in helping the American farmer to survive another year.

SEPTEMBER 8, 1999.

DEAR FARM AID: How can I go about contacting the people who help the farmers with money? I would like to get my brother-in-law on the list to be helped. The drought the past 2 years has killed his soybean crop and he cannot afford crop insurance. He is just a small time North Mississippi farmer, a former sharecropper. He is 56 and has just a 8th grade education. He lives with his parents who live on social security. He rents his land each year, about 50–100 acres. Please let me know.

JUNE 24, 1999.

DEAR SIR: My mother and father-in-law saved and borrowed enough money in 1945 to buy an 80 acre farm between Fowler and Quincy, ILL. They farmed with horses, milked cows, raised hogs in the timbered creek bed and raised 2 children. My husband has now had the farm turned over to him since his parents have passed away and his sister was killed in a car accident 2 years ago.

My husband is and has always been a very hard worker. We both work at jobs full time in Quincy and farm besides. We were both raised on a farm and both love farm life. We cash rent 3 other farms close by to go along with ours—but we are still having an awful time. If it wasn't for our jobs in town we would have lost everything his parents worked so hard for several years ago. We are doing all we can but just can't get out of debt—in fact we are going deeper and deeper every year.

My husband and I have shed many tears and many sleepless nights trying to figure out just what to do to save our family farm. We do not want to lose it.

Do you have any help for us or anything else we can do? We lost over $20,000 again last year. It breaks my heart to see my husband work so hard and get so tired working 2 jobs and still not making it.

Please help us. If we could just break even one year things would be so good. Someone surely knows a way to help us.

We need someone to help us with some money soon or we will lose everything.

Thank you for listening to me and hopefully for helping my husband save his deeply loved family farm.

Mr. WELLSTONE. Mr. President, in the remaining time I have left—and I am not going to take much more time. I characterize this, as I said, as sort of a mini-filibuster or, in any case, it is all I can do in several hours. I can talk about this all day and all night. It is not that I am at a loss of words. But physically I will not be able to go on much longer. The best way to do this is to print in the RECORD this very poignant testimony from Farm Aid.

I will jump from the last part of my presentation to a few facts and figures. Maybe I will finish up on this. I will talk about market concentration.

Four firms control 83 percent of all beef slaughter, four firms control 73 percent of sheep slaughter, four firms control 62 percent of flour milling, four firms control 57 percent of pork slaughter. This is from the work of Bill Hefrin, from the University of Missouri, who does superb work.

This concentration will result in four or five food and fiber clusters that control production from the gene to the store shelf. Is that what the American people want? When we get these alliances of Monsanto, Cargill, and all the rest, they will reduce market concentration to farmers. These clusters will eliminate independent farmers and businessowners. These clusters will make it difficult for new firms to start. And these clusters will prevent consumers from realizing lower prices.

Listen to this, consumer America: Since 1984, real consumer food prices have increased by 2.8 percent, while producer prices for that food have fallen 35.7 percent. Do any of the consumers in America, do any families in America, feel a 35-percent drop in food prices? Of course not.

The farm retail spread grows wider and wider. This concentration threatens global security. A few dominant multinational firms are going to control information, markets, decision-making, and seed packets. There is a new technology. It is incredible when you hear about this terminator technology which is inserting a gene to prevent the next generation of seed from germinating which, again, threatens economic viability, sustainability.

We are talking about livestock confinement, huge feeding operations, with all of the environmental challenges. We are talking about multinational firms that remove profits from local communities. As I said, we have talked about this huge concentration of power.

For example, four of every five beef cattle are slaughtered by the four largest firms: IBP; ConAgra; Excel, owned by Cargill; and Farmland National Beef.

Three of every five hogs are slaughtered by the four largest firms. The top four include Murphy, Carroll's Foods, Continental Grain, and Smithfield. And now Smithfield wants to buy up Murphy.

Half of all the broilers are slaughtered by the largest four firms. The six largest are: Tyson, Gold Kist, Perdue Farms, Pilgrim's Pride, ConAgra, and Wayne.

Listen, when you look at the grain industry, you have the same situation where, when farmers look to whom they sell the grain, it is a few large companies that dominate.

Let me conclude.

I say to my colleagues, I have come to the floor of the Senate and have spoken for several hours to make a plea and to make a demand. I have tried to put this farm crisis in personal terms. I thank the farmers in Minnesota for letting me speak about their lives.

I have said that the status quo is unconscionable, it is unacceptable. I have said we have to change the policy. We have to give people a decent price. That we can do. I have said that the reason I have come to the floor of the Senate is to make the demand that: Yesterday, if not tomorrow, if not next week, we have the opportunity to bring legislation to the floor to deal with this crisis.

I have come to the floor of the Senate to say that we cannot adjourn—it would not be responsible, it would not be right—without taking action to help improve the situation for farmers. Why else are we here but to try to do better for people? What could be more important than for us, the Senate, as an institution—Democrats and Republicans—to pass legislation that would correct these problems and help alleviate this suffering and pain and make such a positive difference in the lives of so many people in Minnesota that I love—so many farmers in so many rural communities?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

AMENDMENT NO. 1677

(Purpose: To express the sense of the Senate concerning CAFE standards for sport utility vehicles and other light trucks)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask unanimous consent that it be considered to be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mrs. FEINSTEIN, Mr. BRYAN, Mr. LIEBERMAN, Mr. REED, Mr. MOYNIHAN, and Mr. CHAFEE, proposes an amendment numbered 1677.

Mr. GORTON. I ask unanimous consent further 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 in title III, insert the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING CAFE STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) the corporate average fuel economy (CAFE) law, codified at chapter 329 of title 49, United States Code, is critical to reducing the dependence of the United States on foreign oil, reducing air pollution and carbon dioxide, and saving consumers money at the gas pump;

(2) the cars and light trucks of the United States are responsible for 20 percent of the carbon dioxide pollution generated in the United States;

(3) the average fuel economy of all new passenger vehicles is at its lowest point since 1980, while fuel consumption is at its highest;

(4) since 1995, a provision in the transportation appropriations Acts has prohibited the Department of Transportation from examining the need to raise CAFE standards

for sport utility vehicles and other light trucks;

(5) that provision denies purchasers of new sport utility vehicles and other light trucks the benefits of available fuel saving technologies;

(6) the current CAFE standards save more than 3,000,000 barrels of oil per day;

(7)(A) the current CAFE standards have remained the same for nearly a decade;

(B) the CAFE standard for sport utility vehicles and other light trucks is ¾ the standard for automobiles; and

(C) the CAFE standard for sport utility vehicles and other light trucks is 20.7 miles per gallon and the standard for automobiles is 27.5 miles per gallon;

(8) because of CAFE standards, the average sport utility vehicle emits about 75 tons of carbon dioxide over the life of the vehicle while the average car emits about 45 tons of carbon dioxide;

(9) the technology exists to cost effectively and safely make vehicles go further on a gallon of gasoline; and

(10) improving light truck fuel economy would not only cut pollution but also save oil and save owners of new sport utility vehicles and other light trucks money at the gas pump.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the issue of CAFE standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible; and

(2) the Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.

Mr. GORTON. Mr. President, this amendment is offered on behalf of myself, Mrs. FEINSTEIN, Mr. BRYAN, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. MOYNIHAN, and Mr. CHAFEE. I ask unanimous consent that Senator BOXER be added as a cosponsor of the amendment.

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

Mr. GORTON. Mr. President, this is an amendment that has been widely discussed relating to CAFE standards; that is to say, the fuel efficiency standards of automobiles and small trucks sold in the United States. Now, I want to quote an argument against this proposal made in a committee hearing on CAFE standards.

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 from producing subcompact-size cars or even smaller ones.

Mr. President, you may well ask me when that hearing took place because you were unaware that hearings on this subject had taken place. That question would be well put because that hearing took place in 1974, 25 years ago. That statement was made by automobile manufacturers in connection with the fuel efficiency standards that were discussed during that year and were implemented. As a result of the implementation of those standards, we are saving 3 million barrels of oil per day in the United States as compared with the 17 million gallons per day that cars and trucks, in fact, use.

In other words, even from the point of view of a relatively conservative Senator, as I consider myself, we have an example of a highly successful regulatory action on the part of the Government of the United States, a regulatory action that took place 25 years ago and was, for all practical purposes, fully implemented within 6 years of the time of its implementation. That is the first notable point about the subject we are discussing today.

The second is that the argument I quoted turned out to be wholly inaccurate. The evidence of that inaccuracy, of course, is on every street, road, and highway in the United States. The genius of American manufacturers created an automobile that met all of the fuel efficiency standards that were implemented a quarter of a century ago without a substantial downsizing of our automobiles' weight, with a tremendous contribution to cleaner air, and with the contribution of saving 3 million gallons of gasoline each and every day of each and every year, every single gallon of which, where we are using it, would come from imports and from overseas, further exacerbating our trade deficits.

I find it particularly curious that we should look back at an experiment so totally successful in every respect, in cleaning up our air, in reducing our use of petroleum products, in reducing our trade deficits, and in saving money for the American people, and say: Not only are we not going to repeat that experiment, we are not even going to study whether we ought to repeat that experiment. What we have done in the Congress is to tell our Federal agencies that they may not pursue studies and come up with rules and regulations and recommendations as to a second round of improving our automobile fuel efficiency either for regular passenger automobiles or for small trucks or for SUVs.

The status, in connection with this bill, of course, is relatively simple. This Senate bill does not prevent the Federal Government from going ahead with such studies and making such recommendations. The House bill does, once again, as we have for the last several years, prohibit even these studies.

The amendment before us now is a sense-of-the-Senate resolution that the Senate should not accept that House provision. It is neither more nor less than that. Every one of the 98 Senators, in addition to you and me, has been deluged by statements from opponents to this modest sense-of-the-Senate resolution, stating, first, that it would make our highways less safe, even though our death rate on our highways is remarkably lower now—I think three times lower than it was before we went through this experiment the first time—that there is no way the automobile manufacturers can meet the requirements that would be imposed if we allowed these studies to go forward without going back to sub-subcompacts—an argument that was shown to be totally fallacious and without reason some 25 years ago.

In short, there is not a single argument being presented against this amendment that was not presented 25 years ago to this body and to the other body and to the people of the United States and proven to be without merit.

Can we learn nothing from the past? Are we so frightened, as Members of the Senate, that we are not even going to try to determine in an orderly fashion whether or not we can do better with respect to the fuel efficiency of the internal combustion engine? The proposition, I think, is bizarre, that we should prohibit even a study and a set of proposed regulations on this subject.

There could possibly be more bite to this argument if what we were faced with was the imminent imposition of new requirements that were highly unreasonable in nature and about which it might be argued that they were impossible to attain. If we were faced with a proposed amendment that said the Federal Government could use no part of this appropriation to enforce such standards, that would be one thing. But what the opponents to this sense-of-the-Senate resolution are saying is: Don't even look into the question. Don't do anything. Don't try to learn whether or not we can come up with more efficient internal combustion engines. Let's just ignore it.

Mr. BRYAN. Will the Senator from Washington yield for a question on that point?

Mr. GORTON. I am happy to yield.

Mr. BRYAN. Do I understand the thrust of the Senator's argument is not to advocate some new standards for CAFE but simply to permit those who are charged with that responsibility to make a basic inquiry as to whether or not there is room, based upon science, safety, and other considerations, to consider an increase in fuel economy standards?

Mr. GORTON. My dear friend from Nevada is entirely correct, as, of course, he knows, having been a cosponsor of this amendment and a companion with the Senator from Washington in this cause for many years in the past.

Mr. BRYAN. I thank the Senator.

Mr. GORTON. I was about to say, for the benefit of my friend from Nevada, isn't it fortunate that the Congress of the United States, in the first decade of the 19th century, didn't prohibit the development of a steam engine because it might explode?

That is basically what the arguments against the amendment the Senator from Nevada and I have proposed amount to. My gosh, something bad might happen if you did something. But, of course, the argument against the steam engine in 1810, or 1812, or 1814 would have been stronger because they knew nothing about it. We have gone through this process before, and it was a complete success. But we are now told, not only should we not go through the experiment again, we should not even study it; we should not even try

to come up with facts that would justify it or—and I think it is very unlikely—perhaps not justify making any change in the present system.

Now, I think both the Senator from Nevada and I believe such a study would come up with more significant CAFE standards. But I don't think the Senator from Nevada, even more than I, has any idea what they would be, how far they would go, what we would find to be totally successful or not. We just want to find out whether or not we can't do something that would reduce our dependence on foreign oil, help clean up our air, and save money for the American purchaser of automobiles, small trucks and, of course, the fuel required to run them. That is all.

Mr. BRYAN. It strikes the Senator from Nevada that the argument the Senator is making is a win-win. It is a win for the consumer, for the environment, and in terms of the trade imbalance we currently face in this country.

Would the Senator not agree with the proposition that everybody comes out a winner if the Senator's resolution would simply ask that an inquiry be made into the practicality of increasing fuel efficiency standards?

Mr. GORTON. The Senator from Nevada is entirely correct. If we can only take a quick vote on it with the Senators on the floor now, we would probably succeed. Unfortunately, we have yet to persuade all of our colleagues of this matter. The question the Senator puts—and he knows the answer—is a very profound and a very serious question.

Mr. BRYAN. I enjoyed the Senator's reference to the steam engine in the 19th century. The younger members of my staff say they are not familiar with this reference, but as the Senator from Washington will recall, the Industrial Revolution was born in Great Britain. Just as then, seemingly now, there are those fearful of progress.

The first manifestation of the Industrial Revolution was when we changed the textile production from a cottage industry to the floors of the factory, and machinery and technology made that possible. I know the Senator from Washington State, who is in my generation, will recall this reference. But a group of people called Luddites went about the country breaking up the machines, trying to prevent progress, fearful of the consequences. It seems to me—perhaps the Senator might want to comment—that in a very modern-day sense, we have neo-Luddites who are fearful of the consequences of what new technology might make possible, and in my view, the improvement of technology throughout the vast expanse of history has improved a lot for mankind. Does the Senator agree with that observation?

Mr. GORTON. The Senator from Nevada is as learned as he is wise, and his reference to Luddites in the late 18th and early 19th century England is entirely correct. The word has come down to us today, referring to those who are so fearful of changes in our technology that in one way or another they would prevent it.

The point he makes is particularly important, and it is one that I want to continue to emphasize to Members. We are not debating a law that will mandate a specific new set of fuel economy standards for automobiles and small trucks. We are not even debating whether or not a specific set of standards should be imposed after a study of their feasibility and desirability is completed. We are debating a proposition that says we should go forward in an orderly fashion, have this determination made by people who are expert in the field and who study it carefully and must follow all of the procedural requirements for setting rules and regulations, all of which will be vulnerable to future debates in the Senate should proposals be made that seem somehow or another unreasonable.

There is not a single Member of the Senate, from the most conservative to the most liberal, who has not at one time or another been critical of some rule or regulation imposed by some agency of the Federal Government. Every Member of the Senate—and for that matter, the House of Representatives—knows how to bring up debate on that subject, the debate over this appropriations bill, or some other bill relating to transportation. But what we have today from the opponents to this sense-of-the-Senate resolution is a statement that we are ignorant of what might happen if we engage in another round of fuel efficiency standards and we want to remain ignorant. That is essentially what they are talking about.

Mr. BRYAN. Mr. President, if the recollection of the Senator from Nevada is correct, in the mid-1970s, the distinguished Senator from Washington was the attorney general of that State. As the attorney general, he was a leading advocate on behalf of consumer issues in his State. Perhaps the Senator will recall when the legislation, referred to as CAFE, the corporate average fuel economy standard, was offered on the floor of the Senate and in the other body. Those from the automobile industry said at the time: if these CAFE standards are imposed upon us, everybody in America will be driving an automobile smaller than a Pinto or a subsized Maverick.

That was at a time when fuel economy for passenger vehicles averaged less than 14 miles per gallon. As a result of the Congress taking that action, fuel economy, from 1973 to 1989, doubled.

Does the Senator recall the essence of the testimony offered by one of the automotive manufacturers? I wonder if he might want to comment on what actually occurred over those intervening 16 years when we were supposed to be driving around in Pintos and subsize Maverick automobiles.

Mr. GORTON. Just before my friend from Nevada came to the floor, I began my remarks with a quotation, which sounded so remarkably similar to what we have heard in the last few days about this amendment, and it is particularly appropriate. For the Senator's benefit and for others, I will repeat it:

> 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 sized cars, or even smaller ones.

That was a statement by the duly authorized representative of the Ford Motor Company in 1974 in the hearings on the bill that allowed for the first corporate average fuel economy standards to take place. Now the Ford Motor Company, of course, was far more resourceful in its technology than it was in its language. And when these requirements were imposed, the Ford Motor Company, General Motors, Chrysler, and the rest of the manufacturers met them, and they met them gratefully to the advantage of the people of the United States, who ended up with far cleaner air. It is impossible to imagine what our air would be like today if we were all driving 1974 model automobiles—saving billions of dollars in fuel costs, saving the economy of the United States all of the costs of that extra fuel, all of which would have ended up coming from overseas, given our dependence on foreign oil at the time.

One of the interesting things as we go into this debate right now, I tell my friend, is that a recent issue of the Wall Street Journal reported that the same company, the Ford Motor Company, is currently developing technology to increase fuel economy of its truck fleet by as much as 15 percent.

The article in the Wall Street Journal said that internal documents posted on the world wide web show—I am quoting now:

> Ford could significantly increase its fuel economy on some of its biggest and most popular trucks without losing the things people buy trucks for, horsepower and pulling power.

That is another illustration of the fact that an argument which was utterly invalid in 1974 is utterly invalid in 1999.

Members of this body 25 years ago might have been excused for giving great credence to that argument. After all, we didn't know what was going to happen. It is very difficult to give credence to that argument given the tremendously positive results of the regulations which were adopted in 1974.

Mr. BRYAN. Mr. President, may I inquire further of the distinguished Senator, my friend from Washington, with another question.

Has the Senator had an opportunity to see this morning's issue of Congress Daily? On the back, there is an ad designed to uphold the thoughtful and well-considered resolution which the Senator from Washington, and our able

colleague, the distinguished Senator from California, I, and others are going to be offering for consideration. But the text of the ad says:

We work hard all year so our family can go fishing and camping together. We couldn't do it without our SUV—

Sport utility vehicle. It shows the man leaning on the hood of the SUV.

I guess my questions to the Senator would be twofold: No. 1, before the automobile manufacturers developed the sport utility vehicles, was it not possible for families in America to enjoy fishing and camping? Perhaps the Senator might be able to respond to that question.

Mr. GORTON. Mr. President, the question, of course, answers itself. It was.

Americans have acquired far greater choice today after the implementation of those fuel efficiency standards than they had previously. The interesting part of the ad, which was just handed to me—I had not previously seen it—says: Say yes to consumer choice and say no to a CAFE increase. In fact, the consumer can't choose a fuel efficient SUV at the present time. There isn't any consumer choice there. They are not competing over that proposition, though we may hope that someday in the future the Ford Motor Company, if it is thought correct, will do so. But as consumer choice increased after the last CAFE standards were imposed, so am I confident they will increase the next time around.

I greatly enjoyed this conversation with my friend from Nevada. I suspect he has more to say on the subject. I know the Senator from California wishes to speak on this subject. I don't want to monopolize the conversation, even on the pro side, and we will have opponents.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I first began to believe that global warming was a major threat in 1998 when a 92-mile long and 30-mile wide iceberg broke loose from the Antarctic Ice Shelf. It was 1½ times the size of Delaware. NOAA said it was a possible indicator of global warming.

I began to take a look at some of the other things that have happened in the last few years. I find that we have the first species extinction in Costa Rica because of it. I find that it now has an impact on the El Nino cycle in the Pacific Ocean. I find that there is a serious degradation of coral reefs in the Indian Ocean, and 70 percent of the existing coral reefs are affected.

I am a SUV owner. I own three jeeps. I love my jeeps. I have no doubt, though, that my jeeps can have the same kind of fuel efficiency standards as my automobile.

Then you have to look and say, well, if my three jeeps have the same kind of fuel efficiency, what would that do for global warming?

Carbon dioxide is the main culprit in global warming. Our country is the largest emitter and producer of carbon dioxide in the world. The United States saves 3 million barrels of oil because of fuel efficiency standards. If SUVs, similar to my jeeps, had fuel efficiency standards equal to those of automobiles, we would save another 1 million barrels of oil a day. If the 8 million or so of the other SUVs around the United States and the light trucks had these same standards, it would eliminate 187 million tons of CO2 from the air. The experts have said it is the largest single thing, bar none, that we can do to influence global warming in a positive way.

It seems so easy to do it. We know it can be done. We know it need not influence the efficiency of the engines. And we know there is technology that can make it so.

So raising these so-called CAFE standards or fuel efficiency standards so the SUVs are equal to other passenger automobiles at about 27 miles per gallon instead of 20 miles per gallon does not seem to me to be an unrealistic thing to ask Detroit to do. But instead, since 1995, there has been a rider in this bill which says to the Government that we can't even look, we can't even study, and we can't even make any findings to see whether, in fact, it is possible to bring SUVs up to automobile standards with respect to fuel efficiency.

I believe very strongly that this is the largest single positive environmental step this Congress can take to reduce carbon dioxide emissions in the atmosphere. To have a rider in a bill which says you can't even study it, you can't even see if what I am saying is true, I think makes no sense whatsoever.

As I say, I love my three jeeps. But I will tell you, I am going to look for a sports utility vehicle that has equal fuel efficiency standards in the future.

Additionally, what would this do for the consumer? It is estimated that by simply requiring SUVs to meet the same average CAFE requirements as automobiles would save the consumer more than $2,000 in fuel costs over the life of each vehicle. It seems to me that is a pretty easy way to give people almost a kind of tax rebate. You save money buying fuel for your car because you buy less of it over the life of the car. And it is estimated those savings are $2,000 per vehicle.

More importantly, 117 million Americans live where smog sometimes makes the air unsafe to breathe where asthma is on the increase and where respiratory problems are developing. Almost one-half of this pollution is caused by so-called nonpoint sources. That means the automobile. Attempting to improve the efficiency of vehicles we drive helps address this problem as well.

There is no substantive evidence to support the fact that this would provide technological problems that Detroit cannot meet.

I hasten to point out, we do not include in this amendment, and the intent of this amendment is not to include, agricultural equipment that works on agricultural products in fields. However, with this amendment we would learn a couple of things. One, the air would be cleaner. Consumers would save significant money in fuel costs—$2,000 over the life of each vehicle—and we would go a long way to address the problem of global warming.

I am hopeful that this measure will pass today.

I view with some surprise the degree to which this measure is being lobbied by automobile interests in this country. As an SUV car owner, as a jeep lover, as someone who would like to buy additional cars, this is an important point to me. It seems to me some automobile company ought to be willing to address it, to bring these SUVs up to automobile standards.

I stand strongly in support of the amendment. I thank my colleagues, Senator BRYAN, Senator GORTON, and others, who also support the amendment. I am hopeful there will be enough Senators to say: Let's not go about this with blinders; let's take one good look and see if this is really possible; let's do the necessary studies; let's work together to do the largest single thing we can do, relatively painlessly, to reduce global warming.

I yield the floor.

Mr. BRYAN. Mr. President, I thank my able colleague from California for her thoughtful and well-considered statement. I associate myself with her observations and the conclusions she makes.

This issue has been framed on a false premise, that somehow Members, including the able Senators from California and Washington who support this amendment, are interested in depriving the American public of their choice of automobiles.

I know firsthand, having seen the vehicles of my colleague from California—she is the proud owner of a sport utility vehicle—she would defend as vigorously as would I her right to own such a vehicle.

This has absolutely nothing to do with whether or not the American public chooses to purchase a minivan, a light truck, or a sport utility vehicle. My son and his wife and our first grandchild are in the Nation's Capital today. As a family, they have chosen a sport utility vehicle. I defend his right as vigorously as I defend the right of my colleague from California.

This is not what this debate is all about. That is a false premise. I think some Members are not only offended by the intellectual dishonesty of this kind of advertising that suggests the senior Senator from California and I somehow seek to deprive American families of their opportunity to go fishing and camping. That is just ludicrous. That defies any kind of rational argument.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. I am happy to yield to the Senator.

Mrs. FEINSTEIN. I have not seen that particular ad. I am most interested. Would the Senator read it?

Mr. BRYAN. It shows two angelic children sitting on the hood of a sport utility vehicle. Strapped to the top of that vehicle looks to be a canoe, a boat of some type. Now we see a gentleman, perhaps the father of these two children, leaning on the hood. He is saying to them, ''You know, we work hard all year as a family so our family can go fishing and camping together. We couldn't do it without our sport utility vehicle.'' Then the tag line is: ''Say yes to consumer choice. Say no to a CAFE increase.''

I was explaining before my colleague's thoughtful question, the implication is that those who advocate simply taking a look at the standards, simply allowing those within the Department of Transportation to take a look at the standards—and I will comment later in my remarks as to the criteria involved—that somehow we are opposed to this family's right to camp and to go fishing. That is outrageous. It is not true. This Senator is greatly offended by the text of that ad.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. I am happy to yield to the Senator.

Mrs. FEINSTEIN. One of the things I have found is the use of ''CAFE'' which we bandy around so much—most people don't know exactly what that means. We are really talking about the efficiency of a gallon of gas to go farther. Therefore, the efficiency of a gallon of gas is what we are talking about and applying those standards to SUVs as you would to passenger sedans.

Mr. BRYAN. The Senator from California is absolutely correct. She has the clarity of expression that sometimes escapes those who had the misfortune to go to law school. We get caught up with acronyms. CAFE means nothing to the average person. We are trying to get greater fuel efficiency.

In my colloquy with our colleague from Washington State, it was pointed out that this is a win-win-win for the American public.

The Senator from California and I represent two States that currently are experiencing enormous increases in the cost of gas. That takes money out of the pocket of America's families. That means less discretionary income. In the Senator's State as well as my own, an automobile is virtually a necessity to move from one place to another, to go to work, to enjoy the recreational opportunities we want to have with our family, to do the sort of thing that is part of our lifestyle in America.

If we can improve the CAFE standards for jeeps, sport utilities, minivans, and light trucks, we put more dollars in that family's pocket; we clean up the air, as the Senator from California pointed out; we reduce our dependence on foreign oil—it currently is about 50 percent; it drives some of the geopolitical policy debates in which the good Senator from California has taken a lead—and we help to reduce the trade deficit.

Our economy is performing magnificently, but one of the areas of concern to everyone is the mounting trade deficit. About $50 billion of that annual trade deficit is attributed to what we as Americans pay for oil that we import from around the world to fuel our economy, a good segment of which is transportation.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. The Senator from Nevada is always pleased to yield to the senior Senator from California.

Mrs. FEINSTEIN. One of the things that I think is particularly disingenuous about the opposition is that if SUVs and light trucks had the same fuel efficiency or even an increased fuel efficiency, it would impair the functioning of the car and the vehicle would not be able to function at optimal standards.

Would the Senator reflect on this for the Senate?

Mr. BRYAN. That is, as the Senator from California knows, an argument that has been raised. It is a specious argument.

The Senator from California hails from a jurisdiction which has been on the cutting edge of so much of the technology of the post-World War II era. Because of the Senator's own interest in technology and moving her own economy forward in California, I know she is deeply committed to that.

The Senator from California and many of our colleagues reflect that great confidence that the ingenuity and the entrepreneurial spirit of the American business community responds to challenges. But now there is a disconnect. The automobile industry didn't think they could ever do anything to improve economy. We couldn't suggest they look at that—somehow that would deprive us of our choice.

As the Senator from Washington responded to my question, these arguments were made back in 1974 when a representative at that time from the Ford Motor Company, testifying in opposition to the first fuel economy standards, said—without in any way belying the Senator's own youthful appearance, I think she may recall 1974, as the Senator from Nevada does. At that time, one of the leading automobiles that Ford produced was what I call a pint-sized Pinto. The Senator I am sure will recall that.

This is what the auto industry was arguing in 1974, should the first CAFE standards be enacted:

> That the product line [referring to the product line for automobile manufacturers in America] would consist of either all sub Pinto sized vehicles or some mix of vehicles ranging from a sub sub compact to perhaps a Maverick.

That statement was made in this century—in fact, the latter quarter of the 20th century.

This is a tribute to the industry and its ingenuity. The Lincoln Town Car, if not the largest automobile produced by the Ford Motor Company, gets better fuel economy today than the Pinto did in 1974. That is technology. It does not deprive one of choice. It seems to me for some reason the industry has created this facade that they cannot do these sorts of things.

We are saying—and I believe the Senator from California would agree—let's just take a look and see if we can't achieve these benefits we have just talked about.

Mrs. FEINSTEIN. I commend and thank the Senator for answering my questions. I appreciate it very much. If he would allow me one brief comment.

I think one of the reasons that for awhile the American automobile had lost the cutting edge was the reluctance to do research and development to develop those kinds of automobile products that became very popular, that were produced by the Japanese marketplace. Since then, the American automotive companies have changed dramatically. The very kind of innovation that was absent for so long has now been restored. So it would seem to me any innovation in weight or size or engine capacity could very easily overcome these problems and that these vehicles could function as efficiently. I will point out it is the largest single thing we could do to alleviate global warming. So I thank the Senator from Nevada.

Mr. BRYAN. I thank the senior Senator from California for her very thoughtful comments and excellent presentation.

Mr. President, I rise in support of the Gorton-Feinstein-Bryan amendment that would permit the Department of Transportation to consider whether fuel efficiency for SUVs and light trucks should be improved. The vote on this amendment will be one of the key environmental votes of this Congress. I think it is helpful for our colleagues to understand the context in which this debate occurs.

In 1995, the House of Representatives inserted an antienvironmental rider in the Department of Transportation appropriations bill that prohibited, that is precluded, the Department of Transportation from even considering whether an increase in automobile fuel efficiency made sense. That environmental rider has been added to each of the appropriations in years 1996, 1997, 1998, and currently we face the same situation.

I think the important thing to emphasize is that those of us who support the resolution are not arguing for a specific numerical standard. We are simply saying shouldn't the people who have the ability to make these judgments, under very carefully considered circumstances, have the opportunity to even inquire? In effect, what the rider accomplishes is a technology gag rule. It precludes consideration. So our amendment is an effort to show there is substantial support in this body that we should not prejudge the issue and,

instead, let the experts study the issue and decide what is in the Nation's best interests.

A bit of history may be instructive. Fuel efficiency standards are known, in the jargon of the Congressional and Federal professional bureaucracy, as CAFE standards, the acronym standing for corporate average fuel economy. Those standards have been on the decline in recent years, as automakers build bigger and bigger gas guzzlers.

This chart will be instructive. Prior to the enactment in 1974 of the fuel economy standards, the average fuel economy for a passenger vehicle in America was slightly less than 14 miles per gallon. As a result of the enactment of that legislation, over the intervening 15 years, fuel economy doubled to 27.5 miles per gallon. This chart reflects that.

What has occurred, in the late 1980s and 1990s, is the vehicle mix has shifted dramatically. We have seen a decline in overall fuel economy. Not that the vehicles referred to as ''passenger vehicles'' are less fuel efficient, but the American public, by choice, has included in its purchase agenda light trucks, sport utility vehicles, and minivans. These were not terms that were familiar in America in 1974, and millions of families have chosen light trucks or sport utility vehicles and minivans. As I indicated in my colloquy with the distinguished Senator from California, my own son and his family have such a vehicle in Nevada. A daughter and a son-in-law have such a vehicle in upstate New York. So nothing in this debate is in any way about limiting choice. But we cannot ignore the reality that the fleet mix has changed.

Today, nearly 50 percent of the vehicles sold in America for family use are sport utility, minivans, or light trucks. That reflects the percentage. If the chart went 1 more year, they would reflect basically about 50 percent of the vehicle mix.

When the legislation was enacted in 1974, there was a different standard for light trucks, which included minivans and the sport utility vehicle. So what this debate is all about is simply permitting—it is permissive. It in no way mandates, dictates, directs, commands; it simply is permissive. I think it may be helpful to read the language of the resolution itself. This is a sense-of-the-Senate resolution. The resolved paragraph says:

> It is the sense of the Senate that,
>
> (1) the issue of CAFE standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible.

Let me repeat.

> The issue of CAFE standards should be permitted to be examined by the Department of Transportation. . ..

There is no attempt to fix a precise numerical standard. This simply would permit an inquiry by the Department of Transportation. The effect of this would be to override the technology gag rule that has been imposed by the House since 1995 that prohibits or precludes its consideration.

Part 2 of the resolution simply says that:

> The Senate should not recede to section 320 of this bill, as passed by the House of Representatives.

That is the technology gag rule.

As fuel efficiency declines, oil consumption, trade deficits, and air pollution go up. Few actions have as many beneficial effects on our economy as improving fuel efficiency standards. As I said before, the amendment in no way seeks to restrict choice. For millions of Americans, that is their vehicle of choice and in some geographical climes it would be the only sensible choice.

We recognize, fully respect, and endorse the concept of choice. Contrary to all the foreboding in the 1974 testimony before the Congress, in point of fact, as my colleague from Washington State pointed out, we had greater choice in America after the fuel economy legislation was enacted a quarter of a century ago by the Congress.

So the real question is not whether Americans want and need a larger four-wheel-drive vehicle but whether these vehicles can be made more fuel efficient. That is what the amendment is attempting to find out. Many of us believe that answer will be yes. Others disagree. But all we are asking is to allow the experts to make that determination.

The current law provides a strict criteria to the Department of Transportation in considering what process needs to be involved before a CAFE standard could be increased. It requires the DOT to consider four factors:

First, the technical feasibility. My friend and colleague from Washington State mentioned an article in the Wall Street Journal and cited one of the automakers on the technology they currently have available. There are many of us who believe technology is there but that is not for us to determine. That is for the experts in the Department of Transportation, the technical feasibility.

Second, the economic practicability.

Third, the effect of other motor vehicle standards on fuel economy.

Finally, the need of the Nation to conserve energy.

These are four criteria, each of which must be found before the Department could be authorized to go forward with second fuel economy standards that build upon the 1974 legislation.

The auto industry, for all of its achievements in recent years—and I applaud them for this—for some reason has this myopic view of the future. Whereas most Americans are confident about the future, we recognize that changes in technology that are sweeping across the country are more vast and more pervasive than anything in the history of civilization, and there is no reason to believe the auto industry itself would be immune from these current changes, and that new technology will make it possible to do things more efficiently than we have in the past.

For some reason—and I do not understand the corporate mentality—there is this knee-jerk reaction: We don't want anybody to take a look at it; we couldn't possibly do it.

That was reflected in the debate the Congress had for a quarter of a century.

Who would be the beneficiaries? What public policy would be served if, indeed, the Department took a look at the evidence and concluded that some increase was warranted?

I can speak of my own State of Nevada, having spent 26 days in rural Nevada. If there was one question that came up in every townhall meeting, it was the price of gas. For reasons that are not altogether clear to me, and I have not been persuaded as to those that have been asserted to be the cause of it, gas prices in the West have skyrocketed. In central Nevada, gasoline prices are approaching $2 a gallon. I realize that is not the situation of my colleagues from the East and other parts of the country.

Who would be an immediate beneficiary of improved fuel economy standards? Those individuals who currently own sport utility vehicles would be purchasing another vehicle that would be more fuel efficient. That would put dollars back in the pockets of America's families. America's families would benefit.

What does the public think about this? In a recent poll conducted by the Mellman Group, nearly three out of four drivers who own minivans, pickup trucks, or sport utility vehicles think the automobile manufacturers should be required to make cleaner, less polluting vehicles, and more than two-thirds say they would be willing to pay a significant amount more for their next sport utility vehicle if it polluted less.

Opponents of our amendment will cry wolf and say our amendment will cause people to drive around in tiny subcompacts. This is kind of deja vu. We have been there before. We have heard that, and an earlier Congress had the courage to go forward. As a result, we save 3 million barrels of oil each day that we otherwise would be consuming as a result of those fuel efficiency standards that were first enacted.

To give perhaps the most graphic and encapsulated insight into the corporate culture that seems to pervade the automobile industry, the 1974 testimony before the Congress is the milestone.

As my colleagues will recall, the Congress was being asked for the first time to consider these fuel economy standards, and the auto industry, as one, came forward with this dire projection of doom and gloom. As I was saying earlier in a colloquy with the distinguished senior Senator from California, the Pinto was one of the smallest, if not the smallest, products the Ford Motor Company produced that year.

The testimony offered by the representative from Ford concluded that the ''product line consisting of either all sub-Pinto-sized vehicles or some mix of vehicles ranging from a sub-subcompact to perhaps a Maverick'' would be the consequence of that action.

That is absolutely unbelievable, but that was the testimony. Indeed, the refutation of that is today fuel economy has doubled as a result of this legislation, and the largest automobile the Ford Motor Company makes, the Lincoln Town Car, gets better mileage than the smallest car that Ford manufactured in 1974. That is efficiency. That is technology.

Indeed, 86 percent of the increases in fuel efficiency came from improved technology. And why not? This is the country that believes in technology. It has fueled our economy. It has made us the most productive society in the history of civilization and has produced the highest standard of living known in the history of the world.

The Union of Concerned Scientists estimates that using off-the-shelf technologies—that is, existing technology—that SUVs, or sport utility vehicles, could improve fuel efficiency by 50 percent to 28.5 miles per gallon.

The authors of this resolution do not ask you to believe that. That is a responsible assessment. This group of scientists may be right and they may be wrong, so this debate is not about whether they are correct in their conclusion. This debate is about whether or not the Department of Transportation should be allowed to consider that testimony, that evidence, and any other evidence that bears on point in making a determination as to whether or not improved fuel efficiency standards can be achieved. This can be done without shrinking the vehicle size or sacrificing safety.

I invite my colleagues' attention to this chart because safety does sometimes get into this debate. This chart depicts two trend lines: One is fuel economy, which has increased dramatically, as you see, from the 1970s, and the fatality rate. This is the rate of automobile deaths based on the vehicle miles traveled each year. We all know, without being a statistician or having a masters or Ph.D. in statistics, that there are more people in America today than in the 1970s, many more million automobiles and sport utilities and light trucks and minivans on the market, and today the average motorist travels further each year in his or her vehicle. But notwithstanding that enormous increase in traffic, vehicles, and further driving, the fatality rate has dropped precipitously, and that is a good news story.

The bottom line of that story is it came about because of technology improvements, and the auto industry has always reluctantly, for some reason, done a marvelous job with respect to improved safety standards. Those over at NHTSA have done a wonderful job in making sure we have sidebar protection and rollover standards and a whole host of other things, including seatbelt technology and airbags that today make our cars the safest in the world and traveling by vehicle safer today than at any time in our history. And that comes a quarter of a century after these dire prophecies of the consequences of enacting a CAFE standard.

What other benefits do we get? By raising the CAFE or the fuel efficiency standards for sport utility vehicles, we save up to 1 million barrels of oil a day, and that will save consumers money at the gas pump, as we just discussed, and reduce annually by 240 million tons the amount of carbon dioxide that is produced each year.

Carbon dioxide is the main culprit involved in what many may believe to be global warming. One does not have to embrace the concept of global warming. I know not everybody agrees. But virtually everyone agrees we ought to try to reduce the amount of carbon dioxide going into the atmosphere.

I had the privilege a couple of years ago of being in London and meeting with some of my colleagues with British Petroleum, one of the large petroleum producers in the world. They have come around to recognize that the role of carbon dioxide and a potential impact on global warming is something that they as a company, as part of its corporate responsibilities, need to address.

I know not all oil companies agree, but the vast majority of scientists would tell you that it is clearly in our best interest to reduce the amount of carbon dioxide emitted and going into the atmosphere. And most of them—not all—would draw that link between carbon dioxide and global warming and some of the implications it has for us in the future. But, again, you do not have to embrace the concept of global warming to agree with the vast majority, virtually all the scientific community, that it makes sense, as a matter of public policy, to reduce or to curtail the amount of carbon dioxide going into the atmosphere.

Finally, the good news on the economy continues: As inflation remains under control, the economy expands, unemployment is low. The stock market has been a little skiddy the last few days, but, by and large, the stock market has performed extraordinarily well. That is a good news story for the American people.

The only cloud on the horizon, the only shadow that may be casting a darker light on the economic future for us in America, is the trade deficit. We are importing far more than we are exporting, and ultimately there reaches a point in time in which we have to atone for that enormous imbalance.

Fuel economy standards play a part in that debate as well because part of that trade deficit—about $50 billion a year, a very substantial part—is attributed to what we in America pay those foreign countries that produce the oil we import into the United States. We would be reducing our dependency on that. That is why I conclude, as I said in my opening colloquy with the distinguished able Senator from the State of Washington, this legislation is a win-win-win for everyone.

So I urge my colleagues to support the amendment. It does not, as I have observed, require radical change. It simply permits the experts to look at what can be done and to make adjustments, if feasible, after engaging in a thorough and well considered rulemaking process in which all sides are able to be heard.

Mr. President, I urge my colleagues to end the technology gag rule that has ensnarled this piece of legislation since 1995.

I yield the floor.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so I can speak on the pending amendment.

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

Mr. REED. Mr. President, I rise in strong support of the Gorton-Bryan-Feinstein-Reed sense-of-the-Senate resolution that is being considered today.

As my colleagues have stated, our resolution calls on the House of Representatives to drop a rider which they have incorporated in the Transportation appropriations bill that effectively blocks the Department of Transportation from studying ways to improve the corporate average fuel economy standards for vehicles in the United States. These standards are currently referred to as the CAFE standards.

The current CAFE standard for passenger cars is 27.5 miles per gallon, while the standard for the so-called light trucks is just 20.7 miles per gallon.

A few years ago, this lower standard for trucks might have been less critical, but what we have seen over the last several years has been an explosion in the popularity of SUVs, sport utility vehicles. They are seen in places that are more akin to shopping malls than the rugged terrain for which originally they were designed. SUVs and minivans are everywhere.

As a result, we have to take a serious look at whether this light truck exemption makes sense, given the current marketplace. Their impact—these SUVs and minivans—on the air we breathe and on the amount of gasoline we consume, including increasing amounts of imported gasoline, cannot be ignored.

We know this is a simple law of supply and demand. When you have many more vehicles subject to lower CAFE standards on the road, the demand for gasoline goes up, the price of gasoline

goes up, and the amount of gasoline that is consumed goes up, all of which ultimately affects our atmosphere.

In my State of Rhode Island alone, it is estimated that consumers face about $39 million in excess annual fuel costs because of this light truck loophole. Nevertheless, the CAFE freeze rider has been inserted into the House DOT spending bill every year for the past 4 years. 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.

The existing CAFE standards save more than 3 million barrels of oil every day. If we did not have these standards, we would be paying much more for oil and strategically we would be much more vulnerable in terms of our oil supply from around the world. Each year, these CAFE standards reduce pollution by keeping millions of tons of carbon dioxide out of our atmosphere.

Shouldn't we at least give the Department of Transportation the chance to study this issue? That is at the essence of our request—not that we should move immediately or precipitously to the adoption of new standards but at least give the Department of Transportation the opportunity to study particularly this light truck loophole.

The House version wrongly precludes any consideration, study, or analysis. That, to me, is the wrong way to approach a public policy issue. Let's at least study it. It is time we lift this somewhat gag order that has been placed on our ability to consider the costs and benefits of higher CAFE standards. I believe, by readjusting the CAFE standards particularly in terms of these light trucks we can make significant progress in terms of fuel oil economy and also environmental quality. But at least we have to begin this analysis.

I urge my colleagues to support this important amendment. I commend the sponsors for their work and hope it will be incorporated in this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant 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. CRAPO). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise to deliver a short statement, because I know there are other matters pending that we would like to hear fairly promptly. While on the subject of the CAFE standards, I will register my support for the position outlined by the senior Senator from California and the Senator from Washington.

For the last 4 years, the Senate has accepted the House's CAFE freeze rider. The result has been serious consequences for the environment, for employment and for the health of people across the country.

There is a myth floating around that CAFE standards hurt consumers. The truth is, good CAFE standards help consumers. It's a simple concept. If your car or SUV uses less gas, you save money. 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. And that translated into $30 billion of savings in annual consumer spending.

Another benefit of CAFE standards is reduced pollution. Air pollution from cars has been a major environmental problem.

In fact, gas-guzzling cars and light trucks are responsible for 25 percent of this country's output of emissions that cause global climate change.

Few can hear those words, ''climate change,'' and not be concerned about the impact of the severity of storms and poor air quality we are seeing, such as the current hurricane threat, one of massive proportions, which seems to have mitigated a little bit. The fact is, there is concern that changes in our climate, changes that are created in the atmosphere as a result of pollution, are in some way responsible. We have to take a serious look at this, as we consider the question in front of us at the moment.

A Congressional study by the House Government Reform minority staff found that, from 1995 to 1998, exposure to the hazardous air pollutants measured in Los Angeles' air quality caused as many as 426 additional cancer cases per million exposed individuals.

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 didn't often travel through congested urban and suburban areas.

All that has changed. Today, light trucks—a category that includes SUV's and minivans—represent half of all vehicles sold. They produce 47 percent more smog-forming exhaust and 43 percent more global-warming pollution than cars. And each light truck goes through an average of 702 gallons of gas per year. Compare that to 492 gallons per year for cars, more than 200 gallons per year.

Mr. President, if CAFE standards for light trucks were increased from 20.5 miles per gallon to 27.5 miles per gallon—the standard for cars—then carbon dioxide emissions would drop by 200 million tons by the year 2010.

Jobs are also an important part of this discussion. The other side keeps insisting that CAFE standards will hurt employment, especially in the auto industry.

However, 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 244,000 jobs in this country—that includes 47,000 in the automobile industry.

These statistics support the Feinstein-Gorton amendment. I think in the interest of our society, the one thing we can do is make sure we are treating the environment for human habitation in as friendly a fashion as we can. We know it is an accomplishable feat, and we ought to get on with it.

I urge my colleagues to join in favor of this sense of the Senate resolution.

With that, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. CHAFEE. Mr. President, I am extremely concerned about a provision in the Shelby amendment to H.R. 2084, the so-called Department of Transportation appropriations bill. This provision I am referring to is located on page 21, line 1, through page 22, line 11, of the committee-reported bill. It would reopen the distribution of funds agreed to in the Transportation Equity Act for the 21st century, which is the so-called TEA 21.

TEA 21 provides a process for distributing any additional gas tax receipts beyond those that were projected to be received when TEA 21 was passed. In other words, we made an estimate of what the funds would be, but we expected we might receive less than our anticipated receipts. The appropriations bill, as it stands, would change that process—in other words, the way the anticipated surplus or losses would be distributed. It is my view that the distribution of the highway trust fund moneys should not be revisited in annual appropriations bills.

As Members know, the dollars affected by this amendment are those that have come in because, as I said, gas tax receipts were higher than projected when we passed TEA 21. How much higher were they? They were about $1.5 billion higher than projected.

We anticipated that actual receipts might be different—as I said before, higher or lower than projected receipts. Therefore, TEA 21 says that a surplus, or a shortfall, should be distributed evenly across all the programs funded by TEA 21; in other words, in accordance with the formulas that existed in TEA 21. It is good news that receipts are ahead of projections and that we have a surplus rather than a shortfall to distribute.

But our colleagues should remember that when the administration discovered—who am I referring to? I am talking about the administration—there was a surplus, the administration tried to set aside the TEA 21 formula, as is being attempted under this appropriations bill, except that when the administration was dealing with it, the list of

programs which would have benefited from the end run that President Clinton proposed in his budget is quite different. The President wanted to increase the moneys for transit and to spend more money fighting environmental problems such as air pollution and urban sprawl. In other words, he got way out beyond what we were thinking about.

The day President Clinton's budget proposal came to Congress, I joined with Congressman BUD SHUSTER, who chairs the House Transportation Committee, in strong objection to any change in the TEA 21 formula. I would like to personally spend more money on transit and air quality and other items that would have benefitted from the President's proposal. As my colleagues can easily understand, these things are more important to Rhode Island than more dollars for highway construction. But I went on record the very day the President made his proposal strongly opposing any change in the TEA 21 formula.

Senator SHELBY is proposing to ignore TEA 21 in the same way, but his priorities are quite different. He wants all the money to go to the States for highway construction.

This is my point. Both the appropriations subcommittee and the President wanted to do different things with this money. When this bill leaves here, we have to remember that it will go to conference. I presume there will be some dickering between some members of the conference and the administration to produce a bill the President can sign. If the Senate endorses this proposed change to the formula, we will be opening the door to a deal on the allocation of this money—some of it for the President's priorities, some for the appropriators' priorities.

We can't really know what is going to come out of the conference once we get into that kind of action. If you vote with the appropriations subcommittee, you are giving them permission to ignore the TEA 21 formula. But that is not the end of the story. Your vote will merely trigger a real struggle between the conference committee and the White House, the administration, on the reallocation of these funds.

Let's suppose you are a Senator from a Western State that benefits from the public lands highway programs, which we have taken care of as we have in the past. That is in the original TEA 21 bill. These are programs that might very well be shortchanged if we set aside the formula. The programs that provide additional funds to States with large amounts of Federal land—and there are three or four of them—would get their fair share of the surplus if we stick with TEA 21. But these programs weren't on the list of programs that would have been winners under the President's end run. There are 100 percent losers under the proposal presented by the appropriations subcommittee.

So if the Federal lands highway programs are important to your State, where do you stand? If you vote with the appropriations subcommittee to set aside TEA 21, you have no idea how your State will fare until the conference people come back from the meeting at the White House that produces an agreement on this bill. That agreement will reallocate this $1.5 billion, in part, to meet the priorities of the President and, in part, to address the priorities of the appropriators. If their actions to date are any guide, the Federal lands programs will not get a dollar of this surplus.

I can make the same point about any number of other programs. By the way, let me read off a list of the programs that have been eliminated under the appropriations subcommittee, and that is from the additional moneys that come in. In all fairness, they haven't touched the moneys that are there. They have left those alone. The additional $1.5 billion I previously referred to would be chopped up, and about $150 million of that would have gone for these programs that are on this list, which are totally eliminated from the additional receipts: Indian reservation roads; public lands; park roads; refuge roads; national corridor planning and border infrastructure, which would be principally along the Mexico-Texas border; ferry boats and terminals, principally for Alaska.

Now, if you think TEA 21 is grossly unfair and ignores the special needs, such as Federal lands that affect your State, I suppose it makes sense to take a chance that the President and the appropriators will do a better job.

But you have another choice. You can support the allocation made in TEA 21. If you stick with TEA 21, you know exactly what to expect. These surplus dollars will be allocated across the entire transportation program in the same proportion as enacted by TEA 21. The special programs that benefit your State will get their fair share of the surplus, just as they get a fair share of the base authorization under TEA 21.

Let me discuss the particulars of why I believe this provision is legislation on an appropriations bill and should not be included in an appropriations act.

The provision in question begins with the phrase: ''Notwithstanding Public Law 105–178, or any other provision of law. . . .''

That phrase has long been recognized as legislative in nature. The effect of this provision is to overturn section 110 of title 23, which provides for the apportionment of contract authority from the highway trust fund.

Now, the Committee on Environment and Public Works has jurisdiction over the apportionment of contract authority from the highway trust fund. The Committee on Appropriations only has jurisdiction to impose an obligation limitation on the total amount of funds used. In other words, they have a role to play and we have a role to play—we being the Committee on Environment and Public Works.

In the House appropriations bill, there is no similar provision apportioning contract authority from the highway trust fund. Therefore, the Senate provision in question is not germane to the House appropriations bill. I realize the Committee on Appropriations will likely raise the defense of germaneness to my point of order, which I intend to propose.

Although the Appropriations subcommittee may be successful in identifying some provisions to which this provision could conceivably be germane, I can assure my colleagues that there is no similar provision in the House bill that changes the distribution of these additional gas tax receipts. If the Senate agrees with the defense of germaneness, it will be saying that almost anything is germane to an appropriations bill, thereby undercutting the intent of rule XVI to limit legislation on appropriations bills.

I urge my colleagues to vote no against the defense of germaneness should the managers raise this as a defense against the point of order which it is my intent to propose.

Mr. President, I have to say that I am disturbed. As you can tell from my description, this is clearly an authorizing provision. It was less than 2 months ago that the majority of this body came together and said the time had come to stop including authorization language on appropriations bills. The ink has barely dried on that resolution, and here we are rewriting the rules of the Senate.

So at the proper time it is my intent to raise a point of order that the provision which begins on page 21, line 1, through page 22, line 11, of the committee-reported bill is legislation on an appropriations bill in violation of rule XVI.

I ask my colleagues to stand with me and put a stop to the destructive practice of including legislation on appropriations measures.

That will be my intent. Of course, I don't make that proposal right now because there are others who are prepared to speak. I look forward to hearing their comments.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very pleased to join my distinguished colleague, the esteemed Senator from Rhode Island, Senator CHAFEE, to safeguard the funding allocation of the Transportation Equity Act for the 21st Century. We call it TEA 21, the Transportation Efficiency Act for the 21st Century.

What is it? It is a very large, massive transportation bill that this Congress passed a couple of years ago—about $217 billion over 6 years in highway funds and transit funds for the States. It is very important legislation to address this country's infrastructure needs.

The Senator from Rhode Island will soon raise a point of order under rule

XVI against a provision in that bill; that is, against a provision in this bill before us, the Transportation appropriations bill, the provision which rewrites a section of TEA 21, known as RABA. What in the world is RABA? RABA is the ''revenue aligned budget authority.'' I will explain that in just a second.

This section, the RABA section, is totally within the jurisdiction of one committee, the Environment and Public Works Committee, the authorizing committee, and thus the provision in this appropriations bill constitutes legislation on an appropriations bill in clear violation of rule XVI.

Let me briefly explain how we got to this point.

Last week, many of us—49 of us—stood together against another proposal in this bill to rewrite the TEA 21 formula when this case was for transit. Even though the proposed change would have reduced funds for only California and New York—that is, the transit provision that was earlier proposed by the Appropriations Committee—that provision would have increased funds for the remaining 48 States.

I was pleased that my colleagues supported the provision to not include that because it was the right thing to do.

The transit formula agreed to in TEA 21, along with other provisions in TEA 21, particularly the highway provision, was part of a grand bargain on which we worked together so hard to write last year. Even though most States would have benefited somewhat from the proposed change in this bill—that is, the transit provision I mentioned—we stuck together to preserve the original intent of TEA 21. We voted to protect the integrity of TEA 21; that is, the highway bill. We voted for the program as it exists and against the Transportation Committee rewrite of the bill.

The chairman of the subcommittee then removed that provision from the bill. I commend him for that. It was the right action to take. I compliment him for it. But, unfortunately, he solved only part of the problem; that is, the transit piece. I say ''unfortunately'' because the reported bill before us from the Appropriations Committee also contained a provision that redistributes a portion of the highway funds as well.

These funds are known as RABA, as I mentioned earlier—revenue aligned budget authority—that result from the greater than expected revenues coming into the highway trust fund because the economy is doing quite well; that is, more people are driving. The economy is doing well. That means more gasoline tax revenues. The RABA provision anticipated that. It explained how those increased funds should be dealt with. This year that increases because the economy is doing well. It amounts to about $1.45 billion again for the year.

The highway bill stakes out new ground by putting into law the requirement that all gas tax revenues coming into the highway trust fund—that is, about $28 billion for this year—should be spent on highways. That is, all gasoline tax revenue should be spent on highways and a portion for mass transit but not for other purposes.

A number of Members of this body worked very hard to achieve that goal—Senators BYRD, WARNER, GRAMM, LOTT, and many others —to say nothing at all about the House Members in the other body who worked equally hard. It is a landmark achievement. It restored some measure of trust to the highway trust fund.

TEA 21 provided that if gas tax receipts are greater than originally estimated—this is the RABA provision—the increased revenue will also go into the trust fund. That is what TEA 21 provides. And it will be distributed in a very specific way. Again, that is what TEA 21 specifically provides.

What did it provide? Approximately 90 percent would go to States by formula—that is, the core programs—and about 10 percent to a variety of smaller but equally important programs that were not tied to individual States.

The chart I have now before us shows that these include—that is, these other programs, the 10 percent include programs to fund roads on national parks. For example, it includes Federal lands highway programs and Indian reservation roads.

Just think about all of us who have Indian reservation roads in our States. The provision of the Transportation Subcommittee would say none of the increase would go to Indian reservation roads.

Public lands highways are very important to many Senators, particularly their States.

I mention the national parks and refuge roads.

What about the border infrastructure program? Many Senators, when writing the highway bill, came to us and said: We need a particular provision in the highway bill—that is, TEA 21—to address border infrastructure needs. We agreed. We put in that provision. But the Appropriations Committee said none of the increased funds will go to that.

What about the national scenic byways program? It is very important to many States so that the picturesque highways in our States have funds equally allocated as all other needs and will receive funds in the event of additional dollars.

Ferry boats and terminals: Yes, ferry boats and terminals would get none of the increase under the Transportation Committee bill—none. That is wrong because it was contemplated, when we wrote this bill together, they would get that.

Then I mention transportation and community preservation.

The main point is that these were bargained-for and fought-for provisions in TEA 21, the highway bill, and everyone assumed, because that was the provision in the highway bill, that if there were additional funds, they, too, would get their fair share of the increase.

It is very important for Members to realize that these are provisions which have not just increased dollars because of the provisions that are in the Appropriations Committee bill.

I don't have to remind you of the difficult debates we had over funding formulas among the Northeast States, the donor States, and the Western States. I have to tell you that it was not easy. There were many meetings. They were tough meetings. But in the end we achieved a bill—the TEA 21 bill—that was supported by 88 Senators. It was bipartisan. It was supported by Senators on both sides of the aisle.

It was not just a distribution of money among the States that generated so much support for TEA 21. It also is the host of the smaller programs I just mentioned. They are called the allocated programs or the discretionary programs in which individual Senators had very specific interests.

Senators from Alaska, Hawaii, and New Jersey came to support provisions such as ferry boats. Likewise, Senators from the public land States—from Idaho, Wyoming, New Mexico, and Nevada—wanted help in meeting unique needs in their States. These are the provisions we have written into the bill, the so-called allocated discretionary provisions that are not included in their fair share of the increase of highway funds in the bill provided for the forests.

Senators from border States—Texas, Arizona, New York, and California—needed special attention on the dilapidated border crossings impeding trade and economic development in their States.

In the same vein, Members along potential trade corridors through the Midwest had individual interests they wanted to include in the bill, but the provision before the Senate will not allow those provisions to get their fair share.

I mentioned Senators seeking help for scenic byways and communities across our country.

TEA 21 was not just about funding State highway programs; it was also about a broad range of transportation needs identified not just by States but by individual Senators.

Earlier, I mentioned gas tax revenues were flowing to the trust fund faster than expected, to the tune of $1.45 billion in fiscal year 2000. TEA 21 provided for a fair distribution of that revenue growth. Again, unfortunately, the Transportation appropriations bill prevents the allocated programs—the discretionary programs—from sharing in this growth.

The bill before the Senate zeros out about $120 million in funding for public lands, the border crossings, ferry boats, Indian reservations, research, and other allocated programs, and instead distributes that increase to the States

only through the core highway programs. I am not against the core highway programs. I strongly support them. But that is not the issue. What is at issue is the protection of the integrity of TEA 21 and fair treatment for these allocated programs I have just mentioned.

Why did the appropriations bill change this part of TEA 21? Is there a problem with the TEA 21 distribution? Is there anything wrong with these programs? If there is, it is news to me. I have not heard it. Nobody has mentioned it. More importantly, if something is flawed with the distribution of these programs, let's have a hearing, get the facts, and find out what is going on before we run off and start changing things for no good reason. Let's do it in the committee with jurisdiction of the highway bill, the Environment and Public Works Committee.

Some might ask, what is all this fuss over such a small amount of money? After all, this bill redistributes only about $120 million, an average increase of just one-third of 1 percent of the State's highway dollars. It is because I see this as a start of a very dangerous process. Highway bills are 6-year authorizations for a very good reason. Highways take time to plan, to design, to build. Our State highway departments need some level of certainty about future funding levels to plan properly.

I followed closely what my State of Montana is doing for planning these projects. Stable funding is absolutely vital; stability in highway spending is absolutely vital so States can plan. Without stability, highway and transit projects will proceed more slowly. As highway construction slows down, fewer jobs will be created, economic activity is reduced, working men and women—many with families to be supported—will be hurt.

Furthermore, once we send the signal that it is open season for highway funding in appropriations bills, whose ox will be gored next? Today it is the allocated programs, the discretionary programs, scenic roads, ferry boats, border crossings, park roads; today only $120 million. Tomorrow, who knows. I know Senator CHAFEE and I have a tough sell here. All 50 States will get a little more money under this bill than under TEA 21. Normally, around here that is called a no brainer. If it is more money, Members vote for it.

Look where the money comes from, and I ask if you still support this provision. Tell the tribal leader the Indian road program doesn't need anymore money. Tell the economic development leaders in your communities that border crossings, trade corridors, don't deserve anymore funding. Or tell the mayors that scenic byways and ferry boats have to get by with a little less than we promised last year, while others get a little more than we promised.

Let's treat all programs fairly, let them all share in the revenue growth, not just a few.

This is what our Governors, highway officials, and others say about the TEA 21 promises. This chart includes quotes from letters from key highway user groups.

Trust Coalition, the main coalition that worked so hard with us as we put together the highway bill:

> . . . remind Congress of the importance of keeping its proposition in TEA 21 in the annual budgeting and appropriations process.

Another letter from the American Association of State Highway and Transportation Officials:

> Expend additional. . . annual [highway trust fund] revenues . . ., and allocate them as provided under TEA 21.

From the National Governors' Association, a group this body listens to quite frequently and faithfully:

> Ensure that all increases in revenue in the Highway Trust Fund are directed to their intended purposes as outlined in TEA 21.

I ask my colleagues to think very carefully about this issue. To say this vote is about a few more dollars for your State on top of the hundreds of millions received under TEA 21 is to miss the point. Do not pit the interests of State against the interests of public lands or ferry boats or trade corridors or border crossings. Do not start down the path of turning highway funding into a political grab bag each year.

Unless someone can show me how the distribution formula of TEA 21 is broken and needs to be fixed, I am prepared to stick with the highway bill.

I urge my colleagues to join me, Senator CHAFEE, and Senator WARNER and reaffirm our support for TEA 21 and reject the redistribution contained in this bill.

A final point: When we raise this point of order, we mean no disrespect to the Appropriations Committee or its leaders. They have a very difficult job to do. They have a difficult job to do in the best years. This, I might add, is not the best of years with the problems they are facing with the budget caps and allocations. It is a very difficult problem. I understand that. I deeply respect that. They have their responsibilities and I respect that. But the authorizing committees also have their responsibilities. I hope the appropriators in the Senate respect that, too. That is why I supported the reimposition of rule XVI earlier this year. It is a matter of respect. The appropriations subcommittees do their work; we respect their work. The authorizing committees do their work, and we hope that work can be respected, as well. That is what this issue is about. It restores the will of order around here and allows the appropriations and authorizing committees to concentrate on what they know best. Let's keep it that way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I pick up on the concluding note of my good friend, the ranking member of our committee.

We marked up the bill barely 30 days ago and pledged our allegiance to rule XVI. Now, the essence of what this debate is all about: Are we going to do a 180 and all run downhill? What is the public going to think of the Senate and how it conducts itself and how it observes its rules? That should be foremost in the mind of every Senator as that vote bell rings, hopefully, in but a few minutes, as this debate concludes.

As our distinguished chairman and ranking member have clearly said, our committee worked hard, not for a month, not for 2 months. I was subcommittee chairman of the subcommittee that did the initial draft of TEA 21.

It was a 2-year task, 2 years carefully going out amongst the 50 States and evaluating proposals of the various Governors, of the organizations that devote full time to America's transportation needs and they came forth with a variety of proposals. We worked very diligently to take all of that into consideration, and over a 2-year period we had many, many subcommittee hearings, and, indeed, hearings of the full committee, and crafted this legislation with the intent of seeking equity and fairness among the 50 States, of correcting what many of us viewed as an inequity between the donor States, of which mine was one, and the donee States. Therein was the most difficult battle. Two years' work stands on the brink of being disassembled on this vote. The precedent of rule XVI stands to be stripped down momentarily on this vote.

As my colleague from Montana stated, if this provision regarding the surplus is changed, what is next year? Is it the donee-donor fight? Does that become the next debate within the appropriations cycle? It was for the very reason this institution has regarded this legislation as law it should remain intact for 6 years. This is not a 1-year bill or a 2-year bill; this is a 6-year bill, a formula to remain in place to provide equity among the States for 6 years. Momentarily, the vote will be taken to make the first break, barely after 1 year of operation of this bill.

There is a tradition in this great body not to personalize anything, but I just happened to observe there were 70 Senators who sought the exact provision that is the subject of this amendment, and that was a 10-percent set-aside for Federal programs. Seventy Senators came to our committee with a wide range of programs they felt were essential for their States which would not be covered in the general disbursal of the balance of the 90 percent. How interesting, the State of New Jersey fought hard for the Intelligent Transportation Systems funds, ITS; the State of Alabama fought hard for new corridor programs and ARC, just two little footnotes.

I urge Senators to go back—we have it here in the correspondence—and have the staffs advise their Senators what they asked of the Environment

and Public Works Committee, and what was included in this bill in direct recognition of their needs, 70 colleagues. That is the reason for the creation of this provision.

Our chairman mentioned the House. The House appropriations bill, I say to the chairman, as he well knows, had a number of provisions in there which his counterpart, Congressman SHUSTER, recognized as legislation on an appropriations bill. He went to the floor of the House, and in 18 consecutive instances the House backed up their chairman and struck those provisions, one by one, from that bill.

I daresay, should this provision survive, regrettably, that same chairman will see in conference that it is removed. That is why I think it is incumbent on our body to likewise remove this legislation, and at the same time uphold the credibility of our action some 30 days ago and reaffirm rule XVI. This is equity. This is legislative process to achieve that equity.

We put in place a magnificent piece of legislation, accepted all across America. As I traveled my State this summer, I saw instance after instance of construction on our roads. I said to myself: There is the taxpayers' money coming back from the highway trust fund, going straight to the States, and now being used to improve our system. It is working. TEA 21 is working. That is why we are here today, to ask our colleagues to let it remain intact because it is serving the purpose for which this body adopted it but a year ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I believe it is important that all Members of the Senate clearly understand the distribution of revenue aligned budget authority—that we called RABA—which the subcommittee integrated into this bill.

The philosophy of the Transportation Act for the 21st century was that highway funding is intrinsically linked to receipts to the highway account of the highway trust fund, and that increased gas tax receipts should be passed along to the States for highway construction and improvement projects.

The provision in TEA 21 that I described is a mechanism to guarantee additional revenue in the trust fund from greater than anticipated gas tax receipts would be spent for that purpose. The Transportation Appropriations Subcommittee's provision, which we have been talking about, ensures this intent is met and it is completely consistent with the spirit of TEA 21.

The President's budget submission, however, requested to divert a third of these funds away from the Federal aid highway program to fund other programs and their initiatives. The subcommittee rejected this approach. Instead, we adopted one that honors the commitment Congress made to the States when it passed TEA 21, which I supported along with others.

Our bill sends the funds directly to the States in order to maximize the Federal resources flowing to each State. I want to be clear this afternoon. This does not alter the TEA 21 formula. It, in fact, embraces the formula by strictly adhering to each State's individual guaranteed share under section 1105 of TEA 21.

This is one of those rare instances where Congress is able to put forward a proposal that benefits every Member in every State in the Union. Within a constrained Federal budget, it is an approach which increases the amount that is available to the States for highway construction. I believe it makes sense and at the proper time I believe my colleagues—I hope, at least, they will support it.

Mr. WARNER. Will the chairman yield for a question?

Mr. SHELBY. I will be glad to yield.

Mr. WARNER. He says it does not change the formula. But, if he had nothing in his legislation, these funds would flow in accordance with TEA 21. He is putting a switch in the track that diverts that 10 percent. I say to my good friend, that is clear documentation of a change to the formula.

Mr. SHELBY. I will answer that. It says in the bill:

> Provided further, That notwithstanding Public Law 105–178 as amended, or any other provision of law, funds authorized under section 110 of title 23, United States Code, for the fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000.

That is the formula of TEA 21.

Mr. WARNER. If I may say, Mr. President, it is that first word, ''notwithstanding''—one of those magical words that resonates in this Chamber to signal this law is being changed, this formula is being changed. If you did not have this provision in there, these funds would flow precisely as this Chamber directed those funds to flow when they overwhelmingly adopted TEA 21.

I say to my good friend, it is clear as the light of this given day what is taking place.

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

Mr. LAUTENBERG. Who has the floor?

Mr. BAUCUS. I want to point out the provision referred to by the distinguished chairman of the Appropriations Subcommittee on Transportation in his own bill says clearly ''notwithstanding Public Law 105–178.'' Even though the law says differently, this is what the committee is going to find. The committee's own language indicates that it is a change because the committee's language says, as just reported by the chairman of the committee, notwithstanding the ISTEA bill; that is, in spite of the ISTEA bill, this is the change we are going to make.

Mr. WARNER. Mr. President, my colleague from Montana is correct. I see my good friend from New Jersey standing. Why don't I ask him: Would not the result of what you are requesting be simply asking the Senate to go up the hill on rule XVI, turn around, and run down the hill?

Mr. LAUTENBERG. Mr. President, in deference to my friend and colleague from Virginia, I am going to decline to answer the question that he puts to frame my speech. After I deliver my message, then I will be happy to respond. Perhaps I will have covered the turnaround the Senator describes. I will wait until I get the floor before I take a question.

Mr. WARNER. I am happy to yield the floor and await with eagerness for a reply to my question.

Mr. LAUTENBERG. I hope the Senator has a glass of water there. I am going to deliver my missive.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, what we are seeing is much more a question of interpretation rather than a violation of the rule. Because the distinguished Senator from Virginia says we had agreed to a specific 10 percent, I think more accurately, in all due respect, is that we agreed to sums of money that added up to approximately 10 percent of the total funding. The programs that were detailed in the list that was going to be supported have grown, by the way. They have grown as the appropriations have grown for highway funding.

The one thing to which I want to return, and I am sorry our colleague from Alabama is not here because I want him to know I agree fully with what he has said thus far and the proposition that we are considering, and that is extra moneys that are found in the surplus go directly to the States to finance their programs as they see them.

It is funny because so often we have a debate about States rights and Big Brother Government and that kind of thing. But here we are, some of us find ourselves on opposite sides of the debate. The fact of the matter is that each State—and I want my colleagues to know this—is going to get more money. They are going to decide where the highway needs are in their States. They are going to decide what is critical, and they are going to decide it in a year in which the whole country is burdened with congestion. Those States will have those moneys to use for highway construction or as they see fit under their programs.

The fact we agreed to a series of programs at the time TEA 21 was developed, and though there was a lot of hard work—and I respect the work the Senator from Rhode Island and the Senator from Montana did on TEA 21—I disagreed with them. They knew it. I voted finally for the bill because they had some compromises thrown in. My State went from one level of funding in the formula to a lower level, when my State sends more money to this Federal Government than any State in the

country. They said: Frank, agree with us because we will take care of you in this program or that program to try to get a compromise.

Believe me, if I had the 50 other votes, I would not have agreed, but I did not have them. So I went along. It was not a happy day. It wasn't a happy day for New Jersey or this Senator who serves, by the way, on both the EPW Committee as well as the Appropriations Committee.

What we are seeing is a nuclear explosion in the middle of a chance to dynamite a new hole for a new road. I understand how jurisdictions want to be preserved, and I support that. But the fact is, I agree with the chairman of the subcommittee that this is our interpretation of how that money, how that surplus should be spent.

I point out to our colleagues who may be listening who are going to vote on this, every one of your States get more money directly for the programs on what your transportation commissioners, your Governors want to spend money. I do not know that we have heard from any Governors who have called up and said: Listen, don't give us that extra money, put it into those Federal programs. I do not think that message goes particularly well out there.

The message that does go well out there is your States get more money. All of the programs that were detailed in TEA 21 are fully financed as outlined in the original TEA 21 legislation, and each one of them has gotten more money as a result of the expanded funding available. So we are not cheating anybody. What we are saying is that as we see it, these funds should be distributed directly to the States, simplify it rather than winding up with I do not know how small the smallest change would be on the list of programs, but it would get down to relatively tiny sums of money. We give it to the States. It is done clearly and everybody understands it.

My friend from Virginia—this is my closing remark—talked about the ITS program that I worked so hard on, intelligent vehicles. Notice I never said intelligent drivers. Intelligent vehicles was a program I worked very hard to get.

New Jersey, I am told, gets $5 million, I say to the Senator from Virginia, out of that $211 million that we are devoting to intelligent transportation systems. New Jersey, though it deserves far more, only has a very small percentage of that. It was not New Jersey based. That was a program I felt strongly about for my country and for the benefit of those who drive across the highways and the byways of this great Nation, including reducing congestion wherever we can and expediting traffic flow. That is what that was. That was not a ''New Jersey special,'' I can assure the Senator.

I hope when all is said and done, and very often more is said than is done, we will have our colleagues' support and carry this bill. Let's get done with it. Yes, the debate was worthwhile having because our colleagues wanted it and we respect our colleagues, the Senator from Rhode Island, the Senator from Virginia, the Senator from Montana, but we differ with them. We have a job of getting this bill out and into the hands of those who are going to be using it for their construction needs in the next year, and we ought to move along with it as quickly as we can.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I want to talk about germaneness for just a minute. I know the point of order has not been made yet, but I want my colleagues to know that the Senators who could raise the rule XVI point of order are trying to characterize the bill's RABA provision as not germane to this bill. But before bringing this provision to the floor, we checked again with the Parliamentarian, and he indicated the defense of germaneness did, in fact, exist on this provision by virtue of legislative language in the House-passed text.

This language was not drafted with the goal of creating germane language. If my colleagues will recall, the rule XVI point of order was reestablished after this bill had been reported from committee and we did not need to modify the provision in order to make it germane. It is germane because it is germane, and it is consistent with rule XVI.

What my colleagues are asking—if they do this—is to rule against a provision that is clearly germane pursuant to existing Senate rules under rule XVI. I urge my colleagues to reject at that time, if that is done, that proposition and uphold the germaneness of this provision.

My colleagues have probably thrown a lot of smoke at you as to why you should not support the existing Senate appropriations provision, things such as preserving the genius of TEA 21. Some Western or public land States may get hurt under this provision, but do not let this confuse you.

Be careful, I would suggest, when Members argue jurisdiction and in the same breath claim that your State might—yes, I repeat, might—be disadvantaged by a provision, and then raise a point of order—if they do—rather than voting on the merits of the issue.

Why? Because what the Appropriations Committee has done is simple and straightforward and directly benefits every State. Let me be clear again. Every State will receive more money because of this provision because all the money will go directly to the States with fewer strings attached than it would otherwise.

In addition, the money will get to the States sooner, so they can tackle the most critical transportation problems without having to wait on some Washington bureaucrats to deem their problems worthy of Federal funding.

I believe it is clear that we cannot—yes, we cannot—always count on the Washington bureaucrats to be fair and impartial when making decisions about these discretionary highway funding issues.

In fact, I have here a General Accounting Office study—a copy of the study is on the desk—that shows that the Department of Transportation does not always follow its own policies when distributing discretionary highway funds and that the distribution process can be highly politicized.

The Appropriations Committee provision does not hurt Western or public land States in any way. Each of these States will have a guaranteed increase in highway funds, and they will get their money earlier. They can use these additional resources on public lands projects or whatever they want.

So why raise a point of order—if, in fact, they do—as I anticipate, instead of voting on the provision? Because the opponents know they are asking Members to vote against their own States' interests. They are hoping you will not see that if the vote is on the point of order.

What the Members objecting to the appropriations provision are asking you to do is forgo two birds in the hand, we might say, on the off chance that there might be a smaller bird in the bush somewhere else. Think about it. Not a very good deal, in this Senator's estimation, and not one which is in the best interests of any Senator's State. If you think so, check with your Governor in your State.

Mr. BAUCUS. Mr. President, will the Senator yield for a question?

Mr. SHELBY. I am glad to yield.

Mr. BAUCUS. Mr. President, the Senator says this legislation on his appropriations bill is germane because he says in the House bill there is language which redistributes the funds. Therefore, he says it is germane.

I ask the Senator if he could point out to me where that language is in the House bill. And let me say, before the Senator answers the question, that it is highly unlikely, as all Members of this body know, that such language exists, because the chairman of the Transportation Committee in the House, Mr. SHUSTER, would not stand for it.

So I would like, if the Senator could, for him to show me in his bill where——

Mr. SHELBY. Reclaiming my time, I want to answer that, if I may.

We have checked with the Parliamentarian. That is why we have a Parliamentarian here, among other things, for guidance at times. We have been told that the affirmative defense of germaneness would lie here because of the legislation.

Mr. BAUCUS. Could the Senator point out the language?

Mr. SHELBY. Because of H.R. 2084, the House bill, on page 15.

Mr. BAUCUS. Could the Senator cite the language?

Mr. SHELBY. Page 15. I will read it to you, the language, on page 15, where

it says: ''Federal-Aid Highways, (Liquidation of Contract Authorization), Highway Trust Fund).''

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,125,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

That is the provision.

Mr. BAUCUS. Mr. President, I say, with all respect to my very good friend and colleague, that language refers to just spending the money that must be spent under ISTEA. There is no language there which addresses a reallocation of additional dollars. I must very respectfully say to my good friend, the language he cited does not in any way purport to do what he likes to say it does.

I just follow up by saying that what this comes down to is respect. We in the authorizing committee respect the job of the Appropriations Committee. They have a very difficult job. They do their work very well. I just hope the Appropriations Committee members will respect the work of the authorizing committee.

As the Senator from Virginia pointed out, there is a reason that this is a 6-year bill, that every year we do not come back and try to pass a highway bill. It is because of the nature of the beast. Highway legislation requires long-term planning. It does not make sense for this body to start going down the road—no pun intended—of starting to rewrite the highway bill every year in the Transportation Appropriations Committee. That is just bad public policy. It is the wrong thing to do. I think every Member knows it is the wrong thing to do, if he or she just stops to think about it.

I thank the Chair and my colleague very much, and particularly I thank my friend and colleague from Rhode Island, the leader of our committee, who is bringing this issue to our attention.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, in light of the discussion today about weather, indeed, the Appropriations Committee has gotten into the authorization area, let's just take a look at what has happened to this bill, what the major changes are.

There are some very substantial changes in this bill to TEA 21. What we are talking about is the additional money that is coming in. In that case, the additional money totals $1.5 billion. About $150 million of that has been set aside—has been in the past and would be, but for this legislation—for a series of programs that we thought were necessary—indeed, the whole Senate did, and the Congress did—for the good of our Nation.

So what are we talking about? We are talking about is that Indian reservation roads don't get a nickel. They don't get a nickel from the additional moneys under the proposal of the Appropriations Subcommittee on Transportation: Public land roads, not a nickel; park roads, not a nickel; refuge roads in our wildlife refuges, where we have had testimony that the roads are just in atrocious condition, desperately need money; the national corridor planning of the border infrastructure, where there is a lineup of trucks under NAFTA trying to come into the country, and we set aside money to give them some assistance; ferry boats and terminals, $2 million they would get from the funds but for the amendment of the Subcommittee on Transportation.

So there is no question but that there are major changes in this legislation by the Appropriations Committee, getting deeply into the territory where we spent months trying to work out a compromise in the authorization committee.

It is my understanding that all who wished to speak have spoken on this.

I now raise a point of order that the provision which begins on page 21, line 1, through line 11 on page 22, of the language added by the committee-reported bill is legislation on an appropriations bill in violation of rule XVI.

I ask my colleagues to stand with me and put a stop to the destructive practice of including legislation on appropriations measures.

Mr. GRAHAM. Mr. President, I rise today in support of the Rule XVI motion offered by my colleagues, Senators BAUCUS and CHAFEE.

The changes to the TEA 21 funding formulas included in the transportation appropriations bill are unacceptable. They will have a severe impact on the ability of the National Park Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs to meet their responsibilities in managing our nation's public land trust.

The question we face today on this appropriations bill is one of many that will determine the answer to the larger question, can we live up to the legacy of our forefathers and protect our federal land trust?

We are beginning the third century of our nation's history. The first and second were highlighted by activism on public lands issues.

The first century was marked by the Louisiana Purchase, and added almost 530 million acres to the United States, which changed America from an eastern, coastal nation to one covering the entire continent.

The second century was marked by additions to the public land trust, led by President Theodore Roosevelt.

While in White House between 1901 and 1909, he designated 150 National Forests; the first 51 Federal Bird Reservations; 5 National Parks; the first 18 National Monuments; the first 4 National Game Preserves; and the first 21 Reclamation Projects.

He also established the National Wildlife refuge System, beginning with the Pelican Island National Wildlife Refuge in Florida in 1903.

Together, these projects equated to federal protection for almost 230 million acres, a land area equivalent to that of all the East coast states from Maine to Florida and just under one-half of the area purchased in the Louisiana purchase.

Roosevelt said, ''We must ask ourselves if we are leaving for future generations an environment that is as good, or better, than what we found.''

As we enter the third century of our history, we must again ask ourselves this question and take action to meet this challenge.

The action taken with the language in the Transportation Appropriations bill does not meet this challenge.

In 1916, Congress created the National Park Service:

. . . To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The ''unimpaired'' status of our national parks and our refuges is at-risk. The language in the Transportation Appropriations amendment would reduce funds in the Federal Lands Highways Program by $1 million for the Fish and Wildlife Service; $12 million for the National Park Service; and $14 million for the Bureau of Indian Affairs.

The National Park System and the Fish and Wildlife Service have extreme needs for these funds. We are all aware of the infrastructure needs for transportation faced by Grand Canyon National Park that were highlighted in the August 20 USA Today. I ask unanimous consent that this article be inserted into the CONGRESSIONAL RECORD.

The Fish and Wildlife Service has similar needs within the National Wildlife Refuge System. Last year, in the state of Florida, the Wildlife Drive at the J.N. Ding Darling National Wildlife Refuge located on Sanibel Island, Florida was closed for over 2 weeks when one of the seven water control structures under the road was washed out by heavy rains.

After this incident, the Ft. Myers Daily editorialized on this subject, stating:

The Wildlife Drive is a huge success, a blessing to the old and infirm who can comfortably enjoy great recreation from their cars. It's a place where countless curious novices and bored children have been bitten by the bug of bird watching . . . And for all that, it is still a must on the list of world-traveled ornithologists . . . Fish and Wildlife [Service] needs to . . . fix this crown jewel of American ecotourism.

This article calls for action by the Fish and Wildlife Service. However, this is our responsibility. We, the Congress, must recognize the responsibility we have to maintain our public lands in the park system and the wildlife refuge system.

As we consider this motion, let us remember the challenge that President Theodore Roosevelt posed for us with his words, ''We must ask ourselves if we are leaving for future generations an environment that is as good, or better, than what we found.''

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. In relation to this point of order that has been raised, I raise the affirmative defense of germaneness.

The PRESIDING OFFICER. Under rule XVI and the precedents of the Senate, the Chair submits to the Senate the question for its decision, Is the provision challenged by the Senator from Rhode Island germane to language in the House bill H.R. 2084?

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) is necessarily absent.

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—63

Abraham	Fitzgerald	Lott
Akaka	Frist	Lugar
Allard	Gorton	Mack
Ashcroft	Gramm	McConnell
Bennett	Grams	Mikulski
Brownback	Grassley	Moynihan
Bryan	Hagel	Murray
Bunning	Harkin	Nickles
Byrd	Hatch	Reid
Campbell	Helms	Roberts
Cleland	Hutchinson	Rockefeller
Cochran	Hutchison	Roth
Collins	Inouye	Santorum
Conrad	Jeffords	Sessions
Coverdell	Kerrey	Shelby
Craig	Kohl	Snowe
DeWine	Kyl	Specter
Domenici	Landrieu	Stevens
Dorgan	Lautenberg	Thompson
Durbin	Leahy	Thurmond
Edwards	Lincoln	Torricelli

NAYS—34

Baucus	Feingold	Robb
Bayh	Feinstein	Sarbanes
Biden	Graham	Schumer
Bingaman	Hollings	Smith (NH)
Bond	Inhofe	Smith (OR)
Boxer	Johnson	Thomas
Burns	Kennedy	Voinovich
Chafee	Kerry	Warner
Crapo	Levin	Wellstone
Daschle	Lieberman	Wyden
Dodd	Murkowski	
Enzi	Reed	

NOT VOTING—3

Breaux	Gregg	McCain

The PRESIDING OFFICER. On this vote, the ayes are 63 and the nays are 34. The amendment is germane. The point of order falls.

Mr. LAUTENBERG. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending amendment is amendment No. 1677 from the Senator from Washington, Mr. GORTON.

Mr. SHELBY. I ask unanimous consent that the amendment be temporarily set aside in order that the Senator from North Carolina, Senator HELMS, be recognized to offer an amendment.

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

AMENDMENT NO. 1658

(Purpose: Expressing the sense of the Senate that the United States Census Bureau should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census)

Mr. HELMS. Mr. President, I call up amendment number 1658.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. DEWINE, Mr. ASHCROFT, Mr. ENZI, Mr. INHOFE, Mr. KYL, Mr. SMITH of New Hampshire, Mr. BROWNBACK, and Mr. NICKLES, proposes an amendment numbered 1658.

Mr. HELMS. Mr. President, I ask unanimous consent 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. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

Mr. HELMS. Mr. President, Americans should be disturbed that the U.S. Census Bureau obviously no longer regards marriage as having any importance.

When the Census Bureau compiled its list of questions to be included in the 2000 decennial survey, the decision was obvious that it would be unnecessary and burdensome for the Bureau to include marital status in the census forms sent to the majority of American households.

So the Census Bureau decided to delete the marital status question from the census ''short form'' which it is called—which goes to approximately 83 percent of the American population—but continue to use the question on the ''long form''—which goes only to approximately 17 percent of the American population.

This will mark the first time since 1880 that the decennial census will not gather from the majority of the U.S. population, a count of those who are single, married, divorced, or widowed. This is especially disturbing, at least to this Senator, when one considers that the survival of the American culture is dependent upon the survival of the sacred institution of marriage. Moreover, marital status has heretofore regularly been viewed as vital information because there has always been great value placed in the institution of marriage.

It is irresponsible for the U.S. Government to suggest or imply that marriage is no longer significant or important, but that is precisely the message that will go out if marital status is eliminated from the short form by the Census Bureau.

However, Mr. President, the Census Bureau feels far differently when it comes to compiling statistics on various other things including race. The Census Bureau made it a top priority to learn the race of the majority of Americans; therefore the agency is asking, not one, but two questions relating to racial identity.

One can only speculate the reasoning behind this bizarre maneuver removing marital status from the short form, while asking two questions about race. It's important to remember that every year, more than $100 billion in Federal funding is awarded based on the data collected by the Census Bureau. Considering that American people will foot the bill on the Census Bureau's strange inclinations, should not Congress remind the U.S. Census Bureau that its job is not to seek out information to promote a social agenda.

For this reason, Mr. President, I am offering a sense-of-the-Senate amendment to the Transportation appropriations bill, expressing that the U.S. Census Bureau was wrong to eliminate

marital status from the census short form. The U.S. Census Bureau should include marital status on the short form census questionnaire—the one going out to the vast majority of Americans for the 2000 decennial census.

Unfortunately, most of the census short form questionnaires have already been printed without the important marital status question being included. Notwithstanding that, does not Congress have a moral obligation, as caretaker of America's culture, to set the record straight in emphasizing that marriage is still at the forefront of America's national survey?

I believe this sense-of-the-Senate resolution deserves careful consideration of all Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor. I thank the Chair.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant 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 the Helms amendment, which I understand is the pending business, be temporarily set aside. We are trying to work on a time to vote on it a little later.

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

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant 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.

AMENDMENT NO. 1661

(Purpose: To make available funds for apportionment to the sponsors of primary airports taking account of temporary air service interruptions to those airports)

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendment No. 1661.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alabama (Mr. SHELBY), for Mr. DASCHLE, proposes an amendment numbered 1661.

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 in the bill, insert the following new section:

SEC. ___. TEMPORARY AIR SERVICE INTERRUPTIONS.

(a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

Mr. SHELBY. Mr. President, I am offering this amendment on behalf of Senator DASCHLE. It deals with airport eligibility. It has been cleared by both sides of the aisle. I see no opposition to it.

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

The amendment (No. 1661) was agreed to.

AMENDMENT NO. 1663, AS MODIFIED

(Purpose: To express the sense of the Congress that the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers)

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendment No. 1663, as modified. This is an amendment I will be offering on behalf of Senator INHOFE dealing with the TARDIS program. It has been modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. INHOFE, proposes an amendment numbered 1663, as modified.

The amendment follows:

At the appropriate place in the bill, insert the following new section:

SEC. ___. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

Mr. SHELBY. Mr. President, this amendment has been cleared by both sides. I urge its adoption.

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

The amendment (No. 1663), as modified, was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. ABRAHAM. I inquire of the Chair what the pending business before the Senate is.

The PRESIDING OFFICER. Two amendments have been set aside to the Transportation appropriations bill. Therefore, an amendment is appropriate at this time.

Mr. ABRAHAM. I am not here to present an amendment. I am interested in knowing if the pending amendment is the Gorton amendment.

The PRESIDING OFFICER. The Gorton amendment was the first amendment set aside.

Mr. ABRAHAM. I am interested in speaking on that amendment at this point, if that is in order.

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

AMENDMENT NO. 1677

Mr. ABRAHAM. Mr. President, there are a number of us on the floor who want to speak about this issue. Earlier we heard from the proponents of the amendment. They brought it to the floor at a time when those of us who opposed the amendment were not in position to respond. I know there is a desire, and we certainly are amenable, to get to a vote in the next hour and a half, or so. We would like to have an opportunity to present our side of this debate, at least for a reasonable period of time, and if there needs to be a further time agreement, then we will be able to enter into one.

I see Senator LEVIN on the floor and Senator ASHCROFT. I know they would like to follow. I ask unanimous consent that following my remarks, Senators ASHCROFT and LEVIN be permitted to speak prior to any other speakers on this amendment.

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

Mr. ABRAHAM. I thank the Chair.

Mr. President, I rise to oppose the amendment offered by Senators GORTON, FEINSTEIN, and BRYAN.

I oppose this amendment because it will impose an unnecessary and unacceptable burden on the working men and women of this country, and of my state in particular.

Throughout Michigan, men and women are working hard every day to produce the cars that make our economy and our nation move. They and their families depend on the jobs produced by our automobile manufacturing industry, just as the rest of us depend on the cars they produce.

But those jobs and Michigan's economy are jeopardized by efforts to increase standards for corporate average fuel economy or CAFE.

I have come to the floor because I want to make certain that my colleagues are aware of the extremely serious impact of increased CAFE standards, not just on Michigan, but on every state in the union. And make no mistake, increased CAFE standards are the intention of the amendment we are debating today, and will be the result should it be adopted.

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 sport utility vehicles and light trucks.

Since 1995 Congress has prohibited federal transportation funds from being used to unilaterally increase these standards. We have recognized that it is our duty, as legislators, to make policy in this important area of economic and environmental concern.

Now, however, a number of my colleagues are calling for an end to this congressional authority. This sense-of-the-Senate urges the Senate conferees to the Transportation appropriation bill to reject the House funding prohibition on raising CAFE standards.

It does not call for the Department of Transportation to study the benefits and costs of raising CAFE standards, as some proponents of this amendment have suggested. Rather, the amendment states: ''The Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.''

Make no mistake and I reiterate this, if the House funding prohibition is stripped from this bill, the Department of Transportation will raise CAFE standards. Current law requires D.O.T. to set CAFE standards each year at the ''maximum feasible fuel economy level.'' And the Secretary is not authorized to just ''study'' CAFE. He must act by regulation to set new CAFE standards each year.

In 1994, the last year prior to the CAFE freeze, the administration began rulemaking on new CAFE standards. Department of Transportation's April 6, 1994 proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard.

So let us be clear, this is not and never has been about a study. This proposed sense-of-the-Senate amendment is a precursor to higher CAFE standards on Sport Utility Vehicles and light trucks.

Mr. President, this action is misguided. It will hurt the working families of Michigan. It will undermine American competitiveness. And it will reduce passenger safety.

Higher CAFE requirements cost jobs. It really is that simple. Let me explain what I mean.

To meet increased CAFE requirements, automakers must make design and material changes to their cars. Those changes cost money, and force American manufacturers to build cars that are smaller, less powerful and less popular with consumers.

In addition, the National Academy of Sciences found that raising CAFE requirements to 35 mpg would increase the average vehicle's cost by about $2,500. And that is just a low-end estimate.

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 auto makers. And that means they will continue to place an uneven burden on American automobile workers.

Increased CAFE standards also reduce consumer choice, contrary to the assertions made in the earlier debate.

For example, the principal reason full sized station wagons have disappeared from the market is the need to meet fleet mileage requirements under the CAFE program.

Full-size station wagons, long popular with the American public, simply cannot be engineered economically to achieve high enough gas mileage to make them worth selling.

Consumers suffer when their choices are narrowed. and auto makers and their employees suffer when they are forced to make cars the public simply does not want.

In a statement before the Consumer Subcommittee of the Senate Commerce Committee, Dr. Marina Whitman of General Motors notes that 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 these conversions was $130 million, but the plants were closed because demand for those cars did not develop during a period of sharply declining gasoline prices.

This story could be repeated for every major American automaker, Mr. President. And the effects on our overall economy have been devastating.

The American auto industry accounts for one in seven U.S. jobs. Steel, transportation, electronics, literally dozens of industries employing thousands upon thousands of American depend on the health of our auto industry.

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 will not buy. In either case the real victims are American workers and consumers.

Nor should we forget, that American automakers are investing almost $1 billion every year in research to develop more fuel efficient vehicles.

Indeed, we do not need to turn to the punitive, disruptive methods of CAFE standards to increase fuel economy for American vehicles.

Since 1993, the Partnership for a New Generation of Vehicles has brought together government agencies and the auto industries to conduct joint research—research that is making significant progress and will bridge the gap to real world applications after 2000.

By enhancing research cooperation, the Partnership for a New Generation of Vehicles will help our auto industry develop vehicles that are more easily recyclable, have lower emissions, and can achieve up to triple the fuel efficiency of today's midsize family sedans. All this while producing cars that retain performance, utility, safety, and economy.

We have made solid progress toward making vehicles that achieve greater fuel economy without sacrificing the qualities consumers demand.

Finally, I wish to address the issue of vehicle safety. For a number of years now, 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 recently estimated that between 2,600 and 4,500 drivers and passengers die every year as a result of CAFE-induced auto downsizing.

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.

I ask unanimous consent that the July 2, 1999, USA Today series on CAFE be printed in the RECORD.

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

[From USA TODAY, July 2, 1999]

DEATH BY THE GALLON

(By James R. Healey)

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 Bragg, 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, bug 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 drive-ways,'' 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.

''Improving 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, 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 weights 2,000 pounds, for a '99 Civic, at 2,500 pounds.

Conversely, the researches 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 be 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 went car shopping with teenage 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. ABRAHAM. Mr. President, 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 1980's,'' 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 SUV's have higher centers of gravity and so are more prone to rollovers. If SUV and truck weights are reduced, thousands could die.

I believe it is crucial that we get the facts straight on the true effects of CAFE standards so that we can come to the only rational conclusion available: safe, economically sensible increases in gas mileage require cooperation and research and technology, not Federal mandates.

Therefore, I urge my colleagues to oppose the Gorton-Feinstein-Bryan amendment.

Mr. President, it is very simple. When Washington makes these dictates, when unelected bureaucrats make these decisions and impose them on an industry, the ramifications can and will be serious. We have seen that before in the auto industry. If this were to go forward, we would see it again. The autoworkers in my State and around this country, and the people who work in other industries that are related to the sale of automobiles, will have their lives in jeopardy, as well as their jobs in jeopardy, if we move in this direction.

Mr. SHELBY. Will the Senator yield for a UC request?

Mr. ABRAHAM. Let me conclude in 10 seconds.

For those reasons, I urge opposition to the amendment.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I ask unanimous consent that the vote occur on or in relation to the pending amendment at 6:40 p.m. with the time allocated as follows: 30 minutes under the control of Senator GORTON, 40 minutes under the control of Senator ABRAHAM, and 10 minutes under the control of Senator LEVIN. I further ask that no other amendments be in order prior to the 6:40 vote. I also ask that immediately following that vote, a vote occur on amendment No. 1658, with 2 minutes for explanation prior to the vote. I understand this request has been cleared.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Therefore, it is my understanding the next two votes will occur on a back-to-back basis at 6:40 p.m. this evening.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I thank the Chair.

Mr. LEVIN. Will the Senator yield for an inquiry?

Mr. ASHCROFT. I certainly will.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. I thank my friend.

Mr. ASHCROFT. I thank the Senator from Michigan and the Chair. I also thank the Senator from Michigan, Mr. ABRAHAM, for his enlightening remarks about this important challenge we face—a challenge which would seriously undermine and erode America's competitive position in the production of automobiles.

I want to focus on a different aspect of the corporate average fuel economy debate.

Most Americans, if you talk about CAFE standards, think you will be talking about health standards in a restaurant or cleanliness in corporate a local coffee shop. In this particular setting, CAFE means average fuel economy. Basically, it is the average fuel economy of the car produced by a particular company. A company that had a car that had a very high corporate average fuel economy also would have to build very small vehicles because it takes less fuel to run a small vehicle than it does a large vehicle.

The concept of a corporate average fuel economy standard was developed during the oil crisis of the 1970s. It required automobile manufacturers to develop vehicles that could travel further with less gas. This was due to the shortage of the gasoline that had been imposed by the oil industry cartel which had curtailed the availability of energy resources to this country.

The CAFE standards at that time required automakers to maintain, fleetwide, an average fuel efficiency of 27.5 miles per gallon for cars and 20.7 miles per gallon for trucks.

This is how the CAFE standards got started. It was to try to help the United States get past the energy embargo imposed in the 1970s. It was not instituted—I repeat—it was not instituted for clean air purposes. Rather, it was adopted to conserve gasoline.

In fact, Federal regulations require that big cars emit no more pollution per mile than small cars. I have to confess, with all Americans, that our air is cleaner today than it was 5 years ago or 10 years ago, and we are pleased that we continue to make progress. The air continues to get cleaner and that is a good thing.

I will focus on the safety impact of increasing CAFE standards. In doing so, I will talk about the consequences of imposing CAFE standards—but not in terms of making sure we have enough gas to burn in the country because the embargo was lifted decades ago.

I want to focus on the safety aspects of what happens when you demand that cars get more and more efficient—that somehow they must be able to go farther and farther on a gallon of gas. It does not take any special level of intelligence, you do not have to be a rocket scientist to understand that in order to meet fuel economy standards, cars and trucks have to be made lighter. So in an effort to make cars go further on a gallon of gas, the cars and trucks had to be made lighter and lighter. Common sense tells us when a lighter and smaller vehicle is involved in an accident, passenger injuries will be more severe.

Since CAFE standards were enacted in the 1970s, the average weight of a new car has dropped by about 1,000 pounds. So if you look at the weight of a car as being protection—the protective barrier that surrounds a passenger—there is 1,000 pounds less of protection in the new car than in the cars prior to CAFE standards.

A recent study from the National Highway Traffic Safety Administration, the agency that administers CAFE standards, found that increasing the average weight of each passenger car on the road by 100 pounds would save over 300 lives annually. So if instead of decreasing the weight of cars

in order to reach higher levels of fuel economy we were to add 100 pounds to the weight of cars, we would save 300 lives every year.

We are really not debating whether or not we are going to add weight to cars; however, this is a debate over whether we are going to mandate that car manufacturers make cars out of lighter and lighter materials. When you do that, it has a cost in terms of the relatives of the Members of this body, our families and our constituents and our constituents families.

A number of studies have been conducted to determine the actual effect that the CAFE standards have had on highway safety. I want to emphasize that these studies are conducted by very credible agencies—agencies that would not be anticipated to try and develop information that would somehow support the car industry. The National Highway Traffic Safety Administration is a Federal agency that administers the CAFE standards. This agency is talking about the standards, which are its job to administer, when it says that if we could increase the weight instead of decrease the weight and we did so only by 100 pounds per vehicle, we would save 300 lives a year. One person a day, roughly, would be saved in America if we had slightly heavier cars. The Competitiveness Enterprise Institute found that of the 21,000 car-occupant deaths that occurred last year, between 2,600 and 4,500 of them were attributable to the Federal Government's new car fuel economy standards. We have between 2,500 and 4,500 people who don't exist anymore, who died because we have demanded lighter and lighter cars in order to meet the so-called CAFE standards, just last year.

That is from the Competitiveness Enterprise Institute. This is not from the car manufacturers. This is from an independent think tank.

A 1989 Harvard University-Brookings Institution study determined that the current CAFE standard of 27.5 miles per gallon is responsible for a 14- to 27-percent increase in annual traffic deaths. These are deaths—they argue that would not have happened but for the fact that the new car fleet must be downsized in order to meet the stricter standards. As long as 10 years ago, researchers at Harvard University and the Brookings Institution determined that the CAFE standards and the imposition of the CAFE standards then extant were responsible for between 1/7 and 2/7 of the increase in the annual traffic deaths—just that much of a reduction in the weight of cars.

So we have the National Highway Traffic Safety Administration, we have the Competitiveness Enterprise Institute, the Harvard University-Brookings Institution study. We have the National Academy of Sciences in this decade. This is not a wholly-owned subsidiary of GM, Ford, or Daimler-Chrysler.

The National Academy of Sciences 1992 study concluded that the downsizing of automobiles due to fuel economy requirements has a direct impact on passenger safety. That 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.

I really don't want to pick at the National Academy of Sciences. It is not just one of the most direct methods used to boost fuel economy; it is a very important method.

The most troubling conclusion from the National Academy of Sciences study was:

> It may be inevitable that significant increases in fuel economy can occur only with some negative safety consequences.

We could go over the litany again: The National Highway Transportation Safety Administration, the Harvard University/Brookings Institution study, the Competitiveness Enterprise Institute, and the National Academy of Sciences—all of these organizations understand that it is not a cost-free operation to say we will save a few gallons of gas and sacrifice our citizens and their safety on the highways.

Continuing to quote the National Academy of Sciences:

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

I personally say we ought to carefully reconsider this approach. One study said in 1 year between 2,600 and 4,500 individuals died because we have mandated that car manufacturers lighten automobiles so substantially that they become death traps for the occupants. I think safety ought to be foremost in our consideration. When the National Academy of Sciences says we ought to reconsider the approach of lightening these cars by demanding more and more fuel economy, I think we ought to take that particular admonition seriously.

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

It is with that in mind that when the National Academy of Sciences says we ought to carefully reconsider this approach, I think we ought to reject attempts by Members of this body to extend this approach.

What is at the core of the National Academy of Sciences argument is this: They care about these lives that are lost on our highways, people who are riding in cars without adequate protection.

The proponents of this measure dismiss the safety considerations as if they are an aside. Frankly, in a setting where our environment continues to improve, where our air continues to get cleaner and cleaner, we ought to be careful about the number of people we are willing to put in jeopardy and at risk. We are not talking about risk of a stubbed toe or a hangnail; we are talking about situations where individuals lose their lives.

These standards, according to these studies—whether it is Harvard-Brookings, the Competitive Enterprise Institute, the National Highway Transportation Safety Administration, the National Academy of Sciences—are responsible for Americans losing their lives.

There are those in this body who want to make these standards even tougher, in the face of very clear predictions and a conceded understanding that to make these standards tougher means more and more people die on the highway. Based on experience and research, increasing CAFE standards to 40 miles per gallon—that is less than proposals supported by the President and Vice President of the country; they want to take the standards even higher than that—would cost up to 5,700 people their lives every year.

I am not even beginning to address the aspect of the government telling its citizens what kind of cars they should be driving. This is to say that we won't let people buy safe cars, we will make them unavailable, and 5,700 a year will lose their lives because we have decided that we know better what kind of car people should drive than people could know by making their choices in the marketplace.

I want you to know that this isn't all. I am pleased that Senator ABRAHAM submitted for the RECORD this particular item, which was a reprint from the USA Today: ''Death by the Gallon.'' I brought this particular chart to show that a USA Today analysis of previously unpublished fatality statistics that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

As far as I am concerned 46,000 is 46,000 too many. But to think that we want to extend this so as to invite the deaths of as many as 5,700 more people a year by downsizing this container in which people travel called an automobile and lightening it to the extent that it provides no cushion of safety for people, or an inadequate cushion of safety, is a very serious proposal.

Forty-six thousand people have died due to the implementation of CAFE standards. Is it time to reexamine those standards, or is it time to expand those standards? Forty-six thousand angels looking at the Senate should be telling us: Reexamine; do not extend those. Forty-six thousand people is the equivalent in my State to Joplin, MO. The deaths of 46,000 people in my State would wipe out the entire town of Blue Springs, MO, or all of Johnson or Christian Counties.

The average passenger vehicle 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 don't think 46,000 lives are worth it. I know they are worth more than that. I mean that is not worth the 46,000 lives.

I asked the Insurance Institute for Highway Safety to give me an opinion on raising CAFE standards and on the

impact it would have on highway safety. I will insert their response in the RECORD.

I ask unanimous consent to print this correspondence with the Insurance Institute for Highway Safety in the RECORD.

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

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 institute found that even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, single-car crashes, people in lighter vehicles are at greater risk. I think we could have figured that out. It is pretty clear from 46,000 deaths that that is understandable.

The letter also stated:

> . . . the more ''safer'' vehicles a manufacturer sells, the more difficult it becomes to meet the CAFE standards.

So if a manufacturer tries to sell safer, heavier vehicles, it makes it impossible for them to meet the Federal standards.

I want to make one thing very clear. I believe in promoting cleaner air. I believe we should be environmentally responsible, and we are getting there. I don't believe we should do it at the risk of human lives. CAFE standards have killed people. They will continue to kill people because cars have been lightened to the extent that they don't protect individuals.

Consumers are not choosing small cars. They look at convenience and safety, and then they buy a larger automobile. According to a national poll, safety is one of the three main reasons for the popularity of sport utility vehicles. Small cars are only 18 percent of all vehicles that are on the road, yet they accounted for 37 percent of all the deaths in 1997. They are one out of every six vehicles on the road, and they are involved in more than one out of every three deaths on the highways.

Some argue these numbers are so high because the small cars are getting into accidents with the bigger SUVs. The data does not support that. Based on figures from the National Highway Transportation Safety Administration, only 1 percent of all small-car deaths involve collisions with midsize or large SUVs—1 percent. The real tragedy is that these cars are unsafe in one-car accidents or in accidents with each other.

Car-buying experts have said that only 7 percent of new vehicle shoppers say they will consider buying a small car. And according to that same source, 82 percent who have purchased small cars say they would not buy another. Safety-conscious consumers, whether they are my constituents in Missouri, or others, are purchasing larger automobiles, or sports utility vehicles. But now Washington wants to tell them what kind of car to buy, to disregard a value which they place on their own safety. We spend millions of dollars a year trying to make our highways safer: We fight drunk driving; we mandate seatbelt use; we require auto manufacturers to install airbags. Yet today we are being asked to support a policy to make our highways more dangerous and more deadly than ever before.

I urge my colleagues to reject this attempt to impose higher and higher CAFE standards. The attempt to impose higher and higher CAFE standards is clearly headed for a consequence of higher and higher levels of fatalities. We have seen data from the National Highway Transportation Safety Administration. We have seen data from the Harvard/Brookings Institution. We have seen data from the National Academy of Sciences. We have seen the kind of comprehensive review of data published in the USA Today. It is pretty clear, as the Competitive Enterprise Institute chimes in, that lightening cars—taking the strong substances out of the vehicle so that it goes farther for marginal gains in economy, results in more and more people dying.

I urge my colleagues to be sensitive to the fact that America can ill afford to elevate the carnage on our highways by eliminating the kind of substance in our vehicles that would be required if we were to adopt the amendment that is pending. So I urge them to reject the attempt to elevate CAFE standards and, in so doing, protect the lives of themselves and their families.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the purpose of the amendment before us is very simply to increase CAFE, despite all the flaws with the CAFE system. This is not just a study as is being suggested. The purpose of this amendment is very clear from the wording of every single whereas clause and every resolve clause: it is to increase CAFE, despite the many flaws in the current CAFE system.

If anybody has any doubt about what the purpose of this amendment is, I urge them to read it, and particularly the last paragraph which urges the Senate not to recede to section 320 of the bill as passed by the House of Representatives, which prevents an increase in CAFE standards.

Now, some have said all this amendment does is provide for a study. Well, this is a study whose results have been prejudged and preordained, by the authors of this amendment, because there is not one word in this amendment about safety concerns, as the Senator from Missouri and my colleague from Michigan have talked about, or about the increase in the number of deaths which have resulted from CAFE. Those are not our allegations but safety experts' allegations. There is not one word in this amendment about the loss of American jobs and the discriminatory impact of CAFE against domestic production. I will get into that in a moment.

This isn't just a study we are talking about. The sense-of-the-Senate resolution specifically says that the Senate should not recede to a section in the House bill which prevents an increase

in CAFE standards. It doesn't say anything about not receding to a section which prevents a study. It doesn't talk about a study which looks at highway safety, impact on domestic employment, favoritism toward imports, discriminatory impacts on domestic manufacturers and workers. It doesn't talk about that at all. There is not a word about any of these issues in this amendment—only about increasing the CAFE standards.

There are many flaws in the CAFE approach. My colleagues have already gone into some of those flaws at length. But first I want to again quote, very briefly, from the National Academy of Sciences' automotive fuel economy study, so that people don't think opposition to this amendment comes only from folks who have a lot of automobile production in their State—although we do and we are proud of it, and we are determined that it be treated fairly and sensibly. We surely stand for that, and we do so proudly. But this is the National Academy of Sciences speaking here. The National Academy of Sciences said the following in this automotive fuel economy study:

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

''Defects that are sufficiently grievous.'' There is not a word about studying those defects in this amendment. I have looked really hard through this amendment. I read it a couple of times this afternoon. I can't find anything about studying those defects that are ''sufficiently grievous,'' according to the National Academy of Sciences—that they should be part of the study. The purpose of this resolution is to increase CAFE, to bring about the result that CAFE is increased.

Now, why not do that? Why not increase CAFE? Sure, let's just increase the number from 20 to 25, or 30 to 35, or 35 to 40. Why not? We will save fuel. The answer is, because there are a number of other considerations that have to be looked at, which weren't looked at when this CAFE system was put into place. CAFE has had a discriminatory impact on the domestic industry and has had a horrendous effect on safety and resulted in the loss of thousands of lives.

Now, the safety issue has been discussed this afternoon, but I want to just highlight one or two parts of it, although the Senator from Missouri has just spoken to it. There was a USA Today study. This isn't an auto industry study. This isn't an auto supplier study. This isn't the UAW study. This is a study by USA Today looking at statistics on automobile highway deaths.

Here is what the USA Today study found. They found that in the 24 years since a landmark law to conserve fuel was passed, big cars have shrunk to less-safe sizes, and small cars have poured on the road, and, as a result, 46,000 people have died in crashes. They would have survived in bigger, heavier cars, according to the USA Today analysis of crash data since 1975 when the Energy Policy and Conservation Act was passed. The law and the corporate average fuel economy standards it imposed have improved fuel efficiency. The average passenger vehicle on U.S. roads gets 20 miles per gallon versus 14 miles per gallon in 1975. But the cost has been, roughly, 7,700 deaths for every mile per gallon gained, this analysis shows.

Is it worth looking at fuel economy? Of course it is. Is it worth looking at 46,000 deaths? Is it worth putting that on the scale and at least looking at it? It sure ought to be. There is not a word about that in this resolution, nothing about safety. We are told this amendment is only about a study. Well, if so, it is the most one-sided study I have ever seen.

Now, it has been argued: Wait a minute, aren't these deaths the result of small cars running into big vehicles? Again, the study answers that. Tellingly, it says most small-crash deaths involve only small cars—56 percent in 1997, from the latest Government data. They run into something else, such as a tree, or into one another. In contrast, just 1 percent—according to this article—of small-car deaths occurred in crashes with midsize or big sport utility vehicles in 1997, according to statistics from the National Highway Traffic Safety Administration, according to the agency that enforces the safety rules.

That is one of the major problems with CAFE—the safety problem, the loss of life.

There are other problems as well. I would like to spend a few of the minutes allotted to me to talk about the discrimination of this system against domestic production. One of the many problems with CAFE is that it looks at the entire fleet. It looks at the average of the manufacturers' fleet. That fleet could be predominantly small in size. It could be predominantly medium in size. It could be predominantly large in size. It doesn't make any difference what your mix is; you must meet the same corporate fleet average.

If you have produced, for instance, historically many small vehicles, then because of the way the CAFE rules are jiggered, there are no effective limits on how many large vehicles you can sell. But if historically you have produced larger vehicles, then it has a tremendous impact on your production and a penalty for the production of more.

The result of this is that if, as in the case with the imports, you have focused on lighter vehicles rather than the heavier vehicles, which are very much now in demand, CAFE has no effect whatsoever on your production or on your sales. But if you are a domestic manufacturer that has focused on the larger vehicles, it has a huge effect on you and on the number of jobs you might have.

There is no logic or fairness to that kind of approach. CAFE didn't say you have to increase by 10 percent the efficiency of your light vehicles, or your medium-size vehicles, or your heavier vehicles. It says: Take your whole fleet together and reach a certain standard.

Some people say: Well, aren't the imports more fuel efficient? The answer is no. Pound for pound, there is no difference between an imported vehicle and a domestic vehicle. A domestic vehicle is probably a little bit more fuel efficient.

Take two vehicles of the same size. Take a GM and Toyota pickup truck—the GM Sierra, and the Toyota Tundra. They both weigh about the same. These are their highway ratings: 18 miles per gallon for the GM vehicle, and 17 miles per gallon for the Toyota vehicle. The GM vehicle is more fuel efficient than the Toyota. These are the same size vehicles. Now we are comparing apples and apples—not fleet averages which are apples and oranges, but apples and apples. The city rating is the same thing. The GM Sierra has a 15-miles-per-gallon rating. The Toyota Tundra has a 14-miles-per-gallon rating.

So the discriminatory impact does not have anything to do with the efficiency of vehicles of the same size since, if anything, the domestic vehicle is at least as efficient as the import when you compare the same size vehicles.

Then where is the discriminatory impact? The discriminatory impact arises because the import manufacturers have tended to focus on the smaller vehicles instead of the larger vehicles. They have room to sell as many large vehicles as they want without any impact. CAFE does not affect them. Any manufacturer that has focused on the smaller vehicles instead of the larger suffers no impact when CAFE goes up.

Let's go back to that Tundra and that Sierra. How many more vehicles could General Motors sell? These are the same size vehicles. With the GM vehicle being slightly more fuel efficient than the Toyota vehicle, how many more can GM sell under CAFE? None. How many more can Toyota sell? Over 300,000 more.

Does that do anything for the air? It is costing American jobs. It doesn't do a thing for the air. All it does is tell people if they want to buy a vehicle, a large vehicle, they have to buy the imported vehicle, and not the domestic one. The domestic manufacturer is penalized if it is produced under the CAFE approach.

CAFE was designed in a way—I don't think intentionally, and I pray to God it wasn't—but it was designed in a way which has a discriminatory impact on the domestic producer because of the way in which their fleets happened to be designed historically—because of the type of cars they sold historically—and not because the imported vehicle is more fuel efficient. It isn't.

These numbers are typical. If you have two vehicles of equal size, one import and one domestic, they are about the same in terms of fuel efficiency.

So when you increase CAFE, all you are saying is buy an import. That is what this thing drives people to do. The import manufacturer isn't penalized. There is no limit effectively on how many larger vehicles the import manufacturers can sell. It bites on the domestic manufacturers—not on the imports. That is a huge effect on jobs in America, with no advantage to the air.

Do we think it does good to the air to tell people to buy yourself a Tundra instead of a Sierra? Does that do anything for the air? Quite the opposite. It hurts the air. The Tundra is not as fuel efficient as the Sierra. Yet there is no penalty whatsoever under CAFE for the import manufacturer selling basically an unlimited number of heavy vehicles.

We have a system in place now which has had a very negative effect on safety and an increase in the number of highway deaths. These are not our figures but figures of people who are on the outside looking at the statistics of the highway safety folks. It has had a negative effect in terms of domestic versus imports, which is discriminatory.

Again, I want to emphasize this. It is a very important point. Some people think the imports are more fuel efficient. They are not.

It is the key point. They are not more fuel efficient—slightly less; if I had to characterize—there is no difference, basic difference, pound for pound.

What does this amendment do? It expands the current system. We have CAFE; let's increase the CAFE standards. Let's not even look at impact on safety, increased highway deaths, or discriminatory impact on domestic production. That is not referred to in this amendment. Just fuel. That is it.

But CAFE's discriminatory impact takes such a narrow vision, a narrow view on jobs in America. I hope this amendment is defeated. It is pointing in a very narrow direction, in a direction which ignores the discriminatory impact on jobs in America. It ignores safety issues and focuses on one piece of an issue, ignoring totally the other parts.

Finally, the Government and the private sector or private industry have put together a partnership for new vehicles. This partnership is focusing on new technologies and new materials, trying to see if we cannot find ways to have larger vehicles with higher fuel economy. This partnership is looking at lightweight materials, advanced batteries, fuel cells, hybrid electric propulsion systems; experimental concepts sometimes, but things which will—in a cooperative way—achieve the kind of goal which CAFE theoretically was aimed at achieving.

This partnership approach for a new generation of vehicles is working. It is in operation now. It is the right way to go. The Government contribution to this partnership has been about $220 million a year. The private sector's annual contribution to this partnership has been slightly under $1 billion a year. We have this investment in a partnership, in a new generation of vehicles which is aimed at achieving significant improvements in fuel efficiency without the downsides, which have been described here—the negative safety impacts and the negative effects on domestic production. That partnership is now in its fourth year. We should allow that partnership to proceed. It is on a cooperative track, aimed at achieving goals without such negative side effects.

I hope the Senate will reject this resolution and will keep on the partnership track which is being so productively followed.

I yield the floor.

Mr. BURNS. Mr. President, I rise today in opposition to the pending resolution that will give the Department of Transportation the green light to raise CAFE standards. According to the proponents of the resolution, the amendment just lets DOT ''study'' the issue. I am concerned that is not accurate. The DOT has already recommended up to a 35 percent increase in light truck standards.

The CAFE program has been in place for 25 years. We know this program doesn't work. We know this program has not reduced America's dependence on foreign oil. In fact, America's dependence on foreign oil has increased from 35 to 50 percent.

Pollution controls on today's automobiles have driven down pollution levels in this nation. It's the older automobiles that have been targeted—it's the folks who cannot afford to buy a new $30,000 fuel efficient car. Believe it or not Mr. President, but a 1982 Chevy pickup is a very popular vehicle on Montana's highways. We can't expect to make new cars affordable if we make them more expensive by driving up the cost of these new cars through increased government regulation.

Fuel economies in vehicles have been reduced as a result of manufacturer efforts. Since 1980, light trucks fleet fuel economy has increased by nearly 2.5 miles per gallon. Passenger car fleet fuel economy has increased by nearly 4.5 miles per gallon.

In my state of Montana, we are very highway dependent. Our roadways are our only means of transportation. We cannot efficiently rely on transit modes of transportation. Montana is also dependent on vehicles that have adequate clearance and power for roads that are not up to the standard of a paved highway. We have farmers, ranchers, outdoorsmen and sportsmen that use these roads often.

CAFE standards have failed to achieve their goals. Despite these standards, oil imports are up and Americans continue to drive more miles annually than they did in the 1970s. CAFE standards force automakers to produce many smaller, lighter vehicles to increase fuel economy. Studies have demonstrated an increase in highway injuries and deaths as a result.

We know it's not government regulation that drives fuel economy. Rather competition drives fuel economy. That is why I will not support this amendment.

Ms. MIKULSKI. Mr. President, I oppose the Gorton amendment on CAFE standards. I oppose lifting the freeze on CAFE standards because it would hurt American workers, American consumers and our economy.

First, if we raise CAFE standards—we lose American jobs. More and more American workers are building larger cars and sport utility vehicles. That's because these are the cars that Americans want to buy. But if we raise CAFE standards, U.S. car makers will be forced to build smaller cars. That means higher costs—for new equipment, new product lines, new tests. I'd rather see these resources used to leapfrog to new technologies that make cars safer and more efficient.

Meanwhile, our foreign competitors won't have to do anything. They won't face new costs. So by raising CAFE standards, we'll put American workers at a competitive disadvantage with their foreign competitors.

Second, raising the CAFE standards means fewer choices and higher prices for American consumers. Americans are buying larger cars and SUVs because they're safer and better fit their families' needs. So by raising CAFE standards, consumers will have fewer large cars to choose from. They'll also face higher prices—since manufacturers will pass on their higher costs.

Finally, we cannot forget the reason why so many Americans are buying larger cars—because they are safer. If we have more small cars on the road, we will likely have more injuries and fatalities that result from car accidents.

We need to save America's economy, America's jobs and American lives. I urge my colleagues to join me in rejecting this effort to lift the freeze on CAFE standards.

• Mr. MCCAIN. Mr. President, unfortunately I will not be present when the Senate votes on the amendment offered by Senators GORTON, BRYAN, and FEINSTEIN. The amendment expresses the sense of the Senate that it should not recede to the House position of prohibiting the Department of Transportation from preparing, proposing or promulgating any regulation regarding Corporate Average Fuel Economy (CAFE) standards for vehicles.

As my colleagues know, I have been and will continue to be a proponent of the CAFE program. The fuel conservation goals embodied in the original CAFE standards are still important. However, I would not support the amendment offered today. CAFE is an extremely complex issue. It involves a

delicate balance between environmental, safety and economic concerns. CAFE standards need and deserve the full attention of the Congress.

The structure of the CAFE statute appears to no longer make sense in light of the current auto market. For example, the statute draws a distinction between non-passenger vehicles, essentially light trucks and sport utility vehicles (SUVs), and passenger vehicles. The statute establishes a default standard for passenger vehicles and allows the Department of Transportation to adjust the level up or down based upon certain criteria.

The statute does not establish a standard for light trucks. Instead, the agency sets the standard at its discretion based upon criteria in the statute. One of the reasons for the distinction was the size of the non-passenger vehicle market. At the time the CAFE was enacted, light trucks and SUVs represented approximately 15 percent of the market. Now, they are approximately 50 percent of the market. In some states like my home state of Arizona they represent more than 54 percent of new car sales. I question the wisdom of allowing an agency sole discretion over the fuel economy standards of 50 percent of the auto market without any guidance from Congress.

In 1992, the National Research Council conducted what is considered to be the most comprehensive study of the CAFE program. In the executive summary of that report, the study committee made the following statement ''[I]n this committee's view, the determination of the practically achievable levels of fuel economy is appropriately the domain of the political process, not this committee.'' The Committee rightly concluded that many of the issues surrounding CAFE involve tradeoffs that are public policy decisions, not a simple scientific conclusion. It is my intent to follow this advice and bring this debate back to Congress to determine how we should approach fuel economy standards as we enter the new millennium.

As chairman of the Senate Commerce Committee, it is my intention to hold hearings on CAFE early next year to examine this structure. Over the next few weeks, I will contact the Department of Transportation, the General Accounting Office, environmental groups, the major automobile manufacturers and the highway safety groups to solicit their views and begin the process of examining the statute.

Some of my colleagues argue that we should allow the Department of Transportation to move forward on a parallel track with the legislative process. I disagree with this argument for two reasons. First, the rule making process will further polarize and distract all of the parties on a specific proposal before consideration is complete on substantive changes to the law. Second, should a legislative solution be crafted, the agency, as well as interested members of the public will have wasted time and resources developing and responding to a standard, which will never be implemented.

Mr. President, I look forward to holding hearings on this matter and, I look forward to the participation of my colleagues on both sides of this issue as we move forward.●

Mr. ABRAHAM. I inquire how much time remains for the various sides?

The PRESIDING OFFICER. The Senator from Michigan, Mr. LEVIN, has 1 minute; the Senator from Michigan, Mr. ABRAHAM, has 19 minutes and the Senator from Washington has 30 minutes.

Mr. ABRAHAM. I know there may be other speakers on our side. As I indicated earlier, the proponents of the amendment had over an hour to initially make their case. We agreed to a time agreement that gives less than that in terms of bringing it up to balance. I don't want to run any more time off of our clock at this stage.

I ask unanimous consent that time during a quorum call run off the time of the Senator from Washington.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant 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 (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GORTON. Mr. President, it is often said, I think accurately, that what differentiates human beings from most other animals, most other mammals, is the extraordinary ability of human beings to learn from experience. Yet on the floor of the Senate this afternoon we have heard eloquent statements opposing this current amendment that indicate that experience is of no value to some Members and to some of their arguments.

Mr. President, 25 years ago the predecessors of the opponents to this amendment repeatedly stated on the floor of the Senate, as well as in the hearing rooms of the Senate, that to require more fuel-efficient automobiles and small trucks was to endanger the safety and the lives of the American people and to sentence them to driving in subcompacts and sub-subcompacts.

There are only two differences between the circumstances of the argument in 1974 and the circumstances of the argument in 1999. The first of those differences is that all of the arguments of those who opposed setting higher fuel efficiency standards for automobiles and small trucks made in 1974 were proved dramatically to be in error. At one level, the most important of those arguments was that people would no longer have choice; they would all be forced into smaller automobiles. Here it is 25 years later. We know that is not the case. The requirements imposed in 1974 were, for all practical purposes, completely met within a period of 6 years, and the course has been essentially flat since that day.

Every single day of the week, every year, 7 days a week, 365 days a year, the people of the United States save 3 million gallons of gasoline. Multiply 3 million gallons by $1.50 a gallon. That is $4.5 million. They pollute the air less; they spend less money; they contribute less to our international trade deficit that continues to grow year after year. And, second, our highways are far safer now than they were then. Traffic deaths per million miles driven have declined by more than 50 percent in the years since those fuel efficiency standards were imposed on the American people. Yet we hear some of the same arguments being made over and over again.

But there is another difference between the argument in 1999 and the argument in 1974. In 1974, the Senate was debating whether or not to allow specific new standards to go into effect. In 1999, we are arguing whether or not to allow the Federal Government to engage in a proceeding that determines whether or not new and more fuel-efficient standards are appropriate and achievable. So in addition to ignoring history and experience, the opponents have to say that they oppose knowledge, that they oppose even a vitally important study of if and how much fuel efficiency standards can be improved, consistent with safety and consistent with the economic well-being of the American people.

While I have not heard every word that has been stated on this floor in opposition to this bill, it does seem to me there is at least a minor difference. There does not seem to have been a claim that more fuel-efficient cars will not benefit the environment that is to say, to cause us to have cleaner air and fewer emissions into our air. Whatever the debate was in 1974, that is not a statement now. Nor has any one of our opponents stated that it is a poor idea to save the American people millions of dollars a day in their bill for motor vehicle fuel. Nor have they made any statement that somehow or another our huge trade deficit, largely caused by imported petroleum products, is a matter to which we as Americans should be indifferent.

Almost all of their argument has been on the safety issue. But it has been on the safety issue in the teeth of the experience of the American society, and it has been on the safety issue in the teeth of the proposition that if we carry out the policies contained in this amendment, this sense-of-the-Senate resolution, we are not automatically going to impose new fuel efficiency standards. We are simply going to go into an orderly process to determine whether or not new standards are feasible and, if so, how strict they should be and, if so, how long it should take to implement them.

I find it breathtaking that Members of the Senate should say, no, we don't want that knowledge. We are not even willing to wait until some specific standards are proposed and specific knowledge gained to debate whether or not the imposition of those standards is worthwhile.

No, we want the Senate to vote to stay ignorant, not even to learn what good public policy might be and what any of the offsets to that good public policy might be as well.

Mr. President, I am not a great fan of the current national administration, but I do not think anything irrevocable is going to take place in the next year, in any event, and certainly not over the objections of the Congress of the United States. But I am not so mistrustful of a group of professionals that I am willing to say even to this administration we should not allow them to examine this issue. Incidentally, this freeze has gone through Republican administrations, as well as Democratic administrations, in any event.

No, there are only two arguments being made against this amendment. The substantive argument is that we should ignore history and believe arguments in 1999 that were made in 1974 and shown to be entirely invalid in 1974; and second, the proposition that we should remain ignorant, that this is not important enough, not significant enough to the American people that we should even begin a process of determining whether or not we can clean up our air, make our cars more fuel efficient, become less dependent on foreign oil, and at the same time, increase the safety standards in our automobiles.

The debate is neither more complicated nor less complicated than just that. It should be understood by everyone, and I plead with my colleagues in this body to allow this process to go forward and to debate a real proposal, not a theoretical set of objections that were invalid in 1974 and are equally invalid in 1999.

Mr. FEINGOLD. Mr. President, I rise in support of the sense-of-the-Senate resolution on fuel economy standards. This resolution has been controversial in my state, and I believe its effect on automobile fuel economy standards has been misunderstood by some. I want to make my position clear: though I will vote in favor of this resolution, I have reservations about some of the language it contains, reservations I made known to the amendment sponsors.

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 will support this resolution because I am concerned that Congress has for 5 years now blocked the National Highway Traffic Safety Administration, NHTSA, part of the Federal Department of Transportation, 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 resolution simply says the Senate should not recede to Section 320 of the House bill.

I believe that the outcome of any assessment of fuel economy standards needs should not be pre-judged. I am concerned that the wording of this resolution needlessly fails to be fully neutral. It tips too far toward saying that the result of an assessment should be a quote increase unquote in fuel economy standards. 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. I will expect them to do that, and I will respect their judgement. 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 320 of the House bill 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 at this time.

The NHTSA should be allowed freely 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. Earlier this year I visited Daimler Chrysler's Kenosha Engine plant and I met with union representatives from the Janesville GM plant. In those meetings I heard significant concerns 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. At its core this resolution does not disturb that balance, but I wish the language had been more neutral, so that all concerned could be more confident that the process is neutral. In that spirit, I fully expect NHTSA to proceed with the intent to fully consider all those factors.

In supporting this resolution, 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. CHAFEE. Mr. President, I am pleased to join in support of the Gorton-Feinstein sense-of-the-Senate resolution which would allow the Department of Transportation to evaluate and update the Corporate Average Fuel Economy (CAFE) standards. For the past four legislative sessions, a rider has been attached to the transportation bills to prevent evaluations of CAFE. This year, 31 Senators signed a letter to President Clinton urging him

to support their efforts to increase CAFE standards. We are not here today to raise the standards but merely to allow the Department of Transportation to consider the potential benefits and costs of existing or future CAFE standards.

CAFE standards were originally enacted in response to the oil crisis of the 1970s and were adopted in 1975 to reduce oil consumption. Currently the standard for new passenger cars is 27.5 miles per gallon and for light trucks is 20.7 miles per gallon. CAFE standards have had the effect of making cars and trucks more energy efficient than they would have been without the standards. As such, energy efficiency, decreased oil consumption, and global climate change are intertwined.

Global climate change is an issue that has been quite contentious in international and domestic circles alike, however, the undeniable scientific truth exists that the burning of fossil fuels and emissions from mobile sources results in the emission of numerous greenhouse gases: the major contributor being carbon dioxide. A study on the impacts of CAFE has the potential to lessen the impact of automobile emissions into the environment based on the directly proportional relationship of a cars' miles per gallon and the amount of carbon dioxide emissions produced. The Department of Energy reported in 1997 that transportation accounts for more than two-thirds of U.S. oil consumption and comprises about one-third of U.S. carbon dioxide emissions. The increase in sales of less fuel efficient SUVs and light trucks has and will continue to result in growing energy consumption and related emissions in the transportation sector. CAFE standards are regarded by many as an effective way to reduce greenhouse gas emissions from automobiles.

The bottom line today is that the emissions of greenhouse gases must be reduced. We must develop industrial practices and means of transportation which are less dependent on fossile fuels. Allowing a reevaluation of CAFE standards is one way to start.

Mr. LIEBERMAN. Mr. President, I rise today to voice my strong support for the bipartisan effort to remove yet another anti-environment rider from an important appropriations bill. This rider, which is attached to the House Transportation Appropriations bill, would prohibit the Department of Transportation from even considering an increase in the corporate average fuel economy standard (CAFE). This rider would prevent DOT from evaluating, in any way, the cost-effectiveness and pollution-prevention dividends that could result from requiring greater fuel efficiency from cars and trucks.

I am particularly concerned with this anti-CAFE rider, in part, because it is another in a long line of riders designed to limit our government's ability to consider meaningful, appropriate, effective, and economical strategies to combat local and regional air pollution as well as global climate change.

More than 117 million Americans live in places where smog makes their air unsafe to breathe. Nearly one-third of this pollution, which aggravates respiratory diseases, especially among vulnerable groups such as children, asthmatics, and the elderly, is emitted from car and truck tailpipes.

Cost-effectively protecting people's health by improving local air quality requires that we consider each of the sources that contribute to the pollution problem. It just makes sense that any efficient, fair, and reasonable pollution prevention strategy should consider all sources of pollution, including vehicles.

There are many ways to address pollution from cars and trucks. For example, more rigorous emissions limits are currently being proposed by the Environmental Protection Agency. Efficiency standards represent another approach. The original CAFE standards have helped keep fuel consumption nearly 30 percent lower than if CAFE had not been implemented. Efficiency standards led to dramatic improvements in other sectors as well, such as major appliances. The purpose of the clean air resolution is not to mandate one approach over another but to allow the Administration to explore the benefits and costs of all the options.

From a global perspective, there is a growing scientific and international consensus that air pollution, largely caused by burning fuels such as coal and oil, is causing changes in the earth's climate. I believe that America has a moral obligation to meet the tremendous challenge of climate change head on rather than leaving a bigger problem for our children and grandchildren.

As the world's biggest emitter of the pollution that contributes to climate change, the United States has the responsibility to lead the international community toward a solution. And because our cars and trucks currently represent nearly one-third of America's greenhouse gas emissions, and projections suggest that our miles driven will increase by roughly 2% a year through the next decade, vehicle emissions are a big part of a giant challenge.

A recent report by the Alliance to Save Energy, the American Council for an Energy Efficient Economy, and several other groups, found enhanced CAFE standards to be an essential part of a comprehensive strategy to address global climate change. The study found that increased CAFE standards could be part of a plan to achieve a 10% reduction in carbon dioxide emissions while creating 800,000 jobs and saving $21 billion annually in reduced oil imports.

Improving the gas mileage of the cars and trucks we drive would provide many other benefits to both the consumer and the country. Whereas less money spent at the pump means more money in Americans' pockets, less money spent at the pump also means less dependence on unpredictable imported oil.

Unfortunately, there is an active misinformation campaign underway opposing the clean air resolution and CAFE standards. Chief among the claims is that the CAFE standards we have had for the last 25 years kill people. This is a ludicrous argument underpinned by contorted misinterpretations of long-since refuted assumptions. One simple observation puts CAFE opponents faulty logic to rest: since CAFE standards were adopted in 1973, the number of deaths per mile driven have been cut in half. The increased safety of our vehicles is largely attributable to material and design improvements that increase fuel efficiency at the same time they improve acceleration, braking, handling, durability and crashworthiness.

Finally, I would alert my colleagues to a poll released yesterday regarding fuel efficiency standards. The poll, which was conducted by the Mellman Group for the World Wildlife Fund, indicates that 72% of sport utility vehicle (SUVs) owners believe that minivans and trucks should be held to the same efficiency standards as passenger cars. In addition, nearly two-thirds SUV owners support Congressional action to require equitable emissions requirements for cars and light trucks.

The clean air resolution introduced today by Senators GORTON, FEINSTEIN, BRYAN, and REED ensures that enhanced CAFE standards are on the menu of options when the Department of Transportation considers the implications of vehicle efficiency for local, regional, and global air pollution, consumer protection and satisfaction, and energy security. I encourage my colleagues to support the clean air resolution.

The PRESIDING OFFICER. Who seeks time?

Mr. BRYAN. Mr. President, I will be happy to yield to the distinguished Senator from Michigan if he wants to make a response to my friend from Washington, and then I would like to ask the Senator from Washington after such time as the Senator from Michigan speaks that I might be reserved a little time.

Mr. ABRAHAM. Mr. President, I have been informed we have Members on our side who still want to speak, so I have been holding our remaining time for them. I do not want to put the Senator from Washington and the Senator from Nevada in the position of exhausting all of their time before we have rebuttal. I inquire as to how much time remains?

The PRESIDING OFFICER. The Senator has 19 minutes and the Senator from Washington has 11 minutes 45 seconds.

Mr. BRYAN. May I inquire, if the Senator is not going to go forward, as I understand the unanimous consent

agreement, when we are in a quorum call, all of the time is charged to our side. I certainly am not trying in any way to preempt the comments the Senator wants to make, but if we go back into the quorum call, it seems we will have it charged to our side.

Mr. GORTON. Mr. President, rather than sitting here doing nothing, will the Senator from Michigan allow the Senator from Nevada to speak and it be charged against the time both are not using equally?

Mr. ABRAHAM. I will make some comments then. I wanted to clarify the amount of time we have, and we will see if other Members come down. Let me do the following: I will suggest the absence of a quorum and suggest the time be taken off my time while I prepare to make these comments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant 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. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I will make some brief remarks in response to some of the comments that have been made by the Senator from Washington and others, as well as to elaborate on some of my earlier remarks today.

First, I point out that with respect to the safety issues, the question is not whether on a cumulative basis there have been fewer fatalities since the implementation of CAFE standards. The question is what the consequence is or the correlation is between fatalities and CAFE standards.

Since 1975, on a variety of fronts, safety efforts have gone forward to protect passengers and drivers in motor vehicles ranging from the introduction of airbags to State laws which require the use of seatbelts, primary laws that require the use of seatbelts to the introduction of countless child safety and passenger protection activities and child safety seats. One cannot draw that correlation.

What one can, of course, do is follow the studies of USA Today and the National Academy of Sciences that try to determine what the direct effects of CAFE have been, and those effects are quite clear. As the Senator from Missouri and my counterpart, my colleague from Michigan, have indicated, the conclusion is the direct consequence of CAFE standards has been an increase in fatalities since 1975 of an estimated 46,000 people who lost their lives as a consequence of CAFE standards because of the lighter vehicles and the less safe vehicles that CAFE has fostered.

Mr. President, I note the Senator from Ohio is here. He wishes to speak, and I yield up to 5 minutes to him.

Mr. DEWINE. Mr. President, I thank my colleague from Michigan. I join in his comments. We have heard talk on the floor about the environment. I want to talk, though, about another aspect of this, and it is the aspect my friend from Michigan has just been talking about. That is the question of highway safety.

I vehemently oppose this amendment. We are dealing with a question of lives. The basic facts are that heavier cars, heavier vehicles are safer, and the statistics are absolutely abundantly clear.

I will share some statistics with the Members of the Senate so everyone knows exactly on what we are voting.

An analysis by the Insurance Institute shows that cars weighing less than 2,500 pounds had 214 deaths per million vehicles per year. That is almost double the rate of vehicles that weigh 4,000 pounds or more. For vehicles that weigh 4,000 pounds or more, the death rate was 111 per million. For cars weighing less than 2,500 pounds, that was 214 deaths per million. It is double, absolutely double the figure.

The reality is that the majority of car fatalities in this country today occur in single vehicle crashes. To determine what costs lives and what does not, it is essential and important to look at single car weights and death rates.

I share another statistic with my colleagues, again, to emphasize what we are saying.

This is not just an ''environmental issue.'' This is not just an ''easy environmental vote.'' This is a question of life and death that we can measure.

Among utility vehicles, the results are even more pronounced. For those weighing less than 2,500 pounds, the death rate per million was 83. That was almost double the rate of 44 for cars weighing 4,000 pounds or more. So again, under 2,500 pounds for utility vehicles, the death rate was 83 per million; but for cars weighing 4,000 pounds or more, it was only 44 per million. Again, it is double the rate.

In the lightest utility vehicles, the occupant death rate was 199; again, in this case, more than 3 times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

In conclusion, I join my colleague from Michigan. He is absolutely correct. This vote is about a lot of different things. I am sure we can talk about the environment, we can talk about many things, but the one thing we know is that lighter vehicles mean more people die; heavier vehicles mean more people live. It is as simple as that.

So if the Congress makes this decision and says we should artificially mandate and tell the American consumer, you need to be driving in lighter cars because Washington knows best, when we do that, when the arm of the Federal Government comes in and does that, it is not an academic exercise. It is not just the freedom to choose a car or a vehicle that people lose; what we lose are human beings.

Make no mistake about it. If this resolution prevails, ultimately, through the Congress, more people will die. The statistics are absolutely abundantly clear. And that is exactly what this vote is about. It is not an academic exercise. It is not an academic vote. It is not a free environmental vote one way or the other. This is about people living. This is about people dying.

I thank my colleague from Michigan and yield the floor.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. DEWINE. I ask unanimous consent that Arthur Menna, a congressional fellow on my staff, be given floor privileges for the remainder of the debate on the Transportation appropriations bill.

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

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. 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. ABRAHAM. I yield to the Senator from Oklahoma such time as he may consume on this issue.

Mr. NICKLES. Mr. President, I thank my colleague from Michigan, Senator ABRAHAM, as well as Senator DEWINE from Ohio, for their statements. They are exactly right. I do not need to repeat their statements, but I think it is vitally important that they prevail in beating this amendment.

I hope my colleagues will pay attention. This is not an esoteric amendment. As the Senator from Ohio said, there are lives at stake. Do we really think we can have a big increase in the corporate average fuel economy standards mandated on sport utility vehicles without having economic consequences?

There are going to be consequences. Vehicles may cost more. It is quite likely they will have to reduce the weight of the vehicles. The vehicles will not be as safe.

We are superimposing Government wisdom on manufacturers and on consumers. The sales of these vehicles are going quite well because consumers want them. Nobody is forcing them to buy them. Yet if we come up with a Government-mandated higher fuel economy standard, presumably with the idea that this is going to be more fuel efficient, it may make the vehicles more expensive. It may make the vehicles more unsafe. It may cost lives. It

has significant economic consequences on families.

So I urge my colleagues to defeat the amendment that is pending. I again compliment my friends and colleagues, including Senator LEVIN, as well as Senator ABRAHAM and Senator DEWINE, for their excellent statements.

Mr. President, I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, if I might inquire of the Chair, how much time remains?

The PRESIDING OFFICER. The Senator's side has 11 minutes 45 seconds.

Mr. BRYAN. If I might inquire of the Senator who controls the time—we have approximately 11 minutes left—would the Senator from Washington be amenable to allowing the Senator from Nevada to use, say, 6 minutes?

Mr. GORTON. Yes. The Senator from Washington will be delighted if the Senator takes that time.

Mr. BRYAN. I thank the Senator from Washington.

Mr. President, I understand that in the most famous debating institution in the world, and in the history of civilization, differences of opinion can arise on matters of public policy. That is what this place is all about. But I have to tell you, I find the amount of hysteria engendered by this issue to be absolutely astonishing.

In a series of ads put out by the industry, we have one now that talks about: ''Farming's tough enough with healthy-size pickups. Imagine hauling feed barrels around in a subcompact.'' That implies that this amendment we are proposing will be antithetical to the best interests of America's farmers.

We have an ad involving the soccer moms and dads: ''This picture is brought to you by a fantastic soccer team and a minivan just big enough to handle them.'' The clear inference is, if we allow the Department of Transportation to examine these standards, some soccer moms are not going to be able to take their kids to soccer games.

Then we have an ad: ''As a small business owner, my truck and I are joined at the hip. An increase in CAFE would put both of us out of business.''

May I say, with great respect to our friends on the other side of the aisle, many of whom are good friends I greatly respect, this is utter nonsense. This is just plain nonsense.

I will repeat, as I did earlier, the thrust of what this resolution does. It mandates no standard, no increase. The resolution simply says the issue of CAFE standards should be permitted to be examined by the Department of Transportation so that consumers may benefit from any resulting increase in the standards as soon as possible. It is permissive only; it mandates nothing.

During the time 1989 to 1995, when this technology gag rule was not in effect, during those 6 years, there was no increase in CAFE standards for automobiles, and with respect to light trucks it was 1 percent. So I think that is a pretty clear indication that nobody is going to rush to judgment.

The other thing that needs to be understood, it seems to me, is the Department of Transportation has some very comprehensive guidelines they must consider in any review. Among those factors are: Is it technically feasible? Is the technology there? The economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the Nation to conserve, all of which would be open to the rulemaking process in which the industry and their supporters would have an ample opportunity to respond.

Let me try to respond briefly to the safety issue. And my friend from Michigan has indicated to me he would allow me to engage him in a colloquy for a couple questions. I appreciate his courtesy, as always.

From 1970 through 1999, the highway fatality rate in America has gone down. At the same time, fuel economy is up. That is at the same time that many more vehicles are on the highway, with a great amount of additional traffic congestion. The average motorist is driving more each year.

So the notion that somehow this is anathema to health and safety standards simply, in my judgment, does not bear out scrutiny. Indeed, an objective study by the General Accounting Office concluded that the unprecedented increase in the proportion of light cars on the roads since the 1970s has not increased the total highway fatality rate.

I think the safety issue is somewhat of a red herring. We are all concerned about safety. Nobody on the floor is going to advocate that the industry make and sell a product which is unsafe, and one would have to assume that the industry itself would not put such a product on the market.

Let me also point out that with respect to the fuel achievements we have had in terms of increased efficiency from 1974 to the 1989 timeframe, 86 percent of those improvements were as a result of new technology. This information comes to us from the Center for Auto Safety. It seems to me the clear and compelling evidence is that safety and fuel economy standards are not mutually exclusive. We can do both.

All we are saying is that those who choose to purchase sport utility vehicles, my son and daughter-in-law being two, should have the same right as other motorists who select other passenger vehicles to derive the benefits of improved technology. I have great confidence in what the industry can do, notwithstanding the prophecy of doom they forecast in 1974 that everybody would be driving around in a sub-subcompact or a vehicle the size of a Maverick or a Pinto. Indeed, the industry did some astonishing things and doubled the fuel economy. Today's Lincoln Town Car gets better fuel economy than the smallest product that the Ford Motor Company manufactured in 1974.

If I could engage my friend from Michigan in a couple of questions. He is a distinguished lawyer, a graduate of Harvard Law School. I ask him: Is there anything in this resolution, in the opinion of the distinguished Senator from Michigan, that in any way mandates an increase in these standards. We may disagree in terms of whether the technology is available.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. GORTON. I yield the Senator 2 more minutes.

Mr. ABRAHAM. I thank the Senator from Nevada for his confidence in my legal skills. As I read the sense-of-the-Senate resolution which has been proposed, it says, in its concluding section, the resolution section:

> It is the sense of the Senate that the issue of CAFE standards should be permitted to be examined by the Department of Transportation.

And then in subsection (2):

> The Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.

Now, if we do not include that provision, if the sense-of-the-Senate resolution were to prevail and that were to be the ultimate outcome and section 320 as contained in the House version of the legislation were to not survive the conference and the final resolution of the legislation, it is my understanding that we would then revert back to the process which is in the law otherwise, which, by my understanding of it, mandates that the Department of Transportation, under 49 USC subtitle 5 part (c) section 32902, required that the Department of Transportation set CAFE standards each year at ''the maximum feasible average fuel economy level.''

I believe that is what would happen at the Department of Transportation. The Secretary of Transportation is not authorized to just study CAFE. He must act by regulation to set new CAFE standards each year. That has not happened because of the moratorium which has been imposed over recent years, since 1995. Prior to the CAFE freeze in 1994, the administration began rulemaking on new CAFE standards. On April 6 of 1994, again, in the last year—I don't want to take all the Senator's time; I will try to be quick—the proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard.

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

Mr. ABRAHAM. My sense, reading the history of this, is that is where the starting point would be. I believe, in effect, if we do not have this, if this is not in place, that that would be the mandated effect.

Mr. BRYAN. Will the Senator from Michigan yield a few minutes of his time so I may follow up with a question?

Mr. ABRAHAM. How much time do we have?

The PRESIDING OFFICER. The Senator from Michigan has 5 minutes. The Senators from Washington and Nevada have 3.

Mr. ABRAHAM. What I would propose is that by unanimous consent, the Senator from Nevada be able to make further inquiry without reducing his time below 3 minutes or my time below 5 minutes, a reasonable amount of time.

Mr. BRYAN. If the Senator from Washington is agreeable, I think that is fair.

Mr. ABRAHAM. That would leave 5 minutes and 3 minutes for summation.

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

Mr. BRYAN. Would the Senator not agree that before any increase could be effected by the Department, that the Department is, under the current law, required to consider four factors: the technical feasibility, the economic practicability, the effect of other motor vehicle standards on fuel economy, and the need of the Nation to conserve energy? Would not the Senator agree that that is part of the law as well?

Mr. ABRAHAM. Obviously, the law sets forth criteria that are to be employed. I don't have those in front of me. I will accept the contention of the Senator from Nevada that those are the criteria. The question is whether a prejudgment as to the outcome is already ordained. In my judgment, the positions that were already in process in 1994, prior to the implementation of the moratorium, suggest that those decisions 5 years ago had already essentially resulted in a preliminary decision to increase the standards by 15 to 35 percent. If, in effect, the moratorium does not go forward, I believe we would, indeed, be moving a process that will mandate this kind of increase.

Mr. BRYAN. I thank the Senator for his answer. We obviously have reached a different conclusion.

I point out to my friend and colleague from Michigan that we had precisely the situation in 1989 to 1995. The technology gag rule was not in effect and, indeed, no increase was made during that period of time with respect to automobile standards. And only a very modest increase was made with respect to the light truck standards.

I hope that will give some comfort to him and to those who have raised some concerns that this is not a mandate but simply permissive in nature.

Again, I thank the Senator from Michigan and yield the floor but reserve the remainder of the time that is allocated to our side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Does this Senator from Michigan have any time remaining?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute.

Mr. LEVIN. I thank the Chair.

Let me quickly comment on the question of highway deaths. The study of USA Today is that 46,000 people have died in crashes that would have survived in larger cars. I have not heard that fact disputed. We have seen a chart which shows that there are fewer highway deaths and that we have better fuel economy, but that chart doesn't show the two are causally connected.

Indeed, the fewer highway deaths may come from seatbelts, a greater effort on the anti-alcoholism campaign, Mothers Against Drunk Drivers, a number of other causes. But the outside figure, not the auto industry, not the unions, not the supplier, not the insurance industry, which opposes this amendment, the outside survey done by USA Today says 46,000 people lost their lives who would not have lost their lives but for this CAFE approach.

When we look at the resolution, we don't see any reference to safety. We don't see any reference to the discriminatory impact on domestics that have a different mix in their fleets. We only see a reference to fuel. That is the one factor at which this resolution looks.

Then at the end it makes it very clear what it is driving at—talking about driving. This resolution is aimed at one thing: to increase CAFE standards. This isn't just ''let's have a study, look at the impact on safety, look at the discriminatory impact on domestic production.'' This isn't just let's have a study. This is the sense of the Senate that the Senate should not recede to a House provision which prevents an increase in CAFE standards, not which prevents a study. This resolution, by every single provision in its whereas clauses, is driving us towards an increase in CAFE standards, without consideration of safety impacts or the discriminatory impact on domestic production.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I believe I have 5 minutes remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ABRAHAM. There are other opponents on my side who wish to speak. Let me summarize with a few concluding remarks.

I want to first reiterate what my colleague from Michigan, Senator LEVIN, has said. A chart that shows the correlation between increases in CAFE and decreases in fatalities is not based on a study that relates the two. The studies that do relate the two, particularly as he said, the outside study by the National Academy of Sciences, suggest a contrary finding. In fact, the implementation of CAFE standards has led to approximately 46,000 lost lives as a consequence of the lighter vehicles being in our fleets.

The second point I make relates to the broader point that also was made earlier by my colleague from Michigan. Higher CAFE standards are going to affect American manufactured products, but not necessarily the products of our competitors from overseas. Hence, the same kind of vehicles, with virtually the same types of fuel efficiency levels, as well as the same types of emission levels, will be purchased by the same market that wants and craves these vehicles today. The only difference will be the kind of difference we saw back in the late 1970s and early 1980s and throughout much of the decade of the 1980s when we found the foreign imports' share of the American market continuing to go up, at the expense of American domestically manufactured products, and ultimately at the expense of American autoworker jobs.

In summation, this is simple to me: Do we want to put at risk the safety of people who will be purchasing sports utility vehicles, light trucks, and others by making a change in CAFE standards? I hope the answer is no. Do we want to risk the jobs of American autoworkers? I speak not just for those autoworkers in Michigan, who tend to be on the front lines, but many other people in this country who are working in related industries and whose jobs are affected by the sale of domestically manufactured automobiles. Do we want to put at risk all of these jobs? I don't think so. Do we want to risk the investments made by the auto companies in new, more fuel-efficient vehicles, and the significant investments that we have made in the partnership for a new generation of vehicles? Do we want to derail those efforts as a result of this type of action?

In my judgment, we should say yes to more safe vehicles; we should say yes to American autoworkers; we should say yes to the technological advances that have been and are continuing to be made. That is ultimately how we are going to have more fuel-efficient vehicles. If we say yes to all of those, then, in my judgment, we must say no to this amendment because to have a Washington bureaucracy made up of unelected individuals who impose upon this very significant sector of our economy these kinds of standards, the likely outcome will be exactly the opposite of what I have proposed today. I think it will hurt our economy and the American automobile industry, although it may help the automobile industries of other countries. I think it will make the vehicles that come about as a result of higher standards less safe, as the studies that we have cited here today demonstrate.

So for those reasons, I urge my colleagues to vote against the Gorton-Bryan-Feinstein amendment.

Before I conclude, I ask that a letter produced by the United Auto Workers be printed in the RECORD at this point as an expression of their views on this issue, which are consistent with those my colleagues and I on this side of the issue have been offering here today.

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

UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,

Washington, DC, June 30, 1999.

DEAR SENATOR: When the Senate considers the FY 2000 Transportation Appropriations bill, we understand that amendments may be offered to eliminate or modify the current moratorium on increases in 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''. 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.

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.

Mr. ABRAHAM. Mr. President, I yield back the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, first point. I regret that the Senators from Michigan believe that the automobile industry located in that State and the magnificent workers who are employed there are unable to compete with foreign automobile companies when we try to make our automobiles more fuel efficient. In fact, they have shown their magnificent ability to compete, and to compete very well, in the past decade. I am certain that they would continue to do so.

Second, this sense-of-the-Senate resolution simply asks the conference committee members from the Senate to reject a House provision that says that nothing can take place. It certainly does not say that the conference committee cannot condition the moving forward of the Department of Transportation on future CAFE standards in any way it would like to do so. But the net effect, as I have said before, of the House position, supported by the opponents of this amendment, is that we need to put our heads in the sand; we don't need to study—as a matter of fact, we should be prohibited from studying whether or not we can improve the fuel efficiency of our automobiles and small trucks, improve the quality of our air, reduce the cost of fuel to the average American consumer, reduce our trade deficit, all consistent with the safety of our drivers and of the passengers in our automobiles.

I, for one, am convinced that we can do so. But more than that, I am convinced that we ought to determine whether or not we can do so, and the opponents of this amendment simply say we should not even try.

Mr. President, that is a terribly pessimistic attitude toward the technological ability of the people in the industries of the United States, and one that I don't think the Senate of the United States should accept.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1677. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. WARNER (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Rhode Island, Mr. CHAFEE. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay.'' Therefore, I withhold my vote.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Rhode Island (Mr. CHAFEE), are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from South Dakota (Mr. DASCHLE) are necessarily absent.

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—40

Akaka	Feinstein	Lautenberg
Baucus	Gorton	Leahy
Bingaman	Graham	Lieberman
Boxer	Gregg	Moynihan
Bryan	Harkin	Murray
Cleland	Hollings	Reed
Collins	Inouye	Reid
Dodd	Jeffords	Robb
Dorgan	Johnson	Rockefeller
Durbin	Kennedy	Sarbanes
Edwards	Kerrey	Schumer
Feingold	Kerry	Smith (OR)
Snowe	Torricelli	Wellstone
		Wyden

NAYS—55

Abraham	Enzi	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Bayh	Gramm	Murkowski
Bennett	Grams	Nickles
Biden	Grassley	Roberts
Bond	Hagel	Roth
Brownback	Hatch	Santorum
Bunning	Helms	Sessions
Burns	Hutchinson	Shelby
Byrd	Hutchison	Smith (NH)
Campbell	Inhofe	Specter
Cochran	Kohl	Stevens
Conrad	Kyl	Thomas
Coverdell	Landrieu	Thompson
Craig	Levin	Thurmond
Crapo	Lincoln	Voinovich
DeWine	Lott	
Domenici	Lugar	

PRESENT AND GIVING A LIVE PAIR—1

Warner, against

NOT VOTING—4

Breaux	Daschle
Chafee	McCain

The amendment (No. 1677) was rejected.

Mr. THOMAS. I move to reconsider the last vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1658

The PRESIDING OFFICER (Mr. BROWNBACK). There are now 2 minutes equally divided on the HELMS amendment. Senator Helms has yielded back his time.

Who seeks recognition?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I understand the Senator from North Carolina had yielded back his time.

The PRESIDING OFFICER. That is correct.

Mr. LIEBERMAN. I note I support the resolution and yield back the remainder of the time on this side as well.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 1658. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote ''aye.''

The result was announced, yeas 94, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—94

Abraham	Fitzgerald	Mack
Akaka	Frist	McConnell
Allard	Gorton	Mikulski
Ashcroft	Graham	Moynihan
Baucus	Gramm	Murkowski
Bayh	Grams	Murray
Bennett	Grassley	Nickles
Biden	Gregg	Reed
Bingaman	Hagel	Reid
Bond	Harkin	Robb
Boxer	Hatch	Roberts
Brownback	Helms	Rockefeller
Bryan	Hollings	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	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
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Voinovich
Edwards	Lieberman	Warner
Enzi	Lincoln	Wyden
Feingold	Lott	
Feinstein	Lugar	

NOT VOTING—6

Breaux	Daschle	McCain
Chafee	Domenici	Wellstone

The amendment (No. 1658) 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. FEINGOLD. Mr. President, during this discussion of the Transportation appropriations bill, I've been reminded of a piece of Senate history—the push to break the railroad companies' iron grip on railroad rates by setting up the Interstate Commerce Commission. It was a fierce battle that pitted the public's interest against the economic and political might of the railroads, a clash that was ultimately won by those favoring regulation, resulting in the passage of the Hepburn Act in 1906.

One powerful voice for consumer interests in those days belonged to Senator Robert M. La Follette, Sr., of my home state of Wisconsin, one of the greatest Senators ever to hold the office. It's fitting that his portrait now hangs in the Senate Reception Room outside of this chamber along with four other legendary Senators—Daniel Webster, Henry Clay, John C. Calhoun, and Robert Taft.

A fearless champion of the American people in the face of the powerful influence of special interests, La Follette did not hesitate to speak out against the railroad companies. In fact, he did so during his first speech in the U.S. Senate in April of 1906, when La Follette broke the unwritten rule that freshman Senators did not make floor speeches.

And La Follette didn't just make any floor speech—he delivered an oration that lasted several days and covered 148 pages in the CONGRESSIONAL RECORD.

During those remarks, La Follette addressed the power of the railroad monopolies and declared:

> At no time in the history of any nation has it been so difficult to withstand these forces as it is right here in America today. Their power is acknowledged in every community and manifest in every lawmaking body.

La Follette's battle with the railroad industry came to a head in the summer of 1906, when he embarked on a speaking tour around the country. When visiting the states of his colleagues, he took the unprecedented step of reading the roll call, name by name, of votes on amendments he had proposed earlier that year to make railroad regulation more responsive to consumer interests. This ''Calling of the Roll'' became a trademark of La Follette's speeches, and its effect on his audiences was powerful. When these constituents discovered that their representatives were voting against their interests as consumers and in favor of the railroads, they were outraged. According to the New York Times,

> The devastation created by La Follette last summer and in the early fall was much greater than had been supposed. He carried senatorial discourtesy so far that he has actually imperiled the reelection of some of the gentlemen who hazed him last winter.

In 1906, La Follette Called the Roll on amendments affecting the railroad industry, and today, in the spirit of that effort, I'd like to Call the Bankroll on the railroad industry, which today is composed of a handful of companies that monopolize the various regions of the U.S. rail system.

In 1906, Congress saw the need to regulate the railroad monopoly. Today, rapid consolidation in the industry has left us with four Class I railroads, two in the East and two in the West. This merger mania has resulted in reduced competition and another virtual monopoly for the railroad companies. For rail customers and consumers today, this is sure to lead to higher costs and less attention to providing good service, just as it did at the turn of the century. But the railroad companies are resisting any change, and backing up their point of view with almost $4 million dollars in PAC and soft money contributions in the last election cycle alone.

During 1997 and 1998, the four Class I railroads gave the following to political parties and candidates:

CSX Corporation gave more than $600,000 in unregulated soft money to the parties and nearly $275,000 in PAC money to federal candidates;

Union Pacific gave more than $600,000 in soft money and more than $830,000 in PAC money;

Norfolk Southern gave more than $240,000 in unregulated money to the parties and almost a quarter million to candidates;

Burlington Northern Sante Fe gave more than $445,000 in soft money and nearly $210,000 in PAC money.

Mr. President, I Call the Bankroll on the railroad industry today because I'm deeply concerned about how little has changed since La Follette called the roll so many years ago. In 1907, a year after the passage of the Hepburn Act, Congress passed the Tillman Act, finally enacting campaign finance legislation that had been under consideration since an investigation a few years earlier of insurance industry contributions to the political parties. The Tillman Act banned corporations from making political contributions in connection with federal elections, and yet today the railroad companies and thousands of other corporations are giving millions of dollars—totally unregulated—to the political parties.

At the beginning of the century, we banned corporate spending in connection with federal elections, but today that spending is rampant, ruling our political system and ravaging our democracy. At the beginning of the century, special interests used money as leverage to win legislation in their favor. Today, with all the historic changes this century has brought, this fact is more true, and more destructive to the people's confidence in our government, than ever.

But just as Congress had the power to pass the Tillman Act in 1907, Congress has the power today to pass legislation to curb the influence of money in politics by shutting down the soft money loophole. It's time to put an end to the unregulated contributions that were outlawed nearly 100 years ago. It's time to pass McCain-Feingold and consign soft money to the dustbin of history.

Mr. President, I yield the floor.

PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I rise to request a colloquy with my colleague from Washington state, Senator GORTON.

On June 10, 1999, 277,000 gallons of gasoline leaked from an underground pipeline in Bellingham, Washington. It ignited and exploded. Three people were killed: an 18-year-old young man and two 10-year old boys. This is a tragedy.

The Office of Pipeline Safety, the National Transportation Safety Board, the FBI, the EPA and state agencies have spent the last four months trying to determine why this happened. We still don't know the direct cause and may not know for some time.

I wish I could say this was an isolated instance, but I can't. Recent pipeline accidents have occurred in other places. In Edison, New Jersey, one person died when a natural gas pipe exploded. In Texas, two people lost their lives when a butane release ignited. In fact, last November the owner of the pipeline that exploded in Bellingham had an accident in another part of my state that took six lives.

These pipelines are potential threats. There are some 160,000 miles of pipelines in the U.S. carrying hazardous materials. Many of these pipes run

under some of our most densely populated areas; under our schools, our homes, and our businesses.

I am disappointed that this year the Transportation Appropriations Subcommittee did not adequately fund the Office of Pipeline Safety, the authority governing interstate pipelines. I tried to get the appropriations in this year's bill to the level requested by the President. Unfortunately, we were unable to do so. It is my hope we can increase funding in next year's appropriations.

I am also committed to strengthening OPS's oversight of pipelines and commitment to community safety in next year's reauthorization of OPS.

I will be working with Senator GORTON, who is on the committee, to ensure greater OPS effectiveness and oversight of the industry.

I also want to point out U.S. Transportation Secretary Rodney Slater's prompt attention to this issue. Immediately following the accident, he met with me and granted my request to have a full-time OPS inspector stationed in Washington State. He has also been very helpful and informative as we've progressed through the investigation phase. I thank him. I know he will continue to work with us in the future on OPS's appropriations and next year's authorization.

Mr. GORTON. I thank my colleague from Washington state. She has been out front on this issue, and I commend her for her persistence.

I look forward to working with Senator MURRAY during the reauthorization of the federal Office of Pipeline Safety, a piece of legislation in which I will fully engage when it comes before the Senate Commerce Committee next year. While the interstate transportation of hazardous materials in above and underground pipelines has proven to be the safest and most cost-effective means to transport these materials, the Bellingham tragedy has once again alerted us to its tragic potential. During the OPS reauthorization process I intend to ensure that the federal law and the federal agency are performing their jobs of ensuring that tragedies like the one in Billingham are not repeated. I will work closely with Chairman MCCAIN, the majority leader, and my Democratic colleagues to make this a top priority next year.

Mrs. MURRAY. I thank my colleague. I will also continue to push for reform. We must take a long hard look at the effectiveness of OPS's oversight activities; review ways to develop new technologies for detecting pipeline defects; consider the effect of aging pipelines on safety; review industry's influence on the regulation of pipelines; and focus on our training and testing procedures for inspectors and maintenance workers. I also intend to look at ways to treat environmentally sensitive and highly populated areas, recognizing the multitude of safety and ecological problems operating pipelines in these places can create.

Finally, I will work to strengthen communities' ''right to know,'' so people are aware when there are problems with the pipelines that threaten their neighborhoods.

Mr. GORTON. I share the Senator's concerns and I am certain we will deal with those questions and ideas in the context of reauthorization legislation.

Mrs. MURRAY. I thank the Senator.

Mr. FEINGOLD. Mr. President, I rise today to comment on an aspect of the Transportation appropriations bill that I think deserves mention during this debate. It's a factor that influences legislative debate, but one that we consistently sidestep in our discussions on this floor—money in politics.

Well, Mr. President, I'm trying to change that with what I call the Calling of the Bankroll. When I Call the Bankroll on this floor, I describe how much money the various interests that lobby us on a particular bill have spent on campaign contributions to influence our decisions here in this chamber. I have already Called the Bankroll on several bills; for instance, when I discussed the contributions of the high tech industry and the trial lawyers during debate on the Y2K bill, and, more recently, when I pointed out the contributions of the managed care companies and the pharmaceutical industry, among others, during the debate on the Patients' Bill of Rights.

And now, we come to the fiscal year 2000 Transportation appropriations bill, as it relates to the airline industry, which has been battling against another bill of rights. While in June the airline industry unveiled its own Passengers' Bill of Rights, it falls far short of what was outlined in other pending Senate legislation, including the Airline Passenger Fairness Act, of which I am a proud cosponsor. I want to take this opportunity to thank my colleague, Senator WYDEN, for his leadership on this issue, and his commitment to giving airline passengers across the country a real bill of rights. I am proud to be a co-sponsor of both amendments offered by my friend from Oregon.

The Airline Passenger Fairness Act establishes a national policy to provide consumers with a basic expectation of fair treatment by airlines and to encourage airlines to provide better customer service by outlining minimum standards. The Airline Passenger Fairness Act would ensure that passengers have the information that they need to make informed choices in their air travel plans.

But, Mr. President, there is a serious obstacle facing supporters of a comprehensive Passengers' Bill of Rights—the PAC and soft money contributions of the airline industry.

The six largest airlines in the United States—American, Continental, Delta, Northwest, United and US Airways—and their lobbying association, the Air Transport Association of America, gave a total of more than $2 million dollars in soft money and more than $1 million dollars in PAC money in the last election cycle alone.

Northwest was the largest soft money giver among these donors, giving well over half a million dollars to the political parties in 1997 and 1998. Mr. President, you may remember that Northwest Airlines made headlines across the country earlier this year when they left thousands of passengers stranded on snow-clogged runways in Detroit, leaving some of their customers without food, water or working toilets for more than eight hours.

Mr. President, according to the Department of Transportation, consumer complaints about air travel shot up by more than 25 percent last year. Those complaints run the gamut from erratic and unfair ticket pricing; being sold a ticket on already oversold flights; lost luggage; and flight delays, changes, and cancellations.

We can and should address these problems, Mr. President. The American people are demanding change; as legislators, we should respond.

But we have yet to do anything concrete in this Congress to guarantee airline passengers the rights they deserve.

The American people can't help wondering why, Mr. President, so today I offer this campaign finance information to my colleagues and the public to help to present a clearer picture of the influences surrounding this aspect of the Transportation appropriations bill, and the influence of those with a stake in the debate on a comprehensive Passengers' Bill of Rights.

I yield the floor.

Mr. VOINOVICH. 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. VOINOVICH. Mr. President, I ask unanimous consent to be allowed to proceed as in morning business.

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

THE TRUTH ABOUT BUDGET SURPLUSES

Mr. VOINOVICH. Mr. President, now that the tax cut bill will assuredly be vetoed, it is time to turn our attention to passing a budget that will respond to the needs of our citizens, keep our spending under control, maintain the integrity of the Social Security trust funds, and not increase our terrible national debt.

When I was back in Ohio during the August break, almost everybody I talked to said they were glad that I opposed the tax cut that was based on the 10-year rosy projections, which I referred to as a mirage. Every expert in America said that to base tax cuts or new spending on such projections was fiscally irresponsible.

The people who I spoke with told me that if it was not a mirage, then Congress should use the money to pay down the $5.6 trillion national debt and get out of dealing with the problems of Social Security and Medicare.

They also said if we got to a point down the road where we got real money for a tax cut, we should do it when the