speaks, everybody should listen. We have a collection of his papers on the Senate, but he has done so many other things. Just think of the voice, but look at the message, and you capture the essence of Senator BYRD. I am going to miss him terribly when I leave here.

Mr. BYRD. I thank the Senator.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3440

(Purpose: To condition the use by the FAA Airport Office of non-safety related funds on the FAA's completion of its investigation in Docket No. 13–95–05)

Mr. SHELBY. Mr. President, I call up amendment No. 3440 on behalf of Senator MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. MCCAIN, proposes an amendment numbered 3440.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ADDITIONAL SANCTION FOR REVENUE DIVERSION.

Except as necessary to ensure public safety, no amount appropriated under this or any other Act may be used to fund any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any inter-governmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration—

(1) concludes the investigation initiated in Docket 13–95–05; and

(2) either—

(A) takes action, if necessary and appropriate, on the basis of the investigation to ensure compliance with applicable laws, policies, and grant assurances regarding revenue use and retention by an airport; or

(B) determines that no action is warranted.

Mr. SHELBY. Mr. President, this amendment has been cleared on both sides of the aisle. I have talked to Senator LAUTENBERG about it. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3440) was agreed to.

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

Mr. LAUTENBERG. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I thank the managers of the Transportation Appropriations bill for accepting my amendment that would prohibit the Department of Transportation from making any airport grant to the Los Angeles International Airport until the Federal Aviation Administration concludes an investigation into illegal revenue diversion at the airport. The exception to this prohibition would be if such grants were required to ensure public safety. The investigation at issue here has been going on for more than five years without resolution, and American taxpayers deserve to know whether their money has been used for illegal purposes.

The investigation of revenue diversion about which I am concerned involves the City of Los Angeles and the Los Angeles International Airport, LAX. Unfortunately, this airport has served as the poster child for the problem of illegal revenue diversion for as long as I care to remember. In this case, a complaint was filed with the FAA in 1995 about the transfer of $59 million from LAX to the city. Despite the fact that the DOT's Office of Inspector General has periodically contacted the FAA to inquire about the status of a decision by the FAA on the complaint, no decision has been forthcoming. As the Inspector General stated in a recent memo to the FAA on this subject, 5 years should be more than sufficient time for the FAA to consider the facts in the case and render a decision.

If there is no objection, I ask unanimous consent to print the Inspector General's memo in the RECORD.

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

(See Exhibit 1.)

Mr. MCCAIN. It is with a deep sense of frustration that I am compelled to act on this matter. As many of my colleagues know, I have been fighting against the illegal diversion of airport revenues for purposes that do not serve the aviation system. In fact, four years ago I spearheaded the legislative effort in the Senate to strengthen the laws against such revenue diversions.

Because we have a national air transportation system with considerable federal investment and oversight, funded in large part by the users of the system, it is critical that airports or the bodies that control them do not use monies for non-airport purposes. We cannot allow airports to receive federal grant dollars on the one hand, and spend other airport revenues for non-aviation purposes. This type of shell game results in the misuse of the underlying grant. That is one of the principal reasons there are laws against diversions of airport revenues. Unfortunately, many cities that control airports see them as sources of cash that can be tapped for popular purposes.

Another reason that revenue diversion is harmful is that our Nation's airports are meant to be self-sustaining. By keeping monies generated by airports at those airports, we ensure that an important part of the national transportation system is kept strong. If airports are used to generate cash for local jurisdictions, the airport itself will suffer from the loss of resources. Even worse, air travelers will be effectively double taxed—once through federal aviation excise taxes, and a second time through the higher air fares that airlines will charge when their costs of maintaining the airport go up.

I stress that I am not advocating a specific result in this matter, and I trust that whatever decision or course of action the FAA may take will be made in the best interests of the country. In that vein, my amendment would allow grants to be made once the investigation is concluded, even if the determination is made that no action is necessary.

Again, I seek no preferential treatment for any of the parties in this matter. I desire only that this investigation be conducted appropriately, fairly, and in a timely manner. The delays that have occurred so far are just not acceptable.

Again, I thank my colleagues for accepting my amendment.

EXHIBIT 1

U.S. DEPARTMENT OF TRANSPORTATION,
May 10, 2000.

MEMORANDUM

To: Jane F. Garvey, Federal Aviation Administrator

From: Kenneth M. Mead, Inspector General

Subject: Action: Complaint by Air Transport Association Concerning Los Angeles International Airport

The Air Transport Association (ATA) requested the Inspector General's assistance in expediting resolution of ATA's formal complaint to FAA over the transfer of revenues from Los Angeles International Airport (Airport) to the City of Los Angeles (City). The complaint, filed in March 1995 pursuant to FAA's Investigative and Enforcement Procedures (14 CFR Part 13), questioned the transfer of about $59 million from the Airport to the City. These funds were the proceeds from sale of Airport property to the State of California Department of Transportation for construction of the Century Freeway. The ATA considered the transfer to be a prohibited revenue diversion in violation of Federal regulations and grant assurances.

In May 1996 we issued a Management Advisory Memorandum (Report Number R9–FA–6–011) to your Associate Administrator for Airports discussing issues which FAA needed to consider in its deliberations on the merits of the ATA complaint. We pointed out the land sold to the State of California was used for aeronautical purposes, was purchased by the Airport, and severance damages associated with the sale should be paid to the Airport. In a June 1996 reply to our memorandum, FAA agreed to consider our information and make the memorandum a part of the Record of Decision on the complaint.

Over the past several years we have periodically contacted your Office of Associate Administrator for Airports to inquire as to the status of a decision by FAA on the ATA complaint. However, no decision on the complaint has been forthcoming.

On Apri 26, 2000, we informed the Acting Associate Administrator for Airports of the ATA request and she promised to look into why it was taking so long to resolve this complaint. Five years has elapsed since ATA filed its complaint. This should be more than sufficient time for FAA to consider the facts in the case and render a decision.

Please advise us as to when FAA expects to render a decision on the ATA complaint. If

the decision is not forthcoming in the near term, please provide the estimated date of completion and an explanation for further delays.

If you have any questions, or would like additional information, please contact me at (202) 366–1959, or my Deputy, Raymond J. DeCarli, at (202) 366–6767.

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

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

Mr. SHELBY. Mr. President, I ask unanimous consent that Senator LAUTENBERG be recognized for 5 minutes before we proceed to vote on the Allard amendment. I further ask unanimous consent that following the vote, I be recognized to offer an amendment; following the disposition of that amendment, the bill then be read a third time and the Senate then proceed to the vote on passage of the bill, as amended. I further ask unanimous consent that following that vote, the Senate then insist on its amendments and request a conference with the House; further, that Senator GORTON then be immediately recognized in order to make a motion to instruct conferees relative to CAFE.

Further, I ask unanimous consent that there be 2 hours equally divided in the usual form for debate on the motion, divided in the usual form, with an additional 15 minutes under the control of Senator LEVIN, 15 minutes under the control of Senator ABRAHAM, and 15 additional minutes for the proponents of the motion, with no amendments to the motion in order.

Finally, I ask unanimous consent that following that time, the Senate proceed to vote in relation to the motion and that the Chair then be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I want to make sure that everyone understands the minority.

We are doing our best to be cooperative here. But the original arrangement was that we would be able to spend some time on the Defense authorization bill. Under this agreement that will be entered shortly, we will be very lucky to finish a vote on the CAFE instructions to conferees by 7 o'clock tonight. That is an inappropriate time for us to begin some very serious deliberations that we have on a matter relating to Cuba, to abortion, and to military hospitals.

So I want the majority to be put on notice that we expect, next week, to have adequate time to go into these issues, and others. There has been a gentlemen's understanding between the two leaders that we would do half and half. We just haven't been getting our half over here on the authorization matters. We hope there will be something done next week to allow us to do that. Otherwise, we could have some problems.

I have no objection.

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

The Senator from New Jersey is recognized for 5 minutes.

AMENDMENT NO. 3430

Mr. LAUTENBERG. Mr. President, I want to talk about this Allard amendment because it gives an appearance of reserving $12.2 billion for deficit reduction. I support that goal, and I am not going to oppose this amendment. But I really want to make it clear that, as a practical matter, this amendment has no meaning. Nobody should fool themselves into believing otherwise.

The current budget rules already protect budget surpluses by establishing limits on discretionary spending and by requiring offsets for all new mandatory spending or tax cuts. These rules require across-the-board cuts if Congress raids any surplus by exceeding the spending caps or by violating the so-called pay-as-you-go rules. So this amendment doesn't add any new protections to those already in law, nor does it change the provisions in current law that require all surpluses to be used to reduce our public debt.

The amendment claims to promote debt reduction by depositing $12.2 billion into a trust fund that generally is used for receipts of gifts from foreign countries, the proceeds of which are automatically dedicated to debt reduction.

Well, that sounds good. I don't think it is going to do any harm. But it doesn't change anything, realistically. It is an intragovernmental transfer, taking from one end of the Government and giving it to another. It doesn't affect the bottom line, and it doesn't add any protections that don't already exist.

I point out, also, that we are on a course to reduce publicly held debt by a lot more than $12.2 billion this year. Under the budget resolution, all of the roughly $150 billion Social Security surplus, and more than $12 billion of the non-Social Security surplus, is already devoted to debt reduction. So there is roughly a $160 billion reserve for debt reduction already.

The Congressional Budget Office is expected to add another $30 billion to $40 billion in their re-estimate to that total within the next few weeks. So while we are on track to reduce the debt by potentially $200 billion this year, including perhaps $50 billion from the non-Social Security surplus, this amendment stands for the bold proposition that we should commit at least $12.2 billion for debt reduction. Again, it is likely that we are going to have a $200 billion debt reduction this year. So I don't understand, and I am not quite sure why we are doing this or why we have to define $12.2 billion as directed to debt reduction.

In sum, the amendment claims it is going to reduce debt by a lot less than we are already on track to reduce, and it doesn't have any practical effect. Perhaps it will make some folks feel good, and I am not going to object to its adoption; but this is an exercise that is unnecessary and doesn't accomplish really anything. But we are all in the process of saluting debt reduction, and this is just another salute, I guess.

I yield the floor. 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.

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

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

Mr. LAUTENBERG. I yield back whatever time we have.

The PRESIDING OFFICER. Under the previous order, the question is now on agreeing to the Allard amendment No. 3430.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—95

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lieberman	Warner
Edwards	Lincoln	Wyden
Enzi	Lott	

NAYS—3

Byrd	Hollings	Wellstone

NOT VOTING—2

Domenici	Rockefeller

The amendment (No. 3430) was agreed to.

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

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

The motion to lay on the table was agreed to.

WAAS

Mr. INHOFE. Would the Senator yield for a brief colloquy?

Mr. SHELBY. I yield to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding. I want to commend the chairman of the Transportation Appropriations Subcommittee for developing this legislation. I understand the constraints of the allocation given the subcommittee and I believe he and the gentleman from New Jersey have done a great job in developing a bill the entire Senate can support.

As a general aviation pilot I also want to specifically thank the Senator for his recognition throughout the legislation of the role of general aviation in the national air transportation system. As the report correctly noted, ''the FAA should not let the perfect be the enemy of the good'' and although for example the WAAS program is struggling, the legislation notes the number of satellite based applications that can be deployed here and now to enhance aviation safety.

As you move to conference, would the Chairman be willing to work with me on language for inclusion in the Statement of Managers to enhance direction to the FAA in this particular regard? Increasing the number of GPS approaches, developing databases and GPS corridors through Class B airspace will immediately improve safety for thousands of general aviation pilots.

Mr. SHELBY. I thank the Senator for yielding and for his kind words regarding our legislation. We would be pleased to work with the Senator and I support the thrust of his request.

His request tracks very closely with the subcommittee's philosophy regarding FAA modernization. Funds provided in this bill for next generation navigation should not be used solely to protect programs which our bill report details are struggling to various degrees but to deploy the immediate benefits of satellite based technologies as quickly as possible.

I thank the Senator for his interest and look forward to working with him.

Mr. INHOFE. I thank the Senator.

USE OF SMALL DUMMIES IN THE NEW CAR ASSESSMENT PROGRAM

Mrs. BOXER. I would like to ask my distinguished friend, the Senator from Alabama, about committee report language on the Fiscal Year 2001 Transportation Appropriations bill that affects the use of small dummies in the New Car Assessment Program, or NCAP. Let me quote from the relevant section of the report:

> The Committee denies the request to expand NCAP by using small size dummies in crash tests. The Committee believes that test devices should be required for use in safety standards compliance testing before being considered for inclusion in NCAP.

As my good friend knows, the National Highway Transportation Safety Administration (NHTSA) currently conducts crash tests using dummies that meet a standard for full-grown adult men, and I am concerned that this report language would prevent the public from learning how new cars would perform in crashes involving occupants of all sizes—smaller adults and children.

Mr. SHELBY. I thank the Senator from California for the opportunity to clarify the committee's intent with respect to the committee's response to NHTSA's request to test the ''feasibility of using the 5th percentile dummy'' as indicated in the budget justification. The committee intended with this report language to ensure that NCAP would be expanded to include small size dummies until those dummies are certified for use in crash tests conducted to verify compliance with federal motor vehicle safety standards. I am very supportive of the expanding the number of crash test dummies to more accurately simulate the diverse height and weight of vehicle occupants. The intent was not to prevent the agency from using small dummies nor to prevent NHTSA from acquiring test data essential. To the contrary, the committee provides additional funding in the relevant Research and Analysis contract program.

I want to underscore how important it is for members of the committee and the entire body to have accurate and consistent information from NHTSA in order to proceed with expanded NCAP tests. Indeed, the committee has received conflicting information from NHTSA regarding the readiness of small size dummies for use in crash tests.

Mrs. BOXER. I thank the Senator for his answer, and I agree that it is essential that safety dummies used in the NCAP program in fact provide adequate and reliable data to consumers and automobile manufacturers alike. I appreciate that there has been some confusion with respect to certification of the so-called small 5th percentile dummy, but I now have information from NHTSA which indicates that the dummy has been thoroughly tested and certified through the appropriate rulemaking process.

Would he under these circumstances commit to making every effort in the conference committee on the Transportation bill to change that specific report language to reflect this information from NHTSA?

Mr. SHELBY. I assure the Senator from California that I will continue to consult with NHTSA regarding the design and reliability of the small size dummies. I believe it is critical that these dummies be satisfactorily developed in time for compliance testing associated with the new advanced air bag rule in 2004.

NATIONAL PLANNING AND RESEARCH PROGRAM

Mr. COCHRAN. Mr. President, as the Senator from Alabama is aware, this bill includes funding for a number of transit planning and research grants under the National Planning and Research Program. The Committee report that accompanies the bill identifies a number of individual research projects, including several university based projects, and the amount of federal funding to be provided for each. I commend the Chairman and the Subcommittee for their support for University based research into transit and related transportation matters. I would inquire of the Chairman whether he was aware of Jackson State University's transportation research capabilities and their plan to establish an institute at the University to utilize the disciplines of information technology, engineering, environmental science, public policy and business to provide technical and other assistance to transportation planners, local governments and others involved in multimodal transportation?

Mr. SHELBY. Mr. President, I am advised that the Senator from Mississippi did bring this matter to the Subcommittee's attention and requested the Subcommittee's consideration for funding. As the Senator from Mississippi knows, the subcommittee considered a number of requests for research projects that could not be funded within the allocations. However, I share the Senator from Mississippi's view that the research program proposed by Jackson State University would make an important contribution to multi-modal transportation research.

Mr. COCHRAN. Mr. President, I appreciate the Chairman's response, and I hope he will work in conference to provide funding for the Jackson State University Transportation Institute.

BUS FACILITIES

Mr. LEVIN. Mr. President, we have before the Senate H.R. 4475, the fiscal year 2001 Appropriations Act for transportation. Included in the Senate Committee Report is the statement: State of Michigan buses and bus facilities: Despite unanimous supported agreements among the Michigan Public Transit Association, its members, and the Michigan Department of Transportation that Section 5309 bus funds to Michigan transit agencies be distributed through MDOT, designations of funds to individual transit agencies continue to be sought and proposed apart from the agreement. The Committee directs that any fiscal year 2001 discretionary bus funds for projects in Michigan be distributed through MDOT in accordance with the MPTA–MDOT agreement.

I have spoken with many local jurisdictions who do not agree that there has been an agreement that all money would go to the Michigan Department of Transportation and that there would be no specific earmarks.

I have a letter here from the President of the Michigan Public Transit Association which states that it was understood by MPTA that Michigan

transit systems be allowed to pursue their own individual earmarks. I have requested such earmarks from the Committee. I ask consent that this letter be inserted in the RECORD at the conclusion of this colloquy.

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

(See exhibit 1.)

Mr. LAUTENBERG. I thank the Senator from Michigan, and he is correct, there is language in the Committee Report which directs that any fiscal year 2001 discretionary bus funds for projects in Michigan be distributed through MDOT in accordance with the MPTA–MDOT agreement.

Mr. LEVIN. I ask that you consider in conference our specific requests as well as the overall allocation of $70 million for Bus Grants for Bus Dependent States.

Mr. LAUTENBERG. I assure the Senator from Michigan that specific requests will be carefully considered.

EXHIBIT 1

MICHIGAN PUBLIC TRANSIT ASSOCIATION,
Lansing, MI, June 15, 2000.

To: Michigan Congressional Delegation

In regard to FY 2000–01 Section 5309 earmarks to the State of Michigan, the Michigan Public Transit Association is in support of both the State's priority list for earmarks as provided to the Michigan Congressional Delegation, and will support any individual earmarks that Michigan areas have requested. There is no agreement that says that the State of Michigan will get all the earmark funds. We understand that the State of Michigan has submitted a priority list in which certain facility projects will receive the first priority, and bus replacement needs in Michigan will receive the second priority. The Michigan Public Transit Association supports Michigan Department of Transportation identification of needs and has agreed to the prioritization. We furthermore understand that transit systems will be asking for special earmarks for projects and we are supportive of all the requests. We urge the Michigan Congressional Delegation to secure the largest possible earmark to the State of Michigan, and to provide individual earmarks at the highest possible levels to transit systems in Michigan.

The above is what was agreed to between Michigan public transit systems and the Michigan Department of Transportation at meetings held in January and February of this year. It is clearly our understanding that transit systems in Michigan are allowed to pursue their own individual earmarks at the same time as we are supportive of the State receiving funds and distributing them in accordance with their agreed to priority list.

Sincerely,

PETER VARGA,
President.

Mr. LAUTENBERG, Mr. President, I would like one moment to ask Senator SHELBY, chairman of the Transportation Appropriations Subcommittee, a brief question. Mr. Chairman, would you agree that the Jamaica Intermodal Project in Jamaica, Queens, New York is eligible to receive bus funds along with the other projects listed in the Committee report?

Mr. SHELBY. Mr. President, I would agree.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and Related agencies Appropriations bill for fiscal year 2001.

I commend the distinguished chairman of the Appropriations Committee and the chairman of the Transportation Appropriations Subcommittee for bringing us a balanced bill within necessary budget constraints.

The Senate-reported bill provides $15.3 billion in new budget authority (BA) and $19.2 billion in new outlays to fund the programs of the Department of Transportation, including federal-aid highways, mass transit, and aviation activities. When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $14.0 billion in BA and $48.0 billion in outlays.

The Senate-reported bill is exactly at the subcommittee's 302(b) allocation for budget authority, and the bill is $310 million in outlays under the Subcommittee's 302(b) allocation.

I thank the chairman for the consideration he gave to New Mexico's transportation priorities.

Mr. President, I support the bill and urge its adoption.

I ask unanimous consent to have printed in the RECORD spending comparisons of the Senate-reported bill.

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

H.R. 4475, TRANSPORTATION APPROPRIATIONS, 2001 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2001, in millions of dollars]

	General purpose	Highways	Mass transit [1]	Mandatory	Total
Senate-reported bill:					
Budget authority	13,281	.....	.....	739	14,020
Outlays	15,663	26,920	4,639	737	47,959
Senate 302(b) allocation:					
Budget authority	13,281	.....	.....	739	14,020
Outlays	15,973	26,920	4,639	737	48,269
2000 level:					
Budget authority	12,536	.....	.....	721	13,257
Outlays	14,635	24,338	4,569	717	44,259
President's request [2]:					
Budget authority	13,911	.....	.....	739	14,650
Outlays	15,661	26,677	4,646	737	47,721
House-passed bill [2]:					
Budget authority	13,735	.....	.....	739	14,474
Outlays	15,948	26,920	4,639	737	48,244
SENATE-REPORTED BILL COMPARED TO					
Senate 302(b) allocation:					
Budget authority	.....	.....	.....	.....	.....
Outlays	−310	.....	.....	.....	−310
2000 level:					
Budget authority	745	.....	.....	18	763
Outlays	1,028	2,582	70	20	3,700
President's request:					
Budget authority	−630	.....	.....	.....	−630
Outlays	2	243	−7	.....	238
House-passed bill:					
Budget authority	−454	.....	.....	.....	−454
Outlays	−285	.....	.....	.....	−285

[1] Although the President's request, House-passed, and Senate-reported versions of this bill all include $1.254 billion in BA for the mass transit category, there is no such allocation to compare it to, so those amounts are omitted.

[2] For comparison purposes, outlays for the highways and mass transit categories for the President's request and the House-passed bill are adjusted by the same amounts as the Senate-reported bill to reflect the difference between CBO's estimate of outlays for implementing TEA–21 and OMB's calculation of the the TEA–21 caps for those categories.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

DENVER METRO AREA

Mr. CAMPBELL. Mr. President, I seek recognition to raise an issue of importance to my home state of Colorado with the distinguished chairman of the Transportation Appropriations Subcommittee, Senator SHELBY.

I commend my friend and colleague from Alabama, Senator SHELBY, for his effective leadership on this important Transportation Appropriations bill. I take this opportunity to call to his attention a matter of highway safety in the increasingly congested Denver Metro area, particularly the I–25 ramps project near downtown Denver.

I–25 is the most congested highway artery in the State of Colorado and has more accidents per miles driven than any other traffic corridor in the State. All of the ramps in this project area are separated by inadequate distances. Funds for this project would increase these distances and therefore increase safety.

The amount of traffic directed onto the 17th Avenue and 23rd Avenue ramps off of I–25 is expected to grow to a point that would overwhelm the already unsafe traffic volumes on these ramps.

I am concerned that even today, the ramps are substandard and could be considered unsafe. Under the design recommendations of the American Association of State Highway and Transportation Officials (AASHTO), the minimum safe distance between an ON and OFF ramp is 1,600 feet. These ramps are only 435 and 750 feet apart.

The Average Daily Traffic (ADT) for these ramps is 40,800 yet the current ramps are designed for only 12,000 ADT. These ramps are currently at 340 percent over capacity and they can't handle more traffic without funding for this project.

I have been working with the Subcommittee on Transportation Appropriations to help the Denver Metro area and Colorado and very much appreciate the Chairman's assistance. A key priority for me is to improve highway safety in Metro Denver through this ramps project. Because of the budget constraints, however, the subcommittee was not able to include the project at this time. Will the Chairman be able to assist my efforts in seeking this funding as we move towards Conference?

Mr. SHELBY. Mr. President, I thank the Senior Senator from Colorado for raising the issue of highway ramps to improve safety on the roads in the Metro Denver area. Based on the Transportation Subcommittee's review of highways across the country, it is clear that Colorado, especially the Denver Metro area, has one of the fastest growth rates in the country and has specific transportation needs.

I support the Senator's request for assistance on the particular highway project he mentions, and will be happy to work with him to identify funding for this important safety and capacity project as we move towards Conference.

Mr. WYDEN. Mr. President, I rise to voice my concerns about Section 335 of the Transportation Appropriations bill.

This section flatly bans the Department of Transportation from even considering any reform of the commercial drivers' Hours of Service (HOS) regulations, which limit the time that drivers spend behind the wheel of large trucks and buses. The provision shuts off all funding for DOT current and future efforts to ensure drivers receive adequate rest. This sweeping ban on any further consideration of HOS regulations goes too far.

Section 335 would not even give DOT a chance to try to address concerns that have been raised about its proposed regulations. DOT would be prohibited from holding public hearings on the changes (several are planned for this month alone) or from even talking with drivers, law enforcement groups, and highway safety groups about the proposed changes. The measure also halts efforts to enhance HOS enforcement through on-board recorders—one of the National Transportation Safety Board's ten most wanted safety improvements.

The ban on any consideration of HOS reform also contradicts Congress' recent action to improve truck safety. Just last year Congress mandated the creation of a new truck safety agency within DOT, the Federal Motor Carrier Safety Administration. It is FMCSA's proposal to change the HOS regulations which has led to the ban in section 335 of the Transportation Appropriations bill. Moreover, in 1995, the Congress, through the medium of the Interstate Commerce Commission Termination Act (ICCTA), directed DOT to study the HOS regulations and suggest reforms. DOT and FMCSA have done so. The result of their efforts should not be the foreclosing of all debate on new driver safety rules.

Mr. FEINGOLD. Mr. President, as the Senate continues to debate this year's Transportation Appropriations bill, I am pleased to again express my support for high-speed passenger rail. Efficient high-speed passenger rail has many benefits: it helps to relieve some of our ever-increasing traffic congestion, it provides increased mobility for both business and personal travel, and it reduces pollution of the air we breathe. I have long supported a truly intermodal and effective transportation system and high-speed rail is a vital link in that chain.

Federal assistance is essential for the development of transit systems such as high-speed rail. The Federal Government has long had a major role, of course, in funding America's transportation network, from construction and maintenance of the interstate highway system to providing mass transit assistance to local governments. I believe the federal role is important because we need a coherent, responsible national transportation policy.

But I believe it is appropriate that state and local officials have the greatest role in making the important decisions about where our transportation money is spent, because they are the people who deal with the demands on all the elements of the transportation system on a daily basis. The great thing about high-speed passenger rail is that it incorporates the best of both worlds.

The Federal Government should be the partner of state and local government in transportation, where there are local, state and national interests. While it is crucial that we provide adequate funds for high-speed rail, it is also important for the Federal Government to support high-speed rail in other ways. To this end, I urge the Federal Railroad Administration to further develop its outreach activities to help promote awareness of high-speed rail as a viable option for providing dependable intercity transportation.

I am committed to supporting a sound national transportation infrastructure and to developing thoughtful, fair transportation policy that reflects the changing needs of our Nation and respects the role of state and local government as the main decision-makers. High speed passenger rail fits the bill.

Mr. CLELAND. Mr. President, as we vote today on the Transportation Appropriations bill for fiscal year 2001, I want to draw the attention of my colleagues to a remarkable achievement in the Atlanta region of my home state of Georgia. But first let me thank Chairman SHELBY and our Ranking Member, Senator LAUTENBERG, for their assistance on my state's transportation priorities in this bill.

The bill provides assistance for a number of alternative transportation projects, from water taxies to eliminating high-hazard grade crossings on the proposed Atlanta to Macon commuter rail line. We have direction to the Federal Railway Administration and funding to extend the agency's high-speed rail transportation plan from Charlotte, North Carolina, to Macon, Georgia. We have important funding to make up for a shortfall in funding to complete a regional transit study for metropolitan Atlanta, so that this fast growing region—whose motorists drive the longest distance of any metro area—can plan for a region-wide system of seamless intermodal transportation. We have the Georgia Regional Transportation Authority, GRTA, the Metropolitan Atlanta Rapid Transit Authority, MARTA, the Georgia Department of Transportation, Chatham Area Transit, and the Southern Coalition for Advanced Transportation on the eligibility list for bus funding. In addition, MARTA is eligible for New Starts mass transit rail funding. And, the maglev program to provide high-tech, high-speed fixed guideway service between Chattanooga, Tennessee, and Atlanta would receive $3 million to continue pre-construction planning in this Senate bill.

These are important projects, especially in light of the unanimous decision yesterday by the Georgia Regional Transportation Authority to approve the Transportation Improvement Program, TIP, for the Atlanta region. This was a remarkable event given the intense process that has been underway the past 12 weeks in Atlanta, culminating a two-year effort to submit a fiscally constrained, air quality conforming plan to the U.S. Department of Transportation for approval. As many of my colleagues know, the Atlanta region has been called the ''poster-child of urban sprawl.'' The region is in a conformity lapse, and, as a result, new highway and transit construction dollars are frozen until the Federal Government approves a plan that conforms with the Clean Air Act and the requirements of the Transportation Equity Act for the 21st Century.

The Atlanta region has developed and submitted a plan that has been under the closest scrutiny of any metropolitan region of the country. No other region has had to fulfill the requirements set forth by the Federal transportation agencies for not only local financial commitments, but to adopt a land-use strategy that would support the major public transportation investments called for in the TIP. In regard to these requests, let me remind my colleagues that the counties in my state are very protective of their home rule powers and rightly so, and Federal directives on local control issues are difficult to swallow.

Nevertheless, officials from the Atlanta Regional Commission, ARC, which is the metropolitan planning organization for the region, and from the Georgia Regional Transportation Authority, GRTA, our new regional agency established to implement the ARC's plan, worked with the Federal agencies to craft a process to ensure that the transportation alternatives in the TIP are successful. This 3-year TIP makes a very strong investment in alternative transportation. Half of the $1.9 billion plan is devoted to mass transit, bicycle, pedestrian and air quality improvement projects and only 10 percent is devoted to new capacity for single-occupant vehicles.

Even more important, the ARC and the GRTA are pledged to work together to implement a land use strategy that links the regional development plan with this transportation improvement program. This is an historic linkage of land-use guidelines with transportation improvements. The Atlanta Regional Development Plan calls for land use policies that strengthen town centers, foster transit-oriented development, encourage new development to be more clustered in portions of the region where new opportunities exist, protect environmentally sensitive areas, support the preservation of stable, single-family neighborhoods and encourage best development practices.

For the first time, these high-sounding goals are not just left to gather dust on a shelf. They are the guideposts for the region's transportation program. The GRTA resolution calls

the regional development plan ''an integral part of fulfilling its responsibility to manage land transportation and air quality. . . .''

Mr. President, I would like to point out that these plans for mixed-use and transit-oriented development do not mean that the GRTA is going to mandate high-density housing throughout the region. That could not be farther from the truth. What this plan sets out is that where opportunities exist along certain transportation corridors the counties should allow the free market to step in and build higher-density housing and commercial development that would attract support for transportation alternatives, such as express buses or commuter rail lines.

Let me state that many local governments have submitted written promises that they will do their part in implementing the TIP. Even more important, everybody is now fully aware of what will be expected of them. For that reason—and because the GRTA has pledged to use its influence to put the program into action—I believe moving forward is the right thing to do. I urge the Department of Transportation to move this plan forward. It is time to put solutions that improve air quality, reduce traffic congestion and provide transportation choices on the roads and railways in Atlanta.

Mr. President, at this time I ask unanimous consent that the full text of the GRTA resolution be printed in the RECORD.

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

RESOLUTION OF THE GEORGIA REGIONAL TRANSPORTATION AUTHORITY

RESOLUTION 00.6.1

Whereas, on May 10, 2000, the Georgia Regional Transportation Authority (GRTA) adopted a resolution relative to the Transportation Improvement Program for FY 2001–FY 2003;

Now, Therefore, Be It Resolved that GRTA approves the Atlanta Region Transportation Improvement Program, FY 2001–FY 2003, and further resolves:

Land Use: Be it further resolved that GRTA finds the policies and best development practices approved by the Atlanta Regional Commission Board on May 24, 2000, and described in ''A Framework for the Future: ARC's Regional Development Plan,'', October, 1999 to be an integral part of fulfilling its responsibility to manage land transportation and air quality; and

Be it further resolved that GRTA will use its resources and authority to cause the implementation of the policies and practices as described in ''A Framework for the Future: ARC's Regional Development Plan,'', October, 1999, and assumed and required by the RTP and the ARC Land Use Strategy commitments approved by the ARC Board on May 24, 2000, and

Funding/Projects: Be it further resolved that GRTA finds the prioritization, in cooperation with ARC and local governmental jurisdictions, of planning, funding and implementation of local and regional public transit (bus, rail, vanpool, carpool, and supporting infrastructure, such as a regional network of high-occupancy vehicle lanes), travel demand management programs and projects, and streets safe for walking and bicycling are important to fulfilling its responsibility to manage land transportation and air quality; and

Be it further resolved that GRTA adopts the jurisdiction-specific transportation funding assumptions detailed in the RTP/TIP and will use its resources and authority to cause the fulfillment of these local commitments assumed and required by the RTP/TIP, and

Cooperating Local Government Status: Be it further resolved, that GRTA's designation of cooperating local governments requires that the region's jurisdictions make satisfactory progress on the land use, fiscal and other assumptions and requirements of the RDP, RTP, TIP and the ARC Land Use Strategy commitments approved by the ARC Board on May 24, 2000, as well as regional and jurisdictional transportation and air quality goals, performance measures and targets established by GRTA, and

Be it further resolved that GRTA will establish regional and jurisdictional transportation and air quality goals, performance measures and targets prior to the next process to update/amend the TIP.

Environmental Justice: Be it further resolved, GRTA's approval of future TIPs require compliance of the TIP with all federal, state, and GRTA statutory and regulatory requirements for addressing the issue of environmental justice.

Speed Study: Be it further resolved, that GRTA, EPD, GDOT, and ARC will perform a comprehensive vehicle speed study for peak and non-peek traffic to address air quality considerations in support of the State Implementation Plan (SIP) for the non-attainment area to be completed by October 1, 2000.

Mr. LIEBERMAN. Mr. President, I rise today to express my concern about a rider that has been attached to the Transportation Appropriations bill in Congress for the past four years. The language of this rider prevents the Administration from even considering an increase to our nation's Corporate Average Fuel Economy, or CAFE. This rider was a bad idea when it was first introduced four years ago, and it is a bad idea today. This rider appears yet again in the FY2001 House Transportation Appropriations bill. I would like to voice my opposition to this rider and express my support for Senator GORTON's Motion to Instruct Conferees, which he is offering with Senators FEINSTEIN and BRYAN, that opposes the CAFE freeze.

Aside from my personal conviction about the importance of improved CAFE standards, I am troubled by this provision for another fundamental reason: this rider bars the Administration from considering—even discussing—making our cars more efficient. This Administration should be making decisions in light of all possible information, not being asked to forgo critical policy analyses simply because they are not allowed to freely evaluate different options.

Substantively, this rider forces the nation to bypass a critical opportunity to make our fleet of cars more efficient. The efficiency of our cars, or said another way, the number of miles our cars can travel on one gallon of gasoline, is important for a great number of reasons. First, because of recent and continuing increases in the price of fuel, we have felt firsthand the bite of high prices at the pump. The best answer to reducing the amount of money we spend each month on gasoline is to make our cars more efficient. We know this approach will work, because the doubling of fuel economy between 1975 and the mid 1980s saved new car purchasers an average of $3,000 in fuel over the lifetime of the car, at today's prices. The Union of Concerned Scientists estimates, for example, that if we were to raise light truck fuel economy to 27.5 miles per gallon, the most popular Sports Utility Vehicle in the country—the Ford Explorer—would go from traveling 19 miles to the gallon to traveling 34 miles to the gallon. We could achieve this for $935 in established technology, and the SUV owner would save thousands of dollars over the lifetime of the car.

Second, we need to raise CAFE standards for the sake of our national security. The United States imports more than half of its oil from foreign countries, and this dangerously limits our independence and potentially our options in times of turmoil. The dramatic rise in oil prices in recent months should be a reminder of how overly-dependent we are on OPEC, and how vulnerable we are to OPEC cartel pricing. We must raise our domestic fuel economy in order to reduce this dependence. According to the Sierra Club, raising CAFE standards would save more oil than we import from the Persian Gulf and off-shore California drilling combined.

Third, there are critical environmental gains to be made from improving the fuel economy of our vehicles. There have been a number of reports in recent weeks about the reality of global warming. A Federal Government study released earlier this week, requested by Congress four years ago, reports that global climate has become approximately one degree hotter over the past century, and many scientists believe that this warming trend will continue as humans continue to burn fossil fuels. This trend will cause very real and significant changes to our weather and climate patterns, fundamentally altering the way of life in some geographic areas. A recent study at NASA's Ames Research Center reported that the ozone layer is not recovering as fast as was previously thought, potentially due to greenhouse gas emissions. A report by Environment Canada and Parks Canada shows that some national park glaciers could disappear in 20 years due to global warming. These and other significant reports come on the heels of one another to warn us that global warming is real and that we need to pay serious attention to the problem.

The first, very important step we must take to curb greenhouse gas emissions is to reduce the amount of fossil fuels we consume in our vehicles. Improving the CAFE standards to 45 mpg for cars and 34 mpg for light trucks would save this country 3 million barrels of oil per day and prevent

hundreds of millions of tons of CO_2 from entering the atmosphere every year. Carbon dioxide is the major contributor to greenhouse gas emissions and to the subsequent warming of our climate. We must, I repeat we must, take this step and raise CAFE standards.

Since the 1980s, partly due to our nation's increasing use of light trucks, or Sports Utility Vehicles, the corporate average fuel economy of our fleet of vehicles has declined. According to EPA's 1999 Report on Fuel Economy Standards, there have been no improvements in fuel economy for light trucks in 19 years. This is particularly dismaying when we consider that over half the passenger vehicles sold in the U.S. now fit into the category of light trucks. We know we can do better and that the technology already exists. Using state of the art engine refinements; optimized transmission control; high strength, ''ultra-light'' steel techniques, and lower rolling resistance tires, auto manufacturers should be able to improve fuel economy drastically.

For all these reasons, we must move back toward improving the fuel economy of the vehicles in the United States. It saddens me that some of my colleagues would like to prevent this discussion from even taking place. The first step in the right direction is to uphold the Gorton/Feinstein/Bryan motion and oppose the freeze on CAFE standards. From there, we will be able to discuss appropriate measures to improve upon our vehicles, for so many reasons that make good sense.

Mr. SCHUMER. Mr. President, I rise to thank the distinguished Chairman of the Senate Appropriations Subcommittee on Transportation, Senator SHELBY, and Ranking Member, Senator LAUTENBERG, for their diligence and patience in moving this vital legislation forward. The difficulty of crafting such a comprehensive appropriations bill is considerable and they deserve congratulations. While I plan to vote for this bill, I would like to state my reservations about one particular provision—Section 335—which would preclude the Secretary of Transportation from expending any FY 2001 funds on the completion of a Federal rule pertaining to motor carrier ''Hours of Service.'' As my colleagues prepare for conference with their House counterparts, I hope they will recede to the House on this particular provision.

Mr. President, Secretary Slater recently wrote to the Appropriations Subcommittee stating his opposition to such a provision. The Secretary points out, rightly I think, that heavy trucks are a major source of accidents on our roadways. Driver fatigue often plays a major role in these accidents.

I feel that since the Department has not yet begun responding to comments on its ''Hours of Service'' Notice of Proposed Rulemaking, it is premature to terminate DOT's review. Highway Safety is one of Congress' foremost transportation priorities, as evinced by the recent creation of the Federal Motor Carrier Safety Administration.

Mr. President, it is because highway safety is so important that I ask my colleagues to drop this provision in conference. I have attached a copy of Secretary Slater's letter, and ask unanimous consent to have it printed in the RECORD.

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

THE SECRETARY OF TRANSPORTATION,
Washington, DC, June 8, 2000.

Hon. RICHARD C. SHELBY,
Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am advised that the Transportation Subcommittee may add a very damaging provision to the pending DOT Appropriations Bill, effectively barring the Federal Motor Carrier Safety Administration (FMCSA) from acting on comments from the public and affected industries on one of the most critical safety challenges we face—fatalities involving heavy trucks on our nation's highways and the need to update our ''Hours of Service'' rules for ensuring adequate rest for commercial drivers.

Heavy trucks are involved in almost 15 percent of all fatal highway crashes. I challenged the FMCSA last year to cut fatality levels in half by 2009. We cannot accomplish this without addressing the problem of operator error, and we know that fatigue is a critical factor in crashes. The 60-year-old rules for driver Hours of Service should be modernized. Also, new technology, such as on-board recorders may play a role in reducing the crash/fatality rates.

We have just proposed changes in a Notice of Proposed Rulemaking to change the Hours of Service rules. This proposal emphasizes rest and is science-based. We do not even have the benefit of full comment at this point, yet some are advocating that Congress intervene and prohibit analysis of the information and views we receive. This would be utterly contrary to the action Congress just took in December 1999 to set up the FMCSA as a free-standing safety regulatory agency.

We have heard from industry representatives about the pace of the rulemaking, and I am prepared to extend the comment period for 90 days to allow interested members of the public more time for in-depth analysis of the proposal's details and to clarify matters that have arisen since the proposal was issued May 2. However, I am not prepared to stop moving forward on an issue that has not been substantially addressed in 60 years and that promises so much in safety improvement. If the Subcommittee adds the amendment, it will signal an end to our efforts to address driver fatigue. I therefore strongly oppose the amendment.

Sincerely,

RODNEY E. SLATER.

Mr. REED. Mr. President, I rise in strong support of the motion to instruct conferees to reject the provision in the House version of the fiscal year 2001 Transportation Appropriations bill that freezes implementation of the Corporate Average Fuel Economy standards.

As my colleagues have stated, the House bill would, for the sixth year in a row, block the Department of Transportation from studying ways to improve CAFE standards for vehicles in the United States.

Mr. President, the National Highway Traffic Safety Administration's latest report to Congress states that cars sold in the United States in 1999 averaged 28.3 miles per gallon, down from 28.7 miles per gallon in 1998. Light trucks, which now make up about half of new passenger vehicles sold, averaged 20.7 miles per gallon, down from 20.9 in 1998.

What a shame that in an era of great technological innovation, all of the fuel economy gains from technological improvements over the last twelve years have been erased by the proliferation of larger, heavier, gas-guzzling vehicles.

As Transportation Secretary Rodney Slater said of the CAFE freeze in his June 8 letter to Chairman SHELBY, ''Because this prohibition has been in place in recent years, the Department has been unable to fully analyze this important issue. The average fuel economy of passenger cars and light trucks has decreased almost 7 percent since 1987. In fact, the average miles-per-gallon for 1999 was the lowest since 1980. CAFE is a significant policy issue that should be addressed analytically and not preemptively settled through the appropriations process.''

With fuel prices high and rising, it is especially critical that we improve CAFE standards. Lax fuel economy standards have allowed SUVs and other light trucks on the road today to be 30 percent less efficient than cars on average. This fuel economy gap caused Americans to spend $21.4 billion more for gasoline last year than if these trucks were as efficient as cars. SUV and light truck drivers in my state of Rhode Island paid an extra $55 million at the pump last year due to this gap in fuel efficiency standards.

Meanwhile, as overall fuel efficiency goes down, our nation continues to import over 55 percent of its crude oil, putting us at the mercy of the OPEC cartel. We owe it to the drivers in the Northeast who are paying over $1.70 for a gallon of gas, or those in the Midwest paying over $2.00 per gallon, to take a serious look at cutting our consumption of foreign oil by improving CAFE standards.

Nevertheless, the CAFE freeze rider has been inserted into the House DOT spending bill every year for the past 5 years, and each time that happens, Congress denies the American people the benefits of fuel-saving technologies that already exist, technologies that the auto industry could implement with no reduction in safety, power, or performance.

Shouldn't we at least give the Department of Transportation the chance to study this issue? Isn't it time to lift the gag order that has been placed on our ability to consider the costs and benefits of higher CAFE standards? I believe the answer is clearly yes.

I urge my colleagues to support this important motion.

Mrs. BOXER. Mr. President, the Fiscal Year 2001 Transportation Appropriations bill now before the Senate

contains, in my opinion, a very damaging and potentially dangerous provision. This provision would effectively bar the Federal Motor Carrier Safety Administration (FMCSA) from acting on comments from the public and other interested parties on the critical need to revise the so-called Hours of Service rules, which regulate, among other things, the number of continuous hours commercial drivers are permitted to be on the road.

Over 5,300 people are killed and 127,000 are injured each year as a result of truck-related crashes, and research shows that truck driver fatigue is a contributing factor in 30 to 40 percent of all truck-related fatalities. Moreover, the Department of Transportation (DOT) finds that fatigue is directly related to 15 percent of all fatalities involving heavy trucks.

There are both good and not-so-good parts to DOT's proposed changes to the Hours of Service rule. While I am very concerned that the proposed rule contemplates increasing the number of continuous driving hours from 10 to 12, it would also require the use of electronic on-board recorders for long haul and regional truckers, and it would require commercial drivers to follow the 24-hour circadian rhythm cycle as opposed to the currently permitted 18-hour cycle. This is important because all authoritative studies show that the human body best resets its ''clock'' when following the circadian rhythm cycle.

In response to requests from groups on all sides of this issue, DOT recently extended the comment period on the proposed rule by another 90 days. Nevertheless, language in the Transportation Appropriations bill would bring the entire rulemaking process to a halt.

Mr. President, not only is it wrong for this body to insert itself in this way in the preliminary stages of a proposed rulemaking process, I am concerned that that this provision will set highway safety initiatives back by decades. Only by keeping the rulemaking process alive can the existing 60-year-old Hours of Service rules ever be meaningfully reformed.

I understand that the House Transportation Appropriations bill contains no such provision, and it is my strong hope that this provision will be rejected in Conference Committee.

Mr. BYRD. Mr. President, I rise in support of the Fiscal Year 2001 Transportation Appropriations bill, and I compliment the Chairman of the Subcommittee, Senator SHELBY, and the Ranking Member, Senator LAUTENBERG, for the outstanding job that they have done on this measure.

Their recommendations, which were approved by a unanimous vote of the Appropriations Committee, are the best that could be done within the very tight 302(b) allocation that was provided to the Subcommittee. I am hopeful that we will be able to provide increased funding for the Transportation Subcommittee, as the bill proceeds through the Senate and its conference with the House. As is usual for the Transportation Subcommittee, the programs and activities contained in this bill are funded in as fair and balanced a way as one could expect. I am proud of the work of the managers of this bill. Very importantly, the bill continues to fully fund the highway spending levels set forth in the Transportation Equity Act for the Twenty-First Century, TEA–21. As members will recall, when that landmark legislation was debated and enacted two years ago, I joined with Senator GRAMM of Texas as well as Senators WARNER and BAUCUS, the Chairman and Ranking Member of the Subcommittee on Transportation and Infrastructure of the Environment and Public Works Committee, to provide some $26 billion in additional highway spending over the six-year life of that measure. In so doing, we put the ''trust'' back into the Highway Trust Fund. We assured the American people that the full amount of the gasoline taxes that they pay at the gas pump, and which go into the highway account of the Highway Trust Fund, will be spent on construction and rehabilitation of our Nation's highway and transit systems. Unfortunately, for the second year in a row, the Administration's budget proposed that a large portion of these Highway Trust Funds be used for non-highway purposes. Fortunately, the managers of this bill, Senators SHELBY and LAUTENBERG, found a way to reject the Administration's proposal and to continue, in full, the commitments made to the American people; namely, that all of the gasoline taxes that they pay will be fully spent, each year, for the purposes for which those taxes were collected. I am grateful to the managers of the bill for having the wisdom and the courage to reject the Administration's ill-conceived proposal for a second year in a row. I hope the Administration will get the message that this Congress is not interested in going back on the commitments it made and that the President signed into law in TEA–21, to keep the ''trust'' in the Highway Trust Fund.

Mr. President, I note that this will mark the last occasion upon which Senator LAUTENBERG will serve as the Ranking Member of the Transportation Appropriations Subcommittee. During his tenure as Chairman and Ranking Member of this Subcommittee, Senator LAUTENBERG has always been very cooperative with me in my role as Chairman and Ranking Member of the Appropriations Committee. He was no less cooperative when I served as Majority and Minority Leader of the Senate. He has demonstrated the courage to take a stand for what he believes in, throughout his Senate career, even when the votes were not there. He has performed a tremendous service to his State, as well as to his Country on many critical issues. He has worked tirelessly on a broad range of transportation issues throughout his service on the Appropriations Subcommittee on Transportation. These accomplishments range from improvements in Amtrak service, to ensuring that there are sufficient resources for the FAA, Coast Guard, mass transit and highway safety programs. When it comes to transportation issues, Senator LAUTENBERG has always been in the forefront. He has always fought valiantly to protect the lives of the American people. He was the author of the smoking ban on airplanes. He was the author of the Minimum Drinking Age Act. His tireless battle against drunk-driving, which began with that Act, has now brought us to this appropriations bill, which includes a provision establishing a national intoxication threshold of point-zero-eight (.08) blood alcohol content. The Senate will miss FRANK LAUTENBERG. We will remember him with great fondness.

The one disservice, however, that he performed for his Nation, and for the Senate, and for the Appropriations Committee, was his decision not to run again. I am sorry that he made that decision. I talked with him about the matter several times. I told him that it was simply not good for the Country. I don't say that because he is a Democrat—I say that because this man is a Senate man. This man has rendered great service. I greatly regret his decision—and I told him so, and I urged him to rethink it, because he renders the kind of service that our Country needs. I salute him for his Senate service. And, I say again, we are going to miss this man—FRANK LAUTENBERG.

Mr. President, I urge all Members to support the Fiscal Year 2001 Transportation Appropriations Bill now before the Senate.

Mr. MCCAIN. Mr. President, I wish to express my concerns over a provision included in this legislation that would effectively prevent the Department of Transportation (DOT) from continuing its work to fulfill a statutory directive to revise its regulations that limits the driving and duty time of truck and bus drivers.

The federal hours of service regulations were established in 1937. Yet, despite the vast technological advancements and dramatic changes in the motor carrier industry, those rules have remained largely unchanged after more than 60 years.

Due to the growing safety concerns stemming from truck driver fatigue and other factors, the National Transportation Safety Board has repeatedly called for the Department to develop new hours of service rules that reflect current research on truck and bus driver fatigue. Further, the ICC Termination Act of 1995 required the department to issue an Advanced Notice of Proposed Rulemaking (ANPRM) addressing motor carrier hours-of-service regulations by March 1996 and a final rule by March 1999.

Unfortunately, the Department failed to meet the time frames as required under the law. The ANPRM was not

issued until November 1996. It wasn't until April of this year that the Notice of Proposed rule was issued—a proposal not embraced by industry or safety advocates.

As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal transportation policy, I believe it critical to allow and actually require the Department to continue its work to develop sound new rules governing motor carrier operators. I fully recognize the DOT's regulatory proposal is not acceptable in its current form. Moreover, the public needs sufficient time to analyze the proposal and the Department must clearly evaluate and understand its implications before a final rule can be issued. But the Appropriations Committee approach which prevents the DOT from doing anything in this area is simply wrong.

Section 335 of the Transportation Appropriations bill would prohibit DOT's Federal Motor Carrier Safety Administration (FMCSA) from using any funds to ''consider or adopt any proposed rule'' contained in the Notice of Proposed Rulemaking (NPRM) issued on April 24, 2000 or to ''consider or adopt'' any ''similar'' rule.

I will not and am not defending the DOT's regulatory proposal. But I do not think that preventing any further work in this area is sound judgement on our part. If the provision in this bill is allowed to stand in conference, it will effectively prevent any changes to the more than 60-year-old truck driver rules.

We must urge the DOT to move forward with reasoned regulations in lieu of the depression era regulations that today continue to dominate a technologically driven industry. The safety of the traveling public is at stake.

AMENDMENT NO. 3454

Mr. SHELBY. Mr. President, I send an amendment 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 Alabama [Mr. SHELBY] proposes an amendment numbered 3454:

At the appropriate place, insert:

SEC. . Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the ''Frank R. Lautenberg Transfer Station''; *Provided*; That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the ''Frank R. Lautenberg Transfer Station''.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will try to be really brief. My colleagues have said much about what Senator LAUTENBERG has contributed to the country, to the Senate, and his persistent advocacy on behalf of the State of New Jersey. I will not repeat all those things that have already been said about our distinguished colleague. What I would like to share with the Senate today is a more overlooked but important perspective in FRANK LAUTENBERG.

Senator LAUTENBERG is appropriately characterized as a Democrat. I am appropriately characterized as a Republican. You might think we would have a difficult time working together in managing the Transportation appropriations bill. Make no mistake, we have our differences, as we all do. But in the 4 years that I have shared the responsibility of managing this bill with Senator LAUTENBERG, holding hearings on Transportation appropriations issues, working to improve transportation safety, working to improve the efficiency of transportation programs, and working to develop recommendations that reflect the will of the Senate and the priorities of our colleagues, I have found FRANK LAUTENBERG to be thoughtful, decisive, reasonable, and professional. I could not ask for more from a ranking member.

I could talk about his accomplishments when he chaired this subcommittee in years past, his advocacy on behalf of Amtrak and the Coast Guard, about his legislative accomplishments to ban smoking on airline flights and to shape highway reauthorization bills, about his love of aviation, about his significant place in shaping Transportation authorization and appropriations bills during his tenure in the Senate, about his vision for improving transportation services, not just in his State of New Jersey but more broadly for the entire Northeast region of the United States.

But that would not give the full measure of his contribution. Equally, if not more important, is his commitment to making the process here work, to applying pressure in his own way to get the issues before the Senate and the Congress that are timely and that are relevant.

Many have said the Senate will miss Senator LAUTENBERG, that New Jersey will miss his influence, and that the country will miss his leadership on transportation issues. That is all true. But what I will miss most is his friendship, his advice and support on the Transportation Subcommittee on which he has labored so long.

I would like to see Senator LAUTENBERG honored in an appropriate way as he departs his service to the Senate and to the Nation's transportation system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the distinguished chairman for his very generous and appropriate gesture on behalf of Senator LAUTENBERG. Over the last months, I have had occasion to meet around the country with people who are concerned about transportation. To a person, they all voluntarily offer up the degree to which they are going to miss Senator LAUTENBERG who has been an extraordinary champion for public transportation and for aviation, as the chairman said.

Most important, speaking parochially for a moment, it is not easy to champion the rail system in a country that has been dominated by automobiles and our love affair with autos and highways. In all his years here, FRANK LAUTENBERG has been the single strongest advocate of making certain we have an alternative form of transportation.

In the Northeast particularly, we will have an accelerated rail link between New York and Boston and ultimately Washington that is due almost solely to his persistent annual guarantee that the funding is there.

That is an enormous legacy. We do not always get an opportunity in the Senate to have that kind of niche where your vision is singlehandedly implemented. Senator LAUTENBERG has done that with great commitment and great perseverance.

I thank him on behalf of everybody in New England who depends on that system to get to work, to travel, to meet their families, and to enjoy affordable opportunity to travel.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I know our colleagues are waiting to vote. I will not take more than a moment. I add my voice and congratulate the Senator from Alabama for his amendment. This amendment will be adopted unanimously, as it should. It is in recognition not only of the great contribution Senator LAUTENBERG has made to this subcommittee and to transportation policy but to the country at large on policies that go way beyond transportation, whether it is tobacco or gun safety. Whether it is an array of issues foreign or domestic, Senator LAUTENBERG has provided an insightful voice, a courageous voice.

As Democratic leader, it has been an honor and high pleasure for me to have worked with him. I am proud to have had that opportunity. I congratulate him on his extraordinary service to his country.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I add my voice as well and compliment FRANK LAUTENBERG for his accomplishments. I commend him for his fine service in the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be added as a cosponsor of this amendment.

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

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3454.

The amendment (No. 3454) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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 a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill (H.R. 4475), as amended, pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Rockefeller

The bill (H.R. 4475), as amended, was passed, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

Under the previous order, the Senator from Washington, Mr. GORTON, is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. GORTON. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 4475 be instructed, and are hereby instructed, not to accept section 318 of the bill as passed by the House of Representatives.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I yield myself such time as I may use.

Yesterday, both Senator BRYAN and I came to the floor to discuss this motion, the reasons for dealing with corporate average fuel economy standards in this fashion, and to give a preview as to our reasons for this vitally important motion.

Twenty-five years ago, in 1975, the Congress—an enlightened Congress, I may say—passed a certain set of requirements demanding that automobiles and small trucks on average from each manufacturer meet certain fuel efficiency standards; that is to say, that they get better gas mileage and, not at all incidentally, provide less pollution into the atmosphere of the United States.

That statute was passed, of course, in the aftermath of the oil boycott on the part of Arab countries and a steep rise in gasoline prices.

Though I am quite conservative and often critical of government regulation, I know of few, if any, regulatory regimes of the United States that were more successful. In a period of a little more than 5 years, the average fuel efficiency of automobiles in the United States for all practical purposes doubled. That proposal was passed, incidentally, over arguments that were not similar to the arguments that are made against this motion today but identical to the arguments made against this motion today.

We were told by the Ford Motor Company that the passage of such standards would mean everyone would be driving a Maverick or something smaller than a Maverick. Chrysler and General Motors followed suit. The people of the United States would not be able to buy the kinds of automobiles they were accustomed to driving and those that they were in fact driving at the present time.

Well, those predictions were so dramatically off kilter that the largest regular passenger cars manufactured today get better gas mileage than the Maverick about which they were speaking in the year 1975.

Curiously enough, however, in spite of this huge success, a success that literally saves 3 million gallons of gasoline a day in the United States, for at least the last 10 years, the House of Representatives, in its appropriation bill for the Department of Transportation, has prohibited not only the promulgation of new corporate average fuel economy standards but even their study and proposal on the part of the Department of Transportation.

The Senate, in each of those years, has been wiser. It has included no such prohibition. Regrettably, however, the Senate has without exception receded to the House position on this issue in each and every year of the last decade or two. As a consequence, the average fuel economy of our overall fleets has been decreasing rather than increasing.

Last year, the distinguished Senator from California, Mr. BRYAN from Nevada, and I introduced a sense-of-the-Senate resolution stating that we should not keep our heads in the sand any longer; We ought to allow these studies to go forward. We ended up with roughly 40 votes, a substantial and credible vote, but obviously not a majority vote of the Senate. What has happened during the course of the last year, Mr. President? Well, the most obvious occurrence has been a vast increase in the retail price of gasoline for each and every American consumer.

A year ago, we were at the end of roughly a year of abnormally low gasoline prices. The reaction earlier this year on the part of OPEC was to get that cartel together, cut back on production, and thus hugely drive up the price of gasoline. Our Secretary of Energy was sent, hat in hand, around the world to plead with OPEC countries to please produce more gasoline, please don't punish Americans by driving up retail gasoline prices so high. This is what we in the United States were reduced to—pleading with OPEC countries for a greater degree of production.

Well, they agreed to a little bit more. Prices dropped for a month or so, although nothing comparable to the increase that had preceded it. Now they are on the rise again. I believe it was Monday that the Washington Post indicated that retail prices for gasoline in the Midwest, where there are certain air pollution requirements, have gone up 30 to 50 cents a gallon in the course of 6 or 8 weeks. The same report indicated that we had 3 straight weeks of gasoline price increases all over the country, to the point where they are higher than ever before. Predictions are that they will hit $2 a gallon well before this year is over. Perhaps even more significant than this punishment of the American people with higher gasoline prices is the increased dependence the U.S. has on foreign sources of oil. Way more than 50 percent of our oil is produced overseas now, which, of course, subjects us to the effectiveness of the OPEC cartel.

That is the first thing that has taken place. The second thing is this: We were accused last year in the debate with mandating new corporate efficiency standards when we didn't know what they would be, and when they

would ignore completely the safety of automobiles that were produced and driven in the U.S. Curiously enough, that, too, was a major argument made 25 years ago: More people will be killed on the highways because we will be driving these tiny little Mavericks and subcompact automobiles.

But do you know what has happened? Death rates on our highways, per hundred million miles driven, have dropped by more than 50 percent. Why? Because the big three automobile manufacturers' technology and imagination is far more efficient than their lobbying and the points they make during the course of political campaigns. They have made automobiles safer both because there has been a demand and because there have been mandated requirements through the National Highway Traffic Safety Administration for airbags, side impact matters, and a wide range of other safety devices. It is far safer to drive with the cars that we have today, which are twice as fuel efficient as those in the mid-1970s, than it was before these standards were adopted.

Nevertheless, it is our view that safety is an appropriate consideration. So you have a different proposition before you this year than you had last year. All we are asking—so it is a very important request in this motion—is that the Senate not agree to a House prohibition that says you cannot study, propose, or promulgate new corporate average fuel-efficient standards for automobiles. To say that we can't study that in light of the technological changes in the last 20 years—it is incredible that anybody in the Senate would argue for such a proposition. No study? No proposal? No knowledge about what we are doing?

I will be one of the conferees that will be appointed as soon as this debate is over and this voice vote is taken. Mr. President, because the House, of course, will maintain its position, my view is that not only an appropriate compromise but an appropriate course of action will be to permit the Department of Transportation study and propose new corporate average fuel efficiency standards. I think they ought to be studied. I think they ought to be proposed. I think they ought to consider safety as well as fuel efficiency. But I do think it quite appropriate that they be brought back here to this body into the House of Representatives before they be promulgated. So I will accept as a compromise with the House a prohibition against promulgating new standards until next year's Transportation appropriations bill has been deliberated, passed, and signed, obviously by a new President of the United States.

We will not be running the risk of a runaway Federal agency by any stretch of the imagination. What risks will we be running? We will run the risk that we will vote on something we understand. We will run the risk that standards will be proposed that will increase the efficiency of our automobiles and lower the cost of gasoline for every American purchaser of a new car and help clean up our air—important considerations that are specific in nature and brought to us because they cannot be promulgated until we have had another chance to vote on them. I think it takes a great deal of imagination to say the United States of America, through its Department of Transportation, cannot engage in such a study and such a proposal.

The arguments you will get on the other side you already have in a Dear Colleague letter, one that says, gee, we made our cars more efficient in 1975, and now we drive more. I don't think that is a criticism. I think that is a praise of better gas mileage. Of course, oil consumption has increased in 25 years. We have more people. We have better roads. And we have better automobiles. It may very well be that will be the case, if we have even better gas mileage. But to say we ought to cause people to stop driving because gasoline is too expensive and we are not going to do anything about it is, at the very best, a bizarre argument.

The second is, of course, the very argument that there will no longer will be any choice—that cars will have to be so small that people won't be able to choose small trucks or SUVs. The Ford Motor Company has already told us it can greatly increase the fuel efficiency of SUVs. We know they can do this in the future, as they have in the past. I repeat that it is perfectly appropriate to say we will bring these standards back here to us with their actual impact before we actually pose them.

Finally, they argue that we are doing so well already with creating more efficient cars that we shouldn't undercut that kind of research going into a new generation of engine by having some kind of mandate. True. We have. In fact, I chaired another appropriations subcommittee, the Subcommittee on Interior, which finances the studies for a new generation of vehicles. I do so with great enthusiasm. But I also note that while these studies have gone on, the automobile manufacturers have done nothing to actually increase their average fuel economy on the road.

This proposal is not only not inconsistent with the studies that are going on with the cooperation of the Federal Government and the automobile manufacturers, but they are totally consistent with them. We are saying: Do a better job for Americans. Don't tell us that we will see future Secretaries of Energy every time the OPEC countries are moved to demand more money going hat in hand around the world. Use American technological genius to do the job that you did from 1975 until 1980. Produce a more efficient automobile. Don't make it less safe, make it more safe; the way you did then.

To use the old expression, if you fool me once, shame on you; fool me twice, shame on me. They attempted to fool our predecessors in 1975. They didn't succeed. They were wrong in every single argument they made in 1975. If we let them fool us twice with the same arguments, shame on us.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield to the Senator from Missouri such time as he might require.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Michigan for yielding time to me to speak on a very important issue.

In the 1970s, Congress sought to regulate fuel economy for various vehicles in the United States, and recently, as a result of the continuation of that program, there has been an effort to continue to escalate the amount of fuel economy that is demanded from companies that produce automobiles. Since CAFE was enacted, we have had a weight reduction in cars of about 1,000 pounds per car. That is the way you get better fuel economy—carry less, and reduce the weight of the car in order to get better fuel economy.

I point out that there are some very serious consequences of reducing the weight of a car by a thousand pounds. I indicate that one of those serious consequences has been highlighted in USA Today in a major feature article from July 2 of last year, ''Death by the Gallon.''

> A USA Today analysis of previously unpublished fatality statistics discovers that 46,000 people have died because of the 1970's-era push for greater fuel efficiency which has led to smaller cars—

Read, ''lighter cars.''

For a number of reasons, I think it is in our best interest not to force our auto manufacturers to produce lighter and lighter cars—46,000 people represents 46,000 families. I think we want to be a part of a voice that says don't make it riskier to drive on the highways.

There are a number of individuals who would say: This kind of statistical analysis isn't the right thing. They say fuel economy has gone up, and the number of fatalities on our highways has gone down. Therefore, it must be that cars are safer in spite of the fact that they are lighter. Very frankly, that is a pretty primitive sort of analysis, and it is misleading. It is not correct.

I have in my hand a letter addressed to me from the Harvard Center for Risk Analysis. I will ask unanimous consent it be printed in the RECORD. I would like to read from the letter. Here is what this letter says:

> There are many powerful forces at work that have produced the overall decline in the traffic fatality rate: increasing rates of safety belt use, less drinking and driving, and a growing share of miles traveled on relatively safe Interstate highways, to name a few of those important forces.

Here is important language:

> It would be easy for these favorable forces to mask or conceal any adverse safety effects

of CAFE in overall data. In fact, our national times series analyses published in 1989 (Journal of Law and Economics, vol. 32, April 1989, pp. 112–3) show that, once these favorable effects are controlled for in a national time-series model, the average weight of the vehicle fleet is significantly and NEGATIVELY associated with the fatality rate. In other words, more vehicle weight (less fuel economy) is associated with a smaller fatality rate.

In other words, more vehicle weight and less fuel economy is associated with a smaller fatality rate.

Conversely, the more weight you have in the vehicle, the lower your fatality rate, and the more weight you take out of the vehicle, the higher your fatality rate.

Those who have suggested that this 46,000 number is not a reliable number simply are simplistically interpreting the data.

When you control for factors such as the reduction in drunk driving, when you control for the factors such as airbags and seatbelts, when you control for factors such as the increased number of miles driven on interstate highways, we still have to live with the fact that 46,000 people have died because we have mandated that vehicles be made lighter and unsafe. It is clear that this is a tremendous human toll to pay.

Due to higher gasoline prices, there are those who would argue that if we suddenly have lighter vehicles, the fuel savings will remediate the problem that we have no energy policy in the United States. I think that is less than realistic.

We need an energy policy in the United States. We need to have the opportunity to develop our own energy resources. Trying to get a few more miles per gallon on the highway and lightening our vehicles even further, subjecting more people to the fate of the 46,000 who have already died, is not going to solve the problem we have energy-wise around the world. We will solve the problem when we decide that America will make a commitment to some of its own energy and energy independence.

I rise today to oppose this motion that instructs the conferees on the part of the Senate to fight the position expressed in the House of Representatives. The House of Representatives measure properly recognizes that to take additional weight out of vehicles as a result of a mandate for additional corporate average fuel economy is unwise.

The National Highway Traffic Safety Administration, the agency that administers CAFE, found increasing the average weight of each passenger car on the road by 100 pounds saves 300 lives annually. Rather than decreasing, we might be able to increase and save lives.

A number of studies have been conducted to determine the actual effect of CAFE standards on highway safety. The Competitive Enterprise Institute found that of the 21,000 car occupant deaths that occurred last year, between 26 and 4,500 in just 1 year were attributable to the Federal Government's new car fuel economy standards. That is not consequential; 4,500 is nearly 100 people per State on average who die in car accidents because Congress is mandating weight be taken out of cars.

I ask unanimous consent to have two letters printed in the RECORD on which I will now comment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HARVARD CENTER FOR RISK ANALYSIS,
Boston, MA, June 13, 2000.

Senator JOHN ASHCROFT,
Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

CORRECTING MISINFORMATION ABOUT FUEL ECONOMY REGULATION AND SAFETY

DEAR SENATOR ASHCROFT: During the recent House discussions of Corporate Average Fuel Economy (CAFE) regulation, there was a widely distributed letter dated May 18, 2000 by the American Council for an Energy-Efficient Economy (ACEEE) and the Center for Auto Safety (CAS). I am concerned that this letter contains some misleading statements about an important issue: The potential adverse effects of fuel economy regulation on the safety of motorists. The purpose of my letter is to correct the misinformation and offer a different perspective. I have enclosed a copy of the ACEEE/CAS letter in case you have not seen it.

There are a variety of claims in the ACEEE letter about energy savings, jobs, and technology that I am in no position to evaluate. However, I have published the critical peer-review science on the CAFE-safety issue and thus am in a strong position to offer insight into the safety risks of the CAFE program. I have four specific concerns about the ACEE letter.

Concern #1. A chart accompanying the ACEEE letter shows that the U.S. traffic fatality rate has steadily declined form 1970 to 1998 (CAFE started in 1975), a period when motor vehicle fuel economy improved substantially. The inference drawn from the chart, that improved fuel economy did not compromise the safety of motorists, is misleading.

There are many powerful forces at work that have produced the overall decline in the traffic fatality rate: increasing rates of safety belt use, less drinking and driving, and a growing share of miles traveled on relatively safe Interstate highways, to name a few of those important forces. I would be easy for these favorable forces to mask or conceal any adverse safety effects of CAFE in overall data. In fact, our national times series analyses published in 1989 (Journal of Law and Economics, vol. 32, April 1989, pp. 112–3) show that, once these favorable effects are controlled for a national time-series model, the average weight of the vehicle fleet is significantly and negatively associated with the fatality rate. In other words, more vehicle weight (less fuel economy) is associated with a smaller fatality rate.

Another important factor that ACEEE does not mention (with regard to safety) is that the light truck fleet grew rapidly in the post-CAFE period (particularly post-1985), and these light trucks tend to be larger, heavier, and more crashworthy than the passenger cars they displaced in the market. Thus, one of the reasons for the declining traffic fatality rate from 1985 to the present was the growing size and weight of the light-duty vehicle fleet, which is increasingly dominated by light trucks (minivans, cargo vans, pick-up trucks and sport-utility vehicles). Although some of these light trucks have serious safety issues associated with them (e.g., rollover risk for certain smaller SUVs), there is no question that the size of these vehicles offers more crashworthiness for the occupant than does the average passenger car (even holding constant optional safety features).

Since CAFE regulation was applied only to new vehicles and was applied more stringently to new passenger cars than light trucks, we would not expect CAFE to have a noticeable effect on the fatality rate for all vehicles (old and new, light trucks and cars) on the road, the overall data presented by ACEEE. When direct comparisons were made of fatality and injury rates in new passenger cars downsized due to CAFE and old passenger cars unaffected by CAFE, it was clearly shown that the downsizing of cars increased the fatality and injury risks to the occupants of the downsized cars. These data were published by the Highway Loss Data Institute and the Insurance Institute for Highway Safety over ten years ago.

When Dr. Robert Crandall of Brookings and I analyzed fatality rates with and without CAFE regulation, controlling for other relevant safety variables, we estimated that CAFE regulation (from 1975 to 1985) was responsible for about half of the 1,000-pound decline in the average weight of new passenger cars, which resulted, once the entire car fleet was regulated, in 2,200 to 3,900 additional fatalities to motorists per year in the USA. To the best of my knowledge, these findings have never been disputed in the peer-reviewed scientific literature.

Concern #2: The ACEEE letter asserts that the growing sales of small cars in the 1975-1985 time period were attributable to recession, oil prices and other market factors rather then CAFE regulation.

Dr. Crandall and I addressed this question explicitly in our 1989 study. In our economic analysis of the car market, we found that the average new passenger car became about 1,000 pounds lighter during this period. About half of the weight reduction was due to market forces; the other half was due to CAFE regulation.

Concern #3: The ACEEE letter asserts that the Insurance Institute for Highway Safety (IIHS) has a history of ''shoddy analysis'' on the subject of CAFE and safety.

I feel compelled to come to the scientific defense of IIHS by simply noting that IIHS has a strong scientific reputation throughout the world and, although I sometimes disagree with their inferences, I have always found IIHS's scientific work—on this topic as well as on other safety topics—to be meticulous and analytically competent. I would urge you and your colleagues to give a fair hearing to the analyses prepared by IIHS.

Concern #4: The ACEEE letter suggests that automakers, in the future, can make light trucks more fuel efficient without reducing their size or weight through technological enhancements. This statement may be correct but it is misleading because the CAFE program does not require or encourage automakers to favor technological enhancements over downsizing and weight reduction.

Reducing the size and weight of a light truck generally reduces the cost of producing the vehicle. Making the kinds of engineering changes recommended by ACEEE will generally increase the cost of producing a light truck, a point that ACEEE acknowledges. The CAFE program is designed to let automakers choose how to comply with tighter CAFE requirements, and you can be sure that there will be ''bean counters'' in Detroit and Japan who would prefer to comply with tighter CAFE rules by reducing vehicle size and weight rather than adopting costly engineering changes.

The regulatory history of CAFE shows that automakers, when confronted with tough

CAFE rules, respond with a mix of downsizing, weight reduction, and engineering innovations. For example, from model year 1974 to 1990, a period of improving new car fuel economy, the average ''shadow'' (length times width) of a new car declined by 16% and the average weight of a new car declined by 20%. Engineering improvements such as front-wheel drive and computerized fuel injection systems also increased rapidly. Although automakers ''could'' have complied primarily or even exclusively with engineering improvements, there is nothing about the design or enforcement of the CAFE program that discouraged vehicle manufacturers from reducing vehicle size and weight as part of their compliance strategy. This compliance issue is discussed in more detail in my published critique of the ''Bryan bill'' of ten years ago (JD Graham, ''The Safety Risks of Proposed Fuel Economy Legislation,'' Risk: Issues in Health and Safety, vol. 3(2), Spring 1992, pp. 95–126.) If tougher CAFE rules are now applied to light trucks, there is no reason to believe that downsizing and weight reduction will be ignored by automakers (especially since they represent a cost-SAVING compliance strategy.

It should also be noted that the letter by ACEEE touts weight reduction (e.g., through lighter steel materials) as a compliance strategy without acknowledging the safety risks of lighter materials. For example, an SUV may be more likely to rollover if it is constructed with lighter materials, and the driver of a vehicle that crashes into a guardrail is generally safer with more vehicle mass than less vehicle mass (assuming the guardrail is somewhat flexible or penetrable). Heavier vehicles do pose more risk to other motorists in two-vehicle crashes but the government's studies have demonstrated that making small cars heavier will have seven times more safety benefit than making light trucks lighter (and hence less aggressive in two-vehicle crashes).

In summary, any discussion of tighter CAFE standards should include a serious, careful evaluation of the potential safety risks. Although safety risks are important, they should not dictate the final policy choice since they need to be weighted against the benefits of enhanced fuel economy, some of them cited in the ACEEE letter.

Senator Ashcroft, I certainly hope that these thoughts are helpful. If you should use any of these comments in the policy debate, be careful to attribute the comments to me personally rather than to my Center or University. Please do not hesitate to contact me if you or your staff should have any questions or desire any additional information. You may also be interested to know that we have a working group at my Center looking into these issues, exploring new policy approaches that may save both energy and lives. We will certainly keep you in touch as we make progress on this complex regulatory issue.

Sincerely,

JOHN D. GRAHAM, Ph.D.,
Professor and Director.

INSURANCE INSTITUTE FOR HIGHWAY SAFETY,
Arlington, VA, August 27, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: This is in response to your letter of August 20 requesting information from the Institute about relationships between Corporate Average Fuel Economy (CAFE) standards and vehicle safety.

Although the relationships between CAFE standards and vehicle safety are difficult to quantify precisely, there is no question that the two are related because smaller/lighter vehicles have much higher occupant fatality rates than larger/heavier vehicles. But the safer larger/heavier vehicles consume more fuel, so the more ''safer'' vehicles a manufacturer sells the more difficult it becomes to meet the CAFE standards.

Institute analyses of occupant fatality rates in 1990–95 model passenger vehicles show that cars weighing less than 2,500 pounds had 214 deaths per million registered vehicles per year, almost double the rate of 111 deaths per million for cars weighing 4,000 pounds or more. Among utility vehicles the differences are even more pronounced: Those weighing less than 2,500 pounds had an occupant death rate of 330, more than three times the rate of 101 for utility vehicles weighing 4,000 pounds or more.

It is important to recognize that these differences are due to factors in addition to the greater risks to occupants of lighter vehicles in collisions with heavier ones. Even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, people in lighter vehicles are at greater risk. The occupant death rate in single-vehicle crashes of cars weighing less than 2,500 pounds was 83, almost double the rate of 44 for cars weighing 4,000 pounds or more. In the lightest utility vehicles the occupant death rate was 199, again more than three times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

The key question concerning the influence of CAFE standards on occupant safety is the extent to which these standards distort the marketplace by promoting additional sales of lighter, more fuel efficient vehicles that would not occur if CAFE constraints weren't in effect. Because CAFE standards are set for a manufacturer's fleet sales, it seems likely that raising these requirements for cars and/or light trucks would encourage a full-line manufacturer to further subsidize the sale of its smaller/lighter vehicles that have higher fuel economy ratings. This would help meet the new requirements while continuing to meet the marketplace demand for the manufacturer's much more profitable larger/heavier vehicles. Obviously the potential purchasers of the larger/heavier vehicles are unlikely to be influenced to purchase subsidized small/light vehicles, but at the lower ends of the vehicle size/weight spectrum these subsidies likely would produce a shift in sales towards the lightest and least safe vehicles. The net result would be more occupant deaths than would have occurred if the market were not distorted by CAFE standards.

Sincerely,

BRIAN O'NEILL,
President.

Mr. ASHCROFT. The 1989 Harvard University/Brookings Institution study determined that the current CAFE standard of 27.5 miles per gallon is responsible for between a 14 and 27 percent increase in the annual traffic deaths, since the new car fleet must be downsized in order to meet stricter standards.

Further, the 1992 National Academy of Sciences study concluded that the downsizing of automobiles due to fuel economy requirements has a direct impact on passenger safety. The study found ''safety and fuel economy are linked because one of the most direct methods manufacturers can use to improve fuel economy is to reduce vehicle size and weight.''

Stunning advances are being made to improve safety in other respects. To give away those advances by imposing lighter and lighter vehicles raises very, very, very serious and troubling questions.

The most troubling conclusion from the study that was conducted by the National Academy of Sciences: ''it may be inevitable that significant increases in fuel economy can occur only with some negative safety consequences.'' The National Academy of Sciences study also said, ''the CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.''

The National Academy of Sciences says careful reconsideration of this entire approach ought to be undertaken. If the National Academy of Sciences is suggesting we need to carefully reconsider this approach, I am not sure we ought to be in the business of extending the approach or enlarging that approach. These standards are killing people, yet there are those who want to make the standards even tougher, even more deadly.

Based on experience and the research, increasing CAFE standards to 40 miles per gallon, which is less than the proposal supported by the President and the Vice President, would cause up to about 57,00 deaths a year. At some point, I hope we will get the attention of policymakers and ask ourselves if we really want to sacrifice, on this altar of fuel economy, that many lives a year.

Of course, that is included in this special USA Today report. Mr. President, 46,000 people is equivalent to an entire town, such as Joplin, MO, in my home State. The deaths of 46,000 people would wipe out the entire town of Blue Springs, MO, or all of JOHNSON and Christian Counties in Missouri.

The average gas mileage for passenger vehicles in 1975 was 14 miles per gallon; today it is 20 miles per gallon. That averages 7,700 lost lives for every gallon of increased fuel efficiency. I am not sure 46,000 lives are worth it for improved fuel efficiency.

There are a number of alternatives to lightening vehicles for fuel efficiency. Some of the alternatives are in the process of being developed in the capitals of the automotive industry, whether in Detroit or other sections around the country. They relate to fuel cells. They relate to combination strategies. They relate to large flywheels that capture the momentum of a car as it stops, and as that momentum is captured in the flywheel it is regained as the car is started again. There are many things that are being done.

Some in the automotive industry say if we mandate additional fuel economy standards immediately, the research resources which are supporting the development of these new technologies will have to be shifted back over into weight reduction techniques immediately to meet demands. So instead of moving toward long-term changes in efficiency, we get to the short run,

which loses more lives and impairs our ability to develop the kind of fuel cell technology, the kind of combined energy technologies that result in safer and more efficient cars.

I asked the Insurance Institute for Highway Safety for an opinion on raising CAFE standards and the impact on highway safety. The Institute said: Even in single vehicle crashes, which account for about half of all passenger vehicle occupant deaths, people in lighter vehicles are at greater risk. The letter stated: The more safer vehicles the manufacturer sells, the more difficult it becomes to meet CAFE standards.

The idea of elevated CAFE requirements is at war with the idea of safe occupancy in the automobile. The simple idea or notion that says fatalities have been going down while weight has been going down in cars, therefore it must be safer to be in lighter cars, is a simple notion, but it is an incorrect notion. It ignores the other factors. It ignores factors such as seatbelt use, airbag deployment, divided highways, the kinds of things highway design has done to elevate safety standards.

I make one thing very clear: I am in favor of promoting cleaner air. I believe we must be responsible environmentally. However, there is a level at which we ought to consider the risk to human lives. The reason we want clean air is that dirty air impairs the health and well-being of human beings. So the reasons we are pursuing are the same. We want to save people who might be included in these gruesome statistics of 46,000 people dying. While I want to have cleaner air, I don't think it is necessarily done by putting people on the altar of lighter vehicles and having them lose their lives when we can find other ways of achieving that.

Consumers are not choosing smaller cars. They look at convenience. They look at safety. They look at where their children are going to be riding, and how they will get there. They are buying larger cars. Safety is one of the three main reasons people purchase SUVs. Small cars are only 18 percent of all vehicles on the road, but they account for 37 percent of vehicle deaths. You have to think about that for a moment. That is a startling statistic. Small cars are only 18 percent of the vehicles on the road. Yet they account for 37 percent of the vehicle deaths—or that was the figure in 1997. I doubt if the data has significantly changed.

Some people argue that the reason the small cars are troublesome is because they get into wrecks with bigger cars; they are getting into accidents with SUVs. Frankly, the facts do not support that claim. Based on figures from the National Highway Traffic Safety Board, only 1 percent of all small car deaths involved collisions with mid-size or large SUVs—1 percent. One percent of their accidents, yet their fatality rate is 37 percent; in spite of the fact they are only 18 percent of the cars on the road, 37 percent of all the traffic deaths.

Car-buying experts have said that only 7 percent of new vehicle shoppers say they will consider buying a small car. According to this source, 82 percent who have purchased small cars say they will not buy another.

Safety-conscious consumers—certainly my constituents in Missouri—understand the need for safety and are buying larger vehicles. But now Washington wants to tell residents in my State what kind of car they can buy. Washington wants to increase the level of risk, basically, that will attend driving those cars. The lighter the car, according to the National Academy of Sciences and the National Highway Traffic Safety Board, the higher the risk.

We fight drunk driving. We mandate seatbelt use. We require manufacturers to install airbags. Yet today we are being asked to tell the House we will not accept their policy of providing for Americans the opportunity of choosing cars that are heavy enough to be safer. We want to mandate, somehow, that we take additional pounds out of cars.

I was stunned by the data developed by our own agencies that said if you add 100 pounds, you save 300 lives. I suppose it is not scientifically correct to say if you took 100 pounds out, you would lose 300 lives—maybe you would. You might lose more. I would hate to be the person who had to make up the list of the 300 names, or of the thousand names, or however many names there are, of the lives that would be lost because we refused to adopt an approach which says: We have gone far enough with the Federal mandates on weight reduction and fuel economy. We should allow what is already happening in the automotive industry, a tremendous surge of research and technology, much of it spurred by our own incentives and initiatives, to develop alternative technologies which can provide for the transportation needs that we have with greater efficiency, without putting so many people at risk.

I urge my colleagues to reject this motion, the motion which would instruct the conferees not to accept section 318 of the bill as passed by the House of Representatives.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I yield such time to the distinguished senior Senator from California as she may use.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is a pleasure for me to join the Senator from Washington in this debate. I have just listened to the comments of the distinguished Senator from Missouri. I must say I profoundly differ with them. But let's for a moment say the Senator is correct. Then what is the fear of doing a study to take a look at the safety implications of SUVs and light trucks in single and multicar accidents? If the other side is so sure they are correct, they have nothing to worry about from a study being done. So why the gag order that prevents the Government from looking at this?

I submit to you, Mr. President, in direct debate with the Senator, that as fuel economy standards have gone up, fatality rates per million miles traveled have actually decreased. That decrease is rather large. I wish I had a big chart, but you can kind of see it here. These are the fuel economy on-road miles per gallon going up, and here are the fatality rates to the year 2000 actually going down.

Second, Ford Motor Company, by 2003, will have on the market a hybrid SUV which will get 40 miles per gallon. And Ford says that its 2003 version of its Escape sports utility vehicle will get twice that of other small SUVs, four times that of big ones. This comes from technology, from a hybrid powerplant, a small gasoline engine coupled to an electric motor. This SUV will get 40 miles to the gallon. Let me read a statement by the National Highway Traffic Safety Board:

> Collisions between cars and light trucks account for more than one half of all fatalities in crashes between light duty vehicles. More than 60 percent of all fatalities in light vehicle side impacts occur when the striking vehicle is a light truck. SUVs are nearly three times as likely to kill drivers of other vehicles during collisions than are cars.

According to a study by the National Crash Analysis Center, an organization funded by both the Government and the auto industry:

> Occupants of a SUV are just as likely as occupants of a car to die, once the vehicle is involved in an accident.

The explanation, of course, is that SUVs have high rollover rates; 62 percent of SUV deaths are in rollover accidents, but only 22 percent of car deaths are in rollover accidents. So you cannot say that the SUV/light truck is a safe vehicle, even as a heavier vehicle. The statistics do not support it.

Let me also say that Ford Motor Company itself, which depends on SUVs for much of its profit, has acknowledged that they cause serious safety and environmental problems. Let me quote from the New York Times:

> In its first corporate citizenship report issued at the company's annual shareholders' meeting here, Ford said that the vehicles contributed more than cars to global warming, emitted more smog-causing pollution, and endangered other motorists. The auto maker said that it would keep building them because they provide needed profit, but would seek technological solutions to the problems and look for alternatives to big vehicles.

So here is a major American manufacturer admitting that SUVs are not safer.

Let me finally, on this point, quote a GAO report:

> The unprecedented increase in the proportion of light cars on the road that occurred between 1976 and 1978, and 1986 and 1988, did not have the dire consequences for safety that would be expected if fatality rates were simply a function of car weight. Not only did the total fatality rate decrease, but the fatality rate for small cars, those at the greatest risk, if it is assumed that heavier cars

are inherently safer than lighter cars, also declined sharply.

So why be afraid of the study? If those who say safety is a problem are so sure, let's take a good look at it. Let's have unbiased sources take a look at it.

The reason I feel so strongly is because I do believe that global warming is a real and vital phenomenon; that it is taking place all across the land, and that the largest single thing we can do to reduce global warming is to reduce the emission of carbon dioxide.

By putting the same fuel efficiency standards on SUVs and light trucks as are on sedans, we essentially remove 240 million tons of carbon dioxide each year from the atmosphere.

This year's House Transportation appropriations bill once again contains the provision which prevents this issue from even being considered. This is the seventh consecutive year this gag order has appeared. Why are they so afraid of a study?

If you add to what the Senator from Washington said—and I think he is absolutely correct—that we are witnessing a new phenomenon this year in increasing gasoline prices which have exacerbated our Nation's dependence on OPEC and foreign oil, this policy does not make sense from another viewpoint. It costs the consumer more. Frankly, I am surprised there is this resistance. Since last year's debate, gasoline prices reached $2 per gallon in many parts of my State, and they are approaching $2.50 through much of the Midwest. This should harden our resolve to take a look at the situation.

Today, the United States, with only 4 percent of the world's population, consumes 25 percent of the world's energy. Our CO2 emissions from vehicles alone exceed the total CO2 emissions of carbon dioxide from all but three other countries in the world today.

My State of California is the third largest consumer of gasoline in the world, behind only the United States and Japan and ahead of virtually every other country. So California has a huge stake in this. We use more gasoline than China, Germany, and Russia. The situation is made worse by this loophole. SUVs and light trucks, which are as much passenger vehicles as station wagons and sedans, are only required today to have 20.7 miles per gallon per fleet versus 27.5 miles per gallon for automobiles.

I am an SUV owner. I own three Jeeps. I love my Jeeps, but I do not see why they should not be just as fuel efficient as the sedan we also drive. At today's prices, light truck and SUV owners are spending an additional $25 billion a year at the pump because of this loophole. If SUVs simply achieve the same fuel economy standards as automobiles, consumers would save hundreds of dollars a year and thousands of dollars over the life of a vehicle.

As this chart shows, the typical SUV burns about 861 gallons of fuel each year. The average gasoline price, if it is at $1.50 cents a gallon, costs consumers $1,290 a year. At $2, the cost increases to more than $1,700.

If we simply close this SUV loophole and require these vehicles to meet the same standards as automobiles, SUVs would burn 213 fewer gallons of gasoline a year. That is a savings of 1 million barrels of oil a year, and it is a savings of 240 million tons of carbon dioxide going into the air. It is also a savings for the consumer of $318 each year. At $2, the savings is $420 a year. The real clincher is the pollution argument, and that is, the savings of 240 million tons of CO2 from going into the air and creating a greenhouse effect that warms the Earth.

We also know that raising CAFE standards is the quickest and most single effective step we can take in this direction. I happen to believe global warming is real. I took a day and went to the Scripts Institute of Oceanography in San Diego and had a briefing. What I heard there doubly convinced me it is a real phenomenon.

The weather is getting hotter, and the ten hottest years on record have all occurred since 1986; 1980 to 1999 was the hottest 20-year period ever recorded, and 1998 was the hottest year in recorded history. Yesterday the temperature in San Francisco, a usually very cold city, was 104 degrees.

The Earth's average temperature has risen 1.3 degrees in the last 100 years, and computer models predict an increase of 2 to 6 degrees over the next century. Because of our temperate climate, the increase in the United States will be on the high end of that figure; meaning we will gain about 6 degrees in temperature over the next century.

What does that mean? That means warmer weather in my State will make water even more scarce. It means it will destroy certain agricultural crops. It means it will lead to more frequent and intense Sierra forest fires and serious flooding at certain times of the year.

In normal winters, our water gets stored in snowpacks until the spring when it is needed for drinking and farming, but warmer winters would cause significant amounts of winter precipitation to change from snow to rain, becoming runoff or, worse, floods into low-lying flood-prone areas, such as Sacramento. Drought conditions will worsen in the southern and central valley parts of my State, destroying water-dependent crops, such as rice, cotton, and alfalfa.

According to the Intergovernmental Panel on Climate Change, sea levels could rise 2 feet over the next century, further flooding low-lying areas, and greatly increasing the penetration of salt water into the California delta, the source of drinking water for 22 million people.

That is why I am concerned. It is a legitimate reason to be concerned and it is doubly legitimate if you know something that is doable and can be done with no adverse impact, is, in fact, being done by some manufacturers and foreign manufacturers, and this Congress will not even take a look at what effect it would have on pollution, what effect it would have on safety. It is an ostrich syndrome par excellence.

Mr. President, 117 million Americans live in areas where smog makes the air unsafe to breathe. Asthma of children is on the uptake, and roughly half of this air pollution is caused by cars and trucks.

If we increase fuel efficiency, we consume less gasoline. This decreases smog and air pollutants. Given all these facts, I cannot figure out why anyone would not want to at least study whether CAFE standards should be updated. For 7 years there has been a gag order: Do not even take a look; both sides are certain. Senators GORTON, BRYAN, and myself on one side; Senators ABRAHAM, LEVIN, and ASHCROFT on another. Let's settle it. Let's take a look. Let's have an independent study. Let's see who is right. It does not bother me to do that. I do not understand why it bothers anyone else.

Half of all new vehicles sold in this country are SUVs and light duty trucks, and this is what makes this so compelling. This becomes then a stranglehold on energy efficiency, and it has produced an American fleet with the worst fuel efficiency since 1980. We are going backwards because of it. We are polluting the air more because of it. We are contributing to global warming more because of it.

The United States saves 3 million barrels of oil each day because of the current fuel efficiency standards. Closing the SUV loophole adds 1 million additional barrels. That is a total savings of 4 million barrels of oil each day.

Last year, opponents of our amendment argued that boosting CAFE standards would lead to increased traffic fatalities, layoffs, and higher sticker prices. If our opponents again are so sure of their arguments, what is the harm of allowing the Department of Transportation to study the costs and benefits of higher CAFE standards?

Last year, I listened to some of my colleagues cite their concerns again about traffic safety. Based on what we heard today, I believe it is naive to think that bigger cars are simply safer.

I was going to buy a bigger car not too long ago. I watched the crash tests. I saw this expensive, heavy sedan crumple up like an accordion. I decided not to buy it; it was not safer.

The New York Times recently reported on tests conducted by the National Highway Transportation Safety Administration to demonstrate the propensity of SUVs to roll over. Here is a particularly poignant quote from the article:

> Because it is taller, heavier and more rigid than a car, an SUV or pickup is more than twice as likely to kill the driver of the other vehicle in a collision. Yet partly because these so-called light trucks roll over so often, their occupants have roughly the same chance of dying in a crash.

So not only is an SUV driver more apt to kill someone else, but that same driver is not any safer. I think this should be disturbing to anyone who gets into any moving vehicle.

With regard to job losses in the domestic auto industry, opponents of our amendment fail to offer any empirical evidence. A recent study by the nonpartisan American Council for an Energy Efficient Economy concludes that the consumer savings at the pump would actually translate to a net increase of 244,000 jobs nationwide, with 47,000 of these new jobs occurring in the auto industry. Let me repeat: The projections are, it will not mean a loss of jobs; it will mean a gain of jobs. And that gain of jobs has translated into a net increase of 244,000 jobs nationwide and 47,000 in the auto industry.

I remember when automakers told us they could not make cars safer; they could not meet the original CAFE standards; they could not add seatbelts or catalytic converters; But they did. They said regulations and mandates would drive them out of business, but they did not.

These same arguments have been recycled for decades.

In 1974, a representative for Ford Motor Company testified in front of Congress that the implementation of CAFE standards would lead to a fleet of nothing but sub-Pinto-sized automobiles. Of course, that did not happen. Our Nation's fleet of vehicles are as diverse as ever and probably more diverse. The largest sedans and station wagons today get far better fuel economy than the 1974 Pinto. It is really a tribute both to the industry and to that industry's ingenuity. It is also a tribute to the CAFE or fuel efficiency program.

One of the reasons that, for a while, the American automobile manufacturers lost their cutting edge in the 1970s was their reluctance to do the research and development necessary to build innovative new vehicles. But I am very proud to say that today's car companies are far more efficient and innovative and have the technology to increase the fuel economy of light duty trucks and SUVs to much higher levels than achieved by today's automobiles.

I am disappointed that the automotive companies continue lobbying for this gag order. To me, it is like pushing things back into the 1970s, where the Japanese made all the advances, and the American industry refused to change its models, to move with the times, to put in the research and development that is necessary to build a better automobile. I thought those days were behind us.

What do we have to lose by allowing the Department of Transportation to simply do their job and determine whether it makes sense to increase CAFE standards?

Let me just touch on a couple of the safety fallacies.

Again, in fact, vehicle fatality rates have been cut in half since CAFE standards were introduced. I pointed that out in the beginning. Only by stretches of fallacious logic do opponents contrive higher death rates to the CAFE standards.

Let me give you some of these fallacies:

First, the CAFE standards imply smaller vehicles.

The answer: Higher CAFE is achieved by technology improvement, not by downsizing.

Secondly, that lighter vehicles imply higher fatalities.

The answer: Crashworthiness is determined not by size or weight but by design. Today's compacts are safer than large cars of 20 years ago.

And finally, unbalanced risk assessment.

The answer: Studies based on harm to small-car occupants neglect the risks that larger vehicles impose or inflict on others.

So I am hopeful that because of the increase in fuel prices, because of the added cost to the consumer by the gag order, by the fact that every consumer, if this were to come to pass, would save $318, with an average cost of $1.50, and $504 with a higher cost a year, we can clearly make a showing that a study is necessary at this time.

I thank the Chair and also the Senator from Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the opponents are absent for the time being, discussing what is at least a possible settlement of this matter. As a consequence, I suggest the absence of a quorum and ask unanimous consent the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I yield myself as much time as I might need.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, we are obviously in the midst of an ongoing discussion that has been held on a number of occasions here over the issue of CAFE standards and this motion, obviously, to instruct the Senate conferees to either modify or strike the moratorium on CAFE standards in the House bill.

I rise to speak in opposition to this motion to instruct.

Let me begin, first, by outlining the case against raising corporate fuel economy standards, or CAFE. Then what I would like to discuss is what would actually happen as a matter of law if the CAFE freeze were lifted.

First, increased CAFE requirements would cost American auto workers their jobs.

They put American automobile manufacturers at a competitive disadvantage vis-a-vis foreign manufacturers. Let me explain what I mean by this.

The Federal Government currently mandates that auto manufacturers maintain an average fuel economy of 27.5 miles per gallon for cars and 20.7 miles per gallon for minivans, sport utility vehicles, and light trucks. To meet increased CAFE requirements, automakers must make design and material changes to their vehicles. Those changes cost money. They force American manufacturers to build cars that are smaller, less powerful, less popular to consumers, and, as I will indicate in a moment and as several of the preceding speakers have noted, less safe.

In 1992, the National Academy of Sciences found that raising CAFE requirements to 35 miles per gallon would increase the average vehicle's cost by about $2,500. Japanese automakers have escaped these costs because sky high gasoline prices in their home markets forced them to make smaller, lighter cars years ago. Increased CAFE requirements will continue to favor Japanese automakers, and that means they will continue to place an uneven burden on American automobile workers.

The American auto industry accounts for one in seven U.S. jobs. Steel, transportation, electronics, literally dozens of industries employing thousands upon thousands of Americans depend on the health of our auto industry. It is not just people in Michigan or people in Ohio; it is people across our Nation whose livelihoods are linked to the success of the American automobile manufacturing industry.

In their letter of June 7, the United Auto Workers wrote:

> * * * further increases in CAFE could lead to the loss of thousands of jobs at automotive plants across this country that are associated with the production of SUVs, light trucks and full size automobiles.

In a June 9 letter, the International Brotherhood of Teamsters writes: The CAFE program has not helped manufacturers reduce U.S. consumption of gasoline.

> Instead, it has created competitive disadvantages for the very companies that provide job opportunities for millions of Americans.

I ask unanimous consent the full text of these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,

Washington, DC, June 7, 2000.

DEAR SENATOR: When the Senate considers the FY 2001 Transportation Appropriations bill, we understand that amendments may be offered, including the Gorton-Feinstein-Bryan clean car resolution, to eliminate or

modify the current moratorium on increases in the fuel economy standards for autos and trucks (commonly known as CAFE, the Corporate Average Fuel Economy standards). The UAW strongly opposes such amendments and urges you to vote against them.

The UAW supported the CAFE standards when they were originally enacted. We believe these standards have helped to improve the fuel economy achieved by motor vehicles (which has doubled since 1974). This improvement in fuel economy has saved money for consumers and reduced oil consumption by our nation.

However, for a number of reasons the UAW believes it would be unwise to increase the fuel economy standards at this time. First, any increase in the CAFE standard for sport utility vehicles (SUVs) and light trucks would have a disproportionately negative impact on the Big Three automakers because their fleets contain a much higher percentage of these vehicles than other manufacturers. Second, any increases in CAFE standards for cars or trucks would also discriminate against full line producers like the Big Three automakers because their fleets contain a higher percentage of full size automobiles and larger SUVs and light trucks. The current fuel economy standards are based on a flat miles per gallon number, rather than a percentage increase formula, and are therefore more difficult to achieve for full line producers. Taking these two factors together, the net result is that further increases in CAFE could lead to the loss of thousands of jobs at automotive plants across this country that are associated with the production of SUVs, light trucks and full size automobiles.

The UAW believes that additional gains in fuel economy can and should be achieved through the cooperative research and development programs currently being undertaken by the U.S. government and the Big Three automakers in the ''Partnership for a New Generation of Vehicles'' (PNGV). This approach can help to produce the breakthrough technologies that will achieve significant advances in fuel economy, without the adverse jobs impact that could be created by further increases in CAFE standards. PNGV is working. This spring, PNGV achieved one of its major goals with the introduction of a supercar concept by each of the Big Three automakers.

Accordingly, the UAW urges you to oppose any amendments that seek to eliminate or modify the current freeze on increases in motor vehicle fuel economy standards. Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS—AFL–CIO
Washington, DC, June 9, 2000.

DEAR SENATOR: The United States Senate may soon be asked to vote on a provision that currently prevents the Department of Transportation from increasing the Corporate Average Fuel Economy (CAFE) standards for passenger cars and light trucks. Opponents of this provision argue that higher standards will benefit consumers and help the U.S. reduce oil imports and gasoline consumption. We disagree, and urge you to vote against any amendments to eliminate or modify the current moratorium on these standards.

Many observers feel CAFE is a case of good intentions gone awry. The law's original purpose was to improve automotive fuel economy, and in so doing, cut our nation's dependence on foreign oil. Unfortunately, although fuel economy for cars and trucks has risen substantially over the past 25 years, our reliance on imported oil has not declined. In fact, our nation's dependence on imported oil has risen to more than 55 percent today from 35 percent in 1975 when the law was passed. By any measure, CAFE has not delivered the benefits it promised.

Even worse, CAFE produces serious side effects when it comes to American jobs. Rather than creating a level playing field for all manufacturers, the CAFE system has actually worked against U.S. manufacturers and autoworkers. The law gives small car manufacturers a competitive advantage. Of course, these manufacturers are primarily foreign-based, and they import many of the cars and light trucks that they sell. In addition, this situation has provided an incentive for the Asian automakers to enter the midsize and large car market segments at the expense of the traditional U.S. auto companies.

Domestic autoworkers need to be able to build the larger cars and trucks American consumers want. Today, American consumers are demanding the safety and utility of trucks, including vans, mini-vans, sport utility vehicles and pick-ups—a market in which U.S.-based manufacturers and autoworkers produce eight out of ten vehicles. Increases in light truck CAFE standards would erode the dominant position of U.S. manufacturers and autoworkers in this market segment. It would also adversely affect the jobs of Teamsters, who transport materials, components and finished vehicles across the country.

Increasing vehicle fuel economy is a laudable goal. But the CAFE program has not helped manufacturers achieve that objective, and it has not reduced U.S. consumption of gasoline. Instead, it has created competitive disadvantages for the very companies that provide job opportunities for millions of Americans. Consequently, we respectfully urge you to oppose any amendment to strike or modify the current moratorium on increasing CAFE standards for light trucks.

Sincerely,

MICHAEL E. MATHIS,
Director, Government Affairs Department.

Mr. ABRAHAM. In addition, raising CAFE standards will cost lives. On the issue of vehicle safety, for a number of years, the Federal Government has taken the lead in mandating additional safety features on automobiles in an attempt to reduce the number of lives lost in auto accidents. How ironic to learn that Federal CAFE requirements have been costing lives all this time.

The Competitive Enterprise Institute estimates that between 2,700 and 4,500 drivers and passengers die every year as a result of CAFE-induced auto downsizing. Last year, USA Today, in a special section devoted to the issue of CAFE standards and auto safety, calculated CAFE's cumulative death toll at 46,000 lives. Even the National Highway Traffic and Safety Administration, which runs the CAFE program, has recognized the deadly effects of CAFE standards. In its publication ''Small Car Safety in the 1980s,'' NHTSA explains that smaller cars are less crash worthy than large ones, even in single-vehicle accidents. Small cars have twice the death rate of drivers and passengers in crashes as larger cars, and smaller light trucks will mean even more fatalities. These trucks and SUVs have higher centers of gravity and so they are more prone to rollovers. If SUV and truck weights are reduced, thousands more will die.

On the safety issue, two additional items: First of all, it is true that since CAFE standards came into effect, the overall death rates on our roads have gotten better. However, this fails to note some pretty significant information. We have had safety belts and airbags, a variety of other safety devices included and, in some cases, mandated for usage in automobiles and other vehicles. Our roads have gotten better. For all these reasons, the overall cumulative effect in terms of safety has been better over the last 25 years. But the studies that have specifically focused on the impact of CAFE standards, the impact of lighter vehicles, the impact of less crash-resistant vehicles has shown that the problem in terms of CAFE is not to make cars and vehicles more safe but to make them less so. That is the bottom line.

Moreover, in relationship to SUVs in particular, these are vehicles that are more crash prone. Therefore, the notion of making them less safe as a product of a CAFE reform effort would be a strike at the heart of the safety of the American motorist.

In addition, increased CAFE standards reduce consumer choice. CAFE averages are determined by the buying pattern of the American public. U.S. automakers are challenged by the current CAFE standards because the American consumer has demonstrated time and again a preference for minivans and SUVs, even though alternatives that are more fuel efficient are readily available. We don't need Government mandates to force automakers to produce fuel-efficient cars. If consumers want vehicles which get better gas mileage no matter what the cost of gasoline, they have a wide choice of vehicles from which to choose.

If, as the supporters of new CAFE standards contend, consumers crave more fuel-efficient vehicles, then more small cars and vehicles would be purchased. It is supply and demand. Yet despite a variety of choices for fuel-efficient vehicles which get as much as 40 to 50 miles per gallon, these vehicles account for less than 1 percent of total vehicle sales. Why? The answer is simple: The public demands the convenience of vehicles with a larger carrying capacity and vehicles that are safer. These vehicles, minivans, and SUVs are the class of vehicle that will be eliminated should new CAFE standards be enacted, and the livelihood of the thousands of Americans employed in the production of such vehicles will be threatened.

The Americans Farm Bureau writes:

> Full size pickups are the tools of the agricultural trade and they do, indeed, haul everything from bales of hay to farm equipment to livestock feed on an every day basis. Higher CAFE standards would almost inevitably lead to less powerful engines and weaker frames and suspension or even the elimination of some full size truck models.

We should continue to let the market, not the Government, choose the

types of vehicles produced by American automobile manufacturers. Consumers will suffer if their choices are narrowed. Automakers and their employees will suffer if they are forced to make cars the public simply does not want.

Again, on the choice issue, this is precisely what happened when the CAFE standards were first adopted. In a statement before the Consumer Subcommittee of the Senate Commerce Committee, Dr. Marina Whitman of General Motors noted:

> In 1982, we were forced to close two assembly plants which had been fully converted to produce our new highly fuel efficient compact and mid-size cars. The cost of the conversions was $130 million. But the plants were closed because demands for those cars did not develop during the period of sharply declining gasoline prices.

Our automakers simply cannot afford to pay the fines imposed on them if they fail to reach CAFE standards or to build cars that Americans won't buy. In either case, the real victims are American workers and American consumers. Proponents of CAFE argue that it will reduce U.S. dependence on foreign oil and gasoline consumption. Since the program was enacted 25 years ago, the U.S. fleet average fuel economy has more than doubled. However, U.S. oil imports have risen from 36 percent to over 50 percent, and gasoline consumption has increased during that very same timeframe.

Thus raising CAFE will not reduce our dependency on foreign oil, but it will reduce job opportunities, consumer choice, and the automobile safety we presently enjoy.

Mr. President, let me explain why the entire CAFE issue itself is almost obsolete. In just a few years, American automobile workers, working individually as well as through partnerships with Government, academia, and suppliers, will be bringing to the market advanced fuel-efficient technologies—cars powered by electric, hybrid electric, clean burn, and fuel cell engines, and other promising new technologies. Toyota became the first manufacturer to mass produce a hybrid electric passenger car, the Prius, which will be on sale in the U.S. later this year. Several companies, such as Volkswagon, are already selling vehicles that utilize advanced technology to achieve 40 to 50 percent greater fuel efficiency than conventional gasoline-powered vehicles without sacrificing performance.

American automobile manufacturers are close behind. They continue to invest almost $1 billion every year in research to develop more fuel-efficient vehicles, and those efforts will soon bear fruit. In fact, just today, GM announced it will offer a fuel-efficient SUV capable of handling ethanol-based fuel. As we heard from previous speakers, the Ford Motor Company is in the process of bringing forth vehicles which will be hybrid fuel efficient within just a few years.

Clearly, there already exists fierce competition among automakers to market more fuel-efficient vehicles. So why should we even consider turning to the punitive and disruptive methods of Federal mandates through CAFE standards to increase fuel efficiency for American vehicles. This is going to happen, Mr. President. The market will drive it, and it will be done in the most efficient fashion if we allow the companies to do what they are already in the process of accomplishing, instead of grabbing control in Washington and once again dictating through a bureaucracy the way America ought to do business.

Since 1993, the Partnership for a New Generation of Vehicles has brought together Government agencies and the auto industry to conduct joint research, research that is making significant progress that will breach the gap to real world applications after 2000. By enhancing research cooperation, PNGV is helping our auto industry develop vehicles more easily recyclable, have lower emissions, and can achieve up to triple the fuel efficiency of today's mid-size family sedans—all this while producing cars that retain performance, utility, safety, and economy.

Mr. President, we are making solid progress—progress toward making vehicles that achieve greater fuel economy without sacrificing the qualities consumers demand or the safety we should all expect, progress that will render CAFE requirements obsolete.

Mr. President, I want to address the contention that lifting the CAFE freeze will simply allow the Department of Transportation to study the need to raise CAFE standards. Of course, that sounds rather benign on its face, and a study alone is something we do often around here. But the way the rules and the law are currently set up, that is simply not the case. As a matter of law, lifting the freeze will lead to higher CAFE standards on sports utility vehicles and light trucks. Public Law 94–163, the Energy Policy and Conservation Act of 1975, requires the Department of Transportation to set CAFE standards each year at—get this, Mr. President—the maximum feasible average fuel economy level.

The Secretary is not authorized to just study CAFE. The Secretary must act by regulation to set new CAFE standards each year. The last year prior to the CAFE freeze—1994—the administration began rulemaking on new CAFE standards. DOT's April 6, 1994, proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard. Since 1995, Congress has refused to allow DOT to unilaterally increase the standards, as it has in the past.

We have recognized that it is our duty as legislators to make policy in this important area of economic and environmental concern. I believe that very strongly. I think it ought to be the Congress that steps up to the responsibility of making these kinds of determinations, which have such overriding and such pervasive impact on the economy of virtually every one of the 50 States.

Now, however, the proposal before us would move us back in the direction of delegating these critical economic decisions to the bureaucracy, the Department of Transportation. The automobile industry is a critical component of our overall economy. Indeed, the future of our economic growth depends on the continued health of the automobile manufacturing sector. That is why I believe that we in Congress should make the policy decisions related to CAFE, not regulators at the Department of Transportation, or anywhere else.

In summary, raising CAFE standards for light trucks and SUVs will cost American jobs. It will undermine our automobile industry's global competitiveness. It will compromise passenger safety. It will reduce consumer choice, and it will not reduce America's dependence on foreign oil sources. Nor, in my judgment, as I think some of our colleagues who will soon be speaking will indicate, will it make that much of an impact with respect to fuel efficiency. Therefore, I urge my colleagues to vote against this motion to instruct the conferees to strike the CAFE freeze provision.

I yield the floor and withhold the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, if the Senator from Michigan wants to speak, I will not ask for a quorum call.

Mr. LEVIN. I am prepared to go.

Mr. GORTON. The Senator may go ahead.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the CAFE law, which the House of Representatives very properly has kept on the shelf—is a bill with many flaws. I am just going to focus briefly on a couple of those flaws.

First, the CAFE law, as it is written, and which would be put back into force, does not allow for the consideration of some very highly relevant factors that should be considered in the regulatory process. One of these is safety. Senator ASHCROFT—and I believe Senator ABRAHAM—have also made reference to analyses of losses of life that have resulted from lighter vehicles.

There has been a study and analysis, which has been referred to at some length, by USA Today which shows that 46,000 people have died because of the CAFE law who otherwise would not have died. I want to read very briefly from this article:

> . . . in the 24 years since a landmark law to conserve fuel, big cars have shrunk to less-safe sizes and small cars have poured onto roads. As a result, 46,000 people have died in crashes they would have survived in bigger, heavier cars.

This is according to the USA Today's analysis of crash data since 1975, when

the Energy Policy and Conservation Act was passed.

The Energy Policy and Conservation Act and the corporate average fuel economy (CAFE) standards it imposed have improved fuel efficiency. The average of passenger vehicles on U.S. roads is 20 miles per gallon versus 14 in 1975. But the cost has been roughly 7,700 deaths for every mile per gallon gained, the analysis shows.

These figures can be disputed, although this is a very lengthy and very objective analysis in the USA Today of July 2, 1999.

I ask unanimous consent that this article be printed in the RECORD at this time.

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

A USA TODAY analysis of previously unpublished fatality statistics discovers that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

Californian James Braggs, who helps other people buy cars, knows he'll squirm when his daughter turns 16.

''She's going to want a little Chevy Cavalier or something. I'd rather take the same 10 to 12 thousand bucks and put it into a 3-year-old (full-size Mercury) Grand Marquis, for safety.

''I want to go to her high school graduation, not her funeral.''

Hundreds of people are killed in small-car wrecks each year who would survive in just slightly bigger, heavier vehicles, government and insurance industry research shows.

More broadly, in the 24 years since a landmark law to conserve fuel, big cars have shrunk to less-safe sizes and small cars have poured onto roads. As a result, 46,000 people have died in crashes they would have survived in bigger, heavier cars, according to USA TODAY's analysis of crash data since 1975, when the Energy Policy and Conservation Act was passed. The law and the corporate average fuel economy (CAFE) standards it imposed have improved fuel efficiency. The average of passenger vehicles on U.S. roads is 20 miles per gallon vs. 14 mpg in 1975.

But the cost has been roughly 7,700 deaths for every mile per gallon gained, the analysis shows.

Small cars—those no bigger or heavier than Chevrolet Cavalier or Dodge Neon—comprise 18% of all vehicles on the road, according to an analysis of R.L. Polk registration data. Yet they accounted for 37% of vehicle deaths in 1997—12,144 people—according to latest available government figures. That's about twice the death rate in big cars, such as Dodge Intrepid, Chevrolet Impala, Ford Crown Victoria.

''We have a small-car problem. If you want to solve the safety puzzle, get rid of small cars,'' says Brian O'Neill, president of the Insurance Institute for Highway Safety. The institute, supported by auto insurers, crash-tests more vehicles, more violently, than all but the federal government.

Little cars have big disadvantages in crashes. They have less space to absorb crash forces. The less the car absorbs, the more the people inside have to.

And small cars don't have the weight to protect themselves in crashes with other vehicles. When a small car and a larger one collide, the bigger car stops abruptly; that's bad enough. But the little one slams to a stop, then instantly and violently accelerates backward as the heavier car's momentum powers into it. People inside the lighter car experience body-smashing levels of force in two directions, first as their car stops moving forward, then as it reverses. In the heavier car, bodies are subjected to less-destructive deceleration and no ''bounce-back.''

The regulations don't mandate small cars. But small, lightweight vehicles that can perform satisfactorily using low-power, fuel-efficient engines are the only affordable way automakers have found to meet the CAFE (pronounced ka-FE) standards.

Some automakers acknowledge the danger. ''A small car, even with the best engineering available—physics says a large car will win,'' says Jack Collins, Nissan's U.S. marketing chief.

Tellingly, most small-car crash deaths involve only small cars—56% in 1997, from the latest government data. They run into something else, such as a tree, or into one another.

In contrast, just 1% of small-car deaths—136 people—occurred in crashes with midsize or big sport-utility vehicles in '97, according to statistics from the National Highway Traffic Safety Administration, the agency that enforces safety and fuel-efficiency rules. NHTSA does not routinely publish that information. It performed special data calculations at USA TODAY's request.

Champions of small cars like to point out that even when the SUV threat is unmasked, other big trucks remain a nemesis. NHTSA data shows, however, that while crashes with pickups, vans and commercial trucks accounted for 28% of small-car deaths in '97, such crashes also accounted for 36% of large-car deaths.

Others argue that small cars attract young, inexperienced drivers. There's some truth there, but not enough to explain small cars' out-of-proportion deaths. About 36% of small-car drivers involved in fatal crashes in 1997 were younger than 25; and 25% of the drivers of all vehicles involved in fatal wrecks were that age, according to NHTSA data.

GAS SHORTAGE WORRIES

U.S. motorists have flirted with small cars for years, attracted, in small numbers, to nimble handling, high fuel economy and low prices that make them the only new cars some people can afford.

''Small cars fit best into some consumers' pocketbooks and driveways,'' says Clarence Ditlow, head of the Center for Auto Safety, a consumer-activist organization in Washington.

Engineer and construction manager Kirk Sandvoss of Springfield, Ohio, who helped two family members shop for subcompacts recently, says that's all the car needed.

''We built three houses with a VW bug and a utility trailer. We made more trips to the lumber yard than a guy with a pickup truck would, but we got by. Small cars will always be around.''

But small cars have an erratic history in the USA. They made the mainstream only when the nation panicked over fuel shortages and high prices starting in 1973. The 1975 energy act and fuel efficiency standards were the government response to that panic. Under current CAFE standards, the fuel economy of all new cars an automaker sells in the USA must average at least 27.5 mpg. New light trucks—pickups, vans and sport-utility vehicles—must average 20.7 mpg. Automakers who fall short are fined. In return, ''CAFE has an almost lethal effect on auto safety,'' says Rep. Joe Knollenberg, R–Mich., who sides with the anti-CAFE sentiments of his home-state auto industry. Each year, starting with fiscal 1996, he has successfully inserted language into spending authorization bills that prohibits using federal transportation money to tighten fuel standards.

Even if small cars were safe, there are reasons to wonder about fuel-economy rules:

Questionable results.—CAFE and its small cars have not reduced overall U.S. gasoline and diesel fuel consumption as hoped. A strong economy and growing population have increased consumption. The U.S. imports more oil now than when the standards were imposed.

Irrelevance.—Emerging fuel technologies could make the original intent obsolete, not only by making it easier to recover oil from remote places, but also by converting plentiful fuels, such as natural gas, into clean-burning, competitively priced fuel. And new technology is making bigger, safer cars more fuel efficient. The full-size Dodge Intrepid, with V–6 engine, automatic transmission, air conditioning and power accessories, hits the average 27.5 mpg.

''Improved fuel economy doesn't necessarily mean lighter, inherently less-safe vehicles,'' says Robert Shelton, associate administrator of NHTSA.

Cost—Developing and marketing small cars siphons billions of dollars from the auto industry. Small cars don't cost automakers much less to design, develop and manufacture than bigger, more-profitable vehicles. But U.S. buyers won't pay much for small cars, often demanding rebates that wipe out the $500 to $1,000 profit.

Consumers pay, too. Though small cars cost less, they also depreciate faster, so are worth relatively less at trade-in time. And collision insurance is more expensive. State Farm, the biggest auto insurer, charges small-car owners 10% to 45% more than average for collision and damage coverage. Owners of big cars and SUVs get discounts up to 45%. ''It's based on experience,'' spokesman Dave Hurst says.

CAFE has been ''a bad mistake, one really bad mistake. It didn't meet any of the goals, and it distorted the hell out of the (new-car) market,'' says Jim Johnston, fellow at the American Enterprise Institute in Washington and retired General Motors vice president who lobbied against the 1975 law.

HERE TO STAY

CAFE is resilient, although concern over its effect on small-car safety is neither new nor narrow.

A 1992 report by the National Research Council, an arm of the National Academy of Sciences, says that while better fuel economy generally is good, ''the undesirable attributes of the CAFE system are significant,'' and CAFE deserves reconsideration.

A NHTSA study completed in 1995 notes: ''During the past 18 years, the Office of Technology Assessment of the United States Congress, the National Safety Council, the Brookings Institution, the Insurance Institute for Highway Safety, the General Motors Research Laboratories and the National Academy of Sciences all agreed that reductions in the size and weight of passenger cars pose a safety threat.''

Yet there's no serious move to kill CAFE standards.

Automakers can't lobby too loudly for fear of branding their small cars unsafe, inviting negative publicity and lawsuits. And Congress doesn't want to offend certain factions by appearing too cavalier about fuel economy. Nor, understandably, does it want to acknowledge its law has been deadly.

''I'm concerned about those statistics about small cars, but I don't think we should blame that on the CAFE standards,'' says Rep. Henry Waxman, D-Calif., who supported CAFE and remains a proponent.

Pressure, in fact, is for tougher standards.

Thirty-one senators, mainly Democrats, signed a letter earlier this year urging President Clinton to back higher CAFE standards.

And environmental lobbyists favor small cars as a way to inhibit global warming.

Although federal anti-pollution regulations require that big cars emit no more pollution per mile than small cars, environmental activists seize on this: Small engines typical of small cars burn less fuel, so they emit less carbon dioxide.

Carbon dioxide, or CO{-2}, is a naturally occurring gas that's not considered a pollutant by the Environmental Protection Agency, which regulates auto pollution.

But those worried about global warming say CO{-2} is a culprit and should be regulated via tougher CAFE rules.

Activists especially fume that trucks, though used like cars, have a more lenient CAFE requirement, resulting in more CO{-2}.

''People would be much safer in bigger cars. In fact, they'd be very safe in Ford Excursions,'' says Jim Motavalli, editor of E: The Environmental Magazine, referring to a large sport-utility vehicle Ford Motor plans to introduce in September. ''But are we all supposed to drive around in tanks? You'd be creating that much more global-warming gas. I demonize sport utilities,'' says Motavalli, also a car enthusiast and author of the upcoming book Forward Drive: The Race to Build the Car of the Future. Not all scientists agree that CO{-2} causes global warming or that warming is occurring.

SEEKING ALTERNATIVES

Worldwide, the market is big enough to keep small cars in business, despite the meager U.S. small-car market of 2 million a year. Outside the USA, roads are narrow and gas is $5 a gallon, so Europeans buy 5 million small cars a year; Asians, 2.6 million.

Automakers are working on lightweight bigger cars that could use small engines, fuel-cell electric vehicles and diesel-electric hybrid power plants that could run big cars using little fuel.

But marketable U.S. versions are five, or more likely 10, years off. That's assuming development continues, breakthroughs occur and air-pollution rules aren't tightened so much they eliminate diesels.

Even those dreamboats won't resolve the conflict between fuel economy and safety. Their light weight means they'll have the same sudden-stop and bounce-back problems as small cars. Improved safety belts and air bags that could help have not been developed.

IIHS researchers Adrian Lund and Janella Chapline reported at the Society of Automotive Engineers' convention in Detroit in March that it would be safer to get rid of the smallest vehicles, not the largest.

Drawing on crash research from eight countries, Lund and Chapline predicted that if all cars and trucks weighing less than 2,500 pounds were replaced by slightly larger ones weighing 2,500 to 2,600 pounds, there would be ''nearly 3% fewer fatalities, or an estimated savings of more than 700 lives'' a year. That's like trading a 1989 Honda Civic, which weighs 2,000 pounds, for a '99 Civic, at 2,500 pounds.

Conversely, the researchers conclude, eliminating the largest cars, SUVs and pickups, and putting their occupants into the next-size-smaller cars, SUVs and pickups would kill about 300 more people a year.

MARKET SKEPTICISM

U.S. consumers, culturally prejudiced in favor of bigness, aren't generally interested in small cars these days:

Car-buying expert Bragg—author of Car Buyer's and Leaser's Negotiating Bible—says few customers even ask about small cars.

Small-car sales are half what they were in their mid-'80s heyday. Just 7% of new-vehicle shoppers say they'll consider a small car, according to a 1999 study by California-based auto industry consultant AutoPacific. That would cut small-car sales in half. Those who have small cars want out: 82% won't buy another.

To Bragg, the reasons are obvious: ''People need a back seat that holds more than a six-pack and a pizza. And, there's the safety issue.''

That hits home with Tennessee dad George Poe. He want car shopping with teen-age daughter Bethanie recently and, at her insistence, came home with a 1999 Honda Civic.

''If it would have been entirely up to me, I'd have put her into a used Volvo or, thinking strictly as a parent, a Humvee.''

Mr. LEVIN. Mr. President, I have heard already one speaker contest some of the facts that are set forth in the USA Today article. But it seems to me that, at a minimum, it is relevant to discuss the question of safety, to study the question of safety, to look at whether or not there are additional traffic deaths that result from lighter cars. Surely, at a minimum, any law which seeks to regulate in this area should look at the kind of analysis which has been done-which shows 46,000 people have died.

Now, I am not an expert in this area. I don't know if 46,000 people have died or not. I do know that serious objective analysis by serious objective people have reached that conclusion and the CAFE law, which would be triggered into effect unless this freeze is continued, as the House of Representatives proposes, doesn't allow for consideration of safety.

It seems to me that any regulatory process should look at all of the costs and all of the benefits before we regulate. But when we look at the CAFE laws that would be put back into effect unless the position of the House of Representatives is adopted, they require that at least 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation—this isn't optional, this is mandatory—shall prescribe by regulation a standard which shall be the maximum feasible average fuel economy level that the manufacturers can achieve in that model year.

None of the four or five factors listed in the law that should be considered on decisions on maximum feasible average fuel economy has to do with safety. It seems to me that kind of a narrow approach, which is just focused on some of the factors which should go into the regulatory process, is not the kind of approach which a proper regulatory process should adopt.

I emphasize that the CAFE law isn't a study. This is a mandate.

No. 1, every year there must be a decision by the Department of Transportation as to the maximum feasible average fuel economy level for the model year, and it is mandatory.

No. 2, it does not provide for consideration of highly relevant factors.

I have no problem myself with a study that looks at all the relevant factors. Quite the opposite. I think it is perfectly appropriate, provided we don't prejudge the outcome of the study and lift the freeze before we find out what the outcome of the study is. I don't have any problem with a study that looks at all of the factors objectively and then makes a recommendation.

I have plenty of problems with telling any agency of this Government that, based on a restricted list of relevant factors, they should mandate something every year on the automobile manufacturers. That excludes this current law. This CAFE law excludes highly relevant factors that should be considered.

That is point No. 1.

At the top of the list of considerations is the question of safety.

In addition to that, we have in this law which, in my judgment, unfairly discriminates against the U.S. automobile industry. That includes both the manufacturers and the people who manufacture parts.

I would like to give one example of what I mean.

Take two vehicles. These are two sport utility vehicles—the GM Sierra and Toyota Tundra. Both of these vehicles are about the same weight. One of them is slightly more fuel efficient than the other; that is, the GM Sierra. But the way the CAFE law is designed it has absolutely no impact on the imports. It has a huge impact on domestic manufacturers.

Because of the way the CAFE law is written, even though the GM vehicle is slightly more fuel efficient than the Toyota vehicle, Toyota can sell 309,000 of those Tundras without any penalty. GM can't sell one of its vehicles without a penalty.

It seems to me that this kind of disparate impact has to be looked at. No study worth its salt, and no study that is worthy of being called objective or fair, could ignore the disparate impact which the CAFE law has added. If it is put back into effect, it will continue to have a discriminatory effect on the American automobile manufacturers because of the way it is designed. It doesn't look at each vehicle weight class. Instead, it looks at the manufacturer and its total fleet.

The result is that you have some manufacturers producing vehicles no more efficient than other manufacturers that have absolutely no effective limit on what they can sell—you have the other manufacturers—and it is the American manufacturer—that are discriminatorily impacted because of the nature of their fleet. The American-made vehicles are just as fuel efficient, or perhaps slightly more fuel efficient. Yet they have to pay the price in terms of loss of market share. They have to pay a penalty. They have no room to sell vehicles the same weight as the imports can sell with no effective limits whatsoever.

People can give the arguments on the other side of this issue. That is fair enough. But the problem is—if I am right, and I believe I am right—that the discriminatory impact on the

ican manufacturers and parts producers cannot be taken into consideration as part of the annual CAFE imposition. That is not on the list of things that go into the definition of ''feasible average fuel economy'' because the Secretary is told that he or she must prescribe the ''maximum feasible average fuel economy,'' and then defines it in such a way that it excludes the discriminatory impact of the CAFE law on American manufacturers.

The CAFE law is flawed in many ways. It has some very negative consequences, in my judgment, and in the judgment of others in terms of safety, loss of life and discriminatory impact on American automobile manufacturers and parts producers.

One other thing: Not only do the imports have this huge amount of room to sell their heavy vehicles while General Motors, using this particular analysis, cannot sell any without penalty, but they can also bank so-called ''credits'' under the CAFE law. Because they can bank credits—again, we are comparing vehicles that are the same weight where the GM vehicle is slightly more fuel efficient—then because of the way in which the law is designed, Toyota could sell 1.6 million of those vehicles without any penalty; General Motors, none.

This is the original 309,000 that I made reference to, and these are the addition of so-called ''banked credits.''

There are many discriminatory, disparate, and, I hope, unintended consequences of CAFE. But I wasn't here in the early seventies when this law was drafted. I can only say I hope the consequences which I described are unintended.

The better approach to this entire issue, it seems to me, is for Government and the private sector to cooperate in a partnership for a new generation of vehicles. That is what is now underway. That partnership is producing some extraordinarily positive results.

That research approach-that voluntary cooperative partnership- harnesses the ingenuity and the energy of business, partially funded with the Government, to achieve the policy goal which we all want—which is more fuel-efficient cars, and cars that are also safer. And we don't want at the same time to unfairly damage the American automobile industry.

How much time does this Senator have left on his 15 minutes?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. LEVIN. The better alternative for increasing SUV and light truck fuel economy from both an environmental and equity perspective is aggressive investment in fuel efficiency research projects. The Partnership for a New Generation of Vehicles, PNGV, provides an example of the pay-off from programs that harness the energy and ingenuity of government and business to achieve this policy goal.

The goal of PNGV is to improve national manufacturing competitiveness, implement technologies that increase the fuel efficiency of and improve emissions for conventional vehicles, and develop technologies for a new class of vehicles with up to 80 mpg without sacrificing the affordability, utility, safety, and comfort of today's midsize family sedans.

For the five years that this program has existed (it is currently in its sixth year), the average annual government contribution has been about $250 million per year. The average annual private sector contribution by the Big Three has been in excess of $900 million per year.

PNGV fuel-efficient technologies, such as lightweight materials, advanced batteries, and fuel cell and hybrid electric propulsion systems, are already appearing on experimental concept vehicles shown by automakers at recent auto shows.

Under PNGV, U.S. automakers will have production-ready prototypes by 2004. Some of the technology from this aggressive research will be transferable to the light duty truck fleet.

I urge Members to vote against this resolution.

I yield the floor.

Mr. GORTON. I yield such time as the distinguished Senator from Nevada, Mr. BRYAN, desires.

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

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

Mr. BRYAN. Mr. President, I realize this debate has raged on for some period of time this afternoon. I will simply make a couple of points in support of the motion to instruct conferees.

Fuel economy affects Americans in a very practical way. We have seen in recent weeks the escalating prices of gasoline, prices that have caused Americans who come to the gas station real sticker shock. These are some of the numbers we have seen: $1.54 a gallon on the east coast; in my own part of the country, $1.59. Those numbers appear to be going up.

The effect of this is to require American families who are dependent upon automobiles for transportation—that is most of the people who live in a western State, such as my own in Nevada —to have less spendable income for other family needs and requirements. If it is possible to reduce the amount of money they spend by increasing fuel economy—that is, getting more miles to the gallon—it makes sense for every family, not only in my own State, but across the Nation.

We are proposing lifting the gag rule, to strip the blindfold off, to unplug our ears, and simply allow the Department of Transportation to examine the technology of the past 25 years—because it has been 25 years since we have applied new fuel economy standards in America—and see if we can't get better fuel economy and still leave a full range of vehicle choice to American consumers.

I find it hard to believe that is not a win-win for everyone. It is a win for the consumer. It is a win for the American automobile industry. It is a win for the economy. Not only do we get better fuel economy and save costs for the American motorist, but we can also help to reduce our dependence on foreign oil.

We are held vulnerable and hostage to a certain extent. We see that every time OPEC tweaks up or tweaks down the production quotas with an instantaneous response in the market. That is what has happened with respect to these increases.

OPEC recognizes how vulnerable we are. We import 54 percent of the oil consumed in this country; 40 percent of that is attributable to the automotive sector. OPEC knows, because of our dependence on imported oil, if they can get their own act together to impose some production restraints, they reduce their production, the cost to the consumer who is filling up his or her car with gasoline is going up. If we can be a little less vulnerable by reducing the amounts of oil we import, won't that be a good thing?

That is precisely what occurred in the 1970s. We were vulnerable then, as we are now, to events that occurred. We had the embargo, the fall of the Shah of Iran, and our economy was sent into a tailspin. Indeed, economically, the 1970s were a very difficult time for our country, as people who lived during that era will recall.

By passing the CAFE legislation of 1975, we reduced the amount of oil we consumed each and every day by some 3 million barrels. We are suggesting fuel economy standards are beginning to decline.

If one looks at the recent numbers, one will see that after two decades of progress, fuel economy averages are declining. In 1975, we got less than 14 miles per gallon on average. That peaked during 1988, 1999, and it has declined. The reason it is declining is that Americans are choosing to purchase trucks and sport utility vehicles. That is their choice. Light trucks and sport utility vehicles make up nearly 50 percent of the market.

Shouldn't we be able to look at the technology of the last 25 years and apply that and see if we might not get fuel economy that would make it possible for Americans to drive light trucks, sport utility vehicles, and get better fuel economy? Is there anything wrong with that? I am hard pressed to come up with an argument in opposition to that.

Here is what we have. From the time I was a child, I have been infatuated with the automobile. I have shared on this floor on many occasions the excitement I experienced as a youngster each new model year, going down to

the local dealership, peering in the dealership, and wondering what that year's model was going to be.

If I have been improvident in terms of my expenditures, probably in no area is that more evident than I have loved automobiles. I have purchased them, and I love them. So I do not speak as a Senator who has an antipathy to the automobile. I love my cars. I am very dependent, and I recognize most Americans are as well.

I say with great respect that this is an industry that has almost a Pavlovian response when it comes to suggestions that technology ought to be applied to improved fuel efficiency or some aspect of technology. The auto industry had fought us for decades on airbags. I am privileged to join the distinguished Senator from Washington on this issue. He and I were instrumental in the conference of the reauthorization of the highway bill a decade ago to get that legislation requiring airbags. Today, many Americans survive auto accidents, and of those who have had injuries, their injuries are much less than might have been expected but for airbags.

The industry resisted catalytic converters and the industry resisted tenaciously in the 1970s this legislation that we called Corporate Average Fuel Economy.

I realize that is ancient history, but is it? One gets a sense of deja vu on the floor when one listens to the arguments against even permitting the examination of new CAFE requirements. The motion to strike simply deletes reference to a rider that has been added to the Transportation appropriations bill each and every year since 1995 that says that the Department of Transportation may not consider moving forward on new fuel economy standards.

The sponsors of this action do not seek to establish a numerical standard but simply to say let the Department of Transportation examine the technology and see if a new standard could be imposed that would enable us to apply technology, reduce the number of gallons of gas we need to operate our vehicles, save consumers money, reduce our dependence on imported oil, and also to clean up our air.

These are public policy issues. One is reducing our dependence on foreign oil. Another is reducing the trade imbalance, which every economist will tell you is a point of vulnerability in an economy which has extraordinarily performed in 112 consecutive months of economic expansion—without precedent in American history. But continued trade deficits of this magnitude are a problem. About a third of those trade deficits are attributable to the amount of oil we import. We could reduce our dependency.

There is not an American city of any size that is not concerned about air pollution. Most scientists will tell you, whether or not they have fully subscribed to the global warming theory, that it is not a good thing for us to continue to pump as much carbon dioxide into the atmosphere as we are. With better fuel economy, we would reduce those emissions as well.

What is the response? Unfortunately, the industry has chosen to invoke scare tactics. In farm country they are telling America's farmers they may not be able to get and use a pickup truck. For those recreationists who tow vehicles, whether they are boats or horse trailers, they are saying they may no longer be able to participate in this particular avocation—whether it is boating or horseback riding—because we are not going to be able to build a vehicle that will pull a trailer, that will allow them to transport their boat to the lake, or their horse to an event where they want to race or show that horse.

They are telling others it will be impossible for us to produce the sport utility vehicles that they love, whether they love them for comfort, convenience, or to get out on the back trails of America and do a little off-road driving. They will not be able to do that as well.

Does this sound familiar? Those arguments, cast in the context of the 1970s, were the arguments that were advanced by the auto industry then. I must say, if the past is prologue, this would be a classic example.

In the testimony on the CAFE legislation in 1974, the Ford Motor Company testified as follows, referring to CAFE, which would have and did ultimately double the fuel economy that automobiles get, from less than 14 to more than 27 miles per gallon, in a decade.

> This proposal would require a Ford product line consisting of either all sub-Pinto-sized vehicles—

Ford's smallest vehicle in the 1970s—

> or some mix of vehicles ranging from a sub-sub-compact to perhaps a Maverick.

That was a small vehicle as well, slightly larger than the Pinto. That was 1974. All one need do is change the words ''sub-Pinto-sized and Maverick,'' and add in there ''light trucks and sport utility vehicles,'' that we would not be able to offer those if this proposal were advanced, and we would have the contemporary argument, the argument that is made in the year 2000.

Chrysler Motors said:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing subcompact-size cars. . . .

Does the resonance sound familiar to any of us? It was a pretty familiar line of argument.

And General Motors said:

> This legislation would have the effect of placing restrictions on the availability of 5- and 6-passenger cars.

Nobody wanted that. Those were all tactics that the industry employed to frighten the American public. I am sure none of the sponsors, in 1974—and I was not a Member of this body—intended to deprive Americans of vehicle choice. I do not think anybody had in mind to prevent American families from purchasing station wagons or four-door, full-size, six-passenger sedans. I can assure you, the distinguished Senator from California, Mrs. FEINSTEIN, and the distinguished Senator from Washington, Mr. GORTON, we do not. We do not preclude or attempt to preclude it. In fact, some of us own sport utility vehicles and we want the element of choice. All we are saying is please give us an opportunity to look at the technology that would be available. Those owners of those sport utility vehicles, if we could get 4 or 5 or 10 miles per gallon more, would pay a lot less when they go to fill up at the gas pump.

I say to my colleagues, whether you believe there is a precise number you can achieve, in terms of increased fuel economy—and some have indicated we could double that once again—or whether you believe improvements more incremental and modest are possible, under the current legislation, it will be impossible for us to do so because of a rider that restrains our ability to do so. That simply does not make much sense.

So all we are asking for is an opportunity for the Department of Transportation to examine that technology. One would have to be a neo-Luddite to believe that in 25 years, a quarter of a century in which more technology advancements have occurred than in any 25 years of recorded history, of recorded civilization, that somehow the auto industry is not able to take advantage of some of those technology improvements.

So we simply ask for this opportunity. I hope my colleagues will support our position. I know as I speak, there are some discussions occurring off the floor that may lead to a compromise. I hope such a compromise will be possible. But it is a compromise that ought to let the technology, not the politics of scare and fright, dictate what a public policy for America ought to be. If we can improve that, and reduce the cost that motorists have to use their cars for work or recreation, if we can make America less dependent on imported oil, if we can ease the balance of payments that creates a potential threat to future economic expansion, if we can reduce the amount of carbon dioxide that goes into the atmosphere, would that not be a good thing? Wouldn't Americans—Democrats, Republicans, Independents, libertarians—embrace that concept? Wouldn't the far left and the far right move to the political center and say, yes, that makes sense?

I believe it is possible. All we seek is the opportunity to let American technology try. I suppose, if I have a quarrel with my friends in the auto industry, it is that they have less confidence than I do in themselves and their ability. Let me say, what they did from 1975 to 1987 was extraordinary. They doubled fuel economy—doubled it. And they doubled it at the same time they provided a full range of vehicle choice.

By the early 1990s, the largest automobile built by the Ford Motor Company—the largest automobile—got better fuel economy than the smallest Ford automobile produced in 1975, the little Pinto. That is something about which to rejoice. I say congratulations.

I am proud as an American that that kind of technology was possible, and I simply say to an industry that in 1974 believed it could accomplish nothing: Have confidence in yourself. Let all of those entrepreneurial juices flow, and we know, when given a chance, American industry produces technological marvels that are the envy of the world; give us that chance. That is what we ask of our colleagues.

I reserve the remainder of my time, as we are working on negotiations. How much time remains on each side?

The PRESIDING OFFICER. Senator GORTON has 15 minutes; the opponents have 38 minutes.

Mr. BRYAN. I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I have only a relatively short period of time left. The distinguished Senator from New Jersey, Mr. LAUTENBERG, is coming to speak on our side of this issue, so I will make only one or two points briefly.

I listened with great interest to each of the opponents to my motion. It seems to me, as was the case a year ago, that they emphasized overwhelmingly the impact of new fuel efficiency standards on automobile safety. In fact, those arguments would have been entirely persuasive if this were a proposal requiring lighter automobiles and small trucks. It, of course, is not. It is a proposal to allow a study of whether or not corporate fuel economy standards should be increased.

My view, and that of my distinguished colleagues from California and Nevada, is that this can be accomplished without downsizing automobiles or small trucks. Interestingly enough, many of the comments on the part of the opponents to our motion in effect said so, that great technical strides have been made in this connection, strides that we encourage.

But I simply want to make it clear that the goal of the proponents of this motion is to end the prohibition against even studying whether or not we should improve these fuel efficiency standards. To that end, there have been very serious negotiations in the course of the last hour or so among members of the contending parties, and it is at least possible we will be able to reach an agreement that will be approved on the part of all of those who have debated this issue here today.

I have every hope that that is the case because it will allow us to go forward with studies but will see to it that Congress plays the significant role—that it is playing right here today—in being permitted or required to take action before any new fuel efficiency standards become the law of the land.

With that, Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I rise to support the Gorton-Feinstein motion to instruct. This states that the House CAFE freeze rider ought not to be accepted by the Senate in conference.

When CAFE standards were first passed in the late 1970s, light trucks made up only 20 percent of the market. Back then, light trucks were used mainly for hauling. They did not often travel through congested urban and suburban areas. But all that has changed.

Today, light trucks—the category that includes SUVs and minivans—represent half of all vehicles sold. They produce 47 percent more global warming pollution than do cars. Each light truck goes through an average of 702 gallons of gas per year. That compares to 492 gallons per year for cars. Goodness knows what is happening now as we look at these prices, recognizing that our consumption of fuel is way above what it had been, importing more from what at times are very unfriendly sources. We are just on a consumption kick that is affecting our way of life but particularly our environment. I will talk more about that in a minute.

Even with the tremendous increase in the number of SUVs, the Senate continues to accept the House's CAFE freeze rider. By the way, just as a note of explanation, CAFE refers to the gas consumed and the emissions by the vehicles about which we are talking. We are talking about CAFE standards; that is, to try to have the amount of fuel consumed reduced and to try to reduce the emissions that are affecting our environment and the quality of our air.

The result of the House's CAFE freeze has meant serious consequences for American families' pocketbooks, jobs, and the environment. There is a myth floating around that CAFE standards hurt the American family. The truth is, sensible CAFE standards helps our families. It is a simple concept. If your car or your SUV uses less gas, you save money and you do less harm to the environment in which your families live. Between 1975 and 1980, when the fuel economy of cars doubled, consumers with fuel-efficient cars saved $3,000 over the lifetime of the car. That translated into $30 billion of savings in America for families to spend on items other than gas.

Jobs are also an important part of this discussion. The opposition keeps insisting that CAFE standards are going to hurt employment, particularly in the auto industry. A study by the American Council for an Energy Efficient Economy says that money saved at the gas pump and reinvested throughout the economy would create a quarter of a million jobs, 244,000 in this country, including 47,000 in the auto industry.

Another benefit of CAFE standards is in fighting the most daunting environmental challenge of our time: global warming. Passenger cars, SUVs, and light trucks accounted for 18 percent of U.S. greenhouse gas emissions in 1998. It is a major contributor to the problem of global warming. A recent National Academy of Sciences study finds that global warming trends are undoubtedly real. In December, a British Meteorological Office study said that 1999 was the fifth warmest year on record and that 7 of the hottest 10 years on record occurred in the 1990s. That tells us something. It tells us we ought to get our heads out of the sand and do something about it. That 10 years in the 1990s was the hottest decade of the millennium, also this winter.

I traveled to the South Pole in January because I wanted to see what we were doing about trying to protect ourselves against negative environmental change. When you see this beautiful ice continent and recognize the contribution it makes to the entire global environment and you hear the water rushing off as the ice melts—a condition that is not supposed to exist; it is supposed to stay hard ice; 70 percent of the world's fresh water supply is stored in the ice there—it is a very bad sign.

If we look at our families and our world, we say: What is happening? If that continues to mix with the saline, it is a terrible and ominous sign to which we should pay attention.

In Australia, a continent thousands of miles away from Antarctica, the Australians pride themselves in recreational water sports, things of that nature. Children going to the beach in Australia today have to wear hats. They have to wear full-body bathing suits because of the high incidence of skin cancer. Australia today has the highest incidence of skin cancer of any advanced country in the world. It is a terrible tragedy; it has such grim warnings attached to that.

We still are not paying proper attention. This winter, two gigantic icebergs, collectively about two-thirds the size of New Jersey—one the size of

Rhode Island and another the size of Delaware—broke off from Antarctica. One day we are going to see an iceberg the size of the State of Texas. Then everybody is going to say: Woe be unto us. Why didn't we pay attention when our environment was deteriorating literally in front of our eyes? Why didn't we pay attention when it was predicted that water levels would rise, that temperatures would rise, that a place like New York City could almost have tropical type weather?

We just saw that in a report the other day. When are we going to pay attention to the alarm we hear sounding off day after day? We choose to ignore that threat and say: Go on, spend it, use those big vehicles and burn as much gas as you want and issue as much contamination as you want. It is our problem, and it is our responsibility.

Scientists project a rise in sea level of 4 to 12 inches on the mid-Atlantic coast in the next 30 years—not 100 years, not 50 years, 30 years away. My little grandchildren who were in the gallery today will be 35 years of age. That is hardly old. That is when it looks as if we will be experiencing the worst of what ignoring the consequences of this process will mean.

Scientists also tell us higher seas will lead to greater storm surges, more coastal damage, even from relatively modest storms.

CAFE is essential for fighting this danger. A recent analysis shows that CAFE standards could be raised to over 40 miles per gallon for new cars and light trucks by 2010. This would result in emissions reductions of 396 million metric tons of carbon dioxide below business-as-usual projections, which is 6 percent of our current emissions.

I don't like to get into those kinds of astronomical figures because they don't always mean much. When we think of 396 million metric tons of carbon dioxide, that is a lot. But when we think of the poor air quality days, where it is hard for those who are elderly to go out and conduct normal travel and normal exercise, normal living, it makes it difficult for them to breathe and be as active as they like. We have few other opportunities for attacking global warming as dramatically and as cost-effectively as controlling auto fuel efficiency.

I urge my colleagues to think about this problem, to be able to say to their constituents: Yes, we are concerned. We want you to have the comfort. We want you to be able to have the cars you prefer to drive. You are spending your hard-earned money. But let's make them as efficient as we can.

It is something our geniuses in the automobile industry—and they are geniuses; they have built an incredible population of vehicles and conveniences—can make better. We have seen all kinds of samples of that. If we encourage them and know that everybody is going to be in the same competitive bind or competitive environment, they will do it.

I ask our colleagues to vote in favor of the Gorton-Feinstein motion. We have few other opportunities for attacking global warming as dramatically and as cost-efficiently as controlling auto fuel efficiency.

I will take a minute more, and I ask that my colleague from Louisiana be just a little more patient. I beat her to the microphone. That is what happens. It wasn't a foot race, but it was just a coincidence of circumstances.

Since I have been in the Senate 18 years, many wonderful things have happened. I have seen the benefit of things we have done legislatively have an impact on folks back home. Whether it is no smoking in airplanes or mentoring programs or drug control programs in public housing or computers in schools—I come out of the computer industry—all have a direct effect.

The health programs we have and the education programs have been terrific. Today, I was personally rewarded by an expression of friendship and appreciation, led by Senator SHELBY from Alabama. He is my colleague, a Republican. He used to be a Democrat. We are still friends, even though his party affiliation changed. He did something today that both shocked and humbled me. He asked that a new facility being built in New Jersey, a railroad terminal, a railroad station, where all of the railroads in New Jersey—and we have a lot of rail passenger lines—come together so that people can choose an option for going to New York City or for going to Newark Airport or for going to the beach for recreation or commuting between cities in New Jersey—he asked it be named for me, and I am, indeed, grateful. I was surprised, nevertheless flattered.

Comments by Senator BYRD and Senators JOHN KERRY, CHRIS DODD, BARBARA MIKULSKI, and TOM DASCHLE were all laudatory. I was pleased to have two of my children and grandchildren in the balcony. It was a coincidence because they live a distance away, in the State of Florida. They were here to see their grandfather. One of my grandchildren, who is 5 years old, said, ''Are they doing anything down there?'' I said, ''Perhaps you would not notice it, but they are.'' So they were here to see it. It was a happy moment for me and my family. I am grateful to my colleagues who voted for it. There was no objection when it was offered.

While I will miss this place, I will leave it with so many fond memories of opportunities to serve that are rewarded in much more specific ways than having a naming process attached to it. No one has ever exemplified that more thoroughly and more deeply than has Senator ROBERT BYRD, who sits in the Chamber at this moment, who is always talking about the nobility of the service we perform here, about the opportunity we have to give something back, showing our appreciation for being in this country, for being in this democracy, for being able to be in the position that we are to do the things we do.

So I am grateful. With that, I know I will make the Senator from Louisiana grateful by yielding the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, let me say to my colleague from New Jersey how much we are going to miss his service and his leadership. I know several of my colleagues spoke earlier today on naming the train station after him. It was very appropriate; he has been such a leader in the area of transportation, particularly mass transportation, particularly in regard to how those transportation methods affect our environment. I was happy to join my colleagues today in doing that. I have really enjoyed working with him in my time here. I thank the Senator for the great service he has rendered to Louisiana. He has been a good friend to us when we have come to this floor and to meetings about things important to our State and our region of the country.

Mrs. BOXER. Mr. President, I want to commend my colleague from California for offering this motion. The motion instructs the Senate conferees to the Transportation Appropriations bill to reject the anti-environment CAFE rider.

This anti-environment rider has been included in the Transportation bill for the past four years. The rider prohibits the Transportation Department from even looking at the need to raise the nearly decade old CAFE standards.

The existing standards have saved more than 3 million barrels of oil per day. We know that raising the CAFE standards is possible and would save more oil. For example, requiring sport utility vehicles (SUVs) and other light trucks to meet the same standard that applies to passenger cars would save approximately 1 million barrels of oil per day.

Because SUVs are coming to dominate the new car market, we must make this change. But under the CAFE rider, the Transportation Department can't even think about it. They can't even study it.

Instead of moving forward to raise CAFE standards, what do some want to do to relieve our dependence on foreign oil? Some propose opening the California coasts to offshore oil drilling. Others propose opening up the Arctic National Wildlife Refuge to drilling.

Why put our natural heritage at risk when we know we could save oil by making modest changes to CAFE standards?

It's good energy policy and good environmental policy.

Mr. President, raising CAFE standards is one critical step toward restoring sanity to our energy policy. In addition to this step, I have been advocating several other proposals.

First, we need to invest more in energy efficiency and renewable energy. Over the past five years, Congress has appropriate 22 percent less than requested by the President for energy efficiency and renewable energy.

Second, we need vigorous enforcement of the anti-trust laws on oil companies. For several years I have been concerned about the practices of the oil companies on the West Coast and in my State of California. Several times I have called on the FTC to investigate possible anti-trust violations.

Just this week, the government began investigating the dramatic jump in gasoline prices in the midwest. There is apparently no external justification for these huge price spikes.

Third, we should place a moratorium on oil company mergers. By definition, mergers mean less competition and less competition means higher prices.

Fourth, we should prohibit the export of Alaska North Slope crude oil. The GAO reported that the lifting of the ban in 1995 increased the price of crude oil by about a dollar per barrel.

I hope that my colleagues will join with me in supporting this CAFE motion. It is good energy policy and good environmental policy.

Mr. BURNS. Mr. President, thank you for the opportunity to address an issue today that means an awful lot to Montanans. That issue is the very right to have access to a choice of cars and trucks that will meet the rigorous needs of rural life. I don't know how many of those listening today have driven in Montana, but it is a much different story than driving in more densely populated states. CAFE standards have a huge effect on Montanans in a lot of different ways that many people here today would not understand.

Today, some of my colleagues have cited statistics about the impact of large vehicles harming occupants of smaller vehicles. This is extremely unfortunate, but large vehicles are not a luxury. For many of us they are a necessity. Just as 18 wheeled diesel trucks keep our country's goods moving on our interstate system, large vehicles are a necessity to keep our rural economies alive. Hauling a heifer to market just is not feasible in a Geo Metro.

Now, in the Washington, D.C. area, there are many more small, economical cars on the road than there are in Havre, Montana. But, I have to remind you that in Montana we have winter for a large part of the year. A long, cold winter with plenty of snow and ice. It is the kind of weather that makes 4-wheel drive a life saving device. When you are driving your family down the road in the middle of December and the weather is miserable and cold, you want to be confident you will all be safe. This generally means a sturdy vehicle with four-wheel drive. It'll help you stay on the road, which is important considering it could be a very long time before you see anyone else, and the nearest town could be 80 miles away. If you are unfortunate enough to slide off of a two-lane road in the black of night it is nice to know your family will be protected. This is the reality in parts of Montana, as hard as it is for some of my colleagues in the Senate to imagine.

Similarly, when you live in an area of Montana that is geographically isolated, and there are very few that are not, you need to be prepared to buy more than one bag of groceries at a time. Maybe you need to buy a month's worth of groceries, and feed for the animals, and fence posts, any other odds and ends you might need and bring them all home at the same time. How you will fit that all into a little car is a mystery. You'd better leave the kids home, that's for sure

Besides that fact that stricter CAFE standards could hurt rural Montanans and the general safety issues that concern me, I think there is more at stake here. We are basically telling consumers that they have no right to choose the car they want to drive. This isn't right. In recent years, the American automobile industry has made great strides in developing better cars in every possible way. On the whole, our cars are becoming safer, and cleaner than ever before. This ingenuity is what makes American industry great.

We have done a good job of making sure the manufacture of automobiles is consistent with the environmental goals we want to reach. But to step aside and allow federal regulators to enact a blanket policy that punishes those people who use large vehicles as a necessity of every day life, and stifle the right to choice for rural consumers, is the wrong approach.

Mr. FEINGOLD. I support the Senate motion to instruct the Conferees on fuel economy standards. This issue has been controversial in my state, and I believe its effect on automobile fuel economy standards is not well understood.

My vote today is about Congress getting out of the way and letting a federal agency meet the requirements of federal law originally imposed by Congress. I support this motion because I am concerned that Congress has for more than 5 years blocked the National Highway Traffic Safety Administration (NHTSA), part of the federal Department of Transportation (DOT), from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards by legislative rider since Fiscal Year 1996. The motion instructs the Conferees not recede to Section 318 of the House bill.

As I made clear last year, I have made no determination about what fuel economy standards should be. NHTSA is not required under the law to increase fuel economy standards, but it is required to examine on a regular basis whether there is a need for changes to fuel economy standards. NHTSA has the authority to set new standards for a given model year taking into account several factors: technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, and the need to conserve energy. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. After NHTSA makes a recommendation, if it does so, I will then consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested Wisconsin citizens about their perspectives on NHTSA's recommendation.

However, just as the outcome of NHTSA's assessment should not be prejudged, the language of the House rider certainly should not have so blatantly pre-judged and precluded any new objective assessment of fuel economy standards. Section 318 of the House bill, identical to last year's language, states:

> None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

The House language effectively prevents NHTSA from collecting any information about the impact of changing the fuel economy standards in any way. Under the House language, not only would NHTSA be prohibited from collecting information or developing standards to raise fuel economy standards, it couldn't collect information or develop standards to lower them either. The House language assumes that NHTSA has a particular agenda, that NHTSA will recommend standards which can't be achieved without serious impacts, and uses an appropriations bill to circumvent the law's requirements to evaluate fuel efficiency and maintain the current standards again for another fiscal year. I cannot support retaining this rider in the law.

The NHTSA should be allowed to provide Congress with information about whether fuel efficiency improvements are possible and advisable. Congress needs to understand whether or not improvements in fuel economy can and should be made using existing technologies. Congress should also know which emerging technologies may have the potential to improve fuel economy. Congress also needs to know that if improvements are technically feasible, what is the appropriate time frame in which to make such changes in order to avoid harm to our auto sector employment. I don't believe that Congress should confuse our role as policymakers with our obligation to appropriate funds. Changes in fuel economy standards could have a variety of consequences. I seek to understand those consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

I deeply respect the views of those who are concerned that a change in fuel economy would threaten the economic prosperity of Wisconsin's automobile industry. I have heard strongly

from my state that a sharp increase in fuel economy standards, implemented in the very near term, will have serious consequences. I want to avoid consequences that will unduly burden Wisconsin workers and their employers. In the end, I would like to see that Wisconsin consumers have a wide range of new automobiles, SUVs, and trucks available to them that are as fuel efficient as can be achieved while balancing energy concerns with technological and economic impacts. That balancing is required by the law. I fully expect NHTSA to proceed with the intent to fully consider all those factors.

In supporting this motion, I take the position that the agency responsible for collecting information about fuel economy be allowed to do its job, in order to help me do my job. I expect them to be fair and neutral in that process and I will work with interested Wisconsinites to ensure that their views are represented and the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. KERRY. Mr. President, I ask unanimous consent that the distinguished minority whip be permitted to proceed for a unanimous consent and that I then be accorded the floor immediately following.

Mr. MCCAIN. For how long?

The PRESIDING OFFICER. For 4 minutes.

Mr. MCCAIN. I have no objection.

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

Mr. REID. It is my understanding an agreement is worked out so we do not need a vote.

Mr. GORTON. That is correct. We are prepared to implement that agreement now, if we have permission.

Mr. REID. We have a unanimous consent agreement that has been worked on all day that is now ready to be entered, next week.

Mr. GORTON. That is also correct.

Mr. REID. Could we proceed with either one of the two unanimous consent agreements?

Mr. GORTON. With the permission of the Senator from Massachusetts.

Mr. KERRY. Mr. President, it may be my remarks will be shorter. If they take a brief period of time, I am happy to let that go forward, with the understanding that I will have the floor immediately after.

Mr. REID. I say to my friend from Massachusetts that people literally have been waiting all day. We need something on the record indicating there will be no votes.

Mr. KERRY. I am happy to accommodate my colleagues. It will probably be shorter if they start and do it rather than talk about doing it.

MOTION TO INSTRUCT CONFEREES, AS MODIFIED

Mr. GORTON. Mr. President, I have at the desk a revised motion to instruct the conferees on the Transportation appropriations bill. I ask unanimous consent it be in order to consider it and it be reported.

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

Mr. GORTON. I ask unanimous consent the reading of the motion be dispensed with.

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

The motion is as follows:

I move that conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) be instructed, and are hereby instructed, to accept section 318 of the bill as passed by the House of Representatives, but to authorize the Department of Transportation, pursuant to a study by the National Academy of Sciences in conjunction with the DOT, to recommend, but not to promulgate without approval by a Joint Resolution of Congress, appropriate corporate average fuel efficiency standards;

Provided, however, that any such study shall include not only those considerations outlined in 49 USC section 32902(F) but also the impact of any such proposal on motor vehicle safety, any disparate impact on the U.S. automotive sector, and the effect on U.S. employment in the automotive and related sectors, and any other factors deemed relevant by the National Academy of Sciences or the committee of conference.

The National Academy of Sciences shall complete its study no later than July 1, 2001, and shall submit the study to Congress and the Department of Transportation.

Mr. GORTON. Mr. President, essentially we have had a debate over the refusal to allow anybody in the Transportation appropriations bill to be used to study, propose, or promulgate new corporate average fuel economy standards. The proponents of the original instruction have stated they did not wish for the Department of Transportation to be authorized to promulgate any such new rules without the consent of Congress or without another vote in Congress but that they felt it inappropriate to prevent studying what technology now permits us to do with respect to such standards.

This revision simply allows the House provision to go into effect with respect to the old 1975 law. However, it also tells the conferees to authorize a study by the National Academy of Sciences in conjunction with the Department of Transportation that by July 1 of next year will recommend but will not promulgate, without approval by a joint resolution of Congress, appropriate corporate average fuel economy standards.

It also expressly states that they shall consider safety—which was a major part of the debate here—and the impact on the automobile and manufacturing business in the United States.

It will last only, of course, for the fiscal year 2001 because this is an appropriations bill, but we hope by that time we will have something that we can debate that will be real in nature rather than just theoretical.

I ask unanimous consent my motion be considered a motion for me, for my distinguished colleague from Nevada, Mr. BRYAN; the Senator from California, Mrs. FEINSTEIN; and the three Members who have debated against this, both Senators from Michigan, and the Senator from Missouri, Mr. ASHCROFT.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to be clear that this language instructs the conferees to accept section 318 in the House bill. Those are the words in this motion.

In addition, one of the specific factors in the study we look at is ''the disparate impact, if any, on the U.S. automotive sector.'' Then it issues the words, ''and any other factors deemed relevant by the National Academy of Sciences or the committee of conference.''

My question to the Senator from Washington is whether or not in his judgment the fairly lengthy list of factors which are relevant to this question, which are set forth in Senate bill 2685, a bill which was introduced, I believe, by Senators ASHCROFT and ABRAHAM, myself, and a number of others, whether in his judgment those factors would be included as being relevant in any study?

Mr. GORTON. Mr. President, I answer my friend from Michigan that I believe the widest range of considerations should be a part of this study, including, of course, those that the Senator from Michigan has set forth, and for that matter anything else the National Academy of Sciences considers to be relevant.

Mr. LEVIN. And the answer specifically is what?

Mr. GORTON. The answer to the question was yes.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. REID. Mr. President, I have the floor. I have imposed upon my friend from Massachusetts. This was supposed to be just a brief dialog while we entered a unanimous consent request. He only requested 4 minutes and he has yielded to get this done. We have now taken 8 or 9 minutes. I don't think that is fair.

Mr. ABRAHAM. I ask unanimous consent following the statement of the Senator from Massachusetts, after his 4 minutes, we then return to consideration of the motion to instruct, and that I be permitted to speak at that time.

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

Mr. REID. I wonder if we could enter the unanimous consent request?

Mr. LEVIN. Has this motion been adopted?

The PRESIDING OFFICER. No motion has been adopted.

Mr. LEVIN. I suggest this motion be agreed to if there is no further debate.

Mr. ABRAHAM. I object.

Mr. LEVIN. And the speech of the Senator from Michigan, relative to the motion, be inserted prior to adoption of the motion.

Mr. BRYAN. I ask my colleague to suspend. We have run into a couple of

potential language issues that I need a couple of minutes to explore. I can assure my colleague it is not my purpose to delay, but there are some language changes here that we need to check out.

The PRESIDING OFFICER. The Senator from Massachusetts has the right to reclaim the floor.

Mr. KERRY. Mr. President, I had a feeling my 4 minutes was going to be shorter than their 4 minutes. But here is what I am willing to do. I want to try to accommodate my colleagues. I think it is important. I know how important these critical moments are. You want to try to make it work when you can.

Mr. REID. Will the Senator yield?

Mr. KERRY. I yield to the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I know we want to move as quickly as possible to the digital signature, e-signature legislation. Obviously, we have to finish the action on the proposed motion to instruct. My comment on the proposal submitted by the Senator from Washington is that I think it moves in a very positive direction.

I have introduced legislation in the Senate for the past several Congresses, attempting to establish what I consider to be a more appropriate way of considering issues related to corporate average fuel economy. Specifically, I feel the current considerations are not broad enough. We do not take into account—as I indicated in my speech earlier today—the impact on employment in the United States and, more specifically, in the automotive industry. We do not take into account safety; we do not take into account similar factors that matter to the people I represent.

The proposal is to have a study conducted by the National Academy of Sciences that would look specifically at those considerations, as well as many others that the Academy or the conference committee would recommend—as the Senator from Washington indicated in the colloquy with my colleague from Michigan—and other criteria that we have included in legislation that I have introduced in this and previous Congresses.

The other thing which I have always felt is relevant to this process is how the role of Congress should be enhanced. I mentioned this earlier today in my remarks. I believe something as directly significant to the economy of the United States as the automobile industry, and specifically the CAFE standards' impact on that industry, are issues that Congress ought to have an ultimate role in addressing. I am happy the provisions here would subject any changes—at least in this fiscal year—to the approval of Congress by a joint resolution. I think that makes a lot of sense, because that would put the elected officials of this country—not the unelected bureaucrats of this country—in the position of making the significant determinations that will impact our economy.

For both those reasons I think this approach makes sense for this fiscal year. It keeps intact the freeze which we have had in recent years, so there will not be an increase or change in corporate average fuel economy standard generated through the process that has existed under United States Code. But at the same time, it does provide those who wanted a study the opportunity to have one conducted by the National Academy of Sciences. It also gives Congress a much more direct role in any changes that might occur during the upcoming year. And it does, I think, acknowledge the very important criteria beyond simply the question of appropriate levels of fuel economy—criteria like safety, criteria like employment. Criteria that relate to our economy would also be taken into consideration.

So I believe this makes sense as now submitted to this body. I hope we can quickly act on it.

The PRESIDING OFFICER. The question is on agreeing to the motion, as modified.

The motion, as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. INOUYE conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Nevada had a question about the duration of the motion that was just agreed to. It probably would have been better to have stated that it expires on September 30, 2001, as does the entire bill on that date. I know he wished my assurance and the assurance of the people on the other side, Senator LEVIN, that it is our intention, and we will make that clear in any final conference committee report that this is a 1-fiscal-year provision only and that the entire provision expires at the end of fiscal year 2001.

Mr. BRYAN. Mr. President, I thank the Senator for his comments. To be sure, we are saying the entire provision, as I understand the observation of the Senator from Washington, all the language incorporated in this motion will expire September 30, 2001.

Mr. GORTON. The Senator is correct.

Mr. BRYAN. May I ask the Senator one other question?

Mr. GORTON. Certainly.

Mr. BRYAN. There was some discussion about the use of the words ''recommend'' and ''proposed.'' Can the Senator state his intention with respect to that language?

Mr. GORTON. The Senator from Michigan asked we use ''recommend'' rather than ''proposed.'' I think it is a distinction without a difference. The operative language here is nothing can go into effect unless Congress has approved it. Whether it comes in the form of a recommendation from the Department of Transportation or proposal from the Department of Transportation, Congress has to approve it.

Mr. LEVIN. Will the Senator yield?

Mr. BRYAN. I will be happy to yield to the Senator from Michigan.

Mr. LEVIN. Perhaps our recollection is different, but I am not sure it makes a major difference. My recollection is in the original draft of this motion, the Senator from Washington had used the word ''recommend.'' I may be wrong on this, but this is my recollection, which I have shared with my good friend from Nevada so we are all straight with each other, as we always are.

The word at some point was changed to ''proposed,'' and then a number of us on this side of the issue urged the word ''recommend'' be used instead of ''proposed'' to avoid any implication that this was a proposed rulemaking. That was the reason that word did have some relevance. There is no intention here that there be a proposed rulemaking which be authorized in any way by this motion. The word ''proposed'' could create an implication which was unintended, whereas the word ''recommend'' does not have that implication.

That was my recollection. If I am wrong on that, then I certainly want my friend from Nevada to know historically that was my recollection, and that is what I represented to him.

Mr. BRYAN. I appreciate the explanation of the Senator from Michigan. I say with great respect, I believe and I recall—and I may be in error as well—that the language ''proposed'' was originally offered by my friend from Michigan. I know he has a different recollection, and we are not, obviously, going to resolve it. I know he has been acting in good faith, and I know he knows I have been asking in good faith.

Mr. LEVIN. That question, of whether the words ''recommend'' or ''proposed,'' in any event, was explicitly discussed among all of us who were involved in this revised motion, and it was important to those of us who opposed the original motion that the word ''recommend'' be used for the reason I just gave.

If the recollection of the Senator from Washington is the word ''proposed'' originally was made by me, if in fact that is true, so be it. That is not my recollection. Nonetheless, it did become an issue in discussion whether the word be ''proposed'' or ''recommend,'' and it became important to those of us opposing the motion that the word ''recommend'' be used to avoid that implication which everybody said was not intended.

Mr. GORTON. In one minor respect, the senior Senator from Michigan is in error. My own handwritten first draft said ''proposed.'' I simply acceded to the recommendation of the Senator from Michigan that we use the word ''recommend.''

Clearly, what we are speaking about is the promulgation of a rule, and nothing can be promulgated by the Department of Transportation without approval of a joint resolution of Congress. So whether it recommends or proposes, they are going to have to come here before any rule takes place.

In connection with my earlier answer, all of these bars are off in a year. We will be right back here next year, I hope maybe not debating the same issue. I hope we may have been able to reach a conclusion on it.

Finally, the point of all these words, what we are now doing is instructing our conferees to a conference with the House of Representatives, and it is the words and the requirement that come out of that conference committee, of course, that will govern actual future action.

My intention as a member of that conference committee, and perhaps the only one in this colloquy who is a member of that conference committee, will be to see to it that we have a very thorough study of this subject. I hope, like my colleagues from Michigan, that it will recommend stronger corporate average fuel economy standards, but I am willing to listen to the experts in that connection. If it does, I will support them in this body, but if something else happens, we will be debating this issue again next year. The law that applies to corporate average fuel economy standards today will apply when this fiscal year is over once again, and the same kind of rulemaking will take place then.

I hope I have not spoken too long on this subject, but I think we ought to get on with it now and do the job that needs to be done.

Mr. ABRAHAM. Mr. President, I wish to indicate I was actually speaking on the floor at the time that the initial exchange of documents took place, but from the point at which I concluded my remarks and began discussing this issue with the Senator from Michigan and the Senator from Washington, it was certainly my understanding that the intention, and certainly our side's intention, in urging the word ''recommend'' be employed was to make precisely the distinction which my colleague from Michigan just indicated. Certainly there was an important element to that change from my point of view, as I know there was from his.

I am hopeful as the process moves forward that it will do so in the constructive way we have outlined. We ought to make clear a rulemaking procedure is where ''a proposed set of rules'' would be the term of art used. For a study, which is what we intended here—a recommendation is different from the proposal that might stem from an actual rulemaking. That is my interpretation of the discussions in which I at least took part.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I have a statement on behalf of the majority leader.

I ask unanimous consent that immediately following the disposition of the motion to instruct the conferees, the Senate turn to the e-signatures conference report under the previous consent.

I further ask consent that when the Senate resumes the DOD authorization bill at 3 p.m. on Monday, it be considered under the following terms:

That the pending B. Smith amendment and the Warner amendment be laid aside and Senator KENNEDY be recognized to offer his amendment regarding hate crimes, and immediately following that offering, the amendment be laid aside and Senator HATCH or his designee be recognized to offer his hate crimes amendment.

I further ask that the two amendments be debated concurrently and that no amendments be in order to either amendment prior to the votes in relation thereto and that the vote occur in relation to the Hatch amendment to be followed by the Kennedy amendment following the vote in relation to the Murray amendment on Tuesday.

I also ask that at 9:30 a.m. on Tuesday, Senator DODD be recognized to offer his amendment relative to a Cuba commission and there be 120 minutes equally divided on the amendment prior to a motion to table and no amendments be in order prior to the vote, with the vote occurring in a stacked sequence following the two votes ordered regarding hate crimes.

I further ask consent that at 11:30 a.m. on Tuesday, the Dodd amendment be laid aside and Senator MURRAY be recognized to offer her amendment relative to abortions and there be a time limit of 2 hours under the same terms as outlined above with the vote occurring at 3:15 p.m. on Tuesday.

I further ask consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. on Tuesday in order for the weekly party conferences to meet.

I also ask that there be 4 minutes of debate prior to each vote in the voting sequence on Tuesday and no further amendments be in order prior to the 3:15 p.m. votes.

I finally ask consent that the Senate proceed to S. 2522, the foreign operations appropriations bill following the disposition of the above mentioned amendments and any amendments thereto and no call for the regular order serve to displace this bill, except one made by the majority leader or minority leader.

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

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the conference report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 761), to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes, having met, after full and free conference, have agreed that to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings at pages H4115–18 of the RECORD of June 8, 2000.)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I promised I would not go in front of Senator WYDEN.

I yield to the Senator from Oregon.

Mr. MCCAIN. How long does the Senator from Oregon need?

Mr. WYDEN. I was contemplating speaking about 5 minutes. But, again, I do not want to inconvenience my colleagues.

Mr. MCCAIN. I yield 5 minutes to the Senator from Oregon, followed by 2 minutes to the Senator from Massachusetts, and then those of us on the beleaguered majority will have our say.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the conference agreement on digital signatures that is going to be overwhelmingly approved tomorrow morning may be the big sleeper of this Congress, but it certainly was not the ''big easy.''

The fact of the matter is, when we started on this in March of 1999, Senator ABRAHAM and I envisioned a fairly simple interim bill. We were looking at electronic signatures to make sure that in the online world, when you sent an electronic signature, it would carry the same legal weight as a ''John Hancock'' in the offline world.

But as we prepared—after this passed the Commerce Committee—to move forward with a pretty innocuous bill, the financial services and insurance industries came to us with what we thought was a very important and thoughtful concept; and that was to revolutionize e-commerce, to go beyond establishing the legal validity of e-signatures to include electronic records, keeping important records electronically. We were told by industry—and correctly so—that this would give America a chance to save billions and billions of dollars and thousands of