

firms in exactly the same manner as applications from United States or Canadian firms . . .

U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.

It is that simple. We can ensure the safety of Mexican trucks and comply with NAFTA—and this bill shows us how with commonsense safety measures.

Under our bill, when you are driving on the highway behind a Mexican truck, you can feel safe. The administration's plan is far too weak. Under the administration's plan, trucking companies would mail in a form saying that they are safe and begin driving on our highways.

No inspections for up to a year and a half. The administration is telling American families that the safety check is in the mail. I don't know about you, but I wouldn't bet my family's safety on it. I want an actual inspector looking at that truck, checking that driver's record, making sure that truck won't threaten me or my family.

The White House says: Take the trucking company at its word that its trucks and drivers are safe. Senator SHELBY and I say: Trust an American safety inspector to make sure that truck and driver will be safe on our roads. This is a solid compromise. It will allow robust trade while ensuring the safety of our highways. The people of America need help in the transportation challenges they face every day on crowded roads.

This bill provides real help and funds the projects that members have been asking for. Some Senators would hold every transportation project in the country hostage until they have weakened the safety standards in the Murray-Shelby compromise. That is the wrong thing to do.

Let's keep the safety standards in place so that when you're driving down the highway next to a truck with Mexican license plates you will know that truck is safe. Let's vote for safety by voting for cloture on this bill.

So in closing, this vote is about two things: Helping Americans who are frustrated every day by transportation problems and ensuring the safety of our transportation infrastructure.

Voting for cloture means we can begin making our roads less crowded, our airports less congested, our waterways safer, our railways better, and our highways safer.

Those who vote for cloture are voting to begin making progress across the country and to ensure the safety of our highways.

Those who vote against cloture are voting to keep our roads and airports crowded and to expose Americans to new dangers on our highways.

The choice is simple, and I urge my colleagues to vote for cloture so we can begin putting this good, balanced bill to work for the people we represent.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Under the previous order, the hour of 11 o'clock having arrived, the motion to proceed to the motion to reconsider and the motion to reconsider the failed cloture vote on H.R. 2299 are agreed to.

The clerk will report the motion to invoke cloture.

The assistant 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:

Pat Murray, Ron Wyden, Pat Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, Robert C. Byrd, Jim Jeffords, Daniel K. Akaka, Bob Graham, Paul Sarbanes, Carl Levin, John D. Rockefeller IV, Thomas R. Carper, Barbara Mikulski, and Tom Daschle.

The PRESIDING OFFICER. The question is, Is it the sense of the 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 legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—100

Akaka	Crapo	Inouye
Allard	Daschle	Jeffords
Allen	Dayton	Johnson
Baucus	DeWine	Kennedy
Bayh	Dodd	Kerry
Bennett	Domenici	Kohl
Biden	Dorgan	Kyl
Bingaman	Durbin	Landrieu
Bond	Edwards	Leahy
Boxer	Ensign	Levin
Breaux	Enzi	Lieberman
Brownback	Feingold	Lincoln
Bunning	Feinstein	Lott
Burns	Fitzgerald	Lugar
Byrd	Frist	McCain
Campbell	Graham	McConnell
Cantwell	Gramm	Mikulski
Carnahan	Grassley	Miller
Carper	Gregg	Murkowski
Chafee	Hagel	Murray
Cleland	Harkin	Nelson (FL)
Clinton	Hatch	Nelson (NE)
Cochran	Helms	Nickles
Collins	Hollings	Reed
Conrad	Hutchinson	Reid
Corzine	Hutchison	Roberts
Craig	Inhofe	Rockefeller

Santorum	Snowe	Torricelli
Sarbanes	Specter	Voinovich
Schumer	Stabenow	Warner
Sessions	Stevens	Wellstone
Shelby	Thomas	Wyden
Smith (NH)	Thompson	
Smith (OR)	Thurmond	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Who seeks recognition?  
The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate has now, by a vote of 100-0, moved forward to a time where we can finally go to final passage on the Transportation appropriations bill. I hope that occurs sooner rather than later. All of us have constituents who are waiting in traffic for us to make sure we do the right thing for the infrastructure of this country.

As I have said before, Senator SHELBY and I have worked very hard together. I commend him and his staff, and our staff, for the many hours they have worked to get to the point where we have a bill that represents the important needs of our country—whether it is our airports, our waterways, our highways, our infrastructure. I think we have done a good job with that.

There have been a lot of remarks over the last several weeks regarding the Mexico truck provision. I want to submit for the RECORD a letter from members of the Hispanic caucus in the House.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

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

WASHINGTON, DC,  
July 31, 2001.

Hon. PATTY MURRAY,  
Hon. RICHARD C. SHELBY,  
*Senate Appropriations Committee, Subcommittee on Transportation, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATORS MURRAY AND SHELBY: We are writing to express our disbelief over comments we have read implying that the truck safety measures that you have included in the Transportation Appropriations Bill for Fiscal Year 2002 are somehow "anti-Hispanic" or "anti-Mexican." As you know, when the Transportation Appropriations Bill passed the House, an amendment was adopted that prohibited any Mexican trucks from being granted authority to operate in the United States during Fiscal Year 2002. In a seemingly less extreme approach, the Senate version of the bill, as drafted by your subcommittee, includes several provisions intended to address obvious safety concerns regarding Mexican trucks that have been voiced by impartial and knowledgeable observers such as the U.S. Department of Transportation Inspector General.

The issue of safety on our highways is not an "Hispanic issue." All Americans are equally at risk from unsafe conditions on our highways for all Americans and we share that goal.

Sincerely,  
Ed Pastor, Grace F. Napolitano, Lucille Roybal-Allard, Hilda L. Solis, Solomon P. Ortiz, Silvestre Reyes, Luis V. Gutierrez, Joe Baca, Nydia M.

Velázquez, Rubén Hinojosa, Ciro D. Rodríguez.

Mrs. MURRAY. I think those words speak for themselves. I am happy to submit it for the RECORD and to assure our colleagues we are working for the safety of all Americans.

I have a number of points to which, if this debate continues, I will be speaking this afternoon. But I truly hope that now we can move on and put this bill into place so that we can move to conference, and to make sure we have done the right thing in terms of the infrastructure in our country that is so important to all of our constituents.

I thank the President and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I would like to quickly respond to the Senator from Washington. The Senator from Texas and I, and others, may not use too many hours on this issue, but I want to assure the Senator from Washington we are not moving on. We are not moving on. We have the opportunity to have three more cloture votes on this issue. We intend to fight every single one of those when we return in September.

So to put the mind of the Senator from Washington at ease, we are not moving on. We may have a vote for final passage. We are not moving on. We are not moving on until we have exhausted every last remedy because there is a great deal at stake. There is a huge amount at stake: Not only the fact, according to the Presidents of both nations, that this language represents a violation of a solemn treaty entered into by three nations, but it also sets a terrible precedent.

Are we going to have appropriations bills that violate treaties in the view of the executives of both nations? The proponents of this legislation can say it does not violate NAFTA until they are blue in the face. That is fine with me. But none of those Members was elected President of the United States. We have one President. That President and his advisers have said this language is in violation of a solemn treaty entered into by three nations. That treaty is being violated, and he will veto the bill. And I say, with supreme confidence, that we can muster 34 votes to sustain a Presidential veto.

The Senator from Washington and the proponents of this bill should understand that because the President has made it perfectly clear that he will veto this bill, the responsibility then for the veto will rest with the proponents of this bill who refuse to seriously negotiate on this bill. They have refused to sit down and have meaningful negotiations. They have said it, and they have alleged it, but they have not done it.

I have not been around here as long as the Senator from Texas or other Senators, but I have been around here long enough to know serious negotiations when I see them, and unserious

negotiations when I see them. Negotiations have not been serious. As I have said before, I have negotiated a whole lot of very difficult issues, ranging from a line-item veto, to a Patients' Bill of Rights, to campaign finance reform, with people who were serious about negotiating. I know serious negotiations when I see them. They are not present on this issue.

So without serious negotiations, without removing the unacceptable provisions of this legislation, the President of the United States will veto the bill. The responsibility will be for those who have refused to reach an accommodation not with just the Senator from Texas and me but with the administration.

I might add, those who say they are voting for this bill to move it along, even though they agree with our opposition, well, thanks, but, in all candor, the way you stop legislation around here is by voting against it.

So, Mr. President, this is a serious issue. I have never, since I entered this body in 1987, impeded the legislative process. I have certainly voted against and spoken against a lot of the measures with which I disagreed. I have never used parliamentary procedures to hold up legislation, and I hope I never will again, because I think it is an extreme measure to do so.

I know we have important issues to address. But when we are talking about legislation on an appropriations bill, with never a hearing, never a markup in the Committee on Commerce, Science, and Transportation—oh, there were hearings; there was a hearing on Mexican trucks. We could mark up a bill in the Commerce, Science, and Transportation Committee tomorrow—tomorrow—and bring it to the floor of this Senate. Then it would be done in the appropriate fashion. I do not know if the chairman of the Commerce Committee was consulted on this particular language in the appropriations bill; I know I was not; and I know no Member on my side of the aisle was consulted when this language was inserted by people who have not given a proper airing of this issue and have clearly not taken into consideration the views of the President of Mexico and the President of the United States.

So I repeat, we will not move on. We intend to do whatever is necessary to try to bring about a set of negotiations in which we know the administration would be eager to join, so that we could reach removal of basically four issues that remain that are of difference. There are only four issues, but they are significant differences.

We have received clear written notification from the administration that if either the provisions of this bill or the House-passed measure regarding cross-border trucking are sent to the President, we can expect the bill to be vetoed. I quote from the Statement of Administrative Policy transmitted to the Senate on July 19:

The Senate committee has adopted provisions that could cause the United States to

violate our commitments under NAFTA. Unless changes are made to the Senate bill, the President's senior advisors will recommend that the President veto the bill.

There have been some beneficial effects of Senator GRAMM's and my activities on this issue because it has gotten the attention of editorial writers around the country. I would like to quote from some of those editorial writers from different newspapers around the country for the benefit of the President. I quote from an editorial in the Atlanta Constitution, a July 31 editorial, headlined "Open U.S. Roads to Mexican Trucks."

Can you imagine a world in which Mexican 18-wheelers were allowed to roam freely across U.S. highways—maybe properly inspected, maybe not, with drivers maybe properly trained and licensed, maybe not?

A lot of folks seem unable to grasp what they believe would be a frightening vision, but they really don't have to look very far to get a reliable glimpse of what it would be like. All they have to do is look less than 20 years into the past, when Mexican trucks were permitted free access to America's roads as a matter of course. That practice ended only when Ronald Reagan changed the policy in a dispute over access for U.S. trucks to Mexico's roads.

The old right of access was supposed to have been restored as part of the North American Free Trade Agreement, and President Bush has been pushing to do just that. But now he's having to fight the Teamsters' Union, the Democrats in Congress who habitually do labor's bidding, and even a few members of his own party who don't seem to have bothered to examine the issue.

The truckers' union, of course, is interested only in job protectionism. Under current rules, Mexican trucks can carry goods into border states, but only for a maximum of 20 miles; then, cargo must be loaded onto American trucks, driven by American drivers, most of whom—what a coincidence—happen to be members of the Teamsters. They have disguised their self-interest, however, in a provocative pitch for public safety, painting a picture of U.S. highways plagued by decrepit, faulty vehicles driven by unskilled and careless Mexican cowboys.

There is probably as much prejudice as protectionism in this image; actual statistics do show that Mexican trucks crossing the border fail inspections at higher rates than American vehicles, but the difference has been steadily narrowing. In 1995, 54 percent of the Mexican trucks failed, but that figure has fallen to 36 percent; besides, the Teamster-driven vehicles are no paragons—the failure rate for U.S. trucks is a surprising 24 percent. (Canadian trucks fail at a rate of only 17 percent; maybe we should ban U.S. trucks and only allow those from north of the border.)

It should be noted that the Mexican trucks failing the tests are untypical of that country's fleet. Border crossings can take hours, so companies use older, less tidy vehicles for the short runs for cargo transfers. Trucks that would be used for long-distance hauling within the United States are much newer, some more modern than those used by American firms. (Authorities sometimes catch Mexican trucks that went illegally outside the 20-mile border area; of those, just 19 percent failed inspections, which is a better record than U.S. trucks can boast.)

Continuing to restrict access is a mistake, especially because it would be a continuing violation of U.S. obligations under NAFTA, a trade agreement that has brought unparalleled economic benefits to all three of its

member countries. The Bush administration plans to spend \$144 million for new state and federal inspection stations and personnel, and for checking the safety records and practices of Mexican carriers. That should be enough to allay the concerns of anyone who is truly concerned about safety on the highways—especially since it will create a much more dependable system than the one that existed for all the decades when Mexican trucks did roam freely on our roads.

Republicans in Congress should do a little more homework, and the Democrats should start trying to be something other than toadys for labor unions. This is a battle for self-interest, not for safety, and it's time for it to be over.

Mr. President, I ask unanimous consent that Washington Post editorials and a San Diego Union-Tribune editorial be printed in the RECORD.

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

[From the Washington Post, July 29, 2001]

#### NAFTA IN TROUBLE

On Thursday U.S. Trade Representative Robert Zoellick gave a stirring speech about the North American Free Trade Agreement (NAFTA), which seven years ago created the world's largest free trade area. He noted that U.S. exports to the two NAFTA partners—Mexico and Canada—support 2.9 million American jobs, up from 2 million at the time of the agreement, and that such jobs pay wages that are 13 percent to 18 percent higher than the average in this country. Trade with Mexico alone has tripled. Mexico now buys more from the United States than from Britain, France, Germany and Italy combined.

Unfortunately, Mr. Zoellick's fine speech was not the only NAFTA news last Thursday, for the Senate was simultaneously debating the treaty. A large majority of senators—Thursday's procedural vote went 70 to 30—appears to believe that NAFTA's provisions on trucking across the Mexico border need not be implemented promptly. As a result, Mexico's government is likely to retaliate with \$1 billion or more in trade sanctions. The great forward momentum of the U.S.-Mexican economic relationship may start to be unraveled.

Under NAFTA, Mexican trucks in the United States must abide by U.S. regulations: If they are too dangerous or dirty, they can be pulled off the road. But NAFTA's opponents want to keep Mexican trucks out—period. For the past seven years, the United States has bowed to protectionists by refusing to process Mexican applications for trucking licenses, a practice that NAFTA's dispute-settlement panel has condemned. Now the Bush administration wants to end this obstructionism, but Congress is getting in the way. The House has passed a transportation spending bill that would bar the administration from processing Mexican applications. The Senate is adopting the subtler approach of allowing Mexican trucks in—but only on various burdensome conditions that will have the effect of delaying the opening of the border by a year or more.

The sponsors of the Senate measure, Patty Murray (D-Wash.) and Richard Shelby (R-Ala.), say these conditions are reasonable because Mexican trucks fail U.S. safety standards 50 percent more often than American ones. But this claim is based on questionable numbers, and the right response to high Mexican failure rates is to apply existing U.S. trucking regulations rigorously. The Senate measure goes beyond legitimate rigor and blurs into imposing discriminatory regulations on Mexican carriers. President Bush

says he will veto legislation unless such discrimination is removed from it. That is the right course.

[From the Washington Post, July 31, 2001]

#### BAN ON MEXICAN TRUCKS CALLED "ISOLATIONIST" SIGN; WHITE HOUSE TURNS TABLES ON CRITICS

(By Dana Milbank and Helen Dewar)

White House officials, borrowing one of their critics' main lines of attack, charged yesterday that those who opposed President Bush's free-trade positions were "isolationist" and "unilateralist."

The immediate issue in question was a Democratic proposal before the Senate to block Mexican trucks from U.S. roads. The proposal, which critics say includes 22 separate safety provisions that together would have the effect of barring Mexican trucks for two to three years, is included in a transportation funding bill for next year. The House has already passed a ban on Mexican trucks.

Bush "thinks that the action taken by the United States Senate is unilateralist," White House press secretary Ari Fleischer said yesterday. He called the issue one of the "troubling signs of isolationism on the Hill."

The argument, echoed by others in the administration, signaled a new defense of Bush's policies that goes beyond the narrow issue of what inspections would be required of Mexican trucks entering the United States. Democrats and other critics of the administration have argued that Bush is pursuing a "unilateralist" foreign policy by rejecting international efforts to limit global warming, small arms, biological weapons and tax havens, and by promoting a missile-defense proposal.

Bush advisers have decided to turn the tables on critics by painting the Democrats as isolationists in other areas. In a speech Thursday, U.S. Trade Representative Robert B. Zoellick used a similar argument to promote the North American Free Trade Agreement in general, warning against "economic isolationists and false purveyors of fright and retreat."

In addition to Mexican trucks and NAFTA, White House officials indicated they would make the "isolationist" charge against Democrats over objections to giving Bush broader trade negotiating authority and over their delay in confirming Bush's choice for United Nations ambassador. Consideration of the nominee, John D. Negroponte, has been held up by criticism of his work as ambassador to Honduras in the 1980s.

"There's a series of issues Congress is taking up now where it has to choose between an isolationist response and whether America can compete and win in the world, and Congress is leaning in the direction of isolation," Fleischer said.

In the debate over Mexican trucks, the White House and its allies also tried to reverse an argument about racial insensitivity often used by Democrats. Last week, Senate Minority Leader Trent Lott (R-Miss.) criticized Democrats for "an anti-Mexican, anti-Hispanic, anti-NAFTA attitude."

White House officials declined to join Lott in that argument, saying only that the opposition to Mexican trucks in the United States is "unfair to Mexico" because it would single out that nation rather than impose a single standard for the United States, Canada and Mexico. "This is an issue where the Democrats have to be careful or they're going to cede the Hispanic vote to Republicans in 2002," a senior GOP official said yesterday.

The Senate Democrats' proposal to impose strict safety standards on Mexican trucks remained stalled yesterday by GOP delaying tactics aimed at forcing a compromise ac-

ceptable to the White House. Supporters of the Democrats' proposal, which Bush has threatened to veto as an infringement on NAFTA, got more than enough votes to cut off one filibuster against it last week, virtually assuring its passage at some point. But the proposal, opposed by Sens. John McCain (R-Ariz.) and Phil Gramm (R-Tex.), faces more procedural hurdles before it can be passed.

Senate Majority Leader Thomas A. Daschle (D-S.D.) yesterday reiterated his determination to win passage of the measure before the start of Congress's month-long summer recess this weekend. Lott held out some hope that a House-Senate conference might approve language satisfactory to Bush. If not, he said, Bush will veto the bill and Congress will sustain the veto.

As the Senate marked time on the issue, Enrique Ramirez Jackson, president of the Mexican Senate, met separately with Lott and Daschle on issues affecting the two countries and expressed Mexico's hopes that its trucks will be given full access to the United States, according to Senate aides.

[From the San Diego Union-Tribune, July 30, 2001]

#### FIGHT FOR FREE TRADE

Under the North American Free Trade Agreement, U.S. trucks are supposed to have unrestricted access to Mexico, and Mexican trucks are supposed to have unrestricted access to the United States. But for six years the powerful Teamsters union has succeeded in keeping Mexican trucks off American roads—in plain violation of NAFTA.

Now, it falls to President Bush to stand up once and for all to the Teamsters' political muscle and defend the vital principle of free cross-border trade. Bush should not hesitate to veto a \$60 billion transportation spending bill that is the vehicle for the domestic trucking lobby's efforts to block Mexican truckers' access to American highways.

Based on pre-NAFTA rules, which still are being enforced, Mexican trucks are permitted to operate only within a 20-mile zone north of the border. Beyond the border zone, their cargoes must be transferred to American trucks for shipment elsewhere in the United States or Canada. This is a costly and time-consuming process that drives up prices for American consumers.

Last year, when provisions of NAFTA required that Mexican trucks be allowed to travel freely throughout the United States, the Teamsters persuaded the Clinton White House to suspend the requirement, on grounds that Mexican trucks were unsafe. At the time, Vice President Al Gore was courting the Teamsters' backing for his presidential campaign. When Mexico rightly challenged the Clinton administration's politically motivated action, a NAFTA arbitration panel ruled that the U.S. ban on Mexican trucks violated the trade agreement.

To its credit, the Bush administration announced earlier this year it would honor American obligations under NAFTA and lift the restrictions on Mexican trucks. That touched off a fierce lobbying drive by the Teamsters on Capitol Hill to overturn the president's decision.

In response, the House voted to retain the ban on Mexican trucks, while the Senate approved a milder version that would impose much tougher safety standards on Mexican trucks than exist for Canadian trucks, thereby making it more difficult for Mexican trucks to enter the United States. (Because many of its 1.4 million members are Canadians, the Teamsters union has not sought to curb access by Canadian commercial vehicles to American roads.)

The Teamsters and their allies contend Mexican rigs are unsafe, but the union's real

motivation is to thwart competition from Mexican truckers. When the House voted on the ban, it even refused to appropriate the money President Bush had sought to strengthen border inspection stations and keep out unsafe vehicles.

The White House is right on this issue.

President Bush should stand his ground and veto the transportation measure if the onerous trucking provisions are not removed. The simple way to deal with potentially unsafe Mexican trucks is through robust inspections that turn back unsafe vehicles—not through legislative subterfuge that is little more than thinly disguised protectionism.

Mr. McCAIN. Mr. President, the papers I am quoting from—the New York Times, Washington Post, Atlanta Constitution, Cleveland Plain Dealer—are not renowned rightwing conservative periodicals.

This is from the Cleveland Plain Dealer of July 30, 2001:

The Democrat-controlled Senate, with the help of enough Republicans to block a filibuster, decided last week that equal protection under the law doesn't apply to Mexico under NAFTA.

Beneath a veneer of safety concerns, the Senate refused to eliminate the trade barriers that keep Mexican trucking companies from carrying freight beyond a 20-mile border zone, no matter that among their fleets are some of the most modern, best-equipped trucks on any nation's roads.

It's a witches' brew of protectionist politics disguised as precaution, fueled by the demands of organized labor, that gives off a stench of old-fashioned ethnic prejudice. What's more, it invites a trade war of retaliation, should Mexico decide to close its borders to U.S.-driven imports. Combined with an even harsher House-passed version incorporated in the Department of Transportation appropriations bill, it invites a veto by President George W. Bush.

No one supporting Mexico's rights under the North American Free Trade Agreement ever has argued that American roads should be opened to unsafe vehicles. But in the years since NAFTA was passed, Mexico has made giant strides to improve its fleets. Some of its largest trucking companies now have rigs whose quality surpasses those of American companies.

But safety is little more than a straw dog in this fight. What this is about is the \$140 billion in goods shipped to the United States from Mexico each year, and the Teamsters Union's desire that its members keep control of that lucrative trade.

Labor—which documents gathered in a four-year Federal Elections Commission Probe show has had veto power over Democratic Party positions for years—has never accepted the benefits of expanded hemispheric trade. It has been adamant in its opposition to allowing Mexican trucks, no matter how modern the equipment or well-trained the drivers, access to U.S. highways. It was this opposition that kept President Bill Clinton from implementing the agreement, and it is this opposition that yet drives labor's handservants, who now control the Senate.

This position should be an embarrassment to a party that makes a show of its concerns for the poor and downtrodden. It is a setback to U.S.-Mexican relations, and an insult to Mexico's good and earnest efforts to improve relations with its northern neighbor. It is an abrogation of our treaty responsibilities, and it must not be allowed to stand.

I repeat, that is from the Cleveland Plain Dealer.

Quoting from the New York Times from July 30, the Monday edition, titled "Teamsters May Stall Bush Goals for Mexican Trucks and Trade," an article by Philip Shenon:

A lobbying campaign led by the Teamsters union to keep Mexican trucks off American roads is on the verge of handing organized labor a major legislative victory over President Bush, endangering one of his most cherished foreign policy goals and reminding the White House of the political muscle still flexed here by labor unions.

If the Teamsters prevail, it could undermine the president's hopes of improved trade and diplomatic ties with Mexico, which has demanded the opening of the border to Mexican trucks under terms of the eight-year-old North American Free Trade Agreement. Mr. Bush had hoped to comply by next year.

Nafta and its liberalized trade rules have long been a target of the Teamsters, which has 1.4 million members, many of them truck drivers.

Mr. President, it is a very interesting article. I won't take the time to read it all. It basically points out the facts, which are that this is not really about safety; this is about the Teamsters Union and labor flexing their muscles. I will repeat, as I have over and over again, the Senator from Texas and I have put detailed, comprehensive safety requirements into our legislation which would clearly protect every American from any unsafe Mexican truck entering into the United States of America because it requires every Mexican truck to be inspected. But, obviously, that is not good enough for the Teamsters or for those who support the legislation that is presently in the Transportation appropriations legislation.

I want to say a few words about the underlying bill. It is interesting. So far this year, spending levels, including this bill, have surpassed the President's total budget request by nearly \$4 billion. This year's bill contains 683 earmarks, totaling \$3.148 billion in porkbarrel spending. Last year there were 753 earmarks, totaling \$702 million. There has been a dramatic increase in the number of earmarks and porkbarrel spending.

According to the Office of Management and Budget, the number of unrequested projects inserted into spending bills approved by Congress rose from 1,724 in 1993 to 3,476 in 2000 and, ultimately, to 6,454 in the current fiscal year.

Our colleagues in the House of Representatives requested close to 19,000 earmarks this year, at a cost of \$279 billion if all were approved. This year's overindulgence of earmarks is so egregious that Mitch Daniels, Director of OMB, wrote a letter to the Senate Appropriations Committee imploring them to cut the excessive earmarks included in the House-passed appropriations bills when they got to the Senate.

As always, some benefit substantially more than others. I have mentioned the State of West Virginia, which will be the proud recipient of \$6,599,062 under the National Scenic Byways Program. I have also men-

tioned the State of Washington, which benefits substantially from the National Scenic Byways Program. Under that portion of the bill, Washington will receive \$2,683,767, of which \$790,680 will fund the North Pend Orielle Scenic Byway—Sweet Creek Falls Interpretive Trail Project, et cetera, et cetera.

I am sure these are worthy projects. Why in the world weren't they authorized? Why was there not a hearing? Why were they inserted in legislation which gave no consideration to other projects and programs that other States have? Every State deserves the right to compete for Federal dollars under programs such as the National Scenic Byways Program, not just States that are fortunate to have representation in the congressional Appropriations committees.

I can't let this opportunity go by again without mentioning the \$4.650 million that is carved out of the Coast Guard portion of this bill to "test and evaluate" a currently developed 85-foot fast patrol craft that is manufactured in the United States and has a top speed of 40 knots. Mr. President, translation. That is "French" for a porkbarrel project for the State of Washington. It is the only place where this vessel can be tested and evaluated in the United States, and it has a top speed of 40 knots. Guess where. Guardian Marine International, located in Edmonds, WA. Not only did the U.S. Coast Guard not ask for this vessel, they looked at the Guardian vessel, considered its merits, and concluded it would not meet the Coast Guard's needs.

What is wrong with that? Well, we have severe personnel problems with recruitment and retention in the Coast Guard today. We need to spend this money not on an 85-foot patrol craft that the Coast Guard doesn't want or need; we need to spend it on the men and women in the Coast Guard, improve their housing, improve their living conditions. We need to provide them with the pay and benefits they need and deserve.

What are we doing spending \$4.650 million on a project that will be useless? This will be a one-of-a-kind vessel. It will sit by itself, and it will have huge maintenance and upkeep costs because it will be one of a kind, instead of giving the Air Force the craft they need.

I guess the Senate Appropriations Committee has a better understanding than the Coast Guard of what equipment will and won't work best. Maybe we are all wasting our time. Perhaps we should abolish the Department of Transportation and allow our appropriators to act as our new transportation specialists.

I will mention one thing that was in Congress Daily this morning:

Nussle Warns of Possible Fiscal Year 2001 Spending Cuts.

House Budget Chairman Nussle warned Tuesday that if budget forecasts continue to worsen, Congress might have to take drastic

steps, including trimming Federal spending, to preserve surpluses for debt reduction. "Spending may have to be curtailed after CBO releases the midsession review," Nussle said. "If we want to pay off more debt, we need to reduce spending."

What is this appropriations bill doing? Increasing spending. What did the others do? Already we have increased spending in the appropriations bills we have passed by some \$4 billion. It is a dangerous course of action we are engaged in. This continued earmark porkbarrel spending is going to exact a very heavy price. This bill is replete with them. This bill, in my view, is typical of the kind of product for which we may pay a very heavy price in the future, where we may have to make cuts in really needed programs, including those that are for those who are in need in our society and our Nation.

So I want to assure my colleagues that, contrary to what may have been contemplated here, yes, we will have a vote on final passage of the bill. Then there will be three votes after that concerning the appointment of conferees that are key and are debatable and will require cloture motions as well. So, clearly, we will have stretched this issue out into the month of September, at least.

I remind my colleagues that our President is welcoming the President of Mexico to the United States in September. In fact, I am told that the first official state dinner hosted by President Bush will be in honor of President Fox. I think that is a very appropriate and very important and significant occasion because of the importance of our relations with Mexico. I hope we will not be continuing on a course of violating a solemn treaty between our two nations while the President of Mexico is present and being honored in the United States of America.

I thank my colleague from Texas for his steadfast efforts in this endeavor. I think he may join me again this year in being voted "Miss Congeniality." Perhaps we will share the honor. The fact is that we believe passionately that this kind of activity—legislative activity on an appropriations bill—is absolutely, totally inappropriate, and the impact and implications of passage of such legislation through the Congress of the United States not only is very bad for our relations with one country, but if this body gets into the business on appropriations bills of amending treaties and making solemn treaties illegal and unconstitutional, and violates them, then of course that kind of precedent is very bad for all of the institutions of this great democracy of ours.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I have a number of editorials which support the position the majority of Senators have taken in terms of the com-

monsense safety approaches written in the underlying Transportation bill.

Let me begin by quoting from the Seattle Post-Intelligencer editorial board from this morning:

Mexican trucks are welcome in this country so long as they make the same safety criteria required of all the vehicles that travel here. Senator Patty Murray has taken just the right approach to this sensitive and contentious issue. The Bush administration, which unwisely has threatened to veto the transportation bill over this matter, contends that under terms of the North American Free Trade Agreement, Mexican trucks should be allowed to travel freely beyond the 20-mile commercial zone at the southern border to which they are now restricted.

The House of Representatives disagrees. It voted to keep the trucks limited to where they now are, permitted to travel when delivering Mexican goods to U.S. markets. Murray, who heads the Senate Appropriations Subcommittee on Transportation, wrote the transportation bill that rightly requires Mexican trucks to have safety inspections and to be insured by a carrier licensed to do business in the United States before they can travel in this country. These are simple, commonsense requirements.

From the Roanoke Times & World News:

Among other things, certainly the inspections indicate an element of protectionism but of the public safety, not the spirit of free trade. By a large bipartisan majority, 19 Republicans joined all 50 Democrats and one independent. The Senate voted Thursday to end a filibuster to kill the tougher standards. Senate Minority Leader Trent Lott charged that the initiative was anti-Mexican and anti-Hispanic and suggested that Mexican trucks should be inspected according to the same standards as Canadian trucks. Lott commits aggravated silliness.

A recent study by the Inspector General of the Transportation Department found that nearly two in five Mexican trucks failed basic safety inspections compared with one in four U.S. trucks and one in seven Canadian trucks. In addition, Mexican truckers are often overworked and their fatigue could pose a danger to American drivers.

As for violating the free trade spirit of NAFTA, the treaty already contains provisions allowing legitimate safety regulations. Given the clear evidence presented by the Transportation Department, Congress would be remiss by opening U.S. borders to trucks known to be unsafe.

From the Press Democrat in Santa Rosa, CA:

With Mexican trucks failing border inspections nearly two in five times, safety is a far more important concern. The dismal record is an indication that a well-funded border inspection program is critical. The Senate proposal, which requires around-the-clock border inspections, is a balanced measure that will allow trucking while still keeping roads relatively safe. But with one in four American trucks failing safety tests, do not take your eyes off the rear view mirror any time soon.

From the Sarasota Herald Tribune:

Public safety, not politics, money, free trade or international relations, should be the priority as American leaders debate whether to allow tractor trailers from Mexico to deliver goods in the United States.

From the Deseret News:

A Senate bill would apply a simple solution. It would require the Mexican truckers to obtain U.S. insurance and to pass safety

inspections before crossing the border. Then the trucks would be free to travel where they would like within the United States and presumably to Canada. These are sensible requirements that ultimately could save lives. The only objection the President can offer is that Congress does not hold Canadian truckers to the same standards, but Congress does not need to do so. Canada already holds its truckers to standards more rigid than those in the United States.

They go on to say:

The only way to end the problem of illegal immigration is to help Mexico's economy grow to the point where leaving the country no longer is necessary for survival and prosperity. But this cannot be done at the peril of highway safety in the United States. Despite the threats of a veto, Congress needs to pass tough standards on all trucks that come from south of the border.

From the Providence Journal:

Kudos to the Senate for voting 70-30 for strict safety standards for Mexican trucks on U.S. roads. The government has the duty to ensure that foreign truckers follow the same rules that American ones do. Statistics show trucks from Mexico with more lenient safety standards than the United States are 50 percent more likely to fail U.S. inspections than ours. A race to the bottom is intolerable.

From the Seattle Times Editorial Board:

Suggesting inspections will inhibit free trade is more than a bit disingenuous, given that current law keeps Mexican trucks within a 20-mile zone along the U.S. border. Earlier this summer, the House of Representatives passed a harsh measure to block any Mexican trucks from venturing beyond that zone. Opening U.S. highways to Mexico's trucking industry is in the full spirit of NAFTA, as long as the trucks are safe and insured. This is hardly onerous. Indeed, Canadian trucks and truckers have a better inspection record than U.S. trucks. Do not take too much of the Teamsters Union's backing the safety measure as if to suggest it was a topic with heavy labor influence. Only a fraction of U.S. drivers are represented by organized labor. This fight is fundamentally about highway safety. Creating a haven of lesser standards south of the border might invite the U.S. trucking industry to essentially reflag their fleets where regulations are lax.

Madam President, I ask unanimous consent that all of the editorials to which I have referred, as well as a press release from the AAA of Texas chapter, be printed in the RECORD.

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

[From the Seattle Post-Intelligencer, Aug. 1, 2001]

#### IMPOSE U.S. SAFETY STANDARDS ON MEXICAN TRUCKS

Mexican trucks are welcome in this country—so long as they meet the same safety criteria required of all other vehicles that travel here.

Sen. Patty Murray, D-Wash., has taken just the right approach to this sensitive and contentious issue, which threatens to derail the transportation bill and some \$140 million in much-needed funding earmarked by Murray for this state.

The Bush administration, which unwisely has threatened to veto the transportation bill over this matter, contends that under terms of the North American Free Trade Agreement, Mexican trucks should be allowed to travel freely beyond the 20-mile

commercial zone at the southern border to which they are now restricted.

The House of Representatives disagrees; it voted to keep the trucks limited to where they now are permitted to travel when delivering Mexican goods to U.S. markets.

Murray, who heads the Senate appropriations subcommittee on transportation, wrote the transportation bill that rightly requires Mexican trucks to have safety inspections and to be insured by a carrier licensed to do business in the United States before they can travel in this country.

These are simply common-sense requirements. However, care must be taken in implementation to avoid having them become a bogus trade barrier.

Murray contends Mexican trucks are less safe than U.S. trucks. She says a recent study by the inspector general of the Department of Transportation found that nearly two in five Mexican trucks failed basic safety inspections compared with one in four American trucks and one in seven Canadian trucks. Since Canadian trucks appear safer than American ones, there seems no rationale for imposing additional requirements on them.

But President Bush, rightly has at the top of his international agenda improving relations with Mexico, says it would be too expensive and time-consuming to require the Mexican trucks to meet U.S. safety and insurance standards. However, introducing unsafe trucks on U.S. highways is unlikely to improve relations between our two countries; quite the opposite.

Mexico, meanwhile, has raised the possibility that it might restrict the import of American agricultural goods in retaliation. That's non-productive. A better course is to assure Mexican trucks meet international safety standards.

Murray, who also chairs the Democratic Senate Campaign Committee, happens to be on the same page in this dispute as the all-powerful Teamsters union, which ardently opposes the entrance of Mexican trucks and their low-paid, often overworked, non-unionized drivers. The Teamsters clearly have a self-interest in putting the brakes on the entrance of Mexican trucks.

Murray's business, however, is the public interest, not that of the Teamsters. We believe that in insisting that Mexican trucks comply with U.S. laws, she's properly discharging that larger duty.

As a NAFTA arbitration panel acknowledged last February, the United States is "responsible for the safe operation of trucks within U.S. territory, whether ownership is U.S., Canadian or Mexican."

[From the Roanoke Times & World News, July 28, 2001]

#### REQUIRE MEXICAN TRUCKS TO MEET THE SAFETY TEST

As frequent drivers of Interstate 81 can attest, sharing the road with high-balling semi-trailer trucks intensifies anxiety about highway safety, even with the assumption those behemoths meet safety-inspection standards.

The same assumption cannot be applied to Mexican trucks, about 40 percent of which fail U.S. standards, so the U.S. Senate's hesitation this week to allow free entry of big commercial Mexican vehicles onto U.S. highways in January is both understandable and prudent.

President Bush, the Senate's Republican leadership and the Mexican government have opposed an amendment to the pending \$60 billion Senate transportation spending bill that would require much stricter safety inspections before allowing the Mexican trucks to venture freely onto U.S. highways. Oppo-

nents contend that such a restriction violates the North American Free Trade Agreement.

Certainly, the inspections indicate an element of protectionism—but of the public safety, not the spirit of free trade. By a large bipartisan majority—19 Republicans joined all 50 Democrats and one independent—the Senate voted Thursday to end a filibuster to kill the tougher standards.

Senate Majority Leader Trent Lott, R-Miss., charged that the initiative was "anti-Mexican" and "anti-Hispanic," and suggested that Mexican trucks should be inspected according to the same standards as Canadian trucks.

Lott commits aggravated silliness. A recent study by the inspector general of the Transportation Department found that nearly two in five Mexican trucks failed basic safety inspections, compared with one in four U.S. trucks and one in seven Canadian trucks. In addition, Mexican truckers are often overworked, and their fatigue could pose a danger to American drivers.

As for violating the free-trade spirit of NAFTA, the treaty already contains provisions allowing legitimate safety regulations. Given the clear evidence presented by the Transportation Department, Congress would be remiss by opening U.S. borders to trucks known to be unsafe.

President Bush has threatened to veto the entire transportation spending bill if Congress fails to remove the tougher inspection standards. Some alarm has been expressed by farming states and agriculture lobbyists after Mexican officials threatened to consider restrictions on U.S. agricultural imports if the bill becomes law.

Congress should be more concerned about the lives of Americans driving on U.S. highways.

[From the Press Democrat Santa Rosa, July 30, 2001]

#### MEXICAN TRUCKS SENATE PROPOSAL ALLOWS FREE TRADE WHILE ENSURING SAFER ROADS

In February an arbitration panel determined that the Clinton administration policy limiting Mexican trucks to a 20-mile border zone violated the North American Free Trade Agreement.

Since that ruling, Congress, President Bush and the Teamsters union have been fighting over how to regulate 18-wheelers originating from Mexico.

The Teamsters union opposes opening the border to Mexican truckers because it fears losing union jobs. In other words, having lost the free trade battle in 1993, it is now trying to unravel NAFTA piece-by-piece. It seems the Teamsters' time would be better spent improving U.S. truckers' competitiveness.

With Mexican trucks failing border inspections nearly two in five times, safety is a far more important concern. The dismal record is an indication that a well-funded, border inspection program is critical.

The Senate proposal, which requires around the clock border inspections, is a balanced measure that will allow trucking while still keeping roads—relatively—safe. But with one in four American trucks failing safety tests, don't take your eyes off the rearview mirror anytime soon.

[From the Sarasota Herald-Tribune, July 31, 2001]

#### NO SUBSTITUTE FOR SAFETY TRADE PACT DOESN'T PRECLUDE HIGH STANDARDS FOR TRUCKS

Public safety—not politics, money, free trade or international relations—should be the priority as American leaders debate whether to allow tractor-trailers from Mexico to deliver goods in the United States.

President Bush wants to enable Mexican trucks to begin making long-haul deliveries on U.S. highways in January as part of the North American Free Trade Agreement with Mexico and Canada. Currently, big trucks from Mexico are limited to a 20-mile zone near the border.

In recent days, a bipartisan group in the Senate has pushed for a stricter U.S. inspection program for Mexican trucks. They cite statistics indicating that trucks from Mexico are almost 50 percent more likely to fail inspections than U.S. trucks.

But Bush and his allies on this issue, including Sen. John McCain, R-Ariz., contend that the safety fears are overblown and that the proposed standards are tougher than those in place for Canadian trucks. Sen. Trent Lott, R-Miss., takes the rhetoric further and accuses Democrats of being "anti-Mexican" and "anti-Hispanic."

The cries of discrimination make for great TV sound bites, but if there is evidence that inspections are less rigorous in Mexico, why shouldn't the United States do more to ensure that Mexican vehicles are safe before they enter U.S. roads?

Tractor-trailers are already a significant safety concern in this country. In recent years, federal safety officials have documented a steady increase in the number of deaths caused by accidents involving big trucks. Let's not add to the carnage in the name of free trade, or politics.

[From the Deseret News, July 31, 2001]

#### ALL TRUCKS NEED STANDARDS

As usual in Washington, the debate over whether to apply tough standards to Mexican trucks that cross the border has to do with a lot more than the simple issue at hand. For the Bush administration, it has to do with the Hispanic vote, of which he obtained only 35 percent last year. For the Democrats, it has to do with organized labor, which would love to drive into Mexico but doesn't want to lose any jobs by allowing the Mexicans to drive here.

Those are the currents running swiftly beneath the surface. On the top, however, the debate is centering on the only thing that really ought to matter—safety.

Organized labor lost its fight to keep Mexican businesses out eight years ago when Congress passed the North American Free Trade Agreement. Bush's support among Hispanics, and his relationship with Mexican President Vicente Fox (who has threatened trade retaliation against the United States) have to be dealt with in a different arena. This is a question of keeping unsafe vehicles off the highway.

Current rules allow Mexican trucks to travel no further than 30 kilometers (18.6 miles) over the border—just far enough to unload their cargo onto American trucks. Border inspectors there have found that more than one-third of Mexican trucks fail to meet the safety standards required of American trucks.

A Senate bill would apply a simply solution. It would require the Mexican truckers to obtain U.S. insurance and to pass safety inspections before crossing the border. Then the trucks would be free to travel where they would like within the United States and, presumably, to Canada. These are sensible requirements that ultimately could save lives. The only objection the president can offer is that Congress doesn't hold Canadian truckers to the same standards.

But Congress doesn't need to do so. Canada already holds its truckers to standards more rigid than those in the United States.

In many ways, this is an example of the types of conflicts that will occasionally arise when attempting free trade with a nation

whose economy is struggling to stand on its own. Mexico has made great strides in recent years, eliminating much of the corruption that used to plague its one-party government. The United States should reward those efforts with increased trade. The only way to end the problem of illegal immigration is to help Mexico's economy grow to the point where leaving the country no longer is necessary for survival and prosperity.

But this can't be done at the peril of highway safety in the United States. Despite the threats of a veto, Congress needs to pass tough standards on all trucks that come from south of the border.

[From the Providence Journal, July 29, 2001]  
DIVERS RUMINATIONS

Kudos to the Senate for voting, 70 to 30, for strict safety standards for Mexican trucks on U.S. roads. The government has the duty to ensure that foreign truckers follow the same rules that American ones do. Statistics show trucks from Mexico, with more lenient safety standards than the United States's, are 50 percent more likely to fail U.S. inspections than are ours. (Mexican trucks' emissions problems are bad, too.) A race to the bottom is intolerable.

Meanwhile, President Bush is commendably backing off from an idea floated to give a blanket amnesty to illegal Mexican immigrants but not necessarily for illegal immigrants from other nations. We are leery of any blanket amnesty because it would tend to encourage lawbreaking. But basic fairness requires that a plan to "regularize" illegals, not single out one nationality.

Rumor has it that stars usually bound for the likes of the Hamptons have discovered the pastoral and coastal beauties of Westport and South Dartmouth, and are eyeing real estate there. The names bruited so far include Harrison Ford, Paul McCartney, Dennis Quaid and David Duchovny. Will the glitz, and soaring prices, that have soured Long Island's south shore infect Buzzards Bay towns, too? Better for us if celebs use assumed names if they buy land.

To protect its right to regulate land use, North Kingstown commendably keeps battling developer/nightclub owner Michael Kent. Mr. Kent is infamous for chopping down the trees and painting the stumps blue and red on a parcel that the town said he couldn't build on. Now he dumps manure and says he might keep ostriches there, as he puts up signs calling his spread "Plum Beach Park." Enough!

[From the Seattle Times, July 30, 2001]  
FREE TRADE AND SAFE HIGHWAYS

Washington Sen. Patty Murray led a strong, appropriate effort to require tougher safety standards for Mexican trucks entering the United States.

The White House and Republican leadership waged a phony war against this highway-safety measure with claims it undermined the 1993 North American Free Trade Agreement and relations with our neighbor.

Senate Minority Leader Trent Lott, R-Miss., stooped so low as to suggest the effort was anti-Mexican. Poppycock. This is about improving standards for Mexican trucks that are 50 percent more likely to fail U.S. inspections than American vehicles.

Nineteen Republicans joined Senate Democrats to knock down parliamentary attempts to tie up the requirements for regular U.S. inspections of Mexican trucks and drivers, on-site audits of Mexican trucking firms, and more scales and inspectors at 27 U.S. border stations.

Suggesting inspections will inhibit free trade is more than a bit disingenuous given that current law keeps Mexican trucks with-

in a 20-mile zone along the U.S. border. Earlier this summer, the House of Representatives passed a harsh measure to block any Mexican trucks from venturing beyond that zone.

Opening U.S. highways to Mexico's trucking industry is in the full spirit of NAFTA, as long as the trucks are safe and insured. This is hardly onerous. Indeed, Canadian trucks and truckers have a better inspection record than U.S. trucks.

Don't make too much of the Teamsters Union backing the safety measure, as if to suggest it was a topic with heavy labor influence. Only a fraction of U.S. drivers are represented by organized labor. This fight is fundamentally about highway safety.

Creating a haven of lesser standards south of the border might invite the U.S. trucking industry to essentially re-flag their fleets where regulations are lax.

At the same time, Congress must not create a system of rules and standards that are thinly veiled trade barriers. Murray and Sen. Richard Shelby, R-Ala., transportation committee allies on this effort, are not headed in that direction.

The White House wants to make sure NAFTA is supported and that Mexico is nurtured as a friend, ally and trading partner. But the Bush administration's garbled, inconsistent response on truck safety only confused matters.

Opening America's roads to Mexican trucks and truckers is in the best spirit of free trade. Expecting those rigs to be adequately maintained and insured is a modest price to pay for access to the world's most-prosperous consumer market.

[From the Roanoke Times & World News,  
July 28, 2001]

#### REQUIRE MEXICAN TRUCKS TO MEET THE SAFETY TEST

As frequent drivers of Interstate 81 can attest, sharing the road with high-balling semi-trailer trucks intensifies anxiety about highway safety, even with the assumption those behemoths meet safety-inspection standards.

The same assumption cannot be applied to Mexican trucks, about 40 percent of which fail U.S. standards, so the U.S. Senate's hesitation this week to allow free entry of big commercial Mexican vehicles onto U.S. highways in January is both understandable and prudent.

President Bush, the Senate's Republican leadership and the Mexican government have opposed an amendment to the pending \$60 billion Senate transportation spending bill that would require much stricter safety inspections before allowing the Mexican trucks to venture freely onto U.S. highways. Opponents contend that such a restriction violates the North American Free Trade Agreement.

Certainly, the inspections indicate an element of protectionism—but of the public safety, not the spirit of free trade. By a large bipartisan majority—19 Republicans joined all 50 Democrats and one independent—the Senate voted Thursday to end a filibuster to kill the tougher standards.

Senate Majority Leader Trent Lott, R-Miss., charged that the initiative was "anti-Mexican" and "anti-Hispanic," and suggested that Mexican trucks should be inspected according to the same standards as Canadian trucks.

Lott commits aggravated silliness. A recent study by the inspector general of the Transportation Department found that nearly two in five Mexican trucks failed basic safety inspections, compared with one in four U.S. trucks and one in seven Canadian trucks. In addition, Mexican truckers are

often overworked, and their fatigue could pose a danger to American drivers.

As for violating the free-trade spirit of NAFTA, the treaty already contains provisions allowing legitimate safety regulations. Given the clear evidence presented by the Transportation Department, Congress would be remiss by opening U.S. borders to trucks known to be unsafe.

President Bush has threatened to veto the entire transportation spending bill if Congress fails to remove the tougher inspection standards. Some alarm has been expressed by farming states and agriculture lobbyists after Mexican officials threatened to consider restrictions on U.S. agricultural imports if the bill becomes law.

Congress should be more concerned about the lives of Americans driving on U.S. highways.

[Press release from the "Triple A" Texas  
Chapter]

#### TRUCK SAFETY INSPECTIONS MUST DRIVE PLAN TO OPEN BORDER; AAA TEXAS CALLS ON CONGRESS TO PUT MOTORIST SAFETY FIRST

(News/Assignment Editors & Government/  
Automotive Writers)

HOUSTON—(Business Wire)—July 25, 2001.—AAA Texas is urging Congress to significantly increase the safety inspections of Mexico-origination trucks before allowing them unrestricted access to roads in Texas and the rest of the U.S. as provided under the North American Free Trade Agreement (NAFTA).

Currently, trucks based in Mexico are allowed to travel up to 20 miles inside the U.S. border. Under the administration's proposal, Mexico-origination trucks would be allowed unrestricted access for up to 18 months before audits and safety inspections of the owner's facilities, drivers and their practices would be conducted. With more than 1,200 miles of border, more than 70 percent of the truck traffic from Mexico will travel on Texas roads.

"Texas motorists are concerned about the safety of these trucks and their drivers," said Public and Government Affairs Manager Anne O'Ryan. "Until recently, Mexico had few safety or enforcement standards for the vehicles or the drivers." Department of Public Safety officials estimate that half of the short-haul trucks from Mexico don't meet U.S. safety standards. The U.S. Department of Transportation reports that more than 35 percent of trucks from Mexico were taken out of service for safety violations in 2000. That compares to 24 percent for U.S. trucks and 17 percent for trucks from Canada.

The U.S. Senate is debating a proposal that would require Mexico-origination trucks to meet the same U.S. safety standards as trucks from Canada. Many of AAA's suggestions are being considered in the proposal.

AAA has offered the following safety recommendations:

On-site safety audits at the company facility, prior to authorizing their trucks to cross the border;

Significant improvements in safety inspections at the border including enforcement of U.S. weight limits;

Adequate resources for enforcement throughout the U.S.;

Adequate and verifiable insurance on each vehicle;

Shared tracking of the company's truck and driver safety records between U.S. and Mexican authorities; and

Enforcement of safety laws, including limiting the number of continuous hours spent driving.

"The safety of the motoring public should not be risked in the rush to meet an apparently arbitrary deadline," said O'Ryan. The

Senate proposal is being debated this week for inclusion in the Department of Transportation Appropriations bill.

Mrs. MURRAY. I will read this press release to my colleagues. It is dated July 25. It says:

AAA of Texas is urging Congress to significantly increase the safety inspections of Mexico-origination trucks before allowing them unrestricted access to roads in Texas and the rest of the U.S. as provided under the North American Free Trade Agreement. Currently, trucks based in Mexico are allowed to travel up to 20 miles inside the U.S. border. Under the administration's proposal, Mexico-origination trucks would be allowed unrestricted access for up to 18 months before audits and safety inspections of the owner's facilities, drivers and their practices would be conducted.

With more than 1,200 miles of border, more than 70 percent of the truck traffic in Mexico will travel on Texas roads. Texas motorists are concerned about the safety of these trucks and their drivers, said Public and Government Affairs Manager Anne O'Ryan.

Until recently, Mexico had few safety or enforcement standards for the vehicles or for the drivers. Department of Public Safety Officials estimate that half of the short-haul trucks from Mexico do not meet U.S. safety standards.

The U.S. Department of Transportation reports that more than 35 percent of trucks from Mexico were taken out of service for safety violations in 2000. That compares to 24 percent for U.S. trucks and 17 percent for trucks from Canada. The U.S. Senate is debating a proposal that would require Mexico origination trucks to meet the same U.S. safety standards as trucks from Canada. Many of AAA's suggestions are being considered in the proposal.

AAA has offered the following safety recommendations: On-site safety audits at the company facility prior to authorizing their trucks to cross the border; significant improvements in safety inspections at the border, including enforcement of U.S. weight limits; adequate resources for enforcement throughout the United States; adequate and verifiable insurance on each vehicle; shared tracking of the company's truck and driver safety records between U.S. and Mexican authorities; enforcement of safety laws, including limiting the number of continuous hours spent driving.

I quote from O'Ryan:

The safety of the motoring public should not be risked in the rush to meet an apparently arbitrary deadline. The Senate proposal is being debated this week for inclusion in the Department of Transportation appropriations bill.

These are not my words. They are not the words of Senator SHELBY. They are not the words of any Senator. They are the words of the AAA of Texas chapter.

Our opponents have clearly lost the safety debate and, unfortunately, instead of allowing us to move forward with a balanced bipartisan compromise, they have used many parliamentary tactics to slow down this process in hopes of extracting some concessions.

Their approach, I believe, is unfortunate and unsuccessful. I am not here to respond in kind. Their attacks have done a disservice to this important debate on the highway safety issue. I want my colleagues to recognize these insults have been unnecessary and have

delayed putting this bill to work for the American people. Opponents held hostage a \$60 billion bill that funds transportation solutions in every State because they want to lower safety standards for Mexican trucks.

We can improve free trade and ensure our own safety at the same time. This bill is a balanced and bipartisan compromise. I will turn to some of the specific provisions that have the other side so concerned. They are simple and they make sense. They do not violate NAFTA. Most importantly, they will help keep Americans safe on the highways.

Here is what our bill requires: Mexican trucks only be allowed to cross the border at stations where there are inspectors on duty; our bill requires the Department of Transportation's inspector general to certify border inspection officers are fully trained as safety specialists capable of conducting compliance reviews; further, the administration cannot raid the safety personnel who are working at other areas today just to staff the southern border; that the Department of Transportation perform a compliance review of Mexican trucking firms and that these take place onsite at each firm's facilities; that Mexican truckers comply with pertinent hours of service rules; that the United States and Mexican Governments work out a system where United States law enforcement officials can verify the status and validity of licenses, vehicle registration, operating authority, and proper insurance; that all State inspectors, funded in part or in whole with Federal funds, check for violations of Federal regulations; that all violations of Federal law detected by State inspectors will either be enforced by State inspectors or forwarded to Federal authorities for enforcement action; that the Department of Transportation's inspector general certify there is adequate capacity to conduct a sufficient number of meaningful truck inspections to maintain safety; that proper systems be put in place to ensure compliance with United States weight limits; that an adequate system be established to allow access to data related to the safety record of Mexican trucking firms and drivers; and finally, that the Department of Transportation enact rules on the following points: To ensure that motor carriers are knowledgeable about United States safety standards; to improve training and provide certification of motor carrier safety auditors; to ensure that foreign motor carriers be prohibited from leasing their vehicles to another carrier to transport products to the United States while the firm is subjected to a suspension, restriction, or limitation on rights to operate in the United States; and that the United States permanently disqualify foreign motor carriers that have been found to have operated illegally in the United States.

These are commonsense standards which the President is opposing. These simple, reasonable standards are what

those on the other side have used to stall this bill. Senator SHELBY and I have spent hours, which have turned into days, and now weeks, trying to find accommodation with the opponents of this provision. Safety opponents seem most upset by the onsite inspection and the insurance requirements, but the truth is these are the same standards we currently follow with Mexico in areas such as food safety.

Let's start with the requirement that American inspectors review the records and conduct onsite inspections in Mexico. Safety opponents want us to believe this is somehow an invasion of Mexico's sovereignty, but there is nothing uncommon about this provision. The trucking records and the facilities are in Mexico. That is where our inspectors need to go if they are going to check. Onsite safety inspections are common in other industries.

In my home State of Washington, we grow the best apples in the world. I know the Presiding Officer may disagree, but I believe we do. They include varieties such as the Red Delicious, the Gala, the Johnny Gold, and the Fuji. We grow these apples in my home State of Washington, and we export them all over the world, including Mexico. Before Mexico will allow the growers in my State to send those apples to Mexican consumers, those apples have to be inspected. Who inspects them? Mexican inspectors. Where are these apples inspected? Onsite, in Washington State. In fact, American apple growers foot the bill for Mexican inspectors to evaluate our fruit in my home State of Washington.

It is not just Washington State. Mexican inspectors are in California, inspecting fruit, checking for pests in crops such as mangoes and avocados.

Today on food safety issues, Mexican inspectors are in the United States conducting onsite investigations in our orchards and on our farms. To the other side, that is OK. But for some reason, when we want our safety inspectors to conduct onsite inspections at Mexican trucking facilities, it is an attack on Mexican sovereignty. On food safety issues, inspectors are in both countries with the full support of both Governments.

Why should traffic safety be any different? How can we argue that we should protect our agricultural interests and neglect the very real safety concerns on America's roadways? How can we protect the food destined for America's children yet leave them vulnerable to unsafe trucks on our roadways?

I turn now to a second issue. Safety opponents do not like the insurance portion of this bill which requires Mexican trucks to carry adequate insurance with an insurer that is licensed to operate in the United States. Our safety opponents have been on the floor saying that is discriminatory. The truth is, Canadian trucks have to follow the same rule today. And even

more significantly, Mexico requires the same thing of American drivers today. That is right. I invite my colleagues to go to the Web page of the State of Texas Department of Insurance. You will find a special message from the Texas Insurance Commissioner, stating:

If you plan to drive to Mexico, your preparations should include making sure you have car insurance that will protect you if you have an accident south of the border. Don't count on your Texas auto policy for protection.

It goes on:

Mexico does not recognize auto liability policies issued by U.S. insurance companies. It is important, therefore, to buy liability coverage from authorized Mexican casualty insurance companies before driving any distance in Mexico.

Madam President, that applies to trucks, as well. Let me repeat what the State of Texas Insurance Commissioner is warning American drivers:

Mexico does not recognize auto liability policies issued by U.S. insurance companies. It is, therefore, important to buy liability coverage from authorized Mexican casualty insurance companies before driving any distance in Mexico.

Why is it OK for American drivers to be required to get Mexican insurance to drive to Mexico but discriminatory for Mexican drivers to be required to get American insurance when they drive in the United States? The truth is, there is no difference.

On yet another point, the opponents of safety standards lose because what they oppose is already part of our relationship with Mexico and they cannot have it both ways. We have nothing against Mexican truck drivers. Like American truck drivers, they are just trying to earn a living and put food on their family's table. We welcome them to the United States. We want their trucks to be able to share our roads. But we want them to be safe, first, both for our well-being and for their well-being.

Unfortunately, today Mexican trucks are not as safe as American trucks. In fact, there is not even a system in place to check the safety of Mexican drivers. We want to enable Mexico to meet our safety standards, which are the same safety standards Canadian drivers must meet every day.

Right now, Mexican standards are not up to American standards. For example, Mexico has a far less rigid safety regime in place than Canada or the United States. Mexico has no experience with laws restricting the amount of time a driver may spend behind the wheel. The United States and Canada do. Mexico has no experience with log-book requirements as a way to enforce hours of service regulations. The United States and Canada do.

Mexico has no requirement for the periodic inspection of their equipment for safety purposes. The United States and Canada do.

Mexico does not have a fully operational roadside inspection regime to ensure compliance with driver and

equipment safety standards. The United States and Canada do.

Mexico does not have adequate data regarding Mexican firms or drivers to guarantee against forged documentation as we do with domestic and Canadian firms.

All of this means that when a Mexican truck crosses the border into the United States, we will have virtually no assurance that those trucks meet U.S. highway safety standards. The proof is in the record. Mexican trucks that cross the U.S. border to legally serve the commercial zone have been ordered off the road by U.S. motor carrier inspectors 50 percent more frequently than U.S.-owned trucks.

Some of my colleagues in the administration think this is just fine. I do not and Senator SHELBY does not and a majority of the Senate does not. We as a country have made great strides to improve our highway safety. One of the greatest contributions to highway safety was an initiative by Senator Danforth requiring a uniform commercial driver's license or CDL here in the United States. That requirement came in the wake of numerous horror stories where U.S. truckdrivers had their licenses revoked and then got new licenses in other States so they could continue driving. Jack Danforth put a stop to that. He established a system in the United States where we monitor the issuance of commercial driver's licenses in all 50 States to ensure that multiple licenses are not being issued to the same driver. There is no such system in Mexico. In fact, there is hardly a system at all that allows access to the driving record history of Mexican drivers.

None of us want to learn of a catastrophic truck accident that could have been avoided. For some reason our commonsense safety provisions are being called discriminatory. Under NAFTA, we are entitled to treat Canadian, U.S., and Mexican trucking firms differently based on what we know about the safety risks they represent.

The opponents of this provision are fond of quoting the NAFTA provisions related to national treatment and most-favored-nation treatment, and they read, respectively:

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

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

The opponents of this provision have focused on the "no less favorable" language of this clause, but they have left the other part out. I want to spend a moment discussing "like circumstances" language. It permits differential treatment where appropriate to meet legitimate regulatory goals, including highway safety. Don't take my word for it. Let's look at NAFTA, chapter 21, which says clearly "nothing in chapter 12"—this is the cross-border trade services section:

... shall be construed to prevent the adoption or enforcement by any party of any measures necessary to security compliance with laws or regulations that are not inconsistent with the provisions of this agreement including those related to health and safety and consumer protection.

In 1993, when Congress ratified the NAFTA-implementing language, it also approved the U.S. Statement of Administrative Actions which says in part:

The "no less favorable" standard applied in articles 1202 and 1203 does not require that service providers from other NAFTA countries receive the same or even equal treatment as that provided to local companies or other foreign firms. Foreign Service providers can be treated differently if circumstances warrant. For example, a State may impose special requirements on Canadian and Mexican service providers if necessary to protect consumers, to the same degree as they are protected in respective local firms.

Ultimately there is one authority that decides what violates NAFTA and what does not, despite what we have heard on this floor over the last week and a half. Who decides is the NAFTA arbitration panel. Here is what they had to say in their ruling on this very topic:

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

So the NAFTA treaty itself stipulates that the U.S. can take measures to ensure the safety of its citizens. Congress' intent was clearly to allow this, and the NAFTA arbitration panel agrees.

Opponents have repeatedly quoted just part of the NAFTA treaty to make their case. But when you look at the entire treaty, at the specific implementing language passed by our Congress—and I will again remind our colleagues I voted for that—and at the official arbitration panel's ruling, it is clear that our safety provisions are consistent with NAFTA.

Those are the facts. But in spite of the facts, we hear the administration's allies suggesting this is driven by special interests. Let's take a look at who those special interests are, suggesting the Congress fulfill its obligation to protect the health and welfare of our citizens.

Let me read to you who those special interests are who back the majority of the Senate and the safety provisions in this bill: Advocates for Highway and Auto Safety, Public Citizen, Parents Against Tired Truckers, Consumer Federation of America, the Trauma Foundation, Triple A of Texas, American Insurance Association, the California Trucking Association, Citizens for Reliable and Safe Highways, Commercial Vehicle Safety Alliance, an independent drivers association in Mexico, Friends of the Earth, the Owners, Operators and Independent Drivers Association, the Sierra Club, and organized labor.

Those are the special interests that believe our constituents should be safe on our highways.

Finally, let me address the issue of implementation of NAFTA. To be sure, this is not a problem that the Bush administration created. It is one that it inherited. The problem is how this administration has chosen to respond to the challenge.

As I have stated previously, this debate is not about how to keep Mexican trucks out of the United States. This is about the conditions under which we will let them enter. For all of the discussion of our obligations to our neighbors to the south, my first obligation is to the people who elected me. We can comply with NAFTA, promote free trade, and ensure the safety of our roadways simultaneously.

I believe Senator SHELBY and I have crafted a provision that will help us achieve those goals.

The administration and its allies have taken considerable exception to this, and while I am working with them to seek ways to address their concerns, I am unwilling to sacrifice my principles. With the provision contained in our bill, when you are driving on the highway behind a Mexican truck you can feel safe. You will know that the truck was inspected and the company has a good truck record.

You will know that American inspectors visited their facility and examined their records.

You will know the driver is licensed and insured, and that the truck was weighed and is safe for our roads and for our bridges.

You will know that they will keep track of which drivers are obeying laws and which ones are not.

You will know that drivers who break our laws won't be on our roads because their licenses will be revoked.

You will know that the driver behind the wheel of an 18-wheeler has not been driving for 20 or 30 straight hours.

You will know that the truck didn't just cross our border unchecked but crossed where there were inspectors on duty.

That is real safety. We should get about the business of passage.

I urge my colleagues to reject the delay and the insults and pass this good, balanced bill that will help our country make progress on the transportation challenges that are getting worse every day. This bill is balanced; it is bipartisan; and it is beneficial. Let's put it to work for the American people.

I retain the remainder of my time.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Texas.

Mr. GRAMM. Madam President, our dear colleague from Washington says opponents of this provision—such as the New York Times, the Washington Post, the Chicago Tribune, the Cleveland Plain Dealer—are trying to cloud the issues. But supporters of her provision, such as the Deseret News, see it in crystal-clear terms.

Let me begin by saying that our colleague from Washington asked: Who can be opposed to truck safety? How could anyone be in favor of unsafe trucks on American roads? The answer to that is very simple. No one is opposed to truck safety. No one wants unsafe trucks on our roads.

I will begin by asking that amendment No. 1053, which is the substitute that Senator MCCAIN and I submitted, and which is supported by the administration, be printed in the RECORD.

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

AMENDMENT No. 1053

On page 72, beginning with line 14, strike through line 24 on page 78 and insert the following:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.—No funds limited or appropriated by this Act may be obligated or expended for the review or processing of an application by a motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of such motor carrier to be performed before the carrier is granted conditional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border, and before the carrier is granted permanent operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(ii) requires the safety review to include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with Federal motor carrier safety rules and regulations; and

(iii) requires that every commercial vehicle operating beyond United States municipalities and commercial zones on the United States-Mexico border, that is operated by a motor carrier authorized to operate beyond those municipalities and zones, display a valid Commercial Vehicle Safety Alliance decal obtained as a result of a Level I North American Standard Inspection, or a Level V Vehicle-Only Inspection, whenever that vehicle is operating beyond such motor carrier operating a vehicle in violation of this requirement to pay a fine of up to \$10,000 for each such violation;

(B) establishes a policy that any safety review of such a motor carrier should be conducted on site at the motor carrier's facilities where warranted by safety considerations or the availability of safety performance data;

(C) requires Federal and State inspectors, in conjunction with a Level I North American Standard Inspection, to verify, electronically or otherwise, the license of each driver of such a motor carrier's commercial vehicle crossing the border, and institutes a policy for random electronic verification of the license of drivers of such motor carrier's commercial vehicles at United States-Mexico border crossings;

(D) gives a distinctive Department of Transportation number to each such motor carrier to assist inspectors in enforcing motor carrier safety regulations, including

hours-of-service rules part 395 of title 49, Code of Federal Regulations;

(E) requires State inspectors whose operations are funded in part or in whole by Federal funds to check for violations of Federal motor carrier safety laws and regulations, including those pertaining to operating authority and insurance;

(F) authorizes State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce such laws and regulations or to notify Federal authorities of such violations;

(G)(i) determines that there is a means of determining the weight of such motor carrier commercial vehicles at each crossing of the United States-Mexico border at which there is a sufficient number of such commercial vehicle crossings; and

(ii) initiates a study to determine which crossings should also be equipped with weight-in-motion systems that would enable State inspectors to verify the weight of each such commercial vehicle entering the United States at such a crossing;

(H) has implemented a policy to ensure that no such motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States;

(I) issues a policy—

(i) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles;

(ii) with respect to standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border (under sections 218(a) and (b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 nt.)); and

(iii) with respect to prohibiting foreign motor carriers from operating in the United States that are found to have operated illegally in the United States (under section 219(a) of that Act (49 U.S.C. 14901 nt.)); and

(J) completes its rulemaking—

(i) to establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards (under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.)),

(ii) to implement measures to improve training and provide for the certification of motor carrier safety auditors (under section 31148 of title 49, United States Code), and

(iii) to prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States (under section 219(d), of that Act (49 U.S.C. 14901 nt.)),

or transmits to the Congress, within 30 days after the date of enactment of this Act, a notice in writing that it will not be able to complete any such rulemaking, that explains why it will not be able to complete the rulemaking, and that states the date by which it expects to complete the rulemaking; and

(2) until the Department of Transportation Inspector General certifies in writing to the Secretary of Transportation and to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations that the Inspector General will report in writing to the Secretary and to each such Committee—

(A) on the number of Federal motor carrier safety inspectors hired, trained as safety specialists, and prepared to be on duty during

hours of operation at the United States-Mexico border by January 1, 2002;

(B) periodically—

(i) on the adequacy of the number of Federal and State inspectors at the United States-Mexico border; and

(ii) as to whether the Federal Motor Carrier Safety Administration is ensuring compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by such motor carriers;

(iii) as to whether United States and Mexican enforcement databases are sufficiently integrated and accessible to ensure that licenses, vehicle registrations, and insurance information can be verified at border crossings or by mobile enforcement units; and

(iv) as to whether there is adequate capacity at each United States-Mexico border crossing used by motor carrier commercial vehicles to conduct a sufficient number of vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of the inspections.

In this section, the term "motor carrier" means a motor carrier domiciled in Mexico that seeks authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

Mr. GRAMM. Madam President, I want people to see this amendment because the amendment requires that every Mexican truck be inspected. It requires that the most stringent safety standards are met before Mexican trucks come into America, but it does it in a way that complies with NAFTA, a treaty obligation of the United States. It does it in a way that is common sense, to use the Senator's words, and that deals with legitimate safety concerns.

Rather than going on all day, let me try to do the following thing, which I think represents about as fair a way of responding to the Senator from Washington as one can respond.

She sets the standard that it be common sense and that it meet legitimate safety concerns. I wish to add to that that it not violate treaty obligations of the United States.

I would like to take four provisions of the amendment of the Senator from Washington, and I would like to submit it to those tests.

I have to say that I am quite pleased that the major newspapers in America have not been confused by this debate. In fact, the Chicago Tribune probably put it best in their lead editorial entitled "Honk if you smell cheap politics."

The truth is that Teamsters truckers don't want competition from their Mexican counterparts.

I am pleased that people have not been confused. But in case anybody still has any confusion about what we are talking about, I want to take five provisions from the Murray amendment and submit them to her test of common sense, legitimate safety concerns, and do they violate NAFTA.

The first has to do with a provision of the Motor Carrier Safety Improvement Act of 1999. This is a bill that was adopted by Congress, that has not been implemented fully by either the Clinton administration or the Bush admin-

istration, and it has to do with safety. These provisions apply to every truck operating on American highways. They apply to United States trucks, to Canadian trucks, and to Mexican trucks.

The Senator from Washington says in her amendment that until this 1999 law is fully implemented, even though it applies to American trucks, American trucks can continue to operate; and even though this law applies to Canadian trucks, Canadian trucks can continue to operate; but until this law is fully implemented, until the regulations are written—and the administration says that these regulations cannot be written and this bill cannot be fully implemented for at least 18 months—until that is the case, no Mexican truck would be allowed to operate in interstate commerce in the United States. And that provision would be clearly in violation of NAFTA.

I ask a question: If it is common sense that we don't want trucks to operate until this law is implemented, why don't we say all trucks? In fact, if we said all trucks, we probably would not be able to eat lunch this afternoon. But it would be common sense and it would not violate NAFTA.

The first provision of the Senator's amendment, in essence, says that something that cannot happen for 18 months has to be done before we are going to comply with a treaty related to Mexican trucks. That is as arbitrary as saying that Mexican trucks can't come into the United States until the 29th of February falls on a Tuesday. It is totally arbitrary, and it is aimed at only one objective; that is, to treat Mexican trucks differently than American trucks, differently than Canadian trucks, and in the process of violating NAFTA.

I think any objective person would say that requiring an action that has nothing to do with Mexican trucks to be undertaken by the U.S. Government before we are going to live up to a solemn treaty obligation of the United States has no element of common sense in it, nor does it have anything to do with legitimate safety. If it had anything to do with legitimate safety, we would restrict all trucks until this law was implemented.

Finally, the final test: Does it violate NAFTA?

Our requirement under NAFTA is very simple. It is one sentence. It is in the section on cross-border trade and services on page 1129. It says:

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

This is the point: We are saying to American truckers that you can operate every day, even though this 1999 law is not implemented. We say a few Canadian trucks can operate today, even though this law is not implemented, but Mexican truckers can never operate, even though in NAFTA we promised they could. They can never operate until this law is fully im-

plemented and the regulations are written.

That is clearly not equal protection of the law; it is clearly not equal treatment; and it clearly violates NAFTA.

The second provision of the Murray amendment that doesn't make common sense, that has nothing to do with legitimate safety, and that violates NAFTA has to do with truck leasing.

Let me set it in context. Big trucking companies don't own trucks anymore. They lease them to each other. The last thing any trucking company can afford to do is have trucks that cost \$250,000 sitting in their parking lot.

(Mrs. BOXER assumed the chair.)

Mr. GRAMM. So what happens is, when a trucking company loses business or is under some limitation, the first thing they do is get on the Internet, and they put their trucks out for lease. They lease them to other companies, and the trucks are used. You cannot stay in the trucking business if you cannot lease your trucks.

The second provision of the Murray amendment says, if any Mexican trucking company is under any suspension, restriction, or limitation, they cannot lease their trucks.

There is not a major trucking company in America today that is not under some restriction or some limitation. You cannot operate trucks in America without having some restriction or limitation. It may be that you thought your turn signal was working, and it was not when you were inspected, or your mud flap tore off, but there is not a major trucking company in America today that does not have some limitation.

What the Murray amendment says is it is OK if a Canadian company has a limitation or has a suspension; they can lease their trucks to another company to operate—after all, they would go broke if they could not do it—and any American company that is under a restriction or a limitation can lease its trucks. But under the Murray amendment, a Mexican company that is under a restriction or a limitation cannot lease its trucks.

Does that make common sense? No. Is that a legitimate safety issue? No. Does that violate NAFTA? You bet your life it violates NAFTA because it treats Canadian companies and it treats American companies different from Mexican companies.

Why, if your objective is safety, would you want to have a provision that says that while Canadian companies can lease trucks and American companies can lease trucks—because they have to do it to stay in business—Mexican companies cannot lease trucks? You do not put that in an amendment because you are concerned about safety; you put it in an amendment as a poison pill to make it impossible for Mexican companies to operate in the United States. It is as arbitrary as saying: We can take our safety exams in English, but Mexican truck

drivers have to take their safety exams in Chinese. It is totally pernicious and totally discriminatory against Mexico.

Now look, you can argue we should have or we should not have entered into an agreement to allow a North American market to be opened to trucks of the three countries that joined the agreement. But the point is, we did agree to it. It was signed by a Republican President. We ratified it in Congress under a Democrat President. The final enforcement is occurring under a Republican President. We are committed to the obligations we entered into here.

No one can argue that not allowing Mexican companies to lease trucks—when no major American company could operate without being able to lease trucks—is a legitimate safety concern. No one can argue that that has anything to do with the application of common sense, nor can anybody argue that that does not violate NAFTA.

Now, today, almost every truck in Canada is insured by a company that is domiciled outside the United States. Most of them are insured by Lloyds of London. Some are insured by Canadian companies. Some are insured by European companies. The plain truth is, it is almost impossible in the world in which we live to know where an insurance company is domiciled because insurance companies are now doing business all over the world. So it is very difficult to know what “nationality” they are.

American trucking companies are not required to buy insurance from American companies. In fact, some of them have insurance with Dutch companies, with British companies and with Canadian companies. That is the way we operate. And that is common sense. That meets legitimate safety concerns. And that does not violate NAFTA. But whereas we let Canadian trucking companies buy insurance that is not sold by American-domiciled companies, and whereas we let American trucking companies buy insurance that is not sold by American-domiciled companies, the Murray amendment requires that Mexican trucks purchase insurance from companies domiciled in the United States. That violates common sense. It is not a legitimate safety issue, and it clearly violates NAFTA.

No. 4, as I mentioned earlier, almost any trucking company, at any one time, would have numerous violations—some small, some large, but it would have numerous violations—and you have a gradation of penalties for those violations. The same is true with regard to Canadian companies. But under the Murray amendment, if you are a Mexican company—we say in NAFTA that you are going to be treated exactly as an American company, exactly as a Canadian company; no better, no worse—but under the Murray amendment, if you have a violation, you are barred from operating in the United States of America. You have a penalty, and it is the death penalty.

Does that make common sense? Is that a legitimate safety concern? Is that a violation of NAFTA? The answer is, no, no, yes. It does not make common sense; it is not a legitimate safety concern; and it does violate NAFTA.

Let me just take a simple provision. If you needed living proof that this debate has nothing to do with safety, let me pose the following question: If you really wanted safe Mexican trucks—and I remind my colleagues that with the support of the administration, Senator MCCAIN and I offered an amendment that required the inspection of every single Mexican truck coming into the United States, something we do not do with regard to Canadian trucks, something we do not do with regard to our own trucks, but if you were really concerned about safety, and you were going to implement NAFTA and allow Mexican trucks in interstate commerce, would you want to take your best, most experienced inspectors and put them where they are going to be inspecting Mexican trucks? I would. And I think that is a reasonable question.

If your concern is safety and not protectionism, if your concern is legitimate safety and not a back door way of violating NAFTA, if your concern is about safe trucks, not about keeping Mexican trucks out of the United States, wouldn't you want to have your most experienced inspectors inspecting Mexican trucks—and we require inspecting every one of them—because you want your best people inspecting new trucks that are coming into the country for the first time? Doesn't that make sense?

Would it make any sense, if your objective was safety, to have a provision that current inspectors who have training and experience could not be moved to inspect Mexican trucks? Could anyone who had any concern about safety of Mexican trucks support a provision that said you could not take inspectors who are trained and experienced and move them to the Mexican border to inspect existing trucks?

You have to start from scratch. You have to hire new people, you have to train them, and you have to get them experienced. Remember, months, years are ticking off the clock.

Could anybody have any reason to believe that a provision that said experienced inspectors could not be moved so they would be inspecting new Mexican trucks coming into the United States—if your concern was about safety, that would be the last provision you would ever put in your bill. If you were concerned about safety, you would never ever support a provision that said you have to inspect Mexican trucks, but you cannot take people who are trained and experienced—who are now inspecting trucks—and move them so that they can inspect Mexican trucks. That would be the last thing on Earth you would ever do. But the Murray amendment does it.

Remarkably enough, the Murray amendment says that they are so eager

to inspect these Mexican trucks, that they are so concerned about their safety, that not one inspector who is currently inspecting trucks in America, not one inspector who currently has both training and experience, can be moved to meet this new need of inspection.

Why on Earth would anybody who is concerned about safety ever have such a provision? The only reason that any such provision would ever be written into an amendment is if the objective was not safe Mexican trucks but the objective was no Mexican trucks.

The Murray amendment literally says: Anybody who is currently inspecting trucks, anybody currently licensed to inspect trucks, anybody currently trained to inspect trucks cannot be moved so that they inspect Mexican trucks. They have to be recruited, trained, and then they have to get practical experience.

The net result of that is not safe Mexican trucks; quite the contrary. To the extent they came into the country, it would mean unsafe trucks. But the objective, the only logical, common-sense reason that such a provision would ever be in a bill is if you want to prohibit Mexican trucks.

Our colleagues can say over and over and over and over again that this is about safety. The problem is, the administration, Senator MCCAIN, and I support inspecting every Mexican truck, something we do not do with Canadian trucks, something we do not do with American trucks. We support employing exactly the same standards in requiring them to meet every standard we have to meet, and we support a more stringent inspection regime until they prove they are meeting those standards.

What we do not support, what we cannot support or accept, and what we will continue to oppose through three more clotures and ultimately a Presidential veto, is discrimination against Mexico. We will not support and we will not accept provisions that go back on our commitment in NAFTA.

The greatest country in the history of the world does not violate commitments it makes in treaties. I repeat: While I know it is easier to cover this story by saying this is about various levels of safety standards, the things that the administration objects to and the Mexican Government objects to and Senator MCCAIN objects to and I object to have nothing to do with safety. They have to do with provisions that are written for one and only one purpose; that is, to prevent Mexican trucks from coming into the United States and, in the process, violating NAFTA.

I have outlined—there are others I could go through—five irrefutable examples where we say: Until some regulation is promulgated that applies to all trucks, not just Mexican trucks, that Mexican trucks shall not come into the country.

I have talked about not letting Mexican trucking companies lease their

trucks when we let American and Canadian companies lease their trucks. The only reason you would not do it is if you want to make it so people cannot be in the trucking business. I have talked about buying insurance. We don't make our own companies buy American insurance. We make them buy insurance that is licensed, that meets our standards, but they can buy Dutch insurance, British insurance, Canadian insurance, Japanese insurance. What this provision would do is treat Mexico differently than everybody else.

This is not about safety. This is about discrimination. This is about treating Mexico, an equal partner in NAFTA, as a second-class citizen. This is about sham safety provisions that basically have the result of preventing Mexican trucks from operating in the United States and violating NAFTA.

Let me conclude by making the following point: It is an incredible paradox. A lot of talk has been made about Mexican trucks. Today Mexican trucks bring goods to the border, come across the border, go to a warehouse, and unload and go back. The Mexican trucks that are operating in the 20-mile radius of the border are basically hauling watermelons and cabbages and vegetables. You are dealing with old trucks. People do not haul cabbages across the border in 18-wheelers.

The figures being used about safety inspections, even though Mexican trucks are being inspected twice as much as Canadian trucks today—and by the way, the drivers in the inspections are being rated better than American drivers; many of them are college graduates—people are using trucks that are hauling cabbages as an example of the kind of trucks that are going to be operating in interstate commerce.

The plain truth is that Mexican trucking companies are going to lease trucks from the same leasing companies that lease trucks to American trucking companies, and they are going to buy new trucks to lease. The debate is not about safety. The debate is about protectionism. The debate is about a well-organized special interest group, the Teamsters union, which has worked very hard to try to prevent the United States from living up to NAFTA. They are not going to win.

First of all, we have three more clotures, and we intend to use every right we have because this is an important issue. I have to say, I am surprised that so many of the major newspapers in America—the New York Times, the Washington Post, the Chicago Tribune, the Cleveland Plain Dealer—despite all of this fog of rhetoric, “safety, safety, safety, safety,” when the provisions in dispute have nothing to do with safety, I am pleased that they have seen through the fog.

The reason the Founding Fathers structured the Senate as they did was that they were not counting on the New York Times or the Washington Post seeing through the fog. They rec-

ognized that there were going to be issues where you were going to have well-organized special interest groups standing outside that door. They were going to be lobbying. They were going to be pushing, and it was going to be possible to take raw, rotten special interests—in this case, special interests that would have us violate a solemn treaty agreement of the United States—and make us hypocrites all over the world when we call on our trading partners to live up to their agreements, when we are violating our agreement with our neighbor to the south.

The Founding Fathers recognized that people would get confused, that issues would get clouded. And so when they structured the Senate, they gave a few Senators—one Senator, any Senator—rights to defend their position. Senator MCCAIN and I have used those rights. We are going to continue to use them. There are three more clotures before this bill will ever go to conference. The bill, if it does get to conference, will be fixed, or the President will veto it, and we will start the whole process over.

In the end, when we are dealing with something as important as NAFTA, when we are dealing with something as important as America living up to its treaty obligations, if that is not worth fighting for, the job of a Senator is not worth having.

I am pleased that the major papers in America are not confused. I am pleased that it is clear to them that people should know that this is about special interests. This does violate NAFTA. I have given five clear examples, beyond any reasonable doubt, where no person could argue that the provisions of the Murray amendment have any objective at all other than preventing Mexican trucks from coming into the country.

The one that I spent the most time on is the one that has to do with simply the question of whether you want inspectors to inspect Mexican trucks. The Murray amendment says no. Any inspector currently inspecting trucks in America can't go inspect Mexican trucks. You have to hire new people. You have to train them. You have to let them get experience.

That provision is not about safety. That provision is about raw, rotten protectionism. Happily people are recognizing it for what it is.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I think it is very important that we go back and look at what has happened on the issue of Mexican trucks, NAFTA, and the safety of American highways.

When NAFTA was passed, it was explicit in permitting the Federal Government and individual States to establish and enforce their own requirements for truck safety. It also said that there should be a single standard in every jurisdiction. So the standard

should apply to trucks from the United States, Mexico, and Canada.

However, what I think has been missed in this debate is the ruling of the international tribunal in February which, it has been pointed out, did find the United States in violation because we actually had halted the truck safety rules in 1995 in this country, and so the United States had failed to meet the deadline.

But the other part of this Mexican tribunal ruling was that the United States does not have to treat applications from Mexican-based carriers in exactly the same manner as United States or Canadian firms. In fact, there are some differences in the treatment of Canadian firms because of different operating authorities in that sovereign country.

The panel also said that the United States is not required to grant operating authority to any specific number of Mexican applicants. I went back and looked at the makeup of the NAFTA tribunal because I thought it would be important to know. The tribunal was two Mexican citizens, two United States citizens, and the chairman was from Britain. The vote was unanimous because it was noted that there could be different rules for certain countries because of the significant differences in the country's safety regimes. So this was not a 3-2 vote, where the Mexican nationals voted differently from the United States and British nationals. It was a unanimous vote that acknowledged there would be differences that could be addressed.

The Bush administration, to its credit, is playing catchup because we have had 5 years of delays from the previous administration. Their proposed rule that came out of the Department of Transportation was a start, but it was not adequate to provide clear United States safety under any kind of term that would be considered acceptable.

The original Department of Transportation rule would require that, for the first 18 months of operation, Mexican carriers would be required to comply with documentary production, insurance requirements, and undefined safety inspections. The rule was vague and insufficient. That is why I sat down with officials from the Department of Transportation and I said: These rules are inadequate. We cannot allow trucks to come into our country that haven't either been certified or inspected, and the certification would only come from inspection. That would not be prudent. It would not be responsible.

The Department of Transportation authority agreed. We have been working all along—Senator MURRAY, Senator SHELBY, Senator GRAMM, and Senator MCCAIN, along with myself—with the Department of Transportation to beef up those rules. I think it is fair to say that the Murray-Shelby language has part of the requirement for beefing up those rules, and Senators MCCAIN and GRAMM have suggested, in the form

of drafts, other requirements. In fact, I have offered other requirements that are not in either bill, which I think are very important.

Yes, I think we can change some of the parts in this underlying bill. I think the discussion that has been going on for almost 2 weeks on this floor is really a process discussion, not a substantive one. I say that because I think we are very close to agreeing to the parts of the underlying bill that should remain, the parts that should change; and I think all of us are in agreement that the House version is unacceptable because the House version does what has caused us to get in trouble under the NAFTA agreement, and that is shut down the regulations and act as if we are just not going to comply. That is not responsible. The House position is not tenable.

On the other hand, I think we are very close to significant changes in the original Department of Transportation regulation because they were totally inadequate and they now have stepped up to the plate and agreed, working with Senator MURRAY, myself, and with Senators GRAMM and MCCAIN, to come up with good safety regulations.

The bottom line for all of us is that we must have inspections of every truck. When we talk about whether we go into Mexico to the site of the trucking company to make the inspection, I think we should do that if we have the permission to do it. And it will be in the interest of the trucking company in Mexico to allow the inspectors in, because if you get the certification stamp on your truck as a result of being inspected onsite, then your truck will not be stopped at the border. It will have been inspected and certified, and you will be able to operate it under the same rules as a U.S. truck operates. And if the Mexicans agree that it is in their best interest—and I think they will—then that is going to alleviate a lot of problems, and it is going to ensure the inspections that will ensure the safety.

Secondly, the Murray language in the underlying bill does something very important to implement this regulation, which the House failed to do, and that is, it has the \$103 million that has been requested by the President to finance the infrastructure to hire and train the inspectors at the border and to provide aid to States to inspect trucks along the United States-Mexico border.

Now, I cannot imagine anything worse than saying we are going to have all these regulations, but we are not going to have any inspectors. One of the reasons so many of my border constituents are concerned about the Mexican truck issue is because we have had Mexican trucks within a 20-mile limit through the border, and they have not all been inspected; they have not all met the requirements that would make people on our highways feel safe. In fact, I will quote from the AAA Texas Chapter press release in which it says:

The U.S. Department of Transportation reports that more than 35 percent of trucks from Mexico, under this 20-mile rule, were taken out of service for safety violations in 2000. That compares to 24 percent for U.S. trucks and 17 percent for trucks from Canada.

It is very important we look at the people who are living with this problem the most right now. We have had a lot of editorials read into the RECORD, and I will read two editorials from Texas newspapers, one from the El Paso Times. The heading is: "It Is About Safety. No ifs, ands or trucks—unless they pass the test."

Just as the U.S. Senate was voting in favor of tough safety standards for Mexican trucks crossing into the United States, a new truck-inspection site sprang up at Delta Drive and Hammond Street, near the Bridge of the Americas.

It was a welcome surprise, given the extreme level of concern about the safety of Mexican trucks coming into the country and driving through El Paso.

The new inspection station near the Americas Bridge should furnish a clearer picture of how bad the safety problems with Mexican trucks are or are not. Between January and June, inspectors at international bridges placed 132 American trucks out of service, and 944 Mexican trucks. This indicates a severe problem exists.

So it is very important.

I ask unanimous consent the editorial from the El Paso Times be made a part of the RECORD.

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

[From the El Paso Times, July 29, 2001]

IT'S ABOUT SAFETY—NO IFS, ANDS OR TRUCKS—UNLESS THEY PASS TESTS

Just as the U.S. Senate was voting in favor of tough safety standards for Mexican trucks crossing into the United States, a new truck-inspection site sprang up at Delta Drive and Hammett Street, near the Bridge of the Americas.

It was a welcome surprise, given the extreme level of concern about the safety of Mexican trucks coming into the country and driving through El Paso.

State Rep. Joe Pickett, D-El Paso, said the information gleaned from the inspections would be forwarded to President Bush to let him know "what kind of trucks are coming through."

Bush is currently engaged in a bitter fight with Congress over how tough safety standards should be for Mexican trucks entering this country. Bush has threatened to veto the tougher rules the Senate is advocating.

The new inspection station near the Americas Bridge should furnish a clearer picture of how bad the safety problems with Mexican trucks are or aren't. Between January and June, inspectors at international bridges placed 132 American trucks out of service—and 944 Mexican trucks. That indicates a severe problem exists.

Pickett said the state isn't planning to make the new inspection station a permanent fixture. But during its lifespan, it should be able to furnish much pertinent information to the discussion over truck safety.

Meanwhile, the president and Congress have to meet at some middle ground concerning Mexican trucks. The North American Free Trade Agreement mandates allowing Mexican trucks access to all parts of the United States.

That, of course, should be honored.

But both Congress and the president must also look out for the safety of American highways and American motorists.

Mrs. HUTCHISON. Madam President, I will also read from the Austin American Statesman of July 31, 2001; the headline, "No Matter Their Origin, Trucks Must Be Safe."

For Central Texans, the fight over Mexican trucks on America's roads and highways is more than just an inside-the-beltway partisan political battle. Austin is ground zero for trucks coming across the border and up Interstate 35. I-35 from San Antonio to Dallas is already one of the most dangerous stretches of interstate in the Nation. Adding thousands of unsafe trucks to the mix increases the threat to accidents, injuries and fatalities. What is spirited debate and hardball politics in Washington is deadly reality in Austin. In fact, both sides may be right. A NAFTA panel said as much earlier this year when it found the United States in violation of the treaty for restricting Mexican trucks but then added, the safety of trucks crossing the border is a legitimate issue and an important responsibility of the Federal Government.

That is the tribunal that was unanimously speaking with two Mexican members, two United States members, and a British chairman.

It goes on to say:

Congress should not abrogate NAFTA for purely political purposes and force Mexican trucks to meet stiffer standards than the American-Canadian fleets. If the Mexican trucks do not meet the standards, however, pull them off the road. It should, as President Bush suggests, step up inspections and increase enforcement of the safety standards already in place.

That is exactly what the bill before us today does. It beefs up inspections.

This is common sense. Of course we must beef up inspections. The Murray language does that. Of course we must pay for it. The Murray language makes it a priority.

After the House passed the amendment that would shut down the inspections at the border and take the money away, I went to Senator MURRAY and said, this is not responsible governing. She agreed, and she has worked with a lot of different interests to try to forge what is right. Maybe it is not perfect. I do not agree with every single part of it. I think Senator GRAMM and Senator MCCAIN have made a few good points, but I do not think holding up the bill and keeping progress from going forward is the right approach. They certainly have the right to do that, as any Member of the Senate does, but I do not think we are going to get to the goal they want by holding up the bill.

We have a workable bill before us. We can make some changes, and I think Senator MURRAY will work with us to make those changes.

The Department of Inspection and President Bush have made very solid suggestions on what we need to uphold NAFTA and to uphold the integrity of safety on the U.S. highway system.

I hope the games will end. I hope we can go forward with a very good start on this problem so we will be able to immediately begin the process of putting those border inspection stations in

place, because without the inspections, none of this is going to make sense. I assure my colleagues, we will not have safety if we do not have the capacity to inspect, and that is the most important goal we should all have.

I agree with the Austin American Statesman and the El Paso Times. These are two cities. Austin is our State capital. El Paso is the largest Texas border city with Mexico. The largest Mexican city on the entire border is Juarez. We know safety is important for every person who is on our highways: Americans, Hispanic Americans, Black Americans, Asian Americans, and foreign people traveling on our highways. We have a reputation for safety. We must uphold that reputation for the sake of our families and our children.

I do not want unsafe American trucks. I do not want unsafe American cars. That is why we have inspection requirements because people traveling on our highways feel safe, and we must assure they stay that way.

We are close to a compromise. I do not really think we are talking substance anymore. We are talking process. We have a solution the Department of Transportation, the President of the United States, and every Member of the Senate is going to agree is the right solution. The real donnybrook is whether we put it on the bill now or we hammer it out in conference with all sides at the table. We can do it in conference with all sides at the table.

Reasonable minds can disagree on this. I certainly think every Senator has the right to hold up progress, but inevitably we are going to sit down at the table in conference and work this out. I hope that does not mean September because we will have lost a month of setting up those inspection stations and starting the process of getting our house in order to have inspections of every truck coming into our country, from Canada or Mexico.

If we wait until September, because of the process initiatives that have been going on for over a week on this bill, we are not serving the best interests of our constituents and the people who depend on us to make the right decisions. I hope we will listen to the tribunal that spoke out and said we have the sovereign ability to keep our roads safe. We can come to an agreement that will do that and comply with our responsibilities under trade agreements as well.

I yield the floor.

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

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

Mr. ALLARD. Madam President, I ask unanimous consent to speak on a

subject unrelated to the topic that is now before us, and that my comments follow those of the Senator from Mississippi this morning, Mr. COCHRAN, who spoke on missile defense.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, could I ask the Senator for how long he wishes to speak?

Mr. ALLARD. I request 20 minutes.

Mr. REID. That will be fine. I ask unanimous consent I be recognized at the expiration of those remarks.

Mr. DORGAN. Reserving the right to object, and I shall not, of course, object to the request to speak, my understanding is we are on the Department of Transportation appropriations bill. I came over intending to speak on that matter, on the amendment that has been discussed most recently.

The Senator from Nevada wishes to be recognized following the Senator from Colorado; is that correct?

Mr. REID. Yes.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. DORGAN. I shall not object. I did want to indicate I wanted to speak on this bill, on the amendment, but I will certainly defer to the morning business request.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

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

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I heard this morning the Senator from Washington, the manager of this bill, talk about why this legislation is important. Earlier this morning, I talked about why this legislation is important to people of the State of Nevada. I heard her this morning read into the RECORD the names of organizations that support this legislation, and a few minutes later I walked over to my office.

As I walked to my office, one of my friends said: I would like you to meet someone. As I proceeded over to see the person that I was asked to meet, I was introduced to a woman from the State of Maine. I cannot remember her name. I was introduced to her outside this Chamber. She was here representing Parents Against Tired Truckers. It doesn't sound like much, does it?

This woman lost a son. In 1993, her son was killed by a truckdriver who had been on the road too long. That is what this legislation is all about, making sure our roads are safer. I acknowledge that there are things we could do with American truckdrivers that would create safer ways for me and my family to travel on these roads. But we do not need to get into that today.

What we need to get into today is recognizing what Senators MURRAY and SHELBY have done, which is to write legislation to make our roads safer so that we do not have this organization gaining more parents who have lost children as a result of tired truckers.

I told the woman whose son was killed in 1993: I appreciate you being involved for so long.

She said: I am never going to give up.

That is how I look at the Senator from Washington: She is never going to give up. She believes strongly that what she and Senator SHELBY have crafted is fair. Keep in mind, it is not as if the Senator from Washington is working in a vacuum.

What the House of Representatives did, by a 2-1 vote, is outlaw Mexican trucks coming into the United States. So it seems to me this approach is reasonable; it does not outlaw all Mexican trucks coming into the United States, but to say we want Mexican trucks coming into the United States to have certain basic safety features. And we want to check to see if they are adhering to those safety features. That is what her legislation does.

So I personally am very happy with this legislation. It is no wonder that we have people lobbying the Senate. When you hear about lobbyists, the first thing you think of are people wearing Gucci shoes and driving in limousines. The woman from Maine did not have a limousine, and she was not wearing Gucci shoes. She paid her own way here to advocate for safer highways. This legislation is important to her.

That is why we have all kinds of organizations—too lengthy to put in the RECORD; some of these names have already been put in the RECORD—that are advocates for highway and auto safety.

Public Citizen is a public interest organization that is involved in many things dealing with consumer safety. They are concerned about this legislation. They favor the Murray proposal.

Consumer Federation of America: Of course, we know what the Consumer Federation of America is. It is an organization that supports consumers getting a fair break in America. That is what the legislation is from the Senator from Washington. It is just to make sure that the traveling public will be on highways and roads where the trucks coming from other countries have certain minimal safety features. That is how I look at it. Others may look at it differently.

The Trauma Foundation: Why would the Trauma Foundation be interested in legislation such as this? The Trauma Foundation is interested in legislation such as this because people get hurt on these roads—people get maimed, injured, and killed. That is why the Trauma Foundation of America supports this legislation.

I think one of the most interesting aspects of this legislation is that the Texas Automobile Association of America supports this legislation. I think that is pretty good. In fact, the Texas AAA issued a press release, going line by line over the legislation of the Senator from Washington, supporting her legislation.

On-site safety audits at the company facilities prior to authorizing their trucks to cross the border: This isn't

what Senator MURRAY is saying; this is what the Texas Automobile Association of America is saying.

They also say there should be significant improvements in safety inspections at the border, including enforcement of U.S. weight limits. They also said there should be adequate resources for enforcement throughout the United States. They believe there should be verifiable insurance on each vehicle. It does not seem too bizarre to me that this legislation calls for trucks coming into the United States to have adequate and verifiable insurance information on each vehicle.

There should be shared tracking of the company's truck and driver safety records between the United States and Mexican authorities. The Texas AAA says there should be enforcement of safety laws, including limiting the number of continuous hours spent driving. That also does not seem too outrageous to me, that if we are going to have these huge trucks with over 100,000 pounds of material on them, we are asking that the drivers have a limited amount of hours driving these trucks. I think that is something that is extremely important.

So they end their press release by saying: The safety of the motoring public should not be risked in the rush to meet an apparently arbitrary deadline. They believe that it is extremely important. So I think it kind of says it all, if we have the Texas AAA asking that we uphold this legislation. It is reasonable legislation.

Madam President, I ask for the yeas and nays on the pending legislation.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Madam President, I would be delighted to yield.

Madam President, I want to say a word about the Mexican truck amendment, the Murray-Shelby amendment, particularly to commend both Senator MURRAY and Senator SHELBY on their diligence. The Senator from Washington has been persistent and has been ultimately fair.

What happens is—since we have been criticized about even putting this on an appropriations bill—many times the cart gets before the horse. And what happened on this occasion was that the President of the United States announced summarily that come January 1 we were going to admit the Mexican trucks, ipso facto—bam, that was it.

I go back immediately to the debate that we had about NAFTA, where it

had been suggested that we use the common market approach rather than the free market approach. The Europeans learned long since that the free market approach did not work. On the contrary, they said: What we need to do is to develop the infrastructure of a free market; namely, property ownership, labor rights, respect for the judiciary, the infrastructure, if you please, for safety and for health care.

The Europeans thereafter taxed themselves some \$5.7 billion over a 5-year period, setting those elements of infrastructure up within Greece and Portugal before they admitted Greece and Portugal into the common market.

We see the result of not having done that. Here we are faced with the announcement by the President and, thereupon, the action by the House in their appropriations bill. So while we had, in the authorizing committee, scheduled a hearing with respect to the Mexican trucking problem, we had to act in the Appropriations Committee in order to make it deliberate and sound and fair.

The action on the House side was not that deliberate, sound, or fair. On the outside they just said: Look, we cut off any and all funds for the admission of Mexican trucking into the United States come January 1—or during the fiscal year 2002.

I would agree with the President, that would be a nonstarter. So what we did then, working with Senator MURRAY and Senator SHELBY at the authorizing level, is we continued, we had the hearing, and we addressed elements included in the Murray-Shelby amendment providing just those things that are required by U.S. truckers.

I was particularly sensitive to that. There was no one who opposed NAFTA any more strongly than this particular Senator. Yet now we have it. It is not going to be repealed. It should be made to work.

Very interestingly, since my colleague from Texas is on the floor, what happened was, it didn't work, NAFTA didn't work. Drugs got worse. Immigration got worse. The take-home pay of Mexicans got worse. We were supposed to get 200,000 jobs. We lost 500,000 jobs. Instead of a \$5 billion-plus balance of trade, we have a \$25 billion deficit in the balance of trade with Mexico.

There was one good message that went to the American people. For the first time in some 82 years, they kicked out the PRI. And who is in as the Foreign Minister? Jorge Castaneda, one of the biggest opponents of NAFTA. Who is in as security chief down in Mexico? Mr. Adolfo Aguilar Zinser. I worked with these gentlemen. They were trying to build up Mexico's infrastructure.

Yesterday, I met with Mexico's Minister of the Economy, Luis Ernesto Derbez. I said: Mr. Minister, point out to me whereby there is any one of these provisions here in Murray-Shelby that is not required of the American truckers. He couldn't point out a one. I said: I know you haven't had a chance

to study it because the White House and others have been calling around, jumping on them down in Mexico, saying: Get on up here. We have an anti-Mexican thing going on here. They are jumping all around, and they don't know what they are talking about.

I said: Write me a letter and point out whereby we don't require of our American truckers what we are requiring in Murray-Shelby. Of course, they can't do it.

So this idea of "negotiate, negotiate," and "they bypassed us," and all that, that is out of whole cloth. We had an authorizing hearing. We had the witnesses appear. This isn't pro-Mexican; it isn't anti-Mexican. Trade is a two-way street. If we require it of the Mexicans, that which we are requiring of our own truckers, they immediately will counter and require it of our American truckers. When you do not have the infrastructure, that is when the damage is done; so we put in Murray-Shelby that on-site safety inspections take place.

The Secretary of Transportation, my good friend, said: Are we going in to inspect them? The Mexican inspectors come up to Senator MURRAY's home State of Washington to check the apples, and, yes, we are going in to check those stations, like the Canadians check ours and we check theirs. Why? Because once we know the work there at that safety station is sound and thorough and reliable, then they can come to the border with a sheet of paper and we will pass them right on through. We can't just have passthroughs and a sheet of paper giving you nothing.

This thing has gotten wholly out of kilter. I think it was really done to slow down the process, because we were doing too well over here. We passed the Patients' Bill of Rights, and we have been passing other things around here. We are going to pass some appropriations bills.

Our opponents say we haven't negotiated. Baloney. I've been negotiating and I remain ready to negotiate.

Put up your amendment, and we will vote. Let's get on with this particular measure. Get it over to the conference. Pass this one and move forward. But don't put this in the context of anti-Mexican or unfair or in violation of NAFTA.

I went immediately to the arbitration panel, and Minister Derbez yesterday agreed. He said: No, we understand safety is required on both sides of the border. It is part of NAFTA. It is not in violation of NAFTA. So we know we hadn't violated NAFTA and violated our treaty. I don't know why all this sanctimony about violating treaties around here. That is all we have ever had, violations of these trade treaties. I had the book this morning put out by the special trade representative—it is an inch and a half thick—of all the violations, 68 pages by the Japanese. Come on. We can't get into Japan 50 years later. So we really have to honor our treaty and all that? Come on.

I have heard enough of it now. The Senator from Alabama, Mr. SHELBY, and Senator MURRAY have gone about this in a purely bipartisan manner. There is no partisan or anti-Mexican feature to this whatsoever. It is a political slowdown. They know it.

Let's get on with the slowdown and let's go on home as we are supposed to in the month of August. The month of August has arrived. I see the distinguished minority leader is here. He likes to go home at 7 o'clock. I like to go home in August.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Republican leader.

Mr. LOTT. Madam President, in the interest of time, might I inquire of the Senator from North Dakota, was he seeking time to speak further on the issue?

Mr. DORGAN. Madam President, I came to speak on the amendment in the bill. I agreed to a unanimous consent request to allow a Member on the minority leader's side to do 20 minutes of morning business on this subject. I have waited to have an opportunity to speak for about 8 to 10 minutes on the issue of Mexican trucks.

Mr. LOTT. Madam President, of course we try to accommodate each other on both sides of the aisle. We try to go back and forth in those speeches. I was not aware of that earlier agreement. I am perfectly willing to allow the Senator to go forward at this point. Then I will speak next in line.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. The Senator from Mississippi, the minority leader, is most generous. There was not an agreement. When the Senator from Colorado sought 20 minutes in morning business, I was here waiting to speak on the bill. He certainly was entitled to speak in morning business. I thank the Senator for his generosity.

I rise to address the issue of Mexican trucks. My friend, the Senator from Arizona, has spoken about it today. My friend, the Senator from Texas, has spoken.

After all the debate, it is important for everyone to understand, there is nothing here about punishment or being punitive to the country of Mexico. That is not what this is about. Some of my colleagues have said we are being discriminatory. That is not true.

The truth is, this issue is about highway safety. Senator MURRAY from the State of Washington has put a provision in the appropriations bill that is not only appropriate but needs to be kept in this bill in order to assure safety on America's highways. Frankly, I wish she had chosen to use the House language which was presented by Congressman SABO. It is stronger language. It would prohibit, during this coming fiscal year, the use of funds in this legislation to certify Mexican trucks desiring to go beyond the 20-mile limit.

I wish Senator MURRAY had included that. She did not. She chose to take a

different approach. She has taken an approach that also will provide a measure of safety for American highways.

What is this issue really about? It is not about whether we are violating a trade agreement. No one can credibly argue that any trade agreement at any time under any circumstances requires this country to sacrifice safety on its highways.

It is about using common sense to understand when and under what circumstances shall we allow Mexican long-haul truckers to go beyond the 20-mile limit that now exists.

Some will say: Let's immediately allow Mexican long-haul trucks to operate throughout the United States. That is what President Bush says. On January 1, we intend to allow long-haul Mexican truckers into this country beyond the 20-mile limit. He says we will provide inspections and so forth.

The fact is, there will not be sufficient inspections. There are not sufficient inspection stations. There are not sufficient inspectors. There are not sufficient compliance officers. There is not a ghost of a chance of that happening. Everyone knows it.

I sat in a 3- to 4-hour hearing in the Commerce Committee with the Secretary of Transportation and the Department of Transportation Inspector General. All of us understand that the numbers of inspectors and compliance officers requested for the border fall short of what is required for safety monitoring.

To those who say we can allow access throughout the United States to Mexican trucks on January 1 and those traveling on our highways will be protected, the numbers don't add up. We will not be protected. There are not the resources available to hire the number of inspectors or the compliance officers to allow this to happen.

Are there reasons for us to be concerned if you don't have a regime of inspections? The answer clearly is yes. I would refer again to a news report about long-haul trucking in Mexico that featured in the San Francisco Chronicle in March. This article simply mirrors what most of us know about the lack of standards in Mexico. A reporter went down and traveled for 3 days with a Mexican long-haul trucker. In 3 days this Mexican long-haul trucker drove 1,800 miles and slept 7 hours. Yes, that is right; in 3 days, he slept a total of 7 hours. He didn't run into safety inspections because safety inspections are not common in Mexico. The driver didn't keep a logbook because, although they are required in Mexico, drivers don't keep them.

The fact is, in Mexico, they don't have limitations on hours of service, and so a truckdriver can drive 3 days and sleep only 7 hours and will not be in violation of Mexican laws.

The question is, Would you want the truckdriver in the San Francisco Chronicle article to cross the U.S.-Mexico border into this country, after

having slept only 7 hours in 3 days while having driven 1,800 miles in a truck that could not meet this country's safety standards because it had a broken windshield? I don't think anybody would want him to cross into this country and travel on America's highways. That clearly compromises safety on our highways.

So, the Senator from Washington has placed a provision in this legislation. She had to put it on this appropriations bill because the President indicated he intends to move on January 1. Really, the only option to stop the President's intentions is to put the provision in the appropriations bill and give us some assurance of safety on America's highways. That is what this dispute is about.

I agree that there is room for different opinions, but on this legislation, the facts are quite clear. I sat in a hearing for hours on this subject, hearing from the Department of Transportation's Inspector General. The Inspector General's report represents the base of facts here. The Mexican trucking industry does not have the same standards we do. There is no requirement for such standards. The inspection stations that should exist in the United States don't exist. Those inspection stations that do exist are not open sufficient hours to for proper inspection. If trucks happen to be inspected, at the vast majority of sites, there aren't enough spaces to park the trucks with serious safety violations. You can't send them back to Mexico because, for example, they may not have brakes. These are insurmountable problems to overcome prior to January 1.

That is why the Senator from Washington has done what she did. She needed to put restrictions in this legislation that I think are necessary to assure highway safety.

My understanding is that the Senator from Kentucky would like me to yield for a unanimous consent request. I would be happy to yield to him for that purpose, providing I am recognized following that.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Under the provisions of rule XXII, I yield my hour to the minority leader.

The PRESIDING OFFICER. The Senator has that right.

Mr. DORGAN. Madam President, in the interest of time and in the interest of responding to the Senator from Mississippi, who graciously allowed me to be recognized, I will complete my statement only by saying this: My colleague from South Carolina made a statement about the issue of the NAFTA trade agreement. I saw another colleague smile to himself as to what my colleague, Senator HOLLINGS, said. The NAFTA trade agreement has been awful. Some people walk around here and think it is one of the best things that ever happened to this country. I have no idea why they think that. This

is a trade agreement that turned a trade surplus we had with Mexico into a huge deficit and a growing deficit. It took a modest deficit with Canada and doubled it very quickly. It is beyond me how someone can view that as progress. I think, in fact, it has injured this country in many, many ways.

I was intrigued by a statement by Senator GRAMM, who said, "Do you know what the Mexicans have said? They have said if we put this provision in this appropriations bill restricting President Bush's ability to allow Mexican long-haul trucks to come into this country beyond the 20-mile limit, Mexico is going to retaliate against us on the issue of high-fructose corn syrup."

High-fructose corn syrup. I wonder if my colleague knows that Mexico has already been dealing with high-fructose corn syrup in a way that essentially abrogates the NAFTA treaty and, in fact, Mexico has been found guilty of violating the trade agreement on the corn syrup. Mexico is already in violation on syrup, and they are threatening that somehow if we don't take the Murray language out of the bill they are going to take action on corn syrup. I am sorry, they already took that action and it violated the NAFTA trade agreement.

Incidentally, nothing that protects America's highways, in my judgment, should ever be considered a violation of a trade agreement. The next time somebody says there is a violation of NAFTA or a trade agreement, I will simply observe that on corn syrup, which has been the one area raised on the floor, the only violation that exists is Mexico violating a trade agreement with the United States.

So I find it intriguing that there is this sort of blame-our-country-first on all these issues. Our country has been open; it has been willing to embrace all kinds of trade expansion opportunities almost everywhere in the world. But every time we turn around we discover that either a trade agreement was negotiated in an inappropriate way or someone is refusing to enforce a trade agreement.

This is a circumstance that is very simple. Senator MURRAY has put in a rather simple, easy-to-understand amendment. We ought to be willing to stand behind it on behalf of safety on America's highways. This is not about anti-Mexico. It is not about sending a discriminatory message to anybody; it is about standing up for safety on America's highways. We are nowhere near ready to be able to allow Mexican long-haul trucks into this country. Their safety standards are nowhere near compatible with ours, and it would compromise safety on our highways to allow Mexican trucks to operate throughout the United States beginning on January 1. That is what the Murray amendment says. That is why we are trying to keep that amendment in this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. It is my understanding that the minority leader from Mississippi may be seeking recognition. I don't believe he is at this moment. I will yield as soon as he is prepared to speak. I want to make a statement on this issue in a moment.

I thank the Senator from North Dakota because I think he summarized this issue. I went home to Illinois over the weekend. It is interesting how many people are following this debate but no real surprise. How many of us are out on the highways now going back and forth to work or on vacations? Look on the freeways in Chicago or on the interstate highways in downstate Illinois; you see a lot of trucks. We can rightly assume, if they are American trucks, that they are subject to pretty substantial standards in terms of the safety of the vehicle and the competency of the driver. What kind of standards? An inspection, No. 1, to make sure the brakes work, make sure the trucks don't weigh too much, make certain the lights work on the trucks, and basic things such as that.

Secondly, when it comes to the competency of American truckdrivers, we are pretty demanding. We ask them to keep a log and tell us how frequently they are driving and for what period of time. We subject them to drug tests and alcohol tests. We go through a lengthy background check to see if they have a history of driving under the influence or reckless driving. We make them pass a CDL exam for their license and to go out on the road. It is a demanding examination. We want them to understand the highway standards and regulations for safety in the United States.

When my family is driving down the highway for a vacation—which I hope will happen sometime in August—and we see a truck coming up behind us, if it is an American truck from an American trucking company with an American driver, I at least have the peace of mind that it is more likely than not that the truck has been inspected and that the driver has passed the test.

What is this amendment all about? This is about trucks that aren't American trucks and are driven by people who are not American citizens. We are talking about trucks coming in from Mexico. Many of the people who come here today and support this provision by Senator MURRAY requiring standards for Mexican truck inspection, standards for Mexican truckdrivers, voted against the North American Free Trade Agreement. Some of them, as previous speakers have said, believe it was not in the best interest of the United States.

I don't come from that position at all. I am from the State of Illinois. Exports are critical to Illinois, whether it is in the agricultural sector or the manufacturing sector. I voted for NAFTA.

I voted for NAFTA believing we were doing two things: opening up a potential market for the United States in

Mexico and opening up a potential market for Mexico in the United States. I believe in free trade so long as it is fair, so long as it is subject to standards and rules that are enforced.

In the middle of this debate, it could have been one of the most contentious debates I recall in Congress. I was a Member of the House of Representatives when the NAFTA issue came before us. During the course of this debate, there was a high intensity feeling, particularly opposition from a number of people, environmentalists, those representing labor unions. They were opposed to NAFTA.

A number of us went to the Clinton administration and said, if we pass this NAFTA treaty, we want to understand how it is going to work. The first question I asked, and received a response in writing, was this: If we agree to NAFTA, a trade agreement with Mexico, will we have to compromise any of our health and safety standards in the United States?

The answer came back, unequivocally, no. If a health and safety standard is imposed on an American company, the same standard can be imposed on the Mexican company and product coming into the United States. Whether it is the safety of food that is brought in or whether it is the safety of trucks driven in from Mexico, they are subject to the same standards.

A few weeks ago the Ambassador of Mexico came to my office. He is a very nice gentleman. I met him there and then again in Chicago when President Vicente Fox visited Chicago 2 weeks ago. We had a long talk about this.

I said: Mr. Ambassador, let me ask one basic question. If we will hold Mexico to the same standards when it comes to the safety of trucks on the highway and the competency of drivers that we hold American trucks and American truckdrivers to, will that be acceptable?

He said: Yes, that is not unreasonable.

I remember this particularly. He said: When it comes to logbooks, tell us what is wanted in these logbooks. The color of the cover of the logbooks can be told to us. We will live by the same standard as American truckdrivers.

I thought that was a reasonable position to take. It certainly is what I understood when we voted for NAFTA, but if one listens to the critics of Senator MURRAY's amendment, they are suggesting holding Mexico to the same standards as the United States is protectionist; it is violating free trade; it is violating NAFTA.

Nothing could be further from the truth. I think they have overreacted. I invite them to read the language Senator MURRAY has put in this bill. What she has said time and again is: The Mexican trucks and Mexican truckdrivers will be subject to the same standards.

What if we should take out the Murray language altogether? What if we had no such language in the law? What could we expect?

There are several things we know about Mexican trucking companies. One, under Mexican law, there is no limit to the number of hours a driver can drive a truck. In the United States, there are specific limits. We believe that if someone is behind the wheel for a long period of time, it can take its toll. They are not as responsive as they should be. They may not be as careful as they should be. In Mexico, there is no limitation.

We heard the comments earlier from the Senator from North Dakota, when a reporter from the San Francisco newspaper traveled with the Mexican truckdriver, they covered 1,800 miles in 3 days and the truckdriver slept a total of 7 hours. Think about yourself driving 1,800 miles, perhaps driving from St. Louis to Los Angeles. Or going back and forth across the country, and in a span of 3 days you cover that trip with 7 hours' sleep. How good are you going to be behind the wheel at that point?

Let us change this. You are not just behind the wheel of your car. You are driving a truck down that highway that could weigh 135,000 pounds. That 135,000 pounds is another important figure because we have a limitation on the weight of trucks in the United States at 85,000, but not in Mexico. They can put trucks on the road at 135,000 pounds.

We have a driver who has no limitation on the number of hours that he can consecutively drive down the highway, with a truck that is substantially larger than anything permissible under the law in the United States. That driver keeps no logbooks because the law is not enforced in Mexico. That driver is not subject to the same drug and alcohol testing as American truckdrivers because they have not established the laboratories for testing. We see that time and time again. The Mexican truck companies and the Mexican truckdrivers do not meet the minimum standards we expect in the United States.

What if there was an accident? This is worth noting, too. In the United States, if someone has a truck on the road, with an American truckdriver and an American truck, their liability insurance will range from \$750,000 to \$5 million. A Mexican truckdriver has average insurance of \$70,000. Think about how little that covers if one is in a serious accident with a lot of injuries.

The Murray amendment is a reasonable amendment. It is one I hope those who support free trade, as I support free trade, will understand is part of the bargain. We are prepared to say to Mexico, we will live up to their standards when it comes to our exports to their country. They should live up to our standards when it comes to their exports to the United States of America.

That is not unreasonable. That is what fair trade is all about. The Murray amendment is a substantial step forward to establish a standard.

When people in Illinois have said to me, Senator, when you get back to Washington make sure the Mexican trucks are safe, they understand, as well as I do, when we are going down the highway with our family, heading for vacation and look in the rearview mirror, we should not have to look twice to try to determine whether that license plate is from the United States or from Mexico as to whether it is safe.

We ought to know wherever those trucks are from, they are going to be safe for all families on the highway in the United States.

I yield the floor.

The PRESIDING OFFICER. The Presiding Officer, in her capacity as a Senator from New York, pursuant to rule XXII, yields her hour to the Senator from Washington, the manager of the bill.

Mrs. MURRAY. Madam President, 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. LOTT. 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. LOTT. Madam President, Senator DASCHLE and I have been talking and working on what agreement can be worked out about how to proceed for the remainder of the evening and tomorrow and maybe even into September. While we are checking with all the interested parties, I have not spoken at length on this issue. I do not wish to speak at length now, but I think I should speak to some of the issues that are before us with regard to the Transportation appropriations bill and this very important issue of how the operation of buses and trucks from Mexico and the United States are able to go back and forth across the border.

First of all, I emphasize I appreciate the work that has been done by the manager of this legislation on both sides of the aisle with regard to transportation. Transportation is a very important part of what the Federal Government does and it is one of those areas where the Federal Government does the allocation of funds in the right way. We do not generally direct all the money must go to one place or another, even though there are some areas where we provide direct instructions. The bulk of the money is sent to the States based on a formula that is decided, of course, in the TEA-21 bill. The States get a large sum of money and then they decide what the priorities are in terms of what roads or what bridges are worked on and in what priority, how much of that money can go for railroads, because we gave a lot more flexibility under TEA-21, the Transportation Act, that we passed a couple of years ago. I guess it has been 3 years ago now. That money can go into railroads or it can go into mass transit. There has been a lot of flexi-

bility, but most of the key decisions are made by the States once they get the money. So this is important legislation.

As we look to the future economic growth of this country, in my mind, obviously, how the Government works with the people, can we control regulations? Can we control the burdens? How much are people able to keep of their own money? That is a very important part of economic growth. I think the energy area is a very important area of our future economic growth. It is a matter of national security, but certainly it is key to being able to have a growing economy in this country.

We are going to have to have more exploration for oil and gas, more use of other fuels, more opportunity for alternative fuels, more incentives for conservation, the entire energy package. As a part of this, trade is important, but transportation is also critical. It does create jobs. It is about safety on our highways.

If we are going to have a growing country and a growing economy, we have to have the whole package, too. It is not just about roads and bridges. It is about urban mass transportation, railroads, airports, rivers, and harbors, all the different aspects of transportation.

In my own State, I have tried to emphasize that as we try to make economic progress, it is critical to focus on improving education and that we have a decent transportation system because so many areas that needed economic development could not get them. It was next to impossible. The roads were not four lanes; they were two lanes narrow and dangerous. Many people, including my own father, were killed on those roads because of the unsafe hilly nature of our road system. If we are going to have the economic development we are seeking, we have to have a good overall transportation system.

Of course, the third component is jobs creation. If you are not aggressively pursuing expansion of existing industries and businesses and seeking other industries to come in, international corporations to come in, as we have in my own State of Mississippi—Nissan is constructing a facility that will cost approximately \$1.2 billion, the largest new single-industry plant in the history of our State. In order for that to succeed, they will have to have access to a transportation system.

I commend the managers of the legislation for the work they have done on this bill. I in no way object. I approve of what is in this legislation to the extent I know exactly what is in it.

How did we reach this point on the Mexican truck issue? When the Senate was prepared to vote on the North American Free Trade Act, I had some reservations about it and expressed those reservations. Some of the concerns I had were addressed as we went through the process. I kept asking

questions and expressing concern about trucks and truck safety coming out of Mexico. Those around at the time or those following it will remember it was one of the last issues that was addressed in the NAFTA legislation. I was sympathetic. Nobody wants unsafe trucks on America's highways. Nobody wants unsafe trucks, whether they are from Mexico, Canada, or America. We have all had the scary experience of having an 18-wheeler meet us and come too close or go by us with flaps blowing in the wind. We did resolve the problem. We have been living with that.

Again, I think sometimes trucking and truckers do get a bum rap; that companies are conscious of safety needs. These drivers in the United States, our own drivers, are good men and women whose lives are at stake, also. I had an occasion for a few years to be a part owner of a trucking company. I know all that is involved in trying to make ends meet with a trucking company and how difficult it is to have a truckload going to Chicago and come back empty. A company can wipe out an entire profit with empty backhauls.

I know a little bit about all the licensing requirements in America, the number of tags needed, the different requirements in the different States. For every truck that comes into my State, and I guess other States in America, there is a weigh station. They are lined up coming from Mobile, AL, headed to my home State, to pull off the highway and go through the weigh station and be inspected. Quite often, we have the highway patrol observing who is going and coming.

I do not want to in any way demonize truckers in this country for the job they do. They are an important part of our economy.

This has become very much a problem in this particular bill. Why? The truth is, I think there was too much of a rush to just say, come on in, trucks from Mexico, without proper inspection. That is inadequate, unacceptable, but also the situation where we have trucks come from Mexico to within a 20-mile zone and they hand off the goods to American trucks. They cannot come any further than that. I had occasion last December to be in Laredo, TX. I saw the trucks lined up down the highway, but they could only come so far, and then there was a very expensive and dilatory process of passing on the goods to come on into the United States.

We have a growing, improving relationship with our neighbors to the south. President Bush has worked with the leaders in Mexico, both as the Governor of Texas, and now as President, with their new President Fox. They are addressing a number of issues, including drug trafficking, how we deal with the necessary extradition of criminals between the two countries, how we deal with the immigration question, and, yes, transportation, how we deal with the border crossings and the illegal

aliens who, in many instances, prefer to be legal aliens. These are all difficult issues but they are important and we are addressing them now in a broader sense than ever in my memory.

I met this past week with four members of the Mexican Senate including the President, President Jackson. We talked about some of these issues and how they don't always agree. I think they represented three different parties; they do not always agree with President Fox; they do agree we should continue to have free-flowing trade and transportation and communication between our countries.

The idea that trucks from Mexico can only come in 20 miles and must stop and cannot go further is unacceptable. Also, the idea that trucks can come into this country without proper inspection, without proper insurance, without proper licensing, without safety inspections, is unacceptable.

I have never suggested trucks from anywhere be able to come into this country on our roads and not comply with our safety requirements. But there is a limit how far that can go. They have to have credible insurance. The idea that some say they cannot have insurance coverage from a Mexican company, what kind of attitude is that? We can't require that they have to have insurance in America. Both countries should require in the other country's case that it has to be credible insurance; it has to be a real company; it has to be sufficient; and there has to be a process so we know who is providing that insurance from Mexico, and they can turn the tables on us and say we must know it is credible insurance of the United States.

The drivers must be properly trained and licensed. You do not just jump in an 18-wheeler and take off. You cannot even shift gears in those things. I have tried it. They have to meet certain licensing requirements.

There is no disagreement that we should have inspection, but it should be reasonable and fair. It should be affordable in terms of what the government has to pay, and it has to be done in a reasonable period of time. Those who don't want Mexican trucks on our American highways have an "anti-attitude." Some people don't like it that I have called it anti-Hispanic or anti-NAFTA. How can anyone justify that kind of an attitude? We cannot have that.

We need to find a way to work through this because of perhaps an eagerness to get this process underway that contributed to the difficulty we are having now. The House of Representatives lost control of the issue and wound up putting the same old language in the Transportation bill that basically said you would not be able to bring the trucks in here; just stop it. They made a big mistake. It does not make a difference if it is a Republican or Democrat House, whether it is bipartisan or unanimous. That cannot be where we leave the issue.

Then the administration contacted members of the Appropriations Committee in the Senate and said: We have a big problem with that language; so will Mexico. We are running the risk of being held in noncompliance with NAFTA. We are running the risk of having action taken against American goods, whether it is telecommunications or corn syrup products. We have to solve this problem.

The appropriators, to their credit, Republican and Democrat, worked on the language. They came up with what is now referred to as the Murray-Shelby language. They thought, I believe, that they had made sufficient progress. Subsequent to that, on reviewing that language, it was clear that language was very problematic.

Secretary of Transportation, Norm Mineta, expressed his concern to a number of Senators, including to me, personally, about how there were too many restrictions; there was not enough flexibility; it would cost almost twice as much as what the President asked for, which I think was \$88 million for safety compliance. And because of the restrictions and the extra costs and the contracting involved, the trucks from Mexico would not be able to come into the United States for months or even a year or more.

By the way, it is a two-way street. As long as we are not letting Mexican trucks come into the United States, American trucks are not going to be able to go to Mexico. That is why the Mississippi Truckers Association wants to get this matter worked out and why they oppose the Murray language. They want to be able to take our products from throughout the Southeast or anywhere in the country and haul it in the other direction.

So that is when a number of Senators started saying the language that came out of the Appropriations Transportation Subcommittee presented too many problems; we need to find a way to correct it.

What are those concerns? It does have to do with flexibility. Does the Department of Transportation have sufficient flexibility to effectively administer safety requirements? It is a basic question. We want safety requirements and responsibilities, but there must be some degree of flexibility, of how those are administered. The language in section 343 of this bill, S. 1178, raises serious questions about that.

In order for the operators from Mexico to come across the border, there were some 22 separate requirements that had to be met. Standing alone, certain requirements may be acceptable, but taken as an aggregate, they result in a violation of commitments.

It is going to lead, as I pointed out, to delays. Just one example of the type of thing we talked about is the one I referred to in a number of discussions earlier, the cost of the weigh stations, for instance. The requirements to install weigh-in-motion systems, fixed scales, electronic scanning machines,

and hand-held tracking systems as well as requirements to employ additional inspectors and to conduct inspections within Mexico would just require lots of extra money, lots of delays, and lots of time. I will give a couple of examples.

Why would you require weigh-in-motion scales and static scales, both, not one or the other? And, by the way, if you require them both, you have to contract it. You do not just run out there and take these scales off the shelf. You have to contract for them; you have to get them and have them put in place. This would require you to have both. I do not think we have that in most of our States. When trucks come in from Arkansas or Louisiana or Tennessee, we weigh them statically. Maybe we do weigh some of them in motion, but we do not have to have both of them.

The other example is conducting inspections in Mexico. As time goes forward, perhaps both countries would like to have some of that. I had one Senator say to me: Look, FAA requires inspection at the base before a plane flies into the United States. There is a big difference, though. When a plane leaves Mexico, the next stop is an airport or landing strip in the United States. The difference between the place of doing business of a truck in that situation is they have to cross the border. There is a point at which there would be an inspection.

Perhaps this can be worked out. But to impose at the beginning the requirement that we have to go into the place of business and inspect within that country and they are going to require the reverse—that they be able to come in and inspect in our country—is just one more example of some of the problems we have.

Never, ever have I seen a bill where a compromise could have been more easily and quickly worked out than this one. Yet the warring sides refuse to agree to do that. I think sometimes maybe there were misunderstandings. Somebody told me on this side of the aisle, on the Democratic side—or maybe I should not say just Democratic—the proponents of the language in the bill said: Why wouldn't you go with the California solution? I said: Great, it sounds fine to me. Why don't we do what they do in California, the inspection areas where they have crossings into California? They said it was because your opponents to this language would not agree to it.

That came as a surprise to me. As a matter of fact, in talking to Senator GRAMM and Senator MCCAIN, I had the clear impression that what they were advocating was the California inspection regimen. So I think the two sides passed in the night here.

Mrs. MURRAY. That is actually in the bill.

Mr. LOTT. There was an agreement, yet they never could seem to come to closure on it.

I know the Teamsters, a group with whom I do not have a problem. I have

worked with the Teamsters. I have been supported by the Teamsters sometimes—probably not again anytime soon. I understand their concern. But because this language was in the appropriations bill because, it appears to me, the Teamsters really do not want Mexican trucks to come into America, and because of misunderstandings, and, yes, because of personalities, we could not resolve this.

We could have done this bill at least a week ago. Everybody in this room and everybody on both sides knows it can be done. Now the appropriators said: Wait a minute, you are getting too exercised. This is not necessary. We will fix it in the conference. Don't worry, don't worry, we will fix it in the conference.

Yes, and usually I buy that argument. But there is a little problem with this one. You have totally unrealistic, unacceptable language in the House bill, the Sabo language. And the language in the Senate Transportation appropriations bill also has a number of concerns—these 22 requirements. So if you have a bad situation and a worse situation, how do you split the difference? That is usually what happens in conference. You go somewhere between where the House is and where the Senate is. Yet the solution is outside both.

I know the immaculate conceptions that come out of these conferences. It really doesn't make a difference what the House and Senate did; the conferees will do what they want to, particularly on a bill that is not an appropriations bill, because they are not affected by rule XVI anymore. So maybe they will come out with something that is fair, understandable, not unduly restrictive, affordable, that both the proponents and opponents are satisfied with and the President can sign, and we can go on with our business.

But I have been a little ill at ease about that. So I have gone back to some of the supporters of the language we have in this bill and asked them again: Will you assure me that in conference there will be this dedicated effort, and in fact you will get a bill the President can sign? And they have assured me of that.

I guess if they do not sign the conference, they might make that stick. Maybe others will say we will see about that. And there are those who are thinking: We will do what we want to. If the President vetoes it, we will override the veto.

That will not happen. That will not happen. I can guarantee the Senate right here, right now, if this is not properly resolved and the President does not sign it, if he vetoes it, we will sustain the veto. We will sustain the veto.

But have I advocated that? No. The President doesn't want to veto this bill, and I don't want him to veto the bill. I don't want to have to make sure we have the votes to sustain the veto. The solution is: Resolve this. Make it

NAFTA compliant. Let's be fair to both sides.

I don't always agree with what this administration or previous administrations have advocated with regard to Mexico—or Canada, for that matter. I get very upset with what Canada is doing to the United States in our trade relations. I think what they are doing with regard to soft lumber products is totally unacceptable, and I think this administration should be at least as aggressive as the previous administration, through the Customs Office and through our Trade Representative, in assuring that the Canadians comply with our lumber agreements.

So it is not that I am one who is always here taking firm stands in support of our neighbors and in support of even the treaties when I think the treaties are not being administered fairly or they turn out to be basically fair. So I don't profess to be 100-percent pure on this.

But you cannot defend, legitimately, honestly, and intellectually, a situation where we say to our neighbors and to legitimate truckers, you cannot come any more than 20 miles into the United States. That is not where we should be.

So the President has expressed his interest in this. I think he has tried to be restrained in terms of threats. But he has made it clear this is important. President Fox is going to be in the United States the first week in September when this bill is going to be in conference, I guess, or about to go to conference. I hope we will not be in the process of passing legislation and sending to our President at the time something that clearly President Fox will not agree with and will be opposed to while he is in town. I guess he is coming to town September 3 or 4 or 5, or something of that nature.

We do have correspondence here that clearly states the Mexican Government's concern. I have a letter.

Madam President, I ask unanimous consent this letter be printed in the RECORD.

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

JULY 24, 2001.

Hon. TOM DASCHLE,  
*Senate Majority Leader,*  
*Washington, DC.*

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 nondiscriminatory opening of the border of international trucking.

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

Sincerely,

LUIS ERNESTO DERBEZ BAUTISTA,  
*Secretary of the Economy.*

Mr. LOTT. This is a letter from the Secretary of the Economy in Mexico. It says:

The economic arguments are clear-cut. Because of the NAFTA, Mexico has become the second largest U.S. trading partner with \$263 billion dollars of goods now being exchanged yearly. About 75 percent of those goods move by truck. In a few years, Mexico's may surpass Canada as the U.S. largest trading partner and market.

It goes on to note they believe the language in this bill does not meet the requirements of NAFTA.

They believe it is a violation of our agreement and that reasonable change and a reasonable agreement should be worked out soon.

I very rarely agree with what I read in the editorial pages of the Washington Post. But to my absolute amazement, on Saturday I got up and read the Washington Post, and there it was—an editorial saying “NAFTA in trouble”—the Washington Post editorializing against the restrictions on the Mexican trucks coming into the United States. The concluding sentences are shocking sentences. It says:

President Bush says he will veto legislation unless such discrimination is removed from it.

That is the right course.

That is what this is all about.

I don't affix blame at any one place, or the administration, or on us. Somehow or another we have gotten to where we are. Now we can't seem to find a way to let go. Now we have a situation where Senators were willing to pass this on a voice vote at 2 o'clock. Now it is 10 minutes until 3. We are not going to have a vote on it, I guess, until tomorrow. That delays other legislation we are working on with interested parties on both sides. Senators DASCHLE, REID, and NICKLES have been involved along with Senators GRAMM and MCCAIN.

A lot of this is just totally unnecessary. Here we are talking, once again, about an issue we have been talking about for a week or more. Who is to blame? Yes. Sure. I am sure Senators

will say we would have been glad to have voted on this last week. I have been through this explanation of how we got here.

But I wanted to make the point that we were ready to finish with this issue an hour ago, and we couldn't get it done. I hope maybe we can use this as a case study.

When you go to law school, you learn the law by studying trials, lawsuits, and cases that have gone before. This should be a case study for the administration, for the House, for the Senate, for our trading partners, and for us as to how not to deal with an issue. I hope we will learn from it.

I hope we can put it behind us and move on in a positive way to other appropriations and other bills. But it has been a difficult one.

I have supported Senators MCCAIN and GRAMM in their efforts. I have had some Members on the other side ask: Why would you do that? You haven't always agreed with those guys on other subjects. Right. But the difference this time is I thought they were right. It is real simple. I wasn't mad at anyone. I just couldn't defend where the United States is at this time with regard to Mexican trucks.

I had not spoken on the floor on this issue. I wanted to give a little bit of the history and urge my colleagues to find a way to complete this and move on to other legislation that is also very important for our country. Rather than recriminations, let's just learn from the experience.

I yield the floor.

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 the order for the quorum call be rescinded.

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

Mr. MCCAIN. Mr. President, presently negotiations are going on to try to get a unanimous consent agreement to resolve this issue, and to move on to other issues. Among those negotiations is the subject of nominations. I hope that is part of any agreement that may be made.

(The further remarks of Mr. MCCAIN are printed in today's RECORD under “Morning Business.”)

Mr. MCCAIN. Mr. President, 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.

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

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

AMENDMENT NO. 1213

Mrs. MURRAY. Mr. President, I send a management package to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Mr. SHELBY, proposes an amendment No. 1213.

Mrs. MURRAY. I ask unanimous consent the reading of the amendment be dispensed with.

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

The text of the amendment is printed in today's RECORD under “Amendments Submitted.”

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

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1213.

The amendment (No. 1213) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, earlier today, my colleague from Texas, Senator GRAMM, asked that his substitute be printed again in the RECORD. Much has been said about this substitute amendment. The claim is made that this substitute will protect safety while complying with NAFTA. That is just plain wrong. This claim is indicative of the problem we have had in these negotiations—the fact that our opponents define compliance with NAFTA as gutting the safety provisions in our bill.

Lets look at the specifics of the McCain-Gramm substitute.

The McCain-Gramm amendment is a legislative sleight of hand intended to take the teeth out of the safety provisions that were approved unanimously by the Appropriations Committee.

They create loopholes large enough to drive a Mexican truck through.

Their amendment looks and sounds very much like the committee-adopted provisions when, in fact, the amendment weakens the committee-adopted provisions in several critical and dangerous ways.

First, the McCain-Gramm amendment completely does away with the requirement that all Mexican trucking companies undergo a thorough compliance review before they are given authority to operate in the United States. Instead of that requirement, the McCain-Gramm amendment substitutes a cursory “safety review”.

A safety review is a much comprehensive review of a trucking company's operations. It is a quick and dirty paper check. It is not a thorough examination to ensure that a trucking company complies with all U.S. safety standards. It does not approach a compliance review in terms of ensuring that a trucking firm's operations are safe.

My colleagues should not be fooled. A safety review and a compliance review are not the same thing. They are two

very different things. A safety review should provide the American public with a whole lot less comfort than a compliance review when it comes to the operations of Mexican trucking firms.

Second, the McCain-Gramm amendment completely does away with the requirement that compliance reviews be performed on site at each trucking firm's facility. Every time a U.S. Motor Carrier Safety Inspector performs a compliance review on a U.S. trucking firm, it is done at the trucking firm's facility. Every time a U.S. Motor Carrier Safety Inspector performs a compliance review on a Canadian trucking firm, it is done at the Canadian trucking firm's facility. Now when it comes to Mexico, the McCain-Gramm amendment wants to allow compliance reviews to be conducted at the border. This is a farce.

A compliance review, by definition, requires the inspector to carefully review the trucking firm's vehicles, record books, log books, wage and hour records, and much, much more. You can't perform a compliance review at a remote site. It is not even a poor substitute.

There is a long list of abuses that can result if inspectors never visit a trucking company's facility. For the life of me, I can not imagine why the sponsors of the McCain-Gramm amendment want to allow those potential abuses on the part of Mexican trucking firms while insisting that every compliance review here in the United States and in Canada is performed on site.

Third, the McCain-Gramm amendment waives the requirement that the DOT publish critical safety rules before allowing trucks across the border. The McCain-Gramm amendment would allow the requirement to be waived by the Secretary by simply signing a letter stating that he will not publish these rules and sending it to Congress.

The provision unanimously adopted by the Appropriations Committee requires that critically important safety rules must be completed by the DOT before the border can be opened. These rules were not randomly selected. The rules that we require to be published before the border can be opened are targeted at the specific safety concerns surrounding Mexican trucks.

The McCain-Gramm amendment pretends to mandate that these rules go forward but simultaneously includes a provision that guts the same requirement. My colleagues—don't be fooled, the requirement in the McCain-Gramm amendment is a phony one that severely weakens the measures included in the committee-adopted provision.

Fourth, the McCain-Gramm amendment does away with the requirement that the inspector general certify that critical safety measures are in place before the border is opened.

Instead of requiring that the inspector general certify that it is safe at the border, the McCain-Gramm amendment simply requires that the Sec-

retary of Transportation periodically submit reports to the committee on the state of problems at the border.

This is a monstrous loophole. It creates more and more paperwork in Washington while the Mexican trucks come streaming across our border. It completely guts a number of the critical requirements in the underlying committee provision.

The Committee on Appropriations receives a great many mandated reports by the Department of Transportation. Unfortunately, the record of the Department of Transportation in submitting reports to the committee is a poor one.

As of this date, the Department of Transportation is overdue in submitting more than 22 reports to our committee from five different agencies within the Department of Transportation. Some of the deadlines of these reports date as far back as December 1995.

This provision, frankly, is an insult. What our highway safety agenda needs is not more reports, it needs real improvements in the safety of the vehicles and drivers moving 18-wheelers across our country.

That observation is not only applicable to Mexican drivers, it is applicable to United States drivers and Canadian drivers as well. All the reports in the world are not going to improve the condition of highway safety in the United States.

What we need are firm mandates like those adopted by the Appropriations Committee to ensure that critical safety measures are in place before we face an influx of Mexican trucks that we are not ready for.

The provisions in the committee bill must not be watered down. The committee provisions won't stop trade across our border. But they will stop unsafe drivers and unsafe trucks from threatening the American public. These provisions must not be weakened.

Under our bill, when you are driving on the highway and there's an 18-wheeler with a Mexican license plate in front of you, you can feel safe.

You will know that the truck was inspected.

You will know that the company has a good track record.

You will know that an American inspector visited their facility—on site—and examined their records—just like we do with Canadian trucking firms.

You will know that the driver is licensed and insured.

You will know that the truck was weighed and is safe for our roads and bridges.

You will know that we're keeping track of which companies and which drivers are following our laws and which ones are not.

You will know that, if a driver is breaking our laws, his license will be revoked.

You will know that the truck didn't just cross our border unchecked, but

crossed where there were inspectors on duty—ensuring our safety.

That is a real safety program. That program must not be watered down, weakened, or gutted, as is proposed by the McCain-Gramm amendment.

Mr. President, the committee bill is a solid compromise. It will allow robust trade—while ensuring the safety of our highways. I urge all Members to reject this effort to weaken the committee bill and endanger lives on our highways.

#### WOODROW WILSON MEMORIAL BRIDGE

Mr. ALLEN. Mr. President, I rise today to engage in a short colloquy with Virginia's Senior Senator, Senator WARNER; Senators MIKULSKI and SARBANES from Maryland; Transportation Appropriations Subcommittee chair, Senator MURRAY and ranking member, Senator SHELBY regarding the Woodrow Wilson Memorial Bridge.

Ms. MIKULSKI. Mr. President, the Woodrow Wilson Memorial Bridge was completed in 1961 and carries more than 200,000 vehicles per day—far exceeding the 75,000 vehicle per day design. It is the Nation's only federally owned bridge. Newspaper accounts from 1994 cited the fact that the deteriorating condition of the bridge and its inadequate number of lanes has contributed to accident rates twice those of other segments of the Capital Beltway.

Mr. WARNER. Mr. President, last year after years of negotiating, Congress was able to reach a compromise to finally replace this dilapidated bridge. We were able to work with our colleagues on both sides of the aisle, from Maryland, and from the House to make certain this much needed replacement project was fully funded. This decision by Congress demonstrates the strong commitment by the United States Senate to provide all our citizens a flexible, safe, and efficient interstate highway system.

This year, the administration and the House of Representatives have demonstrated their support of this project as the President requested \$28.2 million and the House allocated \$29.5 million for Fiscal Year 2002. However, the Senate FY2002 Transportation appropriations bill does not address funding for the Wilson Bridge, placing this project in jeopardy.

Mr. President, the unique nature of this roadway as a federally owned bridge, its importance to the Capital region, and the surrounding mid-Atlantic region, demands that we restore these funds.

Mr. SARBANES. Mr. President, in working with the Senators from Washington and Alabama, it is our understanding that they intend to work with the conferees to retain funding at the House level. Because of the Federal Government's ownership, the Woodrow Wilson Bridge continues to be a priority legislative issue for me and for my Senate colleagues. Accordingly, this appropriation will help keep the

replacement project on pace and maintain the safety of the current bridge in the interim.

Ms. MURRAY. Mr. President, I understand the importance of the Wilson Bridge for the eastern coastal region. I can assure the Senators from Virginia and Maryland that Senator SHELBY and I will keep their views in mind when the bill goes to conference.

Mr. SHELBY. I agree, Mr. President, on the importance of the Federal Government's role in maintaining a safe interstate highway system and will work with the chairwoman and other interested Senators to fulfill the federal commitment and maintain the interstate.

Mr. ALLEN. Mr. President, I thank the Transportation Appropriations chair and ranking member for their willingness to work with us on this issue and for their leadership in crafting a bill that increases transportation funding across the entire country. I also thank my colleagues from Maryland and Senator WARNER for their continued representation and leadership for the people of the region and America. We look forward to completing the much-needed Woodrow Wilson Memorial Bridge replacement and closing the debate on the bill permanently.

#### FLORIDA PROJECTS

Mr. NELSON of Florida. Mr. President, the report language that accompanies the fiscal year 2002 Transportation Appropriations bill identifies many worthy projects that the committee recommends be funded by the Department of Transportation. I thank the chairwoman for her and the committee's support of projects in Florida that were requested by Senator GRAHAM and myself. However, many other worthwhile projects were not included on this list. It is my understanding that the report language is intended to guide conferees in setting the final spending measure, but does not preclude other projects from also being considered for inclusion. Is this correct?

Mrs. MURRAY. The Senator from Florida is correct. The committee endorses the projects included in the bill's report, and will press for the adoption of that list in conference on this bill. However, the limited nature of that list does not prevent other projects from being supported during conference, should available resources be found.

Mr. NELSON of Florida. I thank the Senator for that clarification. The bill before us makes the best of a difficult situation by spreading limited funds over as many worthwhile transportation programs and projects as possible. I believe the committee has worked diligently to support a great number of projects in spite of limited resources. I further understand that if additional resources cannot be found, it might be possible to redistribute funds over a more diverse list of worthwhile recipients than is currently out-

lined in the Committee's report. Specifically, there are two counties in Florida, Brevard County and Polk County, that are deserving of federal funds for bus acquisition, which were unfortunately not included in either the House or Senate reports. I understand that the Senator from Washington may be able to work with conferees to see that these counties receive some federal funds for bus and bus facilities, either by finding additional resources or by reallocating funds within this account. Is this correct?

Mrs. MURRAY. I will be happy to work with you to address these concerns as the Transportation bill moves through the process.

Mr. NELSON. I thank the distinguished Senator. I appreciate your support and that of your staff on this issue, and look forward to working with you.

#### ASR-9 AIRPORT RADAR SERVICE LIFE EXTENSION PROGRAM

Ms. MIKULSKI. Mr. President, it is my understanding that the Appropriations Committee has recommended an increase of \$10M above the FAA's \$12.8M budget request to expedite the ASR-9 service life extension program. Unfortunately, the House Transportation bill failed to provide an increase in funding for this critical program.

I have been advised that major portions of the ASR-9 radar processor will be unsupported within 2 years. The supply of various critical spare parts—which are no longer manufactured by various commercial suppliers—is nearing a critical stage. When the supply of these parts run out, we run the risk of dangerous radar outages at 125 of our countries busiest airports.

I am particularly concerned that if this \$10 million of additional funding is not preserved in conference, delays in program startup will prevent the insertion of new technology in time to avoid potential radar outages.

Mrs. MURRAY. Let me say to the Senator from Maryland that we will keep her concerns in mind as the Transportation bill moves through conference.

Ms. MIKULSKI. I thank the chairwoman for her leadership on this issue and look forward to working with you on this important issue.

#### TRANSPORTATION RESEARCH

Mr. BINGAMAN. Mr. President, I would like to spend just a few minutes today discussing two existing transportation research programs with the chairman of the Transportation Appropriations Subcommittee, my friend Senator MURRAY. Is the distinguished chairman aware of the existing New Mexico Road Lifecycle Innovative Financing and Evaluation (RoadLIFE) program at the Federal Highway Administration and the National Transportation Network Analysis Capability (NTNAC) program funded through the Department's Transportation Planning, Research and Development Program?

Mrs. MURRAY. Yes, I am aware of these two valuable programs in the Department of Transportation and appreciate the opportunity to discuss them with you.

Mr. BINGAMAN. The ongoing RoadLIFE program is a partnership between FHWA, the State of New Mexico, and several universities to demonstrate the possible benefits of innovate financing methods, such as Grant Anticipation Revenue Vehicle (GARVEE), and performance warranties on highway safety, road quality and on the long-term costs to maintain a highway. Last year, the Department announced a 20-year research agreement between the Department, the Volpe Center and the State of New Mexico to validate the cost savings to the government of these innovative funding approaches. Does the chairman agree that this study could provide valuable information that could change the future of road building in America?

Mrs. MURRAY. The Senator from New Mexico, is correct. The RoadLIFE program could be a valuable effort not only to New Mexico, but to all states that are interested in using innovative highway financing methods.

Mr. BINGAMAN. The State of New Mexico will continue to shoulder most of the costs associated with the RoadLIFE research initiative and the FHWA has been an essential and valued partner in the development and implementation of the innovative approaches to financing and warranties being tested in New Mexico. Does the chairman join me in encouraging the FHWA and Volpe Center to give priority consideration to continuing to provide staff and financial support to the RoadLIFE program to ensure that the results will be useful to the Nation?

Mrs. MURRAY. Yes, I agree, the Department should give priority consideration to continuing of this important project.

Mr. BINGAMAN. The National Transportation Network Analysis Capability (NTNAC) is being developed to simulate the operation of the national transportation system, including individual modes—trucks, trains, planes, waterborne vessels—and the transportation infrastructure used by these carriers. Based on the technology underlying the successful TRANSIMS model, NTNAC is a simulation that will view the national transportation infrastructure as a single, integrated system. Los Alamos National Laboratory is the lead technical agency for this effort. Does the chairman agree that NTNAC could provide the DOT with new capabilities to assess and formulate critical policy and investment options that take into account transportation economics, modes, public safety, and environmental concerns, as well as infrastructure requirements and vulnerabilities?

Mrs. MURRAY. Yes, I agree that this ongoing effort could provide DOT an

important tool to assess the consequences of transportation policies before they are implemented.

Mr. BINGAMAN. Prior efforts on NTNAC have demonstrated the capability to model nation-wide freight transportation and provided valuable analytical insights into the nation's freight and transportation system. For example, NTNAC is currently capable of simulating the movement of millions of trucks across the nation's highway network from point-of-origin to final destination. Does the chairman agree that the Department of Transportation should give priority consideration to providing additional funding in fiscal year 2002 to extend and consolidate these achievements and to move towards a full-scale development.

Mrs. MURRAY. I agree, the Department should give priority consideration to continuing the NTNAC project under the Transportation Planning, Research and Development Program.

Mr. BINGAMAN. I thank the distinguished chairman for her fine work on this bill and for this opportunity to discuss these two important research programs in New Mexico.

#### AIRLINE INDUSTRY

Mr. WYDEN. I would like to take a moment to talk about a transportation issue that is very much on the mind of many Americans as we head into the busy summer travel season. That issue is potentially unfair and deceptive practices in the airline industry. My good friend and Pacific Northwest colleague, Senator MURRAY, has heard me talk about this before, in the context of pushing for passenger rights legislation. But today, I would like to talk briefly about a small step the government could take without enacting any new legislation. It wouldn't solve all the problems, but I think it would be a step in the right direction.

Mrs. MURRAY. Senator WYDEN has certainly been a leading and forceful voice for consumer protections in the airline industry. So I would be happy to hear his idea on this subject.

Mr. WYDEN. I thank the Senator, both for this opportunity and for all her hard work and leadership in crafting an excellent Transportation appropriations bill. The bill will do a great deal for all types of transportation in this country, including aviation. She has served the public well, as she has done throughout her service here in Congress.

But as the Senator knows, airline travelers are frustrated. In the last five years, delays, cancellations, and consumer complaints have all risen dramatically. Earlier this year, the DOT inspector general reported that "the aviation system is not working well."

Part of the problem is insufficient capacity. That is why I support efforts to increase capacity by building more runways and improving air traffic control. It is also why Senator MURRAY's efforts on the aviation portions of this year's are so appreciated.

At the same time, part of the problem is that there isn't enough competition. Airlines too often treat con-

sumers in ways that would not be tolerated for long in other industries—and the airlines get away with it because passengers have limited choices for air travel.

The Department of Transportation is charged with protecting consumers against airlines that engage in "unfair and deceptive" practices. But the truth is, the Department of Transportation is not primarily a consumer protection agency. It has limited resources for this task, and limited experience with "unfair and deceptive" practice enforcement.

The agency with the most expertise in this area is the Federal Trade Commission. Protecting consumers against unfair and deceptive practices is the FTC's bread and butter. Under existing law, the FTC cannot take enforcement actions against airlines. And I am not proposing to change that.

However, while the FTC has no enforcement authority over airlines, nothing prevents it from studying and reporting on unfair practices in the airline industry. I believe the FTC could do a real service to the flying public by providing some much needed expert analysis of arguably unfair practices in the airline industry.

For example, I think it would be very illuminating for the FTC to take a look at whether airlines tend to cancel flights simply because they are not sufficiently full. A movie theater doesn't cancel the 3:00 matinee just because only a handful of people show up. But does this happen in the airline industry? The FTC, with its strong economic and investigatory staff, would be in an excellent position to get to the bottom of this issue.

Let me be clear. I am not in a position to tell the FTC what to do. And I am not proposing to impose new requirements on them through legislation. I am simply saying that if the FTC chose to look into this, I think its conclusions would carry a lot of weight. In my opinion, the FTC's involvement here, on a purely investigatory basis, could make an important contribution to our understanding of what goes on in the airline industry.

I think there is that potential. To do any really serious analysis, the FTC would need cooperation from the Department of Transportation for important data and statistics. Clearly, the sharing of data would be more efficient and cost effective than having the FTC try to duplicate all the extensive data gathering that the Department of Transportation has already done.

My fear is that everything could get bogged down in institutional jealousies and jurisdictional squabbles. If the Department of Transportation chose not to cooperate, the FTC's effort would be slowed tremendously or even stalled entirely.

The good news is, I don't see any legitimate reason why the Department of Transportation shouldn't cooperate. As chair of the Transportation Appropriations Subcommittee, is the Senator aware of anything in this year's funding bill or in any other law governing

the Department that would prevent it from cooperating, in the event that FTC chose to pursue one or more airline-related investigations?

Mrs. MURRAY. No, I agree with the Senator that the Department of Transportation would be free to cooperate.

Mr. WYDEN. I appreciate that response, and I heartily agree. If I could just briefly sum up my point here, it is that if the FTC decides to investigate airline practices—which it can already do under current law—I believe it could do an important service. And I wouldn't want lack of cooperation from the Department of Transportation to stand in the way.

I thank my friend from Washington for her attention.

#### APPROACH LIGHTING SYSTEM IMPROVEMENT

Mr. GRAHAM. Mr. President, I am pleased to see that the Senate Transportation appropriations bill has included a provision which makes \$33,331,000 available for the Approach Lighting System Improvement Program (ALSIP). I thank my colleague from Washington, the chair of the Subcommittee, Mrs. MURRAY for her help in securing this funding.

Mrs. MURRAY. The Senator is correct, \$33,331,000 is available for ALSIP.

Mr. GRAHAM. The language on page 51 of the Senate Report (107-38) does not specify that the funding that is made available is provided both for the installation of the previously purchased medium approach lighting systems with runway alignment indicator lights (MALSR) and for future procurement, so as to keep the production line operational. I would like to ask for clarification: is money in this account to be used both for installation and procurement?

Mrs. MURRAY. Yes, that is correct.

Mr. GRAHAM. I hope that language to this effect can be included in the conference report.

Mrs. MURRAY. I will look to clarify this in the final language.

#### SECTION 315 (GP) AND AIR TRAFFIC CONGESTION IN THE CHICAGO REGION

Mr. BAYH. Mr. President, I believe the chairwoman and ranking member are aware of the air traffic congestion and capacity issues facing the Chicago area. Not only are these important issues for the national aviation system, but for the greater Chicagoland area as well. I thank the chairwoman and the ranking member for the attention given to this regional and national dilemma.

As you know, the Chicago area desperately needs additional airport capacity. I believe the Gary/Chicago Airport is capable of immediately providing the capacity needed to relieve Chicago's O'Hare and Midway Airports. I continue my longstanding support for the Gary/Chicago Airport as an integral part of the solution to meet the air traffic needs of the region.

I am working closely with my colleagues Senator LUGAR, Congressman VISCLOSKEY in the House of Representatives, Indiana Governor Frank

O'Bannon, and with local officials in Indiana to ensure that the Gary/Chicago Airport is included in any discussions at the federal level about how to relieve air traffic congestion in the Chicago region.

Section 315 (General Provisions) requires the Secretary of Transportation to work with the Federal Aviation Administrator (FAA) to encourage a locally developed and executed plan between the State of Illinois, the City of Chicago, and affected communities for the purpose of modernizing O'Hare International Airport. It is my hope that any discussions in Congress, at the FAA, or elsewhere, include Indiana and the Gary/Chicago Airport as a part of the solution to this crisis.

Mr. LUGAR. Mr. President, I appreciate the attention the Appropriations Committee has given to this important issue. I join with my colleague from Indiana Senator BAYH in sharing with the committee our thoughts about section 315 of the bill. I hope the committee will be mindful of our strong interest in this issue, and that we believe Indiana should be specifically listed and included in any matters or discussions relating to federal proposals or legislation intended to relieve air traffic in the Chicago region.

The Chicago region needs additional airport capacity and some of this capacity can be accommodated at the Gary/Chicago Airport. Throughout my service in the Senate, I have been a strong supporter of the Gary/Chicago Airport as a viable part of the solution that will help meet the current pressing air traffic needs of the region.

Earlier this year, the Gary Airport submitted to the FAA a draft of its phase II 20-year master plan/airport layout plan. This effort proposes an expansion of existing airport facilities, including navigational improvements, runway extensions and construction of parallel runway. I strongly support the airport's plan for future growth and believe this master plan is an essential part of the solution to helping relieve air traffic congestion now and in the long term. It is especially important to keep in mind that the Gary/Chicago Airport today is an active, fully operational aviation facility with a 7,000 foot main runway and a crosswind runway that can help provide immediate relief to the problem of aviation congestion in the Chicago region.

On June 12, I hosted a meeting in Washington with Transportation Secretary Mineta and was joined by my colleagues Senator BAYH and Representative VISLOSKEY, along with Indiana Governor O'Bannon and Gary Mayor King. During this productive and positive meeting, we emphasized to Transportation Secretary Mineta our strong and unified support for the master plan/ALP submitted by the Gary/Chicago Airport that is currently being evaluated by the FAA. We specifically requested Secretary Mineta's assistance in ensuring that Gary's master plan/ALP receive full and fair consider-

ation, and that the FAA work to expedite their consideration of Gary's plan. We hope Gary's master plan/ALP will be approved by the FAA this year.

The problem of air congestion in the Chicago region and the urgent need for relief should be national priorities. I believe that existing, operating, regional airport facilities such as the Gary/Chicago Airport should be included as part of both short-term and long-term solutions to this aviation safety and public transportation challenge. I wish to thank the chairwoman and ranking member for their attention to our concerns about this important matter.

Mrs. MURRAY. Mr. President, the committee is aware of the Senator's strong interest in making sure that Indiana is a part of these important discussions, and the committee agrees that the Gary/Chicago Airport should be specifically included as part of federal deliberations concerning air traffic congestion in the Chicago region.

#### SAN BERNARDINO METROLINK

Mrs. FEINSTEIN. Mr. President, I rise with the chairman and ranking member of the Transportation Appropriations Subcommittee to discuss a transportation infrastructure project that is of great importance to the southern California region.

I want to first, however, thank Chairman MURRAY and Senator SHELBY for their outstanding work on this bill. The fiscal year 2002 Transportation Appropriations bill provides appropriations for important transportation and transit projects in the State of California and the rest of the nation. The transportation needs in California alone are tremendous. I understand the difficulty you faced in trying to meet as many of these needs as possible under tight budget constraints.

I am concerned, however, that this is an important California project that was not funded—the Metrolink's double track project on the San Bernardino line.

Mr. SHELBY. The committee is aware of this project. It is my understanding that as one of the fastest growing commuter rail systems in the country, Metrolink is integral to the commuting requirements of the citizens of the Los Angeles basin. It provides service to Orange, Riverside, San Bernardino, Los Angeles, Ventura, and San Diego Counties.

Mrs. MURRAY. Metrolink has received appropriations in each of the past 2 fiscal years. A local match of 70 percent is already in place, representing a substantial local and state commitment to the project. I understand the Senator from California's concern over this project and I will continue to work with her to try to determine whether funding can be made available for this project.

Mrs. FEINSTEIN. I thank the chairman and ranking member for their understanding and willingness to work with me on this project. The Metrolink system is quickly reaching capacity.

With continued federal support, it will be able to meet the growing demands for its service, while reducing congestion and improving the air quality of southern California.

#### FUNDING TO IMPROVE THE HIGHWAY SYSTEM OF AROOSTOOK COUNTY IN NORTHERN MAINE

Ms. COLLINS. I thank the chairman and ranking member of the Subcommittee on Transportation Appropriations for providing needed funding for projects of great importance to Maine. My senior colleague from our great State and I would like to engage you in a brief colloquy about one such project—the improvement of the highway system in northern Maine. The Senate report accompanying the fiscal year 2002 Transportation appropriations bill sets aside \$6 million to help us move forward extending Maine's highway system beyond the termination point of Interstate 95 in Houlton. Having been born and raised in northern Maine I can tell you first hand about the critical importance to that region's economy of improving the highway system of Aroostook County.

Ms. SNOWE. As Senator COLLINS expressed, your efforts on behalf of our State are deeply appreciated. We are committed to improving the highway system in Aroostook County and therefore welcome your support for this project. Interstate 95's current termination point is more than one hundred miles away from Maine's northernmost communities, which inhibits their ability to interact and to transact with the rest of the State and beyond.

Mrs. MURRAY. We are well aware of the importance of this project to the State of Maine and are pleased to provide support.

Ms. COLLINS. We would respectfully ask that you make every effort to retain the \$6 million earmark in the conference on your bill with the House of Representatives, so that these funds can be used next year to cover engineering, construction, and planning costs associated with enhancing the highway system in northern Maine.

Mrs. MURRAY. I can assure you that I will keep your concerns in mind as we go to conference with the House.

Mr. SHELBY. And I provide you similar assurances of support for your project, as you have described it, during the conference on the Transportation appropriations bill.

Ms. SNOWE. We very much appreciate your willingness to advocate on our behalf, and on behalf of our State. The \$6 million will be a critical downpayment on this ambitious project.

#### NORTHSTAR CORRIDOR COMMUTER RAIL PROJECT

Mr. WELLSTONE. Mr. President, I rise to engage in a colloquy with my distinguished colleague from Washington, the chairwoman of the Appropriations Subcommittee on Transportation. The purpose is to discuss an important initiative in the State of Minnesota, the Northstar Corridor. I would also like to thank the chairwoman and the subcommittee for providing funding to support several projects in my

state including the Hiawatha Corridor, the Minnesota Valley Regional Rail Authority, the Phalen Boulevard, Trunk Highway 610/10, as well as bus procurement for the Metro Transit and Greater Minnesota Transit Authorities.

As my colleague knows, many regions of our country are experiencing significant growth. This is true for the Twin Cities Metropolitan area in Minnesota. In order to help commuters and reduce congestion in the North metro area, the Northstar Corridor project has been undertaken by local authorities to provide commuter rail service between Minneapolis and St. Cloud. This project is one of the corridors included in the comprehensive Twin Cities Transitways Project to provide much needed light rail and commuter rail services in the region.

Specifically, the Northstar Corridor, which was authorized in TEA-21, will provide a direct connection between two major regional centers for business, education and health care. The 80-mile commuter rail line will operate on existing BNSF track. The Northstar Corridor has been identified by both the Minnesota Department of Transportation and the Twin Cities Metropolitan Council as the highest priority corridor for implementation of commuter rail in the state. While the bill before us contains significant funding for new start construction projects under the jurisdiction of the Federal Transit Authority, including the Hiawatha light rail corridor in Minneapolis, funding was not included for the Northstar Corridor. However, H.R. 2299 does include \$10 million for the Northstar Corridor. This funding will support right of way acquisition, final design and engineering of stations, vehicles, capacity improvements to existing track and maintenance facility. I would seek my colleague's assurance that during consideration of the conference report on the FY 2002 Department of Transportation appropriations bill, that she would be supportive of the Northstar Corridor commuter rail project.

Mrs. MURRAY. I am aware of the Twin cities Transitways Project and I am pleased that this bill includes \$50 million to support the Hiawatha Corridor. While the subcommittee was unable to provide funding for the Northstar Corridor initiative, we will give that project consideration when we go to the conference committee with the House on the FY 2002 Department of Transportation Appropriations bill.

Mr. WELLSTONE. I thank my colleague for her work as chairwoman and for her support for the Northstar Corridor.

#### MICHIGAN ITCS PROJECT

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished chairwoman of the Transportation Appropriations Subcommittee. As the chairwoman knows, since Fiscal Year 1996, the Congress has

appropriated a total of \$13 million for the Michigan Incremental Train Control System (ITCS) Project, a public-private partnership to develop, test, prove and demonstrate an advanced positive train control system on a portion of the Detroit-Chicago rail corridor between Kalamazoo and Porter, Michigan to provide high speed rail operations. The Michigan ITCS project focuses on upgrading the existing way-side signal system to facilitate passenger train speeds in excess of 80 miles per hour, while still controlling freight trains that move at slower speeds.

The administration's Fiscal Year 2002 DOT Budget proposal provides that \$3 million of funding provided for "high speed train control systems" under the Next Generation High Speed Rail Program be allocated to the Michigan ITCS Project, which is entering its final phase. In the bill before us, a total of \$11 million is provided for "high speed train control systems" with \$5 million of those funds allocated to a PTC project in Wisconsin. Mr. President, I ask distinguished chairwoman to give this important project consideration in conference, and provide \$3 million for the final phase of Michigan ITCS project, consistent with the administration's budget request. Any consideration that the distinguished chairwoman can provide is much appreciated.

Mr. LEVIN. Mr. President, I join my colleague from Michigan in urging you to give this worthy project consideration in conference. The Detroit-Chicago Corridor has been designated as one of only ten high-speed rail corridors in the nation. In order to make that designation a reality we must develop the necessary technology to allow high-speed rail to operate safely on existing infrastructure. That means completing the development of an effective train control system. This project, as a public-private partnership, has had the ongoing participation and support from the State of Michigan, the Federal Railroad Administration, Amtrak and Harmon Industries, the company developing the technology. It also has the support of Michigan's two Senators and I hope we can find a way to continue Federal support for this project.

Mrs. MURRAY. Mr. President, I thank the distinguished Senators from Michigan, and I will be happy to work with her in conference on this important Michigan ITCS project.

Ms. STABENOW. I thank the distinguished chairwoman of the subcommittee.

#### FEDERAL HIGHWAY ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to engage the esteemed Chair of the Senate Transportation Subcommittee in a brief colloquy regarding a recent Federal Highway Administration (FHWA) interpretative memorandum.

FHWA, in response to a legitimate concern about maintaining the uniformity of the signs on our nation's highways, has issued a memorandum

proscribing restrictions for the text of signs used in state Adopt-A-Highway programs.

FHWA's intention, I believe, is a good one—to prevent the commercialization of our nation's relatively uniform interstate highway signs. It might amuse my colleague's to know that uniformity is the result of very serious tome entitled the Manual on Uniform Traffic Control Devices, or "MUCTDA" as some call it.

Despite its funny name, MUCTDA represents sound public policy. Since the inception of Adopt-A-Highway programs, several participating states have referred to MUCTDA's section 2D-47, when trying to determine how to appropriately recognize the roadway sponsor on Adopt-A-Highway signs.

This section states that "messages, symbols, and trademarks that resemble any official traffic control device shall not be used on Adopt-A-Highway signs." This implies that other logos which do not resemble official traffic control devices are acceptable.

The recent interpretive memorandum, however, says that all logos constitute advertising and, as such, Adopt-A-Highway signs with any logos must come down.

This is extremely problematic for New York, which has awarded over \$26 million in Adopt-A-Highway contracts since 1996. Without the ability to post any logos, both corporate and non-corporate sponsors will end their involvement. This could undermine a great deal of progress we have made in keeping New York's roadways clean and safe.

In short, this interpretive memorandum could completely hobble the Adopt-A-Highway program in my state and in others, which I am sure is not FHWA's intent.

I am not trying to block FHWA from proscribing regulations pertaining to Adopt-A-Highway signage, but I do believe that the affected states should be consulted first because so much revenue for maintaining highways is at stake.

As the Senator prepares for conference committee deliberations I hope she will agree that FHWA has an obligation to work with the affected states to find some resolution to this Adopt-A-Highway signage issue because this interpretative memorandum appears to change FHWA's policy at mid-course.

Mrs. MURRAY. I agree with the Senator from New York that FHWA should engage the state transportation departments to find some resolution that provides for a uniform national policy without, if possible, unnecessarily jeopardizing existing Adopt-A-Highway contracts.

#### NEW STARTS TRANSIT PROGRAM

Mr. SARBANES. Mr. President, I rise today to highlight the fact that the bill pending before us provides an additional \$100 million for the New Starts transit program above the amount guaranteed in the Transportation Equity Act for the 21st Century (TEA-21).

This is a critically important investment in our nation's transportation infrastructure which will ultimately provide more transportation options for all Americans.

All across the country, congestion and gridlock are taking their toll in terms of economic loss, environmental impacts, and personal frustration. According to the Texas Transportation Institute, in 1999, Americans in 68 urban areas spent 4.5 billion hours stuck in traffic, with an estimated cost to the nation of \$78 billion in lost time and wasted fuel. And the problem is growing.

In response, Americans are searching for alternatives. According to the American Public Transportation Association, Americans took over 9.4 billion trips on transit in 2000—the highest level in 40 years. In fact, over the past five years, transit ridership has increased by 21 percent, growing more than four times faster than the U.S. population. Over 200 communities around the country, in urban, suburban, and rural areas, are considering light rail or other fixed guideway transit investments to meet their growing transportation needs.

When Congress passed TEA-21 in 1998, we made a significant commitment to supporting communities' public transportation investments. TEA-21 authorized almost \$8.2 billion over six years to fund new rail projects; \$6 billion of that amount was guaranteed.

In the years since TEA-21's passage, it has become clear that communities' need for New Starts funding has grown even faster than anticipated in 1998. Yet the program has consistently been funded only at the guaranteed level, leaving the remaining authorization unutilized. Now, for the first time, the Appropriations Committee has provided funding for New Starts above the amount guaranteed by TEA-21, appropriating \$100 million of the \$430 million non-guaranteed authorization. I commend the Committee for taking this step toward addressing the growing need for transit funds within TEA-21's statutory framework.

Increased investment in transit will ultimately benefit all Americans. For example, as cities and towns across America are discovering, public transit can stimulate the economic life of any community. Studies have shown that a nearby transit station increases the value of local businesses and real estate. Increased property values mean more tax revenues to states and local jurisdictions; new business development around a transit station means more jobs. Moreover, I believe the potential of mass transit to help address our nation's current energy crunch has been consistently overlooked. With gas prices soaring and congestion increasing, public transit offers one of the best solutions to America's growing pains.

I am gratified to see that the Appropriations Committee has recognized the strong demand for transit in communities across the country by funding

the New Starts program above the guaranteed level. This is an important first step toward addressing America's long-term transportation needs.

#### PORTS TO PLAINS HIGH PRIORITY CORRIDOR

Mr. ALLARD. Mr. President, I would like to briefly engage the Chairman and Ranking Member of the Senate Transportation Appropriations Subcommittee on a transportation issue important to the State of Colorado.

The Ports to Plains High Priority Corridor is a most pressing issue for my state, however, I have concerns about language currently in the Transportation Appropriations bill. As it stands, the bill contains a \$1 million feasibility study for a section of the corridor on US 64/87 in New Mexico.

Mrs. MURRAY. I would say to the Senator from Colorado that I am certainly aware of the issues surrounding the Ports to Plains corridor and I understand his concerns.

Mr. ALLARD. I appreciate that. As the Senator knows the states of Texas, New Mexico, Oklahoma and Colorado have been engaged for several years now in determining the best route for this TEA-21 authorized trade corridor. Just last week, the Colorado Transportation Commission voted unanimously for designation of the Eastern Colorado route from the Oklahoma panhandle to Denver via US 287. A feasibility study for a New Mexico section of this route would clearly send a signal that Congress intends to legislate that the corridor be routed up Interstate 25 into Denver.

Mr. INHOFE. I would like to add a similar resolution passed by the Oklahoma Transportation Commission also supports US 287 as the preferred route to Denver, CO. I think it should also be noted that the Texas Department of Transportation has indicated that it would defer to Colorado to negotiate the alignment of the northern section of the corridor. I share the concerns of the Senator from Colorado about a New Mexico feasibility study.

Mr. ALLARD. I thank the Senator from Oklahoma for his support. We understand the wishes of our friends in New Mexico. However, we feel that the overwhelming support for the US 287 route coupled with the massive opposition in Colorado to encouraging any further traffic on Interstate 25 simply needs to be heard. Further, the existence of the Camino Real High Priority Corridor on Interstate 25 should be taken into account—allowing another High Priority Corridor on already-congested Interstate 25 just doesn't make sense. It should be noted that many of the high population centers along Interstate 25 south of Denver have made their opposition to the corridor well known. Those along US 287 in Eastern Colorado have made their support equally as well known.

In fact, just this week, the four states got together one more time and have been able to iron out a compromise that accommodates all parties. Allowing this feasibility study to

stay in the bill would further complicate and delay a process that is clearly working.

Mr. SHELBY. I would say to the Senators from Colorado and Oklahoma that I am certainly aware of the actions of the states on this and I would agree that their views are of utmost importance in any final designation. I would share with the Senators that I am hesitant for the Congress to designate routes when the process among the States to determine the corridor's working toward conclusion.

Mrs. MURRAY. I would agree with the distinguished Ranking Member and I agree that we will need to address this in the joint Senate-House Conference Committee.

Mr. SHELBY. I would concur with the Chairman and would say that it is my intent as well to minimize or eliminate Congressional involvement in this issue at this time.

Mr. ALLARD. I thank the Senators for their interest in working with us on this issue. I look forward to the conference committee's outcome.

#### AIR TRAFFIC INSTRUCTIONAL SERVICES

Mr. SHELBY. Mr. President, the Federal Aviation Administration operates a critical program of proficiency and developmental training for air traffic controllers. It has been demonstrated that this training reduces operational errors and makes the skies safer for the flying public. Over the past several years the Senate Transportation Appropriations Subcommittee has required that the Federal Aviation Administration spend its appropriated funds on the Air Traffic Instructional Services, or ATIS, program and not reprogram these funds to other accounts without approval of the subcommittee. This has worked well in the past and has insured proper expenditure of these funds.

I hope this support for the ATIS program will continue in fiscal year 2002. Is it your understanding that the operational account of the FAA fully funds the budget request for the ATIS program? Do you agree that these funds are to be spent only on this account unless expressly approved by the Subcommittee?

Mrs. MURRAY. I appreciate the opportunity to address this matter. It is my intention to continue to press for full funding of the ATIS program in conference committee deliberations with the House. It should also be known that the subcommittee believes that full funding for ATIS is critical to the safety of our airways and that any reprogramming by the FAA should be done only after consultation with the subcommittee.

#### TENNESSEE PUBLIC TRANSPORTATION

Mr. FRIST. Mr. President, I would like to take this opportunity to thank the Chairwoman and Ranking Member of the Subcommittee on Transportation Appropriations for their efforts in securing the 5309 appropriations for public transportation in our state of Tennessee. Our state's public transit

programs historically have not received the necessary federal funding critical to supply invaluable services to the people of Tennessee. Our state is one of only five in the nation that provides public transportation to citizens in each county, with eleven rural and twelve urban transit systems servicing all 95 counties. To fund this effort and compensate for lower federal funding in recent years, it is my hope that the Conference Committee will recognize that the \$12 million funding level recommended by the House is fully justified for public transportation initiatives in Tennessee. I have shared my concerns with Senators MURRAY and SHELBY about the importance of effective transit programs in a growing state like ours and I hope that my friends will do all that they can to ensure that Tennessee's public transportation system will be provided \$12 million in federal funding when the Conference Committee convenes. Again let me reiterate my appreciation to the Chairwoman and Ranking Member. I look forward to working with both of you on this issue.

Mr. THOMPSON. Mr. President, I strongly support the words of my good friend and colleague from Tennessee. I, too, would like to thank Chairwoman MURRAY and Ranking Member SHELBY for their leadership on the Transportation Subcommittee. I give my full support to developing effective public transportation programs that serve the needs of all Tennesseans. Our public transit systems have not historically seen the level of federal support they need to develop properly. As our cities grow and our transportation needs change 279 active urban transit buses now exceed their 12-year useful service life. Additionally, there are 218 rural transit vans with mileage in excess of the 100,000-mile service life. The \$12 million funding level provided in the House will improve public safety and reduce maintenance costs while ensuring that an adequate infrastructure is in place to better serve all the counties of our growing state. It is my sincere hope that the Conference Committee will restore the full funding level recommended by the House.

Mr. FRIST. I would like to echo the sentiment of my friend and colleague and reiterate the need to develop and expand public transportation services in our state. The federal contribution to these services has been low for some time. I look forward to working with the Conference Committee to act in the interests of those who depend upon efficient public transportation by providing the full \$12 million, as provided by the House.

Mr. THOMPSON. I thank my colleague from Tennessee for his work on this issue of great importance to thousands of our constituents. I eagerly await with him for action by the Conference Committee.

Mrs. MURRAY. I have duly noted the concerns of my friends from Tennessee and look forward to working with them on this issue.

Mr. SHELBY. I thank the Senator from Tennessee for raising their concerns and I also will work with my friends from Tennessee to address their concerns during conference.

Mr. FRIST. I thank my friends and colleagues. Mr. President, I yield the balance of my time.

#### ESSENTIAL AIR SERVICE PROGRAM

Ms. SNOWE. I thank the chairman and ranking member of the Appropriations Subcommittee on Transportation for working closely with me and Senator COLLINS on projects of importance to our state, as well as critical national priorities. Your efforts are very much appreciated. As you know, one issue of great importance to my home state of Maine, as a rural state with many small, remote communities, is the U.S. Department of Transportation Essential Air Service—EAS—program. Air service in rural areas is not simply a luxury, it is an imperative. Any municipality or small business owner will tell that without quality, affordable air service, economic development is virtually impossible. The EAS program is designed to ensure that small communities that were served by commercial air carriers prior to deregulation maintain scheduled air service. Today, the EAS program serves over 80 rural communities nationwide. The reality of deregulated air service is that four of Maine's six commercial airports—including the State Capital's airport in Augusta—rely on EAS to have any service to all. Unfortunately, the Administration has proposed a change in the eligibility criteria for the program which would result in the elimination of air service to a number of rural communities nationwide, including Augusta.

Ms. COLLINS. I would like to express my appreciation to the Chairman and Ranking Member of the Subcommittee as well, and would like to add to what my colleague from Maine has said regarding the EAS program, which is so critical in Maine. The EAS program sustains important economic, social, and quality of life benefits for the rural communities it serves. In Maine's case, Augusta, Maine, the State of Capital, would lose air service. Commercial air service in our Capital is absolutely crucial. Loss of service would undermine the region's economy and hinder the operation of the State government.

Mrs. MURRAY. I am aware of your concern and I can assure you that during the Senate-House conference on this bill, we will keep your views in mind.

Mr. SHELBY. Likewise, I am well aware of your support for the program, and I know how important it is to rural areas including the community of Muscle Shoals, Alabama. I will work with the Chair during the conference to address the concerns you have raised.

Ms. COLLINS. Thank you very much. We appreciate your willingness to address this important matter. We look forward to working with you as the appropriations process continues.

Mrs. SNOWE. Once again, I would like to thank the Subcommittee for its strong support and its willingness to make an effort to address issues of concern to rural states like Maine. Thank you both very much.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the yeas and nays on the bill be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2299), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. 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.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that we proceed to executive session to consider en bloc the following nominations: Calendar Nos. 201, 251, 253, 254, 255, 256, 257, 258, 259, 260, 261, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 301, and 302; that the nominees be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF DEFENSE

Jack Dyer Crouch, II, of Missouri, to be an Assistant Secretary of Defense.

#### DEPARTMENT OF VETERANS AFFAIRS

Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

#### DEPARTMENT OF AGRICULTURE

Eric M. Bost, of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

William T. Hawks, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Joseph J. Jen, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James R. Moseley, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.