

BARRING ACCESS OF LONG-HAUL MEXICAN TRUCKS -- (House of Representatives - September 09, 2008)

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Mr. DeFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6630) to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON LONG-HAUL CROSS BORDER MOTOR CARRIER OPERATIONS.

(a) *Termination of Pilot Program.*--Not later than September 6, 2008, the Secretary of Transportation shall terminate the one-year cross border demonstration project the Secretary started on September 6, 2007, as described in the Federal Register notices dated May 1, 2007 (72 Fed. Reg. 23883), June 8, 2007 (72 Fed. Reg. 31877), and August 17, 2007 (72 Fed. Reg. 46263).

(b) *Congressional Authorization Required.*--Unless expressly authorized by Congress, the Secretary may not grant authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border after September 6, 2008.

SEC. 2. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this Act--

(1) the Inspector General of the Department of Transportation shall transmit to Congress the final report required by section 6901(c) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28);

(2) the independent review panel established by the Secretary of Transportation to monitor the demonstration project referred to in section 1(a) shall transmit to Congress a report--

(A) evaluating the effects that the demonstration project has had on motor carrier safety, including an analysis of any accidents involving motor carriers participating in the demonstration project; and

(B) containing recommendations for modifications to the process of granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border and for monitoring the future operations of such carriers in the United States, in order to enhance safety;

(3) the Secretary shall transmit to Congress a report detailing the implementation of and the participation of motor carriers in the demonstration project referred to in section 1(a), including--

(A) the number and names of United States and Mexico domiciled motor carriers that participated in the demonstration project and the number of vehicles each motor carrier utilized in the demonstration project;

(B) the number of border crossings by motor carriers participating in the demonstration project, including the number of crossings which resulted in a motor carrier traveling beyond United States municipalities and commercial zones on the United States-Mexico border;

(C) an itemization of safety and operational violations identified among motor carriers participating in the demonstration project in pre-authorization safety audits, compliance reviews, and roadside inspections, including a review of the most frequent types of violations;

(D) an analysis of the cost to the Federal Government and State partners of implementing the demonstration project, including administrative costs, safety monitoring and enforcement costs, and the cost of installing global positioning system units on participating vehicles; and

(E) measures taken by the Secretary to terminate the authority of motor carriers participating in the demonstration project to operate beyond United States municipalities and commercial zones on the United States-Mexico border after September 6, 2008, and ensure that such motor carriers cease long-haul operations.

[Time: 17:15]

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DeFazio) and the gentleman from Tennessee (Mr. Duncan) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DeFazio).

GENERAL LEAVE

Mr. DeFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6630.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. *DeFAZIO*. Mr. Speaker, I yield myself such time as I may consume.

Last Saturday, September 6, marked a dark day in the transportation history and the safety of the traveling public in the United States of America. It was the 1-year anniversary of the so-called cross-border demonstration project of the Department of Transportation under the Bush administration.

When this pilot program began, 1 year and 5 days ago, they assured us it would be a 1-year pilot. They further assured us that they would fully evaluate the program before opening our border to all Mexican trucks. Unfortunately, Secretary Peters, under the tutelage of the Bush administration, announced last month that they intend to continue the program for two more years.

You know, given the fact that they have ignored Congress' will on this issue repeatedly, I wasn't surprised. But I am outraged. I am outraged that the Bush administration, for political purposes, would jeopardize the safety of the traveling public in the United States of America.

Since the beginning of this idea in the Bush administration, there has been strong and bipartisan congressional objection to the program. There are a number of concerns regarding Mexico's less stringent or nonexistent regulations on hours of service, vehicle safety, driver training and licensing, their nonexistent commercial driver's license database, or the meaningless database that they contend is a registration of commercial driver's licenses, and the fact that there is not

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one single certified drug testing laboratory in Mexico.

And I am further concerned that our government, under the leadership of the Bush administration, has said that, don't worry; they'll take care of all of these problems at the border. The Federal Motor Carrier Safety Administration will inspect every truck every time, or so they purport.

There are questions about whether or not they're delivering on that pledge. There are also certainly questions of diverting our already inadequate force of Federal Motor Carrier Safety Administration officials, officers to the border to just inspect the trucks of a few Mexican companies that want to drive long distance in the United States.

The House has already voiced opposition on the implementation of this pilot program in three separate pieces of legislation: H.R. 1773, the Safe American Roads Act of 2007, which the House passed in May 2007 by an overwhelming vote of 411-3, and we'll hear a little bit later from the author of that legislation.

Provisions were also included in the 2007 Iraq war supplemental spending bill to impose strict measures to ensure the pilot program adheres to safety and security guidelines.

And then finally, last December, Congress included a provision in the 2008 Consolidated Appropriations Act to prohibit DOT from using funds to, unfortunately, using the Senate's language instead of ours, establish a cross-border motor carrier program. The Bush administration argues that it was already established and they are just continuing it. The legislation that the House had passed would not have allowed them to parse those words and to continue to violate what is the very clear intent to Congress, despite the bungling of the wording by the Senate.

Because of DOT's blatant disregard of congressional intent, I introduced this bill, H.R. 6630, in July, to ensure the Mexican truck pilot is terminated, and that the results are fully evaluated before the program is either expanded or continued, and to reassert the authority of Congress in this matter. So this is something that should be virtually noncontroversial in this House, this House having spoken previously on this issue, this House being, on a bipartisan basis, fully concerned with the safety of the traveling American public, unlike the administration.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, at this time I would like to yield for such time as he may consume to the distinguished ranking member of the full committee, the gentleman from Florida (Mr. *Mica*).

Mr. MICA. I appreciate the ranking member of our highway subcommittee, Mr. *Duncan*, yielding to me. And appreciate the hard work Mr. *DeFazio*, who chairs this subcommittee, has put into this legislation, and also Mr. *Oberstar* and others.

I apologize in actually getting in front of my ranking member of the subcommittee, but have a number of Senators and Representatives waiting on me.

I just want to weigh in and say that I support this legislation. I do want to also set, for the record, the conditions under which this administration is acting.

First of all, I voted against NAFTA back in 1993. It was touted as going to be the best thing since sliced bread for the country. While it has increased some exports and some opportunities on both sides of the border, I believe, overall, it sent many jobs south, and unfortunately, it hasn't been all that it was made out to be.

Additionally, one of the reasons I voted against NAFTA was, as far as the North American Free Trade Agreement, trading with Canada was a pretty level playing field. Trading with Mexico isn't the same deal. And within the original language was a provision that allowed Mexican trucks to transverse our borders and come into the United States, which I was opposed to then, and am opposed to now. Now, that has been contested over the years, both in the Clinton administration, also during the Bush administration.

Within, also, the language of NAFTA, folks should realize that they set up a panel, a NAFTA panel, to be the arbiter and the judge of how the U.S. must act. We really relegated our sovereignty to a panel, again, within NAFTA, which, every time the United States has acted in a contrary fashion to the provisions of the treaty, has ruled against the United States.

So here the Bush administration takes a minimal project, moves it forward. And it is a minimal. There is a limit on the number of trucks that can cross, et cetera.

But Congress has the authority now to stop that program, and I think this is the time to stop that program. There are those in Congress who have to make a decision whether they want these trucks now to continue. We don't have to comply with some agreement. Actually, we passed the treaty, and Congress has the responsibility now to act properly and stop, really, what they started, which was not in the interest of the United States in having, again, fleets of Mexican trucks come across our borders.

So this legislation stops a whole host of bad decisions that have been made in the past. And I strongly support this, in spite of any threats from anybody to act in stopping this legislation. We need to pass this legislation. We need to act responsibly and act now.

Mr. *DeFAZIO*. I yield 2 minutes to the gentlewoman from Kansas (Mrs. *Boyda*).

Mrs. BOYDA of Kansas. I thank you so much, Mr. Chairman. I really appreciate all the work that we have been doing on this bill.

How many times have we done this now? We have been here time and time and time again, trying to say that this program of bringing trucks in from Mexico into the United States, when, as you so well pointed out, all the provisions that the American people expect with regard to drugs, with regard to training and maintenance, all of the things that the American people have come to expect out of our American trucking interests are now being put on the line.

And so what is this, the third time that we have tried to put this, bring this program, this crazy program that, in fact, is making just almost a mockery of this Congress, trying to bring this to its final conclusion.

It was a year ago, after we had made, we passed H.R. 1773 by 411-3, after the Senate had passed their bill as well, that we thought maybe at that time that this program was going to come to an end. And yet, on Labor Day, this time a year ago, on Labor Day the President said, no, we're going to go through with this bill, even though it is clearly against the will of the American people.

Now, Labor Day. Let's think about what happens on Labor Day. First of all, how many families do we have crossing on our highways trying to take families from one event to the next, out there? It's an issue of safety to keep our families safe on our highways. It was an absolute slap in the face of the American people, and it was also a slap in the face of our American trucking industry, who has worked hard to live up to the standards that we have in this Congress imposed on them with safety, training, maintenance and all the environmental controls that they have struggled to get, to be in compliance with.

And so a year ago, the President absolutely refuted the will of the American people and said, we're going to go ahead and do this anyway.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. *DeFAZIO*. I yield the gentlewoman an additional minute.

Mrs. BOYDA of Kansas. One of the heaviest traveling weekends for our families, they went ahead and did it anyway.

Now, let me just say that I spent many, many years working in the pharmaceutical industry. And my concern with this is there have been 500 trucks on our highways over the year. And, by the grace of God, we don't know of any fatal or serious accidents that have taken place.

But, Mr. Speaker, I think you will agree with me that the last thing we want to do is approve a drug that hasn't killed 500 people in a year, and certainly we don't want to take this and say that this program is now ready to be opened up into the broader sector.

We need to stop this now. The American people have spoken. It is about our jobs, it is about safety, it is just flat out about common sense. And I hope finally, Mr. Speaker, that after

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all of our work on this that we are finally bringing this crazy chapter of having trucks from Mexico be on our highways with our families and our American trucks. I hope we are finally bringing this to a close.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be an original cosponsor of H.R. 6630 with Chairman *DeFazio*, Chairman *Oberstar*, and Ranking Member *Mica*; and I simply want to commend them for the work they have done on this legislation, along with the gentlewoman from Kansas.

On September 6, 2007, the Department of Transportation began a 1-year cross-border demonstration project to open the Mexican border to truck traffic. According to the Department, they instituted this program in order to comply with the North American Free Trade Agreement.

The Department announced on August 4 of this year its intent to extend the program for an additional 2 years.

Like many other Members, I believe there are legitimate concerns about continuing this demonstration project, and many of those have been outlined by Chairman *DeFazio* here a few moments ago.

The bill under consideration today terminates the demonstration project 1 year after it began, just as the Department originally intended, until certain information is provided to the Congress.

[Time: 17:30]

Additionally, the bill prohibits the granting of new authority for Mexican trucks to operate beyond the commercial zone on the border without the express authorization of Congress, as I just mentioned.

Last year, we took up consideration and voted overwhelmingly to pass a similar bill, H.R. 1773, the Safe American Roads Act of 2007. Like the bill under consideration today, H.R. 1773 barred Mexican trucks from operating beyond the border zone without Congressional action. That bill passed the Transportation Committee unanimously and then passed in the House--as Chairman *DeFazio* has mentioned, passed the House by a vote of 411-3.

The House has expressed its feeling on this issue in a very strong and bipartisan way. Before the border is completely open to Mexican trucks, we must ensure the safety of motorists on our highways. No matter how much we want to have good relations and trade with our friends in Mexico--and we do--our first obligation is to the American people.

I want to make clear, though, that this bill does not prohibit forever some type of border crossing in relationship with Mexican trucking companies. H.R. 6630 simply requires the Independent Review Panel established by the Secretary of Transportation and the Department of Transportation itself to report to the Congress on the effects that the demonstration project had on motor carrier safety. It also provides a requirement to submit other required information, such as enforcement costs and various safety violations and other things like that, of the companies that have participated in the demonstration project thus far. Once Congress receives this information, Congress could then act to allow Mexican domiciled motor carriers access to the U.S.

This bill does not permanently prevent this type of program but ensures that the border will not be fully open without proper protections in place.

H.R. 6630 will help ensure the safety of our Nation's highways, and especially--and this is so important to me and most Members on both sides--it will help protect our American trucking companies, our small businesses, and our truck drivers. Republicans and Democrats have come together in the interest of the Nation and produced a bipartisan bill that impacts the entire Nation.

I support this bill, and I encourage my colleagues to do the same.

I reserve the balance of my time.

Mr. *DeFAZIO*. Mr. Speaker, I would yield 2 minutes to the gentleman from California (Mr. *Filner*).

Mr. *FILNER*. Thank you, Mr. Chairman. I would also thank you for forging this legislation in a bipartisan way which you will hopefully have unanimous support with this Congress. This program we're trying to roll back I think is one of the most dangerous programs this administration has ever tried to put into effect.

I represent the entire California-Mexico border. It is my district. I know what happens with these trucks at the border. We haven't dealt with issues of licensing of drivers, we haven't dealt with insurance or safety of the trucks, not even mentioning the jobs that are lost to American truckers.

Let me just tell you two things very quickly about what goes on at the border.

The Federal Motor Carrier Transportation Administration issues what it calls a tamperproof sticker, a green sticker to say that this truck is safe. I have been in Tijuana and I have seen these windshields which have the tamperproof sticker put on different trucks. So they haven't tampered with the sticker, but they put it on a different truck.

I have seen papers that supposedly guarantee insurance of a truck. A company that owns 10 trucks will buy an insurance policy for one truck and pass that paper around to all of the other ones. They're very difficult to distinguish. They pass the muster at the border and they're free, under this program that we're trying to stop, to move around in our Nation without really having any choice.

We could go on for hours on this. We have looked at all of these different aspects that the administration just refuses to look at.

So, Mr. *DeFazio*, thank you for bringing this to us. We have got to stop this program. We've got to stop it now and save both jobs and lives of American truckers.

Mr. *DUNCAN*. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. *Ginny Brown-Waite*).

Ms. *GINNY BROWN-WAITE* of Florida. Thank you very much.

Mr. Speaker, I rise today in support of H.R. 6630. This bill prohibits the Secretary of Transportation from authorizing any Mexican truck from operating beyond the United States-Mexican border unless specifically authorized by Congress.

Many of my constituents and I are greatly concerned over the safety and wisdom of the cross-border trucking pilot program. Currently, this program allows trucks registered in Mexico to operate beyond the border commercial zones in California, Arizona, New Mexico, and Texas.

When this program began, the Department of Transportation promised Congress that they would inspect, ``every truck every time.'' However, an Inspector General report revealed earlier this year that the Department of Transportation is not adequately performing critical quality control measures. Crucially, the department has been unable to provide any assurance that Mexican trucks and drivers are being checked at the border as advertised.

Quality control checks are not the only problem. Increased drug smuggling and human trafficking is a grave concern as well. And different national regulations mean Mexican trucks are less safe. In January of this year, Mr. Speaker, two tractor trailer trucks with Mexican license plates crashed on the Mexico-Texas border. Four people died.

If the Department of Transportation and any future administration wish to restart the cross-border trucking pilot program, this bill would require them to first seek congressional authorization. Simply put, the security of our Nation's borders must be of the utmost concern.

Speaking of trucks, Mr. Speaker, I, like all Members of Congress, am hearing from truckers in my district about the very high cost of fuel. They ask why won't the Democrat majority, and in particular why won't Speaker *Pelosi* allow drilling to lower the cost of their fuel. We need to have an all-in energy program.

Mr. Speaker, back on the bill, I urge all of my colleagues to support H.R. 6630 and the termination of the cross-border trucking pilot program.

Mr. *DeFAZIO*. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out that I believe that this is a long-standing desire on the part of both the President--whose name shall not be mentioned at least on the Republican side of the aisle--George W. Bush and other members of his administration. In fact, as early as December 26, 1996, the headline

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of the Journal of Commerce, Texas, ``Governor Berates Clinton Over Delay in Border Opening." And then June 17, 1996, Texas Governor George W. Bush, now the President of the United States, issues a call for the start of NAFTA trucking.

George W. Bush has long been an advocate of fully opening the border. In fact, before 9/11 he wanted to move to a borderless state between the U.S. and Mexico. Security concerns overrode him there. But he's trying to do it with trucks.

And hand-in-glove with the President is Secretary of Transportation, Mary Peters. Her track record on this is disingenuous at best, deceitful, or perhaps she perjured herself. She said in her Senate confirmation hearing, ``There are no immediate plans to pursue a pilot program."

But since she made that statement, we find that while she was head of the Federal Highway Administration from 2001 to 2005, plans were well underway by the Bush administration to open the border. It was first raised in the fall of 2004 between former Secretary Mineta and Mexican Secretary Cerisola in November of 2004.

And in early 2005, DOT actually was crafting a proposal. In a document entitled, ``Implementing NAFTA's Commercial Motor Carrier access Provisions--A Pilot Approach," outlined early plans for pilot programming. And it said, ``The essence of a pilot would be to create a crack in the current impasse and allow the pressure of time, and most importantly, the Mexican carriers not participating in the pilot, to enlarge the crack, to a point that a complete liberalization of the border becomes a fait accompli."

They used French despite their disdain for the French position of not invading Iraq.

However, you know, as I said, Ms. Peters contradicted that.

So what we have here is an administration that is dead set to defy the will of the United States Congress as expressed in a bipartisan way to protect the safety of the American traveling public and to prevent the continuation and/or expansion of this program.

We should, Mr. Speaker, pass this bill with hopefully a unanimous vote or near unanimous vote to send yet one last message to this Bush administration and the law defiers and the dissemblers downtown and tell them to bring this program to a halt as they promised. It would have halted on September 6, 2007.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes at this time to the gentlelady from North Carolina (Ms. *Foxx*).

Ms. FOXX. I thank my colleague from Tennessee for yielding.

I agree that this is a problematic program, and I agree also with my colleague from Florida, Congresswoman *Ginny Brown-Waite*, that what I am hearing at home is from truckers in my district, as well as average citizens, who are complaining about the high price of gasoline. And of course the truckers are complaining about the high price of diesel. And they want to know why is this Congress not doing something about the high price of gasoline.

As we have said often on this floor, Republicans are ready to vote on an all-of-the-above strategy to bring down the price of gasoline. And we know Americans are going to be facing very high prices for fuel oil pretty soon. So we want to do something about the high price of gasoline by bringing up the American Energy Act and having an up-or-down vote on what to do about bringing down the price of gasoline by providing more supply.

As I have said many times on this floor, the Republicans are pro-American energy. We want to see more American energy supplied to the American consumers. We want more oil, we want alternatives, but we can't get energy independent without drilling for more oil and having a segue into the alternatives. We believe that Democrats are anti-American energy, and anti-American energy is going to keep the price of gasoline very high. It's also going to make the price of fuel oil this winter very high, which is going to hurt all of our citizens.

So we want to help our truckers, we want to help our seniors, we want to help other agencies who are struggling with this as well as our average citizens. Bring down the price of gasoline and bring down the price of fuel oil by bringing the American Energy Act for a vote and allow us to have an up-or-down vote. Do we drill in ANWR? Do we drill in the Outer Continental Shelf? Or do we allow the Democrats to continue to play games with this Congress?

Mr. *DeFAZIO*. Mr. Speaker, can you tell me about the remaining time?

The SPEAKER pro tempore. The gentleman from Tennessee has 7 minutes. The gentleman from Oregon has 6 1/2 minutes.

Mr. *DeFAZIO*. Mr. Speaker, I had hoped to restrict this debate to the failings of the Republican Bush administration in protecting the safety of the American traveling public and the jobs of American truckers. Unfortunately, the gentlelady before us apparently has amnesia because she forgets that the Republicans controlled the House, the Senate, and the White House for 6 years. And during those 6 years, Vice President *Cheney* wrote an energy policy in secret with the big oil companies.

[Time: 17:45]

George Bush walked hand-in-hand with the King of Saudi Arabia, and they designed a policy. That policy that was actually designed to make us more dependent on foreign oil rather than less, and many of us who opposed it then in the minority said this is not a solution to America's energy problems. You are going to make us more dependent on foreign oil, and we are, exactly as was designed by Vice President *Cheney*, endorsed by President Bush and passed by the Republican House and the Republican Senate. That's the energy policy we're living under, that.

Now, today, they're born again as defenders of the American consumers, and they pocket hundreds of millions--sorry, hundreds of thousands, millions of dollars in contributions from Big Oil. They want to rush forward yet again with a shortsighted policy while giving lip service to a long-term solution to our energy needs.

We will have a comprehensive bill on the floor later this week, and we will see where the Republicans really stand on this issues. Do they stand with the American people, with American consumers? Will they look forward to the future and finally freeing us from the trial and enslavement to the OPEC nations? We will see later this week.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. *Price*).

Mr. PRICE of Georgia. I thank my friend for yielding, and I think the underlying bill has some merit.

I'm curious, my friend from Oregon getting so exercised and excited about this debate. I appreciate his passion. I would, however, correct his amnesia because bill after bill after bill that resulted in legislation passed through this House that would increase American-made energy for Americans did so over the previous 6 years before this Democrat majority came into office and was stymied in the Senate by 41 Democrats. That's all it takes in the Senate, as you know, Mr. Speaker. That's all it takes.

So what we heard over the last 5 weeks--I know it's what my friend from Oregon heard at home--is that the American people are tired of all this. They want action. They want American-made energy for Americans. They want to decrease our dependence on foreign oil, and they want action.

And so over the last 2 days we've been debating bill after bill, and they've been some wonderful bills. We've named a number of post offices. We've done a lot of interesting work, but what we haven't done is address the number one issue of the American people, and that is the high cost of gasoline and energy.

So we look forward with great anticipation to the bill that will be rolled out later this week. Granted it hasn't been an open process. Granted it hasn't been a fair process. But we hope that an open rule will allow that bill to come to the floor so that we can have an opportunity to have Members of this House of Representatives, as the rules would allow, have input, to represent their constituents, again, on the most important issue of the day.

We hope that the bill doesn't include remarkable tax increases on domestic

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oil producers so this Democrat majority takes us further in the direction of dependence on foreign oil. We hope that isn't the case.

We hope that the bill doesn't include ridiculous components that make it so that it would be impossible to utilize 80 percent of the resources that we have offshore.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DUNCAN. I yield the gentleman an additional minute.

Mr. PRICE of Georgia. We hope that the Democrat majority has listened over the last 5 weeks when they've been home on their vacation. We hope that they've listened to their constituents and recognize that folks at home want us to explore offshore, not just off four eastern States, Mr. Speaker, but off the areas where there is significant resources that we know is there. That means off the western coast of Florida. That means off the west coast. That means utilizing deep sea exploration in Alaska and also onshore exploration.

We hope that the bill contains limitations on the ability to sue and hold up leases. Every single lease that has been let by this administration in the last 2 years is now in court, over a thousand of them, because of the lax laws on liability.

Mr. Speaker, we look forward to a commonsense bill. We look forward to an all-of-the-above bill. We look forward to a bill that will answer the number one concern of the American people, that they want American-made energy for Americans now.

Mr. *DeFAZIO*. I have the right to close, and I will be the last speaker.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Once again, I will say this is a bill primarily concerned about the safety and fairness to American trucking companies and American truckers. I agree with my colleagues that the high cost of energy, high cost of diesel fuel has hit especially small trucking companies and truckers harder than almost anyone, and certainly Republicans have been trying desperately for several months to do everything possible

to increase energy production in this country, which is the only way to bring down these exorbitant costs we've been experiencing over the last 2 years.

The cost of gasoline when Speaker *Pelosi* was sworn in was a little over \$2 gallon. Now, it's gone to more than \$4 a gallon but has started coming down now just because of the threat of increased production. And we certainly need to do more in regard to that to be fair and helpful to our truckers and our trucking companies.

Now, let me say once again: this is a very moderate, sensible, balanced, and reasonable bill. It does not prohibit some sort of program for Mexican trucking companies that are safe and don't have all these violations. It would allow them to come in after additional information is given to the Congress about the results from this 1-year demonstration project. That's not much to ask for from the administration, and we need that information about safety violations.

We need to find out whether these Mexican truck drivers have drug addictions or they have numerous safety violations, find out whether some of these trucking companies are coming in, these trucks are coming in here in a very unsafe and uninsured condition.

So I think this is a bill that all of our colleagues on both sides of the aisle can support. As I said earlier, practically the same bill was passed a few months ago by a vote of 411-3, and I ask all of my colleagues to support this legislation which has bipartisan support.

I yield back the balance of my time.

Mr. *DeFAZIO*. I thank the gentleman for returning to the subject at hand, which is the safety of the traveling public and American jobs which the Bush administration would disregard by continuing their pilot program, violating their promise to only continue the program as a pilot for 1 year, 1 year having expired last Saturday, further violating and ignoring the intent of the Congress which has on numerous occasions expressed concerns regarding this program and its effect on the traveling public.

So I would hope that, on a bipartisan basis, we can send a message to the Bush White House by passing this bill unanimously, or nearly unanimously, and say that the Congress cares about the safety of the traveling public. The Congress cares about the fact there's no meaningful commercial driver's license database in Mexico. We don't really know who these people are.

The Congress cares about the fact that there is no meaningful hours of service program in Mexico and that many of these drivers may be crossing the border fatigued to the point of endangering public safety.

The Congress cares about the fact that there is no certified drug testing laboratory in Mexico, no meaningful program of testing for drugs of truck drivers in Mexico.

The Congress cares about the potential for insurance fraud and other things as mentioned by our colleague from California (Mr. *Filner*).

And the Congress is determined that this administration, the administration of George W. Bush, this Republican administration, should stop violating the law and violating the law and jeopardizing the American public for their own ideological ends in their hope that they can pry this program open wide enough that a future Congress or a future administration won't be able to slam it shut again.

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Mr. *STARK*. Mr. Speaker, I rise today to support H.R. 6630, a bill to Bar Access of Long-Haul Mexican Trucks. I do so to reject this Administration's dismissal of clear Congressional intent and on behalf of hundreds of my constituents who contacted me to express their opposition to this program.

Congress has a duty to protect our highways from drivers without adequate safety equipment. This bill enables a full examination into the potential effects of allowing Mexican trucks to enter the United States. Then, Congress can consider whether to allow such entry.

Congress has come together--on a bipartisan basis--time again to stop the pilot program. Unfortunately, we have been consistently disregarded by an Administration more concerned with pushing through cross-border trade agreements than the safety of our highways.

In 2007, the Supplemental Appropriations bill explicitly contained language limiting the implementation of the pilot program. Despite this, the Department of Transportation (DOT) launched the pilot.

In response, the 2008 Transportation Appropriations bill prevented the DOT from using Federal money to fund the pilot program. DOT challenged this language and continued with the program.

At the end of July 2008, the House Committee on Transportation and Infrastructure unanimously voted to end the DOT pilot program. Immediately afterward, the DOT defiantly declared it was extending the pilot program--not terminating it.

The most vocal message from the House came with the passage of the Safe American Roads Act in May 2007. The bill posed time limits on the pilot program and reporting requirements on the DOT.

SARA was a powerful, bipartisan effort. 411 members voted for the measure and only three voted against it. However, this overwhelming effort has been undermined by the Administration in its determination to open our borders to unsafe and environmentally damaging transportation practices. The Administration has performed legal and linguistic contortion upon contortion to find loopholes and semantic arguments designed to bypass the very clear intent of Congress; and Congress must not stand for it.

I encourage all of my colleagues to join us in supporting this legislation to protect America's highways and push back against such blatant Executive disregard for the intent of Congress.

Mr. *OBERSTAR*. Mr. Speaker, I rise in strong support of H.R. 6630. This is a bill with a simple purpose: to require a cross-border trucking pilot program initiated by the Department of Transportation ("DOT") on September 6, 2007, to terminate immediately, and to force the Administration to stay true to its word that this program remain a short-term, limited experiment.

In February of last year, the Secretary of Transportation first announced her intent to launch a pilot program to allow up to 100 Mexico-

domiciled motor carriers to operate beyond the commercial zones at the U.S.-Mexico border. The Secretary assured Congress and the American people that this pilot program would last one year. The Secretary made this pledge at news conferences and multiple Congressional hearings. DOT further cemented this commitment by publishing the details of a one-year pilot program in three separate Federal Register notices.

The Committee on Transportation and Infrastructure ordered H.R. 6630 reported in July in anticipation of the one-year mark, which occurred a few days ago. We considered this bill, which statutorily requires the Secretary to shut the program down after one year, because we had no reason to believe that the

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Administration would terminate the pilot program and revoke the authority of participating carriers--unless compelled to do so by Congress.

We were right. On August 4, 2008, on the first day of the Congressional recess, DOT announced that it would extend the program for an additional two years, through 2010.

Since last February, I have expressed my strong concerns over whether safety on U.S. roads would be adversely impacted and whether DOT was ready to enforce all Federal motor carrier laws and regulations. I have also expressed my amazement with the careless way that the Administration has violated the will of Congress and the spirit of the law over the last 18 months.

Today, I repeat these sentiments and say enough is enough. It is time for DOT to be held accountable for its actions and made to keep its own promises.

The House has already voiced strong, bipartisan opposition to the implementation of this pilot program in three separate pieces of legislation, each of which DOT has strongly opposed:

The House passed H.R. 1773, the Safe American Roads Act of 2007, on May 15 by a vote of 411-3.

On May 25, 2007, the House passed the U.S. Troop Readiness, Veterans Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28), which was signed by the President, and which included a number of safety prerequisites regarding the proposed pilot program. DOT glossed over these requirements and moved ahead without fully taking them into account.

On July 24, 2007, the House passed the FY 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (H.R. 3074) with a provision to bar DOT from using any funds to implement its proposed pilot program. A similar provision was included in the Consolidated Appropriations Act of 2008 (P.L. 110-161), approved by the House on December 17, 2007. DOT found a technical "out" to avoid compliance with this provision.

DOT pushed past Congressional concerns in establishing this program. The Department has pushed on despite strong opposition to extend the program, and they will continue to push on. Carriers participating in the pilot program have been granted provisional operating authority for 18 months, after which DOT could allow the authority to become permanent.

Without further Congressional action, this "experiment" will turn into what opponents of this program have feared all along--a sea change in surface transportation policy.

To date, participation in the pilot program has been underwhelming. According to Federal Motor Carrier Safety Association ("FMCSA") data, 27 Mexican carriers operating 107 trucks and 10 U.S. carriers operating 55 trucks are participating in the pilot program. Pilot program participants from Mexico crossed into the United States 9,776 times. Only 1,337 of these crossings, or 14 percent, resulted in carriers traveling beyond the border zones.

To accommodate a small fraction of trips taken by these 37 carriers, the Federal Government has spent more than \$500 million since 1995 to prepare for opening of the U.S.-Mexico border to motor carrier traffic.

This is more than the entire FMCSA budget for all Federal motor carrier safety programs in all 50 States for FY 2008.

While spending thousands of hours of staff resources to implement the Administration's cross-border operations, FMCSA has yet to finalize 14 Congressionally mandated rulemakings--some of which have been pending since 1999--on critical motor carrier safety issues such as medical certification of drivers, commercial drivers license testing standards, hours of service, and revocation of operating authority from a carrier with a pattern of safety violations. Several reports are also overdue--including a report on whistleblower protections required in 1998.

There is nothing in the North American Free Trade Agreement, or any other trade agreement, that abrogates the authority of Congress to exercise its power under the Constitution to change domestic law. It is time for Congress to reclaim its ability to have some bearing on the obligations contained in the surface transportation provisions of NAFTA.

I thank the Chairman of the Subcommittee on Highways and Transit, Mr. DeFAZIO, for introducing the bill, and Ranking Member *Mica* and Subcommittee Ranking Member *Duncan* for joining with us in this effort.

I urge my colleagues to join me in supporting H.R. 6630.

- [End Insert]

Mr. DeFAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. *DeFazio*) that the House suspend the rules and pass the bill, H.R. 6630, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. *DeFAZIO*. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

END

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