

Mr. KYL. Mr. President, then I will ask for a second question with the indulgence of the Senator. With all due respect, the answer is a nonanswer. It doesn't tell us when we might consider these nominees. The distinguished assistant majority leader said phrases such as "as quickly as possible" and "as rapidly as we can accommodate." Is it not true that there are 15—if I am incorrect, please give the correct number—15 people pending on the Executive Calendar who don't await anything except our action? We can do it now or at the end of the day. Nothing stands in the way—no committee chairmen, no further vote, nothing. As far as I know, there is no controversy with respect to any of these.

Is there any reason that this number, whether it be 14 or 15, could not be agreed to today?

Mr. REID. We hope before the day's end there are more than that on the calendar. Some will be reported today.

This is not quite as easy as the Senator from Arizona has indicated. The Department of the Treasury—these four people who have been reported out by the committee, by Senator GRASSLEY and Senator BAUCUS, are really important, we think—the Deputy Secretary, Assistant Secretary, Under Secretary, and another Under Secretary. These are being held up on your side. We are trying to work our way through this. I say to my friend that we are trying to do our best. We are acting in good faith. That is why we interrupted the proceedings for Mr. Schieffer.

Senator NICKLES and I have been given an assignment. I know you will accept what I say. He and I have been working hard, but I ask you to meet with him. We have had a number of discussions relating to the nominations. I am confident it is going to bear fruit very quickly.

Mr. KYL. I will not object. I appreciate the response of the assistant majority leader, although it suggests to me that these nominees are being held hostage to the legislative process. I hope we can get these confirmations as quickly as possible.

The PRESIDING OFFICER. Is there objection to the confirmation?

Without objection, it is so ordered.

The nomination was confirmed.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

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

The PRESIDING OFFICER. The Senator from Utah is recognized for his remaining 9 minutes 30 seconds.

Mr. BENNETT. Mr. President, I thank the Chair and the assistant majority leader for his courtesy. I want to conclude by commenting once again on

the importance of the United States keeping its international commitment, a commitment made to Canada and Mexico to allow a free trade area to occur on the North American continent. It is in our own interest. It is the intelligent thing to do, and historically it will see to it that the economies of all three of these countries will benefit.

Here is the first test we have of whether or not the actual regulations of NAFTA will be allowed to work in a way that benefits our neighbors to the south, even though it discomfits a powerful political group in the United States. If we fail that test, we will send a message to the Mexicans that says we didn't really mean it; we don't think you really should have equal status with the Americans. I can think of no more corrosive a message to send to the Mexicans than that one. That is why I think we must be as firm as we are trying to be in this debate of making it clear that we are going to hang on to this issue until it is resolved satisfactorily.

Mr. GRAMM. Will the Senator yield for a question?

Mr. BENNETT. I am happy to yield for a question.

Mr. GRAMM. Mr. President, it is not often we get an opportunity to have someone speak in the Senate who has built a successful business, who has been engaged in international commerce, who has negotiated contracts for millions of dollars. I would like to take this opportunity, since he has a few minutes left, to pose some questions to the Senator about the debate before us.

As the Senator is aware, we entered into a free trade agreement with Canada and Mexico in 1994. A Republican President signed the agreement in San Antonio, TX—George Bush. The agreement was ratified with the vigorous support of a Democrat President, Bill Clinton. We are in the process of implementing it under another Republican President. So this is an agreement that was supported on a bipartisan basis by three Presidents.

In that agreement, in the section having to do with the question before us, we have chapter 12, which is on cross-border trade and services. The language of the trade agreement is very simple. I would like to read it to you, and I would like to ask you some questions.

First of all, the language says very simply what America's obligation is under what it calls "national treatment." It is very simple. Our obligation to Canada, our obligation to Mexico, and their obligation to us is the following:

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

First of all, with regard to trucking companies, if you had to convert that legal statement of obligation into English, what do you think it would say?

Mr. BENNETT. I say to the Senator from Texas, I think it would say that Mexican trucks coming into the United States, Canadian trucks coming into the United States, or American trucks going into Mexico would all have to comply with the requirements of the States in which they were operating, but that in the process of thus complying, they would not have to change their procedures to a situation different from the procedures that were considered acceptable on both sides.

This is something that would require the Americans to say we will honor the Mexican Government's procedures just as we expect the Mexican Government to honor the American Government's procedures.

Mr. GRAMM. We would treat them the same. Whatever requirement we would have, they would have.

Mr. BENNETT. I say to the Senator, that would be my understanding of the part of the treaty which he has read.

Mr. GRAMM. Let me raise some issues in the time we have and see if the Senator believes that these issues violate the provision.

The Murray amendment says that under the Motor Carrier Safety Improvement Act of 1999, which we adopted and which has to do with motor safety in America, in general, Canadian trucks can operate in America. Let me explain the problem.

We have not yet implemented this law. Under President Clinton and now under President Bush, the difficulty in writing the regulations this bill calls for are so substantial that the provisions of this law have not yet been implemented.

Even though they have not yet been implemented, a thousand Canadian trucks are operating in the United States under the same regulations American trucks are operating. Many thousands of American trucks are operating. But under the Murray amendment, until the regulations for this law are written and implemented, no Mexican trucks can operate in the United States on an interstate commerce basis.

Would the Senator view that to be equal treatment?

Mr. BENNETT. I would not, and I say to the Senator from Texas that I am familiar with the American legislation to which he refers because I have had, as I suppose the Senator from Texas has had, considerable complaints from my constituents about the regulations proposed under that bill and have contacted the administration, both the previous one and the present one, to say: Don't implement all aspects of this bill until you look at the specifics of these regulations; some of the things you are asking for in this bill would, in my opinion, and in the opinion of the constituents who have contacted me, make the American highways less safe than they are now.

To say we must wait until that is done before we allow Mexican trucks

in, in my view, would not only be a violation of NAFTA, it would be a violation of common sense because we are not implementing that for our own trucks on the grounds that it would not be good, safe procedure for our own trucks.

Mr. GRAMM. Clearly, we are letting our trucks operate even though that law is not implemented; we are letting Canadian trucks operate even though it is not implemented, but in singling out Mexican trucks, it seems to me that violates the NAFTA agreement. Does the Senator agree with that?

Mr. BENNETT. Without the benefit of a legal education, it seems to me that violates the clear language of the NAFTA treaty.

Mr. GRAMM. In the time we have, let me pose a couple more questions.

Currently, most American trucks are insured by companies domiciled in America, though some are insured by Lloyd's of London, which is domiciled in Great Britain. Most Canadian trucks, it is my understanding, are insured by Lloyd's of London, which is domiciled in Great Britain. Some of them are insured by Canadian insurance companies domiciled in Canada. The Murray amendment says that all Mexican trucks must have insurance from companies domiciled in America, a requirement that does not exist for American trucks, a requirement that does not exist for Canadian trucks.

Does it not seem to the Senator from Utah that is a clear violation of the requirement that 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?

Mr. BENNETT. It certainly would appear to me to be a violation. It would seem an interesting anomaly if a Mexican trucking firm had insurance with Lloyd's of London and then was denied the right to operate on American highways on the grounds—

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

Mr. GRAMM. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

AMENDMENT NO. 1163 TO AMENDMENT NO. 1130

Mr. DASCHLE. Mr. President, I call up amendment No. 1163.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1163 to amendment No. 1030.

The amendment is as follows:

(Purpose: To provide for an effective date)

At the appropriate place, insert the following: "Provided, That this provision shall be effective three days after the date of enactment of this Act."

Mr. DASCHLE. Mr. President, I move to table 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 legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "aye."

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote "yea."

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—88

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

NOT VOTING—12

Bond	Frist	Roberts
Burns	Inhofe	Sessions
Enzi	Miller	Stevens
Feinstein	Nickles	Thomas

The motion was agreed to.

Mr. REID. 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 Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator GRAMM be recognized for 30 minutes, and at the conclusion of that time, Senator DASCHLE or his designee be recognized.

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

Senator GRAMM of Texas.

Mr. GRAMM. Mr. President, I thank the distinguished majority leader for allowing me to be recognized.

Let me also say that we have a fair number of Members on this side who want to speak before we have our final cloture vote tonight. Whatever we can do to provide time for people to speak would be appreciated. Obviously, I understand the majority have their rights in terms of those.

Let me try to explain to my colleagues what this debate is about, at least as I see it. Obviously, the greatness of our individual personalities and of being human is, as Jefferson once observed, that good people with the same facts are prone to disagree.

I would like to try to outline how I see the issue before us, why it is so important to me, why I believe it is important to Senator MCCAIN, and why I want to do this so people will understand what this debate is about.

First of all, there is no debate about safety. Senator MCCAIN and I have an amendment that requires every Mexican truck to be inspected—every single one. Under our current procedures, 28 percent of all American trucks are inspected at least once during the year. Forty-eight percent of all Canadian trucks are inspected at least once during the year. Currently, 73 percent of all Mexican trucks coming into the border States—which is the only place they are allowed to operate—are inspected.

Senator MCCAIN and I believe in establishing our safety standards and assuring that Mexican trucks meet every safety standard that every American truck and every Canadian truck must meet. We think the logical way of doing that, to begin with, until we establish a pattern of behavior and until clear records are established is to inspect every single truck that comes across the border.

Under NAFTA, we cannot impose requirements on Mexican trucks that we don't impose on our own trucks and that we don't impose on Canadian trucks. But we have every right under NAFTA—I believe every obligation to our citizens—to assure that Mexican trucks are safe and to be sure they meet every safety standard that we set on our own trucks.

Let me also say that if we raise safety standards on our own trucks—in some areas I believe that is justified—we then would have every right to impose the same standards on Mexican trucks.

In 1994, the President of the United States, the President of Mexico, and the Prime Minister of Canada met in San Antonio to sign the North American Free Trade Agreement. It was the most historic trade agreement in the history of North America.

Under President Clinton, and through his leadership and exertion of

efforts, the Congress ratified the North American Free Trade Agreement by adopting enabling legislation which the President signed. We are now in the final stages of implementing NAFTA.

One President signed NAFTA—a Republican President. A Democrat President fought for its ratification, and now a Republican is seeking to comply with the final procedures of NAFTA that have to do with cross-border traded services.

Our obligation under the treaty is very simple. It says each party shall report the service providers of another party treatment no less favorable than that it accords in like circumstances to its own providers.

In fact, the little heading “National Treatment” really defines what we agreed to that day in San Antonio and what we ratified here on the floor of the Senate. We agreed that we have every right to have every safety standard we want. We can impose any safety standard on any Mexican truck and on any Canadian truck so long as we impose it on every American truck.

No one disagrees that we can't have a different safety protocol for Mexico as they establish their pattern of behavior. As I said, Senator MCCAIN and I have proposed that we initially inspect every Mexican truck. But let me explain what is not allowed under the treaty which the Murray amendment does.

Under the Murray amendment, there is a provision that says we adopted a bill in 1999, and that bill had to do with highway safety. In fact, it was called the Motor Carrier Safety Improvement Act. In essence said Congress was not happy with motor safety in America and we wanted changes. We wrote that law in 1999.

President Clinton found writing the regulations for the laws so onerous that those regulations have not yet been written. President Bush is trying now to comply with this law.

We have every right to ask that American law be complied with. But the point is this: We haven't written the regulations. The regulations are not being enforced, but yet there are thousands of Canadian trucks operating in America. There are thousands of American trucks operating in America. The Murray amendment says that until we implement this law by writing the regulations and enforcing them—something that probably cannot be done for 18 months or 2 years—no Mexican trucks will be allowed into America.

Under NAFTA, we can say until this law is implemented, no truck shall operate in the United States of America—American, Canadian, or Mexican. That would be NAFTA legal, because we would be treating Mexican trucks just as we treat American trucks and just as we treat Canadian trucks. We would all go hungry tonight. But we could do that.

What we cannot do under NAFTA is we can't say that American trucks can

operate even though we have not implemented this law, and Canadian trucks can operate even though we have not implemented this law, but Mexican trucks can't operate because we haven't implemented this law. That is a clear violation of NAFTA; no ifs, ands, but about it. It is no less arbitrary since the law has nothing to do with Mexico or Mexican trucks. It is no less arbitrary than saying that no Mexican trucks shall come into the United States until a phase of the Moon and a phase of the Sun reach a certain level on a certain day that might not occur for a million years. That is how arbitrary this is.

Unfortunately, it doesn't end there. Senator MURRAY, while opposing amendments that say things that violate NAFTA don't have to be enforced from her amendment, continues to say: My amendment doesn't violate NAFTA.

Let me give you some other examples.

Most Canadian trucks have British insurance. Most Canadian trucks have insurance from Lloyd's of London. Some of them have Dutch insurance. Some American trucks have British insurance, Dutch insurance, German insurance, and American insurance. As long as that company is licensed in America, and as long as it meets certain standards, those trucks can operate in the United States. In fact, we have Canadian trucks operating today when virtually none of them has American insurance. But the Murray amendment says, if you are operating Mexican trucks, those Mexican trucks must buy insurance from a company that is domiciled in the United States of America.

We have every right and obligation to require Mexican trucks to have good insurance. NAFTA allows us to do that. Logic dictates we do it. But we do not have the right to dictate where the company that sells the insurance is domiciled unless we are willing to do that to our own truckers, which we do not do. Currently, most trucking companies lease trucks.

The untold story of this whole debate is when Mexican truckers start operating in interstate commerce, they are not going to be driving Mexican trucks. By and large, they are going to be driving American trucks because trucking companies do not own many trucks. They lease their trucks. The Mexican companies are going to lease the trucks from the same companies that American companies lease their trucks.

Currently, when a company has leased trucks or purchased trucks, if something happens and they can't put those trucks on the road—and that something can be that they lose business or they are under some kind of suspension or restriction or limitation—they lease those trucks out to other companies. You can't be in the trucking business by having \$250,000 rigs sitting in your parking lot.

Canadian trucking companies lease trucks when they cannot use them. American trucking companies lease trucks when they cannot use them. And at any time any big trucking company in America or Canada has at least one violation—at any time—often many because there are so many different things you can be in violation on.

The Murray amendment says if you are under any kind of limitation, and you are a Mexican trucking company, you cannot lease your trucks. What that does is not only violate NAFTA—clearly a violation because we do not have the same requirement for American trucking companies; we do not have the same requirement for Canadian trucking companies—and if you cannot use your trucks, if you are under any kind of restriction or limitation, then, obviously, you cannot be in the trucking business.

So what the Murray amendment does is it not only violates NAFTA, it writes a procedure that no one could stay profitably in the trucking business if they had to meet that requirement.

In the United States, there are a whole range of penalties you can get. You can get a penalty if your blinker light does not work. It may look as if it works inside, but it does not work outside. Your right mud flap is off. You are hauling too much cargo. Gravel is blowing out of the top. There are hundreds—maybe thousands; I don't know, but I will say hundreds—of potential violations you can have.

In America, those violations can mean a warning or a fine of \$100; some of them that are serious may be more. It may be a warning to the company; it may be a consent decree with the company.

But under the Murray amendment, all that regime stays in place if the company is an American company, and it all stays in place if they are a Canadian company, but if they are a Mexican company, and they are found to be in violation, they get the death penalty; they get banned from operating in the United States of America.

Look, we could write a law that said, if you are in violation on anything, you are out of the trucking business in America. That would be crazy. The cost of trucking services would skyrocket, but we could do it, and it would be legal under NAFTA to do it to Mexican trucks. But you cannot have one set of rules for American trucks and another set of rules for Mexican trucks or Canadian trucks.

The amazing thing is that when so many people are talking about this debate, they write as if Senator MCCAIN and I want lesser safety standards. Senator MCCAIN and I want exactly the same safety standards for Mexican trucks that we have for American trucks, only we are willing to inspect every single truck until they come into compliance.

What we are opposed to is not tougher safety standards; what we are opposed to is protectionism, cloaked in the cloak of safety, where restrictions are written that, for all practical purposes, guarantee that Mexican trucks cannot operate in the United States—clearly in violation of NAFTA.

There are a few newspapers that are getting this debate right. The Chicago Tribune says today, in its lead editorial:

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray, and others pushing the Teamster line, instead are prattling on about road safety.

That is the Chicago Tribune. The Chicago Tribune believes this is not about safety, that this is about protectionism, cloaked in the garb of safety.

Finally, let me explain to my colleagues why Senator MCCAIN and I have us here on this beautiful Friday afternoon at 4 o'clock. Let me say to my colleagues that I am not calling these votes. In fact, I would be very happy to have no vote until we have the cloture vote tonight. The majority leader is calling these votes to try to get people to stay here, which is fine. It is his right.

But why we are doing this is because our Founding Fathers, when they wrote the Constitution, and they established the rules of the Senate, as it evolved, recognized that there would be those issues where the public would be easy to confuse. There would be those issues where special interest groups were paying attention, and they would be out the door of the Senate Chamber where they have every right to be. They would be lobbying. And there would be issues where you could cloak from the public what the real issue was.

Our Founders, in recognizing there would be those issues—and I personally believe this is one of them—gave to the individual Senator, whose views were not in the majority that day on that issue, the right to require that there be full debate, the right to require that those who wanted to end the debate get 60 votes. Senator MCCAIN and I are using those rights today because we believe it is wrong and rotten for America, the greatest country in the history of the world, to be going back on a solemn commitment that it made in NAFTA.

We think it hurts the credibility of our great country, when we are calling on people all over the world to live up to the commitments they made to us, for us to be going back on commitments we made to our two neighbors. We also think it is fundamentally wrong to treat our neighbors differently.

To listen to the debate on the other side, you get the idea we are trying to have different standards for Mexico.

We want the same standards for Mexico, but we do not want provisions that, in essence, prevent Mexico from having its rights under NAFTA. That is what this issue is about.

I urge my colleagues—I know we are getting late in the day and I know people are pretty well dug in; and I know a lot of commitments have been made—but we need to ask ourselves some simple questions: No. 1, do we want to go on record in the Senate in passing a rider to an appropriations bill that clearly violates a solemn treaty commitment that we made in negotiating NAFTA? And it was not some President who made it. A Republican President signed it. A Democrat President fought to ratify it. We ratified it. And now a Republican President is trying to implement it. Do we really want to go on record today—on a Friday night—for going back on our word to NAFTA?

No. 2, we have a President in Mexico who is the best friend that America has ever had in a President in Mexico. He virtually created a political revolution in Mexico when he defeated a party that had ruled Mexico for almost all of the 20th century. He is pro-trade and pro-American. But he does not have a majority in either the House or the Senate in Mexico. He had to put together a coalition government where his Foreign Minister opposed GATT, opposed NAFTA, and the best his Foreign Minister will say with NAFTA is: Well, we agree to it.

What kind of position are we putting President Fox in when we pass a bill that violates our agreement in NAFTA and treats Canadians one way and Mexicans another? What kind of signal does that send? And does anybody here—since we are all involved in politics, and we understand that when you have a vulnerability, your political enemies exploit it—does anybody doubt that all the “hate America” crowds in Mexico—and there are a lot of them—does anybody doubt that they are going to use this as an issue against President Fox, that we violated our agreement, that we are their neighbor but we are not their equal neighbor, that we don't treat them that bad but we don't treat them as good as we treat the Canadians, that the U.S. Congress said what is good enough for Americans and good enough for Canadians is not good enough for Mexicans?

It is not a question of safety. We have every right to force them to do everything we do. We have a right to have a more strict regime until they prove they are doing it.

What we do not have a right to do is to have a bunch of things that claim to be safety that really say: You can't operate Mexican trucks in the United States. That is what this issue is about.

Obviously, it is frustrating when the word does not get out and people don't necessarily understand what the debate is. Tonight we are using powers that the Founding Fathers thought Sen-

ators ought to have. It is up to each individual Senator's conscious as to when they use those powers. We have used those powers on this bill.

It is wrong what we are trying to do. It will hurt America. It will hurt Texas. It will hurt the 20 million people I work directly for and the 280 million people I try to represent. At least that is my opinion. Since that is my opinion and I believe it and believe it strongly, I intend to use every power we have.

We will have a cloture vote tonight. I hope it will be defeated. I am prayerfully hopeful that perhaps a few of our Members will have some enlightenment or an enlightening experience between now and the appointed hour. But we have three more cloture votes after this one, and we intend to use our full rights as Senators to see that if we are going to abrogate NAFTA, if we are going to slap President Fox in the face, if we are going to run over President Bush, we are not going to do it without resistance, without strong, committed resistance. That is what this debate is about.

How much time do I have?

The PRESIDING OFFICER. The Senator from Texas has 6½ minutes remaining.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I have been listening to the debate today and yesterday. I think we have gone beyond the realm of reasonableness.

This is a debate about safety on American highways. We are voting on technical amendments that mean nothing. We are not moving the debate forward. A lot of people are being inconvenienced by votes that don't mean anything. We could all be here voting on substantive amendments until midnight. That is what we are here to do. But to just have technical amendments in order to wait it out and see how many people will leave is wrong.

I am very interested in safety on American highways. I think we can do it within the terms of NAFTA. We are smart enough to figure that out.

The question is not whether we have safety on American highways or we violate NAFTA. It is when we make the agreement. Make no mistake about it, that is the debate.

I ask all of my colleagues to sit down and let's come to a reasonable agreement on when we are going to address the merits of this issue. No one who has an IQ of 25 believes that changing the effective date on this bill every 30 minutes or tabling a motion to change the effective date is moving the ball on the substance one bit further.

Mr. President, I think it is time for us to act as a Senate; that all of the parties who have quite reasonable substantive arguments to make, who are very close to an agreement, sit down and determine when that agreement will be made so that we can come to a reasonable and responsible conclusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. 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 that the order for the quorum call be rescinded.

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

#### COORDINATED BORDER AND CORRIDOR PROGRAM

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished senior Senator from Michigan and the distinguished chair of the Transportation Appropriations Subcommittee. As the chair knows, over the past few years, the State of Michigan has competed for funds under the Coordinated Border and Corridor Program of the Transportation Equity Act (TEA 21).

I ask the distinguished chair to give consideration to a particularly important project on our U.S.-Canadian border in Michigan. The Ambassador Bridge Gateway Project which will provide direct interstate access to the Ambassador Bridge and improve overall traffic flow to and from our U.S.-Canadian border, needs \$10 million this year to keep the project on schedule. To date, there has been a total of \$30.2 million in Federal funds either spent or committed with a State match of \$7 million. Any consideration that the distinguished Chairwoman can provide is much appreciated.

Mr. LEVIN. I join my colleague from Michigan in asking the chair to give this important project consideration in conference, especially since no Michigan project is funded under this account. The Ambassador Bridge in Detroit, MI is a critical project for the State's trade infrastructure. It is one of the three busiest border crossings in North America, and more trade moves over this bridge than the country exports to Japan. It is crucial that we keep traffic moving safely and efficiently at this crossing. The Ambassador Bridge Gateway project will provide direct interstate access to the bridge, and improve overall traffic flow to and from the Ambassador Bridge. This project also has a wide range of support from the State, local government, metropolitan planning and the business community.

Mrs. MURRAY. I will be happy to work with my colleagues in conference on this matter and to look at the specific corridor project they are recommending.

Mr. VOINOVICH. Mr. President, for the past few days now, we have been here on the floor of the Senate debating a very basic question: do we trust our trading partners?

As I see it, this debate is not about truck safety, but, rather, it is about whether or not the United States is willing to honor its trade agreements and adhere to the principals of NAFTA.

Over the past several years, as my colleagues are aware, the United States has enjoyed one of its longest periods of economic prosperity in our history. Vital to this remarkable economic boom has been international trade. Trade is the economic lifeblood of the United States. Some twelve million American jobs depend directly on exports, and countless millions more, indirectly.

In fact, the growth in American exports over the last ten years has been responsible for about one-third of our total economic growth. That means jobs for Americans and of particular concern to this Senator, jobs for Ohioans.

The United States is the world's single largest exporter of goods and services, accounting for 12 percent of the world's total goods exports and 16 percent of the world's total service exports. Goods and services exports from the State of Ohio constitute a significant share of exports coming from the United States, making the Buckeye State the 8th largest exporter in the nation.

Ohio is a textbook example of why international trade is good for America. When I was Governor, I had four goals in the area of economic development—agribusiness, science and technology, tourism and international trade. We pursued each of these aggressively in order to maximize Ohio's business potential, especially in the trade arena.

Thanks to trade-stimulating agreements, such as the North American Free Trade Agreement (NAFTA), overall Ohio exports have skyrocketed 103 percent in just the last decade.

When the North America Free Trade Agreement took effect on January 1, 1994, it brought together three nations and 380 million people to form the world's largest free trade zone, with a collective output of \$8 trillion. We in the State of Ohio were so excited about the potential of NAFTA, that in order to take advantage of this trade agreement, Ohio opened a trade office in Mexico shortly after NAFTA's passage.

Thanks to NAFTA, historic trade barriers that once kept American goods and services out of the Canadian and Mexican markets either have been eliminated or are being phased out. The positive economic effects have been astounding:

From 1993 to 1998, U.S. exports to Canada grew 54 percent and U.S. exports to Mexico grew 90 percent.

Also from 1993 to 1998, Ohio outperformed the nation in the growth of exports to America's two NAFTA trad-

ing partners. Ohio's exports to Canada grew 64 percent and Ohio exports to Mexico grew 101 percent.

But, in my view, if the Senate enacts the Murray amendment, we will be jeopardizing one of the most successful trading partnerships that this nation has ever had.

It is hard to believe that this legislation, which singles-out just one nation and holds up one crucial aspect of their trade policy to scrutiny, would not violate NAFTA.

I cannot fathom how supporters of this legislation ignore this fact.

I am every bit as concerned as any other member of this chamber about the safety of tractor trailer trucks. As anyone who has driven through my state of Ohio knows, it is a hub of long-haul trucking.

You can be certain that I do not want my constituents endangered by unsafe tractor trailer trucks regardless of their city, state or country of origin.

But we must be cognizant of the fact that, if this amendment is enacted, we will be unfairly discriminating against our second largest trading partner—Mexico.

Mexican trucks are already required to comply with our laws governing truck safety if they want to operate on our highways. The state and federal laws are already in place.

Is there room for improvements to safety? Of course. But, I also believe if these laws were adequately enforced, we would not be having this discussion today.

Do I think we should enforce these laws vigorously? Of course. But, I am not calling for this nation to enact restrictive laws that single out Mexico.

However, what the Senate is in the process of doing is raising the bar for our Mexican trading partners by requiring an extraordinary safety requirement that does not apply to our other NAFTA trading partner, Canada, and establishes a whole new regimen that Mexican trucks will have to follow that most American trucks do not.

Make no mistake: Our other trading partners throughout the world are watching what the Senate is doing, and our action—should the Murray amendment be enacted—could shake their faith in our willingness and ability to engage in truly "fair" trading practices.

The stakes are high—higher than I think anyone in this Chamber realizes.

The United States has proudly claimed itself a bastion of open markets for more than 200 years. Indeed, we have set the example of consistently striving to comply with our trade treaty obligations. But, how can we ask and expect other countries to abide by international trade rules if the United States flagrantly disregards them itself? If we want a rules-based system of international trade to work, so that we can have a level playing field across the board on all goods, America must lead by example and not pass xenophobic restrictions on our neighbors.

How can USTR Ambassador Robert Zoellick successfully negotiate vital trade agreements to open up new markets for American industry that will benefit American workers when the Senate signals that America is unwilling to play by the rules? What faith can our partners have? What can we demand of them?

If the Murray amendment is enacted, can you imagine the damage that we would bring upon ourselves when we try and negotiate the Free Trade of the Americas treaty? Who would trust us?

I can just imagine President Cordoza of Brazil—who is not too keen on the Free Trade of the Americas treaty to begin with—telling all of the Central and South American leaders that they shouldn't get into a treaty with the U.S.

He just might say that the U.S. Senate, that "reasoned, deliberative body" cannot be trusted, and is fanned by the flames of political opportunism.

Think also what the amendment will do to the budding relationship between President Bush and President Vicente Fox? They have worked well together and I would hate to think that this amendment could set back our relationship with the Mexican leader and his nation.

President Bush is fully aware of what this amendment would mean, and I would like to quote from the Statement of Administration Policy on this bill:

The Administration remains strongly opposed to any amendment that would require Mexican motor carrier applicants to undergo safety audits prior to being granted authority to operate beyond commercial zones on the U.S.-Mexico border, as this would violate the NAFTA agreement and the President's strong commitment to open the U.S.-Mexico border to free and fair trade.

This amendment defies logic and reason.

If this amendment is enacted, what the Senate would be doing is re-opening one of the most significant trade treaties in history by legislative fiat.

Mr. President, but we should not be modifying our international agreements via a rider to an appropriations bill. This is no way to run our foreign policy, nor our trade policy.

Senator McCain said the other day that the Commerce Committee, on which he is ranking and which has jurisdiction over surface transportation, has not considered any legislation on this important matter. This is precisely the kind of complex and delicate matter that deserves full and balanced consideration before we charge ahead and make a decision we most assuredly will regret later.

And what about my good friend from Texas, Senator Gramm. His state has more border crossings from Mexico than any other state represented in this chamber. He would have every right in the world to oppose trucks from Mexico coming into his state.

But the Senator from Texas fully understands the importance of adhering to our trade agreements and he has spoken eloquently on this topic.

Mr. President, it is of obvious concern to make sure that all trucks that operate on American highways do so in compliance with all applicable safety standards.

However, this amendment goes too far in trying to ensure those standards, and it is an inappropriate response for the U.S. Senate to take.

I urge this body not to jeopardize the benefits of international trade in the haphazard way that this amendment would undertake.

Thank you, Mr. President.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the pending amendments be agreed to and the motions to reconsider be laid upon the table en bloc; further, that it be in order for the managers to offer a managers' amendment, postcloture, which has been agreed upon by the two managers and the two leaders, notwithstanding the provisions of rule XXII.

I further ask unanimous consent that the time until 6:25 p.m. today be equally divided and controlled and that at 6:25 p.m. the Senate proceed to a vote on the motion to invoke cloture on H.R. 2299.

The PRESIDING OFFICER (Mr. HARKIN). Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1025 and 1030) were agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Mr. President, parliamentary inquiry: How much time exists on both sides from now until the time for the vote?

The PRESIDING OFFICER. Ten and one-half minutes on each side.

Mr. McCain. Mr. President, under the agreement of the managers, I request the last 3 minutes be reserved for my comments or just before the final comments of the managers, whatever the managers desire.

The PRESIDING OFFICER. Does the Senator ask unanimous consent?

Mr. McCain. Yes, I ask unanimous consent.

The PRESIDING OFFICER. The understanding of the request is the last 3 minutes.

Mr. McCain. Either the last 3 minutes before 6:25 or the last 3 minutes before the comments of the managers, either one.

The PRESIDING OFFICER. Be reserved for?

Mr. McCain. My purpose.

The PRESIDING OFFICER. The last 3 minutes.

Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. TORRICELLI. Mr. President, as most Members of the Senate, I have listened to this debate patiently for many hours. I have heard many things said

that Senators need to consider before this debate comes to a close. Mostly I have heard that the United States somehow will be violating our treaty obligations with Mexico if we insist upon the safety of our citizens on our highways from Mexican trucks. I have heard that this Senate would be turning its back on the NAFTA treaty. I have heard it not a few times but 5 times or 10 times.

For the consideration of my colleagues, I will answer it but once, because this Government does not violate a treaty obligation and the Senate does not violate the law or its obligations. Indeed, it has been said before, but in a recent arbitration panel decision looking at the NAFTA treaty and our obligations to our citizens and truck safety, it has been said:

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

It is not our intention nor will this law violate our treaty obligations. It simply says this: 50 years of efforts to protect Americans on our highways are not abandoned. The facts are clear. Senator MURRAY simply wants to know that Mexican trucks entering America will be inspected and they will be safe.

Our intentions are well founded. Mexican truck on average are 15 years old; Americans' are 4. Mexican trucks weigh 135,000 pounds; American trucks, 85,000 pounds. Mexican drivers are 18 years old; American, 21. American trucks are documented for hazardous or toxic cargo. Until recently, Mexican trucks were not.

Indeed, the evidence supports what Senator MURRAY is attempting to do. Forty percent of all Mexican trucks now entering the United States are failing inspections. This is not an idle problem. One hundred thousand Americans a year are being injured, or their children are injured, or their neighbors are injured in serious trucking accidents in America. We share our neighborhood roads and our interstate highways with 18-wheel trucks weighing tens of thousands of pounds.

For what purpose has this Senate and our State legislatures for all these years required special engineering of trucks if we will not require it of Mexican trucks? Why do we have weight limitations? Why do we implement laws about special training and driving if we are to abandon that effort now? Of the 27 border crossings between Mexico and the United States, 2 have inspectors 24 hours a day.

What would the Senator from Texas and the Senator from Arizona do in these hours when Mexican trucks without training, without weight requirements, and without inspections arrive at America's borders if there is no one there to weigh them or inspect them or assure that our families are safe? That



is a difference of what we do today. Senator MURRAY requires it. The Senator from Texas would not.

The United States has a right to insist under NAFTA that our citizens are safe. No, I say to Senator GRAMM, we don't have a right; we have an obligation recognized by an arbitration panel looking at Mexican law and American law and the NAFTA treaty.

I have never seen it more clear that the Senate has operated within its obligations and its rights to our citizens than in recognition of this amendment.

I do not know how long we will have to be here, but I can tell you this: If it requires tonight, tomorrow night, next week, next month, this Senator will not be responsible for American families losing their lives. I will stand for our treaty obligations, but first I will stand for our families.

I commend the Senator from Washington for her tenacity and her vision.

I yield the floor.

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

Who yields time?

Mr. GRAMM. Mr. President, I yield myself 5 minutes.

Mr. President, let me read from the Chicago Tribune. The headline is "Honk if you smell cheap politics."

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination.

We can scream and holler; we can be emotional all we choose to be, but this debate has nothing to do with safety and everything to do with raw, rotten protectionism. It has to do with violating NAFTA and destroying the good word of the United States of America.

The truth is that Senator MCCAIN and I have offered an amendment that would require every Mexican truck to be inspected, that would require every Mexican truck to meet the same safety standards that the United States of America requires of its own trucks, and that those trucks would not be allowed to come into the United States until they had met those standards.

But the Murray amendment is not about safety; it is about protectionism. The Murray amendment says because of a 1999 law that we passed, that had nothing to do with Mexico—and was not fully implemented by the Clinton administration, and has not been implemented by the Bush administration—that Canadian trucks can operate in the United States, that American trucks can operate in the United States, but Mexican trucks cannot.

So we have not implemented a domestic law and, therefore, we are letting Canadian trucks in, we are letting our own trucks operate, but we do not let Mexican trucks in. That violates NAFTA. American truck companies can lease each other trucks. Nobody objects to that. Senator MURRAY does

not object to it. Canadian companies can lease each other trucks. But under the Murray amendment, Mexican companies cannot.

Under the Murray amendment, there is only one penalty for Mexican companies, and that is a ban on operating in the United States of America, even though we have numerous different penalties for U.S. trucks than Mexican trucks.

Under the Murray amendment, we basically have entirely different standards for Mexico than we have for the United States of America and that we have for Canada.

Under the Murray amendment, basically we say: In NAFTA we said we were equal partners, but we didn't mean it. We are equal partners with Canada, but our Mexican partners are inferior partners that will not be treated equally.

The problem is, NAFTA commits us to equal treatment. This is not about safety; this is about protectionism. We are not here tonight because Senator MCCAIN and I wanted to be here. We are here tonight because the majority party would not negotiate with us to come up with a bill that did not violate NAFTA.

We have offered two amendments. The first amendment said that any provision of the Murray amendment that violated NAFTA—a treaty, in the words of the Constitution, the supreme law of the land—that violated a commitment made by three Presidents and by the Congress would not be put into place. That was rejected.

The Senator from Arizona offered an amendment that said under the Murray amendment Mexican nationals and Canadian nationals would be treated the same. That was rejected by our colleagues who are in the majority party in the Senate.

So they say the Murray amendment does not violate NAFTA, but when we offered an amendment to not enforce the parts of it that do violate NAFTA, they rejected it. They say the Murray amendment does not discriminate against Mexico and Mexicans, but when we offered an amendment forbidding that they be discriminated against relative to Canadians, they rejected it.

The truth is, this is about special interest as compared to the public interest. I ask my colleagues—I understand politics; I have been in it a long time—is it worth it to destroy the good word of the United States of America on an issue such as this on an appropriations bill?

I urge my colleagues to vote against cloture.

Mr. President, I assume my time has expired. I yield the floor.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield our remaining time to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes 53 seconds.

Mr. DORGAN. Mr. President, seldom in political debate—especially in the Senate—do you find a bright line between that which you think is thoughtful and that which you think is thoughtless. I think I have seen some lines recently.

Let me describe my reaction to someone who suggests those of us who stand up and worry about highway safety in our country are engaged in something that is raw, rotten, and protectionist.

What we are doing is not raw, not rotten, and has nothing to do with protectionism. If you use the word "protection" in the manner I describe our duties in the Senate, let me plead guilty for wanting to protect the interests of Americans on American highways. Let me plead guilty for wanting to protect those interests. I, of course, would never apologize to anyone for standing in the Senate saying this is a critically important issue on behalf of those in our country who travel our country's highways.

The question is, Shall we allow Mexican long-haul trucks in beyond the 20-mile limit? Senator MURRAY from Washington has said, the only condition under which they can come in beyond that 20-mile limit is when they meet the standards that we impose in this country. We have compliance reviews and inspections. We do it in a way that protects the American interests.

What are the differences between our standards and the standards in Mexico? We have had 6 years, and both countries have understood we have come to this intersection, but nothing has been done. I wish my friend from Texas would have had the opportunity I had to sit 3 hours in a hearing on this subject and listen to the inspector general tell us what he found on the U.S.-Mexican border. We know, of course, the standards are different.

In Mexico, there is no hours of service requirement. They can drive 24 hours a day. One newspaper reporter drove with one guy for 1,800 miles. In 3 days, the guy slept 7 hours. This is a truckdriver making \$7 a day, sleeping 7 hours in 3 days, driving a truck that would not pass inspection in this country. And we have some in this Senate who say: Let's let that truck into this country, or at least let's let that truck present itself to an inspection station.

The inspector general, by the way, says there will not be inspectors sufficient at those stations to inspect those vehicles as they come into the United States. So to those who say our goal is to inspect all these vehicles, I say simply look at the numbers. The fuzzy math that the inspector general described for us between the budget requests and what actually is going to happen to these inspection stations, tell us that those trucks are going to come into this country—and they have already been doing it illegally in 26 States, incidentally, including the State of North Dakota. We have had Mexican long-haul truckers violating that 20-mile limit.

My question is this: If you have radically different standards, and we do—no hours of service requirement in Mexico; we do here for 10 hours. No logbooks in Mexico. Yes, they have a law, and they don't carry them in their trucks; we have the requirement here. No alcohol and drug testing in Mexico; we have it here. Drivers' physical considerations, there is a requirement here, really none in Mexico.

The fact is, it is clear we have radically different standards. What we are saying is, we ought not allow long-haul Mexican trucks into this country until we can guarantee to the American people that the trucks or the drivers are not going to pose a safety hazard to American families driving on our roads.

This is all very simple. It is not raw. It is not rotten. It has nothing to do with protectionism. That is just total nonsense. This has to do with the question of when and how we will allow Mexican long-haul trucks into this country.

What we are saying is, we will allow that to happen when, and if, we have standards—both compliance and reviews and inspections—sufficient to tell us that the Mexican trucking industry is meeting the standards we have imposed for over 50 to 75 years in this country in our trucking industry and for our drivers.

We have had a lot of talk about a lot of things that have nothing to do with the core of this issue. We are told that NAFTA requires us to do this. No trade agreement—no trade agreement at any time, under any circumstances—ever in this country has required us to sacrifice safety on our highways. No trade agreement requires us to sacrifice safety with respect to food inspection. No trade agreement requires us to do that.

I have heard for 3 days now that the NAFTA trade agreement somehow requires us to allow long-haul Mexican trucking beyond the 20-mile limit. That is simply not the case.

In fact, the strangest argument by my friend from Texas was that if we did not do this, the Mexicans say they are going to retaliate on corn syrup. The Mexicans are already in violation of NAFTA in corn syrup. A GATT panel already decided that. I think what we ought to do is protect the Murray language. She has done the right thing, and I hope, in the end, we will understand this is about safety for Americans on American roads.

The PRESIDING OFFICER. The managers' time has expired.

The Senator from Arizona is recognized for 4 minutes 2 seconds.

Mr. McCAIN. I thank the Chair.

Mr. President, first of all, in regard to the allegation of my friend from North Dakota, and the description of the regulations and rules in the country of Mexico, the fact is, in our substitute amendment it calls for the inspection of every single truck that comes into the United States from Mexico.

There is a long list of all the requirements of licensing: Insurance, commercial value, safety compliance decals, et cetera, et cetera—a long and detailed set of requirements for Mexican trucks to enter the United States of America. The difference is, it does not have the same cumulative effect that the Murray amendment does, which violates the North American Free Trade Agreement.

I have always enjoyed these billboards that are brought up on the floor that say: Does not violate NAFTA. Does not violate NAFTA. Unfortunately, for those who allege that, the Governments of the two countries that are involved have judged that it does violate NAFTA.

Perhaps if the election last November had turned out differently, a Gore administration might have viewed it not in violation of NAFTA. But here is what the President of the United States says: "Unless changes are made to the Senate bill, the President's senior advisers will recommend that the President veto the bill."

So everybody is entitled to their opinions. But if you are the President of the United States, you are the only one that is entitled to veto.

The Minister of Economics in Mexico:

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.

The elected Governments of the two countries say, indeed, this Murray language is in violation of NAFTA. They are the ones who are elected by their people to make the determination, not individual Members of this body.

Finally, as we wind up, I apologize for any inconvenience, any discomfort, any problems this extended debate has caused any of my colleagues. I know many of them had plans and were discomfited. I extend my apologies.

I hasten to add, I have been involved in a number of major issues over the years I have been here. There has always been a willingness to negotiate and work out problems. That was not the case on this issue. I pledge, no matter what the outcome of this vote, I am still eager to sit down and work out what I view are differences that can be resolved and should be resolved between the Murray language and what we are trying to do because I don't think we are that far apart.

Let's have men and women of good faith and goodwill sit down together after this vote so that we can resolve the differences. No one wants a Presidential veto of this bill; I agree. There is a lot of pork I don't agree with, but there are also a lot of much-needed projects. We don't want a Presidential veto. We have demonstrated that we have 34 votes and can easily sustain a Presidential veto.

After this vote, I again promise my colleague from Washington and my colleague from Nevada, who have been

here constantly, we want to negotiate and work out our differences. I am convinced we can.

I yield the remainder of my time.

#### CLOTURE MOTION

The PRESIDING OFFICER. The time has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative 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 the debate on H.R. 2299, the Transportation Appropriations Act.

Patty Murray, Ron Wyden, Pat Leahy, Harry Reid, Hillary Rodham Clinton, Charles E. Schumer, Jack Reed, Robert C. Byrd, James M. Jeffords, Daniel K. Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara A. Mikulski, and Thomas A. Daschle.

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

The question is, Is it the sense of Senate that debate on H.R. 2299, an act 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 bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "aye."

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "nay."

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

The yeas and nays resulted—yeas 57, nays 27, as follows:

[Rollcall Vote No. 259 Leg.]

#### YEAS—57

Akaka	Bingaman	Campbell
Baucus	Boxer	Cantwell
Bayh	Breaux	Carnahan
Biden	Byrd	Carper



Chafee	Harkin	Murray
Cleland	Hollings	Nelson (FL)
Clinton	Hutchison	Nelson (NE)
Cochran	Inouye	Reed
Collins	Jeffords	Reid
Conrad	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Dayton	Kerry	Schumer
Dodd	Kohl	Shelby
Dorgan	Landrieu	Snowe
Durbin	Leahy	Stabenow
Edwards	Levin	Torricelli
Ensign	Lieberman	Warner
Feingold	Lincoln	Wellstone
Graham	Mikulski	Wyden

## NAYS—27

Allard	Enzi	Lott
Allen	Fitzgerald	Lugar
Bennett	Gramm	McCain
Bunning	Grassley	McConnell
Craig	Gregg	Murkowski
Crapo	Hagel	Smith (NH)
Daschle	Hatch	Thompson
DeWine	Hutchinson	Thurmond
Domenici	Kyl	Voinovich

## NOT VOTING—16

Bond	Inhofe	Smith (OR)
Brownback	Miller	Specter
Burns	Nickles	Stevens
Feinstein	Roberts	Thomas
Frist	Santorum	
Helms	Sessions	

The PRESIDING OFFICER (Ms. STABENOW). On this vote, the yeas are 57, the nays are 27. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DASCHLE. Madam President, I enter a motion to reconsider the vote by which the motion was rejected.

The PRESIDING OFFICER. The motion is entered.

# EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—MOTION TO PROCEED

## CLOTURE MOTION

Mr. DASCHLE. Madam President, I understand we are unable to get agreement to go to the Agriculture Supplemental Authorization. Therefore, I move to proceed to S. 1246, the Agriculture supplemental authorization, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative 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 the debate on motion to proceed to Cal. No. 102, S. 1246, a bill to respond to the continuing economic crisis adversely affecting American farmers:

Tom Harkin, Harry Reid, Jon S. Corzine, Max Baucus, Patty Murray, Hillary Rodham Clinton, Jeff Bingaman, Tim Johnson, Ted Kennedy, Jay Rockefeller, Daniel K. Akaka, Paul Wellstone, Mark Dayton, Maria Cantwell, Benjamin Nelson, Blanche Lincoln, Richard Durbin, and Herb Kohl.

Mr. DASCHLE. I ask unanimous consent this cloture vote occur at 5:30 p.m. on Monday, July 30, and I ask unanimous consent that the mandatory quorum be waived.

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

Mr. DASCHLE. Madam President, for the information of all Senators, this will be the last vote tonight, and we will have the next vote at 5:30 p.m. on Monday.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Madam President, I want to further elaborate on the comments I made just a moment ago. We made the motion to proceed to the Agriculture supplemental authorization bill because we could not get agreement to bring it up on Monday. As most of my colleagues know, this is a very important piece of legislation for just about every State in the country. It has passed in the House. It is important to pass it before we leave, only because, as most of our colleagues probably already know, if we are not able to utilize and commit these resources prior to the August recess, the Congressional Budget Office has indicated to us that they will not allow us the use of these resources prior to the end of the fiscal year. We will lose \$5.5 billion for Agriculture if this legislation does not pass prior to the time we leave in August.

I emphasize I am not making any threats. I am not trying to cajole. I am just trying to state the fact that we need to get this legislation done. This is not a partisan bill. The administration supports dealing with Agriculture. On an overwhelming basis, it passed in the House. We need to pass it in the Senate. I am very disappointed we are not getting the cooperation to proceed to this bill because it is such an important issue. It is for that reason, and only for that reason, that I have delayed the cloture vote on the Transportation bill.

There will be a cloture vote on the Transportation appropriations bill at some point, perhaps early in the week. But, nonetheless, it will happen. If we need to, we will run out the time to get to final passage and then vote on the bill. But I needed to get started on the Agriculture supplemental. And that is what the procedural motion that we just entered into entails.

I appreciate my colleagues' attention.

Mr. DORGAN. Madam President, I wonder if the majority leader will yield for a question.

Mr. DASCHLE. I am happy to yield to the Senator from North Dakota.

Mr. DORGAN. I am trying to understand what has happened. My understanding is that the majority leader is forced to file a cloture motion not to get the bill up but on the motion to proceed to the bill dealing with an emergency appropriation for family

farmers. My understanding is in the budget we reserved an amount of money that we all understood was necessary to try to help family farmers during a pretty tough time. Prices have collapsed. Family farmers are struggling. We all understood we were going to have to do an emergency appropriation to help them.

My understanding at the moment is that you are prevented not only from going to the bill but you are having to file a cloture motion on a motion to proceed to go to the bill to try to provide emergency help for family farmers.

Is that the circumstance we are in and, if so, who is forcing us to do this?

I watched this week while for a couple of days nothing happened on the floor. The appropriations subcommittee chair was here wanting amendments to come, and no amendments came. It looked like the ultimate slow motion on the floor of the Senate. Now we are told—those of us who come from farm country—that not only can we not get to the bill but we have to file cloture on the motion to proceed for emergency help for family farmers.

What on Earth is that about, and who is forcing us to do this?

Mr. CRAIG. Madam President, will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Idaho.

Mr. CRAIG. I am forcing it as someone who has stood on this floor for the last 4 years and fought for nearly \$8 billion a year for family farmers such as you have. We have stood arm in arm in that. But the bill that is coming to the floor is \$2 billion over the budget that you have talked about and that slot in the budget that we prepared.

I must tell you that this Senator is going to vote for emergency funding for farmers in agriculture, but we are not going to go above a very generous budget to do so.

I thought it was most important. Yes, the House has moved. I believe the chairman of the authorizing committee is here, and he can speak for himself.

But it is my understanding that this bill will come to the floor about \$2 billion ahead of where the House was. The House complied with the budget resolution. We are rapping on that door of spending that surplus in Medicare.

I don't care how you use the argument. The reality is very simple. The majority leader is moving us—and he is right—to a very important debate. But it was important for some of us who support farmers but also support fiscal integrity and the budget to stand up and say, Mr. Leader, we are out of budget, we are out of line, and we are \$2 billion beyond where we ought to be. That is why I objected.

Mr. DASCHLE. Madam President, if I could regain the floor, let me say that I appreciate and respect the position of the Senator from Idaho. I am not sure that having this debate on the motion to proceed is the appropriate place to