that the language to which we and the administration object is not in violation of NAFTA.

I don't know the number of times—I would be glad to have a scholar research the number of times the Sen-

ator from Washington has said this is not a violation of NAFTA; this is not a violation of NAFTA; this is not in violation of NAFTA. So if the language is not in violation of NAFTA, then she should have no problem in approving this amendment, which says:

Provided that notwithstanding any other provision in the Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American free trade agreement.

Mr. President, during the previous two administrations, I supported a lot of legislation that gave the President of the United States a great deal of leeway in determining foreign policy issues. I did that because of my fundamental belief that the President of the United States should be the individual who conducts foreign policy, obviously, with the advice and consent of the Congress of the United States. So this amendment seems to me to be perfectly in keeping with the rhetoric of the proponents of the present legislation as it stands.

I don't quite understand the objections to it, when the allegations are that the language in the appropriations bill is perfectly in compliance with NAFTA and doesn't violate it.

I want to mention again, particularly in light of the last vote that was taken—and we all know we only got 30 votes on the cloture motion and we needed 41—first, I am still confident that, as to the vote yesterday and other votes that will be taken, we have sufficient votes to sustain a Presidential veto. As we all know, the President has said he would regretfully have to exercise that option.

I also want to point out for the benefit of my colleagues, we have just affirmed a very dangerous practice, in my view. That practice—which in the years I have been here has gradually increased year after year after year—is a proclivity to legislate on appropriations bills. We now have major policy changes, major legislative initiatives, included on appropriations legislation. So when the cloture was voted a short time ago, it not only affirmed, unfortunately, the right—or new right of appropriators to legislate on appropriations bills, but it also can set a very dangerous precedent for the future.

There may be other amendments on other appropriations bills, which individual Senators view is in violation—in this case, of course, in violation of a solemn treaty agreement, but it may be in violation and affect issues that are important to them.

Senators who are not members of the Appropriations Committee, Senators who are simply members of authorizing committees, have suffered under the impression that any major policy changes or legislation would originate in their committees of which they are members, the authorizing committees. Instead, we now see an abrogation—a

growing abrogation—and an affirmation of that abrogation of the responsibilities of those who are members on the authorizing committees—in my view, a grossly unwarranted assumption of authority on the part of the Appropriations Committee.

We all know what the purpose of an Appropriations Committee is, and that is to appropriate funds for previously authorized programs. I will be glad to read to my colleagues what the charter of the Appropriations Committee is. I must say, when I first came here—and I think the Senator from Texas who came here a couple years before me would agree—it was a very unusual circumstance when you would see an appropriations bill that had a legislative authorizing impact. We would find the pork barrel projects, although they were dramatically less; we would find the earmark. But now we have a custom, that is increasing year by year, where the Appropriations Committee, in direct violation of their charter, are now setting parameters, which in this case affect a solemn treaty between three nations.

Not only does this particular language, which is called, "not in violation of NAFTA," clearly authorize on an appropriations bill, but it even goes so far as to affect a solemn trade agreement.

I might add that is not just my view. That happens to be the view of the President of the United States and, almost as important, the view of the President of Mexico. Already the Mexican Government, in reaction to this pending legislation, has threatened sanctions which could reach a billion or more dollars against U.S. goods and services. Relations between the United States and Mexico, in my view—and coming from a border State I think I have some expertise on this subject—have never been better.

We have a new party in power in Mexico, a new leader, and for the first time we are seeing border cooperation the likes of which we have never seen before, including the apprehension and extradition of drug dealers, something we could not only not achieve before, I remember back in the 1980s when a U.S. drug agent was kidnapped, tortured, and murdered by individuals that at least allegedly could have had connections with the Mexican Government. We have come a long way in our relations.

I note the President's first state dinner will be in September in honor of President Fox of Mexico. The relationship between our President and the President of Mexico is close, it is cooperative, and it will act to the great benefit of all Americans, particularly those of us who represent border States because we have so many outstanding border issues: immigration, drugs, pollution, transportation, among others.

What do we do early in President Fox's administration? According to

them, we violate a solemn treaty that was consummated years ago by previous administrations.

The provisions of Senator GRAMM and I require it, every vehicle beyond the commercial zones to be authorized and to display on their vehicle a decal of inspection, and the list goes on and on. State inspectors that detect violations will enforce such laws and regulations, and it goes on and on.

According to our legislation, we are not giving blanket approval to Mexican carriers to come across the border. What we are doing is imposing some reasonable restrictions which would then stay in compliance with the North American Free Trade Agreement.

Let me read from a letter we received from the NAFTA Coalition For Safe Trucks:

During its consideration of the bill to provide appropriations for the Department of Transportation for fiscal year 2002, we urge the United States Senate to adopt the McCain-Gramm amendment regarding the treatment of cross border trucking operations under the North American Free Trade Agreement.

We represent the manufacturers, shippers and the transporters of the goods crossing the border, and want to ensure all necessary steps are taken to ensure the safe, reliable and efficient transportation of those goods between the United States and our trading partner to the South.

Both the House-passed language and the language included by the Senate Committee on Appropriations violate NAFTA and will result in a "closed" border for the foreseeable future. While we commend the Senate Committee for seeking a solution to the outright ban contained in the House Bill, several of the requirements simply cannot be met and are unnecessary to ensure the safe operations of Mexican domiciled trucks when operating in the United States.

Should the Congress vote to require the United States Government to continue to violate our obligations under NAFTA, Mexico will be free to impose extensive sanctions on U.S.-produced products. This will certainly lead to a loss of jobs for U.S. workers, particularly in manufacturing, which has already seen 785,000 lost jobs since July of 2000.

We urge support of the McCain-Gramm Amendment, which will allow the United States to honor its commitments while establishing a safe and reliable flow of goods between the United States and our neighbor, trading partner and friend to the South.

It is signed by the American Trucking Association, National Association of Manufacturers, Grocery Manufacturers of America, U.S.-Mexico Chamber of Commerce, Agricultural Transporters Conference, Border Trade Alliance, United States Chamber of Commerce, National Foreign Trade Council, the Fertilizer Institute, and TASA Trucking, the very people who will be sharing the highways and bridges of America on both sides of the border with Mexican transportation carriers.

What we have done here—and I think it is important to put it in a certain perspective because there is a lot of heat of the moment; there are conversations about what the Teamsters

will or will not do, how important it is for Republicans to gain the support of the Teamsters, and underlying it all is sort of a concern about really what would happen if these Mexican carriers came into the United States.

As the Senator from Texas pointed out, they are 25 miles inside of our border States. We are proud of the relationship we have with our Mexican neighbors to the South. We are proud of their friendship. We are proud of the progress that they have made, both politically and economically. We are proud to call them our neighbors.

What we have done, intentionally or unintentionally, is adopt language in an appropriations bill which was unknown to those of us on the Committee of Commerce, Science, and Transportation, unknown to the authorizing committee on which I am the ranking member. Language was adopted which, in the view of the President of the United States, in view of the President of Mexico, and I am sure the Canadian Government, and I am sure the NAFTA panels that judge these things, is a violation of a solemn trade agreement.

I do not want to waste time reviewing the enormous economic benefit that has accrued to all three countries as a result of the North American Free Trade Agreement. They are phenomenal. When NAFTA was adopted in 1996, there was \$300 million worth of trade a day between the United States and Canada. Today there is a billion dollars a day of trade between the United States and Canada.

The numbers are comparable in the south. We have seen the maquiladoras. We have seen the growth of the economy in the northern part of Mexico far exceed the rest of Mexico. Why is that? It is because of the enormous increase in goods and traffic and services between the United States and Mexico.

We have seen now one of the most successful treaties, from an economic standpoint and I argue cultural and other aspects, now being undermined or violated by an act of the appropriations subcommittee of the Senate, without a hearing.

We did have a hearing on Mexican trucks in the Commerce Committee. We never acted. There was never a bill proposed. There was never any legislation proposed for consideration and markup by the Committee on Commerce, Science, and Transportation. No, it was stuck into an appropriations subcommittee bill.

Here is where we are: The repercussions of this action are significant and severe, not only to the people of my State but the people of this country.

We do not grow a lot of corn in Arizona; I wish we grew more, but clearly corn is one of the first areas where the Economic Minister of Mexico has said they may have to impose sanctions because they are entitled to impose sanctions as of this very day.

We have also just heard that telecommunications equipment might be the next target of sanctions enacted by the Mexican Government. Why would they do that? With all due respect, because they have significant manufacturing capabilities within Mexico of telecommunications equipment and it probably would not be too bad for Mexico in the shortrun if they were not subject to foreign competition, although we all know the unpleasant and unwanted consequences of the lack of competition in all products. That is the situation we are in. It is very unfortunate.

The Senator from Texas has an amendment which basically says none of the provisions in the appropriations bill would be applied in a manner that the President of the United States finds to be in violation of NAFTA. Literally, every bill we pass out of this body that has to do with foreign policy has a national security provision stating if it is in the interests of national security, the President can act if he deems so. Basically, that is sort of what this amendment of the Senator from Texas is all about.

I also want to make one other comment about this issue and what we have done. The Senator from Texas and I were allowed to propose one amendment, which was voted on, and we had many other amendments. Obviously, that effort is going to be significantly curtailed because of a cloture vote. I view that as unfortunate, too, because if in the future Members of the Senate are seeking a number of amendments to be considered, and cloture is imposed without them being able to have all their amendments considered, then I think we are obviously setting another very bad precedent for the conduct of the way we do business in the Senate.

For all of those reasons, I not only intend to slow this legislation, but I think we will have to try to see that this issue, no matter how it is resolved, resurfaces on several different vehicles in the future. I am not sure that there are many other issues before the Senate that are this important. We may have to, even after we have exhausted—if we do—all of our parliamentary options, exercise others as well.

I say that not only because of the impact on this issue but the impact on the way we do business in the Senate. I was very proud during consideration of the campaign finance reform bill that everybody had an amendment. Anybody who had an amendment, we considered it; we voted on it; and we worked on it for 2 weeks. On the Patients' Bill of Rights, we worked on it; we had amendments; everybody was heard from; and everybody got their say.

That is not the case with this legislation. It is not the case with this appropriations bill. I regret that. I have been

here not as long as many but long enough to know when a very dangerous trend, a very dangerous precedent has been set, I recognize that. I will continue to do what I can to see that every Senator has the right to exercise his and her rights as Members of this body to see that their issues, their concerns, and particularly those that affect international agreements, are fully examined and voted upon and discussed and debated.

I intend, obviously, to talk more on the specifics of what we are doing, but I hope my colleagues have no illusions as to what is being attempted on an appropriations bill where there is absolutely no place for this legislation. Those who are only members of authorizing committees, take note, my friends, because you may be next.

Mr. GRAMM. Will the Senator yield?

Mr. MCCAIN. I am happy to yield.

Mr. GRAMM. Obviously, the Senator shares with me the fact that we represent States that border Mexico, and in that process we both have had an opportunity to work with President Fox. Would the Senator agree with me that of all the people who have ever been heads of state in Mexico, that he is, perhaps, the most pro-American in terms of his outlook and willingness to work with us of anyone we have ever dealt with?

Mr. MCCAIN. In response, I say to my friend, I don't think we have ever seen a friend of this nature in the history of the country of Mexico. We all know that there was one-party rule since the 1920s. We all know that when one party rules any country for an inordinate length of time, there is corruption. This is a breath of fresh air.

The Senator mentioned we come from border States. Our States are going to be affected first by Mexican carriers coming across our border. In the State of Washington and on the northern tier, there is free access of carriers from Canada. So I kind of wonder about the contrast there. The State of Washington has free movement of trucks back and forth across their border. Yet Representatives of the State of Washington want to restrict flow across our borders with our southern neighbor. I find that interesting.

Mr. GRAMM. Could I ask another question? You obviously know President Fox, and know Mexican politics. What kind of position do you think it puts President Fox in when he has staked his whole political future on a good relationship with the United States, and has committed himself to enforcing NAFTA in his own country, when the Senate is in the process of adopting a provision on an appropriations bill that clearly violates the NAFTA agreement? What kind of position do you think it puts him in?

Mr. MCCAIN. The answer, obviously, I say to the Senator from Texas, is it must be somewhat embarrassing for

him. I think that was very much appreciated by President Bush. President Bush has expressed on several occasions his concern with what is happening and has taken a very personal interest in these proceedings.

That is another point I emphasize. The relationship between President Fox and President Bush is as close and cooperative and good as any in the history of this country. I appreciated President Reagan's relationship with his southern neighbor as Governor of California. I believe the relationship of President Bush and President Fox opens up a vista for relations with Mexico the likes of which we have never seen, which there has already been manifestations of, by the extradition to the United States of drug dealers from Mexico. That would never have happened under a previous regime.

I think President Fox, obviously, could not be very pleased today and may have to answer to some of his critics, of which there are many since he just unseated a party that had been in power for 60 years.

Mr. GRAMM. If the Senator will yield, I am sure there are people who wonder why we take this issue so seriously. It seems to me our colleagues should be concerned about our relationship with this good man who is president of Mexico and our friend, and with the kind of position it puts him in, and with the message it sends that somehow we treat our neighbors to the north differently than we treat our neighbors to the south. It seems to me that socialists and anti-American politicians in Mexico from the very beginning of our relationship with Mexico have preyed on this point: that we don't respect Mexico, that we don't respect their people, that we treat them differently, that they are our poor neighbors. I conclude with the following question. Don't you believe that this amendment, in all of its terrible manifestations, plays into exactly the kind of demagoguery that has traumatized our relationship with Mexico for all these years?

Mr. MCCAIN. First of all, I agree with the Senator from Texas. But also let me point out that because of this action that is taking place right now, the Mexican Government and the President are having to respond to domestic discontent with the threat of sanctions, and they are judged to be able to enact sanctions because the panel determined we are in violation of NAFTA as we speak. Until this legislation was pending, there was no word out of Mexico that they would impose these sanctions. But in the last day, the last 24 hours, the Mexican Government has felt compelled to say they will enact sanctions. Why? Because the legislation before us makes permanent the blocking of the border to Mexican carriers, which was allowed accord-

ing—not only allowed, but a part, an integral part of the North American Free Trade Agreement.

I mention again to my friend from Texas a letter from the Secretary of the Economy, Luis Ernesto Derbez Bautista:

We have been following the legislative process regarding cross border trucking on the floor of the U.S. Senate. This is an issue of extreme importance to Mexico on both legal and economic grounds. From a legal standpoint, Mexico expects non-discriminatory treatment from the U.S. as stipulated under the NAFTA. The integrity of the Agreement is at stake as is the commitment of the U.S. to live up to its international obligations under the NAFTA. I would like to reiterate that Mexico has never sought reduced safety and security standards. 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.

The economic arguments are clear-cut: Because of NAFTA, Mexico has become the second largest U.S. trading partner with \$263 billion of goods now being exchanged yearly. About 75% of these goods move by truck. In a few years, Mexico may surpass Canada as the U.S. largest trading partner and market. Compliance with the panel ruling means that products will flow far more smoothly and far less expensively between our nations. Doing so will enable us to take advantage of the only permanent comparative advantage we have: that is our geographic proximity. The winners will be consumers, businesses and workers in the three countries.

We are very concerned after regarding the Murray amendment and the Administration's position regarding it that the legislative outcome may still constitute a violation of the Agreement. In this light, we hope the legislative language will allow the prompt and non-discriminatory opening of the border for international trucking.

Finally I would like to underline our position, that to the Mexican government the integrity of the NAFTA is of the outmost importance.

That is from the Secretary of the Economy of the country of Mexico.

I see my respected friend, the Senator from North Dakota, on the floor. I know his views on NAFTA. I do not know if many of the Mexican trucks will be getting up to North Dakota. But I do know that the Mexican Government right now is deeply concerned about this legislation, and if it passes, I can see no other action the Mexican Government would take but to enact sanctions. As the Senator pointed out, this is a critical stage of our relations with that country.

I thank the Senator from Texas. I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have great respect for my friend from Arizona and, for that matter, for my friend from Texas. I might say my colleague from Arizona and I agree on a lot of things and we work together on a lot of things. I do not necessarily agree with a lot of things with my colleague from Texas. We tend more often

to come down on opposite sides of the spectrum. But I did want to respond a bit to a couple of questions that were raised.

I just came from the Senate Appropriations Committee. I had to be there because we were marking up an appropriations bill. I was on the floor earlier intending to ask the Senator from Texas a question, but I was not able to be here when he finished his comments. One of the things he said I found very interesting.

Do you know what he said? He said if we do not allow Mexican long-haul trucks into this country, Mexico is going to take action against the United States. Do you know what they are going to do? He was quoting a Mexican official. He said they are going to impose sanctions or tariffs on high-fructose corn syrup from the United States to Mexico.

Do you know what? They have already done that. They are already in violation of NAFTA. An arbitration panel has found Mexico is in violation on high-fructose corn syrup. In fact, they have a high grade and low grade. Guess what. Mexico imposes the equivalent of 43 percent tariff on the low-grade corn syrup and the equivalent of a tariff of 76 percent on the high-grade corn syrup. So my friend from Texas says Mexico is now threatening to do something with respect to high-fructose corn syrup when in fact they are already violating international trade agreements in terms of the tariffs and the obstructions they put in the way of high-fructose corn syrup going from the United States to Mexico.

God forbid we be upset about that, that Mexico is going to do something to us that they are already doing in violation of the trade agreement.

I heard a long discussion by my colleague from Texas saying we may not and we must not violate NAFTA. I said yesterday and I will say again, there is nothing in any trade agreement, including NAFTA, nothing that will ever require us to compromise safety on America's roads. There is nothing that makes that requirement of the United States.

I would also say this. If one would allege that what we are about to do would be to violate NAFTA on behalf of American road safety and complain about that, I wonder then whether someone would complain about Mexico, for example, violating trade agreements with respect to the obstructions and the tariffs applied to high-fructose corn syrup that we now send to Mexico, or that we now try to send to Mexico.

This cuts both ways. But it only cuts one way when you talk about things that really matter; that is, highway safety in this country. The United States and Mexico have had a half dozen years to understand the consequences of allowing long-haul Mexican trucks into this country. They

have had a half dozen years to prepare for this. What have they done? Nothing. Now we are told in 5 months the United States border must be open to Mexican trucks to come into this country for long hauls.

I will say again what I said yesterday. I am sorry if it is repetitious to some, but it is important to say it. The anecdotal evidence obtained by a reporter from the San Francisco Chronicle, I think quite masterfully presented to us in that feature story, is compelling. The San Francisco Chronicle sent a reporter to Mexico to ride with a long-haul trucker who began that ride in Mexico City and went 1,800 miles to Tijuana. That trucker was driving an 18-wheel truck that would not have passed inspection in this country, with a crack in its windshield among other things. That truck driver drove 3 days, 1,800 miles, and slept a total of 7 hours; had no logbook, no limits on his hours of service, and was never stopped for an inspection along the way. Now we are told: By the way, it is our requirement to allow that kind of truck to come into this country.

It is not our requirement. It is not. My colleagues will say: But what we are really saying is we want to inspect every truck. There is not a ghost of a chance of that happening, and we all know it.

Let me put up a chart that describes the differences in standards between the United States and Mexico. Hours of service: 10 hours of consecutive driving, and no more, in this country—10 hours, and no more. I am telling you, this reporter from the San Francisco Chronicle rode 3 days, 1,800 miles, with that truck driver, and the truck driver slept 7 hours in 3 days because there are no limitations on hours of service in Mexico. There are no limitations on the driver. These are drivers who make, on average, \$7 a day, sleep 7 hours in 3 days. Is that what you want in your rearview mirror: A truck weighing 80,000 pounds with 18 wheels coming down the highway, perhaps with no brakes, with a driver that has been awake for 21 straight hours? Is that what we want in this country? I do not think so. And there is no trade agreement ever written—none—that requires this country to compromise safety on its roads.

I know some say: well, no one is suggesting a trade agreement would do that. They say they are suggesting a robust area of inspections. Not true. There is no requirement being proposed that investigators go into Mexico to investigate compliance of the Mexican trucking industry to make sure that when someone presents themselves at the border with a logbook, they have filled it out one-half hour before they arrived at the border. They simply fill out their logbook. They have been driving 21 straight hours, but they present

a logbook saying they have only been on the road for 3 hours.

There is nothing remotely resembling a broad-scale compliance program or a broad inspection program at the border that would provide the margin of safety this country needs.

We have, I believe, 27 border entry points. Only two of them are staffed during all commercial operating hours. Most of them don't have telephone lines to access a driver's license database. Most of them don't have parking places where you can park a truck that is pulled out of service.

We asked the inspector general who testified last week: Why do you want a parking space if a truck shows up from Mexico that is not safe trying to come into this country? Why not just turn it around and send it back? He said: Let me give you an example. A truck shows up at the border and has no brakes. It happens. Are we going to send an 18-wheel truck back with no brakes? No. We have to park it.

The fact is that we only inspect a small percentage of trucks crossing the border. It is not a large percentage as has been alleged. We actually inspect a very small percentage of trucks coming into this country.

The proposal for additional investigators and inspectors is far short of what is needed to have a broad regimen of inspections. It is just far short of what is needed. I just did the math. I asked the Secretary of Transportation and the inspector general: Am I not right that you are short, and you don't have the people? The inspector general said: You are right, we are short of inspectors, because these numbers don't add up.

To those who say let's open the borders and somehow we will inspect all of these trucks, I say to them even if you could do that, where are the inspectors? They are not being proposed. They have some, but not nearly enough.

What about the compliance reviews of sending someone into Mexico to make sure the industry is going to require the kind of compliance that is necessary? I mentioned the requirement of logbooks. Mexico requires logbooks. They do. But nobody has them. It is just like Mexican laws with respect to the environment. They have very stringent laws with respect to pollution and the environment. They are not enforced. You can have wonderful laws, but if they are not enforced, they are irrelevant.

There is in Mexico a requirement for a standardized logbook. It is not enforced. Virtually no trucker in Mexico uses a logbook.

Alcohol and drug testing in this country, yes; Mexico, no.

Driver's physical considerations: In this country, a separate medical certificate, and an examiner's certificate is renewed every 2 years. In Mexico, a

physical examination is required as part of licensing. But no separate medical card is required.

We have a weight limit of 80,000 pounds in this country. It is 135,000 pounds in Mexico.

Hazardous materials: I don't even want to describe the difference here. You can only imagine the difference.

Strict standards, training, and inspection regime in this country; there, a lax program, few identified chemicals and substances, and fewer licensure requirements.

Vehicle safety inspections: Here, yes, of course.

There they are not yet finalized.

Insurance: Incidentally, the inspector general pointed out that when they come across the border, they buy insurance for 1 day.

Some have questioned why I should care about this issue. One of my colleagues said: Senator DORGAN is from North Dakota, Mexican trucks probably won't even get to North Dakota.

But in fact they have already been found to be improperly operating in North Dakota. They have been stopped for a range of infractions and difficulties.

There is supposed to be a 20-mile limit for long-haul Mexican trucks in this country.

If someone says it is not going to affect North Dakota, they are wrong. It already has. They have already been apprehended on our roads.

Let me say, with this one question of inspections and all of the soothing words about, we will just inspect all those trucks, and there is not going to be any problem with the big 18-wheeler coming down the highway—let me describe where we are with inspections.

Out-of-service rates at El Paso, TX, 50 percent but only 24 percent at Otay Mesa, CA where they have a full inspection process.

I could put up 25 border crossings and you would find exactly the same thing.

It is preposterous to allege that in 5 months we are going to have a regime of inspections and compliance audits that will provide the margin of safety that we expect for our country's highways. It is not going to happen. There is not a ghost of a chance of it happening.

Let me again say that it is true, I voted against NAFTA.

Before this trade agreement which our trade negotiators negotiated with Mexico and Canada, we had a very small trade surplus with Mexico. It quickly turned into a very large deficit. Is it a trade agreement that works in our interest? I don't think so. We had a reasonably modest trade deficit with Canada. It quickly doubled. Is that a trade agreement that works in our interests? I don't think so.

Yes, I voted against the trade agreement. I have from time to time suggested that perhaps, just as we do in

the Olympics, we require them to wear a jersey so they can look down and see a giant "U.S.A." printed on this jersey to see whom they are working for, so they remember from time to time whom they represent. I am so tired of our trade negotiators negotiating agreements that they lose in the first week.

Will Rogers once said that the United States of America has never lost a war and never won a conference. Surely he must have been talking about our trade negotiators. It takes them just a moment to begin negotiating with some country and give away the store. That is the case with NAFTA.

But I say this: There is nothing in that trade agreement—nothing in NAFTA—that requires our country to sacrifice safety on America's highways—nothing. We have had 6 years, I say to my colleague from Texas, for both countries to prepare for Mexican long-haul trucks to come into America, and neither country has done anything. Now we are told by the President that on January 1 we are going to take the lid off this 20-mile limit and Mexican long-haul trucks are coming in.

My position is this: There is not a ghost of a chance of our having the compliance and inspection capability to assure the American people that we have safety on our highways. I don't want my family, or yours, and I don't want any American family driving down the road looking in a rearview mirror and seeing an 18-wheeler coming with 80,000 pounds perhaps without brakes, with the driver having driven the rig for 21 straight hours, in a truck that has not been inspected. I don't want that for the American people, and no trade agreement requires that it happen.

To those of us who have come to the floor in the last several days on this issue, I say this isn't about trying to be discriminatory against anyone. If it were Norway, I would be saying the same thing. Canada has a reasonably similar system with trucking. We suspended trucking privileges for Canada for a number of years until they came into compliance. We restored them.

With airlines, what we do is very simple. We understand the safety issue with airlines. With airlines, we send compliance inspectors to airlines all around the world to insist and demand, if airlines want to come into our country, they must meet rigid compliance standards. We audit them and require them to comply. There are 13 countries in which their airlines are not allowed into the United States of America. Why? Because we have not deemed it safe to allow those airlines to come in.

That is the issue here with these long-haul trucks. It is very simple. This is not an issue about the Murray-Shelby language versus the Gramm-McCain amendment. There are more than two sides; there are three.

I happen to believe we ought to have the House language simply prohibiting funding for the issuing of licenses or permits to allow long-haul trucks to come in during the next fiscal year. I say no. If at the end of the next fiscal year it can be described to us that we have a full regime of compliance, investigators, and inspectors at the border, and if we set up all of the burdens to show us that this will work, then I will be the first to admit it and say I am with you. But that is not the case now. It will not be the case in January. In my judgment, it will not be the case in a year and a half.

Until that time, on behalf of the American people, we ought to insist—we ought to demand—on behalf of highway safety in this country that we take this issue seriously.

In my judgment, what we ought to do, at some point before this debate is over, is take the House language, the Sabo amendment that the House passed 2-1, put it on this bill, put it in conference, and keep it there; and say to the President: If you want to veto it, that is your choice. But if you want to do it, you are wrong. This Congress is going to do the right thing. If you want to do the wrong thing, that is up to you. But our job is to do the right thing right now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I have a statement in support of Senator DORGAN's comments, but Senator GRAMM had something he wished to do for a minute or two. If I could yield to him and reclaim my time, I would appreciate it.

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

Mr. GRAMM. Mr. President, let me yield myself 3 minutes off my time. If you would let me know when that time is up, I will stop. And I thank Senator BYRD, who came over to speak, for letting me do this.

Mr. President, when I was a boy and my brothers and I got into arguments, my mama would always say: Argue about whether something makes sense, but don't argue about facts. So I am not going to get into an argument with our dear colleague from North Dakota. But I want to reiterate what the facts are.

When we entered into NAFTA, we had every right in our obligations under NAFTA to enforce safety standards in the United States of America. Any safety standard that we impose on our own truckers and Canadian truckers, we can impose on Mexican truckers. We could inspect every single truck coming into the United States from Mexico so long as we can show that inspection was needed to assure Mexican compliance with American law. But what we cannot do, what NAFTA clearly says is a violation, is

setting one standard for American trucks and Canadian trucks, and then another standard for Mexican trucks.

It is interesting that our colleague decided to talk about Mexican truckers, because even though Mexican trucks are operating only in the border States now, our experience with inspecting the Mexican drivers has been very encouraging. In fact, of all the drivers inspected in America last year—where the truck was inspected and the driver was tested in terms of their log, their license, and their training—Canadian truckdrivers failed that test 8.4 percent of the time. American truckdrivers failed that test 9 percent of the time. Mexican truckdrivers failed that test 6 percent of the time.

Why is that so important? Because they are operating only in border areas. The trucks coming across are not even big 18-wheelers; they are small trucks basically carrying produce. The point I want to make is that we cannot have two different sets of rules under NAFTA. Many of the Mexican drivers that are going to be driving 18-wheelers are college graduates. Our experience, thus far, indicates that we are going to have many problems, but drivers are not going to be one of them. My point is that under NAFTA we can set whatever standards we want on Mexican trucks, but they have to be the same standards that we set on our own trucks.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. GRAMM. That is what is being violated by the amendment before us.

I thank the Chair.

Mr. DORGAN. Will the Senator yield for 1 minute?

Mr. CAMPBELL. I do still have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Colorado, by previous order, is entitled to be recognized at this time.

Mr. CAMPBELL. I would like to give a statement, but if the Senator has a response for a minute or two, I do not mind yielding to him.

Mr. DORGAN. If the Senator would be kind enough to do so.

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

Mr. DORGAN. Mr. President, I want to observe that the Senator from Texas said he doesn't think our States are involved because we have a 20-mile limit. My point is, Mexican truckdrivers have been stopped in North Dakota already exceeding the 20-mile limit, so of course we are involved. Twenty-four States have found that similar condition.

No. 2, the Senator from Texas said he didn't want to talk about the facts. The facts are that when Mexico alleged they are going to take action against our high-fructose corn syrup, does the Senator from Texas agree a panel has already ruled against Mexico, and they

are now unfairly imposing tariffs on high-fructose corn syrup in violation of NAFTA? Does the Senator agree with that assertion?

Mr. GRAMM. Mr. President, I would respond that if you are trying to get somebody to live up to their agreement, are you in a stronger position if you live up to your end of it, or is your position weakened when you stop living up to your end of it?

If you want to enforce the agreement, then we need to live up to it. We need to be like Caesar's wife; we need to be above suspicion.

Mr. DORGAN. My point is, alleging somehow Mexico will hurt this country if we don't allow Mexican long-haul trucks into this country, with respect to high-fructose corn syrup, and actions they will take—the facts are stubborn. The Mexicans are already doing that unfairly.

I am a little tired of saying, "let's blame America for something we might do." How about blaming Mexico for something they are doing with respect to high-fructose corn syrup that is in violation of NAFTA.

I thank the Senator from Colorado for yielding.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Colorado.

Mr. CAMPBELL. Madam President, there are no Hispanic members of the Senate or I am sure they would say what I am about to with an equal amount of outrage. But since most Hispanics who trace their ancestry to Mexico are also part Native of the Americas, I think I can speak for them.

I am very disturbed that any Member of this body, regardless of party affiliation, would transform an issue of truck safety into a racial issue.

I take a back seat to no one in this body supporting Hispanics, like economic opportunity, race relations, English only, and a host of other issues. In fact, I believe I have the largest number of Hispanic staff members of any Senator in this body.

I am as concerned about jobs for Mexican workers as I am for American workers. I also know the only way to reduce illegal immigration is by stabilizing the Mexican economy. I want to do that. Does that mean I have to put my children's lives at risk on American highways? I won't do it, nor will I risk any American life in the name of free trade.

I would remind my colleagues that of the twenty Hispanic Members of the House, half of them voted for more restrictive measures than the proposed Murray-Shelby language.

I would strongly suggest that those who are using the race card in this debate for personal or political gain, put a lid on it and recognize that we have a duty to protect the lives and property of the people who sent us here.

Now that I have that off my chest, let me use a graphic illustration of just

one—just one—of the reasons why we should be careful in allowing free access to our highways. The problems of hours of service, age of the trucks, drug testing, and monitoring compliance have been discussed by other Senators.

Since I am a certified CDL driver, let me focus on that facet of this problem. This is an enlarged page from a daily driver's log. These logs are required by the Federal Government and are reviewed and monitored. Mexican drivers have log books, too, but almost no oversight of their order. Note this area here on the log book. It is broken down into minute by minute sections of a 24-hour day.

Each working day, American drivers are required to fill out this form which enables Federal officials to track exactly what the driver was doing. I know of no other job in America, with exception of airline pilots, that has such a high degree of scrutiny. That scrutiny is meant to ensure safety on our highways. Why is it unfair to ask foreign trucks to comply with the same standards?

Let me now say a few words about the trucks themselves. We know that the American fleet averages 3 to 5 years old, while the Mexican fleet averages 15 years old. If the average is 15 years old, that means some trucks are 30 years old with all the inherent problems of old machinery.

What has not been mentioned is the use of the high-tech equipment that is on most new American fleets but rarely on older trucks. Modern U.S. trucks have CB radios, weather band radios, cell phones, and GPS tracking systems. This not only makes them more efficient but helps keep the driver out of trouble. His boss, the carrier, can tell at any given moment exactly where he or she is, what speed they are traveling, if there are bad road conditions ahead, if there are accidents or congestion that would require re-routing, and a host of other pertinent facts about both the driver and his vehicle.

The point is this. Do you think any company which pays as little as \$7.00 per day to their drivers is going to invest the thousands of dollars to equip their trucks with this state-of-the-art efficiency and safety equipment? Not likely, particularly when you factor in the initial cost of \$100,000 for each of those new tractors and for the \$30,000 for those new trailers in the American fleet.

It is not always the big things that add up to safer highways. Sometimes subtle things are equally important. As an example, no driver or company that I know will run retreads on their front tires. There may be laws addressing this, but any driver with a lick of sense knows that the risk factor for himself and everyone near him goes up if, while thundering down the road at speed, pulling 80,000 pounds, a front tire blows

out. They may run recaps on back tires because other tires will distribute the load in case of a blow out. But not the front.

Do Mexican trucks run recaps on front tires? Many do and again I would ask, do you think anyone paying his drivers \$7.00 per day, will buy \$400.00 tires for the front wheels when he can buy caps for a quarter of the price?

I stand before this body not just as a concerned Senator but as a licensed commercial truck driver. This amendment attempts to provide equal and fair standards. For my colleagues who believe this amendment violates components of our trade agreements, I challenge them to tell the American people they are willing to sacrifice the safety of our roads for the economic vitality of our neighbors.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, my friend from Arizona—we came to the House together; we came to the Senate together—stated a number of things in the last hour or so. He said, and I have it from the official transcript:

I regret that. And I have been here not as long as many but long enough to know when a very dangerous trend or a very dangerous precedent has been set that I recognize it.

He further went on to say, again from the transcript:

Cloture vote. I view that unfortunate, too, because if in the future Members of the Senate are seeking a number of amendments to be considered and cloture is imposed without them being able to have all their amendments considered, then obviously we are setting another, I think, very bad precedent for the conduct of the way we do business in the United States Senate.

He also said:

I also want to make another comment about this issue and what we have done here. The Senator from Texas and I were allowed to propose one amendment, one amendment which was voted on, and we had many other amendments. But, obviously, that effort is going to be significantly curtailed.

My friend, the senior Senator from Arizona, said that a dangerous precedent has been set. No amendments could be offered. The senior Senator from Texas offered an amendment. It was tabled, defeated.

Senator MURRAY and I have begged for people to come and offer amendments, literally legislatively begged for people to come and offer amendments, day after day. No, there has been no dangerous precedent set.

This is the way the Senate has operated, by the rules. We want to move on with other legislation. The Senator from Arizona has refused to let us go forward, as has the Senator from Texas, to go forward on a Transportation appropriations bill that is vitally important to every State in the Union. Senator SHELBY and Senator MURRAY have worked very hard on this very important appropriations matter.

There was no choice but the leadership had to move to invoke cloture.

What does that mean? It means stop unnecessary, dilatory debate. It was done on a bipartisan basis. This is not Democrat versus Republican. This is Democrats and Republicans wanting to move on with the business of this country; therefore, the business of the Senate.

We should move forward with this legislation. We are not doing that. Because of these dilatory tactics on this matter, we have been unable to move forward on other important legislative matters for this country.

Madam President, before we leave for the recess we have to finish the Export Administration Act. This is extremely important, and it expires August 14. This legislation is the most important aspect of the high-tech legislative agenda. The high-tech industry, by the way, is hurting. Just look at what is happening in the stock market. They need help. One of the things we can do to help is to change the rules so they can compete with the rest of the world. We don't want these jobs to be sent overseas. That is what is happening. We have a handful of Senators out of 100 who don't want us to move forward. Holding this up is wrong. The Export Administration Act is extremely important.

Madam President, the food and fiber in this country is produced by farmers and ranchers all over America. America is the greatest producer of food in the world. But we have another bill that we must take up before we leave to help the farmers and ranchers of America. It is called the agricultural supplemental bill. We have to do this because if we don't, the farmers of this country, by virtue of some budgetary provisions that are placed in the law, will lose over \$5 billion. This is essential to the very survival of many farmers and ranchers in America. We can't move forward on that because of the dilatory tactics on this issue. No, there is no bad precedent set. We are following the precedent established in the Senate to move forward when dilatory tactics are being used.

I repeat, we have stood here and asked for amendments to be offered. All day Tuesday we were in quorum calls. All day. Yesterday, almost all day. So we need to move forward. We not only need to pass the agricultural bill that is so important, which I have referred to, we have to finish the conference on that bill before August. We need to move expeditiously with the Export Administration Act. Senator BOND and Senator MIKULSKI have spent many days of their lives working on another appropriations bill, VA/HUD and Independent Agencies, which is worth approximately \$50 billion to this country, to keep the institutions of Government running. That needs to be finished before the August recess. But, no, we are being held up in a filibuster—that is what it is—and the Sen-

ate, on a bipartisan basis today, said enough is enough.

I think this is wrong. We need to move forward. When my friend says that a dangerous precedent is set, I respectfully disagree. The Senate is working as it has for 200 years—in fact, more than that. We are the great debating institution. That is what we are called. But there comes a time, under our rules, when enough debate is enough, enough stalling is enough, enough dilatory tactics is enough. That was confirmed today on a bipartisan vote.

The Senate has done the right thing. We need to move off of this legislation and move forward with other important matters to this country.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I wonder if I may have 15 minutes of Senator MCCAIN's time.

Mr. MCCAIN. Absolutely.

Mr. DOMENICI. Madam President, parliamentary inquiry. Is there a time limitation?

The PRESIDING OFFICER. The Senate is operating under cloture. Each Senator has a maximum of 1 hour.

Mr. DOMENICI. I ask to use 15 minutes of my time.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOMENICI. I may even take 5 or 10 more. I think maybe 15 minutes is more than I ought to use.

First, I want my colleagues to know that I am not here as part of any dilatory tactics. I wish we could resolve this issue. But I thought that at least I ought to add a little bit to the notion of the kind of problem we have—that it is serious, which has the potential of very serious repercussions; or rather is this a typical problem on the Senate floor?

I came to the Chamber because I suggest there is a sea change occurring in this hemisphere between the United States and Mexico. It is a great and positive sea change. If we look at our history, it is incredible that we have come to the year 2001 and we still have a great country on our border with which, for some reason or another, the United States has not had a long and abiding friendship with that has yielded benefits for both countries.

We have been the victims of Mexican leadership that blamed America. There were a number of their Presidents who, when things didn't go well in Mexico, chose to say: It is America's problem. They are so wealthy that they ought to take care of things. They are letting all our workers go there and get jobs when we need them over here.

Today, however, sitting right on our border is potentially the greatest trading partner we could have in the world. What we need to do is what the NAFTA agreement called for and let Mexico grow and prosper, so that as neighbors,

we become gigantic partners in trade. Many of the sore spots between our countries will disappear if Mexico has a chance to grow and prosper.

All of a sudden, there is on the horizon, as a result of a very different election in Mexico, a new kind of President. There is nobody writing about Mexico that says anything different than that. A new kind of President was elected in the most democratic election they have ever had. We all see him. We all admire him. I understand he was in the city of Chicago to have a meeting and to speak with those who might be concerned about Mexican problems, and 50,000 people showed up in Chicago to hear President Fox speak.

What has he said? He has said this about America: You are not our problem. I am not going to blame America for our economic situation. I want to be a friend, neighbor, and partner; and I want the Mexican people to have their own jobs. He said: I want them to grow and prosper. All I want is fair treatment from the United States.

Whether people like international agreements or not, we did approve and ratify an agreement with Mexico and Canada on this hemisphere regarding free trade. That is of the most serious type of agreement.

I noted that my good friend, Senator REID, was on the floor discussing with Senator BYRD the issue of a great book out there named "John Adams," who was one of our great Founding Fathers. Would you believe that in the first 300 pages out of 600 pages of that book, which I am reading now, John Adams used the words "America thrives on free trade." Think of this now; that was just after or during the Revolutionary War. "Without free trade America cannot abide in this world, but we must sell our abundance in the world." John Adams said that more than one time.

Look at how long it took us to get an understanding that, with reference to Mexico and our neighbor Canada, we would open our borders and get rid of taxes that impose limitations upon free trade and move ahead together.

What else has the President of Mexico said? Believe it or not, he has actually said that he does not like the situation where Mexican men and women have to come here to find jobs. He does not like the situation with illegals coming here and getting jobs—not because he is angry at any of his people; he is saying they ought to be robust enough where that doesn't have to happen. He is saying: Let's work it out so we don't have the border conflicts over immigration that we are having today, which lead to big arguments and very serious sores between the two nations.

Right now, that country is growing. In fact, their gross domestic product is growing faster than America's. I wish we could turn around and reach that

soon. So here is a rare opportunity to let this man lead Mexico and let the Mexican people become our friends and openly be sympathetic to us right now, as they are under his leadership. I can't think of anything worse than to turn that relationship around and have the Mexican leadership say that we are discriminating and treating them unfairly and watch this relationship sink into some kind of condition that will not let us, during the term of this new President who gets along with them very well, achieve the significant things that we can achieve together in this hemisphere. It will take some time.

I have come to the Chamber to give an example of how far we have come.

First of all, we have traveled a long road on this issue. The House of Representatives voted to ban Mexican trucks' access to the United States—period—and then put all kinds of limitations, including you cannot spend any money to help certify them or the like, which means we close the borders. That is essentially what the House amendment means: No trucks going back and forth. Everybody knows that would be a very serious mistake.

Some Senators here—minimal in number—had voiced their approval of this action of the House. Thankfully, Senator MURRAY did not. Senator MURRAY, chairman of this subcommittee, did not accept the House language, but proceeded to write her own language. She has attempted to craft something balanced to meet our obligation under NAFTA, while ensuring safety concerns.

Frankly, this Senator is as concerned as anyone about safety, but I do not believe implementing the NAFTA agreement, rather than breaking it, is inconsistent with safety, nor that it need be. I believe NAFTA can be implemented in such a way that we do no violence to it and we do not breach it or break it and still we have significant safety advantages over what we have today or what we can expect today. I believe that is what we ought to do in due course.

I suggest that probably there is no part of our transportation system that does more good for American trade and American commerce than the trucking industry, be it large or small, be it those who are members of the Teamsters or independents. The trucking industry in America spends a lot of money on making sure trucks are as safe as they can be.

We are all having trouble getting people to be truckdrivers and trained to do the right job. For certain, the wages are pretty good and are moving in the right direction. America can be very proud of that.

We ought to say we want those trucks to have an opportunity to go to Mexico, and we want Mexico to move in the direction of having trucks as safe as ours and, indeed, adopt safety

regulations and certification rules together with Mexico, not separate, but together with them which will make sure we can say the same things are happening in Mexico with reference to their future.

Now, I come to the point. Senator MURRAY, as I just said, tried very hard to produce an amendment. It is very detailed. We have a disagreement about what the amendment does. I still have people telling me it violates NAFTA; that is to say, if we were to adopt it and keep it in law, there would be a justification for Mexico to say: Since you do not abide by NAFTA, we have an opportunity to say we are not going to abide by some other things, and take their action against us.

The Minister of Economy for the Republic of Mexico, with whom I had the privilege of meeting 5 months ago, has voiced his concern about the language. The President of the United States has voiced his concern about the language.

I believe, after talking to fellow attorneys and those schooled in NAFTA, it does violate NAFTA, but I do not want somebody to think by saying that, I am accusing anybody of doing anything intentionally wrong. Not at all. It is just there are others who say it does not violate NAFTA.

Here we are in the Senate Chamber with a group of Senators, albeit at this point smaller in number, saying it does violate NAFTA, and another group, larger, saying it does not. I submit, and actually since the two people who have the most to do with this are here, I submit that at least we ought to adopt an amendment—I am not saying this amendment—but we ought to adopt an amendment that simply says it is not the intention of this legislation to violate NAFTA. It is pretty simple language. Do not bulk it up with a whole bunch of things. Just say, since both sides seem to say it does not violate NAFTA, why don't we adopt an amendment to say it is not the intention of any of these amendments that have to do with Mexican-American trucking to violate NAFTA.

Mr. REID. Will my friend yield for a question?

Mr. DOMENICI. Yes.

Mr. REID. If I thought that would move the legislation along, I would be happy to speak to the manager and the majority leader.

Mr. DOMENICI. I am not the one moving the legislation along, nor am I the one trying to stall it. I am stating that I believe there is a common ground which at some point we ought to adopt unequivocally, and that is that there is no intention to violate NAFTA.

Mr. REID. If I can ask my friend one more question.

Mr. DOMENICI. Sure.

Mr. REID. The senior Senator from New Mexico and I have served together on the Appropriations Committee since

I came here. He is certainly someone from whom I have learned a great deal. I am fortunate to have been on the Energy and Water Development Subcommittee with the Senator from New Mexico for many years. We have been the chairman and ranking member off and on over those time periods.

After Senator BYRD, no one has as much experience as the Senator from New Mexico. I say to the Senator, you are a peacemaker. I understand that. Legislation is the art of compromise. I say to my friend from New Mexico, this is not an issue with which I have been heavily involved, but we do know the House has passed a very tough provision. In effect, what their provision says is no Mexican trucks coming to the United States, whereas the Senator from Alabama and the Senator from Washington have come up with a provision that is much softer than the House provision.

My point is, I cannot understand why this matter is not taken to conference and worked out there. That is where it is going to be worked out anyway, no matter what happens. I ask my friend if he will use his experience and the friendship everyone feels for him and the need to move this legislation along in an attempt, with his good offices, to work out a situation where we can take this to conference and work it out there.

Mr. DOMENICI. How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 1½ minutes of his 15 minutes remaining.

Mr. DOMENICI. Did Senator REID's comments count against my time?

The ACTING PRESIDENT pro tempore. The Senator yielded for a question.

Mr. DOMENICI. I ask unanimous consent that it not be counted.

Mr. REID. Mr. President, I ask unanimous consent that the time I consumed be charged against me.

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

Mr. DOMENICI. Then how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3½ minutes.

Mr. DOMENICI. I yield myself another 5 minutes, so I have 8½ minutes off my hour.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will conclude, hopefully not using the time I have allowed for myself. We have gotten to this point without anybody understanding how we got here. All of a sudden we are in an extreme logjam about something on which fundamentally we do not disagree.

I repeat, there is probably no Senator here who wishes Mexico and America to break off their ongoing friendly relationships which move in the direc-

tion of Mexico growing and prospering and together having a great trading relationship.

I have done the best I can to explain why free trade is important and why Canada, America, and Mexico can be important for all free peoples and how ludicrous it was we did not have this years ago, but now we have it.

I have concluded there are not very many Senators who want to openly defy and break that and cause Mexico to say we can now have repercussions on commodities that America is selling to Mexico by imposing duties. I don't think anyone wants that. We want the two countries to be able to work out, under NAFTA, a set of rules and regulations built around safety, fairness, and nondiscrimination toward Mexico.

That is very simple. That is what we ought to try to do. If I were to pose that question to Senators, I think there would be agreement. I came to the floor merely to suggest there ought to be a way to arrive at a conclusion that reaches the fundamentals.

It is strange that two groups of Senators say they are doing the same thing yet the things they are saying we should do are very different. For instance, those who favor the Murray amendment language—and I have just praised the Senator for her hard work and for how far she has come from the House proposal—there is a larger group who would say there is no intention to break the law and to break it and violate it in this Murray amendment.

It is interesting, on this side, if there are some people of bad faith—and I don't know of any of bad faith—it seems we are at each other's throats here. There appear to be relationships that are not working for some reason. On our side there are Senators—I am one—who think we do violate NAFTA with the amendment and its specificity, and it does discriminate against Mexico as compared with Canada, and we are not supposed to be doing that.

If we both—good, solid groups of Senators—think in that manner, that it doesn't violate, it does violate, or vice versa, why not find a way to not violate NAFTA? I cannot do it, I am not in control of this legislation. Why not find a way to unequivocally say we are not violating, there is no intention to violate NAFTA, it is not our intention, we want NAFTA to be implemented—language that is affirmative about what we are doing?

Having said that, I have a pending amendment, and I would strike a portion of it. It is the amendment of which I am speaking. It says it is the intention that we not violate NAFTA in this bill. I cannot bring it up now. It is not my intention. Nor do I intend to wait around and use that as a dilatory tactic.

Whatever time I reserved I yield back, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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.

Mr. LOTT. Mr. President, pursuant to rule XXII, I hereby yield 1 hour for Senator MCCAIN and 1 hour to Senator GRAMM.

The ACTING PRESIDENT pro tempore. The leader has that right.

Mr. LOTT. At this point, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent to use a portion of my time on a subject that is not germane to the matter before the Senate.

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

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

Mr. BYRD. Mr. President, I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield myself time under my time allotment.

Mr. President, I have been watching the debate intermittently this afternoon on the issue of trucks under the NAFTA agreement. I am really amazed that we are having this debate because I don't think there should be a question at all that we are going to make the safety of our highways the highest priority. I don't think anything in NAFTA says you can't. NAFTA does say that we will agree there is parity among Canada, the United States, and Mexico. There are ways to implement the differences in safety rules through negotiations. But the idea that we would give up the right to control the safety of our highways is a nonstarter.

I think we are very close in agreement on what those safety requirements should be. I think the administration and the Department of Transportation have been sitting at the table with many of us who are debating this issue. I think we are very close in substance with Senator GRAMM, Senator MCCAIN, Senator MURRAY, and Senator SHELBY. Everyone has been involved in the process. I think we all agree that we have the ability for safe highways,

to assure that we have safety on our highways, and that we are going to be enhanced.

I really think what we are talking about is process. We are really talking about when we come to that determination. Many of us are concerned that if we don't talk about exactly what is going to be the end result, maybe it is not going to come out that way. But I think we have the ability to talk across the aisle.

I am certainly supportive of the stricter definitions that are in the bill. It is certainly better than what the House passed, which abrogates the responsibility under NAFTA.

I do not think we are very far apart. For all the heat that is being generated, I think we are very close to the language in the Murray amendment with the language the Department of Transportation is seeking. I think we are very close to coming to a conclusion. I hope we can agree in due time on that final language, or at least a process to get there. I think we are talking process, even though it seems there is a lot of heat being generated on the issue.

I am going to call up an amendment at the appropriate time, No. 1133, that will assure we have the ability to weigh trucks at a crossing where at least 250 trucks a year go across, where there will be commercial scales available to weigh trucks.

One of the differences between Mexico and the United States is weight limits. There is also a difference between Canada and the United States on this issue.

This is an important issue because, of course, our highways are maintained based on our weight limits. The heavier a truck is, the more wear and tear there is on our highways. So we do need to make sure that we have a system, once we agree on what the weight limits are going to be, to check those weights and assure that everyone is meeting the requirements.

So I am hoping my amendment No. 1133 will be adopted in due course. Senator DOMENICI is a cosponsor of my amendment. We are two Senators from border States who understand very much the wear and tear on highways. I would also say that the bill that is before us, thanks to Senator MURRAY and Senator SHELBY, has enough money to equip these stations.

Another action that the House took was to wipe out the money that would allow us to inspect these trucks. The House just went into a hole and hid. We cannot do that. The bill before us that has been laid out by the appropriations subcommittee does have good regulations. There should be some changes in the language, but I think we are close to coming to that agreement. And it does have the money for the inspection stations. I want to make sure that included in that agreement also are

weigh stations, if there are going to be any number of trucks that go through at any one time.

We have lived with the 20-mile commercial zone in Texas, which has the most border crossings. Texas has 1,200 miles of border of the 2,000-mile border with Mexico. So we do have the most crossings, of course. We have the most highways. We have had a 20-mile commercial zone that was established by NAFTA in the interim period while we were working on these regulations.

There have been some problems within these commercial zones. Many people who live on the border are very concerned about seeing trucks that do not have the clear safety standards that American trucks are required to have. Only 2 of the 27 U.S.-Mexico border crossings are currently properly equipped with infrastructure and manpower to enforce the safety regulations. That is why I have worked so hard with Senator MURRAY and Senator SHELBY on the committee to restore the President's request for border safety activities.

This bill does have \$103 million dedicated to border safety activities. So most certainly, I think we are on the right track to making sure that families who are traveling on American highways are not going to have to worry about substandard trucks from any other country being on that highway.

We agree that we should have agreements with Mexico and that Mexico should be comfortable in that they are not being discriminated against. That is not even a question, although it has certainly been a question in the Senate debate.

I hear from my border constituents. I talk to people in El Paso and Laredo and McAllen and Harlingen. They are the most concerned of all about the trucks they are seeing in this 20-mile commercial zone, where we have Mexican trucks that are legal as NAFTA provided in this early transition time. It is those people who are complaining the most about Mexican trucks that might not meet the same safety standards.

We have had a lot of debate. It is legitimate debate. But I do not think anyone in this Senate Chamber intends to violate NAFTA. I do not think anyone in this Senate Chamber intends for us to have unsafe trucks on American highways. So if we can all agree on those two points, I think it is time for us to come to an agreement on the process.

Let's have strict safety requirements; let's have a process by which we can inspect Mexican trucks, where Mexican authorities can inspect U.S. trucks that want to go into Mexico, and where we can have a certification process that requires that every truck must be inspected; but if it is inspected at a site before it crosses the border,

and it gets a sticker, then we will agree that that truck can go through. But we also must have the facilities for those trucks that are not inspected and will not have that certification sticker.

We have to make sure that we provide the money for those inspection stations. This bill has the money. I want to make sure that weighing stations are as much a part of those border safety inspection facilities as are the checks that we would make for brakes, for fatigue, for driver qualifications, for good tires, and all of the other things that we would expect if we had our families in a car going on a freeway. We would hope that we would be safe from encroachment by a truck that did not meet the standards that we have come to expect in our country.

So I hope very much that we can come to a reasonable and expedited conclusion. I think we are all going for the same goal. I think there is no place in this debate for pointing fingers or name-calling. We do not need that. We need good standards, good regulations for the safety of our trucks, and to treat Mexican trucks and United States trucks in a mutually fair way. That is what we are trying to do.

I want to work with all of the parties involved. I think we have a good start in this bill, and I think we will be able to perfect this language in conference. I think everyone has shown the willingness to do that. I hope we can roll up our sleeves and pass what I think is a very good Transportation Appropriations Committee product. I think it is a good bill. It certainly adequately funds the major things that we need to do. With some changes in the Mexican truck language, which the sponsors of the legislation are willing to do, I think we can have a bill that the President will be proud to sign. That is my goal.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CANTWELL). Without objection, it is so ordered.

ORDERS FOR FRIDAY, JULY 27, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, July 27. I further ask that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date and the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day,