report which are being denied to the American people.

What are the consequences of this? It significantly reduces the information available to the public about some of the Government's most important actions, or more accurately, inactions prior to September 11. Second, it precludes the American people from asking their Government legitimate questions such as, How was the information that our Government might have had prior to September 11 utilized after September 11 to enhance the security of our homeland and American interests abroad? Third, almost 2 years after the tragedy of September 11, the administration and the Congress, in the main, have not initiated reforms which would reduce the chances of another September 11.

For example, we are allowed to report that the estimates of the CIA's counterterrorism center is that between 70,000 and 120,000 recruits went through al-Qaida's training camps in Afghanistan before those troops were attacked in late 2001. The important questions as to the significance of that statement, to the security of the American people, are not available.

This obsession with excessive secrecy is deeply troubling. The recognition of the evils of secrecy in a free society date back to the beginnings of our Nation. Patrick Henry declared: The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them.

President John F. Kennedy observed in the first year of his Presidency: ''the very word secret is repugnant in a free and open society, and we are, as people, inherently and historically opposed to secret societies, to secret oaths, and to secret proceedings. We decided long ago that the dangers of excessive and unwarranted concealment of pertinent facts far outweighed the dangers, which are cited to justify.'' These are traditional American values that are being trampled.

So the joint committee included our report with this recommendation, recommendation No. 15. ''The President should review and consider amendments to the Executive Orders, policies, and procedures that govern the national security classification of intelligence information in an effort to expand access to relevant information for Federal agencies outside the intelligence community and for State and local authorities which are critical to the fight against terrorism and for the American public''.

In addition, the President and heads of Federal agencies should assure that the policies and procedures to protect against unauthorized disclosure of classified intelligence information are well understood, fully implemented, and vigorously enforced.

It is my observation that because classification is used so excessively, the corollary is only a minimal effort to enforce classification of materials that truly do deserve to be classified.

Again, I remind my colleagues that these recommendations were written late in 2002 before the current crisis developed over the use and possible misuse of intelligence leading us to war in Iraq. But that crisis has given this recommendation even greater urgency for the Government's credibility with the American people and our credibility with the rest of the world.

These qualities have been severely eroded in large part because of excessive secrecy. To regain the people's trust we must bring new transparency to our decisionmakers. We must bring new transparency to our decisionmaking. We must move decisions and governmental information into the sunshine. We owe that and much more to the 3,000 victims of September 11.

The PRESIDING OFFICER (Mr. ENZI). The majority leader.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF EARL LEROY YEAKEL III, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS

Mr. FRIST. Mr. President, as in executive session I ask unanimous consent the Senate proceed to executive session for the consideration of Calendar No. 296, Earl Yeakel III, to be U.S. District Judge for the Western District of Texas; I further ask that there then be 5 minutes for debate, equally divided between Senators HUTCHISON and CORNYN, and 5 minutes for Senator LEAHY; further, I ask that following that debate, the Senate proceed to a vote on the confirmation of the nomination, with no further intervening action or debate; finally, that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is noted.

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate proceed to the nomination at 4:50 p.m. on Monday, under the exact same conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ENERGY POLICY ACT OF 2003—Resumed

Mr. FRIST. Mr. President, I now ask for the regular order with respect to S. 14.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Campbell amendment No. 886, to replace ''tribal consortia'' with ''tribal energy resource development organizations.''

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Are we currently on the Indian amendment of Senator CAMPBELL?

The PRESIDING OFFICER. The Campbell amendment No. 886 is pending.

Mr. DOMENICI. I have cleared this on both sides. I ask unanimous consent that amendment be set aside so we can conduct some business this evening. There are two or three amendments of substance that Senators would like to offer. Senator CAMPBELL and Senator BINGAMAN have no objection to setting this aside.

Mr. REID. Reserving the right to object, I have spoken to Senator CAMPBELL earlier this evening. We have, now—however many weeks it has been since we were on this bill. The Senator on our side we said would be here to offer the next amendment is Senator DURBIN. Senator DURBIN is ready whenever the Senator yields the floor.

Mr. DOMENICI. Surely.

Mr. REID. He is ready to offer that right now, whenever the Senator desires.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I certainly have no objection to Senator DURBIN having the first amendment this evening. I just want to make sure we have an understanding about how long he might take and what will be next. There are a number of people who want to offer similar amendments. We understood the purpose tonight was to stay, even though it is late, so Senator DURBIN might offer an amendment in the area of CAFE standards, and that two other Senators might follow.

Mr. REID. If I can respond to the Senator from New Mexico, the distinguished chairman of the committee, the Senator from Illinois intends to lay down the amendment tonight and that is all.

Mr. DOMENICI. Before I yield the floor, I ask if the Senator from Georgia wishes to ask something of the Senator from New Mexico, or does he want the floor?

Mr. CHAMBLISS. I ask unanimous consent I be allowed to speak for no more than 5 minutes as in morning business.

Mr. DOMENICI. He asked to speak as in morning business prior to the amendment. I have no objection.

Mr. REID. Mr. President, I would love to hear the Senator from Texas, but Senator DURBIN is going to take less than a minute to do his.

Mr. DOMENICI. We will then sit down. Certainly you can seek recognition.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to send two amendments to the desk. I will take up the first amendment and ask the second amendment be laid aside.

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

AMENDMENT NO. 1384

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. REID, Mr. REED, and Mr. KENNEDY, proposes an amendment numbered 1384.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 1385

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1385.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DOMENICI. Mr. President, I don't object. I don't know what is going on, but I understood we were yielding so Senator DURBIN could offer an amendment. Now I understand there are two amendments.

Mr. DURBIN. If the chairman will yield, through the Chair, I am setting aside the second amendment. I filed but set aside the second amendment. I am only going to offer one amendment. I ask unanimous consent only one amendment be considered.

Mr. DOMENICI. I thank you.

Mr. DURBIN. I am prepared, having filed this amendment, to yield so the Senator from Georgia may be recognized.

Mr. DOMENICI. If the Senator would like to get the floor, after 5 minutes yielded to the Senator from Georgia, the Senator from New Mexico asks the floor be returned to him so he can make brief opening remarks.

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

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

Mr. DOMENICI. Mr. President, we have all been waiting for a long time. The minority has been telling us that we can't finish the Energy bill in 1 week starting on Monday and working for the entire week. Our distinguished majority leader has been telling us—at least 10 times—that it won't be 1 week, it will be 1 week and whatever else it takes to finish it. He is sending a nice warning to all of us, as I see it, that we don't intend to put up with long delays. Nobody is offering the last phase of this Energy bill so that we can all have fun on the floor.

The idea is, if you want to recess, finish the Energy bill. I will do everything in my power to keep it right in focus. But I can't do much more than the rules permit me and the minority manager on that side will let me do. But I guarantee you that from our standpoint, there will be no efforts to go outside the scope of what is required to complete an Energy bill for the United States.

My colleagues know this is how the Senate works. We have scores of amendments listed on the so-called final list. But if anybody were to look at them in this country, they would say: What are you talking about? Those aren't amendments. That is right. They are not. It is just a list of words with numbers alongside them that Senators have put in.

I am looking at my friend from Illinois. Some Senators put 30 and 40 of them down. There is no intention to offer those kinds of amendments. We can finish this. The fact is there are 392 amendments. It doesn't mean a thing. As a matter of fact, we have put together a bipartisan electricity bill. It was circulated. I believe that bill alone might, by itself, take between 30 and 50 of the amendments on that so-called list. Those are the kinds of things that have been incorporated in this major electricity amendment.

While I am on it, let me suggest that if things work right, we should be on the electricity portion of this bill on Monday. Monday is a workday here, too, according to our leader. There is no holiday on Monday. Tomorrow is a workday, even though it is Friday.

Essentially, the bill that was submitted to everyone will have many cosponsors. It has been worked out over a long period of time with almost all the interests in the electrical future of our country as part and party to seeing the solution put together. We believe it represents a very wide scope of coverage, and that should be found acceptable. Certainly there will be amendments, and we will debate them. But the main bill should be found acceptable by an overwhelming majority.

In talking about what is really left in this bill, this huge bill—if we pass it and it goes to conference—will be the basis for America producing all kinds of energy for her future and jobs.

I think there are seven major issues left.

CAFE: My good friend from Illinois offered not two but one CAFE bill amendment tonight. He will get his turn. If not tonight, we are going to finish up CAFE in the morning. Other Senators have amendments also.

With cooperation, which I think we will get, our plan is to have the next one, and the next one, and the next one, with the Senator from Illinois reserving his right. If he wants to have his amendment voted on first, he is the first one up. We believe CAFE will be disposed of. Frankly, we believe it will be disposed of by Monday night. We don't intend to spring this on everyone. This requires everybody who can be here to be here. It looks as if that will be Monday afternoon sometime.

We think climate change will be offered by two or maybe three Senators. This Senator could make the point—but I think it will fall on deaf ears—that climate change doesn't belong in this bill. I don't think we have jurisdiction. I don't think it belongs in the Environment and Public Works bill. But we are going to get it anyway. We are very hopeful that can come up after CAFE.

I have explained electricity.

That makes three major items.

Then we have one that I thought was resolved between the distinguished Senator CRAIG and the ranking minority member, Senator BINGAMAN, on hydroelectric relicensing. But I understand it has not been resolved. So we had better list it as four in terms of serious amendments.

Fifth is an Indian energy issue. We just set it aside prior to the amendment of the Senator from Illinois. It involves a serious discussion between the junior Senator from Colorado, Mr. CAMPBELL, and the minority leader. Senator BINGAMAN wants to amend it. I understand the distinguished Senator from Vermont, Mr. JEFFORDS, may also want to amend it, which would mean the Indian energy bill would have two amendments.

There is the longstanding, always recurring issue called renewable portfolio standards—the RPS. I don't know whether we call it a standard. But essentially it is an approach that says we are going to take some of this renewable energy supplied by wind and solar. Even though we are giving them plenty of incentives in this legislation, indeed wind is—it is kind of a strange way of saying it—coming on strong; there is no question but that it is. It has even been enough to show up on these various diagrams that talk about energy. We have given them all kinds of incentives.

But the idea is mandating that companies which produce electricity in our sovereign States have a percentage each year of the renewables. Thus, the renewable portfolio standard will be an issue.

That is as I see it. That is the sixth issue. I am aware of two amendments in that area; again, one from the distinguished Senator BINGAMAN, and one from the distinguished Senator JEFFORDS from Vermont.

Then everybody should know there sits on the sideline a package. It is called a tax package. The way we have been doing this on energy bills is: Those of us concerned with energy, we all go to the Finance Committee, which has total jurisdiction over taxes, including tax incentives, and we make our case, and they produce for us a package of tax incentives and tax legislation. They have done so again this year. That is ready.

At a point in time—let me suggest—I cannot predict exactly, but I am thinking some time about Wednesday or the latest Thursday—we would offer this tax package in its entirety to become part of this bill.

I know there are many Senators who are anxious to offer tax measures, and this tax package will be no different. It will be an opportunity, for those who want to offer tax amendments, to do so. Except I might suggest that the precedent, if you can count on it, has been that amendments that are not relevant to this package do not find themselves in this bill; that is, if somebody does not like the current state of play on the child tax credit, they may want to offer that on this bill that has incentives for windmills, incentives for biomass.

I can say, here and now, as manager of this bill, the rules are the rules. Senators' prerogatives are Senators' prerogatives, but I would ask—and I will ask in advance as many Senators as I can talk to—that we table any such amendments, and we keep the tax package to the energy package.

There will be some who want the Energy bill to pass, and they will quickly understand that is the right way to do it; and they will help. I don't know of any, so I am just talking. But there may be some who do not want us to finish by next Friday night or Saturday or Sunday or Monday—part of our vacation—and they may not like the idea of getting this tax package over with, and they may want to spend their recess debating taxes. I hope not because there are a lot of Senators around here who do not want to spend their recess debating taxes. They want to finish this bill and go home or go wherever their plans are.

I note that our leader is serious enough about this where he can be here an extra 3 days or 6 days before his plans take effect. Just to show us he is serious, that is what it looks like in his regard.

Let me tell my colleagues that it is 9:05 p.m. The minority has generously let us set aside the Indian amendment and offered the first CAFE amendment. I am hopeful that in a few minutes the senior Senator from Missouri, Mr. BOND, will be here. I am hopeful he will seek to offer a CAFE standards amendment and that the other side will be as generous as we were and let him offer his without jeopardizing the CAFE amendment of the distinguished Senator from Illinois—just setting it aside temporarily while Senator BOND offers his.

Frankly, I do not see any reason after that occurs—unless somebody comes here with some business—to stick around very long. There have been many votes today. I am just as tired, if not more tired, than most of the Senators who have already left the premises. So I do not want to stay beyond the offering of the two CAFE amendments.

I say to Senators, there is great cooperation taking place. And tomorrow morning, if we can get the same cooperation, the distinguished Senator from Arizona intends to offer his CAFE amendment. I say to the Senator, as you know, he has been telling us about that amendment for quite some time. And then immediately after that, if everyone continues to be somewhat harmonious, there will be another modified CAFE amendment that will be offered by Senator FEINSTEIN, joined by others, but I know joined by Senator MCCAIN.

That will put us tomorrow, before noon, with four CAFE amendments of sorts—I say to the Senator, his being one kind and the last one I spoke to being another kind—all pending before the Senate. After they are pending, we can determine what voting on each one does, one to another. But until then, we will hope that each Senator, who is interested in what they will clearly tell us is one of their important issues, what they perceive to be very important; namely CAFE—they will have a chance to make their presentation, as I understand it.

Senator BOND will be here shortly. I say to the Senator, if you do not mind, without going into any detail, I have a Senator to take my place for the rest of the evening.

DEATH OF COLIN MCMILLAN

Mr. President, I received word today, not too many hours ago, that one of our President's nominees to become Secretary of the Navy, Colin McMillan—some of my colleagues knew him; he would have been up here for confirmation shortly; he was a very good friend of mine for 35 years—he is dead. That is as much as I can say. And that is not a great way to start the evening.

One of my fellow Senators has told me that if I put in a brief quorum call, he will take my place and save enough time for Senator BOND, whom we have imposed upon to come down and offer his amendment.

Mr. DURBIN. Mr. President, I don't know if a quorum call has been ordered. If not, I would like to ask recognition from the Chair.

Mr. DOMENICI. I was going to suggest the absence of a quorum. I say to the Senator, if you don't mind, I would like a Republican to be here. If he will just tell me he wants to speak on his amendment—is that what the Senator wants to do?

Mr. DURBIN. That is exactly right.

Mr. DOMENICI. I say to the Senator, when Senator BOND arrives, upon request, will the Senator from Illinois yield and let him offer his amendment?

Mr. DURBIN. I will be happy to do that.

Mr. DOMENICI. Can we do that? Under those conditions, rather than suggest the absence of a quorum, I will relinquish the floor. Senator DURBIN can start. Senator BOND will be here shortly, and a Senator will be here to replace me in short order.

Here is Senator BOND now.

I ask the Senator how long he thinks it will be before he is ready?

Mr. BOND. About a minute and a half.

Mr. DOMENICI. Let's proceed as we had planned and let the distinguished Senator from Missouri proceed next.

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. BOND. 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. 1386

(Purpose: To impose additional requirements for improving automobile fuel economy and reducing vehicle emissions)

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of myself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW, proposes an amendment numbered 1386.

Mr. BOND. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. BOND. Mr. President, as we continue debate on the Energy bill, there are a number of very important issues and amendments facing the Senate. One is of great interest to me and, frankly, any Senator who has automobile plants or suppliers in his home State. It actually should be of interest to every Senator since it directly affects all American consumers in every State who drive a car, SUV, other vehicle, or even ride in one. It is also of vital interest and a high priority to the Chamber of Commerce, the United Auto Workers, the American Farm Bureau, and a very large, diverse coalition of labor, business, and consumer groups. I refer to Corporate Average Fuel Economy, or CAFE, standards.

I am a great baseball fan, and I can think of no higher authority than Yogi Berra to quote when I say it is deja vu all over again. I must admit I was holding out hope that the Senate could avoid a lengthy debate this year over the CAFE standards. After all, this body examined fuel economy proposals in great detail during debate on the Democratic Energy bill last year. As some of my colleagues may recall, Senator LEVIN and I, with the help of others, developed an amendment to strike the job-killing antisafety CAFE provisions offered and proposed by other Members and replace it with commonsense language mandating that the experts at the National Highway Traffic Safety Administration set new CAFE standards at the maximum feasible level.

The Levin-Bond amendment last year passed on a vote of 62 to 38, obviously including Senators from both sides of the aisle. I am pleased to be offering a similar amendment again this year with Senator LEVIN, Chairman DOMENICI, and Senator STABENOW.

Members supported our amendment last year because they knew then and I believe they know now that setting fuel economy standards is complicated. Future standards should be based on sound science, and they must take into account a number of important criteria, including the impact on jobs, safety, technology, consumer choice, and many others. They should not be based on a political number, and that is why the Kerry-McCain provision was stripped out of last year's bill. In fact, it was withdrawn for an obvious lack of support.

When the Senate debated the Levin-Bond amendment last year, some in the Chamber doubted whether the Bush administration would take CAFE seriously and issue new standards in a timely fashion. The administration did act earlier this year and announced the biggest increase in 20 years in CAFE levels for light trucks and SUVs.

Regrettably, proponents of higher CAFE standards are back again this year. Several Senators have developed proposals to increase CAFE standards significantly without regard to the effect on American jobs and the American economy. If I might borrow a line from a recent movie, those CAFE numbers are ''too fast, too furious.''

I did some research on the economic job impact to the automobile industry in Arizona, Illinois, and California. Perhaps the sponsors of the higher CAFE amendments are not familiar with some of data for their home States. Let me provide for the record, in Arizona there are over 75,000 auto-related jobs, including 16,000 directly employed in the industry. In Illinois, there are 311,000 auto-related jobs, including 45,000 directly employed. Lastly, the great State of California has over 462,000 auto-related jobs, including 118,000 direct jobs.

Here are a couple of figures on a national scale: 6.6 million, this is the number of Americans employed in direct or spin-off jobs related to the automotive industry. Here is another big one: $243 billion, that is the economic contribution of the industry. In fact, every State is an auto State. Let me show my colleagues this chart. Most people would know that Michigan, Missouri, Indiana, and Ohio are big manufacturing States. But even smaller States—Nebraska, New Hampshire, Delaware, Arkansas—have suppliers and other industries whose success and business profitability are directly related to the bigger manufacturers.

Nebraska has 33,700 jobs; Arkansas 46,800; New Hampshire, 27,300 jobs; Delaware has 30,100 jobs. This chart is here for everyone to view.

Proponents of arbitrarily higher CAFE standards try to avoid any discussion of the job impact or they just dismiss concerns as being overreactive. But I have heard from a broad array of union officials, technical experts, plant managers, local dealers, and small businesses. They tell me that these proposals could cost jobs, because the only way for manufacturers to meet these unrealistic political numbers is to make significant cuts to light truck, minivan, and SUV production—the vehicles, quite frankly, Americans are demanding.

In fact, I had recently read in Roll Call that some of my colleagues here on the floor right now actually drive these bigger SUVs here in Washington, though there may be some fender damage to at least one of them.

I have also read the National Academy of Science's report on CAFE standards issued in 2001. Let me share with you a key finding about safety and higher standards:

> In summary, the majority of the committee finds that the downsizing and weight reduction that occurred in the late 1970s and early 1980s most likely produced between 1,300 and 2,600 crash fatalities and between 13,000 and 26,000 serious injuries in 1993.
>
> If an increase in fuel economy is effected by a system that encourages either downweighting or the production and sale of more small cars, some additional traffic fatalities would be expected.

That is the National Academy of Science. I believe that NAS report offers us in the Senate clear guidance and expert scientific analysis as we debate fuel economy standards. CAFE standards which cannot be met by technological improvement have killed roughly 2,000 people a year—that is almost as many as in the tragedy of September 11—because of what we in Congress have mandated. That is a frightening number.

This past April, the Energy Committee debated an amendment by Senator FEINSTEIN to raise the light truck CAFE standard. That could have had negative consequences for pickup trucks for ranchers and farmers across Missouri and in many agricultural States. The amendment would have also negatively impacted soccer moms and dads driving minivans, too, since they are part of the light truck category.

The committee soundly rejected the Feinstein amendment 15–7, on a bipartisan vote, including four Senators from the other side of the aisle opposing adoption. I look forward to working with those Senators and others to defeat excessive CAFE amendments to be offered on the floor.

I urge and strongly encourage Members who voted for the Bond-Levin amendment last year to do so again this year. It is a commonsense amendment to the Energy bill that will protect jobs, safety, consumer choice, and continue to pursue reasonable, scientifically achievable environmental improvements.

I know that some in this Chamber believe our fellow Americans cannot be trusted to make the right choice when purchasing a vehicle. For my part, in choosing between the Government or the consumer making choices, I side with consumers. I do not pretend to know what is best for each of the 16 million Americans who purchase a new vehicle every year.

For those who say, ''too bad, we must force Detroit to build more fuel-efficient cars and trucks,'' do you know that under CAFE, it doesn't matter what the companies manufacture and build? It is calculated based on what they buy. There are over 30 vehicles in showrooms that get over 30 miles to the gallon, but guess what: They represent less than 2 percent of sales. In their buying decisions, consumers consistently favor safety, utility, performance, and other characteristics over fuel economy.

Do we still have a free society? I think so and I hope so. Higher CAFE standards could lead to downsizing of many popular vehicles. I don't want to tell parents in Missouri, or in any State, they cannot get the SUV or minivan they wanted for their family or business because Congress decided it would be a bad choice. Is that any way to develop sound public policy? Of course not.

Last year, I said on the floor that I would be most interested to see the hard data and the solid science which supposedly justifies the higher CAFE standards put forward by some of my colleagues.

Mr. President, I never did get a firm answer. Frankly, I doubt one exists. The numbers in these CAFE amendments are political numbers picked out of thin air. Some of my colleagues are trying to indicate that their proposed standards are suggested in the NAS study. I remind my colleagues the National Academy of Science report states the following:

> The committee cannot emphasize strongly enough that the cost-efficient fuel economy levels are not recommended CAFE goals.

Mr. President, automakers are investing billions of dollars in advanced technology research and new products, such as hybrid and fuel cell vehicles, which offer great promise to improve fuel economy and continue to offer the driving public the comfort, safety, and utility they demand. We should be encouraging this type of research. In fact, the President has recognized the importance of advanced technology and has pledged $1.2 billion in fuel cell research funding, so that America can lead the world in developing clean, hydrogen-powered automobiles. We have already voted to accept Senator DORGAN's amendment, which paves the way for production and deployment of 2.5 million hydrogen fuel cell vehicles by 2020.

The Bond-Levin amendment allows the Transportation Department to continue its plans for a multiyear rulemaking to set new CAFE standards in the future. Our amendment includes provisions so that the Government plays its part in addressing vehicle fuel efficiency.

I urge all of my colleagues to oppose higher CAFE amendments, which will only hurt consumers and do very little for fuel economy and are not based on sound science. I ask that we save jobs, improve safety for our fellow Americans, and continue to make scientific progress toward greater fuel economy and environmental improvement. Vote ''yes'' on the Bond-Levin-Domenici-Stabenow amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, the Senator from Missouri made reference to a colleague on the floor who is driving a big SUV with a dented fender.

I drive a 1993 Saturn, and I just took it, with my wife, on a trip to North Carolina. We averaged 35 miles a gallon with the air conditioning on. I wanted that on the record so people won't believe I am standing here talking about fuel efficiency and the only car I drive is an SUV. I don't own an SUV. People who want to are certainly entitled to. That is their free choice.

You have just heard the opening statement by the Senator from Missouri, but you may not have noticed the flapping in the background. It was the waving of a white flag. It was a concession by the Senator on his behalf and on behalf of the cosponsors that America is incapable of developing a technology to make our cars and trucks more fuel efficient—so incapable that if we establish a new fuel efficiency standard, the Senator from Missouri tells us it will cost us thousands of jobs. So we are just going to give up. America is going to walk away, surrender. There is no way we can deal with the challenge of an amendment which says we need more fuel-efficient cars.

The Senator is prepared to say to us, if that battle is underway, we concede defeat to all the foreign automobile manufacturers. America just cannot keep up. We are just going to fall behind, and our workers are going to lose their jobs.

Forgive me, but I don't have that negative attitude or pessimistic view of the people who work in the automobile industry, nor those who design cars and trucks. When given a challenge, I believe they can meet it. But if not given a challenge—which is what the Senator from Missouri and his cosponsor, Senator LEVIN of Michigan, are proposing—we know what will happen. We have seen it happen. Take a look at the history of this.

First, consider the fact that we are debating an Energy bill. How can you have a serious Energy bill and not talk about conserving energy? If you are going to talk about conserving energy, how can you avoid the largest consumer of petroleum products in America, the cars and trucks we drive on the highway? How can you have an honest Energy bill that talks about America's energy future and doesn't address the critical need to reduce our dependence on foreign oil and to make certain that the cars and trucks we are driving are more fuel efficient?

I think the answer is obvious. When I go through my State of Illinois, whether I am talking to soccer moms or corporate executives, they all understand this. If you continue to say to Detroit that you can continue to build the heaviest, most fuel-inefficient vehicles imaginable and put them on the road with absolutely no motive or no impetus to change, we are going to continue to import oil from overseas, and we are going to continue to be dependent upon Saudi Arabia and all the other oil sources in the Middle East. We are going to continue to pollute our air until our children have a planet that, frankly, has been blighted by our own neglect, and that is an abdication of our responsibility. So I offer an amendment to improve the fuel efficiency of vehicles across America.

This is not a radical concept. We have done this before. When we get down to it, there are only two or three ways to basically improve fuel efficiency of the vehicles we drive. One, we can wait for consumers to demand it. Well, they might, over some period of time, driven by foreign policy concerns or environmental concerns. It might happen. Secondly, we can increase the cost of fuel in America. And we know what happens then. If gasoline went up over $5 a gallon, every spouse would be asking his or her spouse, what kind of fuel economy do we get on that car in the driveway? At $5 a gallon, we need to know, and maybe we need to get a more fuel-efficient car. But I think that is a poor way to do it.

Imposing new taxes or new cost in fuel means families across America are going to spend more. Small businesses are going to struggle with more cost. That certainly is not the way to answer it.

There is a third way, a proven way. It is one we have used before. Remember back in 1975 when America was struggling with this whole question, and people were in long gas lines wondering whether we would have enough gasoline to fuel our vehicles? Congress took a look at the average fuel economy across America and found that the cars we were driving were averaging about 14 miles a gallon. So Congress said: We are going to impose a new standard; over 10 years, the automobile industry has to virtually double the fuel economy of its vehicles to almost 28 miles a gallon.

What did the critics say about that? Well, exactly what the Senator from Missouri just said: We cannot do that. We cannot double fuel economy in 10 years; why, that is technologically impossible. Secondly, if you want to build a car that gets 28 miles a gallon, it will not be safe. It will be light, it will be dangerous, it will not be fair to families, and people will die.

The third thing they said was: If we impose this standard of 28 miles a gallon, bet dollars to donuts those cars are going to be made overseas. They will be made in Japan and Germany and other countries, and American workers will lose their jobs. Sound familiar? Those are exactly the arguments we have heard from the Senator from Missouri: Technologically impossible; cars will be unsafe; we are going to lose jobs.

What did this Senate and the House of Representatives say about that? They rejected it. They said: We are not going to give up on American ingenuity and American technology. We believe that given a goal, Detroit and other automobile manufacturers can meet it. And we imposed a mandate to increase the fuel efficiency of vehicles and double it over a 10-year period of time.

What happened? It worked. By the end of 10 years, average fuel efficiency was up to about 27½ miles a gallon. They found the technology, cars were safer, and there were still plenty of jobs in the United States, good paying jobs, in the auto industry. That is what happened.

What has happened since 1985, when that requirement to double fuel efficiency ended? Nothing. Eighteen years of no improvement in fuel efficiency of the cars and trucks in America; and, even worse, because of loopholes in the law, we decided to call SUVs ''trucks'' so they were exempt from fuel efficiency.

So what happened over the 18 years? We started to slide backwards, from 27½ miles a gallon to now about 24 miles a gallon average fuel efficiency across America. What does it mean? More dependence on foreign oil; more dependence on Saudi Arabia and the oil sheiks; more dependence on the tangle of politics in the Middle East; more air pollution because the cars that we are driving, those big SUVs and heavy trucks, with less fuel efficiency and less fuel economy, are burning more gallons of gasoline, tossing more emissions out of the tailpipe, creating a bigger soup in the atmosphere to heat up our planet Earth, endangering not only lives with the problems that come from pulmonary disease and lung disease but endangering species around the world and endangering our environmental future. That is what we get for 18 years of neglect.

What is the answer of those who come before us today with the alternative amendment? More neglect. They believe America is not up to this challenge, America cannot come up with this technology. Sadly, there is some evidence that they are right.

Take a look at the hybrid cars that are on the road today. Do my colleagues know the cars I am talking about? The ones that combine gasoline engines and electric-powered engines and they get substantially better fuel mileage than most cars that are on the road. Where are the two models of these cars coming from today? Sadly, they are coming from Japan. Detroit is running second again in the race for technology.

I am not giving up on American ingenuity and technology. I do not agree with those who say there is no way we can make our cars and trucks more fuel efficient. I think we can do better, and I think we will do better, but we have to establish challenges and goals.

Let me talk for a moment about this concept of soccer moms. I have heard this—the Senator from Missouri often refers to it—there are a lot of soccer moms in Illinois and, yes, they drive minivans and SUVs and a lot of other types of cars. But when I sit down and talk to these soccer moms, they understand that they have a responsibility beyond just picking out the biggest and heaviest automobile they can buy. They understand their responsibility to the future that their children are going to share with others. They understand their responsibility to the environment.

They ask me: Senator, are you saying that Detroit, given 10 years, cannot give us a safe, fuel-efficient vehicle?

I tell them, I believe they can. But the Bond-Levin amendment says they cannot, that there is no way they can; that soccer moms are going to be stuck driving some flimsy old vehicle that may get better gas mileage but at the expense of the safety of their children.

I do not buy it. I am not that pessimistic. I am very optimistic. When it comes to American creativity, I think we can meet this challenge, and I think those soccer moms and dads want to drive more fuel-efficient vehicles, not just for the money savings—that is important to every family—but also because they feel a responsibility to the future of their children. They feel a responsibility to the environment in which we live. They understand that the No. 1 diagnosis of kids going into emergency rooms and hospitals across America today is asthma and lung disease that is caused by air pollution. They understand that.

They want to do their part. To do their part, they need leadership right here on the Senate floor, not waving the flag of surrender, not retreating, but moving America forward with a new vision, a vision which says to Detroit, to Chrysler, to General Motors, to Ford, to manufacturers in our country, let us show the rest of the world we can lead. We do not have to surrender, as the amendment that is being offered tonight suggests. We want to lead. In leading, we will solve the environmental problem and reduce our dependence upon foreign oil.

I have a few charts, but it is late, and I understand that staff has been here for a full day, so I am not going to belabor this issue. There will be time. I think we will return to this issue next week, and at that time on Monday evening, when I return, I plan to give a full statement and show charts that talk about the CAFE standard, which I am sure will be very convincing to my colleagues.

I do hope my colleagues will consider this: If we are serious about an Energy bill, if we are serious about tomorrow's energy supply, if we are serious about looking at this issue in an honest fashion, how can we avoid talking about conservation? What we have proposed by a variety of amendments, including the one from the Senator from Missouri, is more study: Let's take a look at this; surely there must be some way we can study this problem into a solution.

I do not think it works that way. The choices are very few: raising the gas tax, which I oppose for reasons I have stated, or establishing standards to reach a 40-mile-per-gallon standard fuel efficiency. That, I think, is what America needs, and that is what we can achieve. We can do it over a reasonable period of time.

AMENDMENT NO. 1385, AS MODIFIED

Mr. DURBIN. I ask unanimous consent to modify my amendment No. 1385 with the changes that are at the desk.

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

The amendment (No. 1385), as modified, is as follows:

At the appropriate place insert the following:

SEC. ___. MODIFICATIONS TO GAS GUZZLERS TAX TO ENCOURAGE GREATER AUTO FUEL EFFICIENCY.

(a) INCREASE IN TAX RATE.—Subsection (a) of section 4064 (relating to gas guzzlers tax) is amended to read as follows:

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed on the sale by the manufacturer of each automobile a tax determined in accordance with the following table:

If the fuel economy for the model year of the model type in which the automobile falls is:	**The tax is:**
Less than 5 mpg below the applicable fuel economy standard	$0
At least 5 but less than 6 mpg below such standard	1,000
At least 6 but less than 7 mpg below such standard	1,500
At least 7 but less than 8 mpg below such standard	2,000
At least 8 but less than 9 mpg below such standard	2,500
At least 9 but less than 10 mpg below such standard	3,100
At least 10 but less than 11 mpg below such standard	3,800
At least 11 but less than 12 mpg below such standard	4,600
At least 12 but less than 13 mpg below such standard	5,500
At least 13 but less than 14 mpg below such standard	6,500
At least 14 mpg below such standard	7,700.

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2005, each dollar amount referred to in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2004' for '1992'.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $50.''.

(b) EXPANSION OF DEFINITION OF AUTOMOBILE.—

(1) INCREASE IN WEIGHT.—Section 4064(b)(1)(A)(ii) (defining automobile) is amended by striking ''6,000 pounds'' and inserting ''12,000 pounds''.

(2) EXCEPTION FOR CERTAIN VEHICLES.—Subparagraph (B) of section 4064(b)(1) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN VEHICLES.—The term 'automobile' does not include—

''(i) a vehicle which has a primary load carrying device or container attached,

''(ii) a vehicle which has a seating capacity of more than 12 persons,

''(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or

''(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.''.

(c) ADDITIONAL DEFINITIONS.—Section 4064(b) (relating to definitions) is amended by adding at the end the following new paragraphs:

''(8) APPLICABLE FUEL ECONOMY STANDARD.—The term 'applicable fuel economy standard' means, with respect to any model year, the average fuel economy standard as defined in section 32902 of title 49, United States Code, for passenger automobiles for such model year.

''(9) MPG.—The term 'mpg' means miles per gallon.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after October 31, 2005.

SEC. ___. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the new highly fuel-efficient automobile credit determined under subsection (b).

''(b) NEW HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.—For purposes of subsection (a), the new highly fuel-efficient automobile credit with respect to any new automobile placed in service by the taxpayer during the taxable year is determined in accordance with the following tables:

If the fuel economy for the model year of the model type in which the passenger automobile falls is:	The credit is:
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

If the fuel economy for the model year of the model type in which the non-passenger automobile falls is:	The credit is:
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

''(c) NEW AUTOMOBILE.—For purposes of this section, the term 'new automobile' means a passenger automobile or non-passenger automobile—

''(1) the original use of which commences with the taxpayer,

''(2) which is acquired for use or lease by the taxpayer and not for resale, and

''(3) which is made by a manufacturer.

''(d) PASSENGER AUTOMOBILE; NON-PASSENGER AUTOMOBILE.—For purposes of this section—

''(1) PASSENGER AUTOMOBILE.—The term 'passenger automobile' has the meaning given the term 'automobile' by section 4064(b)(1).

''(2) NON-PASSENGER AUTOMOBILE.—

''(A) IN GENERAL.—The term 'non-passenger automobile' means any automobile (as defined in section 4064(b)(1)(A)), but only if such automobile is described in subparagraph (B).

''(B) NON-PASSENGER AUTOMOBILES DESCRIBED.—An automobile is described in this subparagraph if such automobile is—

''(i) a vehicle which has a primary load carrying device or container attached,

''(ii) a vehicle which has a seating capacity of more than 12 persons,

''(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or

''(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which does not extend beyond the frame of the vehicle and which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.

''(e) OTHER DEFINITIONS.—Except as provided in subsection (d), for purposes of this section, any term used in this section and also in section 4064 shall have the meaning given such term by section 4064.

''(f) SPECIAL RULES.—For purposes of this section—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter with respect to an automobile described under subsection (b), shall be reduced by the amount of credit allowed under subsection (a) for such automobile for the taxable year.

''(3) PROPERTY USED BY TAX-EXEMPT ENTITIES.—In the case of a credit amount which is allowable with respect to an automobile which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such automobile to the entity shall be treated as the taxpayer with respect to the automobile for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity at the time of any sale or lease the specific amount of any credit otherwise allowable to the entity under this section.

''(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of an automobile).

''(5) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

''(6) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any automobile if the taxpayer elects to not have this section apply to such automobile.

''(7) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, an automobile shall not be considered eligible for a credit under this section unless such automobile is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the automobile (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(g) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether an automobile meets the requirements to be eligible for a credit under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting '', and'', and by adding at the end the following new paragraph:

''(35) to the extent provided in section 36(f)(1).''.

(2) Section 6501(m), as amended by this Act, is amended by inserting ''36(f)(6),'' after ''30B(f)(9),''.

(3) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(4) The table of sections for subpart C of part IV of chapter 1 is amended by striking the last item and inserting the following new items:

''Sec. 36. Highly fuel-efficient automobile credit.

''Sec. 37. Overpayments of tax.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after October 31, 2005, in taxable years ending after such date.

Mr. BOND. Mr. President, I thank my colleague from Illinois for his comments. I regret that he did not apparently gather what I was saying in my remarks because his characterization of my position was untenable. He suggested that we do not want to increase CAFE standards. The amendment that Senators LEVIN, DOMENICI, STABENOW, and I prepared on page 4 reads that the Secretary of Transportation shall issue new regulations setting forth increased fuel economy standards for nonpassenger automobiles, among others. We say they shall increase it. But you know something? We say they ought to base it on sound technology and sound science. For example, on page 2, we say when deciding the maximum fees of fuel economy, the Secretary shall consider:

''(1) Technological feasibility.

''(2) Economic practicability.

''(3) The effect of other motor vehicle standards of the Government on fuel economy.

''(4) The need of the United States to conserve energy.

''(5) The desirability of reducing United States dependence on imported oil.

''(6) The effects of the average fuel economy standards on motor vehicle and passenger safety.

''(7) The effects of increased fuel economy on air quality.

''(8) The adverse effects of average fuel economy standards on the relative competitiveness of manufacturers.

''(9) The effects of compliance with average fuel economy standards on levels of employment in the United States.

These are all points that are very important. But we start off saying, don't push something that is purely political. Make sure there is a technological basis for it.

Yes, my colleague is right. We did increase the CAFE achievements, but much of it came through lowering the weight of the vehicles. If my colleagues will listen and pay attention, we have the very frightening statistic from the National Academy of Sciences that those lower weight vehicles, vehicles initially designed for safety, were

forced to be downsized, and they caused roughly 2,000 additional fatalities a year in automobile vehicle accidents and some 13,000 to 26,000 serious injuries. That is why we say safety is part of it. That is why we say we need to make sure we can achieve these technologically. We are pushing the technology.

My colleague talks about soccer moms. If they want to drive a very small fuel-efficient car, they can. If they want to drive an SUV, they can. We are going to push the technology to make those as efficient as possible. But we are not some kind of dictatorial or authoritarian society that says, no; we will tell you what you can buy.

We want to have parents, whether they are soccer moms, baseball dads, granddads who want to take their kids to the ball game, to have the ability to choose the kind of car they want.

It is about safety, it is about choice, and it is about jobs.

I am very grateful for a letter I have just received dated July 24, 2003, from Alan Reuther, legislative director of the UAW. He says in part:

> The UAW strongly opposes a number of other CAFE amendments that may be offered by Senator McCain, Senator Feinsten or Senator Durbin. Although taking different approaches, all of these amendments would mandate excessive, discriminatory increases in fuel economy standards that would directly threaten thousands of jobs for UAW members and other automotive workers in this country. In our judgment, fuel economy increases of the magnitude proposed in these amendments are neither technologically or economically feasible. The study conducted by the National Academy of Sciences does not support such increases. Given the economic difficulties currently facing the auto industry, we believe it would be a profound mistake to impose additional burdens on the companies by mandating excessive increases in the CAFE standards.

That is why, in summary, the UAW says it strongly supports the Bond-Levin amendment.

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

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

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

Washington, DC, July 24, 2003.

DEAR SENATOR: This week the Senate is scheduled to take up the comprehensive energy legislation. At that time, the Senate may consider a number of important amendments relating to Corporate Average Fuel Economy (CAFE) standards.

The UAW strongly supports the Levin-Bond amendment, which would require the Department of Transportation to engage in expedited rulemaking to issue new fuel economy standards for both cars and light trucks. DOT would be required to take into consideration a wide range of factors in establishing the new standards, including employment, safety, technology, economic practicability and the relative competitive impacts on companies. This amendment is similar to the Levin-Bond substitute that the Senate approved by a wide margin last year. The UAW supports the approach contained in this amendment because we believe it will lead to a significant improvement in fuel economy, without jeopardizing the jobs of American workers.

The UAW strongly opposes a number of other CAFE amendments that may be offered by Senator McCain, Senator Feinstein or Senator Durbin. Although taking different approaches, all of these amendments would mandate excessive, discriminatory increases in fuel economy standards that would directly threaten thousands of jobs for UAW members and other automotive workers in this country. In our judgment, fuel economy increases of the magnitude proposed in these amendments are neither technologically or economically feasible. The study conducted by the National Academy of Sciences does not support such increases. Given the economic difficulties currently facing the auto industry, we believe it would be a profound mistake to impose additional burdens on the companies by mandating excessive increases in the CAFE standards.

In addition, the UAW is particularly concerned that the structure of the proposed fuel economy increases—a flat mpg requirement for cars and/or light trucks—would severely discriminate against full line producers (such as GM, Ford and DaimlerChrysler) because their product mix contains a much higher percentage of larger cars and light trucks. This could result in severe disruption in their production, and directly threaten the jobs of thousands of UAW members and other workers associated with the production of these vehicles. Furthermore, by eliminating the distinction between foreign and domestic car fleets, the McCain amendment would enable the Big Three automakers to outsource their domestic small care production to other countries, resulting in the loss of thousands of additional automotive jobs in this country.

The UAW continues to believe that modest improvements in fuel economy are achievable over time. Indeed, NHTSA has already promulgated new CAFE standards for light trucks that will yield significant fuel savings. In our judgment, we can continue to make progress on fuel economy by following this same approach, and directing NHTSA to promulgate new fuel economy standards for both cars and light trucks, as called for by the Levin-Bond amendments. But we also believe it is critically important that the Senate reject the extreme, discriminatory CAFE proposals contained in the amendments sponsored by Senators McCain, Feinstein and Durbin, which would threaten the jobs of thousands of American automotive workers.

Thank you for considering our views on this priority issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

MORNING BUSINESS

Mr. BOND. Seeing no other Senators on the floor seeking recognition, I ask unanimous consent that there now be a period for the transaction of morning business.

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

THE TRAGEDY IN NEW YORK CITY

Mr. SCHUMER. Mr. President, I rise to speak about the tragedy that occurred in my city yesterday.

Everyone knows that a gunman came into our city hall, into the city council chamber, raised his gun, and killed one of our brave city councilmen. I knew the councilman. I knew him well. He did not live far from my home in Brooklyn. One of my happiest moments with him was speaking at his inaugural ceremony only 2 short years ago.

So I would like to speak about Councilman James Davis, and also about Officer Richard Burt, who acted with bravery. In short, in the wake of this terrible tragedy, we really celebrate two heroes: mourning the life of one, thankful for the bravery of the other.

First, I would like to talk about Councilman Davis. He came from Brooklyn. He went to a high school that was one of my high school's rivals, and followed in the footsteps of his father. He was a corrections officer, and then a police officer, and then ran for public office.

He was always a maverick. He liked to challenge the conventional wisdom. He was unafraid. He was virtually fearless. But he was always fearless with a smile on his face. He would take on whatever powers that be because he believed it was right.

He cared so much about his community. Long before he became an elected official, he would sponsor ''Stop the Violence'' marches in Crown Heights. Everyone knew it was August when the big signs saying ''Stop the Violence'' would be emblazoned across Eastern Parkway.

When he got elected to the city council, it was a dream come true for James Davis. He had run for office many times before and been defeated, but he kept working and working. The people in the community saw that the man was sincere and put him in the office of city council.

Once on the city council, it was clear that James Davis was one of the rising stars in his own way because he always did things in his own way. He was a maverick. He would oppose things everybody else thought was good, and then he would have good reason for it. And he always had a twinkle of mischief in his eye, and often, when he would greet you, he would have some kind of little joke to mention with you. But he never hesitated to speak his mind. He never hesitated to vote his conscience, regardless of how it would affect his career. He refused to roll over for anyone, even some of the most powerful politicians in New York City.

So we miss James Davis. It is a tragedy he has been taken from us so young, with so much potential. It is a tragedy he has been taken from this Earth, untimely ripped. But his smile, his passion, his desire to fight, his desire to tilt at windmills will remain with us forever.

There is another hero we celebrate today, and that is Police Officer Richard Burt, so typical of the bravery of New York City police officers. Officer Burt acutely saw what was happening on the balcony during the New York City council meeting, and though he was 45 feet away, he fired shots at