

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

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

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

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

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

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

Finally, let me conclude by saying this bill is not going to become law until we comply with the treaty. The President is not going to sign the bill.

We can fool around and have five cloture votes and hold up all other business until we get back from Labor Day. We can stay in August. We are going to see the full rules and protections of the Senate here because this is a critically important agreement.

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

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

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

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

I yield the floor.

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

The Senator from Washington.

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

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

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

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

We have a right under treaties right now to ensure the safety of our citizens on our highways. That is what this amendment is about. That is what this vote is about—whether or not we will undermine that safety all on our own

here in the Senate and go beyond what the NAFTA panel has told us we can do and undermine the NAFTA panel, or whether we are going to stand up for safety. That is what this amendment is about.

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

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Alabama.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The assistant legislative clerk called the roll.

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

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

[Rollcall Vote No. 250 Leg.]

YEAS—65

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

NAYS—35

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

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

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

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

consent request for the moment that will allow us now to take up the Iran-Libya Sanctions Act. Following that, it will be my intention to move to a couple of the nominations that we agreed yesterday we would take up. There are time requests for debate on both nominees, and we will accommodate those requests as the unanimous consent provided for last night.

With that understanding, I will propound the request.

I ask unanimous consent that following the vote with respect to the Gramm amendment, regardless of the outcome, the Senate proceed to the consideration of Calendar No. 98, S. 1218, the Iran-Libya sanctions bill, and that the bill be considered under the following limitations: that there be a time limitation of 60 minutes for debate on the bill, with the time equally divided and controlled between the chairman and ranking member, or their designees; that the only first-degree amendment in order to the bill be a Murkowski amendment regarding Iraq's oil; that there be 90 minutes for debate with the time divided as follows: 60 minutes under the control of Senator MURKOWSKI, 30 minutes under the control of the chairman and ranking member, or their designees; that upon the use or yielding back of time on the amendment, the amendment be withdrawn; that upon the use or yielding back of all time, the bill be read the third time, and the Senate proceed to vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Reserving the right to object, Mr. President, from the standpoint of clarification, the amendment that I am prepared to offer, according to the statement by the majority leader, would be withdrawn. It had been my request of both leaderships that the condition on withdrawing the amendment would be the assurance that I would have an opportunity for an up-or-down vote at a future time on the issue of oil imports from Iraq. I request consideration, if indeed the leadership will consider that, associated with the appropriate opportunity—maybe on one of our trade agreements that will come before this body—that I would be allowed at least not more than an hour and a half or 2 hours to debate that and have the assurance of an up-or-down vote. I ask the leadership for that consideration.

Mr. DASCHLE. Mr. President, if I may respond, Senator Murkowski has reiterated the understanding we have on both sides of the aisle with regard to his offering an amendment at a later date on Iraq oil on another bill. I will certainly provide him with a vote in relation to that amendment when that time comes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, are the intentions, after disposition of the nominations, to return to the pending legislation?

Mr. DASCHLE. In answer to my colleague from Arizona, the intention would be that we go right back to the Transportation appropriations bill. What I am hoping, frankly, is that over the course of the next several hours we can continue our discussions. Our staff has indicated again that they are willing to begin the discussions in earnest, with the hope that we might proceed with some expectation that we find some resolution. It is our hope that while our colleagues debate these other matters, that will free up those people who have been involved in this issue to talk, and it would be our intention to come back to this.

Mr. MCCAIN. Further reserving my right to object, we have just established 35 votes, which is sufficient to sustain a Presidential veto, which has been threatened on this bill. I hope it will motivate the other side to engage in a meaningful negotiation, which has not happened so far, so that we can resolve the situation.

I reiterate my commitment to remain through a series of cloture votes, if necessary, until we get this issue resolved to the satisfaction of those who are concerned about it, including the President of the United States.

Mr. MURKOWSKI. Reserving the right to object, just for clarification from the leader, the Senator from Alaska requested specifically the assurance of an up-or-down vote, and I believe the majority leader indicated a reference "in relation to." I don't want to mischaracterize the intent. I wanted to have an understanding I would be afforded an opportunity for an up-or-down vote.

Mr. DASCHLE. I will have no objection to an up-or-down vote.

Mr. LOTT. Reserving the right to object, and I will not object, I want to say that I appreciate the majority leader's comments about the need for us to have a serious effort to find a compromise on this issue that is still pending on the Transportation bill. I thank him for the assurances given to Senator MURKOWSKI.

As I understand it now, we will go to the Iran-Libya Sanctions Act and have 60 minutes on that bill. Senator MURKOWSKI will have his time, and we will go to final passage. Then after some debate time, we will have one or two votes on nominees. Did the Senator clarify that?

Mr. DASCHLE. Mr. President, in answer to the Republican leader's question, the answer is, we would provide for the debate allotted under the unanimous consent that we were able to arrive at last night. In regard to the Horn nomination and the nomination for the Administrator of the SBA, in both cases, as I understand it, rollcalls have been requested. So it is my intention that we would have debate on the two nominees and then the votes on those yet tonight. Then we will revert back to Transportation.

Mr. LOTT. I thank the Senator. Further reserving the right to object, I

know there are strong feelings on the question of the U.S.-Mexican truck crossing at the border, a lot of ramifications, and making sure it is NAFTA compliant, and making sure the trucks come into the country in a safe way after being inspected. I understand all of that.

This is an appropriations bill and this language should not even be on this bill. Clearly, though, this can be resolved.

While everybody is in a position of wanting to get dug in, let me point out that this issue could go on for days. It is really not necessary. I have never seen an issue that is more clearly in the realm of having an agreement worked out. We ought to do it. I urge both sides to do their very best to accomplish that.

I thank Senator DASCHLE for giving these answers. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, and I shall not, I wanted to inform the majority leader that the proposition of discussions about the Murray language, in my judgment, should not just be among those who support the language and those who wish to weaken it. Others wish to strengthen it. While there is a disagreement on this issue, it is not just on one side. I hope if discussions ensue in the coming hours on this subject, they include those of us who believe the Murray language is not strong enough.

Mr. DASCHLE. Mr. President, I say to Senator DORGAN that I don't think we ought to exclude anybody. Clearly, no one has devoted more time to the issue and has been more eloquent on the floor with regard to safety and the importance of recognizing the issue of safety than Senator DORGAN. Senator MURRAY has accommodated everybody, and I know in these discussions that would be her intent as well. I appreciate the Senator's interest in being involved in these discussions. I want to say that we hope to include anybody that has an interest in it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ILSA EXTENSION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill, S. 1218, by title.

The assistant legislative clerk read as follows:

A bill (S. 1218) to extend the authorities of the Iran and Libya Sanctions Act 1996 until 2006.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?