House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. Biggert).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, April 25, 2001.

I hereby appoint the Honorable Judy Biggert to act as Speaker pro tempore on this day.

J. DENNIS HASTERT, Speaker of the House of Representatives.

PRAYER

The Reverend John F. Baldwin, Captain, Chaplain Corps, U.S. Navy-Reired, and priest, Archdioceses of Chicago, Illinois, offered the following prayer:

Bless the Lord, all works of the Lord.

Praise to You, Creator God, for singularly blessing this United States from the creative hopes and labors of our Founding Fathers until this session of the 107th Congress.

We, the people, bless our forefathers’ memory, their vision, their passion for freedom, their acceptance of personal responsibility, their recognition of Your grace and providence.

Life is God’s gift to us. What we do with our lives is our gift to God.

As we nourish and cherish our lives, so may we respect and nourish the most fragile, the weakest, the most destitute among us.

Thanks be to the living God for placing a spirit of service in the hearts of the men and women of this House. Through their work, create unity without uniformity, justice that is blind, civility and respect without retribution or revenge. Let their voices ring with truth, their lives echo integrity.

So bless this day, Lord God, our country and this Congress to Your service, a beacon of justice for all God’s children. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas (Mr. Ryun) come forward and lead the House in the Pledge of Allegiance.

Mr. Ryun of Kansas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:


CONGRESSIONAL RESEARCH SERVICE EMPLOYEES

(Mr. Pitts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Pitts. Madam Speaker, I rise today to commend Dr. James Billington and the employees of the Library of Congress, particularly those working in the Congressional Research Service. On almost a daily basis, my staff and I rely on the expertise and wealth of knowledge that that staff provides.

Since CRS employees work across the street from us, over in the Library, their dedication and work often go unnoticed. So thank you to all of you at CRS.

In particular, I would like to thank a few individuals who have been extremely helpful to my office: Mr. Wayne Riddle in education; Mr. Christopher Bolkom in National Defense; Ms. Kerry Dumbaugh in Foreign Affairs; Mr. David Brumbaugh in Public Finance; Ms. Barbara Leitch LePoir in Foreign Affairs; and yesterday, Mr. Len Krueger and Ms. Angela Gilroy in Telecommunications.

Madam Speaker, I commend these individuals for their important and tireless service to the Congress and to our Nation.

TRIBUTE TO HUGH MCOLL, CHAIRMAN AND CEO OF BANK OF AMERICA

(Mr. Watt of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Watt of North Carolina. Madam Speaker, I rise today to pay tribute to Hugh McColl, who is retiring today as chairman and CEO of Bank of America, which is headquartered in my congressional district in Charlotte, North Carolina.

Under the leadership of Hugh McColl, Bank of America has grown into the Nation’s third largest bank and McColl has helped make Charlotte the second largest banking center in the country, after New York.

In less than 20 years, McColl built Bank of America from a company with $12 billion in assets and 7,600 employees to a national bank with $642 billion in assets and 140,000 employees. He has been a...
community leader in Charlotte, volunteering his time and resources to make it a better place to live.

Last year, Bank of America received the National United Way Spirit of America Award for the community service commitment shown by its employees.

I wish all the best to Hugh McColl as he begins the next chapter of his life. I count him as a real ally, mentor, and friend.

A JOURNEY OF A THOUSAND MILES BEGINS WITH A SINGLE STEP IN FINDING A CURE FOR AUTISM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, my good friends Charles and Patience Flick have two children, Bonnie and Willis, who have autism, a developmental disorder that has robbed them of their ability to communicate and to interact with their family and with their playmates.

Autism is a brain disorder that impacts an individual’s ability to respond appropriately to the environment and to form relationships. It affects at least one in every 500 children in America and some suggest that those numbers are actually one in 200.

Today, our Committee on Government Reform will investigate this dramatic rise in autism. We need to fully fund research that will help lead to a cure for autism.

As a member of the House Autism Caucus, I am committed to work toward an increase of $6 million for the National Institutes of Health and, in addition, $5 million to the Centers for Disease Control and Prevention for the cure for autism.

A journey of a thousand miles begins with a single step, Madam Speaker; and I ask my colleagues to join me in supporting this increase in research funding, which may lead to a cure to help thousands of America’s families.

HIV/AIDS, A DISEASE OF INTERNATIONAL SCOPE

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, I want to take this first opportunity since the case against South Africa by the pharmaceutical industry has been withdrawn, to applaud the recent agreement that has been reached.

The HIV/AIDS pandemic represents a major human disaster, with Sub-Saharan Africa bearing the brunt of the devastation. More than 70 percent of the 55 million HIV-infected lived in Sub-Saharan Africa.

South Africa, with 4.2 million infected as of 1999, has the world’s largest number of HIV-infected individuals, with an estimated 250,000 AIDS deaths in that year. Last week, with this landmark agreement, a major barrier to help and health has been removed. We can now and must now move forward to address the multiplicity of issues that challenge even to forge a better health care infrastructure, support government and community-based programs, increase and improve prevention efforts and make up-to-date and effective treatment available on the African continent.

As we continue to struggle against this pandemic, we must not forget that this is truly a disease of international scope and that people of African descent in the United States and the Caribbean have rates of HIV infection and AIDS that are similar in face and only slightly less in proportional magnitude than that of our brothers and sisters on the mother continent.

TIME AND MONEY COULD BE BETTER SPENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, about 10 days ago, millions of American families made their annual trip to the post office to mail their Federal income tax returns. The IRS estimates that 65.8 million Form 1040 filers spent an average of 13 hours and 1 minute getting that return together; nearly two full working days.

That time could be much better spent with their families, and would not American families that spend millions of dollars on professional tax preparers, tax accountants and computer software be better off spending that money elsewhere? Perhaps on their family, their retirement, or in investing in their child’s education.

Unfortunately, working Americans have become slaves to the IRS. It is time to give these American families their freedom.

Madam Speaker, I encourage my colleagues to support meaningful tax relief as part of this year’s and next year’s national budget, and I yield back the valuable time and money spent this year by hard-working Americans not on their families but on preparing and filing tax forms.

HANDS OFF THE GUN BRA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, it started with the training bra and then it came to the push-up bra; the support bra, the Wonder bra, the super bra. There is even a smart bra. Now, if that is not enough to prop up your curiosity, there is now a new bra. It is called the holster bra, the gun bra. That is right, a brassiere to conceal a hidden handgun. Unbelievable. What is next? A maxi-girdle to conceal a stinger missile? Beam me up.

I advise all men in America against women to drive-in movies who may ever get shot in a passionate embrace. I urge all those plain old Maidenform brassieres and chainlink pantyhose.

THE UNBORN VICTIMS OF VIOLENCE ACT

(Mr. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOOLSEY. Madam Speaker, I rise today in support of a bill that will protect the inalienable rights of pre-born children. This week I will be voting to pass H.R. 503, the Unborn Victims of Violence Act. I urge my colleagues to join me on this vote.

Under current Federal law, when someone commits a crime in which a woman and her pre-born baby are harmed, the accused can only be prosecuted for harm to the mother. This sends a message that only one victim in this situation. Nothing could be further from the truth. There are two victims involved in this crime, the mother and her pre-born child. Twenty-four States already have laws on the books protecting unborn life from criminal acts. This bill would simply extend the protection to the Federal level.

We must not ignore the fact that when a criminal harms a pregnant woman, there is a small defenseless life that is also a victim. I urge my colleagues to join me in voting to protect life, both born and unborn.

WHO IS TAKING CARE OF OUR CHILDREN?

(Ms. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CHRISTENSEN. Madam Speaker, I want to know who is taking care of our children. This weekend will mark 100 days since President Bush delivered his inaugural address. In that speech, he promised this Nation that he would leave no child behind.

Yet since then the President has focused almost all of his attention on promoting his multi-billion dollar tax break.

This tax package would use up so much of our surplus that it actually leaves millions of children behind; behind in terms of reduced funding for child care, behind in terms of cuts to juvenile justice programs, and behind in terms of education programming.

Madam Speaker, Americans do not want tax breaks for the wealthiest 1 percent of Americans; they want safe schools and a bright future for our children. In the past 100 days, the President has shown us who is taking care of
we raise questions of concern about our fort, where we work together? And if why is it not a real collaborative ef-
fort with our neighbors to the South, else, when we have a collaborative ef-
We have got to do a better job of de-
manding the kind of human rights around the world that we beg for in this country. China needs to acknowl-
gedge that it is important to be part of the world family and to respect the human rights of our citizens and friends as well as their own.

PROVIDING FOR CONSIDERATION OF H.J. RES. 41, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. SESSIONS. Mr. Speaker, by di-
rection of the Committee on Rules, I call up House Resolution 118 ask for its immediate consideration.

H. RES. 118

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 41) proposing an amendment to the Constitution of the United States with respect to tax limi-
tations. The joint resolution shall be consid-
ered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Com-
mittee on the Judiciary; (2) an amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately detable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instruc-
tions.

The SPEAKER pro tempore (Mrs. BIGGERT), The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield myself such time as I may con-
sume. During consideration of this res-
olution, all time yielded is for the pur-
pose of debate only.

The annual floor consideration of the tax limitation amendment gives us the
opportunity to take a stand on the side of the taxpayer. By enacting the tax limitation amendment we protect the taxpayer and pledge that we as a Congress will focus inward on cutting waste, fraud and abuse, instead of immediately raiding the pockets of the American people. The first tax ranged from 1 to 7 percent and only applied to the wealthiest Americans. Medieval serfs gave 30 percent of their output to the lord of the manor. Egyptian peasants gave 20 percent of their toils in the fields to the Pharao. God required 10 percent from the people of Israel. Yet in America, Federal, State and local taxes eat up 40 percent of the average family income. Increasing further the burden on the taxpayer, sometimes the taxes are passed retroactively and children are forced from generation to generation, and sometimes they are forced upon us even after death, all from the Federal Government.

So, today I stand before you with a bipartisan coalition to put forth a question of liberty. Will we make it harder for Congress to raise taxes on its own citizens? Will we require a two-thirds vote of both houses of Congress to pass a tax increase on to the American people and our children? Will we pass this amendment to the Constitution and require a supermajority, not just a simple majority, to raise taxes?

That is the question that we face today. This amendment will apply to all tax increases from the Federal Government, not just income tax hikes. The legislation recognizes that there may be times of extenuating circumstances, such as during a time of war or a national emergency, when taxes need to be raised. The tax limitation amendment would allow Congress to raise taxes in those circumstances. But, in the meantime, it would prevent the intrusive and penalizing tax increases that have been enacted with recklessness to fund unlimited government expansion over the last few decades.

Madam Speaker, it is time the Federal Government and the American people. It should be harder to raise taxes. Had this amendment been adopted sooner, the four largest tax increases since 1980, which have occurred in 1982, 1987, 1990, and 1993, all would have failed. These tax increases totaled $666 billion. The bottom line of this debate is that we must make it more difficult to raise taxes.

Those that support this amendment will do so because they believe that the American people deserve a right to also have it more difficult to take money from them. Those that oppose it will do so because they want to make it easier to raise taxes on the American people. Madam Speaker, this is the defining issue. Make no mistake about it. The Members who support this amendment are here to support hard-working taxpayers of America. Those Members who oppose it are here to defend the tax collectors of America. It is really that simple.

We will hear rhetoric from proponents of this legislation criticizing jurisdiction procedures and a slew of other glossary terms, but nothing can hide the reality that America supports a two-thirds tax limitation constitutional amendment.

Madam Speaker, like many Members of this body, I not only oppose raising taxes, I support the Tax Code fairer, simpler, and flatter. Albert Einstein was once quoted as saying that the hardest thing to understand in the world is the income tax. The tax limitation amendment allows for tax reform provided that any tax reform is revenue-neutral or provides a net tax cut. Also, any fundamental tax reform which would have the overall effect of lowering taxes could still pass with a simple majority. The tax limitation regaining liberty and a simple majority to eliminate tax loopholes. The de minimis exemptions would allow nearly all loopholes to be closed without the supermajority requirement.

Madam Speaker, we may hear from opponents that the government will be unable to function if a supermajority vote is required. However, I would encourage all Members to look at our States. Eleven States require a super-majority to raise taxes. The millions of Americans living in these States have shown that greater economic growth and better job creation by the tax limitation can be brought to all Americans, just the same as they have in those States. The amendment protects the American people. It makes it harder for the Federal Government to raise taxes on its own citizens, and that is why I am here today.

Today, we can take one step closer to regaining liberty and ensuring future generations the freedom our Founding Fathers intended for America to enjoy. The debate is about liberty. This debate is about requiring a two-thirds vote to raise taxes on America.

Madam Speaker, like many Members, I would remind my colleagues that this is a fair rule that was adopted by the Committee on Rules yesterday. It is a standard rule under which the proposal has been considered in years past, and I urge my colleagues to support this rule.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, almost every year since my Republican colleagues took control of this body, Democrats on the Committee on Rules have had to come to the floor to speak against consideration of this proposal to amend the Constitution of the United States. Our feelings about the misguided intentions of this proposal have not changed, Madam Speaker. It appears that the Republicans in this body fear the will of the majority, and, therefore, they have to impose a supermajority, because they fear a simple majority.

Accordingly, I rise to oppose this rule. I also rise to oppose this joint resolution which seeks to amend the Constitution to require a two-thirds vote of Congress in order to pass a revenue increase.
Madam Speaker, this House has considered and defeated this ill-conceived measure five times in the past 6 years. The idea that the Constitution should be changed to accommodate this blatantly political scheme to deprive the Federal Government of the ability to pass revenue bills is not only a bad idea in the 104th Congress, it was also a bad idea in the 105th and the 106th Congress when this body failed to pass this very same constitutional amendment another four times. The House rejected it again today because this proposal is still a very bad idea.

Madam Speaker, over the past few months, this body has merrily gone about passing tax cuts with the tax cuts from the '90s. In all likelihood, squeeze the Federal Treasury dry. By doing so, those tax cuts will take away the ability of the Federal Government to live up to its basic responsibilities. If this resolution were to preempt the 106th Congress, it would nail the coffin shut. While some on the other side of the aisle may cheer at that prospect, there are many in this body who recognize the need for the government's ability to pay for such things like Social Security, Medicare, education, and our military defense.

Madam Speaker, any Member who voted for those tax cuts should vote against this joint resolution. Every Member who has voted to drain the Federal Treasury dry should be required to stand up and take responsibility for his or her actions when the future of Social Security and Medicare are endangered, and if the Republicans do not have the money to make the educational reforms the President has promised to the country, or when there is no money for farm programs or improving our military or providing real and meaningful drug coverage for seniors. This resolution should be rejected by every Member who takes seriously his or her responsibility as a representative of the people of his congressional district and as a Member of the United States House of Representatives.

Madam Speaker, our Constitution has been amended only 27 times in the 212 years since it was adopted. Amendment is embodied in the Constitution. The idea that the Constitution should be changed to accommodate this blatant political scheme is not only a bad idea in the 104th Congress, it was not only a bad idea in the 105th and the 106th Congress when this body failed to pass this very same constitutional amendment another four times. The House rejected it again today because this proposal is still a very bad idea.

"I find it ironic that my Republican colleagues continue to contemplate the imposition of a two-thirds supermajority requirement in order to pass revenue bills. If my colleagues will recall, at the beginning of the 104th Congress, the new Republican majority was not only determined to impose a three-fifths majority requirement for any tax increase. Well, guess what? A funny thing happened on the way to ideological purity. Whenever a bill containing a tax increase came along, Republicans conveniently used the Committee on Rules to waive that three-fifths requirement.

The Republican majority waived this rule for the Contract with America, for the Medicare Preservation Act, the Balanced Budget Reconciliation Act, the Health Insurance Reform Act and, finally, the Welfare Reform conference report. In short, Madam Speaker, during the first Congress they were in the majority, Republicans waived their three-fifths requirement every single time it applied.

In fact, the Republican majority found this rule change to be so unworkable and unenforceable that it had to be fixed in the 105th Congress rules that the three-fifths majority for their own tax cuts could not make that provision work in the House rules, how can they possibly make a tougher requirement work if it is embodied in the Constitution. The Committee on Rules will not be there to bail them out. I certainly hope my Republican friends understand that one cannot waive or rewrite a constitutional amendment if it is not "convenient."

Furthermore, I wonder if Republicans need a lesson in basic civics. It is an easily understood principle that when one requires a supermajority vote for passage of a measure, control is effectively turned over to a small minority and that will be the case even when an amendment is a constitutional amendment. It is embodied in the Constitution, and a majority of the American people. Some, Madam Speaker, might call that flirting with tyranny. James Madison in The Federalist Papers wisely argued against supermajority, stating "the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority."

This proposed constitutional amendment would reverse the Congress' ability to move forward major public policy initiatives. It will allow a small minority in either the House or the Senate to stop widely-supported, meaningful legislation containing any revenue measure. It would also lead to cuts and benefits in Social Security and Medicare, an increase in the retirement age, and will close the door on any possibility that a real and meaningful prescription drug benefit would be made available to seniors in this country. This proposed amendment would reverse the government's ability to close tax loopholes or enact tax reform measures. It is pure and simply a bad idea with no merit.

Madam Speaker, I urge my colleagues on both sides of the aisle to reject this rule and this ill-served, ill-advised constitutional amendment. We do not need gimmicks, we need resolve. We do not need political grandstanding, we need the Congress to face the responsibilities as guardians of the people's trust. If the Republican majority really wants to dismantle the Federal Government, then let us do it honestly and aboveboard.

I urge my colleagues to reject this rule. I urge the Republican majority to recommend to the Committee on Rules to strike this ill-advised amendment and pass a joint resolution to amend the Constitution of the United States.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), who is the Chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Madam Speaker, I rise in strong support of H. Res. 118 and I would like to recognize the gentleman from Texas (Mr. Sessions), as well as the chairman of the Committee on Rules and all the other members of the Committee on Rules, for their hard work on this fair rule.

As the sponsor of H.J. Res. 41, the gentleman from Texas (Mr. Sessions) and I have had a leadership role on issues such as tax fairness and simplification and deserve credit for his persistence and leadership in advancing the proposed constitutional amendment that is before the House today.

Madam Speaker, this rule is similar to past rules providing for the consideration of proposed constitutional amendments. The rule provides for 2 hours of thorough debate and an opportunity for the minority to offer a substitute amendment. It is a fair rule, which will provide ample time for debate and amendment, and I urge Members to support this rule.

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

Mr. SESSIONS. Madam Speaker, I yield such time as he may consume to the gentleman from Cincinnati, Ohio (Mr. Chabot), who is chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Madam Speaker, I would like to respond to the gentleman from Texas (Mr. Sessions) for his leadership on this very important constitutional amendment.
Madam Speaker, the amendment of money taken out of the pockets of Americans in taxes is simply too high, and it adds to the difficulties many families face in making ends meet. Congress must reduce the tax burden on every American right now, but at the very least, we must act to protect hard-working families from future excessive taxation, which has happened consistently over time. Congress has increased taxes, unfortunately, many times in this body. By making it more difficult to raise taxes, H.J. Res. 41 will do just that.

Specifically, the tax limitation amendment would require any legislative measure changing the Internal Revenue laws to receive the support of two-thirds of the Members of each House voting and present, meaning that any tax increase would require a supermajority vote to become law. The amendment would not apply to legislative measures determined not to increase the Internal Revenue by more than a de minimis amount.

This supermajority requirement could be waived when a declaration of war is in effect or a majority, if Congress adopts a joint resolution, declaring that the United States is engaged in military conflict, which causes an imminent serious threat to national security.

Additionally, in order to implement the amendment, Congress will ultimately need to adopt legislation defining terms and flushing out the necessary procedures. The tax limitation amendment will cover personal and corporate income taxes, estate and gift taxes, employment taxes, and excise taxes. The amendment would not apply to tariffs or user fees or voluntary payments, or bills that do not change the Internal Revenue laws, even if they have revenue implications.

Madam Speaker, of States currently have tax limitation provisions for tax increases. Out of those, 12 States require a supermajority for any tax increase.

We need this amendment to help stem the tax-and-spend policies which have too often ruled Washington. Much of what goes on in this town involves the taking and spending of other people’s money. Average Americans now have to spend most of their time working just to cover their tax burden; and, hopefully, enough left over to maintain a reasonable standard of living for themselves and for their families. That is just inappropriate.

Madam Speaker, in the 1950s, the Federal Government took only about 5 percent of the average American family’s money. That was after fighting World War II and the Korean War. Since then in peacetime with a generally strong economy, that figure has increased five-fold. Now 25 percent of what the average family earns comes here to Washington, D.C.

Today the Federal Government takes about a quarter of what we earn, and I am not sure anyone around here with a straight face could even suggest that government has gotten 500 percent better. Since 1992 alone, the Federal Government has raised taxes at the gas pump, on working seniors receiving Social Security, and on mom-and-pop small businesses. The average family’s real after-tax income has not really increased over the years. At best, working families are just treading water, and the Government keeps trying to soak them in order to fund more and more wasteful programs which come out of Washington.

The tax limitation amendment would require Congress to focus on options other than raising taxes to manage the Federal budget, help to impose fiscal discipline and to constrain the growth of government, something we definitely need in this town. That is why I think H.J. Res. 41 makes a worthy addition to the Nation’s most sacred document.

Madam Speaker, I strongly support this proposed constitutional amendment, and would urge my colleagues to support the rule. I want to commend the gentleman from Texas (Mr. Sessions) for putting forward this constitutional amendment which is long overdue.

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

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

Madam Speaker, part of the opportunity that we had to have this bill on the floor today was that we had to go through the Committee on Rules. The Committee on Rules is the body which deliberates on what is on the floor.

Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. Dreier), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I thank the gentleman from Texas (Mr. Sessions) for yielding me this time.

Madam Speaker, I have to say that I strongly support this rule, but I would be less than forthright if I were to come here and say that I am an enthusiastic supporter of this measure. We are going to Dallas, so I can say that I agree with the gentleman from Dallas on this one, and you can choose which one.

It is very painful for me to associate myself with the remarks of the gentleman from Texas (Mr. Frost), but frankly much of what the gentleman has just said, I agree with. Not everything; but much of it.

Madam Speaker, the reason I say that is, when it comes to the issue of reducing the tax burden on working families, I take a back seat to no one. I have had the privilege of serving 10 terms in the House of Representatives. I am now in my 11th term, and I have never voted for a tax increase since I have been here.

One of the proudest votes that I cast was the first one in August 1981 when I was proud to join with a number of Democrats who helped Ronald Reagan pass the Economic Recovery Tax Act, which brought about marginal rate reductions, something we need today. We want to have a bipartisan compromise working with our friends in the other body to make sure that we reduce that tax burden because, as the gentleman from Texas (Mr. Sessions) has pointed out, and as the gentleman from Wisconsin (Mr. Sensenbrenner) has pointed out, and the gentleman from Ohio (Mr. Chabot) has pointed out, the tax burden is extraordinarily high. We all know that we have not had such a burden since 1934 during the Second World War, and we need to cut taxes.

I happen to believe that reducing taxes to stimulate economic growth is very important. I want a capital gains tax reduction because we will increase the flow of revenues to the Treasury if we can deal with that lock-in effect.

I want marginal rate reduction because I believe that will encourage savings, investment and productivity. I have said I have now completed 2 decades here and have never voted for a tax increase, and will continue to vote for tax cuts, but that is not the issue that we are debating here. The issue to me is we are going to have to deal forthrightly with the fact that is, when it comes to the issue of reducing the tax burden because, as the gentleman from Texas (Mr. Frost) was referring to, was established as a majoritarian institution, we are going to have to say that we are no longer going to be a majoritarian institution. We are going to be an institution that Members who serve in this institution cannot rule by majority, that is basically what this measure is saying.

Madam Speaker, I do not want to be so arrogant. I do not want to be an elitist conservative standing here saying, you know, the people who have selected me, giving me the honor of serving here, maybe will not be so intelligent in the future to select somebody who wants to reduce the tax burden on working Americans and make sure that we do everything that we possibly can to make sure that we do not have any kind of tax increases, that they cannot select somebody who believes that is the right thing to do.

I think it is the wrong thing to do. I believe that a majority of this institution believes that it is wrong to increase taxes, and I believe the majority of the institution believes that it is the right thing to do to reduce the tax burden on working Americans. But I think it is the wrong thing for us to say that we have to put into place a supermajority.
To me this is part of the minority mentality. I think that the idea of establishing supermajorities is something that, again, James Madison spent a lot of time anguishing over and we do have supermajorities for a couple of things that are very important: overriding a Presidential veto, dealing with a constitutional amendment. A supermajority is required to do those. I believe that we should limit supermajorities to that.

Madam Speaker, I support moving ahead with this debate. I will be voting in favor of the rule when we consider it in just a few minutes. But when it comes to a vote on this measure, I will continue to fight hard to reduce the tax burden on working Americans. But I will also continue to fight hard to support the U.S. Constitution as those very, very inspired framers envisaged it. I will, therefore, be voting against this measure when it comes to a vote.

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

I congratulate the chairman of the Committee on Rules for his fine statement. We are in agreement that the majority should rule in this country, not two-thirds.

Mr. Speaker, I oppose this constitutional amendment for the same reason that the chairman of the Committee on Rules will oppose it. We should never be fearful of the majority. Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, I think the words which I normally say when I come to the floor are true; and I, too, am not afraid of the majority. I am not afraid of what we do. I am not afraid of how we act. I am not afraid of the ideas that we present forward.

But just as we began talking about a balanced budget years ago, and the need for a balanced budget and the need for us to create fairness in our tax code and the need for us to talk about returning power from Washington back to people, is all predicated on a balance, a desire of the people to have balance. So we will have this debate every year until we get it done. We will continue to provide a view and a vision that if America and Members of Congress who come up talk about a balanced budget, this we balance out, that we believe that people should be more powerful than government, that we believe that people who get up and go to work every day should have an equal right to keep their money against an intrusive Federal government, that means that we will begin debating issues that decide how easy or how difficult it is to raise taxes.

Part of this debate also means that we have Members who have been here for a long time and some for a short time like the gentleman from Texas (Mr. HALL), from the Fourth District of Texas, he came to Washington also with a vision and view that he respected the Constitution, but wants to make it more difficult based upon what he sees today.

But the debate goes on and the ideas will always be presented. Today, as our next speaker has just pointed out, we have a gentleman who is one of the newest Members of Congress. He came from a State where he recognized and saw where a balance and an opportunity to make it more difficult to raise taxes was important. He has listened to the debate for years and has become a leader in this endeavor as a message to America that we must make it more difficult to raise taxes.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CULBERSON), who is the lead cosponsor of this bill.

Mr. CULBERSON. Madam Speaker, April 25, 2001, is a very important day demonstrating to every American taxpayer who pays higher taxes the immense importance and the tremendous achievements of the Republican Congress, the importance of having a Republican President in the White House.

I can testify from personal experience having served 14 years in the Texas legislature that the Democrat majority in the legislature did not even permit this important piece of legislation to come to the floor of the Texas House. It is interesting to the Republican majority in Congress that today we stand within 10 years of paying off the national debt, that today we have passed through the House and the Senate a significant tax cut that all Americans will see in their paychecks retroactively, whereas the previous President increased taxes retroactively.

I am very proud to rise in support of the rule and of this amendment. I thank the gentleman from Texas (Mr. SESSIONS) for bringing it to us today.

Mr. SESSIONS. Madam Speaker, I inquire as to the time remaining.

Mr. FROST. The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Texas (Mr. SESSIONS) has 15 seconds remaining. The gentleman from Texas (Mr. FROST) has yielded back his time.

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

As a result of the gentleman from Texas (Mr. FROST) yielding back his time, it is intuitively obvious to me that I am out of time.

Mr. Speaker, I ask for all Members to support this fair and open rule. This is a rule that is good for America and good for American taxpayers.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.J. Res. 41.

GENERAL LEAVE

Mr. SENSENBRINNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.J. Res. 41.
The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Wisconsin?
There was no objection.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. SENSBRENNER. Mr. Speaker, pursuant to H. Res. 118, I call up the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution of the United States with respect to tax limitations.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 118, the joint resolution is considered read for amendment.

The text of House Joint Resolution 41 is as follows:

H.J. Res. 41
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of three-fifths of the Members of that House voting on and present, unless that bill, resolution, or other legislative measure is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. For the purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the Journal of that House.

"SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect or when both Houses of Congress pass a resolution which becomes law stating that the United States is engaged in military conflict which causes an imminent and serious threat to national security.

Mr. Speaker, 15 States have adopted similar tax limitation amendments. According to statistics provided by the Bureau of Economic Analysis, these States have greater rates of increased employment, greater economic growth, decreased government spending, and decreased rates of tax growth.

Although similar amendments have been unsuccessfully considered by the House over the past few years, the need for tax reform has never been greater. According to the Congressional Budget Office, with the exception of 1942, the overall amount of individual income tax revenues is a higher percentage of our gross domestic product than any other time in our history.

The bottom line is the taxes today are too high. Federal, State, and local taxes consume about 40 percent of the income of the typical American family. That is more than the average family spends on food, clothing, and shelter combined.

As Congress debates meaningful tax relief for the American people, it is also important to recognize that Congress's voracious appetite for spending still endures. That is why I think it is more important than ever for this Congress to reconsider and support a measure that will make it more difficult for Congress to raise taxes in the future.

Inevitably, there will come a time when Congress wishes to spend more but will not have budget surpluses to rely upon. There will be many who will argue that, in order for Congress to spend more, the Constitution should be changed. But let me ask this: If we initially had a balanced budget and were not in need of raising taxes, why would the change in the law did not increase revenue by more than a de minimis amount.

The effect of this amendment would be that it would a bill intended to raise revenue by reducing taxes.

In addition, the two-thirds majority requirement would be waived when a declaration of war is in effect or when both Houses of Congress pass a resolution which becomes law stating that the United States is engaged in military conflict which causes an imminent and serious threat to national security.

I urge the passage of this resolution. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, to the ladies and gentlemen of the House, I want to begin by thanking the gentleman from Wisconsin (Mr. SENSBRENNER), the chairman of the Committee on the Judiciary, for requesting that this measure pass through the committee of jurisdiction since this is a constitutional subject. In many years past, that has not been the case. So we believe it is in a very important way on that point.

Now, I have to presume that the subject of a constitutional matter is being done seriously, that this is a serious discussion about amending the Constitution of the United States. If it is, I think it is very important that all of the Members that may not have the seniority that comes from being here for many years, that they understand that this is the sixth time that we have taken up this measure which has been on the floor and in prior occasion, not by the Senate, but by ourselves.

So every year, this exercise is one that is brought to the floor and that we have to deal with it in good faith and using the time of the House of Representatives to determine whether we want to put a tax limitation constitutional amendment in the Constitution.

Now, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, has coined a phrase that this proposal may be nothing more than elitism gone conservative; that this is a conservative elitist idea; that the Republicans, as a party, know better than the Founding Fathers and the people's will as reflected by the majority of the Congress. They have a better idea.

We go through this every year. But not even within our body do we find that there is a serious enough amount of support to move it to the other body where we think we could predict what would happen there as well.

So I oppose the amendment because it is bad for democratic procedure, but it is also horrific for tax policy. By requiring a two-thirds amendment, a majority to adopt a rule requiring a supermajority for basic government functions. James Madison argued that, under a supermajority requirement, taxes should be a last-ditch option and should occur only after careful consideration with broad consensus.

Mr. Speaker, a constitutional amendment is a big step; but I believe our history of tax hikes illustrates that, in this case, it is necessary and an important step that will bring discipline to Congress and relief to America's people.

I urge the passage of this resolution. Mr. Speaker, I reserve the balance of my time.

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did not specifically omit slavery. Now, was Madison enlightened at that time, or did we need to amend the Constitution to get rid of something that my State fought to get rid of in the Civil War?

Mr. CONYERS. Mr. Speaker, reclaiming my time, that is an interesting question that the chairman poses. If he would entertain hearings on my reparations bill, H.R. 40, which has been pending since 1989, I would be delighted with other witnesses to go in to him with a little of what the Members of States from the South who were all slave holding States did.

Mr. Speaker, I did not mean to imply that James Madison or even Thomas Jefferson, perish the thought, was thinking? I mean, that was then, and this is now.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEPFLEY).

Mr. HEPFLEY. Mr. Speaker, I rise in strong support of H.J.Res. 41, the tax limitation amendment. I spent Easter with my daughter and her family out in San Francisco. While we were there, her husband was filling out his tax return. This, remember, is a young family. They have two children. They cannot afford to buy a home or are renting a home. They have a good job but they are starting out as a young family.

When he finished filling out his tax return, he said, you know, we spent almost half of what we earned last year in taxes. That is what the average American worker does, spends about half. Taxes are the highest they have ever been. In January of 2000, the Census Bureau reported the average family paid more than $9,000 in Federal income tax, twice what it paid 15 years ago. Americans pay more in taxes than they spend on food, clothing and housing combined. Americans work more than 4 months, almost 5 months, just to pay their tax bill.

A continuation of higher taxes should be better controlled. Congress needs to protect the taxpayer from higher taxes. The trend of big government is getting higher and higher. Congress needs to prohibit irresponsible tax hikes. It should not be easy to take freedom away from people. When you tax too much, you are taking freedom from people. Freedom to earn money and spend it as they want to and to educate their children and to save it and do the things they want to with it. It should not be easy to do that.
Fifteen States currently require some type of supermajority vote for the legislature to raise taxes. In those States, citizens are protected from higher State tax burdens. It is time for the government to follow their example and taxpayers. The amendment would not prevent raising taxes. Rather, it encourages Congress to look at alternatives before implementing tax hikes. A consensus will force Congress to consider genuine need.

For these reasons and more, I encourage my colleagues to support this constitutional amendment.

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

Here is a new piece of historic information just in about James Madison that may appeal to my colleagues. Actually, they tried a supermajority, and I think they will all find this very interesting. Because under the Articles of Confederation in the 1780s, there was a provision for a supermajority. Adopting a supermajority tax requirement would repeat the same mistakes made in the 1780s under the Articles of Confederation between the Declaration of Independence and the adoption of a constitution. Under these articles, it required a vote of nine of the 13 States to raise revenue, a supermajority. It is because the system worked so poorly that the Founding Fathers sought to fashion a national government that could operate through majority rule.

So, Mr. Speaker, we would be ignoring a very important fundamental part of our history if we were to give in this area James Madison too hard a way to go. In fact, in the present circumstances, this amendment would take more votes to close a tax loophole engineered by powerful interest groups than to cut Social Security, Medicare and education programs. The amendment would also make the major deficit reduction act much harder to pass when they are needed. Remember that five of the six major deficit reduction acts that were enacted since 1982, within the memory and experience of many Members here on the floor, included a combination of revenue increases and program cuts. President Reagan, Ronald Reagan, signed three of these measures into law. Presidents George H. Bush and President William Jefferson Clinton signed one each. None of these five measures received a supermajority. So if we are looking at what Madison hath written, Madison put an even greater straitjacket on the Congress’ ability to raise taxes than the Articles of Confederation had.

Mr. Speaker, America needs this tax limitation amendment. Why? Because this year, that is, 1999, one in five hardworking Americans are going to be suffering intaxication. What is intaxication? Let me say that if the word were actually in the dictionary, intaxication is defined as that euphoric experience when one gets a refund and then realizes that that refund is actually their own money.

This Congress has a duty to make it harder to raise taxes, while ensuring a more responsible federal budget. In 1994, Mr. Speaker, I fought for Nevada’s own tax limitation amendment. As a private citizen I helped gather 85,000 signatures from residents across Nevada to place a similar measure on the ballot before the Nevada legislature, may I say, passed the Nevada vote test in two successive elections, averaging about 75 percent of each vote count. This legislation requires an amendment to the Nevada constitution, submission, passage of this legislation would ensure that Congress focuses its efforts to balance the budget, cut wasteful spending and not raise taxes as an easier and unneeded Federal revenue excuse.

Some States that currently limit taxes have experienced faster growing economies, a more rapid increase in employment, lower taxes and reduced growth in government spending. No additional financial burden should be placed on the States before the voters. This would be required to raise any new State taxes or fees.

The Federal Government needs to be put on the same fat-free diet that my home State has been on since 1996. We need to make it more difficult to raise taxes on hardworking American men and women. We need to shift congressional focus to the bloated Federal spending programs in this Federal bureaucracy. Passage of this legislation would ensure that Congress focuses its efforts to balance the budget, cut wasteful spending and not raise taxes as an easier and unneeded Federal revenue excuse.

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So, Mr. Speaker, had this proposed constitutional amendment been in effect during this period, substantial budget deficits would still be with us today.

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

Mr. SENSENBRNNER. Mr. Speaker, I yield myself 1 minute to tell the rest of the story. The gentleman from Michigan is so right that the Articles of Confederation did require a supermajority of nine of the 13 States to raise taxes. But the Constitution as originally ratified by the States was even more severe. It prohibited direct taxes on the people and required a constitutional amendment in the beginning of the last century to allow the income tax to be constitutionally passed by Congress.

So if we are looking at what Madison hath written, Madison put even greater straitjacket on the Congress’ ability to raise taxes than the Articles of Confederation had.

Mr. Speaker, Mr. Speaker, I rise today in strong support of this resolution. I want to thank my colleague and good friend the chairman of the Committee on the Judiciary (Mr. SENSENBRNNER) and the gentleman from Texas (Mr. SESSIONS) for bringing this critical legislation before this body.

Mr. Speaker, America needs this tax limitation amendment. Why? Because this year, that is, 1999, one in five hardworking Americans are going to be suffering intaxication. What is intaxication? Let me say that if the word were actually in the dictionary, intaxication is defined as that euphoric experience when one gets a refund and then realizes that that refund is actually their own money.

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or spending cuts or both. So by making it harder to increase taxes, the amendment would compound the pressure on major spending programs. As a matter of fact, that is what is going on now. We are noticing that with the unprecedented large tax cut we are squeezing many programs very valuable and dear to many. If not most, of the people in the country.

What are these major spending programs? Social Security, Medicare, Medicaid and others. Is this the way that the Congress wants to do? The pressure on the programs is great enough as it is.

Now Democratic members offered an amendment in the Committee on the Judiciary to ensure that measures designed to secure the financial solvency of Social Security would not be subject to the supermajority requirement, but the Republicans defeated this measure on a party line vote of 8 to 16. So we have on the record that they do not want to exempt the Social Security and other valuable programs from the possibility of financial insolvency by making an exemption to this Draconian proposal that we have before us.

I think that that should deal a telling blow to anybody whose mind may not yet be made up.

Also, the proposed tax limitation would rule out measures to raise Medicare premiums for higher individuals, high-income individuals, as well as moderate measures to shore up Social Security and other valuable programs from the possibility of financial insolvency by making an exemption to this Draconian proposal that we have before us.

Example, if Congress attempted to make Social Security payroll taxes more progressive by imposing higher tax cuts on higher-income individuals, there would be an increase in the revenue laws and the supermajority requirement would be triggered, no doubt about it.

Indeed, when the Republican budget reconciliation bill reached the House floor in the fall of 1995, it became more than clear that its proposed increase in Medicare premiums for those at higher income levels constituted, guess what, a tax increase.

Similarly, legislation expanding Social Security to include State and local government employees, which no less than the Advisory Council for Social Security has already proposed, would result in an increase and therefore be subject to the two-thirds requirement. Do we really want to do that? Do we really want these kinds of provisions caught in this supermajority requirement?

Mr. SENSENBRENNER, Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, it is the same old story. When all else fails, drop the Social Security red herring. This constitutional amendment will not cut Social Security. If there is a revenue pinch, it will force Congress and the Nation to set priorities. Social Security has always been the top priority, and it always will be the top priority, because it is the principal part of our social safety net for senior citizens. So if the shoe starts to pinch because of a revenue shortfall, or the baby boom generation collecting the Social Security that they have earned, we will force cuts in other programs. We all know that there are huge wastes of money in the other programs, and this will provide the fiscal discipline for Congress to set better priorities than it historically has in the past.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. ARMEEY), the distinguished majority leader.

Mr. ARMEEY. Mr. Speaker, let me begin by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for bringing this bill to the floor. Let me also thank the gentleman from Texas (Mr. Sessions) for his sponsorship of this legislation.

Mr. Speaker, this is an important step and a step I believe we must take. Mr. Speaker, I have had the privilege of serving in this body since 1985. For 10 years, I served in this body as a member of the minority while the Democrats were in control of the House and the Senate. I have had the larger privilege of serving in this body since 1985. For 10 years, I served in this body as a member of the minority while the Democrats were in control of the House and the Senate. I have had the larger privilege of serving in this body since 1985. For 10 years, I served in this body as a member of the minority while the Democrats were in control of the House and the Senate. The tax bill that we passed, I believe, was a privilege.

Mr. Speaker, in the last 6 years, I have had the larger privilege of serving in the majority with the Republicans in the majority. Throughout all of that experience, Mr. Speaker, I have found that there are a few things that are consistent whether the Democrats are in the majority or the Republicans are in the majority. Call it the disposition of the legislative body, whatever is the reason, it has been consistently the case for so long as I have had the privilege of observing us at work that the first easiest thing to do in this body is to increase spending.

Lord help us. We must constrain ourselves with all the rigor we can to even bring our increases down to a nominal level.

The second easiest thing to do in this body is to raise taxes. I certainly have seen that done here enough, and with relative ease.

The hardest thing to do in this body, Mr. Speaker, is to cut taxes; and the clearly most difficult thing to do is to cut spending.

All tends down to one thing: we avail ourselves of nothing that we can call a budget constraint. After all, Mr. Speaker, it is other people’s money. Easy come, easy go. We do not spend it all that wisely.

So while we are trying to do today is to give ourselves an institutional level, a rule in this institution that levels the playing field between raising spending and cutting taxes, just to counter what must be the generic dispositions of a legislative body given the extraordinary privilege of taxing and spending other people’s money.

A simple rule that would say that in this business of raising taxes which facilitates the increased spending, for which we have this crying disposition, that we should have a supermajority vote. It is a constraint. It is a check, a check against our desires to always build government larger.

The Federal Government large enough? Most people in America think yes it is, indeed; that and more.

Do we have enough money? We are talking about surpluses, extraordinary surpluses; surpluses that would not occur about extraordinary rigor in the restraint on spending that make these surpluses available; the surpluses that are threatened, threatened not by a shortage of tax revenue from the American people but threatened by the worst addiction one finds in this town, the addiction to the spending of other people’s money.

So we must put on the brakes. We must find a way to rein ourselves in, to rein in the institution, the institution and the House of Representatives. Indeed, the institution of Congress must be restrained from the all-too-easy business of simply raising taxes whenever we feel we have an insufficient supply of other people’s money. If we cannot do that, that is a time when the surpluses are running, we cannot do it at any time.

I just noticed the disposition at work here a moment ago in the discussion on this floor. The question was, what if there were a recession and there would be a shortfall of revenues to the United States? We would have an emergency need to raise taxes, it was argued, to raise taxes. Why? What underlies that logic is the belief that the object of our affection is the Government of the United States, not the well-being and the health of the American economy.

Indeed, if there is a recession, Mr. Speaker, the correct thing to do is to lower taxes; thus, solving the problem of recession; that is the problem of deficiencies in revenue to the Government that come from the recession.

So the logic is faulty because it is built on the false premise that the object of our affection must be, first, the well-being of the Government and then only secondarily the performance of the economy. The correct logic is this: the well-being of the government, as is the well-being of the Nation in things economic, depends upon the performance of the economy.

We are left with very few tools to assure that this economy works at its peak of performance, but the only one that really remains is the lowering of taxes. So barring a volition in this body to ever change our dispositions, we should use a rule, a rule that says that it is relatively easy to lower taxes when those times arrive and it is most rigorously difficult to raise taxes at all times. This rule will give us that. It should be passed. It should be a matter, Mr. Speaker, of respect for the American people because, after all, it is their money.
Mr. CONyers. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted that the majority leader of the Congress has come to the floor. Unfortunately, he did not mention how many times the majority under his leadership, has waived the House rules requiring a supermajority vote to increase taxes. Maybe he forgot.

I would remind my colleagues that during the 104th Congress, we had to suspend the House rules imposed by the Republican majority, under his leadership, has failed to provide tax relief for the American people, rather than financing a spending spree by the Congress of the United States. I think that that is entirely

Mr. PENCE. Mr. Speaker, I wish to thank the chairman of the Committee on the Judiciary for this opportunity to speak on behalf of House Joint Resolution 41.

Mr. Speaker, despite my belief that we ought to continue the tax relief that we gave the American people, I am opposed to the product of this country from that balmy summer of 1787, where in the Philadelphia State House they drafted our Constitution. I rise today in strong support of the Tax Limitation Constitutional Amendment that we are considering.

I do so, Mr. Speaker, because it is my belief that we live in this year 2001 in an age of reason about tax policy, different than other times in American history. Today, most Americans oppose most tax increases. But, Mr. Speaker, we must recognize that this too shall pass; that some day soon, given the seemingly glacial growth of the Federal Government, the day will come that once again tax increases are no longer broadly objectionable.

So I believe that this Congress should seize upon this season of sensibility to constrain future Congresses from reflexively raising taxes to pay for that ever-growing federal welfare state. It is a growth in government, Mr. Speaker, that does ultimately erode our economic freedoms and the balance of our liberties.

A tax increase constitutional amendment, if adopted today in the Congress and sent to the States, would be an important restraint on the Federal Government in years ahead, and it would give this Congress and this government the same restraints that some 14 States live under who have tax limitations in their Constitution and in their laws.

Mr. Speaker, tax increases should always be the last resort of this Congress, and the Tax Limitation Constitutional Amendment ensures that it will.

Mr. CONYERS. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from Virginia (Mr. Scott), a distinguished member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I join my colleagues in opposition to H.J. Res. 41. H.J. Res. 41 proposes a constitutional amendment that would limit the Internal Revenue laws by more than a de minimis amount would require a two-thirds majority to pass, rather than the simple majority now required.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. Pence).

Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if the House would read the constitutional amendment, they would find that the gentleman from Virginia, with all due respect, is mistaken in what is in the amendment. The amendment says that a loophole can be closed by a majority vote if the money that is raised as a result of closing the loophole is used to provide tax relief for the American people elsewhere. But where the two-thirds vote comes in is if the loophole is closed and the money is raised and is used to finance increased spending.

So what this Tax Limitation Constitutional Amendment encourages is using the money from closed loopholes to provide tax relief for American people, rather than financing a spending spree by the Congress of the United States. I think that that is entirely
logical. What the amendment does is it says if you want to spend the money from the loophole, it is two-thirds; if you want to give it in tax relief, it is a majority.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. Jones).

Mr. JONES of North Carolina. Mr. Speaker, I wanted to come to the floor, and I am not on the Committee on the Judiciary, as these fine ladies and gentlemen are, to discuss the technical aspects of this bill.

What I wanted to do was, Mr. Speaker, back in 1995, when I was sworn in as a United States Congressman, a friend of mine from my district brought to me this reprint of a political editorial from 1878. What it is, Mr. Speaker, the Statue of Liberty is standing with a weight around her neck, and her head is bent forward, and on the weight it says “Income tax.” It further states at the bottom, “the slave of liberty.”

I believe that taxation, excessive taxation, makes the American people slaves to the Federal Government. I think whenever we can bring protection to the American people we should, and that is exactly what H.R. 3120 does empower the people through their Representatives here in Washington, D.C.

I believe sincerely that today the American people are paying more taxes than they have ever paid before. When I look at how many times I think of those of us in Washington D.C., and I am one of those, obviously, that many times we forget that the people are the government.

The power should be with the people. The people should be able to say to their representatives that you must have a supermajority to pass taxes on us, and I think this legislation does that.

I compliment the chairman and his committee, because, quite frankly, because every year for the 7 years I have been in the United States Congress, whenever we brought this bill to the floor I have asked for 1 or 2 minutes to come to the floor, because, again, we need to give the power back to the people when we can, and to give the people the opportunity through the process to say whether they want the Congress to have a two-thirds majority to pass taxes.

I think again we are doing the right thing, and I compliment the chairman and each and everyone who has worked on this resolution, and hope we will pass it shortly.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. Scott).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me time to respond to the chairman’s remarks.

Mr. Speaker, if we passed a $1 million corporate loophole tax benefit that ended up costing us $10 billion because we miscalculated the impact, we could not close that loophole that passed on a simple majority vote without a two-thirds vote unless we provided $10 billion in tax relief somewhere just to close that loophole that we did not intend to create to begin with.

Mr. Speaker, again, this amendment will do nothing to limit spending; it just limits your ability to pay for that spending. Yet, create a new program, simple majority; to pay for it, it takes a two-thirds vote.

Mr. SENSENBERGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. Flake).

Mr. FLAKE. Mr. Speaker, I rise today to support the tax limitation amendment. I come from the great State of Arizona where we have had similar legislation as the law for the past 10 years. What we did not do that we should have is cut off the initiative route as we did, because when we want to raise taxes, in Arizona, instead of going to the legislature, now it is done by initiative, that not withstanding this year, for the first year, because there is a lack of revenue. Finally, it is holding government spending in check. You see the trepidation on the part of the legislature to actually spend too much, because they would be forced to come back and raise taxes and realize they cannot do it because now it would require a two-thirds majority. It is great legislation.

Mr. Speaker, I am amused continually when we talk about how easy it is to cut taxes and how difficult it is to raise taxes, when history suggests otherwise. Over the past couple of decades, we have had numerous tax increases and each and everyone who has worked with, but they also did it by raising taxes. I do not think he was profligate and irresponsible. I think he was responding to the particular needs of the particular time.

At this point, no one is advocating tax increases, but different situations at different points in time. Ronald Reagan. We have heard a lot about the legacy of Ronald Reagan, but I was here when Ronald Reagan asked Congress to raise taxes on several occasions. I did not always agree with the Reagan tax increases. I thought the Reagan tax increase of 1982, which was to undo some of the Reagan tax decrease of 1981, was not fairly constituted. I did not like the Reagan tax increase for Social Security in 1983. But if we read the history books and if we read the assessments of President Reagan, one of the things they say is that President Reagan, Senator Dole, Speaker O’Neill came together to save Social Security and extend its solvency. They did it in part by reducing benefits in a way that I did not agree with, but they also did it by raising taxes.

Indeed, some of the tax increases that were imposed under President Reagan remain in effect. They not only remain in effect, they remain untouched by the current President’s tax reduction proposals. It was in 1983 at the request of Ronald Reagan, with the cooperation of the Senate and a Democratic House, that taxes were first levied on part of a Social Security recipient’s income. The taxation of part of one’s Social Security benefits for people making $25,000 in addition to be recycled into the Social Security system, was part of President Reagan’s attempt to extend the solvency of Social Security.
Now, if the Republican constitutional amendment had been in power, I do not think President Reagan would have had the votes. I do not think President Bush would have had the votes.

The point I am making is that despite the efforts to make it look as if this is somehow an effort to prevent feckless decisions to raise the revenues, it would have, had it been in effect, prevented the last two Republican presidents from getting legislation through Congress that they thought was important to protect Social Security and to protect the economy.

Now, I have noted a tendency on the part of my Republican colleagues to implicitly acknowledge that the public is not thrilled with some parts of their agenda, and I understand that. They have a right, I suppose, when they are campaigning to kind of soft pedal some things; you should tell them the truth, but you do not always volunteer things. But changing the Constitution because the public is not likely to support their position is a totally inappropriate way to go.

I guess we have to explain why this happens, because if one believes the rhetoric that says it is just the government that is taking people’s money, there is no good reason and the people have to be protected from that, one has to ask the question, why would people let Members of Congress who, by a majority, would vote to increase the taxes that they pay. The answer is, as President Reagan knew and President Bush knew and President Clinton knew, all three of whom asked that taxes be increased, there are important purposes that the people want that may require more revenue.

I want to go back to Social Security. The Social Security system now is financed by taxes that are paid up to 70-some odd thousand dollars worth of income. Many of us believe that is inequitable. Many of us believe we ought to have a package in which we reduce the Social Security bite on some people in the lower end, but increase it for wealthier people. Maybe we want to have a little gap, but then at $150,000 or more, start collecting some Social Security tax. Any effort to do that would, by this amendment, require a two-thirds vote. Power to one-third plus one of the people. One-third plus one of the people could block that effort. If we decided that we needed more revenue for other purposes, it is not there.

Mr. Speaker, it seems to me a rational decision for the public to make in a civilized society that at a time of great wealth they might want to spend more on environmental cleanup. They might want to do more for police. They might want to help people with prescription drugs. The Republicans have said, well, we want a major tax cut, so here is what we have to do. We have to end the program that allows public housing authority to be a way to fight drug-related crime. I understand people who think cutting taxes, particularly for wealthy people, is more important than fighting drug-related crime in public housing. They do not live in public housing, they do not relate to the people in public housing, and in a democracy that is a legitimate view to put forward. But why do they need two-thirds? Are they not confident they can win that one on the merits?

We have people who believe we ought to be increasing the amount we spend on environmental cleanup. Unfortunately, there are people who disagree. I am one of them. But if we decide that we have these important public needs and the current revenues are not enough to meet them without going into deficit, I do not understand why we should take two-thirds.

Prescription drugs. We have a proposal from the Republican Party that says, to get taxes at the level we think desirable, we cannot help any elderly person needing prescription drugs whose income exceeds $17,000. I think that is a very inappropriate way to go.

By the way, while the Republicans are saying it was a bad idea after all.

Regarding the taxes that people pay on their Social Security benefits, including those that Ronald Reagan asked us to pass in 1983, Ronald Reagan said, if one is making $25,000 a year or more, we are going to tax 50 percent of your Social Security benefits. That is not a huge amount of money, but that is what Ronald Reagan said. I voted against that bill. Many of my Republican colleagues who are still here voted for it; some Democrats voted for it as well. I had heard that denounced until the Republicans had the power to do something about it, and that is another one which has been taken.

This is not a debate as to what the level of taxation ought to be; it is a debate about democratic procedures. The Senate, as we know, is not majoritarian. The House is. By Supreme Court decision the United States House of Representatives represents population very, very closely. What the Republicans are saying is this: we cannot trust the people elected by a majority of the House of Representatives to make tax, because we do not think they will get it right. Therefore, we will change the Constitution to make it a nonmajoritarian decision as to what level of public expenditure there will be.

Yes, there are two competing sets of needs. There are private needs, best settled by people having money in their own pocket; there are public needs, environmental cleanup, public safety, some others which can only be dealt with if we spend the money together. They are both needs of the people. Some are best done individually, some done together. We have to be careful in an effort to pass legislation, because the Republican Party does not have any confidence in the people, apparently thinks that Ronald Reagan was wrong on the several occasions when he asked for tax increases. George Bush was wrong when he asked for tax increases.

The point is this: no one today, given our economy, no one is pushing for tax
increases. On the other hand, to say that for all time it should not be a majority decision, but that this decision will have to be made by an extraordinary majority so that a minority can block the decision of a majority of the American people, 40 percent can stop 60 percent from doing what is bad for constitutional government and an unfortunate expression of a lack of confidence in the American people.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 additional minute.

Mr. SENSENBRENNER. The gentleman from Massachusetts and his very articulate self has kind of laid forth the Democratic platform on what they would like the Congress to accomplish during the next 2 years. We are not dealing with prescription drugs and all of the other issues that the gentleman from Massachusetts is talking about. We are dealing with the simple proposition of whether the Constitution should be amended to make it harder for Congress to raise taxes. That is the proposal that is before us, and that is the proposal that we are voting upon today.

Now, I would submit that the American people think that it should be hard to raise taxes, and I would also submit that the American people historically have not trusted Congress very much when the time comes to deal with bills that raise taxes. So all this amendment proposes to do is to force there to be a national consensus on raising taxes which is required in a two-thirds vote. It is really pretty simple.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, if that is the case, why is the President not putting adequate money into prescription drugs this year instead of saying only $17,000 as an income cutoff?

Mr. SENSENBRENNER. Mr. Speaker, as the gentleman knows, the President, Mr. Bush, is the gentleman from Texas (Ms. JACKSON-LEE). (Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I really wish we were gathered here today to engage in serious legislation that confronts some of the concerns that we have here in this country.

Mr. WATT of North Carolina (Mr. CONVERYS) will control the time of the gentleman from Michigan (Mr. CONVERYS).

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am certainly aware of that; back to work, and it helped stimulate the economy.

Capital gains, my colleagues said it was so for the rich. Alan Greenspan said it helped stimulate the economy. So we do not reduce taxes? What I am saying is that my colleagues on the opposing side are saying that to spend more money without reforms.

The SPEAKER pro tempore (Mr. SHAYS). Without objection, the gentleman from North Carolina (Mr. WATT) will control the time of the gentleman from Michigan (Mr. CONVERYS).

Mr. CONVERYS. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 additional minute, and I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, apparently the gentleman from Wisconsin (Mr. SENSENBRENNER) wants to reciprocate the lack of confidence the American people have in Congress by having a constitutional amendment of lack of confidence in the majority of the people. But I want to talk about prescription drugs.

Mr. SENSENBRENNER. Mr. Speaker, I will reclaim my time then, because we will have a chance later to talk about prescription drugs a little bit later on when the prescription drug bill comes to the floor of the Congress. So I think we really ought to defer that debate until when it is really the question that is before us.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Massachusetts, but let us debate prescription drugs at the time that the bill comes before us.

Mr. FRANK. Mr. Speaker, the gentleman is ignoring the fact that with his amendment that he is putting forward today, and we will cut taxes this year, I think by more than we should but, with it, if you take the year that at the level of revenue available for Medicare we cannot afford a prescription drug program, it will take two-thirds to put one back. That is the flaw in the gentleman’s reasoning.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, that is really not true, because if we cut out other wasteful spending in other parts of the government, we can put more money into prescription drugs, and it is a matter of priority.
and I thank the gentleman from Wisconsin.

Mr. Speaker, it was a hundred years ago; and we have proceeded under that legislation, and I believe we have done very well.

The reason now, of course, is to further diminish the responsibilities of the Members of Congress in the majority vote by again putting over us the supermajority which again eliminates the opportunity to provide financing for issues that we are concerned about.

The very fact that this particular amendment has not passed six times in a row suggests the wisdom of this Congress, both Senate and House. My colleagues know that this is a wrongheaded way to go.

Mr. Speaker, here we stand again providing this kind of legislation; and yet the amendment that I had intended to offer, an amendment that would provide for a supermajority not to reduce benefits in Social Security and Medicare, has been ruled out of order as it relates to presenting it to the floor.

If it is as important to put a two-thirds supermajority on not raising taxes, and by the way to my colleagues and you talk about Social Security for people in this room, I would say that corporations with tax loopholes, that means that they will have a field day. It means that the assessment by the American people that this administration and this Congress is more business oriented or more paying the prices of the corporate interest, it is true. It means that tax loopholes cannot be closed under this supermajority, because it means if you are suggesting that you raise the taxes of corporations, you will have to a supermajority. Of course that means that you take away the one vote, one person.

When you talk about Medicare and you talk about Social Security for people in this room, you cut we have an amendment to ensure that you have a supermajority in order not to reduce the benefit, that has not been accepted.

Mr. Speaker, I would simply say to my colleagues that we realize that a supermajority has been imposed on certain aspects of the business of this House. But I do believe that this idea of a supermajority on taxation eliminates the very vital opportunity of suggesting that even though we may have some difficult issues here and there are layoffs, while we have this prosperity, and the American people may decide to invest in their national parks and their defense by providing increased salaries for our men and women in the Armed Forces, to invest in education, we now stand on the floor of the House to suggest a supermajority so in fact the people of the United States will not have the resources to ensure that their will be done.

Mr. Speaker, I conclude by saying that it is not necessary to have a supermajority to railroad the $1.6 trillion tax cut that the President wants.

Why we stand for the seventh time on the floor of the House for a two-thirds majority, I do not know. It seems that we want to make this as annual as a Christmas holiday.

Mr. Speaker, I rise to oppose H.J. Res. 41 and to introduce an amendment that I believe will improve it.

Mr. Speaker, my amendment is germane. The underlying legislation, H.J. Res. 41, is an attempt to help the most well to do Americans through a constitutional amendment that limits the ability of Congress to raise taxes and cut deficits. It is no secret that this legislation is designed to disproportionately help the richest people in this country.

Mr. Speaker, my amendment seeks to protect the average person, the neediest, and our seniors by requiring the same two-thirds supermajority as the sponsors of H.J. Res. 41 call for. However, my amendment requires the two-thirds supermajority to cut Social Security and Medicare which help the rest of us.

H.J. Res. 41 could make it difficult to maintain a balanced budget or to develop a responsible plan to restore Medicare or Social Security to long-term solvency. Both of these amendments would tax with. Both deal with what we all know is a zero sum game. My amendment is germane because if it is okay to help the rich, it is germane to help the poor and average Americans.

H.J. Res. 41 is a resolution proposing an amendment to the Constitution of the United States of America with respect to tax limitations, that would require any bill, resolution, or other legislative measure changing the internal revenue laws to be adopted by a two-thirds supermajority in each House of Congress. The concurrence of two-thirds of the Members of the House voting and present, unless the bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount.

H.J. Res. 41 also states that for purposes of determining any increase, there shall be excluded any increase resulting from the lowering of an effective rate of any tax and permits the waiver of such requirement, for up to two years, in the case of a declaration of war or if the United States is engaged in a military conflict which causes an imminent and serious threat to national security and is declared by a joint resolution which becomes law.

Mr. Speaker, by requiring a two-thirds supermajority to adopt certain legislation, H.J. Res. 41 diminishes the vote of every Member of the House and Senate, denying the seminal concept of "one person one vote." This fundamental democratic principle insures that a small minority may not prevent passage of important legislation.

Mr. Speaker, this legislation presents a real danger to future balanced budgets and Medicare and Social Security. That's why I have offered an amendment to H.J. Res. 41 that would add a new section to H.J. Res. 41 requiring the same two-thirds supermajority when cutting programs that protect Social Security and Medicare. Under H.J. Res. 41, it would be incredibly difficult obtaining the requisite two-thirds supermajority required to pass important, fiscally responsible deficit-reducing packages. And at a time in our history when the Baby Boomers are nearing Medicare, H.J. Res. 41 could make it more difficult to increase Medicare premiums for those most able to pay their fair share of the bill, and could make it difficult balancing both Medicare and Social Security payroll taxes in the long term.

H.J. Res. 41 would make it nearly impossible to plug tax loopholes and eliminate corporate tax welfare, or even to increase tax enforcement against foreign corporations. H.J. Res. 41 would also make it nearly impossible to balance the budget, or develop a responsible plan to restore Medicare or Social Security to long-term financial solvency.

That's why my amendment would require a supermajority to further challenge these important social programs that serve a great need in this country.

Mr. Speaker, H.J. Res. 41 is the exact same bill that this committee considered in the 105th Congress and my opposition is unchanged. In fact, a phrase in the minority's dissenting views in the 105th Congress stating that "the Framers of the Constitution wisely rejected the principle of requiring a supermajority for basic government functions" still hold true today.

The minority in opposing this tax limitation amendment consistently argued against requiring supermajorities, stating that under such a requirement, "the fundamental principle of free government would be reversed." It would be no longer the majority that would rule. Conversely, the minority would be transferred to the minority because a small minority could block the necessary supermajority from passing any tax increases. In fact, it is significant to note that because of population patterns, Senators representing some 7.3 percent of the population could prevent a bill from obtaining a two-thirds majority.

Mr. Speaker, I am deeply troubled by the concept of divesting a Member of the full import of his or her vote. As Dean Samuel Thong, one of the nation's tax law authorities, observed at a 1997 House Judiciary Subcommittee hearing on the same proposal: "The core problem with this proposed Constitutional amendment is that it would give special interest groups the upper hand in the tax legislative process." As such, the potential loss to the Treasury Department from such loopholes is staggering. A Congressional Budget Office study found that over half of the corporate subsidies the Federal Government provides are delivered through "tax expenditures" that selectively favor particular individuals or businesses. Such expenditures cost the Federal Government $455 billion in fiscal year 1996 alone—triple the deficit at that time.

Mr. Speaker, this resolution simply dilutes the vote of Members by requiring a supermajority of them to do something as basic to government as acquire the revenue to run government. It is a diminution. It is a disengagement. It is a reduction of the impact, the management. It is a diminution. It is a disparate power would be transferred to the minority because a small minority could block the necessary supermajority from passing any tax increases. In fact, it is significant to note that because of population patterns, Senators representing some 7.3 percent of the population could prevent a bill from obtaining a two-thirds majority.

Mr. Speaker, I am deeply troubled by the concept of divesting a Member of the full import of his or her vote. As Dean Samuel Thong, one of the nation's tax law authorities, observed at a 1997 House Judiciary Subcommittee hearing on the same proposal: "The core problem with this proposed Constitutional amendment is that it would give special interest groups the upper hand in the tax legislative process." As such, the potential loss to the Treasury Department from such loopholes is staggering. A Congressional Budget Office study found that over half of the corporate subsidies the Federal Government provides are delivered through "tax expenditures" that selectively favor particular individuals or businesses. Such expenditures cost the Federal Government $455 billion in fiscal year 1996 alone—triple the deficit at that time.

Mr. Speaker, I rise to oppose H.J. Res. 41 and to introduce an amendment that I believe will improve it. H.J. Res. 41 could make it more difficult to increase Medicare premiums for those most able to pay their fair share of the bill, and could make it
pay their fare share of taxes on income earned in this country. Congress would even be limited from changing the law to increase penalties against foreign multinationals that avoid U.S. taxes by claiming that profits earned in the U.S. were realized in offshore tax havens. Escaping of excesses can be measured, particularly in the context of a $1.5 trillion annual budget. Would we look at a 1,-, 5- or 10-year budget window? What if a bill resulted in increased revenues in years 1 and 2, but lower revenues thereafter? It is also unclear when the revenue impact is to be assessed—based on estimates prior to the bill’s effective date, or subsequent determinations calculated many years out. Further, if a tax bill was retroactively found to be unconstitutional, the tax refund issues could present insurmountable legal problems.

Mr. Speaker, the amendment to this legislation which I have offered here today, takes this legislation in a different direction. It requires the same two-thirds supermajority as does the underlying bill, but ensures that we fulfill our promise to the American people. I hope that my colleagues take seriously the path H.J. Res. 41 would lead us down were it adopted as is, and I urge my colleagues to support my amendment.

Mr. SENSENBRENNER. Mr. Speaker, it was helpful to have the original author of this bill on the floor to discuss it. In this debate, we have begun to discuss it with some platitude; that this is a bill about having two-thirds of the House and the Senate decide before we raise taxes.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON).

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER). Mr. WEINER. Mr. Speaker, I thank the gentleman for this time.

There is a problem of some people in this body who want to raise taxes. They want to spend more money. We are only going to spend $2 trillion this year. Let us vote for this tax amendment and send it to the Senate and get them to pass it.

Well, I guess, then, what we have got to do is a certain amount of litigation. I suppose, about what constitutes a de minimis amount. I think that is really what we need. We need a process around here that makes it even more difficult for us to come to a consensus about how it is that we are going to tax and spend the money that we have to do here each year.

I think it is going to be actually an extraordinary constitutional battle if we pass a constitutional amendment that says it has to be decided by the courts how much a de minimis amount is that we are allowed to raise taxes in order to qualify under this constitutional amendment. Because let us consider what the scenario will be.

When we pass a budget, there will be a determination, well, it only raises taxes a de minimis amount. Then every interest group under the sun that has a problem with that budget will then have the right to go to court and say, well, that is not a de minimis amount, it is actually more. Or some other group will come in and say, well, no, no, no, that is less than a de minimis amount, so you should be permitted to do it. We are going to have nothing but litigation over that point.

Secondly, I think it is interesting to note in all of this discussion about
whether or not we should have a higher burden to raise taxes, why is it no one is proposing that we have a higher burden to spend the money. To be intellectually honest about this debate, one should say, well, we should have two-thirds to spend any dollar of the money coming in, because both of those sides make the same argument that the previous gentleman made, that we have been out of control spending, taxing and building and everything else. If we are truly going to be consistent and want to be sure that we have got it right, it should be a two-thirds majority to increase spending as well.

So if one wants to make a philosophical point here, I guess one could. One does not like taxes or one likes taxes. From the point of governance, this thing is a disaster. That is why no one is taking it seriously perhaps outside of those of us who get paid to debate these things. It is really and truly a cumbersome way to do things. I find it fascinating that my colleagues who rail against the overly litigious way that often our society operates should now open the door to a whole new area of constitutional law which is going to be defining de minimis. I think that would indeed be folly.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself ½ minutes.

Mr. Speaker, very plainly, on page 3, lines 4 and 5 of the constitutional amendment, it says that Congress defines what a de minimis amount is. So this does not require litigation.

But having said that, listening to the argument of the gentleman from New York (Mr. WEINER) would have persuaded the Members of the first Congress and the Congress that sat in 1863 to reject the 1st and 14th amendments to the United States Constitution. Because if one looks at the Constitution annotated, those amendments have been the subject of countless court decisions. The Court as well as the appeals courts and the district courts because they were not, quote, properly drafted, and because they would have, quote, encouraged litigation.

I do not think, had the gentleman from New York been in the first Congress or in the Civil War Congress he would have voted against the 1st amendment and the 14th amendment. But the argument that he used which does not hold water with this amendment is that this amendment does not encourage litigation because it says that Congress defines by law what a de minimis amount is.

Mr. WEINER. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I am happy to yield to the gentleman from New York.

Mr. WEINER. Mr. Speaker, I thank the distinguished chairman for yielding the floor to me.

Mr. Speaker, here is the difference. This is not a question about whether or not we are interpreting whether someone’s speech is abridged. This is taking an inherent constitutional congressional obligation which is deciding these questions and having litigation over what a specific term of art means.

If we ever have a balanced budget amendment, and I think there will be a time when we will pass a balanced budget amendment, take two-thirds to pass that amendment, but they could comply with it by simply raising taxes with a majority vote. Now, that does not feel right to me.

I think that a lot of States have already moved forward on this initiative and have enacted tax limitation measures of their own. Congress ought to recognize their efforts and give the States around the country the opportunity to decide for themselves on this amendment.

I urge my colleagues to join in the passage of this legislation in the 107th Congress.

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to clarify one point I did not have the opportunity previously in response to the chairman. Unlike the 1st and 14th amendment, when one imagines the 1st and 14th amendments saying thou shall not abridge speech except to de minimis amount or everyone has equal protection under the law except to a de minimis amount, one would never find that language in the Constitution of the United States because that is not the way constitutions are written, and thank goodness this one will never be part of it.

I mean, the fact of the matter is, as litigious as a society as we have, can anyone recall any time in history that there was a budget resolution that was challenged on constitutional grounds around here? I do not think I have ever seen that. Has there ever been an opportunity where an increase in taxes was challenged on constitutional grounds?

Frankly put, we are going to have, any time we have any change to the IRS budget, for example, if we have an increase in the number of people that the IRS puts on in their ability to enforce the different laws even, if it might increase the amount of tax collection, we are going to have a lawsuit.

This notion that we are somehow are not going to have constitutional conflicts, that we do not have constitutional conflicts in the 1st and 14th amendment, so therefore we should not have done it is absurd. This is not language that goes into the Constitution, because it opens ourselves up to all kinds of litigation.

But a second point is also important. The Framers of the Constitution envisioned this body, Congress, having the ability to make certain decisions about how monies are expended, about how taxes are raised, lowered, either. Do we really want to turn that over to the courts? Is that a desirable outcome to say, well, you think it is de minimis, fine by us. We do not want to be in that circumstance. I am quite certain the
Mr. SENSENBRINNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the Framers of the Constitution wrote the terms of due process of law and equal protection under the law and the courts have interpreted it. If the argument of the gentleman from New York (Mr. WEXNER) is that we should draft constitutional amendments so tightly that the courts do not interpret it, then I think we probably would have to rewrite the Constitution right from article I, section 1. We do not want to do that. But we do want to give Congress the authority to determine what de minimis is.

Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me this time.

The temptation is here, Mr. Speaker, to directly address the curious and clever arguments. The gentleman from New York (Mr. WEXNER), for example, he is suggesting that we truncate the role of the judiciary in our separate and co-equal branches from our constitutional Republic.

He also seems to set up an interesting reinterpretation of what our Founders meant in setting up this Constitution. Because, Mr. Speaker, if it was so desirable to have direct taxation of personal income, why did not our Founders include that in the original document called the Constitution or in the first 10 amendments known as the Bill of Rights. They understood the powers that would be abridged, the rights of citizens that would be abridged.

Ultimately, it came through the 16th amendment, which required a supermajority for ratification. So the balance we strike today in adopting this constitutional amendment is to strike a balance to say, if a supermajority was required for the amendment process, there should be a supermajority required for raising taxes.

Now, under the realm of I have heard everything, I think it was suggested earlier we have a supermajority for spending. Let us explore that. But today let us vote yes on this amendment.

Mr. WATT of North Carolina. Mr. Speaker, we have no further requests for time and one final speaker. So if the gentleman from Wisconsin is ready to close, then I will proceed.

Mr. SENSENBRINNER. Mr. Speaker, I encourage the gentleman from North Carolina to recognize his final speaker, and then we can wrap this up.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself my time as I may conclude.

Mr. Speaker, this debate is always interesting at this time of the year. Every year, for the last 6 years, around April 15, this same or some version of this proposed constitutional amendment has come to the floor of the House, not as a serious legislative initiative, because I think it has always been acknowledged that there is not sufficient support for such constitutional amendments. Instead, it comes to the floor as a political vehicle to dramatize and have a discussion about whether taxes are too high or whether the expenditures are out of control.

We have a political discussion in the context of a proposed constitutional amendment.

I want to submit to my colleagues, however, that this is not a discussion about whether taxes are too high or not. If you ask probably 10 out of 10 people on the street whether taxes are too high, all 10 of them will tell you taxes are too high. It is not a discussion about whether we spend too much money. I am sure there are people who will have varying opinions about whether the Federal Government spends too much money.

My experience has been that they typically vary based on whether they believe in majority rule. I think it is a debate about democracy and major rule. And the other is to say, if it is not being spent for something that you believe is beneficial to yourself or to the country, then you are going to oppose that. So this is not a debate about whether we spend too much either.

I think it is a debate about democracy, because there are only two instances in our Constitution where a supermajority such as this is required. That is to declare war, which we seldom use because the Presidents have decided that you do not even need a supermajority to do that and that is a bad idea, so there has been this constant struggle between the executive branch and the legislative branch even in that area. And the other is to amend the Constitution, which brings me to this point. I think our Founding Fathers recognized that there needs to be something special to require a two-thirds majority, because the idea of majority rule was almost synonymous with the concept of democracy and they did not want to do anything that was contrary to that principle.

Now, my colleagues who continue to profess to me that the way the tax cuts are paid for, and that is the major issue today, this and it is not a discussion about winning and losing a vote. It is about every individual in this country having the right to have an equal voice in the government. That is why we redistrict and do a census and based on that census redistrict the whole country every 10 years, to go out of our way to provide every American an equal voice in our government. And when we set up a system in our Constitution that on one subject, such as taxes or spending or whatever else interrupts that balance, requires some supermajority, then basically what we are saying is we are devaluing the representation of some Members of this body, and we are overvaluing the representation of other people.

Now, I am not going to argue with the notion of whether taxes are too high, but I do not think that is what this debate is about. If you go out on the street and you ask 10 people whether they believe that a basic tenet of democracy is majority rule, I bet you 10 out of 10 of them will tell you they believe in majority rule and they believe in the democracy that we have put in place. That is what this debate is about, my colleagues. That is what this debate is about, whether I am going to give you more power in the government or make this bill better. I am going to have an equal place on behalf of the constituents who sent me here to cast a vote that has equal value to yours.

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

Mr. SENSENBRINNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be very brief. This amendment is very simple. It makes it harder for Congress to raise taxes. It requires Congress to put fiscal discipline on itself so that if there are loopholes closed, the tax relief would be given to the American people rather than being spent on some type of proposal that maybe the American people would not approve of.

The original Constitution written by James Madison prohibited direct taxes except “in proportion to the census, or enumeration hereinafter directed to be taken.”
When the Congress attempted to pass an income tax in the late 1890s, the Supreme Court declared it unconstitutional. On February 13, 1913, the 16th amendment was ratified by the several States and became a part of our Nation’s Constitution which specifically gave the Congress the power to lay and collect taxes on income from whatever source derived without apportionment among the several States and without regard to any census or enumeration. Since that time, boy, have those income taxes taken off. With the constitutional amendment ratified in 1913, the heavy hand of the Congress and of the Federal Government has dipped deeper and deeper into the pockets of the people of the United States of America, so that today Federal income taxes as expressed as a percentage of gross domestic product are higher than at any time in the peacetime history of our country, including during World War II in many of the years.

So I guess the question is really simple. Given the track record of Congress since 1913, do we want to continue making it so easy for Congress to raise the taxes? Or do we want to force Congress to cut spending, to have better priorities, and then to attempt to achieve a national consensus to raise taxes as a last resort? Because a two-thirds vote does require a national consensus to be formed. I would hope that the Members of the House would approve this constitutional amendment and send it to the Senate. It will send a message that this Congress is serious about making it tough for future Congresses to raise taxes and to force them to set priorities in spending the public’s money, not the Congress’ money but the public’s money.

I ask for an aye vote.

Mr. UDALL of Colorado. Mr. Speaker, here it comes again. I was a newly-elected Member of Congress the last time we debated this proposed constitutional amendment—but I was told that the House had already considered it more than once.

So, it was no surprise that the debate about it sounded very rehearsed. I got the impression—and it has only been strengthened today—that many Members have heard all the arguments before. And I am pretty sure the debate will not change many minds about the proposal.

But, as I said last time, this resolution strikes me as one of the oddest pieces of legislation that I’ve encountered—and I think it’s one of the worst.

For one thing, while I’m not a lawyer it seems clear to me that the language of the proposal is an invitation to litigation—in other words, to getting the courts involved even further in the law-making process.

To say that Congress can define what constitutes a two-thirds vote requirement would apply, provided that the Congressional decision is ‘reasonable,’ is to ask for lawsuits challenging whatever definition might be adopted.

There aren’t enough lawsuits already over the tax cuts of recent years to invite more? But more important, I must oppose this proposal because it moves away from the basic principle of democracy—majority rule.

If this were part of the Constitution, there would be another category of bills that would require a two-thirds vote of both the House and the Senate.

That’s bad enough as it applies here in the House, but consider what that means in the Senate. If a single Senator is opposed to something that takes a two-thirds vote, it cannot be passed. And, of course, each state has the same representation regardless of population.

Consider what that means if the Senators in opposition are those from the 17 States with the fewest residents. Looking at the results of last year’s census, the total population of the 17 least-populous states is about 21 million people. That’s a respectable number, but remember that the population of the country is more than 280 million.

So, what this resolution would do would be to give Senators representing about 7 per cent of the American people the power to block some kinds of legislation—even if that legislation has sweeping support in the rest of the country, and even if it had passed the House by an overwhelming margin.

Right now, this kind of supermajority is needed under the Constitution to ratify treaties, propose constitutional amendments, and to do a few other things. But this resolution does not deal with things of that kind. It deals only with certain tax bills—bills that under the Constitution have to originate here, in the House. Those are the bills that would be covered by this increase in the power of Senators who could represent a very small minority of the American people.

Why would we want to do that? Are the proponents of this constitutional amendment so afraid of majority rule? Why else would they be so eager to reduce the stature of this body, the House of Representatives, as compared with our colleagues in the Senate?

Remember, that’s what this is all about—‘interstate revenue,’ however that term might be defined by Congress or by the courts.

When Congress debates taxes, it is deciding what future tax policy will be raised under Congress’ Constitutional authority to “pay the debts and provide for the common defense and general welfare of the United States.” Those are serious and important decisions, to be sure, but what is wrong with continuing to have them made by the principle of majority rule—meaning by the members of Congress who represent the majority of the American people?

So, Mr. Speaker, I cannot support this proposed change in the Constitution. Our country has gotten along for two centuries. It is not needed. I would not solve any problem—in fact, it probably would create new ones—and it would weaken the basic principle of democratic government, majority rule. It should not be approved.

Mr. STARK of Georgia. Mr. Speaker, this bill will hamstring Congress in an unprecedented manner.

Requiring a two-thirds majority essentially renders Congress unable to increase revenues, as demonstrated by the five major deficit reduction measures enacted between 1982 and 1993. None of these bills passed by a majority vote. Yet a majority of this representative body found them necessary to reduce the federal debt and balance the federal budget.

This will hurt federal programs when the baby boom generation begins to retire. This could lead to steep reductions in Medicare and Social Security benefits, not to mention other needed federal programs.

Congress needs to impose balance in its budgets but this would be made impossible by requiring a two-thirds majority. Everybody likes the benefits that the federal government provides but nobody likes to pay for them. So it’s always easy for a Member of Congress to reduce taxes, yet very difficult to increase taxes—even under a bill that requires a simple majority vote.

A two-thirds majority would be required of any bill seeking to raise federal tax revenues. This includes taxes on corporations that find loopholes to lower their effective tax rates. This also includes businesses that we find pollute the environment. Just last year, the Institute on Taxation and Economic Policy found that forty-one of Fortune’s top 250 U.S. companies paid less than zero in federal income taxes at some point between 1996 and 1998. This means that rather than paying the $9 billion in federal income taxes paid by the 35 percent statutory corporate tax rate, these companies generated so many excess tax breaks that they received rebate checks from the U.S. Treasury totaling $3.2 billion. One astute University of Miami Law School professor accurately depicted today’s bill as the “Tax Loophole Preservation Amendment to the Constitution.”

The legislation before us today would mean that corporate welfare could continue to flourish at the expense of American seniors who risk decreased Social Security and Medicare benefits with passage of this devastating bill. This is too big a gift to give to corporate America when we need more money for our children’s education, and we need a Medicare prescription drug benefit for our seniors. I urge my colleagues to allow Congress to continue its prescribed work in devising and enacting an annual budget that includes increasing revenues in the same manner as it decreases revenues—by a simple majority vote.

I urge a “no” vote on H.J. Res. 41. Mr. Speaker, I rise today to wholeheartedly support House Joint Resolution 41, the Tax Limitation Constitutional Amendment of 2001. I am happy to be an original co-sponsor of this legislation and hope that one day we can see this safeguard in place in order to protect the wallets and pocketbooks of American taxpayers.

This biggest things in life are usually the hardest things to accomplish. The same is true with law and government. Going to war. Impeaching a president. Overriding a veto. So, too, should raising taxes. It should be difficult to raise taxes. Our system of checks and balances can look out for the average taxpayer if the tax limitation amendment were indeed the law of the land.

Over one third of the population of this nation lives in states with tax limitation amendments.

President Clinton’s tax hike in 1993—the largest tax increase in American history—would have died a miserable death if the tax limitation amendment existed back then. If we really need to raise taxes, if we really need to increase the federal debt, if there are already collecting, then two-thirds of Congress will do the will of the people. If there is a war, there is an exception. But raising taxes ought
to be the very last resort taken in order to solve a fiscal problem.

We need to make it harder for Congress to raise taxes. We need to pass the Tax Limitation Constitutional Amendment.

Mr. GOOLITTLE. Mr. Speaker, I rise today in support of House Joint Resolution 41. This joint resolution requires a two-thirds vote in both the House and Senate for any bill that changes the internal revenue laws by more than a de minimis amount. The resolution also allows a majority to override the supermajority requirement to pass a tax increase (1) during a period of declared war between the U.S. and another country, or (2) when Congress and the president enact a resolution stating that the U.S. is engaged in a military conflict which threatens national security. Tax legislation enacted under this waiver can be in force for no longer than two years after its enactment.

Mr. Speaker, H.J. Res. 41 provides a simple mechanism to curb wasteful and abusive government spending. It preserves the American people's unquenchable appetite for taking the American people's money. The more the government has, the more it spends. The more it spends, the more it needs. The Tax Limitation Amendment will ensure that when the government needs money, it will not simply look to the American people to foot the bill.

A Constitutional amendment is the only way we can assure the American people that Congress will only take from their pocketbooks that which is truly needed. This Constitutional amendment will force Congress to focus on options other than raising taxes to manage the Federal budget. It will also force Congress to carefully consider how best to use current resources before demanding that taxpayers dig deeper into their hard-earned wages to pay for increased Federal spending.

Furthermore, if Congress has less to spend on programs, it will be forced to act responsibly and choose what is truly important to the American people, and it will be forced to make sure that the programs it runs are used effectively and efficiently as possible. Simply put, the harder it is for Congress to tax the American people, the harder it will be for Congress to spend their money.

Mr. Speaker, and for all, it is time for Washington to get off the American people's backs and out of their pockets.

I thank my colleague, Mr. SESSIONS, and I urge my colleagues to support House Joint Resolution 41.

Mr. OTTER. Mr. Speaker, I rise today in support of H.J. Res. 41, the Tax Limitation Amendment to the United States Constitution. This legislation will protect the American people from runaway government spending and keep Uncle Sam out of America.

This Amendment to the United States Constitution.

Mr. Speaker, I oppose the constitutional amendment because it is flawed and fundamentally anti-democratic. As the ranking Democratic member of the subcommittee of jurisdiction over constitutional amendments, I also want to register my strong objection to the manner in which the majority has once again disregarded regular order and proceeded without any hearings or subcommittee consideration. I would hope that our fundamental governmental document would merit more respect and care.

H.J. Res. 41 disregards the constitutional principle of majority rule, requiring instead, a two-thirds vote in both the House and Senate to raise taxes.

The only exceptions to the super majority requirement are: bills that do not increase taxes by more than a "de minimis amount"; when a declaration of war is in effect; or when the United States is engaged in a "serious military conflict" that causes an "imminent and serious threat to national security."

James Madison, in The Federalist Papers No. 58, warned against such super majorities, stating that, under such a requirement, "the fundamental principle of free government would be reversed. It would no longer be the majority that would rule: the power would be transferred to the minority." For example, based on data from a 1996 U.S. Census report, Senators representing only 7.3% of the U.S. population could prevent a tax bill from obtaining the two-thirds super majority required to pass. And the bill would require a far larger vote count to raise taxes than to lower taxes.

This "one way ratchet" mechanism dilutes a member's vote on tax bills that are central and fundamental to government. Although the sponsors point out that it is not unprecedented to provide in the Constitution for a two-thirds vote for certain significant actions, such as overriding a presidential veto or congressional impeachments, in the 104th Congress, the then Chairman of this Committee stated "I am troubled by the concept of divesting a Member of the full import of his or her vote. You are diluting the vote of Members by requiring a supermajority . . . it is a diminution. It is a disparagement. It is an unfairness. It is an impact, the impact, of one man, one vote." H.J. Res. 41 is designed to benefit the wealthy and powerful at the expense of the average American family and the poor. This constitutional amendment makes it difficult to curb corporate welfare and cut unproductive tax expenditures that grant subsidies to powerful special interests. Yet, according to a study by the Government Accountability Office, "when the baby boomers begin to retire . . . the country will be in an era of fiscal strain. To avoid destructive deficits, there will have to be tax increases and/or spending cuts. By making it harder to increase taxes, this amendment would compound the pressure on the major spending programs: Social Security, Medicare, Medicaid and the rest."

Mr. Speaker; and I think that we ought not to allow it.

This amendment would also endanger important excise taxes that fund public safety and environmental programs whose extension would be subject to a supermajority vote. Many such excise taxes are dedicated to purposes such as transportation trust funds, Superfund, compensation for health damages, taxes on alcohol, tobacco, and pensions, as well as a variety of environmental taxes.

The amendment is also vague and runs the risk of transferring authority from the Congress to the courts. For example, the amendment fails to define the term "internal revenue laws" to which super majority votes would apply, and also fails to define the term "de minimis" to which super majorities do not apply. These vagaries would empower the courts to divine the congressional intent on tax issues that are now decided by our elected representatives in the courts, and would bring the courts into fundamental policy disputes that are strictly the province of the Congress.

Finally, the majority has recognized just how unworkable a supermajority requirement can be. On at least six separate occasions waived its jurisdiction on tax issues requiring such super majorities to increase taxes where it suits their needs. For example, during consideration of the Contract with America Tax Relief Act in 1995 the majority waived the currently necessary three-fifths majority rule needed to raise taxes. This is wrong.

This legislation would end the ability of the American people, acting through their representatives in Congress, to decide how they want to raise and spend their own money. The democratic principle of one person, one vote is before us today. I believe that we must protect it for this generation, and for generations to come.

Mr. BEREUTER. Mr. Speaker, this Member rises in principled opposition to House Joint Resolution 41, the so-called "tax limitation" constitutional amendment. Certainly it would be more politically expedient to simply "go along" and vote in support of a constitutional amendment requiring two-thirds approval by Congress for any tax increases. However, as a matter of principle and conscience, this Member cannot do that.

As this Member stated when a similar amendment was considered by the House in the past, there is a great burden of proof to be borne for any deviations from the basic principle of our democracy—the principle of majorities. Unfortunately, this Member does not believe the proposed amendment to the U.S. Constitution is consistent or complementary to this important principle.

There should be no question of this Member's continued and enthusiastic support for a balanced budget and a constitutional amendment requiring such a balanced budget. In my judgment, tax increases should not be employed to achieve a balanced budget; balanced budgets should be achieved by economic growth and, as appropriate, tax cuts. That is why this Member in the past has supported inclusion of a constitutional requirement for tax increases in the Rules of the House. However, to go beyond that and amend the Constitution, is, in this Member's
opinion, inappropriate and, therefore, the reason why this Member will vote against House Joint Resolution 41.

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

The SPEAKER pro tempore (Mr. SHAYS). Under House Resolution 118, an amendment to the nature of a substitute, if printed in the CONGRESSIONAL RECORD and if offered by the minority leader or his designee, would be in order at this point. The Chair is aware of no qualifying amendment.

Pursuant to House Resolution 118, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 232, nays 11, as follows:

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The SPEAKER pro tempore. Under a previous order of the House, Messrs. PORTMAN, BARTLETT of Maryland, and McKEON changed their vote from "yea" to "nay."

So, two-thirds not having voted in favor thereof, the joint resolution was not passed.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained and missed the vote on final passage of H.J. Res. 41, the Tax Limitation Constitutional Amendment (recorded vote No. 87). If I had not been detained, I would have voted "aye" on this important bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHAYS). Under the Speaker’s announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A NEW CHINA POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, President Bush deserves much credit for the handling of the spy plane crisis. However, he has received significant criticism from some of his own political supporters for saying he was very sorry for the incident. This seems a very small price to pay for the safe return of 24 American military personnel.

This confrontation, however, provides an excellent opportunity for us to reevaluate our policy toward China and other nations. Although trade with China for economic reasons encourages both America and China to work for a resolution of the spy plane crisis, our trading status with China should be reconsidered.

Mr. Speaker, what today is called "free trade" is not exactly that. Although we engage in trade with China, it is subsidized to the tune of many billions of dollars through the Export-Import Bank, the most of any country in the world.

We also have been careless over the last several years in allowing our military secrets to find their way into the...
The question we must ask ourselves is how would we react if we had Chinese airplanes flying up and down our coast and occupying the air space of the Gulf of Mexico? We must realize that China is a long way from the U.S. and is not capable nor is showing any signs of launching an attack on any sovereign territory of the United States. Throughout all of China’s history, she has never pursued military adventurism far from her own borders. That is something that we cannot say about our own policy. China traditionally has only fought for secure borders, predominantly with India, Russia, Japan, and against the United States, and that was only when our troops approached the Yalu River.

It should not go unnoticed that there was no vocal support from any of our allies whenever Russian actions along the Chinese coast. None of our allies bothered to condemn the action of the Chinese military aircraft, although it technically was cause of the accident.

Do not forget that when a Russian aircraft landed in Japan in 1976, it was only after many months we returned the plane to Russia, in crates.

Although there is no doubt that we technically have legal grounds for making these flights, the question really is whether or not it is wise to do so or necessary for our national security. Actually, a strong case can be made that our national security is more threatened by our patrolling the Chinese coast than if we avoided such flights altogether.

After a half century, it is time to reassess the need for such flights. Satellite technology today gives us the ability to watch and to listen to almost everyone on Earth. If there is a precise threat, the question real is whether or not it is wise to do so or necessary for our national security. Actually, a strong case can be made that our national security is more threatened by our patrolling the Chinese coast than if we avoided such flights altogether.

When we follow only a military approach, bellicose and jingoistic demands for retaliation and retribution are dangerous, and indeed are a greater threat to our national security than relying on satellite technology for gathering the information that we might need. A policy of peaceful, non-subsidized trade with China would go a long way in promoting an atmosphere of friendship and secure relations with the Chinese people. By not building up the military arsenal of the Taiwanese, Taiwan will be forced to pursue their trade policies and investments with China, leading to the day where the conflict between these two powers can be resolved peacefully.

Today, it looks like there’s a much better chance of North and South Korea getting together and solving their dispute than was the case in the 1950s, when we sent hundreds of thousands of troops and millions of bombs to resolve the conflict—which was unsuccessful. We should have more confidence that peaceful trade is a much stronger weapon.
than all the military force that we can provide. That same argument can be made for our dealings with Vietnam today. We did not win with weapons of war in the 1960s, yet we are now much more engaged in a peaceful trade with the people of Vietnam. Our willingness over the past hundred years to resort to weapons for trade with all nations anxious to trade with us will do more to serve the cause of world peace than all the unnecessary and provocative spy missions we pursue around the globe.

It is now time to reassess our entire foreign policy of military worldwide intervention. Staying neutral in world conflicts while showing a willingness to trade with all nations anxious to trade with us will do more to serve the cause of world peace than all the unnecessary and provocative spy missions we pursue around the globe.

I recommend the following article by Orlando Sentinel columnist Charley Reese for its sober analysis of the recent events of China.

[From the Orlando Sentinel, April 22, 2001]

SO YOU WANT TO GO TO WAR WITH CHINA?

(By Charley Reese)

I’ve been intrigued by the responses to a column I wrote suggesting that our China policy had led us out and committed to the American people for approval.

First, some people irately took issue with my calling the airline a “spy plane.” It is not, as I contend, because it is overtly intercepting electronic signals.

Let’s suppose a clearly marked police van parked on the public street in front of your house. Let’s suppose the officers began to intercept your telephone calls, whatever information appeared on your computer screen and even your verbal conversations. Now, would you feel safe or would you say, “Hey, that’s only electronic intercepts, and they are operating openly on a public street.”

Then there is the more logical argument that we need to spy on the Chinese in case we have to fight them. My point exactly. Why do we have to fight them?

We certainly should not fight them over Taiwan. Our own beloved Jimmy Carter unilaterally abrogated the mutual-defense treaty. Our own tough anti-Communist Richard Nixon publicly agreed that Taiwan is part of China and, therefore, falls under the category of China’s internal affairs. What’s to fight about?

If Taiwan declares its independence, I would expect Chinese leaders would emulate Abraham Lincoln and use force to prevent it. For all my little old Southern life, I’ve heard Yankees say Lincoln was right. What’s good for Honest Abe is good for Honest Jiang, right?

Then there is the argument that we must not lose our position as a “Pacific power.” Geographically, since we granted independence to the Philippines, we are not a Pacific power.

I see no reason why we should wish to be a Pacific power in a military sense. What’s to be gained?

The two natural Pacific powers are Japan and China.

The funniest response has been alarm about China’s “military buildup.” I would say that if China did not engage in a military buildup after watching the United States go bomb and missile crazy during the past 20 years that it would be derelict in its duty. I’d love to keep this in perspective, as the Chinese have about 20 ICBMs; we have hundreds. Their defense expenditures are somewhere around $50 billion; ours, in excess of $200 billion.

Furthermore, Chinese strategy, as discussed in their own military journals, is to develop the ability to defeat us in their immediate vicinity. That means clearly that if we keep our nose out of their affairs, no military clashes are likely to occur. Civilians, too, need to be reminded that military forces are about making war. We should never have changed from the honest name, War Department, to the Newpeak name, Defense Department. Armed forces are about fighting wars, training to fight wars or planning to fight wars. That’s what they do.

It’s also what the military forces of every other country do. Just because a country’s military makes contingency plans to fight some other country doesn’t mean that they intend to initiate a fight.

Unfortunately America is full of jingoists, usually pot-bellied gray-hairs or 4-F journalists and policy wonks. They are always eager for the teens and twentiesomethings to go somewhere and get killed or maimed. In most cases, within five years of their youthful deaths, nobody can remember why they had to get killed.

Korea ended up divided exactly the same way after the war as before the war. Vietnam became communist, which it would have become without 57,000 Americans dying in it. We went to war presumably to preserve the oil contracts with Kuwait Inc., and now Americans are driving around with gasoline refined from Iraqi oil.

As for you “love-it-or-leave-it” blockheads, you leave it and go fight instead of sending the grand old warriors. What I love are the people and the land, not the government.

The lives of a nation’s youth are its most precious treasure, and I’m damned if I will stay silent while armchair generals propose to risk that treasure in some stupid, ignorant, corrupt or unnecessary war.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

(Mr. ROHRABACHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SMIRNOFF is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, there is a lot of partisan bickering that goes on in Washington these days. Unfortunately, our constituents are often caught in between as Democrats and Republicans. It ought to be about what is best for the American people, the people who have placed their trust and confidence in us.

Over these past 19 days, I have participated in more than 60 events in my district, as many of my colleagues did during the district work period. All across Arkansas’ Fourth District, my constituents told me about the health care crisis they face each and every day in their lives.

A health care issue about which I care deeply is providing a voluntary, but guaranteed prescription drug benefit as a part of Medicare. I believe it is time to modernize Medicare to include managed care. Medicare is the only health insurance plan in America that I know of that does not include medicine, yet it is the plan that nearly every single senior citizen in America relies on day in and day out to stay healthy and to go to work.

Mr. Speaker, I own a pharmacy in a small town in south Arkansas, and living in a small town and working with seniors there, I know firsthand how seniors end up in the hospital running up a $10,000 Medicare bill, or how diabetics eventually lose a leg or require perhaps as much as a half a million dollars in Medicare payments for kidney dialysis. All of these instances are real-life examples that I have seen in my hometown in the small pharmacy that I own back there that I used to work at. Every one of these could have been avoided if people had simply been able to afford their medicine or if they had been able to afford to take it properly.

I did a town hall meeting this past week in Hot Springs, Arkansas, one of the more affluent counties and cities in my district. We had more than 100 seniors at that meeting that I conducted in conjunction with the National Committee to Preserve Social Security and Medicare. At that meeting, we said, raise your hand if you have medicine coverage. Less than 10 hands went up in that room.

This is America, and I believe we can do better than that by our seniors, and that is why I will continue to fight to truly modernize Medicare to include medicine, just like we include doctors’ visits and hospital visits. It should be voluntary, but guaranteed, and it should be a part of Medicare.

That is why the first bill I introduced as a Member of the United States Congress was a bill that basically tells the
conjunction with law enforcement, the court system, schools, hospitals and parents. This center is a model for the coordination of available community services.

One of the cruelest realities of child abuse is that children are often victimized again in their experience with the criminal justice system. The Southwest Mississippi Children’s Advocacy Center assists in minimizing the chaos of this experience by centralizing many necessary services at their center. Children may now have their initial interview, court school preparation, referral for medical services and therapy services all in the confines of this cheerfully decorated, child-friendly center.

The Southwest Mississippi Children’s Advocacy Center is also proactive in implementing preventive programming in the 14 counties they serve. Its staff regularly visits elementary schools to teach children how to be better advocates for themselves through classes teaching communication skills, body safety, positive assertiveness and self-esteem. In addition, its positive parenting classes give parents the opportunity to learn effective ways to control anger and handle conflict.

The anger and sadness we all feel towards the insidious epidemic of child abuse has motivated the Southwest Mississippi Children’s Advocacy Center into action. I am extremely proud to have such a fine center in our district, and I urge all my colleagues to rise with me in recognition of its outstanding advocacy for children.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a pioneer in Michigan politics, Richard Austin.

Mr. Austin passed away this weekend at Henry Ford Hospital in Detroit.

The story of Richard Austin’s life is a story of the American dream. It is certainly a story of many firsts and many accomplishments. Born in 1913 in Alabama, Austin’s coal miner father passed away when he was only 11 years old. His family moved to Detroit.

He had to give up a scholarship to Wayne State University to support his family. But he continued to take night classes at the Detroit Institute of Technology, where he earned an American accountancy degree.

Austin became the first African-American certified public accountant in Michigan in 1941. He also pushed a motorcycle helmet law.

The national motor voter law was not enacted until 18 years later. Mr. Jamerson was a lively and forceful man. He was a true educator and a great leader.

Mr. Speaker, Richard Austin was more than a pioneer in Michigan politics and a leader in national highway safety and voter registration. Above all, Mr. Speaker, what made Richard Austin such a special and rare individual was his strong sense of decency, integrity and grace.

Our thoughts and our prayers are with his wife of 61 years, Ida, and his daughter, Hazel.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a long-time friend of mine who passed away this weekend, Mr. Jamerson. He was a former Florida Education Commissioner, Secretary of Labor, and State Representative. He was 53 when he died from cancer this weekend.

Mr. Jamerson was a lively and forceful man. He was a true educator and a great leader.

He also pushed a motorcycle helmet law.

Although he lost that race for mayor, the next year, he ran successfully to be Michigan’s first African-American secretary of state, and Michigan’s first African-American statewide elected official.

As secretary of state from 1970 to 1994, Richard Austin fought to make Michigan the first state in the Union to enact a mandatory seat belt law.

He also pushed a motorcycle helmet law and simplified the process for renewing driver licenses.

One of his greatest accomplishments was the passage of Michigan’s ‘motor-voter’ law.

The national motor voter law was not enacted until 18 years later.

Mr. Speaker, Richard Austin was more than a pioneer in Michigan politics and a leader in national highway safety and voter registration. Above all, Mr. Speaker, what made Richard Austin such a special and rare individual was his strong sense of decency, integrity and grace.

Our thoughts and our prayers are with his wife of 61 years, Ida, and his daughter, Hazel.

A TRIBUTE TO DOUG JAMERSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today to pay tribute to a long-time friend of mine who passed away this weekend, Mr. Jamerson. He was a former Florida Education Commissioner, Secretary of Labor, and State Representative. He was 53 when he died from cancer this weekend.

Mr. Jamerson was a lively and forceful man. He was a true educator and a great leader.

He also pushed a motorcycle helmet law.

Although he lost that race for mayor, the next year, he ran successfully to be Michigan’s first African-American secretary of state, and Michigan’s first African-American statewide elected official.

As secretary of state from 1970 to 1994, Richard Austin fought to make Michigan the first state in the Union to enact a mandatory seat belt law.

He also pushed a motorcycle helmet law and simplified the process for renewing driver licenses.

One of his greatest accomplishments was the passage of Michigan’s ‘motor-voter’ law.

The national motor voter law was not enacted until 18 years later.

Mr. Speaker, Richard Austin was more than a pioneer in Michigan politics and a leader in national highway safety and voter registration. Above all, Mr. Speaker, what made Richard Austin such a special and rare individual was his strong sense of decency, integrity and grace.

Our thoughts and our prayers are with his wife of 61 years, Ida, and his daughter, Hazel.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. MEEK) who served with Mr. Jamerson along with myself.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for yielding to me. The gentlewoman from Florida
Mr. ISRAEL. I do not think that anyone in the State of Florida who respected for government and respect for love of the people did not know and did not love Doug Jamerson. He is a known man in the State of Florida. He was a loved man. He leaves a wife and a wonderful son to mourn him and the rest of us who served with him. We loved him very much. He will be remembered throughout our lives and throughout the lifetime of Florida’s history as a politician and as a public servant who served both God and his people.

Mr. Speaker, in closing, when I think of Doug, I think of Paul and his great work. He has done great work for the people of Florida, and we will truly miss him.

Dick Austin was a patriot. He was a man who loved Florida and who demonstrated it by serving as Labor Secretary and serving as Commissioner of Education. He showed his true love for Florida.

He was instrumental and a driving force in Florida’s Blueprint 2000, Mr. Speaker, and that blueprint is what set Florida on the right track in his education program. Doug wanted to see accountability in Florida schools, and he fought very hard for that. He was an Air Force veteran. He served from 1967 to 1971.

Mr. Speaker, I do not think that anyone in the State of Florida who respected government and respect for love of the people did not know and did not love Doug Jamerson. He is a known man in the State of Florida. He was a loved man. He leaves a wife and a wonderful son to mourn him and the rest of us who served with him. We loved him very much. He will be remembered throughout our lives and throughout the lifetime of Florida’s history as a politician and as a public servant who served both God and his people.

Ms. BROWN of Florida. Mr. Speaker, in closing, when I think of Doug, I think of Paul and his great work. He has done great work for the people of Florida, and we will truly miss him.

Dick Jamerson was a statesman. He was Secretary and serving as Commissioner of Education. He showed his true love for Florida.

He was instrumental and a driving force in Florida’s Blueprint 2000, Mr. Speaker, and that blueprint is what set Florida on the right track in his education program. Doug wanted to see accountability in Florida schools, and he fought very hard for that. He was an Air Force veteran. He served from 1967 to 1971.

Mr. Speaker, in closing, when I think of Doug, I think of Paul and his great work. He has done great work for the people of Florida, and we will truly miss him.

Jameson won a national humanitarian award for helping St. Petersburg recover from racial violence in 1996, when he walked the streets, helping cool emotions. It was a natural extension of his years as a school security guard in the early 70s when he spent hours counseling teens going through desegregation at a Pinellas high school.

His parochial school education taught Jamerson the integrity of discipline and one of his first acts as education commissioner was to advocate the socially leveling effect of wearing uniforms in public schools. The idea sank, but Jamerson’s reputation rose as a public servant not given to predictable solutions. He was against both paddling and prayer in schools but said both had a place in a public school setting.

Jameson was a mentor and a very dear friend. He will be missed.

THE BIPARTISAN SENIORS HEALTH CARE BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Mr. Speaker, America’s health care crisis affects millions of people, and my colleagues and I are looking for predictable solutions. We are against both paddling and prayer in schools but said both had a place in a public school setting.

Jameson was a mentor and a very dear friend. He will be missed.

Just 3 years ago, seniors had choices in their medical care. In September of 1999, 12 HMOs offered seniors health plans in my district on Long Island. Now only two remain.

In 1998 and 1999, 700,000 seniors across America were left without coverage when their HMOs decided not to renew their contracts.

This year, HCFA reports that 65 Medicare HMOs did not renew their contracts, leaving an additional 160,000 senior citizens in America with no Medicare HMO option. This is intolerable.

HMOs are choosing not to renew their 1-year contracts because of inadequate and unfair reimbursement rates. They are putting profits ahead of people. Health care should be a right, not a privilege. Ensuring Long Island seniors receive quality care is not a partisan issue; it is a common sense issue. That is why I have been working with my Republican colleague from Long Island on this issue. The Senator’s Health Care Bill of Rights, holds HMOs accountable and provides seniors the care they deserve. We will do this by providing carrots and sticks. Our Seniors’ Health Care Bill of Rights includes three provisions: first, increase the reimbursement levels to keep HMOs operating in the senior market; second, our bill requires 3-year rather than 1-year contracts. Finally, our bill provides penalties for terminating senior coverage. If HMOs drop senior citizens in the middle of their contract year, they are going to be banned from the very lucrative Federal Employees Health Benefits Plan.

Mr. Speaker, I promised my constituents my very first piece of legislation would be this Seniors’ Health Care Bill of Rights. This is only the beginning of the effort for senior health care. Now I ask my colleagues to join me in this fight.

Our senior citizens are the people who built our neighborhoods and paid their taxes, raised their families, and fought our wars. Now it is time to restore the health care choice, access, and quality that they deserve. Mr. Speaker, I hope that my colleagues will cosponsor the bipartisan Seniors’ Health Care Bill of Rights.

Mr. Speaker, under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, today I rise and will be joined later by some of my colleagues to pay tribute to a man who was a mentor and a very dear friend, a man who defined the words dignity and respect. I am talking about Michigan’s former Secretary of State, Richard Austin, who died last Friday at the age of 87.

Dick Austin was a man of great vision and one of Michigan’s most distinguished and honored, accomplished statesmen. He was Secretary of State for 24 years, having been first elected in 1970 and reelected a record five times. I had the great honor of nominating Dick Austin at three of our parties’ conventions. The last time I had to struggle a little harder to try to squeeze it all in because Dick had accomplished that much in the preceding 4 years.

Under Dick Austin’s direction, Michigan became a leader in highway safety and voting rights. He brought us one of America’s first safety belt laws, spearheaded the drive for child passenger safety legislation, and won awards for his efforts to stop drunk driving. Thousands of people are alive in Michigan today because of Dick Austin’s tireless dedication to safety.

Mr. Speaker, he helped to enact a landmark voter registration law that served as a model for other states and paved the way for the eventual passage of the national motor voter legislation. Millions of people in Michigan found it easier to exercise the franchise because of Dick Austin’s determination to eliminate barriers to voting.

Dick was a great innovator. He automated the Department of State and transformed a department that consumers were upset about for its agonizing inefficiency. He did that, and made it into one of the best run, best managed and most highly acclaimed departments in the Nation.

Dick Austin was a pioneer in many fields, breaking down barriers with his indomitable self-confidence, and his dedication to hard work. He was the first African American certified public accountant in Michigan. He was the first African American candidate for mayor of Detroit, and the longest serving African American elected to statewide office.

He was born in Stouts Mountain, Alabama, the son of a coal miner who died when Dick was just 11 years old. His family moved to Detroit where he worked his way through night school and the passage to hard work. He was the first African American elected to statewide office.

He was born in Stouts Mountain, Alabama, the son of a coal miner who died when Dick was just 11 years old. His family moved to Detroit where he worked his way through night school and the passage to hard work. He was the first African American elected to statewide office.

Mr. Speaker, to his wife of over 60 years, Ida, and his daughter, Hazel, we send our deep regrets and prayers. Mr. Speaker, to his wife of over 60 years, Ida, and his daughter, Hazel, we send our deep regrets and prayers.

In good times and hard times, Richard A. Austin was always there. He was calm, reassuring, standing strong.

Mr. Speaker, to his wife of over 60 years, Ida, and his daughter, Hazel, we send our deep regrets and prayers. Mr. Speaker, to his wife of over 60 years, Ida, and his daughter, Hazel, we send our deep regrets and prayers.

All of us in Michigan will profoundly miss Dick Austin. His memory and
sense of justice will carry on for years to come, and the accomplishments of his remarkable life will continue to pave the way.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Washington addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A TRIBUTE TO REVEREND LEON SULLIVAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, this morning, I received some very disturbing news about the passing of the Reverend Leon Sullivan, founder and Chairman of OIC International.

Reverend Sullivan was a genuine example of civility and social commitment. He was a leader of human rights, and a true humanitarian. He is best known for his advocacy toward obtaining justice to end Apartheid in South Africa. This feat gained him the respect of all of us.

Through his steadfastness and determination, Reverend Sullivan enlightened history and impacted the world with his grace. He came to this earth with a bright inner glow and a spirit filled with light. Reverend Sullivan had a powerful soul and a judicious conscience. He worked to make a difference in the lives of others will be preserved now in our many memories of him. He was a true example of a public servant, and it was through his vision that many people became familiar with his love for hope and compassion for the welfare of people in underserved nations.

Reverend Sullivan was credited by President Clinton with The Eleanor Roosevelt Human Rights Award, and was the author of the “Sullivan Principles” which will serve as part of his stellar legacy. I have no doubt that the Reverend will continue to work for the benefit of humanity from his eternal state. His faith in humanity brought inspiration to society. As a poet once said “Do not weep because they are gone, smile because they lived”.

Today we honor Reverend Sullivan with our everlasting gratitude and admiration. For those who have lived and not just existed, we must remember to carry on their messages. Reverend Sullivan’s words will linger beyond existence, for time does not abandon immortals.

CONGRATULATING HAWAII’S 2ND DISTRICT PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlwoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I wish to congratulate four remarkable young women from Hawaii: Lauren Noealani Calhoun, age 16, of Kapaa on the island of Kauai; Celinda Stanton, age 11, of Waimanalo on the island of Oahu; Tessa Munekiyo of Wailuku on the island of Maui, and Kauilani Ostrem of Kaawa on the island of Oahu.

Lauren and Celinda are Hawaii’s top two youth volunteers for the year 2001 in the Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism. They have each been awarded an engraved silver medallion, a $1,000 award, and a trip to Washington, DC for the national recognition event. Lauren and Celinda were named Hawaii’s Distinguished Finalists—Tessa and Kauilani—have been awarded engraved bronze medallions.

Lauren Noealani Calhoun, a junior at Kauai High School, led an effort to establish a home-work and learning center for children at a local family abuse shelter. As a volunteer at the shelter, Lauren was disturbed by its often hectic conditions and wondered how the children who stayed there managed to do their schoolwork. She approached the shelter’s director with a plan to convert a storage area into a quiet area for the kids to do their homework. After the plan was approved by the director and the shelter’s board, Lauren contacted businesses and organizations for donations. She surpassed her goal and raised over $1,500 in addition to many in-kind donations. Lauren purchased furniture, a computer, a printer, software, books, and two sets of encyclopedias for the homework center.

Celinda Stanton, a sixth-grader at St. Andrew’s, brightened the lives of elders and residents of a long-term care facility by teaching them new skills and providing them with recreational activities. After visiting the facility, where her mother works, Celinda noticed that the residents seemed to enjoy the presence of a young girl and realized she could make a difference in their lives. During her volunteer time at the facility, she entertains the seniors by performing Japanese and Hawaiian dances and helps them play games. She also has taught an 80-year-old woman how to use a computer and regularly assists the staff with recreational activities and filing.

Tessa Munekiyo, age 16, a student at Baldwin High School on the island of Maui assisted in conducting interviews with tsunami survivors as part of a museum educational project.

Kauilani Ostrem, age 17, a senior at Kahuku High School, co-chaired an effort in her community to reduce the number of deaths and accidents on the roadways in her community. She looks forward to having the opportunity to meet Lauren and Celinda and to welcome them to Washington when they come to the Capitol in May. Lauren, Celinda, Tessa, and Kauilani exemplify the very best of our youth, of Hawaii, and of our nation.

REFORMS NEEDED IN HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, today I have organized my freshman Democratic colleagues to speak out on an issue of great importance to our country, that is, on the issue of health care. I understand that the gentleman from New York (Mr. ISRAEL) has already spoken, and I thank my colleague for his participation.

Mr. Speaker, many of us were elected in large part because we vowed to reform our health care system, to make quality medical care and prescription drugs affordable for all Americans. Today nearly 44 million Americans under the age of 65, 11 million of whom are children, do not have health insurance.

In the State of Rhode Island, my home, 1 out of 10 people lack health insurance. As we all know, health insurance is critical to obtaining necessary, affordable care. Those without insurance often pay two, even three times more for medical care than an insured person pays for the same service. The uninsured are hospitalized at least 50 percent more often than the insured for avoidable conditions. They are also more likely to be diagnosed with later-stage cancer than those with insurance. Even newborn infants born to uninsured mothers face a greater risk of even greater risks. This inequity in access to medical care reflects the unfair disparity
and health care costs the uninsured face on a regular basis.

Mr. Speaker, that is why I plan to introduce legislation to require the Department of Health and Human Services to make substantive recommendations on how to eliminate this disparity and report to Congress within 1 year on these findings.

Another facet of today’s health insurance quagmire is the high cost employees must pay for health insurance premiums, so high, in fact, that many opt out of this vital benefit. Over one-third of the uninsured are in families where employer-sponsored coverage is declined, and Medicaid does not always cover these families, which is why I plan to introduce legislation to help States subsidize employees and some of the employers’ health insurance premium costs. I want to make sure employed workers are able to obtain the health care coverage that they need and deserve.

A third aspect of health insurance I am deeply concerned about is the lack of prescription drug coverage in Medicare; 13 million Medicare recipients lack drug coverage at the present time. In Rhode Island alone, almost 200,000 of our seniors have no drug coverage; and drugs are not cheap. In 1999, prescription drugs accounted for almost 10 percent of individual health spending. In many cases these prescriptions amount to $500 or more per month. To a senior on a fixed income, this represents a disproportionate share, and this is wrong.

With 77 million baby boomers soon to retire, we must curb this trend before it spirals out of control. By requiring drug companies to sell prescription drugs in the United States for the same price they charge in underdeveloped countries, I believe we can alleviate the burden on people lacking drug coverage. I commend the gentleman from Maine for having introduced H.R. 1400, of which I am a proud co-sponsor, the Prescription Drug Fairness Act for Seniors 2001. This legislation ensures drug companies charge fair prices in the U.S., and it is estimated to reduce prices for brand-name prescription medications on average by 40 percent.

All of these issues that I have mentioned address healthcare affordability, and ensuring and guaranteeing a minimum standard of quality is also important. After all, the health care we must pay for is essential for everyone, and I must wonder if the care that people need. The Bipartisan Patient Protection Act of 2001, otherwise known as the Patients’ Bill of Rights, would ensure patients obtain this quality care and are granted greater control over their health care.

If enacted, this bill would provide access to emergency care, specialty care, and clinical trials and allow external review for all Americans who receive employer-sponsored health care. This bill represents a critical step toward improving our health care system and placing control of patient care firmly in the hands of patients and their doctors.

Disparity in health care costs, lack of affordable health insurance, a prescription drug plan for our seniors, and patients’ rights to control the quality of their own medical care are some of the most pressing health care issues facing America today. I urge my colleagues to work together to solve these problems.

Reforming our health care system is probably one of the most complicated and daunting projects Congress has undertaken. But let us not lose sight of it. It is a goal that we can and must achieve together. It must happen. I look forward to working with all of my colleagues to make this a reality.

**Tribute to Former Secretary of State of Michigan, Richard H. Austin**

The SPEAKER pro tempore (Mr. SHAYS). Under a previous order of the House, the gentleman from Michigan (Mr. LEVIN) is recognized for 5 minutes.

Mr. LEVIN. Mr. Speaker, tomorrow, Thursday, April 26, the funeral services will be held in Detroit for Richard H. Austin, who served six terms as Secretary of State of Michigan.

As the longest serving Secretary of State in Michigan’s history, Dick Austin set the highest standard of service to the public. Whether it was highway safety or citizen participation in the electoral process, he was always ahead of his time.

It was my privilege to be a teammate with Dick Austin as I ran for Governor and he began his first quest for statewide office, breaking down barriers confronting candidates for elective office in Michigan. He became the longest-serving black elected State official in the history of Michigan, as he was Michigan’s first black CPA and the first black candidate for mayor.

I had the pleasure of campaigning with him, hearing him in his quiet way spelling out his aspirations, and watching the magic worked by his warm smile and his friendly handshake. That smile is now gone, but the memories of it will always linger. His friendliness is now a legacy not to be forgotten.

Dick Austin never let down the public trust, and the citizens of Michigan respected him even after he had served his time. He was an intrinsic part of the web of public service in Michigan for many decades. He made Michigan a better place, and he will be missed by many of us as a warm friend and by all of us as an invaluable public servant.

Mr. Speaker, we here today join together to mourn the passing of Richard H. Austin.

**General Leave**

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? There was no objection.

**Honoring the Memory of Richard Preyer, Former Member of the House**

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from North Carolina (Mr. COBLE) is recognized for 60 minutes as the designee of the minority leader.

Mr. COBLE. This special order, Mr. Speaker, is to commemorate and honor the memory of one of our distinguished former Members, the Honorable Richard Preyer.

Judge Preyer, Congressman Preyer, was my congressman for 12 years. His family, Mr. Speaker, and this is probably known to the gentleman from Michigan (Mr. STUPAK) because he is a man of letters, and this probably will not surprise him, his family was one of the frontiers in the pharmaceutical industry. Vicks VapoRub, for example, was invented, if you will, and the laboratory was actually probably make-shift, probably a modest facility at the time, by his ancestors.

I shared this story with him one day. When I was a member of the Coast Guard in Seattle, Washington, one of my first times out of North Carolina as a young man, I came across a Vicks VapoRub package in a drugstore in Seattle. I saw on that package, Mr. Speaker, Greensboro, North Carolina. That is where it was manufactured. I felt a sense of obvious pride, as my friend in the well is smiling approvingly.

I saw him many years afterward, and I told him that story. He too beamed with pride because in his face the pride of his grandparents perhaps or uncles that preceded him in the development of that drug that became, obviously, a household word.

Mr. Speaker, Richardson Preyer served as a State superior court judge. He served as a United States district judge on the Federal bench. He was a candidate in the Democratic gubernatorial primary for the office of governor. Although he did not win that nomination, he conducted a very credible campaign.

Then in 1968, Mr. Speaker, Richardson Preyer ran what was then an open seat. I guess it was Congressman Kornegay had retired. Richardson Preyer and Bill Osteen, a long-time friend of mine, who is now a United States district court judge himself in the middle district of North Carolina, Rich and Bill, Bill Osteen, paired off in a very spirited, well-conducted campaign. Mr. Preyer, Congressman Preyer was declared the winner; and he went on to serve six terms in the House of Representatives.
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EMILY and Rich, those names became synonymous with political spousal teamwork. I mean, oftentimes where there was one, there was the other. Or if Rich would be in one part of the district, Emily would be in the other part, carrying the political message. They were a very adept campaign team.

In fact, it has been said once that they felt perhaps Emily was, maybe, more comfortable on the hustings than was Rich. I do not know that that is true, but she did have that very natural way of backslapping. There is nothing wrong with that, because I have been accused of being a backslapper myself. Rich was not a backslapper, but he nonetheless represented our district very ably.

Someone once asked me, Mr. Speaker, “You and Rich Preyer seem to get along very well, and your voting records are probably light years apart.” They probably are. I think Rich Preyer’s voting record and my voting record would be very disparate. But I said, “Just because one does not agree with another on various and sundry political issues, that does not mean that you cannot disagree agreeably.”

Rich Preyer, I think epitomized that in his own way. He was a very agreeable person although perhaps he did not agree oftentimes with others and with me in particular. But we never drew our sword from our sheaths because of that.

Today, Mr. Speaker, the Federal building, the old Federal courthouse and post office in downtown Greensboro bears the name the Preyer Building. That building, I say to the gentleman from Raleigh, North Carolina (Mr. Price), he will remember that that building housed congressional offices, by gosh, probably 30 years. I think Rich's office was there. I know Gene Johnston's was there. Robin Britt's was there. Ours was there.

We left that building some recent months ago as a matter of constituency friendliness. Many of the people who came to call upon me were infirm and were not able to walk the two or three blocks that was necessary to gain admittance to the Preyer Building because there was virtually no on-street parking. So that was a constituency-friendly move, one that I did not want to make. That old building was home to me and to many constituents for that matter. But we did move.

But each time I go back in there, I have fond memories of visiting with staff personnel there. I see that sign, the Preyer Federal Building, and it brings back good memories.

I think that the gentleman from Virginia (Mr. Goodlatte), Speaker pro tempore, is from the valley, the Shenandoah Valley of Virginia. He probably did not know Mr. Preyer, but he would have liked him. He had many friends, some of whom still serve in this very body.

But I see two of my colleagues, Mr. Speaker, have joined me on the floor.

Mr. Speaker, I yield to the gentleman from Charlotte, North Carolina (Mr. Watt).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from Greensboro, North Carolina (Mr. Coble), from the adjoining district for yielding the floor to me so most of the districts in North Carolina adjoin mine in one way or another, so I have got a lot of adjoining Congress people. This is the first time I have heard the gentleman from North Carolina (Mr. Coble), from the adjoining district for yielding the floor to me so much time as I may consume so I think that is a dangerous precedent. But I will try not to make him regret that.

Mr. COBLE. Mr. Speaker, will the gentleman yield very briefly? Mr. WATT of North Carolina. I am happy to yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, I ask the gentleman from North Carolina (Mr. Watt) do not get me in the doghouse with the gentleman from North Carolina (Mr. Price). Do not use too much time.

Mr. WATT of North Carolina. Mr. Speaker, I am going to leave plenty of time.

I have been thinking about a way to personalize this. I never served with Representative Rich Preyer. I met him for the first time in 1992 when I was running for Congress for the first time. Rich and his wife Emily had heard about my candidacy. I, of course, had heard about Rich Preyer's years and years and years; and that was the beginning of a strong personal relationship that I started to develop with Rich Preyer and with Emily Preyer.

I was thinking on the way over here, though, when I was a little boy, my mother used to treat us when we got sick with a nostrum if we had a stomach virus, but if we were congested, quite often we were because we lived in kind of an airy house, she would always whip out the Vicks VapoRub and rub it on our chest and heat a heating pad and the smell of Vicks VapoRub would come up. Over time it would release whatever congestion you had.

Now, you probably wonder, well, what in the world does that have to do with Rich Preyer? Rich Preyer’s grandfather was the person who patented Vicks VapoRub. He turned it into quite a success story financially for his family. So Rich was really born into a family of privilege as a result of his parent’s and foreparents’ business dealings in that as a result of this innovative patent that people in my age range probably knew as well as anything else for its medicinal impact.

Rich never really worked in that business, but in a sense Rich took over that releasing of congestion and took it to a more serious level. Because when I first heard about Rich Preyer, he was out there on the cutting edge, paving the way, opening the way, so to speak, for many people like myself, minorities in particular, who viewed Rich Preyer as a real progressive, human, dignified person who was willing to fight for principles that he believed in.

In that sense, he was a rare public office who took risks for his beliefs. He was ahead of his time and did not sacrifice his principles for political gain.

As a State judge in 1957, Rich Preyer used a ruling that the black children to attend the previously all-white Gillespie Park School in Greensboro. This was 1957 in North Carolina. That was the first integrated school in the City of Greensboro. It was 3 years before the historic sit-ins at the Woolworth lunch counters that we have heard so much about and read so much about in our history. So Rich Preyer was ahead of his time.

In 1961, Rich Preyer received a lifetime appointment to the Federal bench from his Harvard Law School classmate, a man of privilege again. His classmate happened to be President John F. Kennedy. So he could have had the appointment to the Federal bench. He was there. It is a lifetime appointment. But 2 years later, he gave up that position to run for governor of North Carolina. He hoped that he would follow in the footsteps of the term-limited governor Terry Sanford, who was known as the most progressive governor in the South.

For those Members who hear about North Carolina and wonder why it has this kind of progressive image that is more progressive than some of our other southern States, Governor Terry Sanford and people like Rich Preyer were building that image. Even though this was almost 10 years after Brown v. Board of Education, the State of North Carolina, like all other southern States, was still basically segregated. Although Governor Sanford had started steps toward integration efforts, according to Preyer’s former press aide, there were mass meetings across the State of North Carolina in protest of Rich Preyer’s candidacy for governor of the State of North Carolina.

You talk about a man who was ahead of his time, you have not seen anything until you met Rich Preyer. He led the Democratic primary, but he did not get 50 percent of the vote and the law required that at that time in North Carolina that you have 50 percent plus 1 to avoid a runoff. So he ended up in a runoff with a more conservative opponent, and the conservative opponent won the election. A lot of people say that he won the election because Rich Preyer refused to distance himself from the principles that he thought were important. They called him an integrationist and a lover of black people. Rich’s response was, “I love all people. That is what I have been taught as part of my religious beliefs.” And he never made any overtures toward the segregationists who were supporting the candidacy of his opponent. Rich Preyer was ahead of his time.
Rich lost that governor’s race and then ran for Congress in 1968, and he was elected to Congress. Many considered him too liberal and out of step with his district. He opposed the Vietnam War and was one of only two Democrats from North Carolina to vote for legislation to end the war. This was a guy ahead of his time. Rich’s voting record finally caught up with him again, because he was not going to compromise his principles. It caught up with him in 1980, when he lost in the Reagan landslide by about 3,500 votes. Let me tell you what a class guy this Rich Preyer was. He saw it, the election results are coming in, and he put the phone on his desk and said, “I concede defeat.” Rich Preyer said, “No, I’m going over and I’m going to shake this man’s hand.” He went all the way across town, into his opponent’s headquarters, got heckled by his opponent’s supporters, and insisted on shaking his opponent’s hand. I want to congratulate him.

In 1980, after he had lost that race, former Congressman Steve Neal said of Rich Preyer, “There is not a man or woman in the House who COMMANDS greater respect for intelligence, honesty, integrity and courage of conviction.” I think that is a fitting tribute to him and a shining tribute to him.

I want to just express my condolences to the Preyer family and thanking the gentleman from North Carolina (Mr. COBLE) and the gentleman from North Carolina (Mr. PRICE) again for coordinating this special time. Rich Preyer and Emily Preyer were dear, dear people, both ahead of their times in many, many ways that inured to my personal benefit and to this country’s benefit.

Mr. COBLE. Madam Speaker, I say in response to the gentleman from North Carolina (Mr. WATT) about the heckling, I have heard about that, that night, and I have been told that that was not done by the gentleman who defeated Rich that night. That was not his party. No one knows who commands greater respect for intelligence. It may be some spirited people were there.

Mr. WATT of North Carolina. If the gentleman will yield for a second, I will clarify that, because I fully agree with him. Everything I have heard about that incident suggests that his opponent quieted his supporters and invited Rich Preyer to the podium with him and accepted the congratulations.

Mr. COBLE. Reclaiming my time, I do not want to defend the hecklers, but sometimes folks become very spirited on election night. I am confident that if there were in fact hecklers, I do not think they meant anything personally by them.

Madam Speaker, I yield to the distinguished gentleman from the Fourth District of North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank the gentleman for yielding and for coordinating this special order for us this afternoon.

Mr. Speaker, on April 3, North Carolina and the Nation lost one of our most distinguished citizens and public servants, L. Richardson Preyer. It is a privilege today to join with my colleagues in paying tribute to his life and his work, which were memorialized at a moving and majestic service at the Greensboro First Presbyterian Church on April 5. Rich Preyer served in this body with great dignity and effectiveness for six terms, from 1969 to 1980. He was a senior member of what was then called the Committee on Interstate and Foreign Commerce, and he chaired the Government Information and Individual Rights Subcommittee of the Committee on Government Operations. The Almanac of American Politics noted his reputation for “great integrity and sound judgment” which led the House leadership to call upon him “to serve in some difficult and unpleasant assignments.” These included the committee investigating assassinations, where he headed the subcommittee investigating slain President Kennedy, and the House Ethics Committee at the time of the so-called Korea-gate scandal.

Rich Preyer was born in 1919, took his undergraduate degree at Princeton, served as a Navy Lieutenant in World War II and was awarded the Bronze Star for action in Okinawa, and then earned his law degree at Harvard University after the war. He became a city judge at age 34, then North Carolina’s superior court judge. In 1961 he was appointed judge of the Federal Middle District Court of North Carolina by President Kennedy. He resigned that lifetime appointment to undertake a race for governor, a race that he narrowly lost but that engaged and inspired thousands of North Carolinians, many of whom went on to leadership positions within our State.

When the Sixth Congressional District seat came open in 1968, Rich Preyer was chosen by his opponents for that position that he was nominated without opposition. Rich then won reelection after year by large margins and had an exemplary congressional career. This was when I, having returned to North Carolina in 1973, first got to know him. At first as an academic who studied Congress and the Commerce Committee in particular, I admired Rich from afar. Then as I got more involved in North Carolina political matters, I privileged to work with him personally. Like many in my political generation, I admired Rich tremendously as a man who brought conviction and courage, dignity and style to politics, a model of what a Member of this body should be and a model of what political leadership at its best can be.

My admiration was deepened and given another dimension when Rich lost his 1980 race for reelection and I observed how he handled that loss. I remember the interview of the State Democratic Party sitting with Rich and his dear wife Emily in a television studio in Greensboro waiting to be interviewed on election morning. He had a premonition of what was to come. But he was at peace with the account he had given of himself in his congressional service and in his campaign. He weathered defeat with equanimity and a remarkable sense of humor. And he has never wavered in his political ideals and his expansive citizenship; the years since 1980 have been filled with numerous local and State and national involvements to which Rich Preyer brought remarkable gifts of vision and leadership.

Rich and Emily Preyer had a wonderful family, and their children have carried on the Preyer family tradition of high spirits, love of nature and of athletic competition, generous friendships, and faithful stewardship of time and talent.

We express our sympathy to sons John Jr. and Britt, and daughters Mary Norris, Jane and Emily, and their families, in the hope that the outpouring of affection and admiration that has followed their father’s death, and their mother’s death not long before, will give them comfort and fort in this time of sorrow.

Madam Speaker, I ask that the obituary from the Raleigh News and Observer be included in the RECORD at this point, as well as the reflections of former Governor of North Carolina, L. Richardson Preyer, Jr., and Tom Lambeth, Rich Preyer’s chief of staff during his time in the House, who recently retired as director of the Z. Smith Reynolds Foundation.

[From the Raleigh News and Observer, April 4, 2001]

The Honorable Lunsford Richardson Preyer

Greensboro—The Honorable L. Richardson Preyer, 82, died Tuesday at the Cone Memorial Hospital. A funeral service will be held at 4 p.m. Thursday at the First Presbyterian Church.

Congressman Preyer was a native of Greensboro and attended the public schools. He received his A.B. Degree from Princeton University and his Law Degree from the Harvard Law School.

At the First Presbyterian Church he was an elder, teacher/member of the Young Men’s Bible Class for over 40 years and a Chairman of the Board of Trustees.

During World War II he was a Lieutenant in the U.S. Navy served for four years as a Gunnery Officer and Executive Officer on Destroyer in the Pacific. He received the Bronze Star for action in Okinawa.

Mr. Preyer was appointed as a City Judge, and North Carolina Superior Court Judge. In 1961 he was appointed Federal Judge of the Middle District Court by President John F. Kennedy. In 1963 Judge Preyer resigned his Judgeship to become a candidate for Governor of North Carolina. In 1964 he became City Executive for Greensboro at the North Carolina National Bank. In November 1968 he was elected to the U.S. Congress, 6th District of North Carolina and served until 1980.

The U.S. Federal Courthouse and Post Office is named in his honor as the L. Richardson Preyer Federal Building in Greensboro.
Among his many Congressional Committee he was most proud of serving as Chair- man of the Select Committee on Ethics which he served on until he passed away. The committee investigated and found him guilty of misconduct.

On April 25, 2001, Congressman Preyer passed away. He was pre-deceased by his wife Emily Hays Preyer and brother William Yost Preyer Jr.

**DAD’S SERVICE, April 5, 2001—L. Richardson Preyer**

Thank you all so much for being here with us, bringing your love and support, and helping us honor Dad’s life. He was such a good and good-hearted man, and I wanted to take a moment to share some thoughts about him.

Dad loved fishing. Doubtlessly, some of his happiest times were when he stole away to the den or bedroom to play his beloved saxophone. He had given the sax to him, and he seemed truly blissful when listening or playing along with the likes of Miles Davis and John Coltrane.

We were also exposed to the variety of music that Dad loved—from Mozart to Bruce Springsteen to Benjamin Britten to Charlie Parker. He actually could not read a note of music, but he could play anything on the saxophone. In fact, he was the first white man that Count Basie asked to be in his band. It was 1941, and Dad chose to join the Navy and went to WWII.

I will never really know the intensity of some of his days—as a judge, congressman, all the different work he did—but I came to understand that music was a tremendous source of renewal for Dad. And he helped us to welcome music into our lives, enriching us from childhood onward.

Like music, books were a source of sustenance. We loved books. Dad instilled in all his children. Dad’s style was to read 3-4 books at a time, which I guess was a way of satisfying his abundant, lifelong curiosity.

Dad’s love in hand on more than one occasion. When I was a young girl, we were invited on a deer hunt in the coastal plain of NC. Hunting was the last thing I wanted to do, but I did definitively want to go on this adventure with Dad. Like the other hunters, the two of us were dropped at our own spot in the woods. There, Dad finally confided his true plan for “our hunt”. He had brought books and cigars in his jacket. . . so we simply put the gun aside, leaned up against a mighty tree to read—and Dad taught me that “if we are fed sufficiently, we may get to see a deer”.

So here we are.

How did this revered and gentle man, who loved music and books, who knew how to find serenity in the midst of turmoil—how did he commit so much of his life to the very public business of politics? How did he cope with all those fish fry, barbecues, and all the other exhausting practicalities of being a public figure?

I don’t know the complete answer. But I do know that he was always anchored by his core values and guided on a daily basis by his own faith and personal conscience.

I remember growing up in the fall 1980. Dad was hit by a series of negative campaign ads on TV, radio, the whole works. All of us children and most of the campaign staff were urging Dad to counterattack—this isn’t fair, we would say. You’ve got to strike back.

But he simply would not. I was mad at him. Later, I came to understand how courageously he acted, and that integrity is exactly why we all believed in him.

Our family was very fortunate to have encourage- and support so much of you gave to Dad. Your support made it possible for Mom and Dad to be in politics. It made him willing to step out there and do the right thing time after time.

And oh, what a wonderful sense of humor he had and how clever! He was a great story teller. Many of you have been treated to his favorite stories—maybe once too often! He did it to be mischievous, sake, too. A few years ago, the pond on the golf course across from our parents’ house was drained and became quite a mud sink. After seeing an un- claimed ball floating on the pond, Mom could not resist venturing in to get that “free” ball.

GWOODERS. She was sucked into the mud midway up her thigh. Completely strangled, she called out to Dad “Rich, help me!” He was laughing so hard, tears streaming down his face. “Oh, Dad,” I thought, “how can you be so thick!”

But even stranger was how Dad reacted to that. He did not ever want to come. I feel like the world will never be the same without Mom and Dad.

Thank you all so much for being here with us. We are lost without you. I love you all very much.

**HOUSE**

**H1591**
His gentleness
His courage
His deep honesty and integrity
His wonderful sense of humor
His steadfast commitment to justice and mercy
His love and zest for life
His love of children
His determination
His true love and partnership with Mom
His steadfast kindness
And his trust in God that we can always find a way to serve, to learn, and to live fully
Dad, you will always be our hero.

In Celebration of the Life of L. RICHARDSON PREYER—FUNERAL April 5, 2001
(By L. Richardson Preyer, Jr.)

Dad would have been mightily surprised to see so many of you here today—thinking about and about him and thanking him for his inspiring life—celebrating his honest decency—his day-to-day caring about his family and his friends and his community. I believe Dad would have been surprised because he just didn’t think of himself as anything special. After all, he ran in a Congressional election in 1980, I implored him to write a book. Dad laughed it off and said, “Who would ever want to read a book by me?” There are a few of us, Dad. There are a few of us.

But—goodness gracious—Dad left us with so many speeches. He spoke all over the state—gathering support—whether at a church or synagogue, or college or high school or elementary school—at political rallies, at non-profit gatherings, at garden clubs, at the Kiwanis, at the Rotary—Dad you were there. You had a message you wanted to deliver.

And Dad did so much teaching mixed in with all of the preaching on both serving God and keeping vigilant about freedom and the old beleaguered Republic. You taught the Young Men’s Bible Class in this church for 46 years. You taught at UNC Greensboro and Duke and at Chapel Hill... which shows you were pretty darn open-minded. You even taught an ethics course in med school to the doctor who was on call for you the last few days of your life.

And Dad, for all your gentleness, you were such a good fighter injustly—whether in the South Pacific—on a destroyer—the only one of seven sister ships not to be sunk at Okinawa... you kept the Bronze Star medal box in your dresser drawer for the rest of your life. I saw it there, this morning.

You fought racism as a Superior Court Judge and Federal Judge, challenging segregation in the fifty diverse communities—we’re all here because we love you and believe in you and to thank you for showing us the goodness of being steadfast in our brief journey upon God’s eternal earth.

So Dad I want to thank you for taking us all fishing on Sunday afternoons after cleaning my fingers in your hand and putting them down on the blue jazz keys on the alto horn. I want to thank you for teaching us to read the great books in the evening after our daily jobs were done. I want to thank you for showing us a way to live with laughter on our lips—what it is you used to say, “Let no good deed go unpunished.”

And I want to thank you for teaching us how to strike, throw, pass, catch, bounce, return, slide, and kick, the size of the ball, because Dad you could hit a golf ball farther than anyone your age—period.

And thank you for watching your young grandson—South Pacific and by the attacks of political hate. He loved that work and his love of it defined the good man and the true patriot, he lived for all of them and for their children and their children. He lived for all of that—what a grand life it was, what a splendid example it has been and will be.

We as individuals and as a society are strengthened, we are enriched when we find that the qualities that make one person great are captured in the life of another. Loyalty, faith, service, courage and honor are real to those of us here because we saw them alive. We saw Rich Preyer.

His courage was tested by the torpedos of the North Atlantic, the Kamikazes of the South Pacific and by the attacks of political opponents and he did not falter. His service as a judge at local, state and federal levels, as a six term congressman constantly handcrafted powerful stories of leadership in countless community efforts and many statewide endeavors are his answer to those who dispair of our ability to make democracy work. He loved the field and the game for it said to all of us that public service, that politics can be noble because the people are worthy of the best that we have to give.

Rich was competitive and he did not always win (although he would want us to remember that he won much more often than he lost) but he knew that the scoreboard is not the sum of our ambition nor the bases on which we make our claims to the greatness of our own lives. Rich was a man who believed that the essence of our strength was captured in the lifetime of another. Loyalty, faith, service, courage and honor are real to those of us here because we saw them alive. We saw Rich Preyer.

Dad, you went on to serve and affect so much change for the good of your district and your state. Your integrity and sense of justice and loyalty by Washington colleagues that midst the Watergate happenings, you were called “the conscience of the House.”

And then the Warren Commission’s findings on the assassination of John F. Kennedy were thrown in doubt—you were called upon to head up the new commission—because Dad, you did and you would count on you to be fair. All of us here could have always told them that.

And Your spiritual strength guides us to be a better human family—through life’s push and shove—learning again to use a strong hand and a strong heart, to lift up the daily lives of love. These are your strengths, Dad. These are the strengths of family and community. These things shall guide us and help us find a more open, good path.

Dad, you shall always be with us.

We promise.

RICHARDSON PREYER MEMORIAL SERVICE—GREENSBORO, April 5, 2001
(Remarks by Tom Lambeth)

To share this special moment with Rich’s children is not to forget that there are all of you out there who pay lip service it was, with by your presence and, indeed, by the example of your own lives made richer because of friendship and love and commitment inspired by the man who was, by his death, only to serve as a reminder of how far beyond his own family he extended the simple eloquence of his humanity.

In 1945 on the morning of the beginning of the battle for Okinawa three destroyers stood in line to begin the pre-landing bombardment. The torpedo officer on the third was a young LTJG from North Carolina named Preyer. The second of the ships ran aground and came under constant, deadly fire from shore batteries. In a subsequent explosion and sinking much of its crew was lost. Years later, telling of that morning, Rich would say “all of those young lives gone.”

Rich was not given to the dramatic so he never said that those who survived lived for all of those who did not, but that is the way it was. Rich knew that that definition of the good man and the true patriot, he lived for all of them and for their children and their children. He lived for all of that—what a grand life it was, what a splendid example it has been and will be.

And when the Warren Commission—gathering whether a church or synagogue, or college or high school or elementary school—at political rallies, on non-profit gatherings, at garden clubs, at the Kiwanis, at the Rotary—Dad you were there. You had a message you wanted to deliver.

And Dad did so much teaching mixed in with all of the preaching on both serving God and keeping vigilant about freedom and the old beleaguered Republic. You taught the Young Men’s Bible Class in this church for 46 years. You taught at UNC Greensboro and Duke and at Chapel Hill... which shows you were pretty darn open-minded. You even taught an ethics course in med school to the doctor who was on call for you the last few days of your life.

And Dad, for all your gentleness, you were such a good fighter unjustly—whether in the South Pacific—on a destroyer—the only one of seven sister ships not to be sunk at Okinawa... you kept the Bronze Star medal box in your dresser drawer for the rest of your life. I saw it there, this morning.

You fought racism as a Superior Court Judge and Federal Judge, challenging segregation in the fifty diverse communities—we’re all here because we love you and believe in you and to thank you for showing us the goodness of being steadfast in our brief journey upon God’s eternal earth.

So Dad I want to thank you for taking us all fishing on Sunday afternoons after cleaning my fingers in your hand and putting them down on the blue jazz keys on the alto horn. I want to thank you for teaching us to read the great books in the evening after our daily jobs were done. I want to thank you for showing us a way to live with laughter on our lips—what it is you used to say, “Let no good deed go unpunished.”

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And then the Warren Commission’s findings on the assassination of John F. Kennedy were thrown in doubt—you were called upon to head up the new commission—because Dad, you did and you would count on you to be fair. All of us here could have always told them that.
It is for those of us—all of you out there—who in some way worked beside him over the years to say with new vigor that simple fare-well of so many remembered afternoons:

"Good night Rich. See you in the morning."

Mr. COBLE. Madam Speaker, I would yield to the gentleman from the Fourth District of North Carolina (Mr. Etheridge).

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman from North Carolina (Mr. Coble) for yielding me this time. Let me also thank the gentleman for putting together this Special Order today.

Madam Speaker, I want to echo my colleagues who have already spoken and also thank them for their participation in this today, because I rise today as they do to celebrate the life and career of a very unique and outstanding human being who was a former Member of this body and really a great North Carolinian. L. Richardson Preyer was a very special individual. His death has saddened all of us in the tax delegation and North Carolinians in general because we have lost one of our great native sons.

Today as we gather to honor his life and work, not only as a North Carolinian but as a great American, and to celebrate what he did to really make our world a better place, it is my honor to participate in that.

L. Richardson Preyer was a native of North Carolina, but he really was a citizen of the world. He always said that he was lucky to have been born on third base. By this he meant that he had the advantages that most people did not have. His grandfather and namesake Lunsford Richardson invented Vick’s VapoRub and Vick’s Cough Drops; and as a result, the family had immense personal resources, some would say a fortune, that built the Richardson Merrill Chemical Corporation.

As a result of that, he had an opportunity to attend the best schools. He attended Princeton and the law school at Harvard, as we have already heard; but his family resources allowed him to do that. Instead of living a life in the private sector and taking advantages of the wealth that he could have accumulated and his family already had, he chose instead to make his life one of public service in changing the lot, as we have already heard, but to his credit he continued to take on issues that were important to the people of North Carolina, because that is what Rich Preyer was all about.

For those 5 years he was out of public life, he worked with what was then North Carolina National Bank and then came back in 1968 and ran for and people in this body, reelecting him. He was an important contributor to his hometown of Greensboro and the Sixth Congressional District. He continued to make a difference in this body for the 12 years of his career in the United States. He served as chairman of the Select Committee on Ethics, which drafted the Congressional Code of Ethics that those of us who serve here today live by.

Much of this was what Rich Preyer really believed, he was a member of the Select Committee in this House that investigated President Kennedy’s assassination and the Reverend Martin Luther King, Jr., an indication of how he was respected by this body; but also it said a lot about the integrity of an individual who really, in my opinion, was a conscience of the United States Congress.

Although his career ended in this body in 1981, his work on behalf of the people in this body, did not end. As I have indicated, he was involved in so many things in his community that one did not see on the surface that dealt with the arts. The thing I want to talk about for just a moment in some detail really is Rich’s work for education in North Carolina.

During my term as superintendent of the schools for the State of North Carolina, in 1989 I had the occasion to appoint a statewide commission of business, civic, community, and education leaders to take a look at North Carolina’s educational system; and we appointed a commission called Excellence in Secondary Education. We asked the leaders of our State. Where do we find an individual to chair a commission headed by people who are on this commission who are leaders in industry and in banking and in education? Obviously, as we looked across this diverse group together, along with all the data from across the country.

As a result of his strong and visionary leadership, that became the blueprint that I used for the next 8 years and that many of my colleagues are still using in North Carolina to make a difference in education. I thank his family for allowing him to have the time to do that.

I would ask them in that time with coming back with recommendations that would not only make our schools better but would challenge them to have the kind of assessment that we needed to have that would help every child reach their full potential. He was instrumental in making that happen.

As I said, we are grateful for him today; but children who do not know him, did not know his family, are now benefiting from his work. He was a well-rounded individual. Not only was he a model public servant, but he was a father who loved his family and who lived out the ideals of the family values that we hear so many people talk about today.

He and his wife, Emily, were a team; and together they raised five outstanding children, and they truly enjoyed their grandchildren.

I always looked forward to, at Christmastime, receiving his Christmas card because it was not only just his and Emily’s love, it was the love of their grandchildren on top of that, he was an elder and a teacher in the First Presbyterian Church in Greensboro for more than 40 years. He did not talk a lot about his religion. He lived it.

Madam Speaker, L. Richardson Preyer is one of the greatest public servants my State has ever produced, but he was great not because he had the benefits of political connections and the wealth or because he served for over a decade in this body. He was a remarkable human being because he made the most of his God-given gifts, and he desired to make a difference in the lives of every North Carolinian and the people of this country, but especially in the lives of children.

It is important to point out that during his tenure as a State judge, as has been pointed out today, he upheld rulings that allowed five black children to attend an all-white school in Greensboro; thus, integrating those schools for the first time and literally changing and beginning to change the South and across this country. This was an act of tremendous courage for that day and age. He was a man of unique character and well ahead of his time in the arena of civil rights and, it can be argued, probably cost him the governor’s mansion in our State. He was a patriot and a public servant of the highest order. He was a friend and colleague of mine in the fight to improve education for all children.

Many of his ideals have helped to and will help children everywhere to grow up and realize the American dream.

Madam Speaker, the list of names of great men and women who have served in this body is long. All of them used their lives and gifts to serve their communities, States, and this great Nation. Today we honor L. Richardson
Mr. COBLE. Madam Speaker, the gentleman from North Carolina (Mr. HAYES) and the gentleman from North Carolina (Mr. BURR) expressed interest in speaking on this Special Order, but they are at committee meetings and it appears unlikely that they will be able to come to the floor. So, Madam Speaker, let me conclude.

Mr. Preyer has been well during this Special Order about Emily Preyer, but I do not believe it was mentioned that she pre-deceased her husband by several months.

I recall, Madam Speaker, recently, several days ago, we were at a full House Committee on the Judiciary meeting, and I looked into the faces of several people in the crowded room, and I detected a man who served as a former staffer to Rich Preyer. I called him Ed, Rich Preyer is not in good health. I said, I am told that he is failing and I thought you needed to know that, because he was very close to Mr. Preyer.

He thanked me for having shared that with him. The next day, Rich Preyer passed away; and that told me in gentle orators in Washington State received no-...
traditionally the first 100 days of a Presidency have been a sort of benchmark for judging the President. I believe the actual day when Mr. Bush, President Bush, will have been in office for 100 days is next Monday, April 29th.

The first 100 days has been a useful yardstick for measuring new Presidents since Franklin Roosevelt’s first term. What I would like to do is give my analysis of why where I think we are.

During the campaign, the President promised to be a compassionate conservatve. I am sure many remember that saying. He said he would unite the country behind a common agenda. He said he would promote prosperity with a purpose and be a reformer, that he would be a reformer with results determined to leave no child behind.

I feel very strongly, Madam Speaker, that, to date, President Bush has failed to back up his rhetoric that he used during the campaign with any actions. This is an administration of, by and for the special interests. I see the oil interests, I see the big mining interests, I see them, the defense contractors, holding sway; not the average person.

The President made a string of decisions that, if you look at it, are extremely partisan, and I think a payback to the special interests who contributed to his campaign. I could go through a list of areas where I could point to actions the President did not take. There are more specific, but I really wanted to focus, if I could, on two areas that are very important to me and I think to the average American, and that is the environment and, secondly, health care and health issues.

Perhaps in no area has the President during these first 100 days been such a disappointment to me, and I think to the average American, than on environmental issues. I think many of us knew that he was not a real environmentalist and he was not going to be what we would like to see in terms of a real environmental President, but the reality has been much worse.

The reality has been that he has determined in the last 3 months or so in these 100 days to roll back the clock on a lot of environmental protection measures that were very important and that were certainly the backbone for progressive legislation and improvement during previous administrations that we have seen in the last 30 years since Earth Day. I just want to give you an example, if I could, of why I say that, and I will start, if I could, with some of the energy-related issues.

The Bush Administration in the first 100 days has signalled to the rest of the world that it does not really care about global climate change. We know that the President basically has said that he is not going to adhere to the Kyoto climate treaty. There was a real question about whether this administration would even participate in any further talks on climate change. Although Mrs. Whitman, the EPA Administrator, did say over the weekend that they would continue to talk, it is clear that they have no intention of proceeding with the Kyoto Treaty and basically have told all the signers to that treaty to forget it.

The President has also told the Congress that emission controls will not include carbon dioxide. During the course of his campaign, he said that he would address air emission controls for a number of pollutants to try to improve air quality. He was told about a month ago that that would not include carbon dioxide, which is certainly one of the most important pollutants and one of the ones that has the most negative impact on air quality.

President Bush has also made it quite clear to the general public that his energy goals will stress more production of fossil fuels, most notably, oil. In that same vein, he will not stress conservation, increased technological efficiency, or the use of renewables. The President has already cut research on renewables, solar power, wind power, in half.

I mention these as just an example, because I think that the issue of energy and source of energy and whether there is going to be enough energy is certainly a crucial one. We know that the price of gasoline continues to go up. We are told it might be, who knows, $2.00, $2.50 a gallon possibly by the summer.

So we need to have an energy policy. But to suggest that sort of the backbone of the energy policy is drilling in the Arctic National Wildlife Refuge, and we are not going to address global climate change, we are not going to address air quality, I think that saying. He said he would unite the country behind a common agenda. He did say over the weekend that he would not enact stronger arsenic standards, and he talked about the fact that there was a huge backlog of infrastructure needs for safe drinking water; in other words, money that the Federal Government would need to give to the States or to the towns to upgrade facilities so not only would we be providing the clean drinking water, but you would also have good pipes and good process for bringing it to your house so that you can drink it safely.

When we got the Bush budget proposal a couple weeks ago after that hearing, lo and behold, we find that the amount of money set aside for safe drinking water is level-funded. In other words, it does not even meet the authorization level or any of the future needs that the EPA administrator talked about.

So what we are seeing now is that not only is the President implementing either through regulatory action or inaction methods that would cut back on environmental protection, but he is not providing the money in the budget to do anything significant about our energy needs or about our environmental concerns.

Another example with regard to environmental concerns is the Superfund. My state has more Superfund sites than any other state. There is a great need around the country to continue cleanups pursuant to the Superfund program of very severe hazardous waste conditions.

What does the President Bush’s budget do? It suggests we are going to provide the money to clean up about 65 sites this next fiscal year, whereas in the last 4 years under the previous administration we had targeted about 85 sites per year to clean up. So cutbacks in the money for the Superfund program.

Nothing in the budget to provide the corporate tax that would fund the Superfund program, so in another year or two there would not be any money in the Superfund trust fund to continue to pay for cleanups.

The list goes on and on. We just passed last year in the last few days of the previous administration the Beaches and Abandoned Dunes Act. This was a bill that says that each State has to test their water quality before they let anybody swim on the beach and they have to close the beach if it does not meet certain standards and post signs saying you cannot use the beach because the water is dirty and authorize $30 million annually to pay for that program, to give grants to the States so they would be able to use it to do the water quality monitoring. Very important.

The summer is almost here, another couple of months. People do not want to swim in dirty water any more than they want to drink polluted water. Lo
and behold, the budget comes out, and instead of the $30 million that is authorized, we see $2 or $3 million appropriated for the Beaches Act.

This is what we are seeing over and over again. We are seeing an effort to cut back on environmental programs, to not fund environmental programs, to eliminate progressive regulations that were put in place by the Clinton administration. And if I had to look at environmental and energy issues alone, without looking at anything else, I would say that this first 100 days of the Bush administration has been a total failure and totally out of sync with what the American people want and totally in tune with what the special interests want. Because, after all, what average citizen or what good government group or what citizens group would say that they do not want safer drinking water or they do not want to spend up money to clean up hazardous waste sites or do ocean oil spills? Nobody.

The only people against these things are the mining interests, the oil interests, the polluters, who obviously have the President's ear because they were the major contributors to his campaign.

So when the President promised to be a compassionate conservative, I do not think that that meant that he was going to cut back on environmental protection. When he said that he would unite the country behind a common agenda, that that common agenda would be protecting the environment, it is very important to most people. But, no, that is not what we are seeing. Then he said he would promote prosperity with a purpose and be a reformer with results and leave no child behind. Frankly, I think a lot of children are going to be left behind if they have to deal with some of these environmental concerns.

Now, I want to go to the next area that I think is just as important in evaluating the President's 100 days, and that is health care. During the course of the campaign, probably the number one issue that we heard about from both President Bush and his Democratic opponent was health care.

The President said that when he was from both President Bush and his number one issue that we heard about, and that is health care. During the evaluation of the President, that I think is just as important in some of these environmental concerns.

Let me just develop that a little bit on the three health care issues that I mentioned, first with regard to a Patients' Bill of Rights. Within days of the inauguration of President Bush, a bipartisan group of Senators and House Members, Democrats and Republicans, got together and introduced a bill in both Houses, Senator McCain and Senator Kennedy in the Senate, and the gentleman from Michigan (Mr. Dingell), the ranking member of the Committee on Commerce, and the gentleman from Iowa (Mr. Ganske), a Republican, introduced a new Patients' Bill of Rights bill with a lot of cosponsors, including myself.

We have heard statements from the White House that they do not like that bill, it not acceptable. They do not really say why. We have heard statements from the White House that that is not sufficient. But leaving that aside, we do not see any movement here. There has not been any
movement to mark up a prescription drug bill in the House, in the Senate, in any committee, and the President is not pushing for it. It is not a priority. All we heard from this President during the first 100 days is that he wants a big fat tax cut that is going to primarily benefit corporate interests, and actually is at the expense of the middle class and the little guy because it would take so much money away that we would be dipping into the Medicare Trust Fund, into the Social Security Trust Fund, and frankly, we would probably put ourselves back into a deficit situation and hurt the economy.

So that is the legacy. I could go on and on, but I would like to yield to some of my colleagues. The legacy of this first 100 days is no attention to health care concerns, ripping apart environmental protection, actually being negative in terms of the environmental agenda, and just devoting all the time and energy to his program to have a huge tax cut that I think will hurt the economy and certainly not benefit the average American.

Mr. Speaker, I yield to the gentleman from Ohio (Mrs. Jones).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. Pallone) for yielding me time.

President Bush’s 100 days, first 100 days. The President has hit that traditional hallmark of his first 100 days. These 100 days have seen a charm offensive from the White House. He is able to pay lip service to the people, organizations and ideas.

He can create a classic photo opportunity as evidenced with his recent appearance at the Boys and Girls Clubs in Wilmington, Delaware and other clubs throughout the country while a candidate. But as he posed with those children at these clubs, he took a red pen to the entire budget and completely eliminated Federal aid for the Boys and Girls Clubs.

He bragged throughout the campaign about both his wife’s and his support for reading and libraries, and then he snatched 70 percent of Reading Is Fundamental’s budget.

Is this compassionate? It is surely conservative. And, it highlights the hypocrisy of compassionate conservatism hidden behind a smirk screen.

President Bush has assembled a cabinet of special interests. The average personal worth of the members of the cabinet is $11 million. He spent his first 100 days bowing to the special interests and corporations in America that financed his run for the White House. According to Democracy 21, President Bush received $35 million from 103 soft money donors during the election. He is paying those people back with ambassadorships and placements to Federal posts and ignoring the working people of this country.

As President Bush pushes his huge tax cut for the wealthiest Americans, he is cutting social programs that people rely upon on a daily basis. The other body limited the tax cut at about the same time the Texas State Legislature was lobbying Health and Human Services Secretary Tommy Thompson for aid because of the shortfall caused by the tax cut Governor Bush gave to the people of Texas. We say “no, thanks” to the shortfalls and deficits and demand funding for programs that make our families and children safer, smarter and healthier.

Bush’s budget also cuts the unemployment administration and benefit coverage at a time when both the general unemployment rate and the unemployment rate of workers eligible for unemployment insurance are expected to grow from 2001 to 2002. He cuts work force training and employment programs 9.5 percent, or $541 million, in training and employment services.

He cuts Section 8 housing assistance vouchers by more than half, supported only 33,700 new vouchers across the country. The proposal also cuts tenant protection by $62 million and completely cuts tenant protection vouchers provided to disabled persons displaced from public housing designated for the elderly.

The public housing construction and repairs are cut by $700 million, or 23 percent, after HUD found $22.5 billion in unmet capital repair needs in public housing. Let us get back to that again. Mr. Speaker, $22.5 million in unmet capital repair needs, and that program was cut by $700 million, or 23 percent.

The Public Housing Drug Elimination Program, which funds antidrug and anticrime law enforcement and security in public housing. In 2001, this program was funded at $309 million. Specifically in the 11th Congressional District, I had a conversation with the head of the Public Housing Authority and she said to me, the elimination of the drug-elimination program funds from her budget was like eliminating the entire Police Department from the Cuyahoga Metropolitan Housing Authority budget.

He went on to cut the Digital Divide Program of the Commerce Department, which provides computers and Internet connections to low-income and underserved areas by 65 percent.

He froze the Ryan White AIDS program at the 2001 level at a time when the drug cocktail and therapies has the number of people seeking AIDS treatment more than doubling since 1996.

He cut the Centers for Disease Control and Prevention by $109 million, or 2.6 percent below the 2001 freeze level. Areas specifically cut are chronic disease and health promotion activities, such as diabetes, cancer and arthritis.

He cut health professional training programs by $123 million, or 60.3 percent.

He cut Community Oriented Policing Services, the COPS program, which has placed over 100,000 new police officers in communities, by $172 million.

He cut the small business budget by 43 percent.

Mr. Speaker, let me go on to just talk about a few other things that he cut. He closed the AIDS office. He closed the Race Relations office. He closed the Women’s Bureau office. He provided for more arsenic in water. He went on to talk about maybe salting our drinking water. He took six percent of the Kyoto Treaty, where all countries across America had agreed to CO2 levels. Then add to all of that naming the 11th Congressional District of the, in my opinion, most unqualified people to head some of the departments within the United States Government, those who are not sensitive to the issues affecting all Americans.

So what I say is do not let the Bush smirk screen fool us. He eagerly reverses programs that will keep our communities and families safe and does it with a smile and a quip. We will have increasingly dangerous streets without the security in public housing, and other environmental programs. He likes to disarm his opponents with charm and allow his hatchet men to do the dirty work, but we better be sending those hatchet men and whose work they are doing.

Mr. Speaker, do not be fooled by the Bush smirk screen.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Ohio.

If I can comment briefly, and then I would introduce another colleague. I want my colleagues here, both Democrats and Republicans, to understand that the reason that we are doing this today and pointing to the first 100 days is not because we dislike the President personally or because we are hoping that he fails. Just the opposite. I hope that he succeeds, and I wish him the best.

Mr. Speaker, personally he seems like a very nice person. The problem is that the policies that he is implementing are not policies or an agenda that is helpful to the country, whether it is economic development of the country or it is environmental or health concerns. I think we have an obligation regardless of party affiliation to point out these problems because we do not want it to continue.

My hope is that public pressure is brought against the administration on environmental issues and health care issues so that the President changes course and actually has an agenda and implements policies, together with Congress, that are positive and that help the average American.

I just think that it is necessary for us to speak out and point out where the shortfalls are because otherwise, it is definitely clear that the people of this country certainly do not want what I have seen for the first 100 days to continue for the next 3 1/2 years of this administration.
I yield to my colleague from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I would note that we are having a Special Order at 3:15 in the afternoon, and that seems to be typical in this Congress. The threat is tax cuts, and then tax cuts and then tax cuts, all of them directed and weighted to the wealthiest people of the country. But other than that, there is not much of an agenda.

We have learned a couple of things in the first 100 days of the George W. Bush administration. The first thing is that the word “compassionate” was a political slogan for use during the campaign. You cannot find any compassion in the President’s budget. Once he gets to the point of putting down numbers, there is nothing compassionate about his particular brand of conservatism.

Second, he came to Portland, Maine, in my district to pitch his tax cut. As he has done all across this country, he said the tax cuts come from leftover money. He says after we have funded our priorities, there is a huge surplus in this country and it should go back to the people because it is the people’s money. In other words, he has been saying this money is not needed to run the programs that benefit people in their districts, in their States right now. That is not true. It is absolutely not true, and once you have the budget you can see that it is not true.

The tax cuts do not come from leftover money. What he gives back to the American people in tax cuts, he takes from them in budget cuts. Let us talk about a few of these that he is clearly going to try to get through.

For example, let us take law enforcement. By and large Democrats and Republicans have agreed that we need to fight crime in this country. We need to help local communities fund law enforcement. Why? Because in my State it is clear that his budget cuts are aimed directly at the heart of local communities. The Bush budget cuts in special education or the reduced funding for education overall, the reduced funding for law enforcement, inadequate funding to separate storm and sewer drains, all in all this tax cut is way too large, way too weighted for the wealthiest people in this country. This is not what he is asking the country to judge him by.

A tax cut of the size that the President has proposed will not allow funding for special education. Half the size would allow us to make dramatic progress in a variety of different areas. It would, for example, help with some of those mandates that we really struggle with all of the time. It would allow full funding of a Medicare prescription drug benefit. I want to say something about that, an issue I have worked on for some period of time.

When you look at what the Republicans are trying to do, both in the House and in the other body, and when you look at what the President is proposing, there is no way it works for rural States. I do not care whether you are a Republican, Independent, Democrat, in rural America the privatization of Medicare which is what the President has still not made clear is what he is asking the country to judge him by.

The President talks about running the government like a business. Well, at the rate we are going, the government will be nothing more than a business. It will pay no attention to things which a community of individuals feels. That message has been lost on this administration. Lost on this administration.

Mr. Speaker, I know this: Medicare does not pick up and leave a State when it is not making money. Private insurance companies do. HMOs do. They pick up and they leave States. Not only that, in any given year if they are not making enough money, this will increase the premium. If they are not making enough money, they will decrease the benefit. What kind of system is the President laying before this Congress? We can already see in this first 100 days what the President’s agenda is. It is easy to find. If you want to know his policies on energy or the environment, just look at those policies advocated by the oil industry, by the coal industry, by the gas industry. That is where you will find perfect agreement.

If you want to know his policies on health care, look at the pharmaceutical industry and the health insurance industry. They are the same policies the President is proposing.

If you want to know his policy on privatizing Social Security, it is the same policy that Wall Street brokerage firms have been advocating for years because it will make them lots of money. This administration is captured by the special interests of the country. The President talks about running the government like a business. Well, at the rate we are going, the government will be nothing more than a business. It will pay no attention to things which a community of individuals feels. That message has been lost on this administration. Lost on this administration.

Mr. Speaker, we need to move in this country from thinking not just about me, not just about our individual welfare, but to thinking about the common good, an old-fashioned phrase, but one that still has meaning to the people of America still understand. They know. The people in my State know. Here is a headline from yesterday’s paper: “Local Advocates Rally Against Bush Budget Cut.” People in Maine know we have an interest in making sure that the young people growing up in public housing projects have a chance for a better life.

The President has zeroed out a $60 million grant to the Boys and Girls Club of this country. A small portion of that money goes into Portland, Maine. Let me tell you what it does. It funds four study centers, after-school study centers for kids. They come out.
April 25, 2001

CONGRESSIONAL RECORD—HOUSE

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Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN). If I could just comment a little on what the gentleman from Maine said because there were certain points that I just feel were so well articulated.

I am so pleased that the gentleman kept stressing that there is no free lunch. He started out that way and he concluded that way. Because I do believe that, if we listen to the President in the first 100 days, he is constantly giving the impression that there is this huge surplus and there is all this money that we can spend for everything. The gentleman from Maine and I know that is not the case. Most people know that is not the case.

What the President’s budget came out, it was vividly shown that, in order to achieve this huge tax cut that was mostly going to the wealthy and to corporate interest, it really does not help anyone ultimately, because I am very concerned that if we actually put it in effect that we would end up in a deficit situation again.

When I talk to wealthy Americans, of course, a lot of them do not support his tax cut. Many of the wealthiest people in the country have come out against it. I think the reason is that because they understand that, if we go back into a deficit situation, we are going to hurt the economy. We are going to end up with high interest rates. We are going to have a situation where companies that want to start new production, new techniques will not be able to borrow any money. That is what we had for the period of time going back before the previous administration. We do not want to go back to that. Nobody benefits from that.

The last thing that I wanted to comment on is what the gentleman from Maine (Mr. ALLEN) pointed out so well, a lot of times we talk about programs, and we use that term “program,” and I worry that I do not even want to use the term “program” because it almost had denotation, Federal program. But the gentleman from Maine (Mr. ALLEN) talks about the COPS program, which I thought was so much on point.

I mean, I had the same phenomenon that he pointed out where he had the newspaper and there were local citizen’s rallies. In Asbury Park, which is one of my communities, one of the poorest communities that I represent, the police and some of the local officials just spontaneously, I did not know anything about it, had an event or press conference. They were talking to the press about the COPS program and how important it was to their city and how they had been able to hire extra police and the money was coming from the Federal government to pay for it and this was helping with their fight against crime. They could not imagine what was going to happen if this program effectively ended.

Although there is some money in the budget for it, it has been cut so much that there will be no new police hired. So I just would like to point out that we are talking about real things here. This has a real impact. We are not up here talking about the 100 days in some abstract way because we did not believe the President or he is of the other party. We are just very concerned about what is happening to the country.

Mr. Speaker, I yield to the gentlewoman from New Jersey (Ms. WOOLSEY), Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for putting this special order together and bringing us together to talk on this first 100 days of President Bush’s presidency.

So actually we are going to talk about energy. But it is clear to me, when we look at the energy policies that have been brought forward or not been brought forward since President Bush’s election that in his first 100 days in office, President Bush has made it very clear that the only promise that he intends to keep is his commitment to leave no special interests behind. Not the ones that are in his actions and his inactions surrounding energy and the environment.

In spite of all of his campaign promises and catchy speeches since taking office in January, President Bush has not made it clear that our environment is not one of his priorities.

On the campaign trail, however, Bush vowed to strengthen carbon dioxide regulations to keep factories from polluting our air further. Within 2 months of taking the oath of office, he went back on his word, refusing to toughen carbon dioxide standards, making it easier and more effective for big industry to pollute.

On his first 100 days, President Bush also unilaterally withdrew U.S. support from the Kyoto Treaty, seriously undermining our role as a world leader in environmental protection.

Most alarming to me as a Californian and as the ranking member of the Subcommittee on Energy of the Committee on Science, the President’s lack of commitment to environmentally smart solutions for our energy crisis.

M all Americans want and deserve reliable, affordable energy. Increasing our reliance on fossil fuels is not the way to solve our energy crisis or protect us from future problems. A serious Federal commitment to renewable energy sources, energy efficiency, and conservation is the only realistic solution.

But let us face it. The President and his Vice President are oilmen. Enron and other power companies were among Bush’s campaign’s biggest donors. The bottom line is that Bush/Cheney and their campaign contributors have a lot to gain from maintaining the stranglehold fossil fuels have on our power supply.

Despite the fact that the President stood before this country and said in 1999 that he was committed to renewable energy research, he has done nothing in his first 100 days except move to further increase our reliance on fossil fuels.

In fact, in his budget, President Bush slashed the funding for renewable energy research by $200 million. Under the President’s plan, 50 percent of the geothermal technology development funding would be cut, 54 percent of the solar energy budget would be cut, and 65 percent of the wind energy budget would be cut.

In addition, the President’s budget ties future funding for renewables to
Federal dollars raised from drilling in the Arctic National Wildlife Refuge. That is an outrage. Destroying one of the most pristine expansions of wilderness in our country for a limited supply of oil is not a solution to the California or our Nation’s energy crisis. It is one of President Bush’s problems. It is a problem that he would leave for the future generations to solve.

So while Californians suffer through more blackouts and the Nation struggles to pay skyrocketing energy bills, President Bush has his billionaire oilman Vice President meeting in secret to craft a national energy policy. If it is anything like the Bush budget, and one can be sure it will be, it will be heavy on oil and nuclear energy and light on safe, sustainable energy sources like wind, solar, and geo-thermal.

Mr. Speaker, the gentleman from New Jersey (Mr. PALLONE) knows as well as I do that 100 days may be a good benchmark for politicians and pundits to assess new presidencies. But it is only a fraction of the time that our President actually spends in office. If President Bush continues this pattern for the rest of his term, big business may be smiling, but the American people will not be.

Over the next 3½ years, President Bush may make good on his commitment to leave no special interests behind. But after 4 years of his anti-environment pro oil company stance, the American people will be ready to leave President Bush behind.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from California (Ms. WOOLSEY), and I know how important the energy issue is obviously in California and around the country.

The gentlewoman mentioned the issue of renewables. I know that, in the budget, the research on renewables was cut about half. I think she mentioned that. I believe because the opportunity of new technology is out there that is already being tried. The United States is the leader in these new technologies. If we think about it, here we are, the country that could take the leadership role, whether it is global climate change or whatever, and export a lot of these technologies, actually make money and create jobs; and this administration does not want to attend to it. It is just so unfortunate because it is so backward looking.

There are just ways of doing things that could create more jobs, solve the energy crisis over the long-term and at the same time make for a better quality environment, and he just does not listen.

Mr. Speaker, I yield to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) very much for yielding to me.

Let me first of all just congratulate the gentleman on his leadership in the environmental area. I know that the State of New Jersey cares a lot about the environment, too. He has been a real leader when it comes to renewable and coastal resources and protecting them. So I just want to congratulate the gentleman for all his hard work in that area and thank him for participating.

I want to talk about the 100-day period and talk a little bit about budget priorities. It seems to me that, as President, one puts in one’s budget the thing that one cares about, and one cuts the things that one does not care about. So, in the Bush budget, there is a real test of where the country is going to head under this President.

So I think the budget speaks louder than words more than anything. I think one can have a lot of talk and one can have action, but the budget reflects where one wants to take the country. That is where I think this budget that has just come out, and by the way, I think it is very interesting that we had all of these votes on tax cuts with one resolution without ever seeing a budget. I mean, that is the most devastating thing is to not even be able to see a budget before one votes on the revenue side of the picture.

So let us take a look at what this budget reflects on environmental issues. First of all, we have cuts across the board in various agencies that deal with the environment. Let us take the Environmental Protection Agency. This is an agency that enforces the law, that works very hard to make sure that air quality and water quality and toxic waste standards are all met. Those things are very, very important to Americans. Cut EPA 8 percent in the President’s budget.

Now, my understanding from talking to some of our members on the Committee on the Budget is these cuts this year even get more severe in succeeding years. So we are talking about serious cuts to a very important agency like the Environmental Protection Agency.

Now, in my home State, we have a couple of national laboratories and they are real jewels and they do a lot of great research. But in the past, many, many years ago, they had nuclear waste which they disposed of in improper ways. So there has been a 10-year program to try to get that cleaned up.

Well, basically in this budget what the President is telling places like Los Alamos is we are going to slow that cleanup down because they cut the nuclear waste cleanup budget for the Department of Energy.

One of the other big items in this budget that I think is a very, very important issue is research on alternative and renewable forms of energy, to the Land and Water Conservation Fund and the Department of Interior. I find it deplorable that this administration would cut so deeply into those vital environmental programs.

I again applaud the gentleman from New Jersey (Mr. PALLONE) for his efforts on this issue.

Mr. PALLONE. I want to thank my colleague from New Mexico. I just want to mention to my other colleagues, I think we only have another minute or two but they can do 5 minutes after this. I appreciate them coming down and joining us.

I just wanted to comment briefly on what the gentleman from New Mexico said because he talked about open space, which again is so important in the State of New Jersey. Essentially he is right. What the President has proposed for the budget, you could not possibly even fund existing open space and land and water conservation programs, let alone anything new. We have a lot of needs. We had a bus trip last week. We went around the State. I was with the gentleman from New Jersey (Mr. PASCRELL) at the Great Falls in Paterson which he is trying to get designated as a national park. There is no way that you can do that or provide the funding for the Great Falls or any other park without backing down on this.
other new area for open space or historical preservation with this budget. We need to point this out.

Mr. Speaker, in conclusion, the 100 days is over on Monday. Obviously there is going to be a lot more talk about the next few days before we get to Monday. The bottom line is that if you look at the first 100 days of this administration, it has been a failure on so many fronts. It is also not in tune with what the President said during his campaign. We are not pointing this out to want him to be a failure. We are pointing it out because we want the agenda to change and be more proactive and helpful to the average American. We feel that there is a broad bipartisan consensus on a number of these environmental and health care and education initiatives.

There is no reason why we cannot move forward in a positive way. The President in his first 100 days has basically, I think, failed to carry forth with the promise that he promised in the campaign, which would be good for the average American. Whether it is CO2 emissions or open space or education, there is a lot of rhetoric but there is not much action and certainly no indicating in the budget to carry out what he promised. We will continue to point this out because we want it to change and we think that this country can move in a forward fashion on a bipartisan basis.

**FIRST 100 DAYS OF BUSH ADMINISTRATION**

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. FALLONE) for having for an hour or what I think is a very important discussion. I think it is also important as we debate this issue that we clarify the reason why we rise to the floor, Mr. Speaker, for some might think that it is clearly to make a very bland or a very superficial analysis of 100 days of an administration.

Might I say as a Member of the United States Congress, I am willing to look at our 100 days as well because frankly what I am concerned about is the future of this Nation, the good future of the Nation, the improved quality of life. As I look to the 100 days, what I say to the American people is we can analyze 100 days because we have certain documents and certain actions that we can determine whether or not there is a vision for the future of this Nation or whether in fact we are going backward.

What I would say to the administration is of course there are analyses that suggest that it has been an okay 100 days, it has been a good 100 days, there is nothing that has been disturbed in the 100 days. That may be the case, but the question is who have we helped, what vision have we set forward in order to improve the quality of life of so many Americans? What have we done to be bold in our leadership?

This is why, Mr. Speaker, I come to the floor this week to talk about several aspects of concern that I have. I have not seen the bold leadership that is necessary. When we left the last Congress, the 106th Congress, we knew that we had a problem with uninsured children in America. We know that in the last Congress and in the Congress before, we put aside $24 billion to ensure that children around the Nation could be insured. Yet that has not been fulfilled. And so it would be important that a bold vision for America be a commitment to insure every uninsured child. I believe, Mr. Speaker, that that surpasses any need to give a $1.6 trillion tax cut on a surplus that is unsteady.

In addition, Mr. Speaker, we had bipartisan support on smaller class sizes for our Nation's schools. Not only smaller class sizes but to rebuild our crumbling schools. Not in someone's district but in America, whether it is rural, suburban or whether or not it is an urban area. There is not one of us who can go to our districts that cannot find a 50-year-old school, a 60-year-old school. Certainly there is great history and many of the old graduates are glad that their building is still standing, but, Mr. Speaker, this is a circumstance where windows have to be opened, where bathrooms are not working, where stairwells are crumbling and our children are going to these schools. Bold leadership, Mr. Speaker, would have meant that in the 100 days of the administration that we are assessing and in this Congress we would have already brought to the floor of the House legislation to rebuild America's schools, collaborating with our local jurisdictions, talking about smaller class sizes.

As a member of the Committee on Science, let me say that I have spent some 6 years dealing with technology, research and development. My colleague from New Mexico spoke about Los Alamos. I went to Los Alamos and visited and saw the needs there. They have hardworking professionals but I would tell you, Mr. Speaker, we need resources in the Nation's labs. We need to be able to build them. We need to ensure that they are safe. And can you believe that we in the Committee on Science have oversight over a proposed budget by the administration that cuts this kind of research and development. In fact, what we are finding out is that there is more money for defense research and less money for civilian research. That means that NASA, the Department of Energy, NOAA, all of these entities that deal with the quality of life of Americans, improving the quality of life of 50-60 year olds trying to clean up nuclear waste, are now being proposed to be cut. That is not bold leadership. It falls on the backs of this Congress and it falls on the back of the administration.

Let me just quickly say, Mr. Speaker, why I am concerned. Both bodies, if you will, both segments have not functioned with the majority in the Senate having a Democratic segment and a Republican administration. One of the first things we did was that now is being muffled over, if you will, in the 100 days is after 10 long years of work, we thought it was important to repeal the ergonomics work safety rule which was making America a safer place for injuries because Workmen's Compensation did not pay. The administration thought that that was a big victory to repeal that long, hard work, starting under Secretary Dole of the Department of Labor and now we are repealing that.

Let me close by saying to you arsenic in the water, lowering emissions, lack of dollars for affordable housing and homelessness. Mr. Speaker, I would suggest that we take action for the American people, come together with some leadership, and respond to what everyday, average Americans need in the 21st century.

**FIRST 100 DAYS OF BUSH ADMINISTRATION**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, we have come to the floor today to offer a critique of the President's first 100 days in office. I think it is only fair that before we offer some of our valid criticisms, that we recognize where praise is due. I think before you give a new person on the job a critique, you always start with something positive. I want to start with something positive for the President. President Bush's FEMA director, Joe Albaugh, has done a good job responding to the Seattle earthquake, Mr. Speaker. We had this earthquake out in Seattle. He sent Mr. Albaugh out there and they have done a crackerjack job responding to my constituents' problems and we have appreciated it out there in Puget Sound country.

But, Mr. Speaker, there has been another earthquake of longer ramifications in my State and that is the earthquake of these skyrocketing energy prices, electrical rates that are going up 30, 50, 100 percent, people who are charging wholesale electrical rates five, 10, 20 times higher than were just charged last year. Wholesale electrical rates are going up by the administration. President Bush's FEMA director also did a good job responding to my constituents' problems and we have appreciated it out there in Puget Sound country.

Mr. Speaker, you can imagine what that is doing to the economy of my State. We have had 400 people laid off from a pulp and paper mill that has shut down. We have got small business
owners that are curtailing hours. We have got the prospect of 40,000 jobs lost as a result of these incredible price hikes.

What has this President offered the people of the West Coast, Washington, Oregon, and California, in the face of this crisis? Nothing. We have come to this President and offered meaningful price mitigation legislation. We have asked him to urge FERC to ask for a meeting in the next hour or so to potentially consider a response to do something about these incredibly ob-scene prices that are not justified by cost, not justified by new generating capability but are only occurring due to folks who are gaming the system.

What has he said? “Let them eat cake.” He said this is just a California problem. It is a Marie Antoinette energy policy and my constituents are suffering because of it. We are continuing to urge this President to give up the notion that this is just a California problem. California is still attached to the rest of the country. The earthquake has not caused it to be separated. My constituents in the State of Washington are suffering just as badly as the constituents, if not worse, in California. We need the President to recognize he is the President for all the people, not just those in Texas, not just for the generators in Texas but he has got a responsibility to the people I represent. We need him to work with Congress to design a price mitigation strategy. If he will do that, he will win the applause of the folks on the West Coast. Until that happens, Mr. Speaker, he is getting a D-minus when it comes to this energy crisis on the West Coast. We need his help and we are here to ask for it.

The second issue, Mr. Speaker, is on the environment. The President’s first days, first 100 days, have been tremendously inspirational. They are inspiring people to stand up to me in bus stops, in grocery stores, on the ferry boat and they are saying, Jay, can you stop him? Can you fight him? Can you fight him when he is trying to cut the Hanford nuclear cleanup budget? Can you fight him when he is trying to loosen arsenic rules? Can you fight him when he is trying to allow drilling in the Arctic refuge? Can you fight him when he wants to loosen the roadless area policies so that they can do clear-cutting in areas that are just remaining nonclear-cutted areas in the country? He has been an inspirational figure. He has inspired people who have never before lifted a political finger to get out there and get active to try to resist this environmental jihad that is going on right now.

Mr. Speaker, I believe that when the votes come up on the floor of this House, those inspirational messages will be heard and we will defeat this President in his effort to drill in the Arctic and we will have an opportunity to defeat this attack on the roadless area policy, because what my constituents are telling me, Mr. Speaker, is that in the first 100 days of this President’s administration, his environmental message has been, “Leave no special interest behind.” We are going to continue this fight.

A NATIONAL ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I wanted to talk about an issue that I know is going to become a very serious issue in this session of Congress, and that is a national energy policy. This administration is going to unveil in the coming weeks their plan for a national energy policy and I thought it was important to talk a little bit about what I think should be in this national energy policy and how we ought to look forward. Energy and energy issues are coming at us today. I think the people of this country pay us to look out to the future, 25, 50 years, and put this Nation on a very strong basis where we can be energy efficient.

Are we in that condition today? I do not think so. In the last few years, we have gone up and up with imports. We have increased our dependence on foreign oil. In fact, in the 1960s we imported about 20 percent of our oil. We are approaching today about 60 percent of our oil.

So we are getting heavily dependent on imports. Where is the foreign oil coming from that we are importing? Over 55 percent of that oil is coming from seven countries. They are in the Middle East, a volatile region, a region where there is always something going to happen that might impact the oil supply. So we are ahead. I wanted to talk a little bit about what are the components of a national energy policy.

First of all, we have to look at having a strong domestic industry. Many States out in the West, New Mexico is one of them, have strong, vital domestic oil industries. We have to make sure that those industries stay strong and that we give the incentive so that they can develop.

Secondly, we have to look at fuel ef-ficiency. In the last end of this admin-is-tration, the Clinton administration, the Clintons administration, they talked about energy efficiency and the Clinton administration, through Secretary Richardson, who is from my home State and a colleague of mine, he put in a requirement that air condi-tioners in the future have 30 percent energy efficiency. I find it very unfor-tunate that this administration has rolled that back. Rather than get more energy-efficient air conditioners which up huge amounts of energy in the summer, it has been rolled back.

We need to look at fuel efficiency. If we just increased our automobile effi-ciency 3 miles per gallon, that would equal all of the oil that is in the Arctic National Wildlife Refuge. So fuel effi-ciency on automobiles is another im-portant component, and I hope that this administration recommends that. In addition to air conditioners, there are a number of other appliances which could be more energy efficient. We need to look at every one of those, and I hope there are some major rec-ommendations in that area.

Then we need to look at conserva-tion. Since 1900 until today, we have used up enormous sums of oil. Some es-timates are that we have used up half of what all there is out there. That, to me, is deplorable. The amount of time that people have been on this earth and just a couple of generations here are using it all. A good conservation ethic says that we should leave the world in a better place for our children. So we should not be using such a vital re-source at such a rapid pace. So we need to apply a conservation ethic. I hope the President speaks out and says in terms of a national energy policy, we need conservation and we need it to be a big part of government and private sector and throughout the economy.

The last area that I think needs to be emphasized here is alternative and re-newable forms of energy. If we focus on fuel cells, solar, wind, biomass, do the research, bring down the costs, we can be a country that is energy inde-pendent; and we will not be so depend-dent on foreign oil. When it comes to those areas, I really do not under-stand this President cutting solar and wind and some of the other renewable forms.

So in sum, Mr. Speaker, let us look at a true national energy policy in the coming weeks.

EDUCATION. AN IMPORTANT ISSUE IN THE STATE OF UTAH

The SPEAKER pro tempore (Mr. REBERG). Under a previous order of the House, the gentleman from Utah (Mr. MATHESON) is recognized for 5 minutes.

Mr. MATHESON. Mr. Speaker, the House is going to be taking up the issue of education over the next couple of weeks, and I thought it would be im-portant to communicate some of the thoughts that I have learned, having spent a significant amount of time in the district, talking to teachers and superintendents, talking to students, and talking to par-ents. I can say, I come from a State that is unique. Utah’s needs are not often represented in national discussions on education, and I think it is important to point out some of the unique characteristics in my State and how national policy may affect that.

I represent the State with the lowest per-pupil expenditure in the United States. I represent the State with the largest student-teacher ratio in the United States. Utah schools are strug-gling to keep up. The State Office of Education estimates Utah will add over
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100,000 new students over the next 10 years. It is going to require 121 new schools to be built in my State.

These challenges that I mention, these challenges we face in the State of Utah, make the Federal-State relationship fundamental. We believe reform, and I firmly believe, that education is fundamentally a State and local issue. So as we talk about education policy here in Congress, I want to make sure that we talk about it in the context where we are not creating Federal programs with a number of strings attached. It is important that we maintain local control.

Let me talk about five quick issues that we should consider during our education discussion. The first is class-size reduction. The Federal class-size reduction program has been a great success in my State. That program takes Federal dollars and puts it directly in local school districts. I have talked to all the school districts in my congressional district. They have talked about what a positive program it is, that they have the flexibility to decide what to best do with that money. Some schools hire teachers to create new classes. Other schools hire a reading specialist to move from class to class. But that flexibility has been very important in my State.

The second issue I would mention is the issue of teacher development. As I meet with teachers, they think it is important that accountability is a good idea. We are not afraid of accountability; but we think accountability is a good idea. We should make sure our teachers have the opportunity to improve themselves throughout their careers. That is something a lot of people do in the private sector. We should make sure our teachers have that opportunity. We should make sure that the Eisenhower Professional Development Program is maintained and strengthened in the future.

The third issue I want to talk about is the notion of accountability. We all think accountability is a good idea. We just need to be careful that we do not enforce a one-size-fits-all solution at the Federal level. Every State, every community has their own circumstances; and we ought to make sure that those local circumstances can be accommodated in whatever accountability measures that we have.

I can say that in Utah, we have already created a new State testing program. We are in the process of implementing that, and Utah teachers are not afraid of accountability; but we want to make sure that accountability is measured in the broadest sense possible that accommodates all the variables that affect student performance.

Finally, I would like to talk about the notion of decreased bureaucracy. I have met with so many teachers and administrators, and they talk about the problems with special education in terms of the paperwork. The paperwork is such a burden on our teachers and our administrators; and while it is clear that our State and local governments fully fund the Federal commitment to special education, I think it is also important that in the context of looking at funding for special ed we also ought to look at trying to reform special ed to reduce the paperwork. That is a view from my own home district, and I think it is important that we put that in the RECORD, these issues and concerns about educators in the State of Utah as we discuss education.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SHOWS) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.
Mr. LANGEVIN, for 5 minutes, today.
Mr. Ross, for 5 minutes, today.
Mr. SHOWS, for 5 minutes, today.
Mr. BONIOR, for 5 minutes, today.
Mr. DINGELL, for 5 minutes, today.
Mr. KILDEE, for 5 minutes, today.
Mr. LEVIN, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Ms. BROWN of Florida, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.
Mr. SMITH of Washington, for 5 minutes, today.
Mr. MATHESON, for 5 minutes, today.
Mr. BLUMENTAUR, for 5 minutes, today.
Ms. MILLER-MCDONALD, for 5 minutes, today.
Mr. ISRAEL, for 5 minutes, today.
Mr. LARSEN of Washington, for 5 minutes, today.
Mr. INSLEE, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mrs. KELLY, for 5 minutes, May 2.
Mr. TAYLOR of North Carolina, for 5 minutes, May 2.
Mr. ROHRABACHER, for 5 minutes, today.
Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. UDALL of New Mexico, for 5 minutes, today.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

1591. A letter from the Acting Administrator, Farm Services Agency, Department of Agriculture, transmitting the Department’s final rule—Dairy Price Support, Diary Recourse Loan, Livestock Assistance, American Indian Livestock Feed, and Pasture Recovery Programs (RIN: 0560–AG32) received April 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1592. A letter from the Acting Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department’s final rule—2000 Crop Disaster Program (RIN: 0560–AG36) received April 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1593. A letter from the Acting Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department’s final rule—Dairy and Cranberry Market Loss Assistance Programs, Honey Marketing Assistance Loan and LDP Program, Sugar Non-renewable Loan Program, Loan Program Limitations for Marketing Loan Gains and Loan Deficiency Payments (RIN: 0560–AG34) received April 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1594. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Propiconazole; Time-Limited Pesticide Tolerances ( OPP–301115; FRL–6778–1) (RIN: 7707–AB78) received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1595. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Methylchlor; Extension of Tolerance for Emergency Exemptions ( OPP–301118; FRL–6778–6) (RIN: 7707–AB77) received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1596. A letter from the Chief, General and International Law Division, Department of Transportation, transmitting the Department’s final rule—Audit Appeals; Policy and Procedure (Docket No. MARAD–2000–8284) (RIN: 2070–AB24) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1597. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Gasoline Volatility Standards ( PA160–4107a; FRL–6962–3) received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1598. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—EPA International “Green” Buildings Initiative—received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1599. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department’s final rule—Implementation of the Wassenaar Arrangement; Dual-Use Items: Revisions to Microprocessors, Graphics Accelerators, and External Interconnects Equipment (Docket No. 0101000800–1008– 01) (RIN: 0560–AG35) received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.
1600. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department’s final rule—Revisions to the Export Administration Regulations as a result of the addition of Brazil, Latvia, and Ukraine to the Nuclear Suppliers Group, and other revisions [Docket No. 00121354-036-01] (RIN: 2115-0016) received April 9, 2001; pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1601. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-43, ‘‘Closing of a Portion of South Street, N.E., S.O. 90-91 Act of 2001’’ received April 24, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.


1603. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department’s final rule—Privacy Act of 1974: Implementation—received April 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1604. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting the Department’s final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon, Oregon, to Humbug Mountain, Oregon [Docket No. 00050119-0191-01; I.D. 032901B] received April 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1605. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock Within the Shellfish Slot Conservation Area in the Gulf of Alaska [Docket No. 00112209-0191-01; I.D. 032901B] received April 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1606. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Drawbridge Operation Regulations: Shaw Cove, CT [CGD01–01–018] (RIN: 2115–AE97) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1607. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Drawbridge Operation Regulations: Hackensack River, NJ [CGD01–01–010] received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1608. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Drawbridge Operation Regulations: Hackensack River, NJ [CGD01–01–010] received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and referred by the Speaker as follows:

By Mr. CHAMBLISS:
H.R. 1580. A bill to provide that Commodity Futures Trading Commission employees may be paid on a par with employees of other government financial institutions; to the Committee on Agriculture, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. BISHOP, Mr. ANGEL, Mr. BALDACCI, Mr. BARTON of Texas, Mr. BLUMENAUER, Mr. BLUNT, Mr. CALABARIA, Mr. CAMP, Mr. COLLINS, Mr. COOK, Mr. EMERY, Mr. ENGLISH, Mr. HERGER, Mr. HILLIARD, Mr. HUTCHINSON, Mr. ISAKSON, Mr. IJASU of Washington, Mr. LEWIS of Kentucky, Mr. GREEN of Wisconsin, Mr. McCRRY, Mr. THOMPSON of California, Mrs. JOHNSON of Connecticut, Mr. OBERSTAR, Mr. OTTER, Mr. PICKERING, Mr. ROSS, Mr. SCHAPFER, Mr. SHOWS, Mr. SIMPSON, Mr. STUPAK, Mr. SMITH of Washington, Mrs. THURMAN, Mr. WALDEN of Oregon, and Mr. WICKER):
H.R. 1581. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Ways and Means.

By Mr. GUTIERREZ:
H.R. 1582. A bill to amend the Immigration and Nationality Act to adjust the status of certain long-staying alien children, to lower high school drop out rates for certain immigrant children, and to provide greater protection of private property; to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself, Mr. VISLOCKY, Mr. PRICE, Mr. ROEMER, Mr. SOUTHWORTH, Mr. BURKE, Mr. BUTSON of Indiana, Mr. KERNS, Mr. HOSTETTLER, and Ms. CARSON of Indiana):
H.R. 1583. A bill to designate the Federal building and courthouse located at 121 West Spring Street in New Albany, Indiana, as the ‘‘Lee H. Hamilton Federal Building and United States Courthouse’’; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA (for himself, Mr. TANCREDO, Mr. SESSIONS, Mr. SAM JOHNSON of Texas, Mr. VULANO of Florida, Mr. DE MINT, Mr. BAKER, Mr. ARMED, Mr. SENSENIBRINNER, Mr. KOLBE, and Mr. SCHAPPHER):
H.R. 1584. A bill to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer’s share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for each employee; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:
H.R. 1585. A bill to provide for a study regarding the proximity of federally assisted housing to hazardous waste sites; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. SHAYES, Mr. SESSIONS, Mr. EVANS, Mrs. MALONEY of New York, Mr. MINK of Hawaii, Mr. THIERNEY, Mr. MCGOVERN, Mr. FRANK, and Mr. DIAMOND):
H.R. 1586. A bill to amend chapter 84 of title 5, United States Code, to make certain federal retirement wages subject to the Federal Retirement System Insurance Corporation; to the Committee on Ways and Means.

By Ms. MCKINNEY (for herself, Mr. EVANS, Mr. REYES, and Ms. BROWN of Florida):
H.R. 1587. A bill to amend title 38, United States Code, to repeal the 30-year manifestation period for pre-employment connection for respiratory cancers occurring in veterans who served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on September 2, 1975; to the Committee on Veterans’ Affairs.

By Mrs. MINK of Hawaii (for herself and Mr. MCKINNEY):
H.R. 1588. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corpora tions into condominiums; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 1589. A bill to amend the Caribbean Basin Economic Recovery Act to provide trade benefits for socks and hosiery; to the Committee on Ways and Means.

By Mr. RAMEY:
H.R. 1590. A bill to amend the Internal Revenue Code of 1986 to allow up to $500 of health benefits and dependent care assistance to eligible employers; to the Committee on Resources.

By Mr. SCHAKOWSKY (for herself, Ms. MCKINNEY, and Mr. MCGOVERN):
H.R. 1591. A bill to prohibit the United States Government from providing financing for nongovernmental organizations or individuals to carry out military, law enforce ment, armed rescue, or other related operations in the countries of the Andean region, including any operations relating to narcotics control efforts; to the Committee on International Relations.

By Mr. THORNBERRY (for himself, Mr. TUCKER of Texas, Mr. JOHNSON of North Carolina, Mr. WOLFE, Mr. DEROUEN, and Mr. OTTERT):
H.R. 1592. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide greater protection of private property rights to the Committee on Energy and Power.
H. Con. Res. 106. Concurrent resolution honoring the National Science Foundation.


H. Con. Res. 107. Concurrent resolution expressing the sense of Congress concerning continued United States reconnaissance and surveillance flights in the area; to the Committee on Armed Services.

H. Con. Res. 108. Concurrent resolution honoring the National Science Foundation for 50 years of service to the Nation; to the Committee on Science and Technology.

By Mr. SMITH of Michigan:

H.R. 169: Mr. C UMMINGS, Mr. GREEN of Wisconsin, Mr. O LVER, Mr. FALEOMAVAEGA, Ms. LEE, Mr. MCKINNEY, Mr. F RANK, Mrs. N APOLITANO, Mr. C UMMINGS, and Mr. M EEKS of Florida, Mr. H OLT, Ms. K ILPATRICK, Mr. F RANK, and Mr. B ASS.

H.R. 773: Mr. OLVER, Mr. OBERSTAR, Ms. MCKINNEY, Ms. VELAZQUEZ, Ms. S OLIS, and Mr. M ALCY.

H.R. 1012: Ms. SCHAKOWSKY and Mr. LAFOIETTE.

H.R. 1073: Ms. SOLIS, Mr. GONZALEZ, Mr. U DALL of Colorado, Mr. PAYNE, Mr. ACOSTA, Mr. ROHRABACHER, Mr. KUCINICH, Ms. BOUCHER, Mrs. LOWEY, Ms. VELAZQUEZ, and Mr. MEeks of New York.

H.R. 1089: Mr. BOUCHER, Ms. LOFUREN, and Mr. H ART.

H.R. 1090: Mr. U DALL of New Mexico.

H.R. 1117: Mr. S ABO, Ms. MILLENDER-McDONALD, Ms. CARSON of Indiana, Mr. LEWIS of Georgia, Ms. McCARTHY of Missouri, and Mr. HASTINGS of Florida.

H.R. 1139: Ms. McKINNEY, Mr. G ALLAGHERY, and Mr. B ASS.

H.R. 1146: Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, and Mr. E VERETT.

H.R. 1174: Mr. SCHAFFER, Mr. SUNUNU, and Mr. STARRS.

H.R. 1177: Mr. SMITH of Washington.

H.R. 1195: Ms. L OPForden, Mr. OWENS, Mrs. McCARTHY of New York, Mr. N ADLER, Mr. LALOR, Mr. MEeks of New York, Mr. W YNN, Mr. C APANO, Ms. CARSON of Indiana, Mr. ABERCROMBIE, Ms. MCKINNEY, Mr. CROWLEY, Mr. RUSH, Ms. PELOSI, Ms. McCOLLUM, Ms. VELAZQUEZ, Ms. SOLIS, and Mr. FRANKE.

H.R. 1292: Mr. S KEEN, Mr. BAKER, Mr. SIMMONS, Mr. HYDE, Mr. EHRLICH, Mr. H OOLEY of Oregon, Mr. WEXLER, Mr. BLAGOJEVICH, and Mr. G OODE.

H.R. 1293: Mr. R USH.

H.R. 1230: Mr. STUPAK, Mr. KILDEE, Mr. F RANK, Mr. CARPER, Mr. G REHAM of Kentucky, Mr. W creep, Ms. MCKINNEY, Mr. R AUL, Mr. G INS, Mr. D EGETTE, Mr. E NGLISH, Mr. G ALLEGLY, Mr. S ABO, Mrs. MCKINNEY, Mr. G ONZALEZ, Mr. B OWCHER, Ms. L OFGREN, and Mr. O WENS.

H.R. 1231: Mr. S KELTON.

H.R. 1238: Mr. S ANCHI, Mr. B URD, Mr. RYAN of Kansas, Mr. C TINE, Mr. RUSH, Ms. D MURPHY, Mr. E OBRYEN, Mr. M ACKINNEY, Mr. E VANS, Mr. F LAKE, Mr. FRANK, Mr. HASTINGS of Florida, Mr. HOLT, Mr. K UCINICH, Ms. LEE, Mr. M Eeks of New York, Mr. J EGER, Mr. M OORE, Mr. R AHAL, Ms. RIVERS, Mr. S ANDERS, Mr. S UNUNU, Mr. U DALL of Colorado, and Ms. W OOLSEY.

H.R. 1291: Mr. HINOJOSA, Mr. F RONT, Mr. LUCAS of Kentucky, and Mr. R OGERs of Kentucky.

H.R. 1308: Mr. RYUN of Kansas.

H.R. 1328: Ms. P RYCH of Ohio.

H.R. 1330: Mr. R ODRIGUEZ.

H.R. 1331: Mr. BARTON of Texas, Mr. RYUN of Kansas, and Mr. H OPEL.

H.R. 1342: Mr. F LAKE.

H.R. 1358: Mr. KUCINICH.

H.R. 1383: Ms. H ART.

H.R. 1405: Ms. L OFUOREN.

H.R. 1407: Mr. B ERRETER.

H.R. 1408: Mr. S HOWS and Mr. SHERMAN.

H.R. 1413: Ms. C ARSON of Indiana, Mr. M OLOHA, Mr. R YERES, Mr. RODRIGUEZ, Mr. FORD, Mr. R AHAL, and Mr. S MITH of Washington.

H.R. 1429: Ms. MILLENDER-McDONALD and Mr. B LAGOJEVICH.

H.R. 1441: Mr. B ALLINGER, Mr. BROWN of South Carolina, Mr. C ULBURNER, Mr. DOOLITTLE, Mr. F LAKE, Mr. H AYWOOD, Mr. H EFLEY, Mr. H ORKIN, Mr. I STOOK, Mr. L OWELL, Mr. McCONE, Mr. M ILLER of Florida, Ms. O Ter, Mr. P AUL, Mr. P ITTS, Mr. R ORHARACHER, Mr. RYUN of Kansas, Mr. S CHAFFER, Mr. S HADEN, Mr. S WENNE, Mr. T WINGER, Mr. T ERREY, Mr. V ERDERER, Mr. W ICHER, and Mr. K ILF.

H.R. 1443: Ms. SCHAKOWSKY, Mr. B ERRETER, Mr. M ALCY, Mr. C KENT of Connecticut, Ms. S LAUGH, and Mr. K ILF.

H.R. 1459: Mrs. T WINGER, Mr. S HIMSHIK, Mrs. J OHNSON of Connecticut, Mr. C RANE, Mr. R AMSTAD, Mr. P ETRI, Mr. B OUCHER, and Mr. S WENNES.

H.R. 1462: Mr. U DALL of Colorado.

H.R. 1464: Mr. T WINS.

H.R. 1485: Ms. M YRICK.
H. Res. 23: Ms. SANCHEZ.
H. Res. 120: Mr. WELLER.
The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER
The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today, continuing Jewish Heritage Week, our prayer is taken from the Jewish Book of Service, Daily Prayers. Let us pray...

We gratefully acknowledge that You are the Eternal One, our God, and the God of our fathers evermore; the Rock of our life and the Shield of our salvation. You are He who exists to all ages. We will therefore render thanks unto You and declare Your praise for our lives, which are delivered into Your hand and for our souls, which are confided in Your care; for Your goodness, which is displayed to us daily; for Your wonders, and Your bounty, which are beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:15 a.m. shall be under the control of the Senator from Illinois, Mr. Durbin, or his designee. Under the previous order the leadership time is reserved.

MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore, Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

BROWNFIELD
Mr. REID. Mr. President, today is a very joyous occasion in the Reid family. At 6:30 this morning, approximately, eastern time—3:30 Reno, NV, time—my tenth grandchild was born. Everyone is doing well. The little baby is 18 inches long—kind of short, really—and weighs 6 pounds 12 ounces. We are very happy for this little boy. He is the third son that my son has had. I rise today thinking of my new grandson, and I want to discuss Earth Day and what having a good, clean environment means to my grandchildren. I am very concerned, having seen, even in my lifetime, the Earth change—and many times not for the better.

Earth Day is a time for reflecting on the progress of the last century and acting to protect our environment for generations and centuries to come. It is good that at least 1 day a year we focus on the Earth. We take it for granted. In the last 30 years, the country has taken major steps to achieve clean water, clean air, safe drinking water, hazardous waste cleanup, and reducing pollution across the board. Take just one thing, clean water. Why do we have a Clean Water Act? We have a Clean Water Act because, for instance, in Ohio the Cuyahoga River kept catching fire. Mr. Nixon was President of the United States at that time. In a bipartisan effort to do something about the polluted waterways in America, Congress joined with the President to pass a Clean Water Act to prevent rivers catching fire.

We have made progress. We still have a lot of polluted water, but at the time that President Nixon recognized the need to do something, probably about 80 percent of our waterways were polluted. Now these many years later probably only about 30 percent of our waterways are polluted. If you fish the rivers and lakes around the United States, now you can actually eat the fish you catch. That is progress. But we have a lot more to do.

We need to clean up that extra 20 percent or 30 percent of the waterways that are polluted. We need to make sure we have safe drinking water so someone can pick up a glass of water and drink it and know they are not going to get sick.

It is not that way around much of our country. And when we travel overseas, we usually take lots of water with us because in many parts of the world we cannot drink the water because it is polluted. In the United States, we are finding much more polluted water. There is lots of polluted water.

In my State of Nevada, we have naturally occurring arsenic in the water and we know that arsenic causes cancer. We need to do something about that.

Even though we have a long way to go, we should be justifiably proud of
the progress we have made. We cannot afford to rest on past successes because millions of people are still breathing unhealthy air, drinking unsafe water, and are unable to swim or fish in many of our Nation’s waterways.

As we face this day, there is still much that needs to be done. As the new century dawns, we face even more complex environmental and public health problems. These problems include persistent toxics. We have a new phenomenon and that is, because of our development of nuclear power and nuclear weapons, now we have areas that are polluted with things nuclear. On the Colorado River, we have 13,000 tons of uranium tailings. We need to clean those up because, of course, the Colorado River is a very important waterway in the western part of the United States. We have not provided money to do that. We need to do that. But that is a new threat to our environment.

We have new problems in addition to nuclear issues. We have global warming. We have the dangers of invasive species. For example, in the State of Nevada, we have very little water. It is arid. You could count the rivers in Nevada on the fingers of one hand. Some of those rivers are being very seriously threatened as a result of something called salt cedar or tamarisk, a plant brought in from Iran 100 years ago to stabilize the banks of streams, and it has just taken over everything. They are, frankly, very ugly. They use huge amounts of water. You cannot get rid of them. You cannot burn them; you cannot poison them; you cannot spray them and pull them out. The only thing we found that might work is an insect that eats them, and we are working on that. The Department of Agriculture is working on a program to see if we can get rid of them that way. But certain species are alien to America and we need to work on their eradication.

Fine air particles from fossil fuel use, land use changes, the need for thoughtfulness in housing, recreation, and transportation: these challenges require the energy and enthusiasm that marked the first Earth Day 30 years ago. But also we need a new level of sophistication and commitment.

I like President Bush. I think he is a very good man. I think he means well. From what has happened during the first 100 days of this administration dealing with the environment, I think he is getting bad advice from somewhere.

I can’t imagine a good man doing such things in the first few months of his administration. His Administrator of EPA is not convinced about the importance and dangers of global warming and about needing to do something about it and referred to the CO
definition rather than conserving? The answer is no. Similarly, does it make sense to drill in the Arctic National Wildlife Refuge for oil that will arrive years too late to address high gasoline prices this summer when fuel efficiency improvements would be quicker and longer lasting?

The budget proposal by the administration represents yet more bad news for the environment. The budget resolution which passed the Senate on a party line vote eliminates or underfunds environmental programs across a range of agencies, including cuts at EPA in clean water state revolving funds, estuary protection, beach protection, scientific research on clean air, and law enforcement personnel. These cuts would greatly undercut environmental protections, and the protection of public health.

The budget document, which was submitted to us later, among other things, calls for a 30-percent cut in alternative energy such as solar, geothermal, and wind. That is the wrong way to go. These cuts will greatly hurt environmental protection and the protection of public health. It also cuts vital environmental programs at the Department of the Interior, Department of Agriculture, and renewable energy programs at the Department of Energy. We can do better.

Mr. President, I repeat what I said on Monday and Tuesday. We did nothing yesterday. We did nothing yesterday. It appears we are going to do nothing today.

We have a bipartisan bill, the brownfields legislation, S. 350, entitled "The Brownfields Revitalization and Environmental Restoration Act of 2001." We need to consider this bill. This is a bill that has 68 cosponsors. It is supported by the National Governors’ Conference, realtors, environmentalists, businesses, and local governments. It is supported by an array of outside groups. I cannot imagine why we are not considering this bill. It was reported out of committee 15 to 3.

In addition to that, the problems that three Members had we resolved. I can’t speak for all three, but I know Senator Voinovich had some problems. We worked those out.

This legislation is so important. We have 500,000 contaminated or abandoned sites in the United States waiting to be cleaned up. Private parties and communities need to be involved. We believe that these sites will create about 600,000 jobs nationally and increase annual tax revenues by $2.4 billion. We need to move forward on this legislation. It will be good for urban America and rural America. I just can’t imagine why we are not doing it.

The testimony on the bill supports moving quickly. Witnesses have called for the bill to move quickly. For example, the witness for the Conference of Mayors testified, “the Nation’s mayors believe that the time has come for bipartisan action on
brownfields. We have waited a long time for final congressional action on brownfields legislation."

Another witness put it even more strongly: "Time is of the essence... We look forward to working with you toward timely, expeditious, hopefully almost immediate enactment."

I agree with these sentiments. Let us take up this bill and do what we were elected to do—pass good bills into law. This bill is good for the environment and good for jobs and there is neither need nor justification for any further delay.

We need to find a "green path" forward. We need to make sure we take the steps to protect the earth for our grandchildren, steps which include finalizing the numerous rules and enforcement cases which have been stopped mid-stream, rules which were developed over years and which provide critical protections for our environment.

We need to ensure that the public is informed about threats to their health and their environment. We need a safe and sustainable energy policy. We need steps to address the very real problem of climate change, which we need a vision for conservation and non-game species and their habitat, we need a commitment to reclaiming polluted industrial, agricultural and military sites and we need to make a fundamental investment in conservation that recognizes that we do not inherit the planet from our ancestors, but borrow it from our children.

These measures would be truly planting a tree to honor the Earth.

It is bipartisan. I really can't imagine why we are not considering this bill. We agreed to 2 hours on this side. I hope the majority will allow us to take the bill up immediately. It is good environmental legislation. It speaks for what Earth Day is all about.

The ATTENDING PRESIDENT pro tem, the Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I thank my colleague from Nevada for his inspirational work this morning. There is no one who cares more about the quality of the environment than Senator HARRY REID. I join with him in calling for taking up a brownfields bill. It would be good for my State and for all States in this Union. I very much appreciate his leadership on that critical subject.

QUALITY EDUCATION

Mr. BAYH. Mr. President, I rise this morning to address what I believe to be the most important issue facing our country today; that is, improving the quality of education received by every child across this country. It will affect not only our future prosperity but the kind of Nation in which we live and the vibrancy of our democracy.

I thank all colleagues who helped bring us to this historic point, starting with my friend and colleague, Senator JOE LIEBERMAN, with whom I have enjoyed working on this issue for the last several years; our colleagues on the other side of the aisle, Senator GREGG, Senator FRIST, Senator JEFFORDS, and others; and the Democratic members on the HELP Committee, Senator BURDICK and others, but principally Senator KENNEDY.

I want to say a special word about Senator KENNEDY this morning. His dedication to improving the quality of America's educational system is truly remarkable. He has proven himself to be not only principled but pragmatic. He fights for what he believes in, but he is not willing to sacrifice real progress for America's schoolchildren for the older ideological ideas. Without his hard work and dedication, we would not be where we are today.

I thank all of these leaders for bringing us to where we are. It has been a long road for me personally and a long road for many of us in this Chamber.

My thoughts particularly go this morning to the first year as Governor, when President Bush called us to a national summit in the city of Charlotteville.

For only the third time in our Nation's history, all 50 Governors had gathered together on a single subject. The first time was Teddy Roosevelt's focus on the issue of the environment. In this case, it was President Bush's first focus on the subject of education. We came out of that summit with the standards movement and accountability movement, and we established the National Education Goals Panel, of which I was an initial member.

I had the privilege of serving, in later years, as chairman.

From there I went on and had the privilege of serving as the chairman of the Education Commission of the States, a collection of State and local officials who work to improve the quality of our schools at the State and local levels.

Finally, I had the privilege of serving on the National Assessment of Educational Progress Board, the NAEP Board, trying to devise the very best assessments for our children, authentic assessments, that tell us more than if they can memorize rote knowledge, but instead whether they can think and reason and express themselves intelligently.

It has also been a long road for this Senate. I, again, thank Senator LIEBERMAN and my colleagues at the Progressive Policy Institute, who helped fashion the principles that lie at the heart of the bill we will soon take up. We stand on the precipice of historic progress, saying that the status quo that leaves too many of our children behind is no longer good enough. The consequences of failure today are greater than ever before. We must do better; I believe we can.

During the campaign last year, I was very proud. President Bush adopted many of the principles that lay at the heart of our bill. That was an important step in the right direction. I give him credit for that. I am proud that the thinking in my own caucus has evolved on many of these critical issues. So there has been a convergence of thought, and now a consensus exists on the part of most of us of what needs to be done to improve the quality of America's schools and the values are the same, even if occasionally we have differences of opinion about how to embrace those principles and give them full meaning in the context of education today.

We find ourselves on the threshold of great progress, the most significant educational progress in a generation. Accountability lies at the heart of our agenda. We redefine the definition of "success." No longer will we define success for America's schoolchildren merely in terms of how much we spend, but instead we will define success in terms of how much our children learn.

There will be high academic standards and assessments to determine how well our children are doing, and for those standards, for academic failure. In relation to some of the new money dedicated to new administrative funding, if progress is not made, it will be reduced, because it is not achieving the progress for which it was intended, it should be redirected into ways which will achieve real progress.

For the first time, America's parents will be given an important choice. If your local school is not doing well enough for several successive years, you will be allowed to send your child to a better performing public school. You will begin to have an option of receiving supplemental services, additional instruction on top of that provided in your local school, to give your child the reading, writing, and scientific knowledge that your child will need to be successful in meeting the challenges of the 21st century.

We inject competition—true competition—into the system, embracing market forces for the innovation and additional accountability they can bring.

We seek to achieve the best of both worlds, with charter schools, magnet schools, robust public school choice, but not withdrawing the important resources necessary to making our public schools flourish.

We avoid the false choices of those who say that the only way to improve the quality of education is to abandon our public schools, on the one hand, and, on the other hand, those who say the status quo is good enough and that the answer to the challenges facing America's schools is simply to add more money.

We embrace the notion of additional flexibility for our local schools and States. We cut through the redtape...
that too often has bogged us down at the Federal level. We only ask in return that our local schools and school districts give us additional progress for the flexibility that we provide.

We invest in professional development. I have even seen—I know the President has labored in these vineyards as a Governor, as did I—every study I have ever seen indicates the two most important variables in determining a child’s academic success, either a parent or a teacher involved or engaged in that child’s educational activities, making it a priority at the home; and, secondly, whether there is a well-prepared and highly motivated classroom professional teacher in that classroom, helping to provide the individual instruction every one of our children needs and every one of our children deserves.

These are the principles that lie at the heart of our bill: increased accountability for everyone; more competitive choice within the context of public education; more flexibility for our States and local school districts; and investing in professional development, to ensure that every classroom has a motivated, highly trained teacher that every child deserves.

But now, my friends, we come to the critical moment. Now we face the acid test which will determine whether our actions will truly live up to our words. We asked them to do the work. We are asking for accountability. But will we do what it takes in a practical sense to make reform and accountability work? I believe we must. We are all for holding everyone else responsible—the classroom teachers, school principals, district superintendents, Governors; everyone else in this process—but will we hold ourselves, this institution, accountable? Will we hold this President and this administration accountable to doing what it takes to give meaning to the words that we speak? I believe we must.

Last week I visited schools across my State, in Evansville, in South Bend, in Fort Wayne, in Indianapolis, in Floyd County. I saw the difference the Title I dollars are making in the lives of our children and in the quality of instruction taking place in our classrooms. It was a wonderful thing to behold. I compliment those teachers and principals and school superintendents who are using these dollars to give their students the chance to succeed and to receive the best possible educational opportunity.

But as I visited those schools and saw what was working and making a difference, I was also saddened to remember that 6.8 million children—6.8 million people—are qualified to receive that assistance but are not receiving it. What about them? Will they be left behind? If we do not rise to this challenge, I am afraid they will.

President Bush, during the campaign last year, pledged to leave no child behind. I commend him for that pledge. Now it is up to us and to him to redeem it. And so we must. We will enact a system of standards adopted by the States, assessments to determine how each and every one of our children are doing. We will insist upon results.

But what do we do with the results of these assessments? Will we tell us so many of our children need to do better? Do we simply pat them on the head, wish them good luck, and say: Now you are on your own? Of course we must do better than that.

Throwing dollars at our schools without accountability is a waste; but accountability without the means to truly improve the quality of instruction our children are receiving is nothing but a cruel hoax.

I call upon my colleagues in this Chamber and our new President to join with us, to join with us in a historic effort of improving the quality of instruction for our children who need it most, to join with us in embracing reform, but also what it means in a tangible, predicable, penny-a-cent way of making reform work.

Our actions in this great Chamber must be more than a facade of reform. The bill that we enact and that the President signs must offer more than illusion. It must not individually or collectively participate in perpetuating a hoax upon America’s schoolchildren. It is important for me to acknowledge that from time to time on this side of the aisle there has been a diversity of opinion on this subject. But when it comes to the commitment of resources to make the reform work, to make progress become a reality, we stand united and determined.

This debate is not about accountability versus spending. We are all for accountability. We are all for reform. This debate is a question of priorities and whether we will do what the American people have been asking of us for so very long now; and that is, to make the quality of our children’s education our No. 1 priority. I believe we must.

The President’s tax package this next year calls for devoting $68 billion to the cause of tax relief.

That is a cause which I embrace, as do many of my colleagues. We believe some tax relief for the hard-working taxpayers of America is in order for a variety of reasons, but it is not our only priority.

The President’s proposal, as it currently stands, only calls for investing $36.6 billion in improving the quality of education, 25 times more for reducing taxes than investing in the quality of our children’s education. I support tax cuts. I support tax relief, but it is not 25 times more important than our children’s education. We can and should have both. We should not be forced to make this unnecessary choice between two alternatives, both of which can be accommodated if the administration will be more forthcoming with resources.

In conclusion, this debate is about education reform, and it is about the resources to make education reform work. More important than that, it is about the credibility of this institution and those of us who are privileged to comprise it. Will we do more than read the polls and put together a construct to satisfy our constituents, to make the challenge we face something about improving the quality of education for our children, when, in fact, we are not; or will we make the difficult decision and allocate the resources that are necessary to live up to the challenge we face and fulfill the expectations they have a right to expect of us? I believe we should.

I call upon the Members of the Senate and the administration and this President to join with us to redeem the pledge he made in the campaign, the pledge that all of us embrace of leaving no child behind and to devote the resources to our schools to make accountability, reform, and progress be more than empty words but a reality in the daily lives of our children.

I am privileged to be in the Chamber with my colleague from California with whom I have worked on this issue and so many others. I yield the floor.

The PRESIDING OFFICER (Mr. ENOS): The Senator from California.

Mrs. FEINSTEIN. Mr. President, I begin by thanking the junior Senator from Indiana for those remarks. He stands in the leadership of this body in terms of his views on education. I, for one, am very appreciative of them.

ENERGY CRISIS IN CALIFORNIA

Mrs. FEINSTEIN. Mr. President, I will use my time in morning business to update the Senate on the status of the electricity crisis in California. April is typically the best time of year for California when it comes to meeting its energy needs. Winter has ended in northern California, and the southern part of the State has not yet begun to get hot. Thus, the demand for energy is low throughout the State, and California has more than enough power to meet its needs.

The average cost of electricity for California this month has been about $300 a megawatt hour. This is more than three times higher than the average for last April, right before the crisis began. The average price for electricity in the States of Washington and Oregon is even higher, and the price for electricity bought in the futures market for this summer is now averaging more than $750 a single megawatt hour.

The State Department of Water Resources, which since January has been purchasing all of California’s power needs, has now spent $5.2 billion purchasing power just in the last two months of this year. It is spending at a rate of $73 million a day. This is having a serious financial impact on the State’s
credit standing. Yesterday's Standard & Poor's downgraded the State's credit rating two notches from AA to A-plus.

It is important to point out that the money the State is spending to buy electricity is gone. It does not buy a textbook or a computer for a school. It won't buy a bridge or road. It will not build a highway. It doesn't go for law enforcement. It is money that simply disappears. As a result, the State could well be out of money.

At the same time, the Northwest is experiencing what may well be its driest year on record. Consequently, California will not be able to rely on the 7,000 to 8,000 megawatts of power it typically imports from the Northwest in the summer—usually enough for 7 to 8 million homes. There will not be enough power in the Northwest to even meet its own energy needs this summer.

Meanwhile, natural gas prices in most of the United States are about three times higher than their historic average, and in southern California they are eight times higher. Independent analysts, such as the Brattle Group, have raised significant questions about malfeasance on the part of the few companies that have an oligopoly on the natural gas pipelines. Meanwhile, it has been more than 5 months since the Federal Energy Regulatory Commission, the FERC, found that electricity rates were "unjust and unreasonable", and still they have not acted to fulfill the mandate of the Federal Power Act which directs the FERC to set reasonable rates when the market is not functioning properly.

Allow me to read from the language of the Federal Power Act.

Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that any rate, charge, or classification, demanded, observed, charged, or collected, is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate, or classification, rule, regulation, practice, or contract to be there- and, if the Commission shall find that any rate, charge, or classification is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be there- and, if the Commission shall find that any rate, charge, or classification is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be there-

That is the Federal Power Act. The Federal Power Act very clearly says: FERC, once you find that rates are unjust and unreasonable, you must then fix reasonable rates or charges.

The FERC has not done its duty. The problems in California began in 1996, when the State became the first to pass a comprehensive energy deregulation bill. That bill was known as AB 1890. The bill passed very quickly at the end of the legislative session. It enjoyed nearly unanimous bipartisan support.

AB 1890 was supposed to increase supplies of energy and decrease prices for consumers, but the exact opposite happened. The bill assumed that increases in energy supply, competition, and efficiency would drive down energy prices. This assumption turned out to be badly flawed, and as a result the State was burned by several provisions of the bill.

First, the bill forced the utilities to purchase at least 95 percent of their electricity at wholesale, or on the spot market and did not permit utilities to hedge their bets with long-term, bilateral contracts. That is a huge problem because if 95 percent of the power is bought on the spot market, and those spot market prices go up, the State is in the pickle that it is in today.

Second, the State forced its investor-owned utilities to sell off their generating assets, allowing out-of-State energy generators to purchase the plants and sell the electricity back to the utilities at market rates.

Let me give you an example of that. For Southern California Edison, when it divested of a generating facility, at the time Southern California Edison was selling its power at $30 a megawatt hour. As soon as it sold it to a generating facility, the out-of-State generating facility turned around to sell the power back to Southern California Edison at $350 in the day-ahead and spot market. That is part of the problem.

Third, the bill immediately deregulated wholesale prices, but left retail rates regulated until March of 2002, or until a utility has sold all of its generating units, creating a half-regulated, half-deregulated system. So the free market that we heard so much about can’t function as a market should because it is broken. The price on the wholesale end is deregulated. The utility cannot pass that price through to the consumer—or has not been able to.

Incidentally, that is going to change because the State will pass more than a 30-percent rate increase that should go into play in either May or June of this year. Some of that will be corrected.

Fourth, the State set up a power exchange as a product of that bill that aimed to attract sellers by promising the highest clearing price of energy to all bidders. So no matter what you bid your power in for, you are guaranteed the highest price paid to any other bidder. That proved to be fatal.

Energy suppliers realized that simply withholding power from the power exchange and from the California energy market would drastically drive up the prices. And they did.

Spot prices increased dramatically. The costs could not be passed on to consumers. The State’s largest investor-owned utility filed for bankruptcy, and the State’s second largest investor-owned utility, Southern California Edison, remains on the brink of bankruptcy. The result has been this crisis, and this crisis could well become an economic disaster not only for California, but for the entire West.

Now, what has the State done? I am the first to admit that California has been slow to address the crisis. I think part of this was an actual disbelief that the situation could have gotten this bad this fast. Let me speak about supply because there had not been much supply—very little supply, less than 2,000 megawatts actually—added to the State’s power supply in the last decade. But since the first of the year, the State has licensed and approved 14 new gas-fired plants and 8 new peaker plants, which will all be on line within the next 2 years. The State expects to add 9,810 megawatts—that is enough power for 9,810 million households—and have that power on line by the summer of 2003. And the State, in total, will add 20,000 megawatts, enough to power 20 million homes, and have that on line by the end of 2004.

I ask unanimous consent to have printed in the Record a chart which lists the new plants that have been approved, plant by plant, by the State, and the expected dates they will come on line.

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

<table>
<thead>
<tr>
<th>Plant name</th>
<th>Capacity</th>
<th>Location—(Peaker?)</th>
<th>Online by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alliance Century Substation</td>
<td>40 MW</td>
<td>Collar (peaker)</td>
<td></td>
</tr>
<tr>
<td>Alliance Drive Substation</td>
<td>40 MW</td>
<td>Collar (peaker)</td>
<td></td>
</tr>
<tr>
<td>Indigo Energy Facility</td>
<td>135 MW</td>
<td>Palm Springs (peaker)</td>
<td></td>
</tr>
<tr>
<td>Lakeport Energy Facility</td>
<td>99 MW</td>
<td>San Diego County (peaker)</td>
<td></td>
</tr>
<tr>
<td>Rancho Chula Vista</td>
<td>57 MW</td>
<td>San Diego County (peaker)</td>
<td></td>
</tr>
<tr>
<td>Calpine King City</td>
<td>50 MW</td>
<td>San Diego County (peaker)</td>
<td></td>
</tr>
<tr>
<td>Rancho Energy Park</td>
<td>600 MW</td>
<td>Monterey County (peaker)</td>
<td></td>
</tr>
<tr>
<td>Sutter Power</td>
<td>559 MW</td>
<td>Kings County (peaker)</td>
<td></td>
</tr>
<tr>
<td>Los Angeles</td>
<td>555 MW</td>
<td>San Diego County (peaker)</td>
<td></td>
</tr>
<tr>
<td>Sunrise Generation</td>
<td>51 MW</td>
<td>San Diego County (peaker)</td>
<td></td>
</tr>
<tr>
<td>United Golden Gate</td>
<td>2,147 MW</td>
<td>Santa Clara County (peaker)</td>
<td>Nov. 2001</td>
</tr>
</tbody>
</table>

From November 2001 to June 2003:

12. La Paloma*                  1,048 MW   Kern County (peaker)       Apr. 2002
13. Moss Landing*               1,000 MW   Monterey (peaker)        Apr. 2002

* Poor's downgraded the State’s credit rating two notches from AA to A-plus.
Mrs. FEINSTEIN. Mr. President, I tell you that because the problem is in this initial period: the problem is going to be for the next 2 years. After that, it is expected that the State will have adequate power supply to begin to create a functioning free market.

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

Mrs. FEINSTEIN. I ask unanimous consent to proceed for another 10 minutes.

Mr. DOMENICI. Mr. President, not desiring to object, I just want to make sure that I follow that time and that there is time for me. I was scheduled at 10:15 was my understanding.

The PRESIDING OFFICER. Under the previous order, the time from 10:15 to 11 was under the control of Senator Thomas.

Mr. DOMENICI. I am pleased to yield 10 minutes to the Senator from California so long as 10 minutes is added to our side.

The PRESIDING OFFICER. Without objection, the Senator is recognized for an additional 10 minutes.

Mrs. FEINSTEIN. I thank the Senator from New Mexico for his generous time.

Mr. President, the State is adding additional power. The problem comes in the next 2 years. What can be done and what is the appropriate Federal role in the next 2 years? I submit that the appropriate Federal role is to provide a period for liability and stability until the next 2 years. After that, it is expected that the State will have adequate power supply to begin to create a functioning free market.

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has been curtailed due to air emission limitations. California's programs to protect public health are not a major factor in the electricity shortages experienced to date.

No single factor can explain the current energy crisis. The matter is far too complex. However, it can be said with certainty that environmental regulations have slowed new construction and expansion of existing electric power plants and have delayed the implementation of new renewable energy. It is clear that environmental regulations have added substantial time and process to the permitting of new power plants. This concern has taken two distinct forms:

1. The charge that environmental laws have prevented maximum utilization of existing electrical generation facilities; and
2. The allegation that environmental laws have prevented bringing new electrical generation facilities online.

There has also been a charge that the State of California has not been responsive enough in addressing the power issues, and has not taken the extraordinary actions needed to deal with environmental requirements that have affected electricity production.

Chairman, I submit to you that these statements have diverted attention from the true and complex causes of the current energy crisis. As a result, they have not contributed to productive efforts to resolve it. I would like to briefly address each of these issues.

Although existing laws and regulations provide mechanisms for addressing our power needs, they can also require substantial time and process. Governor Davis, through the exercise of his emergency powers under state law, has significantly expanded state and local agencies' ability to apply flexibility and common sense to act quickly and ensure that power generation will continue.

By using his emergency powers and issuing Executive Orders, Governor Davis has added substantial state's ability to deal with our current energy situation. Executive Orders D-24-01, D-26-01, and D-28-01 ensure that where statutory and regulatory impedi-
ments make it unreasonable and impractical for the state to permit the operation of an existing plant or the construction of a new clean facility—they will be swiftly addressed and resolved. The Executive Orders also provide that these actions will be accomplished without sacrificing need air quality protections.

State and local agencies have both the direct ability to authorize and they need to expeditiously review and approve permits. Under the Governor's Executive Orders, they are:

Allied with permits issued for existing facilities that might otherwise face limits on hours of operation.

Expediting the review and permit approval for new peaking facilities that have the needed control technology and mitigation, but need rapid processing to come on line quickly.

Enabling new peaking plants to obtain emission credits needed for permitting through the state, rather than arranging for them through private transactions.

Complying with and approving the needed control technology and mitigation, but need rapid processing to come on line quickly.

The Governor's Executive Orders maintain all substantive environmental protections.

For example, existing units must continue to utilize all of the required emission control equipment, and must provide funds to mitigate the impact of their increased hours of operation. New units must utilize the best available control equipment and must continue to provide emission reduction credits to mitigate their emission increases. Permitting will take less time, but will not be less protective.

All central station electrical generating facilities that are permitted by local air pollution control districts under rules incorporated in the State Implementation Plan (SIP). These permits reflect operator-provided information, including factors such as intended hours of operation and fuel type. This information has a direct bearing on the facility's anticipated emissions. Based on operator-provided data, these facilities have been established through the air permits. It is these operator-defined limits that have been at issue. In many cases, these facilities are now in a position of having, or wanting to generate additional electric power in excess of the time periods assumed in the original permitting process.

Despite this unanticipated high level of operation, through the joint efforts of local air districts, the Air Resources board (ARB), and the California Energy Conservation and Development Commission, as well as the assistance of the U.S. Environmental Protection Agency (U.S. EPA), needed electrical generation has not been interrupted. State law and local regulations provide several means to address permit limitations without disrupting electrical generation or un-

This concern is addressed by providing substantial and must be relaxed to achieve

Constraining electrical generation at or near the place of use. Governor Davis supports legislation action that will provide incentives for distributed generation.

Constraints on electrical generation capacity from central station powerplants have caused increased interest in the use of dis-

The ARB has assisted local air districts in addressing any potential issues arising out of their efforts to maintain power generation. ARB has maintained coordination with the U.S. EPA to ensure that local and state response to the energy situation does not raise concerns at the federal level. We have approached the electricity shortfall with an environmentally sound balance of need awareness and impact concern. U.S. EPA has indicated its understanding of the complex-

This concern is addressed by providing substantial and must be relaxed to achieve

The CEC's sifting process is designed to take 12 months. However, a number of factors, if conditions continue, have recently influenced individual project timelines. Over the last two to three years, the actions of local activists, businesses, and others have slowed the pace of some projects. In fact, power generators themselves have utilized the sifting process to hold up the lic-

Since 1997, competing companies have intervened in 12 of the 21 projects proposed for licensing. Their participation has slowed the process at least until January 1, 2003. ARB is on a fast track and expects to issue a draft decision in December—over a year ahead of schedule.

As the foregoing demonstrates, it is not environmental regulation that has prevented the operation of additional electric generation. Rather, many factors have contributed to the current crisis. Among those is the fact that market participants can and do manipulate the electrical market by withholding capacity in order to maximize their price of electricity.

The Federal Energy Regulatory Commission (FERC) agrees. Although it found insufficient evidence of market manipulation by any individual market participant, "... it is clear that market entities have misused a market structure and rules provide the op-

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power when supply is tight and can result in unjust and unreasonable rates under the FPA . . . we reaffirm our findings that unjust and unreasonable rates were charged and could be charged unless remedies are implemented.”

The Air Resources Board is continuing its efforts to ensure that California has the maximum power output possible, while still protecting public health and mitigating any adverse effects of increased electric output. This is being done within the confines of existing law as recently expanded through the Governor’s Executive Orders. To quote Governor Davis, California is demonstrating that we can cut red tape, build more power plants and continue to protect the environment.

Our State’s history reflects a pattern of success even in the face of unparalleled challenges. California, the most populous state in the nation, has made incredible strides in improving air quality and protecting public health. At the same time, the State has enjoyed immense population and business growth. During this current energy situation, California will maintain its record of achieving a balance among all the issues to ensure the reasonable and successful solution is achieved.

In sum, the air quality regulatory system works to maximize utilization of his emergency powers to expedite the process of power sitting while maintaining environmental standards confirms that California can continue in this environmental and economic objectives.

Thank you, Mr. Chairman, for the opportunity to testify this morning.

Mrs. FEINSTEIN. Mr. President, the point I am trying to make is that there is no environmental law that is holding up either the approval or the functioning of any generation facility in the State of California. Also, I have written the CEOs of all of the energy generators that sell power to California and I have confirmation of this. I have not heard of one single example that contradicts Secretary Hickox’s statement. So I believe that California is really doing all it can right now to maximize energy supply, to reduce its demand and not likely to be enough for the summer.

Now, this summer we are projected to have a shortfall on a warm day, with all plants operating, of 2,000 megawatts. On a hot day, with some plants down, the shortfall is estimated to be 10,000 megawatts. That could well be a serious disaster. Because hydropower in the Northwest is also low, there will also be shortages in other Western States as well. Our State has already experienced several days of rolling blackouts, and when a blackout hits, it means traffic lights go out, elevators stop, fuel pumps are down, food begins to rot, and production stops. The economic losses are measured in billions, and there well could be loss of life.

Let me put price on the table. This chart shows that in 1999 the total cost for energy in the State of California was $7 billion. In the year 2000, those costs became $22 billion. The cost predicts the State of California in 2001 will be $65 billion.

Look at this cost jump in 3 years. This is the problem—this deregulated wholesale market has run amok, and there are no controls. If the FERC has found these prices to be unjust and unreasonable and refuses to regulate, what happens this year with these prices and no regulation? So the situation we are in is inordinately serious. I want to make a point of points about natural gas. Natural gas stocks are low everywhere, and the price for natural gas for most of the country is averaging about 3 times more than the historic average. However, in Southern California, the prices are 8 to 9 times higher. CN&H Sugar, a refiner in Crockett, CA, generally pays about $450,000 a month for its steam generated through natural gas.

During the peaks of this past year, $450,000 a month has risen to $2 million a month. That plant can employ 1,000 to 1,200 people. That plant cannot continue to operate under these conditions.

There is a real problem in the transportation costs of natural gas because they are not transparent and because profits are hidden. The transportation of natural gas, the cost of moving gas from, let’s say, San Juan, New Mexico, to San Diego has always been regulated by the Federal Energy Regulatory Commission. The price in southern California today is $14.71. In northern California it is $9.59. Something is clearly wrong. This price need not be more than $6 per decatherm, not $14.71.

In February of 2000, the FERC decided to experiment, and it removed the cap on the transportation of natural gas for 2½ years, believing the market forces would work to bring prices down the price. Clearly, the opposite happened. The absence of transparency allowed companies to withhold parts of that natural gas transportation pipeline just for the purpose of increasing prices, and prices have risen.

Senator GORDON SMITH and I, along with Senator BINGMAN, Senator CANTWELL, Senator MURRAY, and Senator LIEBERMAN, introduced legislation yesterday directing FERC to do its job. The authorizing you, FERC, have found the prices to be unjust and unreasonable, you must now do your job and you must set either cost-based rates on a temporary basis or a rate cap on a temporary basis for the western grid within 60 days. It requires that $5 costs must be passed on to the consumer in a manner that the State believes just. The cost can be staggered over years and passed off through real-time pricing, tiered pricing, or by setting a baseline, but it must be passed on, and again, to create a functioning marketplace.

The bill also requires that all future orders to sell natural gas or electricity to an affected State must include a reasonable assurance of payment.

We believe this is a bill that must be passed by this body. The Energy Committee has had two hearings on the subject, and I am hopeful this body will pass this bill in a timely manner. The integrity of the energy supply is so I think is going to create a human and an economic disaster in the Western States come summer because these costs, not only of natural gas but electricity, in the hot months are going to be serious and extraordinarily high.

I thank the Chair for the opportunity to give this status report. I end by particularly thanking Senator SMITH of Oregon. He has worked with me in a bipartisan way. He has gone with me to see members of the committee on the House side. He has stood very solid and steady in support of this legislation. I am very proud to have him as a major cosponsor. I also thank the Senators from the great State of Washington and the Senator from Connecticut who also recognize what this problem is and are determined to do something about it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time until 11:10 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, as a designer, I would be permitted to speak for up to 10 minutes.

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

EDUCATION

Mr. DOMENICI. Mr. President, I rise today to speak about education. Since we are going to seriously consider education reform in this Chamber during the coming days, I thought it might be appropriate for me to talk about it before I, and many others, offer amendments.

New Mexicans and Americans agree, from everything I can tell, that improving the educational opportunities available to our children should be our top priority. The issue is whether or not we can reform the school systems such that our children will perform better as they are educated in our public school systems in ensuing years.

There is ample evidence that it is absolutely imperative the public school systems do better, that more and more of our schools be held accountable, and that an accountability requirement be part of the reform measures the Senate will be considering in the next few days or weeks.

For starters, going back to the days of our origin, I quote a very distinguished American who talked about investing resources. Benjamin Franklin said:

An investment in knowledge always pays the highest interest.

Obviously, that is a very simple way of talking about our priorities and
where we put our resources and where we might expect the best benefits for society. This great American in our founding days said: You will always get the best interest when you invest in knowledge.

Later in the discussions there will be ample opportunity for Senators to assess the performance of the school systems across America and what is happening to our children—not everywhere but some places; not to all children but to substantial numbers by way of our desires and the basic skills with which to perform as students, as growing Americans, and ultimately as adults in our society, which is requiring more and more that people be skilled of mind, their cognitive skills be developed to the highest extent possible.

The President of the United States, in suggesting reform of the educational system, also suggested with that reform there should be a substantial increase in the funding of fundamental Federal Government. The President suggested we spend $41.5 billion for the Department of Education. That is an 11.5-percent increase over last year, but it is also $1 billion in new funding for a new reading program for young children, tied into the reform measures that we will talk about as the bill proceeds.

It increases special education funding to a Federal share of 17 percent. That 17 percent was committed. It is the highest proportional share by the Federal Government in the history of the program. It doesn't do justice to our original commitment of 40, but for a 1-year add-on to the program, it is substantial. It provides $2.5 billion in the area of teacher quality funds. That is a 17-percent increase. It provides a $1/2 billion increase for title I grants to serve disadvantaged children.

There is already bipartisan discussion between the committee members and the President. There will be a lot of discussion as to how to change the underlying laws we have had on the books for a long time, the bill that provides most of the funding for education and how that will be changed.

The Senate will begin debate on a new act which is going to be called the Better Education For Students and Teachers Act. I will take a few moments to talk about my specific input which I will offer to the Senate. Americans and New Mexicans are concerned. Their highest priority is education. Second, most Americans and most New Mexicans are worried about what is happening to the character and the morals of our society, of our culture. That seems to be almost the second most important issue around. I will be offering on the floor what will be called the Strong Character for Strong Schools Act.

It is important to note that reform does not only apply to math, science, and reading. While the current debate is centered on reform, our bill simply encourages the creation of character education programs at the State and local level by providing grants to eligible entities. The bill builds upon a highly successful demonstration program to increase character education contained in last year's ESEA bill. Since 1994, the Department of Education has granted seed money to some of our school systems to develop character education programs. Currently, there are 36 States that have either received or have enacted laws encouraging or mandating character education. Thus, the time is now to ensure that there will be a permanent and dedicated fund available for character education programs.

When we first look at character education, questions are asked. What is it? Will it work? Will teachers want to do it? I will cite an example of how it is done. There are lesson plans to help them program called the Six Pillars of Good Character. I will read the words that equate to the six pillars and discuss it. The words are trustworthiness, respect, responsibility, fairness, caring, and citizenship. In the 1980s, a few years ago when a large group of Americans, under the leadership of a foundation in the United States that brought those together to talk about good character, the Josephson Institute for Ethics, essentially a foundation that promoted ethics, was specific in coming up with six pillars of character.

In my State, we have the largest number of public schools at the grade school level, junior high level, available in the United States in the Union that has incorporated these six pillars into the daily education of our children. The teachers love it. It empowers them to do some things they have always wanted to do. You will see students who get across these six pillars as part of the normal education of our children.

It is a joy to go to a school and see what is occurring in the hallways of the school. They chose one of the pillars of character that month. If you go to the school when they chose "responsibility," you will see the hallways laden with posters that contain ideas and events about responsibility. At the end of the month, they get together and talk about that pillar. You will see the most enthusiastic group of teachers and young people discussing what happened during that month with respect to encouraging responsibility and understanding of it and actions based upon it.

Without telling the Senate how that got started, it is a glimpse of what can happen across America if we continue to encourage this kind of character education. We have seen much of our States to get involved and encourage them but not order them to do this.

I thank Senator Dodd for his leadership. Since the departure of Senator Biden, he has joined with me in promoting the encouraging startup funding for character education in the United States.

In addition to that measure, Senator Kennedy will join me in a bill which will address itself to mental health needs in our schools. Essentially, it will say the mental health resources not in the school but which are in the community and are public should be used in collaboration with the schools for the counselors and for the young people. I think that bill will find general acceptance in the Senate and is something we ought to encourage.

The Senate will begin debate on a new act called the Americans with Disabilities Act. I will introduce with a number of cosponsors to do with the recruitment and retention of teachers. Rather than detailing this, I will do so when I introduce the amendment. It is obvious we need teacher recruitment and teacher development. We will promote this idea by advocating teacher recruitment and development retention centers within our States for the exchange of names to provide a program in the country on a permanent basis so these three amendments and ideas will be incorporated in amendments that will be offered on the floor.

I know Senator Smith is waiting and I have exceeded my time, so I yield the floor.

The PRESIDING OFFICER. Senator Smith from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, under the time allotted to Senator Thomas I yield myself 5 minutes.

The PRESIDING OFFICER. Senator Smith is recognized for 5 minutes.

HONORING THOSE LOST IN THE JOINT TASK FORCE FOR FULL ACCOUNTING HELICOPTER CRASH

Mr. SMITH of New Hampshire. Mr. President, in early April, April 6 to be exact, the Senate recessed. The following day, April 7, a Saturday, a helicopter in the fog, crashed into the side of a mountain in Vietnam. In that crash, seven American personnel were killed as were nine Vietnamese. It is a grim yet a vivid reminder of the fact that every day American servicemen throughout the world are serving their country in harm's way. Even when the Nation is not at war, we sometimes forget these men and women put their lives on the line for us.

I want to share with the Senate what these men were doing. These men were searching for the remains of American missing personnel, MIAs from the Vietnam war. These young men volunteered for this job and put their lives
on the line to find answers for the families of those who are missing.

In a statement issued April 7 by the National Alliance of Families expressing their sympathy to the families, the National Alliance of Families said:

We extend our sincere condolences to the families and friends of those killed and missing. Our thoughts and prayers are with you. We hope you will be comforted by the fact that their loved ones will always be remembered for their commitment to finding our loved ones.

I just came back about 45 minutes ago from memorial service at Fort Myer for those seven Americans and their nine Vietnamese counterparts. To sit there with some of the families of those missing was difficult. But, again, it is a reminder of what these men and women in uniform do, all across the world. I honor them today in the Senate by letting the American people know who they are. These are not anonymous people; these are real people—now, real grieving widows, real grieving mothers and fathers.

The members on board were members of the Army, the Air Force, and the Navy. To be specific, there were three members of the U.S. Army, three members of the U.S. Air Force, and one Navy member. They were black; they were Hispanic; they were Caucasian; they were Americans. They were American military. They were: Army LTC Rennie Melville Cory, Jr., of Oklahoma City, OK; LTC George D. Martin III of Hopkins, SC; and LTC Tom Murphy of Georgia—hometown not available; they were Air Force MAJ Charles E. Lewis of Las Cruces, NM; MSG Steven L. Moser of San Diego, CA; and MSG Robert M. Flynn of Huntsville, AL; they were Navy CPO Pedro Juan Gonzalez of Buckeye, AZ; real people, real Americans.

I used to teach high school, and oftentimes I would be amazed at the heroes some of our young people sought out—many in the athletic world, some in the world of entertainment, some whom I might not have picked as heroes. But if you are looking for heroes to admire, here they are, seven of them, who sacrificed their lives in the line of duty to search for the remains of American men and women missing from the Vietnam war. What an honor it is to serve your country in that capacity.

At least five times that I can recall, I as a Member of either the Congress or the Senate had the opportunity to visit Vietnam, and on many occasions we flew the same helicopter, but certainly similar helicopters with Vietnamese pilots. We flew all over Vietnam, Laos, and Cambodia, flying these missions, trying to find answers for POWs and MIAs. These wonderful people who make these sacrifices long hours away from their families, on the ground, sitting through dirt, trying to find remains, looking at wreckage, digging into the files and the archives—whatever it takes, they are out there doing it day in and day out with very few accolades. I honor them today by simply saying thank you. Thank you for caring enough to search for your colleagues and comrades in arms who are missing. Thank you for serving your country. Thank you for making the ultimate sacrifice doing it. I also thank the families, those who survive, who will now endure this pain.

It is special with me because I have also endured it. When I was 3 years old my father, who served in World War II, died in the service of his country in a military aircraft accident. My mother, as a widow, raised me and my brother for all those years.

These are true heroes. These were members of what is called the Joint Task Force—Full Accounting. I ask all of us, my colleagues in the Senate and the American people who are listening, tonight, when you put your head down, you might just remember these men in your prayers and say thank you from a grateful nation for your service.

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

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

THE EDUCATION BILL

Mr. LOTT. Mr. President, I know there have been a number, more or less, of opening statements or statements with regard to education in America in the hope that we can move forward on a very important education reform bill that has been requested by President Bush and has been worked on in our Health, Education, Labor, and Pensions Committee. The bill was reported out overwhelmingly some months ago.

At that point, negotiations began between Republicans on the committee, Democrats on the committee, and the administration. I had the impression that good progress had been made. That is as it should be. Education is a very high priority in America with the President and with the Congress but, most importantly, with the American people.

I have stated in this Chamber many times before how importantly I view education. In my State of Mississippi, we know how important it is to improve. I worry about the quality of our education to make sure that quality education is available to all of our students. We are truly working on the idea that no child should be left behind.

We have a $100 million contribution from Jim and Sally Barksdale for fourth grade reading only in my State.

We are now at a point where we have 50 schools that have been approved for the Power-Up Program where students from the fifth grade to the eighth grade have donated computers with specifically trained teachers on how to teach these children to use them to learn to read. This program allows them to become computer literate and improve their reading skills.

Now we have unique programs in my State for fourth graders, and fifth through the eighth grade for reading.

We are focused on the mission where there is a tremendous need. That story can be replicated all across America.

In addition to that, I am a son of a schoolteacher. She taught for 19 years before she got into bookkeeping and that there was a need. So I care a lot about education.

I worked for the University of Mississippi in placement and in the financial office for the alumni association and for the law school placement bureau. I have been involved in working with guidance counselors and teachers and promoting education generally. I care mightily about this.

As a Member of Congress for 29 years, I have watched us try to have a congressional role from the Federal level with the States and local school officials. We have put billions of dollars into trying to be helpful from the Federal level. The number is well over $130-plus billion for title I since I think 1982.

As we poured more and more money from the Federal level into local education, the test scores have continued to slide downward. There is something missing. Money alone is not the answer. Money is part of the answer. We need more flexibility. We need accountability. We need to make sure the children are learning to read and to do math. We need to know we are getting results for the efforts that are put into this important area of education.

We need to make sure teachers have the training they need to do the job, and that there are better programs to make sure we have teachers who have been taught how to teach the use of computers. We have computers in back of classrooms and in hallways that aren’t being used because they do not have teachers who are trained or qualified to teach their usage. We need more progress for our teachers. We need accountability for teachers.

Testing is something I have struggled with a little bit. We need to have a way to see how our students are doing. I worry about a national testing system. But the President has convinced me that there must be some sort of testing mechanism with a lot of local discretion, and it must occur regularly, not just the mandate.

There is much we can do in this area. I had been prepared to and have been under the impression that we were going to be able to move on the education reform package on Monday of this week. But there was action from the Senate yesterday. My attitude was, fine, we will begin talking about the issue and emphasizing its importance, and surely we can go to the bill.
on Tuesday. Tuesday came and went. Even though great progress was made on negotiations and reform and movement on the money issue, there was still no agreement to go forward on the bill. Now here we are on Wednesday. Each time I have called and talked to the Democratic leader, I have had the impression that he would like to move forward, but, he was just not quite ready yet.

I understand what is occurring. Leverage is being applied on the President for more money, and to get a commitment to spend more and more money. It is obvious what is happening. But I don't think that is the responsible thing to do.

I think we should go forward with the bill. In the past I have been criticized because I wouldn't move to a bill and just said let the Senate work its will. Let's have amendments. Let's have votes. Some amendments win; some lose. In the end, you have a product, a vote and go forward. I am being told until a total agreement is reached, we cannot go forward. I do not understand. Education is the highest priority in America with the President, the legislative branch, the States, the Governors, local school officials—everybody—and here we are. We stand, and we wait.

We are ready to go to the bill. Let's take it up. Let's have a free-flowing debate. Let's have amendments. Let's have votes. Let's do our job. I am told we cannot even proceed to the bill.

Well, I am going to be patient. I am hoping that by this afternoon we can at least proceed to this bill. It was reported unanimously out of committee. Let's go to the underlying bill. We can have some amendments offered. Then, if there is agreement between all the parties, the manager can offer an amendment, and we can amend that.

So I say to my colleagues on both sides of the aisle, let's begin. Let's do our job on education. We have had enough time. We should have done the bill in February. But I was told by the committee it was not ready. Then I was told we were making progress. And then it was reported out overwhelmingly. Everybody was happy. We are ready to go, and yet here we are and we cannot go forward.

So rather than just at this point mark time, I thought it was important that we don't do that. Let's do another bill while we hope that some agreement can be reached and we can move forward on the education bill.

I talked to the chairman of the committee that has jurisdiction over the brownfields legislation. I had thought maybe there would be a need to go to this legislation as we were getting ready to go home for the Easter period. I indicated to the chairman I thought it would be necessary for him to be prepared to go forward. He is ready to do so.

So I think I am going to ask for an agreement I believe the Democratic leadership is agreeable to this that we would go forward with this legislation which affects all of our States, a lot of communities. This is some reform legislation that hopefully will allow more of these brownfields to actually be cleaned up and not just be a lawyers' enhancement act. This will be a plus for the work that we have had to do. I have some results. I believe we can do this in a couple hours and we would be prepared to have a vote at about 2 o'clock or so.

I inquire of the chairman of the committee, is your counterpart ready?

Mr. SMITH of New Hampshire. Yes.

Mr. LOTT. I see the Senator from Nevada.

Mr. SMITH of New Hampshire. We agreed.

Mr. LOTT. I thank the chairman and the ranking member for the work they have already done and for being ready to go to this bill on short notice.

Mr. LOTT. Mr. President, I ask unanimous consent that at 11:15 today the Senate goes into consideration of Calendar No. 19, S. 350, the brownfields legislation, and it be considered under the following limitation: There be 2 hours of debate equally divided between the two managers, and no amendments other than a managers' amendment.

Finally, I ask unanimous consent that following the use or yielding back of time, the managers' amendment be agreed to, the committee substitute be agreed to, the bill be read a third time, and the bill then be temporarily set aside with a vote occurring on passage at 2 p.m. today, with no intervening action or debate.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. Bunning). The Senator from Nevada is recognized.

Mr. REID. Mr. President, I reserve the right to object.

The Senate. The Appropriations Committee of the States, the Governors, local school officials—everybody—and here we are. We stand, and we wait.

The Appropriations Committee of the Senate. We have been through so many battles together, that sometimes it seems as if Jim English has always been with me. I could almost say, I can never remember a time in my life when Jim was not beside me.

In fact, I met Jim English in 1973, when he worked on the Transportation Subcommittee, but he did not actually work directly for me until 1989.

Jim English was born on a farm near Homer, LA. That simple fact explains a great deal. Jim English has a head full of brains. And he knows how to use them. They do not go to waste. They are not dormant. They are always working. But while he has a head full of brains, he does not have a thimble full of arrogance or supercilious attitude.

He is rock solid. He is honest. And he is full of good humor. He is the type of person whose values and character reflect the very best of America, and indeed the very best of human nature, and the preeminently best of nobility.

Few persons have I seen in life that I would think of as being noble. Jim English is one. I do not recall ever having written about this subject before. It does not mean that I have not seen other very noble people. The man who raised me, Titus Dalton Byrd, a man of little education, but with a big heart and a great soul, was a noble man.

James English has had a working career which includes being an accounting clerk for the D.C. Government, revenue officer for the IRS, clerk of the Transportation Appropriations Subcommittee, vice president for government affairs at Amtrak, Assistant Secretary for the Senate Appropriations Committee, and minority staff director of the Appropriations Committee. I daresay that
he has worn all of those many hats, those many badges with distinction. There is probably no position that Jim would not improve just by occupying it.

He is without doubt—and I have had some extraordinarily fine staff members—he is with it as a whole, overall, the finest staff member I have ever employed in my 48 years on Capitol Hill. I have employed some top-notch, very fine staff people. I say this about Jim English because of his versatility for one. He is multitalented, he is supremely capable, and he is completely undaunted by any challenge. Jim English is also unrelentingly curious. He will dig and dig and dig until he gets an answer to a question. It has been said by someone that curiosity is one of the certain characteristics of a vigorous mind. When you stop and think about it, that is a very apt saying. Never was there a better example of the truth of that observation than in the case of Jim English. Moreover, I have never met anyone so consistently good humored, even in the most stressful of situations. As my dear friend, Senator Ted Stevens, chairman of the Appropriations Committee, has been deserving of the trust we have seen in Jim English from the staff of our Appropriations Committee. I say to you, very frankly, all of the members of our staff, majority, minority, Members and staff, extend to him our heartfelt congratulations and thanks for all he has done and our desire that he and his wife Phyllis and their delightful grandchildren will have a grand time.

I cannot recall ever seeing Jim English angry in all of the years I have known him. I have rarely ever seen him become impatient.

Emerson once observed: It is easy in the world to live after the world's opinion; it is easy in solitude to live after one's own; but the great man is he who in the midst of a crowd keeps with perfect sweetness the independence of solitude. That is Jim English. He is the epitome of Emerson's thoughts in that regard: Gentle with everyone, yet the toughest of adversaries when he must be tough. Jim English seems always to maintain perfect control and equal-minded. In all the years I have worked with Jim English, I have never heard him tell an off-color joke. I have never heard him use profanity. If he had, he wouldn't stay on my staff. I don't use it in front of my staff. Not that I have never used it in my life, but I don't use it anymore. And Jim English doesn't use it. My staff people don't use it. He is just a good man.

The Bible says no man is good, but Jim English comes as near to it as anyone I have ever met. Losing him will be like losing an arm. Jim has given over 30 years to Federal service, with 23 of those years spent with the Senate Appropriations Committee. Almost 13 of those 23 years he has spent working closely with me.

I shall miss him professionally, and I shall miss him personally, but I know he wants to spend more time with his lovely and good wife Phyllis, with his daughters Kathleen Post and Elizabeth Arensford, and with his four grandchildren, Ashley, Alex, Evan, and Jimmy. As much as I regret losing Jim English—and I couldn't keep him if I wanted to—no one could begrudge him these desires.

I wish for him all the best that life has to offer, and I want him to know I am grateful for the loyalty, the service, the friendship, and the work done. My dear colleague—and I say "dear colleague" meaning it—Ted Stevens is on the floor. He wants to share his thoughts on this subject. I ask unanimous consent that I may yield to Senator Stevens, after which I be recognized again for just a few lines, and that the time be extended to whatever is necessary, which will not be very long but not more than 10 additional minutes.

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

Mr. STEVENS. Mr. President, I am grateful to my great friend from West Virginia. I am chairing a hearing at the present time and I want to commend Jim English. Moreover, I have never met anyone so consistently good humored, even in the most stressful of situations. As my dear friend, Senator Ted Stevens, chairman of the Appropriations Committee, has been deserving of the trust we have seen in Jim English from the staff of our Appropriations Committee. I say to you, very frankly, all of the members of our staff, majority, minority, Members and staff, extend to him our heartfelt congratulations and thanks for all he has done and our desire that he and his wife Phyllis and their delightful grandchildren will have a grand time.

I can't fathom a young man such as that deciding to retire, but I hope there are some fishing holes along the line that he will explore, and other activities to do. My father-in-law told me that English is the only language in which "retire" means other than go to bed. I hope it is a misuse of the term "retire" in terms of referring to Jim English because he has much yet to contribute to our country and to his family.

Senator Byrd and I have worked together with Jim English since 1973. Although he left the committee and worked for Amtrak, as my colleague mentioned, and he worked under the leadership of the Senator from West Virginia on his staff and with the leadership staff, he has been back again with our committee since 1989, according to our figures, and has served as the Democratic staff director and now as the Democratic staff director in this equalness we are now celebrating.

In the time I have been chairman, Jim English has not just been an adviser to Senator Byrd, he has been our adviser, the committee's adviser, and he has worked with us in a way that has been deserving of the trust we have imposed and conferred upon him. He is a man who believes in close bipartisan relationships. On a committee such as this, one has to go behind Jim English's word. He is a man who has played a central role in the appropriations process for many years.

I come to the Chamber to say I will miss him. I really don't like the idea of losing Jim English. It raises a question in my mind: Who is the smarter of the two? Anyone who recognizes the caliber of Jim English and his professionalism will understand how much we are going to miss him.

I am sure you will find someone to replace him, and it is my hope that we will have the same relationship with whomever that is. But it is a difficult time to have a person such as Jim decide to leave, and I want to say to Jim English that the doors of my offices will always be open to you, no matter the issue and I will continue to rely upon your advice, no matter where you go. I think you have earned the reputation that you have always kept his word. There is nothing better you can say about a man, in my opinion.

I wish I had the capability the Senator from West Virginia has to remember quotes from distinguished authors. I have never tried to develop that capability. But I do want Jim to know we have benefited greatly from his service, whether Republican or Democrat. The President has to pass 13 bills every year. No matter what happens, those bills have to pass the Congress. They have to be approved by our committee. As my colleague mentioned, there are many issues that arise, many specific battles where animosities develop within our ranks. I have never seen Jim English take part in that. He has been a man of calm temper—unlike me, I might add—and he is one who has worked to ensure that the processes we follow are fair and honorable.

I can say without any question that my staff and I have trusted Jim completely. If he tells us anything, it is accepted on its face. There is no reason to doubt that he would accept in this body as a man of integrity and honor and one who has always kept his word. There is nothing better you can say about a man, in my opinion.

In my judgment, having served on the Appropriations Committee longer than any other Senator serving, going on 43 years—and I have seen some good chairmen of the Appropriations Committee—I have no hesitancy in saying Senator Stevens is the best chairman
Mr. REID. I ask that I be added as a cosponsor. Jim English is a great public servant and has been a good friend of mine.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution be agreed to, that the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the Record, all with no intervening action or debate.

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

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 73

Whereas James Harold English became an employee of the United States Senate in 1973, and has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate;

Whereas James Harold English served as Clerk of the Transportation Appropriations Subcommittee from 1973 to 1980;

Whereas James Harold English served as the Assistant Secretary of the Senate in 1987 and 1988;

Whereas James Harold English has served as Democratic Staff Director of the Appropriations Committee of the United States Senate from 1989 through 2001;

Whereas James Harold English has faithfully discharged the difficult duties and responsibilities of Staff Director and Minority Staff Director of the Appropriations Committee of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas he has earned the respect, affection, and esteem of the United States Senate; and

Whereas James Harold English will retire from the United States Senate on April 30, 2001, with over 30 years of Government Service—23 years with the United States Senate: Now, therefore, be it

Resolved, That the United States Senate—

(1) Commends James Harold English for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

(2) The Secretary of the Senate shall transmit a copy of this resolution to James Harold English.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2001

The PRESIDING OFFICER. The clerk will report S. 350 by title.

The legislative clerk read as follows:

A resolution (S. Res. 73) to commend James Harold English for his 23 years of service to the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the resolution: Senators STEVENS, LEAHY, and DASCHLE.

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

Mr. REID. Would the Senator yield?

Mr. BYRD. Yes.
“(C) SITE-BY-SITE DETERMINATIONS.—Notwithstanding subparagraph (B) and on a site-by-site basis, the President may authorize financial assistance under section 128 to an eligible entity at a site located in clause (i), (ii), (iii), (v), or (vi) of subparagraph (b) if the President finds that financial assistance will protect human health and the environment, and either promotes economic development or enables the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

“(D) ADDITIONAL AREAS.—For the purposes of section 128, the term ‘brownfield site’ includes a site that—

“(i) meets the definition of ‘brownfield site’ under subparagraphs (A) through (C); and

“(ii) is a mine-scarred land, as determined by any applicable law.

“(b) BROWNFIELDS REVITALIZATION FUNDING.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

“SEC. 128. BROWNFIELDS REVITALIZATION FUNDING.

“(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a general purpose unit of local government;

“(2) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

“(3) a government entity created by a State legislature;

“(4) a regional council or group of general purpose units of local government;

“(5) a redevelopment agency that is chartered or otherwise sanctioned by a State;

“(6) a Tribe; or

“(7) an Indian Tribe.

“(b) BROWNFIELDS SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to—

“(A) provide grants to inventory, characterize, assess, and conduct planning related to brownfield sites under paragraph (2); and

“(B) perform targeted site assessments at brownfield sites.

“(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT.—

“(A) IN GENERAL.—On approval of an application under this subsection, the Administrator may make a grant to an eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more brownfield sites.

“(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A) shall be performed in accordance with section 101(35)(B).

“(c) GRANTS AND LOANS FOR BROWNFIELD REMEDIATION.—

“(1) GRANTS PROVIDED BY THE PRESIDENT.—Subject to subsections (d) and (e), the President shall establish a program to provide grants to—

“(A) eligible entities or nonprofit organizations, where warranted, as determined by the President, for consideration under paragraph (3), to be used directly for remediation of 1 or more brownfield sites owned by the entity or organization that receives the grant and in amounts not to exceed $200,000 for each site to be remediated.

“(B) eligible entities or nonprofit organizations, where warranted, as determined by the President, that receive a grant under paragraph (1)(A) shall use the grant funds to provide assistance for the remediation of brownfield sites in the form of—

“(i) a grant to an eligible entity, a site owner, a site developer, or another person; or

“(ii) 1 or more grants to an eligible entity or other nonprofit organization, where warranted, as determined by the President, for consideration under paragraph (3), to be used directly for remediation of 1 or more brownfield sites owned by the eligible entity or nonprofit organization that receives the grant.

“(2) CONSIDERATIONS.—In determining whether a grant under paragraph (1)(B) or (2)(B) is warranted, the President or the eligible entity, as the case may be, shall take into consideration—

“(A) the extent to which a grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

“(B) the extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community;

“(C) the extent to which a grant will facilitate the use or reuse of existing infrastructure; and

“(D) the benefit of promoting the long-term availability of revolving loan fund for brownfield remediation; and

“(E) such other similar factors as the Administrator considers appropriate to consider for the purposes of this subsection.

“(3) TRANSITION.—Revolving loan funds that have been established before the date of enactment of this section may be used in accordance with this subsection.

“(d) GENERAL PROVISIONS.—

“(1) MAXIMUM GRANT AMOUNT.—

“(A) BROWNFIELDS SITE CHARACTERIZATION AND ASSESSMENT.—

“(i) IN GENERAL.—A grant under subsection (b) shall not exceed $350,000, based on the anticipated level of contamination, size, or status of ownership of the site.

“(ii) WAIVER.—The Administrator may waive the $200,000 limitation under clause (i)(II) to permit the brownfield site to receive a grant of not to exceed $350,000 based on the anticipated level of contamination, size, or status of ownership of the site.

“(B) BROWNFIELDS REMEDIATION.—

“(i) GRANT AMOUNT.—A grant under subsection (c)(1)(A) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

“(ii) ADDITIONAL GRANT AMOUNT.—The Administrator may make an additional grant to an eligible entity described in clause (i) for any year after the initial grant is made, taking into consideration—

“(I) the number of sites and number of communities that are addressed by the revolving loan fund;

“(II) the demand for funding by eligible entities that have not previously received a grant under this section;

“(III) the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

“(IV) such other similar factors as the Administrator considers appropriate to carry out this section.

“(2) PROHIBITION.—

“(A) IN GENERAL.—No part of a grant or loan under this section may be used for the payment of—

“(i) a penalty or fine;

“(ii) a Federal cost-share requirement;

“(iii) an administrative cost;

“(iv) a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

“(v) a cost of compliance with any Federal law (as defined in section 101(39)(B)), excluding the cost of compliance with laws applicable to the cleanup.

“(B) EXCLUSIONS.—For the purposes of subparagraph (A)(iii), the term ‘administrative cost’ does not include the cost of—

“(i) investigation and identification of the extent of contamination by the Administrator; and

“(ii) design and performance of a response action; or

“(iii) monitoring of a natural resource.

“(C) SITE REDEVELOPMENT FUND.—(1) ASSISTANCE FOR DEVELOPMENT OF LOCAL GOVERNMENT SITE REMEDIATION PROGRAMS.—A local government that receives a grant under section 128 may use not less than 20 percent of the grant funds to develop and implement a brownfields program that may include—

“(A) monitoring the health of populations exposed to 1 or more hazardous substances from a brownfield site; and

“(B) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

“(2) GRANT APPLICATION.—

“(A) IN GENERAL.—

“(i) APPLICATION.—An eligible entity may submit to the Administrator, through a regional office, the highest rankings under the agency and in such form as the Administrator may require, an application for a grant under this section for 1 or more brownfield sites (including inclusions on the criteria under paragraph (3), to the extent that the information is available).

“(ii) REQUIREMENTS.—The Administrator may include in any requirement for submission of an application under clause (i) a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section.

“(B) COORDINATION.—The Administrator shall coordinate with other Federal agencies to assist in making eligible entities aware of other available Federal resources.

“(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in applying for grants under this subsection that includes the following criteria:

“(I) The extent to which a grant will facilitate the use or reuse of existing infrastructure.

“(II) The extent to which the proposed project or the potential of the proposed project or the development plan for an area in which 1 or more brownfield sites are located.

“(III) The potential of the proposed project or the development plan for an area in which 1 or more brownfield sites are located to stimulate economic development of the area on completion of the cleanup.

“(IV) The extent to which a grant would address or facilitate the identification and reduction of threats to human health and the environment.

“(V) The extent to which a grant would facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

“(F) The extent to which a grant would meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community.

“(G) The extent to which the applicant is eligible for funding from other sources.
TITLE II—BROWNFIELDS LIABILITY

SEC. 201. CONTIGUOUS PROPERTIES.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(o) CONTIGUOUS PROPERTIES.—

(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

(A) IN GENERAL.—A person that owns real property that is contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of a hazardous substance from, real property that is not owned by that person shall not be considered an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

(i) the person did not cause, contribute, or consent to the release or threatened release;

(ii) the person is not materially affected by contamination contained in the release or threatened release of a hazardous substance from the real property that is not owned by that person; and

(iii) the person provides all legally required notices with respect to the discovery or release of any hazardous substances at the vessel or facility;

(B) AUDITS.—The Inspector General of the Environmental Protection Agency concerning ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

(i) The extent to which a grant will further the fair distribution of funding between urban and nonurban areas.

(ii) The extent to which the grant provides for institutional controls with respect to a facility in accordance with generally accepted good commercial and customary standards and practices in accordance with clauses (ii) and (iii).

(iii) STANDARDS AND PRACTICES.—The standards and practices required to be in effect and that are in accordance with generally accepted good commercial and customary practices and in accordance with clauses (ii) and (iii).

(iv) PROVISION OF BON A FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

(A) LIMITS ANY DEFENSE TO LIABILITY THAT MAY BE AVAILABLE TO THE PERSON UNDER ANY OTHER PROVISION OF LAW; OR

(B) IMPOSES LIABILITY ON THE PERSON THAT IS NOT OTHERWISE IMPOSED BY SUBSECTION (a).

(C) ASSURANCES.—The Administrator may—

(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under subsection—

(D) DETERMINATION.—The term 'bona fide prospective purchaser' means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

(A) IN GENERAL.—The term 'bona fide prospective purchaser' means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

(B) LIMITS ANY DEFENSE TO LIABILITY THAT MAY BE AVAILABLE TO THE PERSON UNDER ANY OTHER PROVISION OF LAW; OR

(C) IMPOSES LIABILITY ON THE PERSON THAT IS NOT OTHERWISE IMPOSED BY SUBSECTION (a).

(D) AUDITS.—The Inspector General of the Environmental Protection Agency concerning ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

(E) PROVISION OF BON A FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

(F) INSTITUTIONAL CONTROL.—The person—

...
“(i) is in compliance with any land use restric-
tions established or relied on in connection with
the response action at a vessel or facility; and
(ii) does not impede the effectiveness or inte-
tegrity of any institutional control employed at
the vessel or facility in connection with a re-
response action;”

(3) CONDITIONS.—The conditions referred to in subparagraph (A)(ii) include each of the following:

(i) The results of an inquiry by an environ-
mental professional.
(ii) Reviews of historical sources, such as
chain of title documents, aerial photographs,
bond records, building department records, and land
use records, to determine previous uses and occu-
pancies of the real property since the property
was last developed.
(iii) Visual inspections of the facility and of
adjacent properties.
(iv) Searches for recorded environmental
restrictions established or relied on in connection
with the response action at a vessel or facility, and
does not impede the effectiveness or integrity of any institutional control
employed at the facility in connection with a re-
response action.”

(2) by striking paragraph (B) and inserting
the following:

“(B) FAIR MARKET VALUE.—The response ac-
tion increases the fair market value of the facil-
ty above the fair market value of the facility
and facility access to the persons that are au-
thorized to conduct response actions at the fac-
ility (including the cooperation and access nec-
essary for the performance of operations and
maintenance of any complete or partial re-
response action at the facility), is in compliance
with any land use restrictions established or re-
lied on in connection with the response action
at a facility, and does not impede the effective-
ness or integrity of any institutional control em-
ployed at the facility in connection with a re-
response action.”

SEC. 301. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Com-
prehensive Environmental Response, Compensa-
(as amended by section 202) is amended by add-
ing at the end the following:

“(b) PROSPECTIVE PURCHASER AND WINDFALL
LIEN.—Section 107 of the Comprehensive En-
vironmetal Response, Compensation, and Liability
Act of 1980 (42 U.S.C. 9607) is amended by add-
ing at the end the following:

“(1) LIMITATION ON LIABILITY.—Notwith-
standing subsection (a)(1), a bona fide prospec-
tive purchaser whose potential liability for a re-
lease or threatened release is based solely on the
purchaser’s being considered to be an owner or
operator of a facility shall not be liable as long as
the bona fide prospective purchaser does not impede
the performance of a response action or natural
resource restoration.

“(2) LIEN.—If there are unrecovered response costs incurred by the United States at a facility for which an owner of the facility is not liable
by reason of paragraph (1), and if each of the
conditions described in paragraph (3) is met, the
United States shall have a lien on the facility, or
may by agreement with the owner, obtain from
the owner a lien on any other property or other
assurance of payment satisfactory to the
Administrator, for the unrecovered response
costs.

“(3) CONDITIONS.—The conditions referred to in paragraph (2) are the following:

(A) PROPERTY PURCHASED.—A response action
for which there are unrecovered costs of the United
States is carried out at the facility.

(B) FAIR MARKET VALUE.—The response ac-
tion increases the fair market value of the facil-
ty above the fair market value of the facility
that existed before the response action was initi-
ated.

(C) AMOUNT; DURATION.—A lien under para-
graph (2)—

(1) shall be in an amount not to exceed the
increase in fair market value of the property at-
tributable to the response action at the time of
a sale or other disposition of the property;

(2) shall arise at the time at which costs are
first incurred by the United States with respect
to a response action at the facility;

(3) shall be subject to the requirements of
subsection (f)(3); and

(4) shall continue until the earlier of—

(i) satisfaction of the lien by sale or other
means; or

(ii) notwithstanding any statute of limita-
tions under section 113, recovery of all response
costs incurred at the facility.”.

SEC. 203. INNOCENT LANDOWNERS.

Section 101(a) of the Comprehensive Environ-
mental Response, Compensation, and Liability
Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) by striking “in the matter pre-
ceding clause (i), by striking “deeds or” and
inserting “deeds, easements, leases, or”; and

(B) in the second sentence—

(i) by striking “he” and inserting “the de-
fendant”;

(ii) by striking the period at the end and in-
serting a semicolon;

(3) CONDITIONS.—The conditions referred to in subparagraph (B) (other than a contractual, cor-
ship; or

following:

section 201) is amended by adding at the end the
following:

“(B) ALIEN PROPERTY.—The person is not—

(i) potentially liable, or affiliated with any
other person that is potentially liable, for re-
sponses to threats at the facility;

(ii) a direct or indirect familial relation-
ship;

(iii) any contractual, corporate, or financial
relationship (other than a contractual, cor-
ship; or

following:

section 201) is amended by adding at the end the
following:

“(B) PROPERTY PURCHASED BEFORE MAY 31,
1997.—With respect to property purchased before
May 31, 1997, in making a determination with
respect to a defendant described of clause (i), a
court shall take into account—

(aa) any specialized knowledge or experience
on the part of the defendant; or

(bb) the relationship of the purchase price to
the value of the property, if the property was
not contaminated.

(c) NO AFFILIATION.—The person is not—

(i) potentially liable, or affiliated with any
other person that is potentially liable, for re-
sponses to threats at the facility;

(ii) a direct or indirect familial relation-
ship;

(iii) any contractual, corporate, or financial
relationship (other than a contractual, cor-
ship; or

following:

section 201) is amended by adding at the end the
following:

“(B) PROPERTY PURCHASED BEFORE MAY 31,
1997.—With respect to property purchased before
May 31, 1997, in making a determination with
respect to a defendant described of clause (i), a
court shall take into account—

(aa) any specialized knowledge or experience
on the part of the defendant; or

(bb) the relationship of the purchase price to
the value of the property, if the property was
not contaminated.

(d) NO AFFILIATION.—The person is not—

(i) potentially liable, or affiliated with any
other person that is potentially liable, for re-
sponses to threats at the facility;

(ii) a direct or indirect familial relation-
ship;

(iii) any contractual, corporate, or financial
relationship (other than a contractual, cor-
ship; or

following:

section 201) is amended by adding at the end the
following:

“(B) PROPERTY PURCHASED BEFORE MAY 31,
1997.—With respect to property purchased before
May 31, 1997, in making a determination with
respect to a defendant described of clause (i), a
court shall take into account—

(aa) any specialized knowledge or experience
on the part of the defendant; or

(bb) the relationship of the purchase price to
the value of the property, if the property was
not contaminated.

(ee) the ability of the defendant to detect the
contamination by appropriate inspection.

(4) PROPERTY PURCHASED ON OR AFTER MAY 31,
1997.—With respect to property purchased on
or after May 31, 1997, and until the Adminis-
trator promulgates the regulations described in
clause (i), the procedures of the American Soci-
ety for Testing and Materials, including the
document known as ‘‘Standard El1257-97,” en-
titled ‘‘Standard Practice for Environmental Site
Assessment: Phase I Environmental Site Assess-
ment Process’’, shall satisfy the requirements in
clause (i).

(5) SITE INSPECTION AND TITLE SEARCH.—In
the case of property for residential use or other
property for noncommercial or noncommercial or
noncommercial purpose, a facility inspection and
title search that reveal no basis for further in-
vestigation shall be considered to satisfy the re-
quirements of this subparagraph.”.
(h) STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

"SEC. 129. STATE RESPONSE PROGRAMS.

"(a) ASSISTANCE TO STATES.—

"(1) IN GENERAL.—The Administrator may award a grant to a State or Indian tribe that—

"(i) has a response program that includes each of the elements, or is taking reasonable steps toward having each of the elements, listed in paragraph (2); or

"(ii) is a party to a memorandum of agreement with the Administrator for voluntary response programs.

"(b) USE OF GRANTS BY STATES.—

"(i) IN GENERAL.—A State or Indian tribe may use a grant under this subsection to establish or enhance the response program of the State or Indian tribe.

"(ii) ADDITIONAL USES.—In addition to the uses under clause (i), a State or Indian tribe may use a grant under this subsection to—

"(1) establish or enhance an inventory of hazardous substance response sites; or

"(2) support the development of tools or technologies to reduce response costs.

"(c) STATE USE OF GRANTS.—In addition to the uses under subsection (a), a State or Indian tribe may use a grant under this section to—

"(1) maintain and make available to the public a record of sites, by name and location, at which response actions have been completed, update not less than annually, and make available to the public a record of sites, by name and location, at which response actions have been approved or completed; and

"(2) maintain a list of contractors and consultants that are capable of conducting response activities under a State response program.

"(2) ELEMENTS.—The elements of a State or Indian tribe program referred to in paragraph (1)(A)(i) are the following:

"(A) Timely survey and inventory of brownfield sites in the State.

"(B) Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

"(i) a response action will—

"(I) protect human health and the environment; and

"(II) be conducted in accordance with applicable Federal and State laws; and

"(ii) do not result in reducing the effectiveness of response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

"(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

"(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions for the site; and

"(ii) opportunity for comment on proposed cleanup plans and site activities.

"(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by and certification or similar documentation from the State, an Indian tribe, or a licensed site professional to the person conducting a response action indicating that the response is complete.

"(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2002 through 2006.

"(b) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO STATE PROGRAM.—

"(1) ENFORCEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to subparagraph (C), in the case of an eligible response site at which—

"(i) there is a release or threatened release of a hazardous substance, pollutant, or contaminant; and

"(ii) a person is conducting or has completed a response action at the eligible response site that is addressed by the response action that is in compliance with the State program that specifically governs response actions for the protection of public health and the environment; the President may not use authority under this Act to take an administrative or judicial enforcement action under section 106(a) or to take

"(B) STATE PROGRAM.—The President may bring an administrative or judicial enforcement action under this Act during or after completion of a response action described in subparagraph (A) if the Administrator determines that—

"(i) the State requests that the President provide assistance in the performance of a response action;

"(ii) the Administrator determines that contamination has migrated across State line, resulting in the need for further response action to protect human health or the environment, or the President determines that contamination has migrated or is likely to migrate onto property subject to the jurisdiction, custody, or control of a state, agency, or instrumentality of the United States and may impact the authorized purposes of the Federal property; and

"(iii) after taking into consideration the response activities already taken, the Administrator determines that—

"(I) a release or threatened release may present an imminent and substantial endangerment to public health or welfare or the environment; and

"(II) additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release.

"(2) STATE REPLY.—Not later than 48 hours after the receipt of notice from the Administrator, the person or entity responsible for the release of a hazardous substance shall—

"(i) in compliance with a State program that is in effect on or before the date of enactment of this section or during a period in which the limitations of paragraph (1)(A) are not applicable;

"(B) EFFECT ON AGREEMENTS BETWEEN STATES AND EPA.—Nothing in paragraph (1)—

"(i) modifies or otherwise affects a memorandum of agreement, understanding, or any similar agreement relating to the implementation by a State agency or an Indian tribe under the Act or the Federal Government on or before the date of enactment of this section (which agreement shall remain in effect, subject to the terms of the agreement); or

"(ii) affects the discretion of any authority of the President to enter into or modify an agreement with a State, an Indian tribe, or any other person relating to the implementation by the President of statutory authorities under this Act.

"(3) EFFECTIVE DATE.—This subsection applies only to response actions conducted after February 15, 2001.

"(A) EXCEPTIONS.—The President may bring an enforcement action immediately after giving notification under subparagraph (A) at the site with a person that the Administrator determines that—

"(I) the release at the eligible response site is

"(II) the State is planning to abate the release or threatened release, or

"(III) the State requests that the President provide assistance in the performance of a response action;

"(B) EXCEPTIONS.—The President may bring an action immediately after giving notification under clause (i) without waiting for a State reply under clause (ii) if the Administrator determines that 1 or more exceptions to subparagraph (A) are not met.

"(C) REPORT TO CONGRESS.—Not later than 90 days after the date of initiation of any enforcement action by the President under clause (ii), (iii), or (D) of subparagraph (B), the President shall submit to Congress a report describing the basis for the enforcement action, including specific references to the facts demonstrating that enforcement action is permitted under subparagraph (B).

"(D) SAVINGS PROVISION.—The President may also use a grant authorized under subparagraph (B) for other purposes, including—

"(1) directly conducting a response action at the eligible response site—

"(II) the release at the eligible response site is

"(III) the President is an Indian tribe, or party conducting the cleanup is

"(b) ASSISTANCE TO STATES.—

"(1) IN GENERAL.—The Administrator may award a grant to a State or Indian tribe that—

"(i) has a response program that includes each of the elements, or is taking reasonable steps toward having each of the elements, listed in paragraph (2); or

"(ii) is a party to a memorandum of agreement with the Administrator for voluntary response programs.

"(2) USE OF GRANTS BY STATES.—

"(i) IN GENERAL.—A State or Indian tribe may use a grant under this subsection to establish or enhance the response program of the State or Indian tribe.

"(ii) ADDITIONAL USES.—In addition to the uses under clause (i), a State or Indian tribe may use a grant under this section to—

"(1) capitalize a revolving loan fund for brownfield remediation under section 128(c); or

"(2) develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State response program.

"(2) ELEMENTS.—The elements of a State or Indian tribe program referred to in paragraph (1)(A)(i) are the following:

"(A) Timely survey and inventory of brownfield sites in the State.

"(B) Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

"(i) a response action will—

"(I) protect human health and the environment; and

"(II) be conducted in accordance with applicable Federal and State laws; and

"(ii) do not result in reducing the effectiveness of response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

"(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

"(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions for the site; and

"(ii) opportunity for comment on proposed cleanup plans and site activities.

"(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by and certification or similar documentation from the State, an Indian tribe, or a licensed site professional to the person conducting a response action indicating that the response is complete.

"(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2002 through 2006.

"(b) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO STATE PROGRAM.—

"(1) ENFORCEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to subparagraph (C), in the case of an eligible response site at which—

"(i) there is a release or threatened release of a hazardous substance, pollutant, or contaminant; and

"(ii) a person is conducting or has completed a response action at the eligible response site that is addressed by the response action that is in compliance with the State program that specifically governs response actions for the protection of public health and the environment; the President may not use authority under this Act to take an administrative or judicial enforcement action under section 106(a) or to take
an eligible response site on the National Priorities List, the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site, the President may list the eligible response site on the National Priorities List. (3) CLEANUP AGREEMENTS.—With respect to an eligible response site under paragraph (1)(B), if, after the date of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the eligible response site on the National Priorities List for an additional period not to exceed 180 days if the President determines deferring the listing would be appropriate based on—
(A) the capacity of the site;
(B) substantial progress made in negotiations; and
(C) other appropriate factors, as determined by the President.
(4) EXCEPTIONS.—The President may decline to defer, or elect to discontinue a deferral of, a listing of an eligible response site on the National Priorities List if the President determines that—
(A) deferral would not be appropriate because of the potential for a significant contributor of hazardous substances to the facility, is a potentially responsible party; or
(B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or
(C) the conditions in paragraphs (1) through (3) as applicable, are no longer being met.

The PRESIDING OFFICER. The Senator from Nevada is recognized.
Mr. REID. Mr. President, I ask that my friend, the chairman of the committee, yield for a brief minute.
Mr. Chairman, I have nine Senators who wish to speak on this legislation, and there may be others at a subsequent time. I wonder if my friend from New Hampshire would allow us to give a rough idea of when people should be here. I know the Senator from Oklahoma, a valuable member of the committee, wishes to speak before the chairman, and I have no problem with that. I am wondering, how long does the chairman from Oklahoma wish to speak?

Mr. INHOFE. Five minutes.
Mr. REID. Following that, Mr. President, I wonder if we may have a unanimous consent that the Senator from New Hampshire speak for up to 20 minutes; the Senator from Nevada speak for up to 16 minutes; the Senator from Oklahoma speak for up to 15 minutes; the Senator from New Hampshire speak for up to 15 minutes; Senator BOND, 15 minutes; Senator Bond, 15 minutes; Senator CRAP, 15 minutes; Senator Corzine, 15 minutes. That will use about an hour and 20 minutes and still leave time for others who wish to come.

Mr. INHOFE. Let me change that to about 7 minutes.
Mr. REID. Let’s make it 10 minutes.
Mr. INHOFE. All right.
Mr. REID. I have failed to list Senator CARPER, but we will do him after that for 15 minutes.

The PRESIDING OFFICER. Is there objection?
Without objection, it is so ordered.
Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.
Mr. INHOFE. Mr. President, while I was one who opposed S. 350 when it was in committee because of some problems that were there that we have tried to address, I forgot a lot of cooperation from the committee in the meantime to address the problems. I think S. 350 contains provisions that would be a positive first step toward revitalizing brownfields in this country. S. 350 provides developers with moderate assurances for Superfund-forced cleanups. While some of my concerns over the finality of the language remain, I am comforted by the remarks of the chairman and ranking member of the committee concerning new information. That is, the information referred to in S. 350 pertains to information of the highest quality, objectivity, and weight which is acquired after cleanup has begun. With this language, I don’t have any concerns about are going to be there. If they are, we will be monitoring it.

The scope of the cleanup finality provision is still of concern. The EPA could simply sidestep the bill by using RCRA, CERCLA, or the Superfund Recovery Act, or even the Toxic Substances and Control Act to force parties to clean up sites. This is one of the concerns we tried to address in the committee. I don’t think it has been addressed to our satisfaction but at least we are in a position to monitor it. It has been the argument of supporters of the legislation that EPA has never overfiled on a brownfields site. If the EPA overfiles a Site cleanup, S. 350 now requires the EPA to notify Congress. I wasn’t satisfied with just the fact that they had not done this in the past because there is always that first time. We will be closely monitoring this to make sure that provision stays in the bill. S. 350’s successes or failures.

A lot of people forget this and look at the bureaucracy and say: We are going to have all this language. I can assure you, Mr. President, if we do not have some protection for developers and businesses that bid on cleanup sites, they are not going to be able to do it. It does not do any good to pass legislation unless there is enough confidence in the business community that they will not be abused if they bid on these projects. According to the EPA’s figures, there are 200,000 sites contaminated primarily from petroleum. This is roughly half the approximately 450,000 brownfields in the United States. During the markup, I have concerns that by failing to address RCLA, Congress was neglecting the 200,000-plus sites that are petroleum-contaminated brownfield sites in this country. By not addressing these sites in S. 350, Congress is preventing almost half the brownfields in this country from being cleaned up and developed.

I insisted Congress must address this issue. I stated that it was not right to allow many brownfields to remain contaminated under this program. I am proud to say today help is on the way for these sites. The Inhofe amendment, which is incorporated into the managers’ amendment, will take a first major step toward cleaning up petro-oleum-contaminated sites.
Specifically, the Inhofe amendment, A, allows relatively low-risk brownfield sites contaminated by petroleum or petroleum products to apply for brownfields revitalization funding and, B, authorizes $50 million to be used for petroleum sites.
My amendment will allow the large amount of abandoned gas stations and other mildly petroleum-contaminated sites all across the Nation to be cleaned up and put back into productive use.
Finally, I still want to work to place a cap on the administrative costs set aside by the Federal EPA. A cost cap will ensure States and parties seeking to compel cleanup and businesses are getting the vast majority of the funds for brownfields programs and not just for administrative costs.
EPA has informed us they are currently using approximately 16 percent of brownfields funding for administrative costs. This amount is unacceptable. I will be watching very closely to see what can be done perhaps in the appropriations process. Senator BOND and some others can perhaps propose an amendment to get this cap on and avoid excessive administrative costs.
Over the last several years, the Senate Committee on Environment and Public Works has worked very hard on reform and reform of S. 350. The Inhofe amendment, with S. 350, the committee has decided for now to address only brownfields.
There are a lot of other problems. In the very beginning, I said let’s not cherry-pick this thing; let’s not just address brownfields. Let’s get it into it and look at retroactive liability, natural resource damages, joint and several liability, and some of the abuses that have taken place in this system.
I believe we now have the assurance of members on the MEMBERS who are helping me on some of the issues about which I have concerns and also the staff who have spent many hours coming up with a bill that I think is acceptable. I yield the floor.
Mr. REID. Mr. President, Senator SMITH is right outside the door. I am told that is the case and appropriated the staff who have spent many hours coming up with a bill that I think is acceptable. I yield the floor.

Based on a prior unanimous consent agreement, Senator SMITH will speak from 11:40 a.m. until 12 o’clock. I will...
speak from 12 to 12:15 p.m. Senator CHAFEE will speak from 12:15 p.m. to 12:30 p.m. Senator BOXER will speak from 12:30 p.m. to 12:45 p.m. Senator BOND will speak from 12:45 p.m. to 1 p.m. Senator CLINTON will speak from 1 p.m. to 1:15 p.m. Senator CHAPA will speak from 1:15 p.m. to 1:30 p.m. Senator CORZINE will speak from 1:30 p.m. to 1:45 p.m. Senator CARPER will speak from 1:45 p.m. to 2 p.m.

If anyone wants to juggle those times, they can contact the Members. That is the way it is now.

Mr. President, while Senator SMITH is on his way, I wish to express my appreciation to the majority leader. I have been on the floor the last 3 days indicating why we did not go to this legislation, and we are now considering it.

I extend my appreciation to Senator LOTT for moving forward this very important piece of legislation. It is something that is long overdue, years overdue, and it is amazing that we could not be more timely to clean up half a million sites and do a lot of good things about which we will hear in the next couple of hours.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I am very proud to be debating the brownfields legislation, known as the Brownfields Revitalization and Environmental Restoration Act of 2001, or S. 350. It is a bill we have worked on for a long time—many years actually. It is exciting to be at this point and to have bipartisan legislation that, frankly, we know after we finish the debate is going to pass. That does not happen every day in the Senate. So it is exciting.

I am proud that two-thirds of the Senate, both political parties, are co-sponsors—68 to be exact. Also, the President supports the bill. If we can get the cooperation of the House of Representatives, this will pass quickly, and the President will sign it. We are very excited about that.

This bill has the full bipartisan support of all members of the Environment and Public Works Committee across the political spectrum.

Make no mistake about it, in spite of the support the bill has, it has not been an easy process. Superfund, so-called, is a very difficult subject. That is an issue on and off the floor, and I know Senator REID and Senator CHAFEE and others have for many years.

Ever since I began my service in the Congress, I have tried to reform this flawed Superfund law. It has been a bitter battle with a lot of differences of opinion as to how we do it, sometimes partisan and sometimes regional. But basically on reforming Superfund, other than a few short fixes on certain things such as recyclers, we really have not accomplished very much in the last 11 years.

I have always believed we are in need of comprehensive Superfund reform to make the program work. I still believe after we pass the bill there is a lot to be done. Today we have a chance to do something good. It is not comprehensive Superfund reform. Frankly, I am at the point now where comprehensive Superfund reform is not going to happen, and maybe it should not happen. Maybe we should just move forward on a piece of legislation and do the right thing.

I was pleased to be joined by the committee's ranking member, the Superfund subcommittee chairman and its sponsors—Senators REID, CHAFEE, and BOXER. I commend all of my colleagues who are present—Senator REID, Senator BOXER, Senator CHAFEE—for their leadership and working tirelessly and in good faith in a bipartisan manner. Without their cooperation and help, we would not be here today.

It is always easy to reach agreement on easy issues, but the difficult issues, such as some of the issues with which we do not agree, are not that easy and we have to work hard, respect the other side's position, and try to come to a compromise.

If there is any positive spinoff from a 50-50 Senate, about which so much is written and spoken, I hope it is even if we do not want to, we have to work together because we are not going to pass anything meaningful, anything positive. We will not pass anything out of committee going anywhere on the floor unless we have bipartisan support.

We may not always agree on how to achieve our goals, but we all share the same desire for a safe and healthy environment for all of our families and for the future and our future generations. As I have said many times, environment should be about the future. It shouldn't be about politics of today. It should be about tomorrow and our children. Sometimes in the decisions we make we would like to have immediate results, and we can't. It takes time to see the fruits of our labors.

I think you will see in the brownfields legislation, when it passes, the process of cleaning up the old abandoned industrial sites.

I thank President Bush, as well, and his new EPA administrator, Christine Whitman, for unwavering support. When they first took office, my very first meeting was with then-Governor Whitman, now Administrator Whitman. She gave me full support and the commitment, as did the President. The President stated the brownfields reform is a top environmental priority for his administration. It will now pass the Senate within the point where comprehensive Superfund reform is not going to happen, and maybe it should not happen. Maybe we should just move forward on a piece of legislation and do the right thing.

The President recognizes what it means for the environment. I am proud the Senate will pass this priority and do it today.

As former Governors, both President Bush and Administrator Whitman understand the importance of cleaning up the sites, and the President deserves credit for making this a top priority, as do my colleagues in the Senate. Without the support of the President, we would not see this legislation become law. To his credit, President Clinton, as well, was a supporter of the brownfields bill.

It has not been easy, but we have worked in good faith. I thank all Senators involved for their willingness to work together toward this common goal. It is amazing what can be accomplished when we set aside the rhetoric and focus on the goal; or, indeed, if we have the rhetoric, complete the rhetoric and sit down and get focused on getting the job done.

Last year, the committee was successful in passing good, balanced, bipartisan legislation, including estuaries restoration, clean beaches, and the most famous of all, the historic Everglades restoration, which was a prime project of the Senator from Florida.

My friend and former colleague, Mr. John Chafee. I made a commitment after Senator Chafee's passing that I would, in fact, shepherd that bill through the Senate, which we did, and President Clinton signed it.

Again, it will take time. It will not happen tomorrow. We will not see the Everglades restored tomorrow, but we will see it done over a period of 10, 20, 30 years.

We will not see every brownfield restored today after passage of the bill, but we will see industrial site after industrial site, abandoned industrial sites all over America, gradually become green or restored in a way that they are productive and producing tax revenues in the communities across our Nation.

When you see a brownfield, abandoned site, and you see activity, with people working and cleaning it up, and it is looking nice in your community, you can reference back to this legislation and know that is why it is being done.

People say, why do you need the legislation? The answer is, under current law no one will clean them up. I will discuss the reasons in a moment. With brownfields, we have proven we can work together in cooperation, as opposed to confrontation, and we can accomplish great things. When we talk about the great days, whether China, the budget, or whatever, brownfields is not exactly something that gets a lot of glamour. We had a huge debate on the Ashcroft confirmation. That received a lot of publicity. However, down in the trenches, these are the kinds of issues that don't get a lot of attention. Maybe the trade press follows them. The national press doesn't do much. Indeed, sometimes not even your local press, but it is important. It is very important to the communities because we will be restoring these sites.

I am hopeful the effort will set the stage for more cooperation and also get
at more of the old Superfund law to pick away and try to reform various parts of the bill so we don’t need Superfund anymore. We will be cleaning up all of these sites as soon as we can.

We have learned environmental politics delays environmental protection. Let me repeat that: Environmental politics delays environmental protection. The more we argue about things, the less we seem to get something in place that will bring this to resolution, and the resolution would be the cleanup. The expedited cleanup of brownfield sites is very important to my constituents in New Hampshire, as it is to other constituents in other States. My State helped to drive this economy during the industrial age—little old New Hampshire, with the mills along the Merrimack. We have more than our share of these likely contaminated sites. With a cleanup, these sites will turn into positive assets, including abandoned railroad sites, along the railroads, along the rivers. Frequently, these are the sites we are talking about. It could be Bradford, Keene, Concord, New Ipswich. This bill be of monumental benefit to not only those towns but many towns all over America. This bill will also create opportunities for the development of more facilities such as the London-derry eco-industrial park. New Hampshire brownfield sites will turn into industrial parks. Or, indeed, if they are not parks, they may very well be “green” parks as opposed to industrial parks.

Again, this bill provides help in that regard.

If you take an abandoned industrial site and convert it to a good commercial site, producing revenues for the community, it enhances the community in a positive way, produces revenue, puts people to work. It is a win-win-win. Furthermore, it takes the pressure off of green space. We won’t go outside of Frankfurt, KY, somewhere and pull off acres of land to build an industry. We have 10 acres of abandoned brownfield sites to bring back and revitalize and use again. That is the beauty of the legislation.

I am proud to be here this afternoon. I am proud to be here for the hearing today. We are going to discuss the bill. It is a good bill. It is a good bill that is going to help America. It is going to help our country.

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As you continue work on The Brownfields Revitalization and Environmental Restoration Act of 2001, we urge you to reexamine the following:

The 20% cost share (under CERCLA the cost share is 10%)—this could discourage states with tight budgets from participating in the program. NCSL supports the idea of a state cost share provision of 10% under CERCLA.

NCSL recognizes that finality has been a contentious issue. NCSL acknowledges that the bill provides relief from Superfund liability, but we urge the committee to reexamine the power of the Administrator with a view towards accommodating the states the appropriate deference prior to initiation of an enforcement action.

Additions to the National Priorities List—NCSL supports the listing of a facility only after the Administrator obtains concurrence from the Governor of the respective state.

We appreciate the efforts of the chief sponsors of S. 350 and the subcommittee to forward a bill to further advance brownfields cleanup and redevelopment. We look forward to working with you on this issue. For additional assistance, please contact Molly Stauffer in NCSL’s Washington, D.C. office at (202) 624-3584 or by email at molly.stauffer@ncsl.org.

Sincerely,

Representative Joe Hackney,
Chair, NCSL Environment Committee.

THE UNITED STATES
CONFERENCE OF MAYORS,

Hon. BOB SMITH,
Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon. HARRY REID,
Ranking Majority Member, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, Senate Office Building, Washington, DC.

Hon. HARRY REID,
Ranking Minority Member, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon. BARBARA BOXER,
Ranking Minority Member, Subcommittee on Superfund, Waste Control and Risk Assessment, Senate Office Building, Washington, DC.

DEAR SENATORS SMITH, R EID, CHAFEE AND BOXER:

On behalf of The United States Conference of Mayors, we write to express the strong support of the nation’s mayors for your bipartisan legislation, the “Brownfields Revitalization and Environmental Restoration Act of 2001.” The mayors believe that this legislation can dramatically improve the nation’s efforts to recycle abandoned and other underutilized brownfield sites, providing new incentives and statutory reforms to speed the assessment, cleanup and redevelopment of these properties.

This is a national problem that deserves a strong and prompt federal response. The mayors believe that this bipartisan legislation will help accelerate ongoing private sector and public efforts to recycle America’s land.

We thank you for your leadership on this priority legislation for the nation’s cities. We strongly support this legislation and encourage you to move forward expeditiously so that the nation can secure the many positive benefits to be achieved from the reuse and redevelopment of the many thousands of brownfields throughout the U.S.

Sincerely,

H. Brent Coles,
President,
Mayor of Boise.
These programs have been recognized as being among the most successful state environmental programs of the last decade. Through these programs, sites across the country have been cleaned up and responsibility has been assigned, creating new jobs and economic opportunities, limiting the development of so-called ‘greenfields,’ and restoring state and local tax bases. While these programs have met with considerable success, the continuing threat of Superfund liability discourages many developers from buying and then demolishing or cleaning up contaminated property. As a result, many brownfield sites remain idle for extended periods of time, despite state cleanup programs.

The ABA supports a number of key provisions contained in S. 350, including those provisions that encourage developers to participate in state cleanup programs. The ABA believes that in order to promote the continued economic use of contaminated properties and reduce unnecessary litigation, Congress should eliminate all Superfund liability for parties who successfully clean up properties pursuant to a state brownfields program, so long as the state program (1) provides cleanup standards that are protective of human health and the environment; (2) ensure appropriate public notice and participation; and (3) provide the financial and personnel resources necessary to carry out their programs.

S. 350 goes a long way towards achieving these goals. As the President and the EPA from pursuing enforcement actions against those involved in state brownfields cleanup programs except in certain specific circumstances, such as when a state requests federal assistance, the contamination migrates across state lines or onto federal property, or there is an imminent and substantial danger to public health or the environment so that additional response actions are likely to be necessary. By preventing the EPA from intervening in state cleanups except in these limited situations, S. 350 will encourage developers and other parties to participate in state cleanup programs and bring brownfields back into productive use by granting greater ‘finality’ to these programs.

The ABA also supports those provisions in S. 350 that would grant Superfund liability exemptions based on the types of innocent parties, including bona fide prospective purchasers who do not cause or worsen the contamination at a brownfields site and innocent landowners for whose properties were contaminated through no fault of their own. Architects and other members of the private sector are keenly aware that these provisions are needed if progress is to be made on the estimated 500,000 brownfields sites nationwide.

As you are aware, there are brownfields problems in nearly every community in the United States. As a result, the bill would offer thousands of communities the flexibility to access grants or loan capitalization funds. Thus, S. 350 recognizes that one size does not fit all and offers user-friendly solutions that communities desperately need. Passage of S. 350 will stimulate and rejuvenate the economic development components of state brownfields programs that will integrate some and state and local environmental and economic development programs.

Liability reform is clearly at the heart of a successful brownfields proposal. Your measure provides protection for innocent landowners and for those whose property may have been contaminated through no fault of their own. Architects and other members of the private sector are keenly aware that these provisions are needed if progress is to be made on the estimated 500,000 brownfields sites nationwide.

For your review and inclusion in the Committee record, I have enclosed a copy of a chapter from Market Frontier: Unlocking Community Capitalism Through Brownfields Redevelopment’ from the American Bar Association’s book, Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property, which shows architects in three case studies providing practical solutions to brownfields problems. I have also enclosed a copy of a recent AIA publication ‘Communities by Design,’ which demonstrates the value of good design. Finally, the AIA welcomes the opportunity of working with you and your staff so that S. 350 advances and is signed into law during the 107th Congress. If you need further assistance contacting Dan Wilson, senior director, Federal Affairs at (202) 626-7384.

Sincerely yours,

GORDON H. CHONG
Chairman, Government Affairs
Advisory Committee.

AMERICAN SOCIETY OF CIVIL ENGINEERS
Washington, DC, April 1, 2001.

Hon. ROBERT SMITH, U.S. Senate
Washington, DC.

DEAR SENATOR SMITH: The American Society of Civil Engineers (ASCE), which represents 126,000 civil engineers in private practice, academia and government service, respectfully requests your support for passage of S. 350, the Brownfields Revitalization and Environmental Restoration of 2001.

We urge you to contact the Senate leadership to request that the bill be brought to the floor as soon as possible.

ASCE advocates legislation that would eliminate statutory and regulatory barriers to the redevelopment of ‘brownfields,’ lands that have been effectively removed from the productive capacity due to serious contamination. These sites, properly restored, aid in the revival of blighted areas, promote sustainable development, and invest in the nation’s industrial strength.

As you are aware, the current brownfields program was established by the Environmental Protection Agency (EPA) in 1993 under the Superfund program. That program, which has expanded to include more than 300 brownfields assessment grants (most for $200,000 over 2 years) totaling more than $57 million, now needs to be placed on a sound statutory footing in order to ensure future success.

ASCE considers the program vital because we support limits on urban sprawl to achieve a balance between economic development, individual property rights, public interests, social needs and the environment. Community growth planning based on the principles of sustainable development should be encouraged to meet the public needs, to private initiatives and to local, state and regional planning objectives.

Moreover, revitalized brownfields would reduce the demand for the undeveloped land. Full provision of public infrastructure and facilities redevelopment must be included in all growth initiatives and should be made at the lowest appropriate level of government.

We believe that a targeted brownfields restoration program should take into account site-specific environmental exposure factors and risk based on a reasonable assessment of the future use of the property.

To ensure a uniform and protective cleanup effort nationally, we would hope that S. 350 also would require minimum criteria for adequate state brownfields programs. ASCE believes the states should be required to demonstrate that their programs satisfy minimum restoration criteria before a bar to federal enforcement would apply.

Support systems for appropriate public participation in state cleanups or provide assurance through state review or approval that site cleanups are adequate.

Sincerely yours,

ROBERT W. REIN
President.

THE TRUST FOR PUBLIC LAND

Hon. BOB SMITH,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID, AND SENATOR BOXER: On behalf of the Trust for Public Land, I am writing to thank you for introducing the Brownfields Revitalization and Environmental Restoration Act of 2001. We appreciate your outstanding efforts to promote
local environmental quality, as typified by your energetic advocacy of this brownfields legislation.

TPL was honored to be part of the coalition that helped to push this legislation to the brink of enactment at the end of the 106th Congress. We again look forward to working with you to make this legislation a reality within the near future. We are particularly grateful that you have re-introduced identical legislation this time around.

Given our experience in community open-space issues, we are heartened by the emphasis the legislation places on brownfields-to-parks conversions where appropriate, and its flexibility to tailor loan and grant funding based on community needs and eventual uses. In all, this legislation provides the framework and funding that an effective national approach to brownfields requires, and offers the promise of a much-needed federal partnership role in brownfields reclamation.

Brownfields afford some of the most promising revitalization opportunities from our cities to more rural locales. This legislation will serve to help meet the pronounced needs in underserved communities to reclaim abandoned sites and create open spaces where they are most needed. By transforming these idled sites into urgently needed parks and recreation areas, or by focusing investment into their appropriate redevelopment, reclamation of brownfield properties brings new life to local economies and to the spirit of neighborhoods.

The Trust for Public Land gratefully recognizes the vision and careful craftsmanship you have shown in your work to advance this vital legislation, and we look forward to working with you toward its enactment.

Sincerely,

ALAN FRONT
Senior Vice President

BUILDING OWNERS AND MANAGERS ASSOCIATION INTERNATIONAL

Hon. BOB SMITH,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SMITH: On behalf of commercial real estate professionals nationwide, I am writing to ask for your support, before the full Senate, of S. 350—the Brownfields Revitalization and Environmental Restoration Act of 2001. The Building Owners and Managers Association (BOMA) International and its 18,000 members believe that this bill provides Congress its best opportunity to improve our nation’s remediation efforts in 2001.

Thanks to the efforts of a dedicated collection of senators, the Senate now has a bipartisan piece of legislation that would generate improved liability protections, enhanced state involvement and increased federal cleanup funding. Adoption of S. 350 would have an immediate and dramatic impact on reducing the 400,000 brownfields sites across America.

As the Environment and Public Works Committee has forwarded this legislation out of committee, we look for your support in securing its approval by the full Senate. We ask for your assistance in bringing this bill to the floor and into law before the very volatile, difficult Select Committee on MIA/POWs. For an intense year we worked on that. That is where I first got to know the Senator from

I close, I take a moment, as we usually do, to recognize some of the staff who have worked tirelessly on this legislation. It has not been easy. Sometimes we go home for the weekend or go back to our States and staffs are here working through these issues.

I commend my own Department of Environmental Services, Phil O’Brien and Mike Wimsatt, for their tireless work input. From Senator CHAFEE’s office—I am sure he will want to thank his own staff—Ted Michaels; from Senator REID’s staff, Lisa Haage, Barbara Rogers, and Eric Washburn—we appreciate all your help; Senator Boxer’s office, Louis Renjel from Senator INHOFE’s office; Catherine Walters of Senator Voinovich’s staff; and Gabrielle Tenzer from Senator CLINTON’s staff; and from the EPA, Randy Deltz and Sven Kaisa. Last but not least, my good committee staff: David Conover, Chelsea Maxwell, Marty Hall, and Jim Qualters. I thank them for a lot of effort, a lot of hard work in working together.

Of course, there are many more who deserve thanks.

Mr. President, I ask unanimous consent Senator PHIL GRAMM of Texas be added as a cosponsor of the bill, which will get us up to 69.

Mr. REID. Mr. President, I join with my friend from New Hampshire in expressing appreciation to the people who have worked to get this bill to the point it is. He has certainly been gracious in extending appreciation to my staff. Lisa Haage, Barbara Rogers, and Eric Washburn have done excellent work. I also thank, as he has, the hard-working staff of the committee: David Conover, Chelsea Maxwell, Marty Hall, and Ted Michaels of Senator CHAFEE’s office, who has done such an outstanding job working with Sandra Barth of Senator BOXER’s office. Without this good staff, we would not be at the point we are.

I also want to take a minute to express my appreciation to the Senator from New Hampshire. I worked with the Senator from New Hampshire on this very volatile, difficult Select Committee on MIA/POWs. For an intense year we worked on that. That is where I first got to know the Senator from

April 25, 2001

CONGRESSIONAL RECORD — SENATE

DEAR SENATOR SMITH:

Hon. ROBERT SMITH,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SMITH: On behalf of the NATIONAL ASSOCIATION OF REALTORS, I wish to convey our strong support for the “Brownfields Revitalization and Environmental Restoration Act.” NAR commends you for your efforts in crafting a practical and effective bill which has garnered bipartisan support from the leadership of the Senate Environment and Public Works Committee.

NAR supports this bill because it:

Provides liability relief for innocent property owners who have not caused or contributed to hazardous waste contamination;

Increases funding for the cleanup and redevelopment of the hundreds of thousands of our nation’s contaminated “brownfields” sites; and

Recognizes the finality of successful state hazardous waste cleanup efforts.

Brownfields sites offer excellent opportunities for the economic and social enrichment of our communities. Unfortunately, liability concerns and a lack of adequate resources often deter redevelopment of such sites. As a result, properties that could be enhancing community growth are left dilapidated, contributing to nothing but economic ruin. Once revitalized, however, brownfields spur surrounding communities by increasing the tax base, creating jobs and providing new housing.

The new Administration has clearly indicated its support for brownfields revitalization efforts. The “Brownfields Revitalization and Environmental Restoration Act” is a positive, bipartisan policy initiative. NAR looks forward to working together with you to enact brownfields legislation in the 107th Congress.

Sincerely,

RICHARD MENDENHALL,
2001 President,

INSTITUTE OF SCRAP RECYCLING INDUSTRIES, INC.,

Hon. ROGER W. WITMER,
Chairman, Committee on Environment and Works, U.S. Senate, Washington, DC.

Hon. LINCOLN D. CHAFEE,
Chairman, Subcommittee on Superfund Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR SENATORS SMITH, REID, CHAFEE and BOXER: The Institute of Scrap Recycling Industries, Inc. (ISRI), strongly supports the passage of the Brownfields Revitalization and Environmental Restoration Act of 2001. Passage of this bipartisan bill will reduce the many legal and regulatory barriers that stand in the way of brownfields redevelopment.

This important brownfields legislation will provide liability relief for innocent property owners who know that it is contaminated, but who carry out a good faith effort to investigate the site. It also recognizes the finality of successful state voluntary cleanup efforts and provides funds to cleanup and redevelop brownfields sites.

ISRI stands ready to help build support for passage of this bipartisan brownfields bill. In the previous Congress, ISRI’s membership worked to build grassroots support and legislation for S. 2700. In the 107th Congress, the predecessor bill to the Brownfields Revitalization and Environmental Restoration Act of 2001 is a model for sensible bipartisan environmental policy.

Sincerely,

ROBIN K. WENNER,
President,

Mr. SMITH of New Hampshire. Before I close, I take a moment, as we usually do, to recognize some of the staff who have worked tirelessly on this legislation. It has not been easy. Sometimes we go home for the weekend or go back to our States and staffs are here working through these issues.

I commend my own Department of Environmental Services, Phil O’Brien and Mike Wimsatt, for their tireless work input. From Senator CHAFEE’s office—I am sure he will want to thank his own staff—Ted Michaels; from Senator REID’s staff, Lisa Haage, Barbara Rogers, and Eric Washburn—we appreciate all your help; Senator Boxer’s office, Louis Renjel from Senator INHOFE’s office; Catherine Walters of Senator Voinovich’s staff; and Gabrielle Tenzer from Senator CLINTON’s staff; and from the EPA, Randy Deltz and Sven Kaisa. Last but not least, my good committee staff: David Conover, Chelsea Maxwell, Marty Hall, and Jim Qualters. I thank them for a lot of effort, a lot of hard work in working together.

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Mr. REID. Mr. President, I join with my friend from New Hampshire in expressing appreciation to the people who have worked to get this bill to the point it is. He has certainly been gracious in extending appreciation to my staff. Lisa Haage, Barbara Rogers, and Eric Washburn have done excellent work. I also thank, as he has, the hard-working staff of the committee: David Conover, Chelsea Maxwell, Marty Hall, and Ted Michaels of Senator CHAFEE’s office, who has done such an outstanding job working with Sandra Barth of Senator BOXER’s office. Without this good staff, we would not be at the point we are.

I also want to take a minute to express my appreciation to the Senator from New Hampshire. I worked with the Senator from New Hampshire on this very volatile, difficult Select Committee on MIA/POWs. For an intense year we worked on that. That is where I first got to know the Senator from
New Hampshire. I recognize how strongly he feels about issues.

Then I had the good fortune of being able to work with him on the Ethics Committee. He was the lead Republican, I was the lead Democrat on the committee for I don’t know how long—until he got his chairmanship of this committee.

I have found him to be a person who understands the institution and understands the responsibility of people. He is moral and living up to the ethical standards that are important for this institution. I may not always agree with him on issues, but I agree with him as a person. He is one of the finest people with whom I have ever dealt. So I have the utmost respect for him, how he has handled this committee.

For 17 days I was chairman of this committee. The treatment I received while chairman, and while ranking member was being bashed, in my opinion, BOB SMITH is a good person and somebody of whom the citizens of the State of New Hampshire should be proud.

I have spoken on this bill for 3 days now. I want to speak to my desire to have it considered. It is here now. I already said I appreciate Senator LOTT bringing it before the Senate.

I have been talking about Senator SMITH. I also want to talk about the ranking member of the subcommittee who has been responsible for bringing us to this point, and that is Senator BARBARA BOXER. Senator BOXER and I came to the House together in 1982. We have worked together for all these years and I have always been proud of Senator BOXER. She is someone who believes strongly in the issues. I have to say, she has done great work for this country on exposing military fraud and military incompetence. But the basic issue with the subcommittee, upon my opinion, has been in dealing with the environment. So as a member of this committee that I have worked on since I have been in the Senate, she has been an outstanding member. She has run the committee very well.

An outstanding example is how she has been able to reach out to LINCOLN CHAFEE, who is a very able member of this committee. I had the good fortune of serving in my time in the Senate with his father. I can say John Chafee would be very proud of LINCOLN for the work he has done on this committee. This was John Chafee’s committee. He was the chairman, he was the ranking member. I cannot say more than that John Chafee would be very proud of his son for the work he has done on this committee.

As Senator SMITH has indicated, this is an important piece of legislation. It has now received 69 cosponsors. It was reported out of committee by a 15-3 vote. The staff has worked very hard to make sure the problems people had with the legislation were resolved prior to it coming to the floor—and most of those have been. That is the reason we are working now on a specific time agreement. We are going to vote on this matter around 2 o’clock this afternoon.

Members of the Environment and Public Works staff have worked hard. Members of this committee worked hard to get the legislation to this point. I have been extremely impressed with the new members of this committee. Senator COZINTZ and Senator CLINTON have worked extremely hard, as has Senator CARPER, to get us where we are. They are going to come later today, as the unanimous consent agreement indicates, and speak on their own behalf.

As I have said for 3 days, there are 500,000 sites from Kentucky to Nevada, waiting to be cleaned up. About 600,000 people will be put to work on these projects.

This will create local revenues of almost $2.5 billion. This is an important bill. It provides critically needed money to assess the cleanup of abandoned and underutilized sites. There are about 500,000 sites with core jobs. It will increase tax revenues and create parks and open space. It will encourage cleanup and provide legal protection for parties. It provides funding for enhancement of cleanup programs. This amendment which we discussed before we today does several additional things that were not in the reported bill. It further clarifies the coordination between the States and the EPA. This was raised by Senator VONOVICH. I told him before the full committee that we would work to resolve his problems. We did that.

The managers’ amendment provides clarification for cities and others in purchasing insurance for brownfield sites. That is also an important addition to this legislation.

It also provides for an additional $50 million per year for abandoned sites which are contaminated by petroleum. There are sites with core jobs. This may not have been covered in the original legislation. That has been resolved.

Corner gas stations: A lot of times we find people simply stay away from them. These stations are located at very essential sites in downtown areas. We are trying to revitalize them. This addition in the managers’ amendment will do a great deal to resolve that issue.

I am pleased we were able to work out the provisions so these numerous sites can also be addressed.

There was a provision requested by Senators INHOFE and CHAFEE. They felt very strongly about this. I am pleased we were able to agree on that. It will be an important and critical part of this legislation.

This amendment also provides a provision for areas with a high incidence of cancer and disease. It will give special consideration to certain areas.

This amendment also increases citizen participation by adding citizens’ rights in requesting sites to be considered under State programs. This is intended to ensure the beginning of the process so that States can benefit from the revenues from additional sites being developed. In addition, this amendment increases the number of additional sites needing attention and who can help identify additional reuse and redevelopment opportunities.

All of these changes have been carefully considered for providing additional opportunities. Moreover, they collectively represent the same delicate balance as the underlying bill. It also complements the needs of real estate communities, environmental areas, mayors, and other local government officials, land and conservation groups, and the communities that are most directly affected by these sites.

This bill is balanced. It is bipartisan. It sets an example for the Senate in the months to come.

This brownfields legislation is not just an urban problem. It also is very important to rural communities throughout America. For example, there is an existing loan program in Las Vegas has already been used to fund the cleanup of an old armory site, which will create jobs. It will now be a home to a senior center, a small business incubator, a cultural center, and retail stores.

I want to see more examples of reclaiming these abandoned, contaminated lands in Nevada and across the country. This bill provides funds to accomplish it.

The Presiding Officer is a valuable member of the committee. I have already spoken on a number of occasions about Senator VONOVICH’s contribution to this legislation. It has been significant.

I reserve the remainder of my time for Senator TORRICELLI. I yield to my friend from Rhode Island who has done such a magnificent job working on this legislation.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, today I rise in strong support of S. 350, the Brownfields Revitalization and Environmental Investments Act of 2001. This bill has won the support of the Bush administration, dozens of organizations, and 68 co-sponsors in the Senate. Today, the Senate has the opportunity to pass this bipartisan, pro-environment and pro-economic development bill.

Brownfields are the legacy of our nation’s industrial heritage. A changing
industrialized economy, the migration of land use from urban to suburban and rural areas, and our nation’s strict liability contamination laws have all contributed to the presence of abandoned industrial sites. With more than 450,000 brownfield sites nationwide, we must reclaim these lands, clean up our communities, and discontinue the practice of placing new industrial facilities on open, green spaces.

As a former mayor, I understand the environmental, economic, and social benefits that can be realized in our communities from revitalizing brownfields. While the environmental and social benefits can seem obvious, only a mayor understands the continuing fiscal expense to our nation’s municipalities of the hundreds of thousands of pieces of prime real estate that have dropped from the tax rolls.

Enactment of this legislation will provide a building block for the revitalization of our communities. Communities whose fortunes sank along with the decline of mills and factories will once again attract new residents and well-paying jobs. We will bring vibrant industry back to the brownfield sites that currently host crime, mischief and contamination. There will be parks at sites that now contain more rubble than grass. City tax rolls will burgeon; neighborhoods can be invigorated; new homes can be built, and community character will be restored.

S. 350 enjoys broad bipartisan support. Not only is it supported by the Bush administration, the bill’s predecessor was supported by the Clinton administration last session. The bill is strongly supported by the nation’s mayors, state elected officials, the real estate industry, open space advocates, business groups, and environmental organizations. Rarely do we see these organizations come together on the same side. The high level of support is testimony to the bipartisan nature of the legislation. It demonstrates that we can forge sound legislation, and balance the needs of the environment and the economy if we come to the table with open minds and good intentions.

I would like to thank the distinguished chairman of the Environment and Public Works Committee for his leadership on this issue, Senator Surratt. Our efforts covers only a small footprint of the brownfields problem. There are hundreds, if not thousands of brownfield sites in California. We have heard nationwide estimates of 400,000 to 600,000 brownfield sites. We have thousands of sites in California because some industries have left the State that contributed to a dangerous legacy of contamination.

This bill will serve as a catalyst for cleanup because it provides funding for grants and revolving loan funds to assist our States, our local communities, and our tribal governments to do the assessments first. In other words, what is the problem? What is going on? What is it going to cost to clean it up? And how is the best way to clean it up?

This bill fills a gap. As I said before, Senator Ernsperger is right. We need a way to approach the less hazardous sites. We really did not have a way to approach the less hazardous sites.

I want to talk about how happy I am that this bill includes my proposal to protect children. Under S. 350, funding will be prioritized for brownfields in my State that disproportionately impact the health of children, pregnant women, or other vulnerable populations, such as the elderly. This is very important.

Why do I say that? Because children are not small adults. I have said this often. I am a small adult. But children are not small adults. They are more sensitive than adults to the health
threats posed by hazardous waste, even the kinds we call low level. Why? Because their bodies are changing, and they are developing. Healthy adults can tolerate higher levels of pollutants than children.

In recognition of this, the bill ensures that children, and others who are particularly vulnerable, will be given special priority for funding under this bill. So we are going to look at these sites. If it is a site where children play, where children go, where the elderly go, where the disabled go, where the vulnerable go, those sites will be priority sites.

The bill also gives priority to cleanups in low-income and minority communities because, unfortunately, we have seen a lot of the environmental injustice in this country where brownfield sites are disproportionately located in low-income and minority communities, certainly in places such as Oakland, Los Angeles, and Sacramento.

So the next thing we have is a situation where the brownfields are most prevalent in communities that are least able to deal with them. And the more brownfield sites that are in a community, the lower the chance that the community can economic plights. It is a horrible cycle of poverty.

Let's take this site shown in the photograph. This site was in a very low-income community, and no one had the resources. And a company such as IKEA, who eventually came to this site, did not want to go to this site because there was no one to go to the store. You would have a situation where the site could sit vacant for years and years and years. It contributes to the cycle. You can never get out of the cycle.

So by saying this kind of a situation in a low-income community would be a priority, we will give an economic stimulus to those communities. I am very concerned about that.

The last issue that I believe very strongly about is the issue of sites that were contaminated because there was illegal manufacturing of a controlled substance there. This may sound very odd. So let me explain what I mean.

In California, we have a terrible problem from the production of methamphetamine. It turns out that this is a very dangerous drug and is not illegal, not only does it destroy people—destroying the brain, the psyche, mind and body—but the methamphetamine production is a toxic stew of lye, hydriodic acid, and red phosphorus. These elements threaten the groundwater and agricultural lands of the Central Valley and elsewhere in California where these secret methamphetamine are sit.
However, even though I will support this bill today, more needs to be done. Working with my friends and colleagues, specifically Senators INHOFE and CRAPO, we were able to reach an agreement with the managers of the bill to include the manager’s amendment—a provision which will include petroleum only sites in the brownfields program. It is estimated that petroleum only sites make up almost half the brownfield sites in the country. How can we pass a brownfields bill that excludes half the brownfield sites in the country? Fortunately, agreement was reached on this issue.

I want to go on record that I still have concerns regarding liability issues. In my opinion the legislation does not protect developers from potential liability and administrative orders under the Toxic Substance Control Act. I joined with Senators INHOFE and CRAPO in offering an amendment during the committee’s consideration, but unfortunately it was defeated. Opponents argued that EPA has not yet used TSCA or RCRA to deal with hazardous materials covered under Superfund so therefore it shouldn’t be an issue. However, many believe that if the ‘Back Door’ of the Superfund, EPA will use TSCA or RCRA as a “back door” to pursue legal action against a developer.

In addition, it is my opinion that the bill still gives too much authority to the EPA over Superfund. It is not going to give the responsibility to the State. EPA must step back and let the States run the programs and EPA must first work with the States before overstepping and taking enforcement actions.

S. 350 is a step in the right direction. However, we must continue our efforts to address the liability issues that still remain and we must continue efforts to make the overall Superfund program more workable. If that is not going to give the responsibility to the State, EPA must step back and let the States run the programs and EPA must first work with the State before overstepping and taking enforcement actions.

I am grateful for the opportunity today to speak on an important piece of environmental legislation, the Brownfields Revitalization and Environmental Restoration Act. This bill enjoys the bipartisan support of 15 of the 18 members of the Environment and Public Works Committee, and with the amendment I, the manager’s amendment, I hope it will receive widespread support on the floor.

This bill aims to return abandoned, contaminated lots that plague nearly every city and town in this country to their full viability. Once upon a time, these 450,000 “brownfields” were home to our neighborhood gas station, a flourishing textile mill, or a manufac-
The brownfields bill is important for rural areas, not just big cities. In Montana, we have hundreds of sites that have been polluted by mining, timber processing, railroad work, and other industrial activities that were part of our economic development. I worked hard on a very similar bill last year, together with many of my colleagues. Last year, it was the first bipartisan brownfields bill ever introduced in the Senate. I was thrilled to cosponsor the bill again this year, under the leadership of Senator SMITH and myself. This bill has been endorsed by a wide range of groups, including the National Association of Realtors, the Conference of Mayors, and the Trust for Public Lands. It represents a hard-won, delicately balanced compromise.

Superfund critics have long argued that the possibility that EPA could second-guess state-approved cleanups has discouraged brownfields remediation. At the same time, I and others have argued that we need to preserve the federal government’s ability to use Superfund authorities to deal with dangerous situations at sites cleaned up under state programs in the rare case in which the cleanup is inadequate and there is a threat to human health or the environment.

The tension between these two views has been one of the major obstacles to moving brownfields legislation in the past. This bill forges a new compromise on this issue, and it is a good compromise. Both sides came to the table and made some important concessions. The bill is not perfect, it is not everything I wanted. It is not everything some of my colleagues across the aisle wanted, either. But, as I have often said, let us not let the perfect be the enemy of the good. And this is a good bill that will do good things for the environment, for communities, for businesses, and for our ability to help communities across the nation.

I am happy to hear that the administration has expressed its support for S. 350. The brownfields bill is an outgrowth of efforts to help communities nationwide. I commend Senators SMITH of New Hampshire, REID, CHAFEE and BOXER for their tremendous effort to craft strong bi-partisan legislation to help our nation’s communities. Brownfields are abandoned, idled, or under-used commercial or industrial properties whose potential for development or expansion is hindered by real or perceived environmental contamination. Businesses located on brownfields were once the economic foundations of communities. Today, brownfields lie abandoned—the legacy of our industrial past. These properties taint our urban landscape.

Contamination, or the perception of contamination, impedes brownfields redevelopment, stifles community development and threatens the health of our citizens and the environment. Redeveloped, brownfields can be engines for economic development. They represent new opportunities in our cities, older suburbs and rural areas for housing, jobs and recreation.

As Co-Chair of the Senate Smart Growth Task Force, I believe brownfields redevelopment is one of the most important ways to revitalize cities and implement growth management. The redevelopment of brownfields for a financially sound way to bring investment back to neglected neighborhoods, cleanup the environment, use infrastructure that is already paid for and relieve development pressure on our urban fringe and farmlands.

The State of Michigan is a leader in brownfields redevelopment, offering technical assistance and grant and loan programs to help communities redevelop brownfields. I hope that this vote will provide momentum for this legislation as it proceeds to the House of Representatives and that it will eventually be signed into law.

Mr. BAUCUS. Mr. President, I am happy to hear that the administration has expressed its support for S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. The bill is not perfect, it is not every-
in the RECORD to comply with Section 403 of the Congressional Budget and Impoundment Act.

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


Hon. BOB SMITH, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate for S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. If you wish further details on this estimate, we will be pleased to provide them.

The CBO staff contacts are Kathleen Gramp, 202-225-3220; and David Mullins, 202-226-2240.

Sincerely,

DAVID L. Crippen.

Chairman, Committee on Environment and Public Works.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 350 Brownfields Revitalization and Environmental Restoration Act of 2001, as reported by the Senate Committee on Environment and Public Works on March 12, 2001

SUMMARY

S. 350 would expand and modify certain programs governed by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, commonly known as the Superfund Act). The bill would provide a sector-wide revolving fund for environmental protection (EPA) activities and programs related to brownfield sites and the liability of certain entities under CERCLA. The CBO staff contacts are Kathleen Gramp, (for Federal costs), who can be reached at 226-2980; Victoria Heid Hall (for the State and local impact), who can be reached at 225-3220; and David Mullins (for the private sector impact), who can be reached at 226-2940.

S. 350 would authorize the appropriation of $750 million over the next 5 years for grants to States and other governmental entities for various brownfield initiatives. Another $250 million would be authorized over the same period for grants to States and Indian tribes for implementing voluntary cleanup programs. Finally, the bill would exempt some property owners from liability under CERCLA under certain terms and conditions.

As a result of these provisions, the agency typically collects a average of $100,000 per settlement. EPA would forego such payments under S. 350, because prospective purchasers would no longer need those agreements to be relieved of liability for cleaning up a site. The other limitations on liability in title II also could affect EPA’s ability to recover costs that the agency incurs at cleanup projects that are the responsibility of private parties. On the other hand, there may be some circumstances in which this legislation would exempt the only party likely to pay cleanup costs. We estimate that the loss of offsetting receipts from these changes is likely to be insignificant, however, because most of the provisions are similar to current EPA practice.

REVENUES

This bill would affect revenues by authorizing States and local governments to use Federal grants for brownfields remediation capitalizing on revolving funds. JCT expects that the ability to leverage these revolving funds would result in a net increase in the issuance of tax-exempt bonds by State and local governments. JCT estimates that the Federal Government would forgo tax revenues of $110 million over the 2002-2011 period as a result of these provisions.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding years are counted.

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Changes in outlays decreases offsetting receipts by about $2 million a year. EPA currently negotiates liability settlements with 20 to 25 prospective purchasers of contaminated property. As part of these agreements, purchasers make both monetary and in-kind payments in consideration of the government’s liens. While the cash payments vary significantly among properties, the agency typically collects a average of $100,000 per settlement. EPA would forego such payments under S. 350, because prospective purchasers would no longer need those agreements to be relieved of liability for cleaning up a site.

The other limitations on liability in title II also could affect EPA’s ability to recover costs that the agency incurs at cleanup projects that are the responsibility of private parties. On the other hand, there may be some circumstances in which this legislation would exempt the only party likely to pay cleanup costs. We estimate that the loss of offsetting receipts from these changes is likely to be insignificant, however, because most of the provisions are similar to current EPA practice.

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ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 350 would impose no mandates on State, local, or tribal governments. The bill would authorize appropriations annually from fiscal years 2002 through 2006 for grants to State and local governments for inventorying, characterizing, assessing and remediating brownfield sites, thereby encouraging remediation of sites. Implementing S. 350 would benefit State, local, and tribal governments if the Congress appropriates funds for the grants authorized in the bill. Any costs incurred to participate in those grants and loan programs would be voluntary.

S. 350 would make several changes to current law regarding liabilities under CERCLA of certain property owners, which may include State, local, or tribal governments. These changes in liability, while not preemptions of State law, could make it more difficult for any States that currently rely on CERCLA to recover costs and damages under their own cleanup programs from parties whose liability now would be eliminated or limited by the bill. On the other hand, these changes could benefit State, local, and tribal governments as landowners if they were to become responsible for the costs of cleanup or eliminated. Enacting S. 350 could also benefit State and local governments with contaminated sites under their own jurisdiction, thereby encouraging the liability of certain property owners under Federal law and thereby encouraging remediation and redevelopment of those sites.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

This bill contains no new private-sector mandates as defined in UMRA.


Estimate Approved by: Peter H. Fontaine Deputy Assistant Director for Budget Analysis.

Mr. SMITH of New Hampshire. Mr. President, I also ask to have printed in the RECORD a letter dated April 12, 2001 to Mr. Dan Crippen of the Congressional Budget Office signed by myself, Senator REID, Senator CHAFEE, and Senator BOXER. The letter illustrates area-wide cost estimate that the authors of S. 350 believe to be inaccurate or misleading. It is our intent, and our belief, that S. 350 will bring increased private resources to brownfield sites, which will in turn limit future expenditure of public resources.

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


Mr. D. L. CRIPPEN, Director, Congressional Budget Office, Ford House Office Building, Washington, DC. Dear Mr. Crippen: We are writing with regard to the Congressional Budget Office's cost estimate for S. 350, the Brownfields Re- vitalization and Environmental Restoration Act of 2001. It is important that the cost estimate prepared by your office accurately reflect the provisions of the bill. As the lead author of this legislation, we are concerned that the cost estimate for S. 350 is inaccurate in several respects and is unintentionally misleading with regard to the intent and application of the legislation.

The cost estimate indicates that section 202 of S. 350 would “reduce the number of superfund sites that can be cleaned up in a timely fashion by private entities.” We disagree with this assumption because the effect of section 202 will be to encourage private parties to accept liability for cleanup activities. Although the bill may limit future liability of parties not currently liable under the Superfund statute, it does not affect the liability of parties who are currently liable under the statute at sites already underway. For even those new prospective purchasers receiving protection under section 202, the bill provides an “umbrella” against “windfall liens,” which would further reduce any need for Federal funding at these sites. Moreover, the “prospective purchaser” exemption is designed to, and should, significantly increase in cleanups by private parties, particularly at non-National Priorities List sites. The net effect of these factors would be an increase in the availability of private cleanup funds. The overall number of sites at which Federal response authority applies under the Superfund statute, and which will be cleaned up by private entities, will increase as a result of enactment of the “prospective purchaser” provisions.

In addition, the cost estimate asserts that the event the estimate is based on will be significant because cleanup costs average $20 million per site. In fact, although cleanup costs at National Priorities List sites are generally approximately $20 million per site, the cleanup costs at a brownfield site averages approximately $500,000 per site. Indeed, since this section applies to both NPL and non-NPL sites and there are many more brownfield sites addressed annually than there are NPL sites, the average cost of the sites covered by this provision would be dramatically less than that indicated. Therefore, as currently drafted, the estimate would lead one to believe that S. 350 could significantly reduce Federal and State governmental expenditure for as much as $20 million in cleanup costs per site. This simply is not the case. While we do not dispute the numbers provided by the cost estimate, it is equally important that the narrative section of the cost estimate accurately track the provisions of the legislation as closely as possible. We respectfully request that the Congressional Budget Office reissue the cost estimate for S. 350 to address the types of concerns we have raised. Please do not hesitate to contact us to discuss these issues further.

Sincerely,

BOB SMITH, LINCOLN CHAFEE, HARRY REID, BARBARA BOXER, U.S. Senators.

AMENDMENT NO. 352

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to call up the managers’ amendment to S. 350 which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. Smith], for himself, Mr. Reid, Mr. Chafee, and Mrs. Boxer, proposes an amendment numbered 352.

Mr. SMITH of New Hampshire. 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:

Beginning on page 57, strike line 24 and all that follows through page 58, line 3, and insert the following:

“(4) USE OF CERTAIN FUNDS.—Of the amount made available under paragraph (1), $50,000,000, or, if the amount made available is more than $50,000,000, of the amount made available, shall be used for site characterization, assessment, and remediation of facilities described in section 101(e)(1),”.

On page 93, line 4, before “develop”, insert “purchase insurance or”.

On page 94, line 14, strike “zero” and “and”.

On page 94, line 14, strike the period at the end and insert “;” and “.”
On page 94, between lines 14 and 15, insert the following:

“(III) a mechanism by which—

“(i) a person that is or may be affected by a released substance, pollutant, or contaminant at a brownfields site located in the community in which the person works or resides may request the conduct of a site assessment; and

“(II) an appropriate State officer shall consider and appropriately respond to a request under subparagraph (I).”

On page 97, line 7, after “Administrator”, insert “, after consultation with the State,”.”

On page 97, line 18, after the period, insert the following:

“...shall not limit the ability of the Administrator to make this determination.”

The PRESIDING OFFICER. The Senator from Idaho has 15 minutes.

Mr. CRAPO. Mr. President, I appreciate the opportunity to speak today on S. 350, the Senate’s Superfund brownfields legislation.

As most of those working on this issue know, we have been working on comprehensive Superfund reform essentially ever since I was elected to Congress, about 8½ years ago. This was a very difficult issue.

In my opinion, we would have been best served if we had comprehensive Superfund reform of the entire Superfund statute, but given the political dynamics we face in the country and the Congress today, it was evident that we would not be able to achieve a comprehensive bill at this point in time, and the decision was made to move ahead with brownfields legislation this year. That was a decision I fought against last year but agreed to support this year, to see if we couldn’t move ahead and achieve some of the objectives that have already been so well explained with regard to this legislation.

Brownfields legislation is badly needed in this country, as we try to reform and clean up some of the areas that have been discussed by other Senators. One of the accomplishments many of us had, however, was that if we do a brownfields bill, we need to do one that truly works and not simply create another step in and take some remedial actions built into this bill was the provision that if, as the State moves forward, an imminent and substantial endangerment is found to the environment or public health, then the Federal Government, through the EPA, can step in and take some remedial actions. Short of that imminent and substantial endangerment, it is the State’s responsibility for action.

One of the concerns that was debated in committee was whether we had adequately clarified it enough to make it clear that the EPA or the Federal administrators could not simply use any excuse they wanted in order to claim an imminent and substantial endangerment, and had to truly work with the States and step in at the Federal level only in those extreme cases. When it clear was that the State either did not have the resources or was not willing to implement the law.

The management of this bill has reached the compromise. The language included in the bill says imminent and substantial endangerment must be found by the Federal Government before it can step in and supersede a State’s actions, which is the extent of all of us who have worked on this legislation. That gives the States truly an opportunity to have finality to their decisions about how to implement this law.

Second, I am pleased that our efforts working with the managers of the bill were successful in nearly doubling the number of eligible brownfield sites under the program by expanding the bill’s coverage. This improvement should help make this program a reality for many more communities around the country.

In appreciation for the managers’ efforts to improve the original bill, I intend to support the amendment today, and this bill with the managers’ amendments. I am very pleased that we were successful in nearly doubling the number of eligible brownfield sites under the program by expanding the bill’s coverage. This improvement should help make this program a reality for many more communities around the country.

This effort today is a very strong effort, and I think a very good effort, to move forward on meaningful brownfields legislation. With the managers’ amendments, as I said, enough improvements have been made that those of us who had concerns at the committee level, I think most, if not all of us, will be able to support the bill today. We will continue to work with the House and the President and with the managers of the bill in the Senate to see that we can make even additional improvements to the legislation as it moves forward in the legislative process. I think it is an important first step we are taking today, but it should be recognized as such—as an important but first step.

With that, I conclude my remarks and yield back my remaining time.

Mr. REID. 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. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
I believe it is important that we build upon the success of State programs by providing even more incentives to clean up brownfield sites in order to provide better protection for the health and safety of our citizens and substantially improve the environment. What we do not need are delays caused by the U.S. EPA’s second-guessing of State decisions. A good example of second-guessing occurred in my own State. One company, TRW, completed a cleanup near Minerva, OH, after列入 Ohio’s enforcement program in 1986. Despite these cleanup efforts, the U.S. EPA placed the site on the NPL list in 1989. However, after listing the site, the EPA took no aggressive steps for additional cleanup, and it has remained untouched for years.

To enhance and encourage further cleanup efforts, my State has implemented a private-sector-based program to clean up brownfield sites. When I was Governor, the Ohio EPA, Republicans and Democrats in the General Assembly and I worked hard to implement a program that we believe works for Ohio. Our program is already successful in improving Ohio’s environment and our economy, recycling acres and acres of wasteland, particularly in our urban areas.

In almost 20 years under the Federal Superfund Program, the U.S. EPA has only cleaned up 18 sites in Ohio. In contrast, TRW, a company that cleaned up under Ohio’s voluntary program in the last 6 years, and many more cleanups are underway.

States clearly have been the innovators in developing voluntary cleanup programs, and Ohio’s program has been very successful in getting cleanups done more quickly and cost effectively. For example, the first cleanup conducted under our program—the Kessler Products facility near Canton—cost was estimated to cost $2 million and to take 3 to 5 years to complete if it had been cleaned up under Superfund. However, under Ohio’s voluntary program, the cost was $600,000 and took 6 months to complete. These cleanups are good for the environment and they are good for the economy.

States are leading the way in cleaning up sites more efficiently and cost effectively. According to State solid waste management officials, States average more than 1,400 cleanups per year, and they are addressing approximately 4,700 sites all over the United States of America at any given time. I am pleased the bill we are considering today does not require the U.S. Environmental Protection Agency to pre-approve State laws and programs. State brownfield programs address sites that are not on the national priorities list and where the Federal Government has played little or no role.

Ohio and other States have very successful programs that clean up sites more efficiently and cost effectively. I worked closely with Senator Smith and Senator Reid and other Members to protect these State’s programs. The managers’ amendment is a result of that hard work.

While I would still like to see more protection and certainty for State programs, I do not believe we should delay the improvements to the State programs that are in this bill. What our States are doing is helping to recycle our urban wastelands, prevent urban sprawl, and preserve our farmland and green spaces. So often people forget the fact we have these acres of wastelands in many urban, and even rural, areas around the nation. Unless these sites are cleaned up, they will force a greater loss of green space in our respective States.

These programs are cleaning up industrial eyesores in our cities and making them more desirable places to live and work. That is another aspect of this legislation to which the Senator from California, Senator Boxer, eloquently spoke.

Because these programs are putting abandoned sites back into productive use, they are a key element in providing economic rebirth to many urban areas and good paying jobs to local residents. That is another side we do not think about. We have all sorts of assistance programs, training programs, and so forth, helping people become self-sufficient and productive citizens. In far too many cases in the United States we have not recycled urban industrial sites, businesses and jobs are developed in the outlying areas where many urban residents simply cannot get to, and are, therefore, unable to take advantage of those jobs.

Mr. President, this is a wonderful bill in so many respects. It makes sense for our environment and it makes sense for our economy. Therefore, I am pleased the Senate is considering this bill today and I urge the House and Senate to come to a prompt agreement on a final version of this legislation so we can provide a cleaner environment for cities across America.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDENT PRO Tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDENT PRO Tempore. (Mr. VOINOVICH.) Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I am pleased to support this important legislation to provide States and local communities with the tools and the resources they need to clean up and reuse polluted industrial properties, turning them from eyesores into opportunities and leveraging literally billions of dollars in economic benefits.

The legislation we are voting on today, S. 350, the Brownfields Revitalization and Environmental Restoration

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Act of 2001, represents the ultimate form of recycling. It is the recycling of one of our most precious and scarce natural resources; namely, our land. Our environmental resources, as our financial resources, are not limitless. The cleanup and reuse of brownfield sites is the answer and it is the answer to use existing infrastructure so we can reduce sprawl and preserve our precious green space and farmland and, at the same time, it provides an opportunity to energize local economies and create new jobs.

I am pleased to be an original cosponsor of S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001, an act which, as the President knows so well, enjoys broad bipartisan support of a majority of the Senate, as well as of the administration, a diversity of State and local government organizations, business interests, and environmental advocacy groups.

This bill, S. 350, is an important step in building on the proven success of existing brownfields efforts. The bill authorizes the establishment of a flexible program to provide grants and loans to State, tribal, and local governments and nonprofit organizations to assess, safely return and reuse brownfield sites. It includes important provisions that promote assistance for small, low-income communities, as well as supporting efforts to create or preserve open space and furthering participation by the public in making decisions about brownfield sites.

The bill provides appropriate liability relief for innocent parties who want to clean up and reuse brownfield sites, while maintaining the necessary Federal safety net to address serious cleanup issues.

Last week, I was delighted to learn that the EPA was making grants for additional brownfields funding for Utica, NY. I remember the first time I visited downtown Utica and saw all of the old Industrial buildings which already were tied in with existing utilities, providing an excellent opportunity for remediation that could be then followed by immediate redevelopment, only to be told because they were built on old industrial sites, because the manufacturing processes that occurred in the 19th and 20th centuries involved dangerous chemicals and other contaminants, these brownfield sites are in the middle of downtown areas that are expensive for private developers and the local community to clean up. I am delighted that Utica and other such places around New York, including Albany and Chautauqua Counties and a village of Haverstraw in Rockland County also received brownfields funding.

We have seen the benefits of brownfields cleanup and revitalization throughout New York, from Buffalo to Glen Cove, and all the places in between. I stood on the shore at Glen Cove and appreciated the most beautiful communities on the north shore of Long Island, and could see the effects of the cleanup of brownfields that are going to turn what had been a contaminated waste area into a place that can be part of waterfront redevelopment.

To date, over 20 communities across New York have received assistance through EPA’s existing brownfields program. My hope and belief that there will be more and more when we finish this legislation, which will more than double the resources currently available for brownfields cleanup across our country.

This bill strikes a delicate balance. There are compromises and tradeoffs. I appreciate the hard work of the committee in a bipartisan fashion to move this legislation forward. I take this opportunity to thank the leadership of the Environment and Public Works Committee on which I am honored to serve, particularly our chairman, Senator SMITH, and our ranking member, Senator REID, and the two Senators who pushed this legislation forward because of their respective chairing and ranking positions on committees, namely, Senators CHAFFEE and BOXER. I also thank the staffs, including my staff, the committee staff, and the individual staffs of the Senators who worked so quickly and diligently to move this legislation to the floor today.

The managers’ amendment includes a number of significant provisions. Again, I applaud and thank everyone who was part of this process. I am proud that two of the amendments I personally sponsored will be part of this legislation. One provision will help focus the delivery of brownfields assistance to communities that experience a higher than normal incidence of diseases such as cancer, asthma, or birth defects.

Two weeks ago, I was very fortunate and honored to go with my friend, the Senator from Nevada, HARRY REID, to Fallon, NV, where we held a hearing on a cancer cluster. It is a lovely community, 50, 60 miles from Reno. It is a small community, maybe 30,000 people at most, in a sparsely populated county. They have had over 12 cases of leukemia among children in the last 2 years. Clearly, it is a cancer cluster. We don’t know what is causing it. Many believe, and much of the testimony we heard certainly suggests, this rate of cancer in this kind of a cluster could be linked with exposure to hazardous substances.

The managers’ amendment we have added to the bill will offer assistance to communities already burdened with severe health programs, to help them clean up the polluted sites that may contribute to these problems. We will have to do a lot more, and I will be working with Senator REID to understand his leadership to think about what else we can do to address environmental health issues.

We certainly have more than our share in New York. I am hoping that in the future we will have a hearing in New York, perhaps on Long Island, to talk about the cancer clusters. We have asthma clusters; we have diabetes clusters. We need to figure out what we are doing or what we could stop doing or how we can clean up whatever might be associated.

Under S. 350, States that receive brownfields funding must survey and inventory sites to determine if there might be sites that would be overlooked in communities that are small or sparsely populated such as Fallon, or low-income or minority such as those in New York City.

This bill is placed that this provision in the managers’ amendment we will be able to include public participation so individuals can request a nearby brownfield site be assessed under a State program. States would maintain discretion and flexibility to set up this process however they best see fit, but concerned citizens would not be shut out of the process. They could participate and ask their particular brownfield site be given some attention and perhaps even expedited cleanup before the impact on their local community.

In every corner of our country there are abandoned, blighted areas that used to be the engines of the industrial economy or served in our national defense. They were privatized in a bureaucratic form of recycling. It is the recycling of our natural resources; namely, our land. We have seen the benefits of revitalizing these sites so they could be used to help communities, as well as support the strong national defense system we enjoy today. I think we have to pay attention to the needs of these communities.

I thank all who have made it possible for us to consider this bill today. I urge my colleagues to join in passing this important piece of environmental and economic and health care legislation. I hope our colleagues in the House will work to move their own brownfields bill so we can finally get about the business of revitalizing these sites so they can realize their economic potential and preserve our country’s beautiful, open spaces, and revitalize our downtown areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from New York leaves the floor, I want to publicly express my appreciation for her traveling to Nevada as part of a committee to deal with a most serious problem. As the Senator indicated, we do not know what the problem is in Churchill County. Is it problems with the base? It could be from fuel. We understand there have been fires in the same area. Is it from the dumping of the fuel, as she indicated? There is a theory by some academicians out of England that maybe it is...
a virus caused by the huge influx of people coming to the base from various parts of the world to this previously very stable community. Maybe it is from the agricultural activity. The first Bureau of Reclamation project in the history of this country took place there: the Nez Perce project. For years they have been dumping hundreds of tons of pesticides and herbicides on those crops. Could that be the cause? Could it be the arsenic in the water there, which is 100 parts per billion? We are told that now the water there is 30 parts per billion. We simply do not know the cause.

With the Senator from New York coming there—I do not mean to embarrass her, but with her national following, she focused attention on Fallon, NV, that would have never been accomplished had she not shown up there.

I indicated to the Senator earlier today I am going to send to her the series of editorials that have written about her coming to the State of Nevada, trying to help us with this most difficult problem.

Finally, I want to say, as I have already said earlier, outside her presence but not in a way that a valuable member of this committee is the Senator from New York. For the not quite 100 days we have been functioning as this new Congress, she has been a member of this committee and she has been very important to the meetings, stays through the meetings, and, as I indicated, she has been of valuable assistance making this legislation better. I am happy to have her as a member of the committee and of the Senate. The people from New York should feel very good about the person they brought to Washington as a Senator representing that State.

Mrs. CLINTON. I thank my friend from Nevada.

Mr. TORRICELLI. I yield to the Senator from New Jersey the time that is left over from my having spoken. I believe there may be some other time in there. I think the only speakers we have still to come are Senator CURZINE and Senator CARPER—I think that is all who wish to speak. We are going to 2 o'clock, so I yield whatever time up to 10 or 12 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. I thank the Senator from Nevada for yielding the time. Before I begin my own remarks on brownfields, I want to join him in commenting that HILLARY RODHAM CLINTON had potentially one of the most difficult transformations ever, maybe, becoming a Member of the Senate. It is also fair to say after only 100 days she has probably had one of the most remarkably successful transformations ever made to the Senate.

Mrs. CLINTON has somehow come to the Senate and devoted themselves so diligently to the details of their work, meeting their responsibilities to their State with such bipartisan acclaim by her colleagues.

I think the people of New York should be very proud, under difficult circumstances and the changing of public responsibilities, of how well she accomplished the feat and now how proudly she represents the State of New York.

Since the fortunes of New Jersey are so closely tied to those of our modest neighbor across the river, we are grateful that New York is so well represented. I congratulate her on her introduction to the Senate.

As my friend and colleague from New York, I wish to address my colleagues on the question of the brownfields legislation. We have now completed an unprecedented decade of extraordinary national prosperity. But it is a cruel irony that many of those communities which, a generation ago, laid the foundation for America's industrial might and the prosperity of our generation have not shared in every aspect of this new prosperity.

Critical to the goal of ensuring that all communities do, indeed, benefit from this prosperity is creating sound economic development in these traditional industrial areas. Although often more graphic in central cities because of their limited space, brownfields redevelopment is not just an issue of these old centers. It has also become a question of small towns. The problem is, whether it is these older industrial centers upon which our Nation built its future or it is small towns or rural areas, the Senate now in considering again changes to brownfields legislation must deal with the reality that brownfields redevelopment projects must overcome several difficult but critical barriers. These barriers historically have included: No. 1, a lack of process certainty; No. 2, liability concerns; No. 3, added expenses of environmental cleanup and the lack of redevelopment financing.

S. 350 is a bipartisan effort to address these very issues and to make our brownfields program of the last few years everything that it can, should, and must be.

Since 1993, when the Brownfields Pilot Program was implemented, hundreds of communities across the Nation have been successful in their efforts to assess, clean up, and redevelop vacant or underused, contaminated sites. In my State of New Jersey, brownfields revitalization represents the potential rebirth of many distressed cities. Indeed, in many respects brownfields and HOPE VI grants have entirely changed the landscape of some of the most distressed urban areas in the State of New Jersey.

In Trenton, an old steel plant has been transformed to a minor league baseball field. Now a center of recreation, attention, and life of the city of Trenton, only years ago it was abandoned, contaminated property.

A railroad yard on the Camden waterfront in front of a enormously won-derful view of the city of Philadelphia, what should have been some of the most productive land in the Nation, was abandoned. It has now become a major entertainment center for the bistate area.

The city of Elizabeth is taking a former landfill and constructing a shopping mall.

For all of these reasons, brownfields legislation is critical, irreplaceable, in economic revitalization of our cities of New Jersey. It is not a theory. It is not a potential. It has been proven. It is real in every one of these communities. But it does need to be improved. I support the enhancements contained in S. 350 because, No. 1, they reduce the legal and regulatory barriers that prevent brownfields redevelopment and provide funds to States for cleanup programs. No. 2, they address the needs to address potential liabilities faced by prospective purchasers and adjoining landowners. Finally, they provide funds to assess and clean up abandoned and underutilized brownfields sites. This has not been the province of private funding sources.

This bill goes a long way to remove many of the uncertainties that have made the financing of a brownfield project such a formidable task. While this legislation is a major step in the right direction, there is more that must be done to enhance the public-private partnerships to complete the picture of brownfields revitalization. The strengthening of the public-private partnership utilizes tax incentives to help attract affordable private investment.

In August of 1997, this body approved a potentially significant brownfields tax incentive. This tax incentive, referred to as the "expensing provision," allowed new owners of these contaminated sites to write cleanup costs off their taxes in the year they were deducted. This allows for increased cashflow for redevelopment projects. Surprisingly, despite the potential advantages of this provision, there have been relatively few takers. A GAO study reported in December of 2000 that in New Jersey there had been only three development projects which had even applied for this tax benefit. Developers told me they are discouraged from using the provision because of the provision's indefinite future and the exclusion of brownfield sites containing petroleum. There is simply no incentive for real estate developers to complete projects and market them quickly if the tax benefit they have derived is going to be taxed as ordinary income at 39.6 percent rather than capital gains at 20 percent.

The financial impact of that reality is very significant.

I intend to propose legislation which I believe is a very positive enhancement.

My legislation will tax this 'recapture' or reclaiming of this previously earned benefit as capital gain at a rate of 20 percent rather than as ordinary income.
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Using tax incentives to overcome capital shortages, in the market place, to achieve greater public benefits, is a proven formula for success.

This is exactly what I intend to do. This can be done to reverse negative trends and start new, constructive initiatives.

In 1962, the Regional Plan Association of New Jersey-New York-Connecticut in its publication “Spread City” stated that the region was drifting into a costly spread-out pattern of suburban development versus dormant central cities.

This publication noted that this pattern would produce suburbs with “neither the benefits of the city nor the pleasures of the countryside.”

Four decades later this vision of “Spread City” has, in fact, materialized.

Today, brownfields redevelopment should be viewed as a method of controlling urban sprawl and ultimately preserving greenfields.

A recent study of nine New Jersey cities posed conservative estimates that redevelopment of identified sites across the state could house nearly a quarter of 225,000 new residents expected by 2005.

It is, therefore, good economic policy. It is good social policy. It is good housing and job creation policy.

Finally, it is good environmental land use policy to enact brownfields legislation, and to enhance it and improve it with the necessary tax incentives to stimulate growth based on this exciting concept.

I strongly identify myself with this initiative hoping the Senate will consider my changes when indeed it is time to vote on brownfields.

I yield the floor. 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. SMITH of New Hampshire. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Senator WELSTONE be added as a cosponsor to S. 350.

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

Mr. SMITH of New Hampshire. I point out, Mr. President, that with the addition of Senator WELSTONE, that makes 70 cosponsors to this legislation. That runs the entire political spectrum, from HELMS to WELSTONE. I think it is a great tribute to the type of legislation it is that we could forge this kind of bipartisanship.

As I mentioned earlier in my remarks, there are a number of stakeholders who have written to express their support for S. 350. I did enter those letters in the RECORD and obviously will not read them all, but I would like to highlight just three or four.

One of those letters was from the U.S. Conference of Mayors. The quote from that letter is:

“The mayors believe that this legislation can dramatically improve the nation’s efforts to recycle abandoned or other underutilized brownfields sites, providing new incentives and statutory reforms to speed the assessment, cleanup and redevelopment of these properties.

I think that is a very dramatic statement. As the Presiding Officer knows, the mayors are a bipartisan group from both political parties all across the country and are across the political spectrum as well.”

Another letter we received was from the Trust for Public Land. One paragraph of that letter states:

“Brownfields afford some of the most promising revitalization opportunities from our cities to more rural locales. This legislation will serve to help meet the pronounced needs in under-served communities to reclaim abandoned sites and create open spaces. Reclamation of brownfields properties brings new life to local economies and to the spirit of neighborhoods.

Also from the National Conference of State Legislatures:

I... commend you for your continued commitment to the issue of brownfields revitalization. Without the necessary reforms to CERCLA, [the Superfund law] clean up and redevelopment opportunities are lost, as well as jobs, new tax revenue, and the opportunity to manage growth... NCSL has made this a top priority and we applaud the committee’s leadership...”

Finally, from the Building Owners & Managers Association, International:

“Thanks to the efforts of a dedicated collection of Senators, the Senate now has a bipartisan piece of legislation that would generate improved liability protections, enhanced State involvement and increased federal cleanup funding. Adoption of S. 350 would have an immediate and dramatic impact on reducing the 400,000 brownfields sites across America.

Mr. President, as I have stated many times indeed—and the distinguished President Officer also mentioned some of this in his remarks—this bill is going to encourage redevelopment and revitalization all across our country.

I would like to highlight one particular redevelopment option that would benefit from this bill. It is called ECO industrial development. It is similar to that of the Londonderry, NH, industrial park.

By reducing the waste and pollution from industry, industrial land users become better neighbors in residential areas. Developers and communities can target the kind of development they want rather than being at odds with each other.

I think that is the beauty of this legislation. Eco-industrial development helps break down the notion that enhanced environmental management can only be done at loss to businesses. It is not true. The two go hand in hand. You can have an enhanced environment, and you can enhance industry. That is why this concept is so appropriate.

I am hopeful this legislation will, in fact, encourage responsible redevelopment and revitalization similar to the Londonderry eco-Industrial park.

I would like to highlight this piece of legislation as a market-based, incentive-driven means for preventing pollution rather than relying on the fragmented, end-of-the-pipe regulations we have done for so many years.

So our current measures of productivity are based almost entirely on measuring industrial output per unit of labor. But a handful of companies—Dow Chemical, Monsanto, 3M, Ford Motor, and others—have been focusing on ways to increase or maintain their efficiency at a lower level of capital investment using fewer resources. This resource productivity can increase a company’s return on its assets significantly. And overall, an industrial and manufacturing sector in the U.S. that uses materials and energy more efficiently will become more productive, more profitable, and will remain competitive in global markets.

I think the moral of the story is that when you take an abandoned site that has been polluted and you convert it into whatever—either a green space or a true park or playground, or a baseball field, as the Presiding Officer mentioned, in Trenton—whatever you do with it, if you turn it into something productive, you have, No. 1, created jobs. And No. 2, you have taken all the pressure off additional green space—a lot of pressure off additional green space—that now will not be developed because this will be redeveloped, and also you help to beautify your community.

I think it is also important to point out it is not just the large cities such as Trenton, NJ, or Manchester, NH, or any other large city—it is not just large cities—there are many small towns all across some 400,000 to 500,000 of these sites lie. A lot of them are on the eastern seaboard in the early developed areas of our country, along the rivers and railroad tracks, and these are the areas that need this.

For so many years, under the current Superfund law, they have not been able to develop these sites because industry and contractors simply would not take the risk, knowing the possible liability. So that is why this legislation is so exciting. It is also why we have 70 cosponsors and why we probably will have a close to unanimous, if not unanimous, vote in the Senate. And we look
forward to seeing this bill move forward to the House, and to get it out of the House or out of conference, whatever the case may be, and get it to the President's desk.

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. CORZINE. Mr. President, I am asking unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORZINE. Mr. President, I rise in strong support of S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. I am proud to be a cosponsor of this important legislation.

This bill proves that environmental protection and economic development can go hand in hand, that we can take depressed, blighted areas, such as those in New Jersey with which we have worked, and make them vibrant and productive, and that we can do so in a cooperative, bipartisan manner.

Hundreds of thousands of contaminated industrial sites lie underutilized or even abandoned across the country, largely because of the potential risk and expense of cleaning them up. New Jersey has more than 8,000 of these brownfields.

When developers now look at these sites, they see a hornet's nest of problems. But when I look at them, I see opportunities. Many of these brownfields are located in economically depressed urban areas. Cleaning them up can spur economic development, create jobs, and bring in additional tax revenue.

Of course, cleaning up brownfields does more than help the economy. It also protects the public health. In addition, it can provide a buffer to keep people away from the riverfront areas that have been forgotten and served as a buffer to keep people away from environmental restoration efforts—and the efforts of staffer Lisa Haage, who now works for the Environment Committee—soon should bear fruit.

I also want to thank Senators SMITH, REID, CHAFEE, and BOXER for their leadership and hard work in crafting and advancing this bipartisan legislation this year. This bill proves that bipartisanship can and will lead to positive results, particularly with regard to environmental legislation. I am hopeful that that spirit of cooperation will operate here in the Chamber.

With that, I conclude my remarks and ask my colleagues to support this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CARPER. 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. CARPER. Mr. President, I want to take a few minutes this afternoon to express my support for S. 350, the Brownfields Revitalization and Environmental Restoration Act. It is a bill which I hope will vote to pass today and, hopefully, it will be enacted in the House as well. The bill before us this afternoon represents years of discussion, countless hearings and a genuine compromise. Some people in this Chamber have been part of those discussions and have worked hard to achieve this compromise.

We have heard from others today who talked about the balance this bill represents and some of the compromises it contains. I want to focus in my remarks on what this bill means to our States, including the State I am privileged to represent, Delaware, where this legislation can make and will make a real and significant impact.

I often look out the window of my home and see the Christina River. This morning, I took the train, as I do most mornings. I caught the train in Wilmington and headed down to Washington. I looked out, as I often do, the left side of the train as we pulled out of the Amtrak station in Wilmington and I saw an area that during World War II was a prime area for building ships, along the magnificent Christina River. Between roughly 1941 and 1945, some 10,000 men and women worked along the banks of the Christina River in Wilmington. They built all kinds of ships, destroyer escorts, troop landing ships, Liberty ships, and other vessels that really helped to win World War II.

When the war was over in 1945, not surprisingly, all of those people were out of a job, and eventually within a few years after the end of the war, that vibrant shipbuilding community along the Christina folded up and all of those jobs, for the most part, went away. What had been a vibrant area with middle-class homes eventually became an abandoned wasteland. Wilmington, and I looked over to an area that 10 years ago was a great shipbuilding community, the Wilming, Blue Rocks.

A couple years ago, as Delaware's Congressman during the late 1980s, I rode that same Amtrak train to work. I stood and said to myself, boy, this looks awful. And it did. Today it doesn't. Today, we have a river walk, we have a beautiful park, we have buildings that have been restored or are being restored, we have museums, restaurants, and places to shop. We have a stadium where one of the greatest minor league baseball teams in America plays, the Wilmington Blue Rocks.

As a freshman Senator who joined this legislation also represents an important compromise of Federal and State interests. It provides funding for grants to States to help them enhance and develop their own brownfields programs. It recognizes the important lead role that States play in dealing with brownfields, but it also retains the right of the Federal Government to intervene under certain circumstances to address serious threats that may arise. In general, I see this as a sound balance.

We should be proud that we have been able to work this in a way that leads to a positive long-term result.

I do believe this bill merely provides an authorization for funding in the future. It doesn't provide the funding itself. Often we talk about authorizations and take victory laps, but the appropriations process is important and will determine to those in the appropriations process later on, and we'll all have to work hard to make sure that we can find real dollars to be placed against this real need.

Along these lines, I was very disappointed that the Bush budget included only $86 million for brownfields redevelopment. That's far short of the $250 million authorized in this bill for fiscal year 2002. The Bush administration has said that it would support the bill, but their budget doesn't have the money to show their support. Congress will have to do better.

Finally, I acknowledge the leadership of my predecessor, Senator Frank Lautenberg, who took the lead in the last Congress to develop this legislation. Senator Lautenberg has been a strong advocate of addressing brownfields. I am pleased that his efforts—and the efforts of staffer Lisa Haage, who now works for the Environment Committee—soon should bear fruit.

I want to thank several people, certainly our subcommittee chairman, the ranking Democrat, and Senator Smith, who headed the subcommittee to develop this bill and nurtured it over the years. I thank Senator Smith, chairman of the committee, for his good work, and Senator Reid of Nevada, who has spent a fair amount of time in these vineyards in the last couple of years.

As a freshman Senator who joined this important debate a little late, they were kind enough to work with me and teach me a thing or two about these issues and listen to my concerns and to reflect some of them in the final bill. I don't see my friend from Ohio on the floor, but I want to say a word about Senator Voinovich, who chaired
the National Governors’ Association during the time when I was its vice-chairman, and who has worked on this bill with me. We had the opportunity to work a little together on this legislation and he was instrumental in making a good bill even better. I am pleased to work with my colleagues and fellow Governors across the country that included in this bill is a provision that will go some distance toward ensuring that State certification of brownfields cleanup will actually result in a State becoming eligible for underutilized sites in States across the country.

I thank Senator VOINOVICH for his work on this, as well as the other members of our committee who have worked very hard and patiently over the last several months and years, and who didn’t pass up the opportunity this year to make this bill the best it could be. I believe what we have today is a brownfields bill that moves EPA’s existing program a significant step forward.

This bill protects our environment and encourages businesses to reuse these sites. In my opinion, it just makes good sense. I urge my colleagues to vote in support of this bill.

Before I yield, I want to say, in reflecting on my first roughly 3 months here as a Senator, I have had the opportunity to work in a bipartisan manner in the Chamber on a couple of major initiatives, such as bankruptcy reform, along with the Presiding Officer, who was instrumental in it; but the bill passed with 85 votes, with broad bipartisan support. There was also campaign finance reform, which enjoyed a lot of Democratic and Republican support as well. We had the budget resolution, which ended up enjoying a fair amount of Democratic support as well. I urge my colleagues to support, and today we have the brownfields legislation, which I believe will pass this Chamber with broad bipartisan support. I am encouraged at this degree of bipartisan support on these bills. Maybe, we will somehow set the stage today for debate which is to begin maybe tomorrow or next week, and that is to bring up the education issues, to try to redefine the Federal role regarding the education of our children.

Thank you, Mr. President. I surrender my time and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I want to take a couple of minutes to explain to my colleagues the managers’ amendment, which will be part of the entire vote. We did expand the bill. At the end of the markup in committee, there were a number of concerns raised by Senators on both sides, which we attempted to address and finally were able to address. I wanted to highlight three or four of them on both sides of the aisle.

Senator INHOFE raised a concern, and Senator BOND as well, about innocent parties cleaning up relatively low-risk brownfield sites contaminated by petroleum or a petroleum product. We were able to allow for the application for brownfields revitalization funding for those purposes as requested by Senators INHOFE and BOND.

Also, in authorizing $200 million annually for the brownfields revitalization program, we added another $50 million, or 25 percent of the total for the cleanup of petroleum sites. This was included in the managers’ amendment. We have bipartisan committee support for it today. Those are two contributions to the overall legislation by Senators INHOFE and BOND.

In addition, Senator CHAFEE asked for a clarification that a grant or loan recipient may use a portion of that grant or loan to purchase insurance for the characterization assessment or remediation of the prospective brownfields site. We were able to take care of that.

Senator CLINTON asked for conditions to the rank and criteria used to award moneys under this bill to address sites with a disproportionate impact on the health of children, minorities, and other sensitive subpopulations in communities with experienced higher incidence of cancer and other diseases and conditions. We were able to include that. Another concern of Senator CLINTON was an element to a State response program whereby a citizen can request a State official to conduct a site assessment and the State official considers and responds appropriately to that request. Those issues of concern were added to the managers’ amendment.

In addition, Senator VOINOVICH asked for a requirement that the Administrator consult with States in determining when new information regarding a facility presents a threat to human health or the environment, while preserving EPA’s authority to take appropriate action.

Mr. President, I also received a moment ago a statement from the administration. I will quote from part of it:

The administration supports Senate passage of S. 350 which would authorize appropriations to assess and clean up certain abandoned industrial sites known as brownfields and provide protection from liability for certain landowners. By removing barriers to brownfield cleanup and redevelopment, S. 350 would allow communities to reduce environmental and health risks, capitalize on existing infrastructure, attract new businesses and jobs, and improve their tax base.

We are pleased to have that statement of support.

Before I yield to Senator REID for final remarks before the vote, I thank Senator REID again and all of the members of the committee, Senator CHAFEE, Senator BOXER, and all those who worked with me to bring this to closure. It has been a pleasure. I have enjoyed it. I think we finally got to the end. We are glad we did. The country will be the beneficiary of our actions.

It is nice to know that a piece of legislation, once it passes, will have immediate results for almost any community in America. There are so many sites. There are probably very few communities that do not have a brownfield site, which is an abandoned industrial site.

I will be pleased when the bill is signed and when the dollars start to flow, not just from the few dollars we have in the Federal process but from the investments that will be made by the private sector because these folks will now be able to go onsite and clean them up.

I am excited about the bill. I am glad we are at the end. I am happy to hand it over to the House now and wait for them, and hopefully, if there is a conference, it will be an easy one.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I want to take a minute to express my apprecia
tion to the Senator from Delaware for being a member of the committee. Senator CARPER and I came to Washington together, along with the Presiding Officer, in 1982. When he was elected to the Senate, I was very happy. He was a great Member of the House of Representatives and a tremendous Governor.

I was happy to visit the State of Delaware on a number of occasions and work with the Governor of Delaware. The people of Delaware are very fortunate to have someone of the caliber of Tom CARPER representing them in the Senate. He is a great addition to Joe BIDEN. They are good Senators. I do not know how you can do better than the two Senators from the State of Delaware.

Senator CARPER’s work on the committee and on this bill has been exemplary. He worked very hard with Senator VOINOVICH to satisfy the problems he had with this bill. I am pleased to take this opportunity to the Senator from Delaware.

I was very happy to hear from Senator SMITH that we do now have a statement from the administration on this legislation. This is, in effect, icing on the cake. This legislation has been long in coming. The prior administration tried very hard to get it before the Congress. For various procedural reasons, we were unable to do so for 2 years. On a bipartisan basis, the committee was able to report this important legislation for consideration by the Senate.

This legislation is representative of how we should operate in the Senate. It is a bill we recognize was controversial. It is a bill about which we recognize there were disparate views in the committee. We also realize the Senate was divided 50/50, just as the Environment and Public Works Committee was divided 50/50. Republicans reached
Democrats, Democrats reached Republicans, and we came up with this legislation.

This is very good legislation; 500,000 sites across America will benefit from this legislative initiative. Billions of dollars will go to local communities. Hundreds of thousands of jobs, in fact, 600,000 jobs, will be required to clean up these sites. This is important because, as we indicated earlier this morning, there are corner service stations in urban areas upon which nothing can be built. People will not touch them because they are an old service station and there may be Superfund liability. This legislation takes care of that.

Corner service stations all over America will be cleaned up and something built which will contribute to the local community.

There are dry cleaning establishments all over America. We do not have big dry cleaners. They are all small. All over America we have old dry cleaning establishments. New businesses will not touch them because of possible Superfund liability. This legislation takes care of all that.

This is what the American people want in sending us an equally divided Senate. This is what the people deserve. This legislation will go a long way toward making people feel good about Government.

It has been a pleasure working with the Senator from New Hampshire, as I have already stated. This is a joint effort. I commend and applaud the chairman of the subcommittee, Senator Chaffee, and the ranking member of the subcommittee, Senator Boxer, for their outstanding work.

Mr. President, have the yeas and nays ordered on this matter?

The PRESIDING OFFICER. They have not.

Mr. Reid. 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.

The PRESIDING OFFICER. Under the previous order, amendment No. 352 is agreed to.

The amendment (No. 352) was agreed to.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute, as amended, is agreed to.

REGARDING PETROLEUM SITES

Mr. Voinovich. Mr. President, I would like to take this opportunity to clarify some issues related to the Brownfields Revitalization and Environmental Restoration Act. Is it the Chairman’s understanding that the exception under which the President may bring an enforcement action following new information becoming available is to occur after the Administrator has consulted with the State?

Mr. Smith of New Hampshire. My colleague from Ohio is correct. The managers’ amendment clarifies the role of the State when new information has become available. Specifically, the Administrator must consult with the State before an enforcement action can be taken. Additionally, the State’s records must be consulted to determine whether the new information was known by the State as defined in the legislation.

Mr. Voinovich. Is it also correct that this provision does not limit the Administrator of the EPA from making a determination, based on new information, that the condition at the facility present a threat that requires further remediation?

Mrs. Boxer. Yes. The managers’ amendment states that consultation with the State shall not limit the ability of the Administrator in making a determination, as the result of new information, that contamination or conditions at a facility present a threat requiring further remediation to protect public health or welfare or the environment. This is the information the State is already aware of, and it is very important and is addressed in this section and other portions of the bill. It is not intended, however, to be an open-ended process. Consultation should not delay or prohibit the Administrator’s ability to make a determination that presents a threat that requires further remediation.

Mr. Reid. I am very pleased that we were able to resolve the concerns raised by my colleague Mr. Voinovich at the Committee markup, and wish to thank him for working with us to reach this resolution.

Mr. Voinovich. I thank my colleagues for clarifying the role of the States in making these determinations.

Mr. Inhofe. Mr. President, I would like to ask the chairman and ranking member if they agree with my interpretation of the Inhofe amendment adopted as part of the managers’ package.

This amendment ensures that certain sites that have been contaminated by petroleum or petroleum products, “petroleum contaminated”; or have access to another source of funding, “qualified sites,” may be eligible for funding under title I of this bill, by expressly adding these sites to the definition of “brownfield sites,” and specifically authorizing funding for the characterization, assessment and remediation of these sites. These petroleum-contaminated sites must meet several conditions to be eligible for funding under this new provision.

First, the site must be relatively low risk, as compared with other petroleum-only sites in the State. This provision does not presuppose that each State has conducted a ranking of its petroleum sites, or require that it do so. Rather, we are aware that most States already have experience in making determinations as to which petroleum contaminated sites pose the greatest risk. Under section 9003(h)(3) of the Solid Waste Disposal Act (SWDA), States are directed to prioritize sites for corrective action based on “which pose the greatest threat to human health and the environment.” The Committee contemplates that States will be able to use similar approaches to those used under section 9003(h)(3) to identify sites that are appropriately covered by this provision, those that are relatively low risk.

Section 9003(h)(3) of the Solid Waste Disposal Act directs states, who are authorized under section 9003(h)(7), to prioritize underground storage tank, “UST”, sites. Under section 9003(h)(7), priority for remediation is given to UST sites which pose the greatest threat to human health and the environment, as determined by those States. The new section 128(a)(D)(II) of S. 350 addresses sites that meet all of the following conditions: there are no viable responsible parties, otherwise known as abandoned sites; the petroleum site is not subject to an order under section 9003(h) of SWDA; and the petroleum site is not subject to another order or regulation or risk. Relatively low risk should be determined by comparing the relative risk of a given site to UST and other petroleum contaminated sites in that State. The determination as to whether a particular site meets the “relatively low risk” criterion will be made by the entity that is awarding the grant or loan to the person doing the work.

Funds authorized under the new section 128(a)(2) shall be used for site remediation. If a site uses funds authorized by section 128(a)(2) to assess a site, and it is later determined (after the assessment) that the site is eligible for other applicable Federal and State funding, funds from those other applicable Federal or State programs shall be used first. This will preserve funds authorized under this bill for sites that do not have access to another source of funding.

Neither this nor any other provision of S. 350, in any way, alters the exclusion of petroleum or petroleum products from the definition of “hazardous substance” under section 101 of CERCLA.

Mr. CRAPO. I commend the Senator from Oklahoma for this amendment and am also interested in knowing if this interpretation is consistent with the intent of the chairman and the ranking member of the Environment and Public Works Committee.

Mr. Smith. The Senator from Oklahoma’s interpretation of the amendment is consistent with my interpretation of the provisions and I am pleased we were able to include it in the managers’ package.

Mr. Reid. I agree with the chairman. I hope that this section will provide an additional tool for addressing abandoned petroleum sites. The bill includes mechanisms to allow us to evaluate how this and other provisions of the bill are being used to ensure whether the funding levels are sufficient.

Mr. Bond. I’d like to thank the chairman and ranking member for
Mr. INHOFE. Mr. President, as we have discussed here today, I hope there will be additional opportunities for the committee to consider needed legislative changes to sections of Superfund that are not related to brownfields.

Though these amendments, which clarify liability for common carriers and rail spur track owners, I would like to bring to your attention which this committee has favorably considered in past Superfund bills.

The first provision would conform the existing law to the industry’s current practice of using contract carriage agreements by clarifying that a railroad would not be liable for the transportation of hazardous substances under a contract with a shipper who later mishandles the commodity. This is a technical amendment which is necessary to reflect the fact that most rail shipments today move under the terms of transportation contract agreements. For example, this was the case when CERCLA was first enacted in 1986.

The second issue addresses contamination on or around spur tracks, which run to and through shipper facilities. The current law states that railroads can be potentially liable as landowners for such contamination even when it is caused by a shipper. This change would hold the railroad liable only if the railroad caused or contributed to the release of the hazardous substance.

Both these issues recognize that a railroad, as a common carrier, should not be liable when it cannot control its customer’s handling of hazardous substances, and the customer’s actions result in the release of a hazardous substance. These clarifications create CERCLA liability.

These noncontroversial changes are simple and needed reforms to Superfund law, and I would hope you could support including these provisions in later Superfund legislation or even, if the opportunity presents itself as part of this brownfields bill.

Mr. SMITH of New Hampshire. I would say to my good friend that I agree with this provisions and have, in fact, supported them in the past. I will support the track changes as long as we have discussed it will be difficult to include them in the brownfields bill. I would certainly support the inclusion of these provisions in any Superfund legislation that the committee acts on later this year.

Mr. INHOFE. I thank the chairman for his support on these two provisions.

Mr. REID. Mr. President, I appreciate the work of the subcommittee chairman and ranking minority member and the full membership of the Environment and Public Works Committee chairman in helping craft this brownfields bill. I would like to clarify one matter in the managers’ amendment regarding the use of funding under this bill to purchase certain environmental insurance at brownfield sites.

Mr. CHAFEE. Mr. President, the Senate adopted, subject to the jurisdiction of the subcommittee chairman, in doing that work, will be able to use a portion of that money to purchase insurance for the characterization, assessment or remediation of that site. While I believe this can be a valuable tool, I would like to ensure that the limited brownfield funding is maximized to facilitate cleanup and reuse of as many sites as possible.

I would like to confirm with the chairman of the Subcommittee on Superfund, Waste Control, and Risk Assessment that the language is limited to the purchase of environmental insurance by persons performing the actions, that the purchase of environmental insurance is intended to be a relatively minor percentage of the overall costs at a site, and that its primary purpose is to insure against costs of assessment, characterization and cleanup being higher than anticipated.

Mr. CHAFEE. Mr. President, the Senate adopted this provision only to clarify that a person performing the characterization, assessment, or cleanup can use federal assistance to purchase environmental insurance such as cost-cap insurance, which is one of the most frequently used policies at brownfield sites. Such a policy would cover the costs of cleanup if the actual costs exceeded estimated costs. It is my understanding that this clarifies EPA’s current practice. This provision can give a developer the necessary comfort to invest in a site. In addition, the purchase of such environmental insurance with federal assistance is not intended to be a significant portion of the overall costs at a site.

Mr. CHAFEE. Mr. President, I am not sure we are correct regarding the purpose of these policies: no portion of the funding under this bill would be available for other types of insurance.

Mr. REID. Mr. President, I appreciate the chairman’s clarification of this matter.

Mrs. CLINTON. Mr. President, I thank Chairman SMITH and CHAFEE and Senators REID and BOXER for agreeing to further enhance opportunities for public participation in state brownfields programs under S. 350. Specifically, the bill as amended would provide an opportunity for individuals to request that a nearby brownfields site be assessed under a state program, and for such requests to be considered and responded to in an appropriate manner. This provision sets up this element of their state brownfields program as they best see fit, and the provision does not create an appeals process. Is that your understanding of the provision?

Mr. SMITH of New Hampshire. Yes, that is my understanding of the provision.

Mr. REID. That is my understanding as well.

Mr. VOINOVICH. I agree that it is important for States to be responsive to the concerns of their citizens. As a former Governor of Ohio, I have, myself, unique first-hand experience of dealing with such issues and the role of the state. In fact, Ohio law already requires the state to respond to environmental complaints.

The Ohio Environmental Protection Agency, O E P A, responds under the verified complaint procedure required under State law. Under this statute, the Director of O E P A must take action by expeditiously investigating claims and following up within a specified period of time. If enforcement action is warranted, then the Director must contact the State Attorney General to initiate proper proceedings.

Mr. SMITH of New Hampshire. It is important for a State to be responsive to concerns brought up by its citizens. For example, under the New Hampshire program, if a citizen contacts the Department of Environmental Services, D E S, regarding a site, the first and foremost consideration is to carefully assess the potential risk to human health and the environment. Both written and telephone communications are assigned to D E S’s Special Investigations Section in the Waste Management Division. There are four individuals who are involved in this work and provide round-the-clock coverage.

DES first checks the data base to verify that the inquiry is indeed a new matter and decides, based upon the information offered, the level of risk and hence the immediacy of response required. Departmental protocol governs this practice. An essential element of this approach is based upon the intuitive, knowledgeable sense of the staff person receiving the call. An attempt is made to identify that require immediate response from others of a less immediate nature. In the event of a grave emergency, D E S or the
on-scene commander, may request assistance from EPA’s emergency responders. In the case where a site warrants an emergency response, the citizen inquirer would be given information as soon as possible. In all other cases, responders or other Division staff would be made available to provide details. If the case is determined to be a new site, the citizen would be responded to when an initial site drive by or on the ground investigation had been made. In this case an inquirer would be told what to expect for a response time, if a response were necessary.

An inquiry related to a known site which was not an emergency situation would be addressed by the assigned Project Manager, who could comment on planned or on-going work at the site and the nature or degree of risk. DES also would seek to determine whether the inquirer had new information that might be relevant. Most often, DES would provide a general response to the site’s information present a threat requiring further remediation to protect public health or the environment. The committee expects that the Administrator shall use her discretion in determining whether this information is both credible and relevant to the site in question. After careful consideration of the quality, objectivity and weight of the “information” regarding the site, the Administrator shall decide whether this information is adequate to determine there is a threat to public health or welfare or the environment. This “information” consists of information not known by the State on the earlier of the date on which cleanup was either approved or completed. The “information” need not be specific to this site; however, it must be relevant to the site in question. After careful consideration of the quality, objectivity and weight of the “information” regarding the site, the Administrator shall decide whether this information is adequate to determine there is a threat to public health or welfare or the environment.

This “information” triggers this section only if the Administrator determines that it indicates that such contamination or conditions at the facility present a threat requiring further remediation to protect public health or welfare or the environment. Do the chairman and ranking member agree with this interpretation of “information”?

Mr. SMITH of New Hampshire. I share my colleagues’ interpretation of this provision.

Mr. SMITH of New Hampshire. I share my colleagues’ interpretation of this provision.

Mr. REID. Yes, that is correct. This provision is intended to ensure that the public health and the environment are protected from such threats.

Mr. SMITH of New Hampshire. I share my colleagues’ interpretation of this provision.

Mr. GRAHAM, Mr. President. I would like to confirm with the chairman and ranking Democrats on the Environment and Public Works Committee that certain sites in my State would be eligible for the benefits of this important brownfields legislation. In several States, including my State of Florida, there are a number of sites that were contaminated in the early to mid-1900’s by chemicals used for tick-prevention measures required by the United States Department of Agriculture. So-called cattle dipping vats were used to eliminate ticks that threatened our Nation’s cattle. It is my understanding that these sites would be eligible for the benefits of this important brownfields legislation. Is that your understanding?

Mr. REID. I agree with the Senator from Florida that sites contaminated by the historic practice of dipping cattle to eliminate ticks are eligible for benefits under this bill, so long as any particular aspect of the definitions and conditions in the bill.

Under the bill funding is available for assessment and cleanup of “brownfield sites,” which are “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.” It is my understanding that the sites the Senator describes would meet this portion of the definition of eligible brownfield sites under the bill.

The bill goes on to exclude certain categories of sites, such as those that are listed or proposed for listing on the Superfund National Priorities List, and those that are subject to orders or cleanup requirements under other Federal environmental laws. So long as the sites the Senator refers to are not within any of the exclusions they would be eligible.

Mr. SMITH of New Hampshire. I can appreciate the concerns raised by the Senator from Florida. I agree with Senator REID that sites contaminated as a result of former cattle dipping practices and which meet the definitions and conditions for sites to obtain funding and liability relief under this bill will be eligible for the benefits of this bill.

Mr. GRAHAM. I thank the chairman and ranking Democratic member for that clarification. I believe that since the federal government required these dipping vats to be constructed, the individuals who complied with that federal requirement should be excluded from all Superfund. However, I also believe that the brownfields legislation we are considering today is a critical step forward in our ability to clean-up sites around the country. I look forward to working with both of you and our colleagues on the Environment and Public Works Committee to take additional steps forward in the months to come.

Mr. STEVENS, Mr. President, I congratulate the Chairman and Ranking Member of the Environment and Public Works Committee for developing a bill that has secured enormous bipartisan support in this Congress. This is an important program for many states. I have considered cosponsoring the measure. However I withhold sponsorship at this time because there is a problem relative to which native entities in Alaska are eligible for such funding.

Mr. SMITH of New Hampshire. I would like to work with the Senator on this issue.

Mr. LEVIN. Mr. President, I would like to engage my colleagues, Senators JEFFORDS, REID, and SMITH from New Hampshire in a discussion of this important brownfields legislation which will help communities return these former commercial and industrial properties back to productive use. The financial incentives and statutory reforms provided in S. 350 will dramatically improve our communities’ efforts to redevelop brownfields.

As chairman of the Senate Smart Growth Task Force, Senator JEFFORDS and I will introduce bills to complement S. 350 by providing communities with economic resources to redevelop brownfield sites. Our first proposal would expand efforts of the Department of Commerce’s Economic Development Administration, or EDA, to address distressed counties. The bill will provide EDA with a dedicated source of funding for brownfields redevelopment and increased funding flexibility to help States, local communities and nonprofit organizations reshape these sites to productive use. Our second proposal would permit the Department of Housing and Urban Development to make brownfields economic development initiative grants independent of economic development loan guarantees, and set aside a portion of the funding for smaller communities. I hope that Senators SMITH and REID will work with us to get our proposed legislation enacted.
These proposals would be very complementary to S. 350. Economic development funding through ERA and HUD along with the financial resources and liability clarifications contained in S. 350 would provide communities with the tools they need to return brownfields to productive uses. Together, our proposals and S. 350 would provide communities with the financial assistance needed to leverage private investment in brownfields and accelerate reuse.


Mr. JEFFORDS. Mr. President, I join my colleague, Mr. Levin, in commending Mr. Smith of New Hampshire, CHAFFEE, REID, and BOXER for their efforts to promote brownfield revitalization. I am a co-sponsor and strong supporter of S. 350, and believe this legislation is long overdue.

Senator LEVIN and I have been working on complementary legislation. The proposal would provide the Economic Development Administration (EDA) with a formal channel of funding to help communities turn brownfields environmental liabilities into economic assets. This legislation would provide targeted assistance to projects that redevelop brownfields. EDA funding for brownfields will help communities get the financial assistance needed to leverage private investment in brownfields. With over 450,000 brownfields sites nationwide, it is imperative that the federal government assist local cleanup efforts that in turn will stimulate economic revitalization.

The second legislative proposal addresses requirements on the Department of Housing and Urban Development’s (HUD) Brownfields Economic Development Initiative (BEDI) grant program that are hampering small city brownfields revitalization efforts. BEDI requirements for Section 108 serve as a deterrent to many small towns in Vermont and throughout the nation, who do not have the resources to commit to brownfields. Our bill would permit HUD to make grants available independent of economic development loan guarantees.

I am very hopeful that the Chairman and Ranking Member of Committee on Environment and Public Works will work with us to advance this important legislative initiatives.

Mr. REID. Mr. President, I would like to thank my colleague from Michigan, Mr. Levin, and my colleague from Vermont, Mr. JEFFORDS, for their strong support of S. 350 and commend them for their efforts to provide communities with economic development resources to redevelop brownfields. I commit to my colleagues, Mr. Levin and Mr. JEFFORDS, that I will work with Senator SMITH to have a hearing on their Economic Development Administration brownfield proposal. I look forward to working with them to explore options to further address the reuse of brownfields and look forward to working with them to protect our communities.

Mr. SMITH of New Hampshire. I thank Mr. JEFFORDS and Mr. Levin for their support and co-sponsorship of S. 350. I appreciate their efforts to craft legislation complementary to S. 350. As such, I will look closely at their proposals and work with them to further advance the issue of brownfield redevelopment.

INDIAN TRIBES

Mr. BINGAMAN. Will the Senator from Nevada yield for a question?

Mr. REID. I yield.

Mr. BINGAMAN. I thank the Senator. Mr. President, I believe that this is a good piece of legislation that will promote the cleanup and reuse of business and industrial sites that now stand essentially abandoned. I would just like to clarify one point. I note that throughout much of the Bill any reference to ‘States’ is accompanied by a reference to ‘Indian Tribes’. However, this is not the case in section 128(b)(1)/(b)(ii), as added by section 301 of the Bill, regarding federal enforcement actions in the event of contamination migrating across a State line. Could the Senator confirm that it is the intention of the legislation that references in that section to ‘States’ should extend to ‘Indian Tribes’?

Mr. REID. Yes Senator, that is the intention.

Mr. BINGAMAN. The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? 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 Arkansas (Mr. HUTCHISON) is necessarily absent.

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

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

[Rollcall Vote No. 87 Leg.]

YEAS—99

Akaka   Bayh   Breaux   Brownback
Allen   Bentsen   Biden   Brown
Baucus   Bingaman   Bono   Breaux

No votes recorded.

The bill (S. 350), as amended, was passed, as follows:

S. 350

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS. (a) SHORT TITLE.—This Act may be cited as the “Brownfields Revitalization and Environmental Restoration Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

Sec. 101. Brownfields revitalization funding.

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

Sec. 201. Contiguous properties.
Sec. 202. Prospective purchasers and windfall liens.
Sec. 203. Innocent landowners.

TITLE III—STATE RESPONSE PROGRAMS

Sec. 301. State response programs.
Sec. 302. Additions to National Priorities List.

TITLE IV—BROWNFIELDS REVITALIZATION FUNDING

Sec. 101. Brownfields revitalization funding.

(a) DEFINITION OF BROWNFIELD SITE.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

“(39) BROWNFIELD SITE.—

“(A) IN GENERAL.—The term ‘brownfield site’ means real property, the expansion, re-development, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

(B) EXCLUSIONS.—The term ‘brownfield site’ does not include—

“(i) a facility that is the subject of a planned or ongoing removal action under this title;

“(ii) a facility that is listed on the National Priorities List or is proposed for listing;

“(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under this Act;

“(iv) a facility that is the subject of a unilateral administrative order, a court order,
an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States for an Indian tribe; or

''(i) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States for an Indian tribe;

''(ii) a portion of a facility—

''(AA) of relatively low risk, as compared with other petroleum-only sites in the State; and

''(BB) a site for which there is no viable reclamation likely to be achieved or for which a facilitation or implementation of corrective measures; or

''(iii) a land disposal unit with respect to which a permit has been issued by the United States for an Indian tribe;

''(A) Brownfield Site Characterization and Assessment Grant Program.—The Administrator shall establish a program to—

''(i) investigation and identification of the extent of contamination; and

''(ii) monitoring of a natural resource.

''(B) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT.—

''(1) GRANTS PROVIDED BY THE PRESIDENT.—Subject to subsections (d) and (e), the President shall establish a program to provide grants to—

''(A) eligible entities, to be used for characterization, assess, and conduct planning related to brownfield sites under paragraph (2); and

''(B) perform targeted site assessments at brownfield sites.

''(2) Assistance for site characterization and assessment—

''(i) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more brownfield sites.

''(ii) W AIVER.—The Administrator may waive the $200,000 limitation under clause (i) to permit the recipient of the grant or loan to receive a grant of not to exceed $350,000, based on the anticipated level of contamination, size, or status of ownership of the site.

''(3) GRANTS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under paragraph (1)(A) shall use the grant funds to provide assistance for the remediation of brownfield sites in the form of—

''(A) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

''(B) 1 or more grants to an eligible entity or other nonprofit organization, where warranted, as determined by the President based on considerations under paragraph (3), to be used directly for remediation of the brownfield site owned by the eligible entity or nonprofit organization that receives the grant and in amounts not to exceed $200,000 for each site to be remediated.

''(4) LOANS AND GRANTS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under paragraph (1)(A) shall use the grant funds to provide assistance for the remediation of brownfield sites in the form of—

''(A) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

''(B) 1 or more grants to an eligible entity or other nonprofit organization, where warranted, as determined by the President based on considerations under paragraph (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

''(C) Additional Grant Amount.—The Administrator may make an additional grant to an eligible entity described in clause (i) for any year after the year for which the initial grant is made, taking into consideration—

''(i) the number of sites and number of communities that are addressed by the revolving loan fund;

''(ii) the demand for funding by eligible entities that have not previously received a grant under this section;

''(iii) the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

''(iv) such other similar factors as the Administrator considers appropriate to carry out this section.

''(D) PROHIBITION.—(A) IN GENERAL.—No part of a grant or loan under this section may be used for the payment of—

''(i) a penalty or fine; and

''(ii) a Federal cost-share requirement.

''(E) Exclusions.—For the purposes of subparagraph (A)(iii), the term 'administrative cost' does not include the cost of—

''(i) investigation and identification of the extent of contamination; and

''(ii) design and performance of a response action; or

''(iii) monitoring of a natural resource.
grant under this section may use not to exceed 10 percent of the grant funds to develop and implement a brownfields program that may include—

(A) monitoring the health of populations exposed to 1 or more hazardous substances from a brownfield site; and

(B) monitoring and enforcement of any institution required to prevent human exposure to any hazardous substance from a brownfield site.

(4) INSURANCE.—A recipient of a grant or loan made under subsection (b) or (c) that performs a characterization, assessment, or remediation of a brownfield site may use a portion of the grant or loan to purchase insurance for the characterization, assessment, or remediation of that site.

(e) GRANT APPLICATIONS.—

(1) IN GENERAL.—

(i) APPLICATION.—An eligible entity may submit to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, an application for a grant under this section for 1 or more brownfield sites (including, information on the criteria used by the Administrator to rank applications under paragraph (3), to the extent the Administrator determines have the highest rankings under the ranking criteria established under paragraph (3)).

(ii) NCP REQUIREMENTS.—The Administrator may include in any requirement for submission of an application under clause (i) a requirement that the Inspector General of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section.

(ii) RANKING CRITERIA.—The Administrator shall establish a system for ranking grant applications received under this subsection that includes the following criteria:

(A) The extent to which a grant will stimulate the availability of other funds for environmental assessment or remediation, and subrecipient participation in the remediation of an area in which 1 or more brownfield sites are located.

(B) The potential of the proposed project or the development plan for an area in which 1 or more brownfield sites are located to stimulate economic development of the area on completion of the cleanup.

(C) The extent to which a grant would address identification and reduction of threats to human health and the environment, including threats in areas in which there is a greater-than-normal incidence of diseases or conditions (including cancer, asthma, or birth defects) that may be associated with exposure to hazardous substances, pollutants, or contaminants.

(D) Whether the grant would facilitate the use or reuse of existing infrastructure.

(E) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

(F) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

(G) The extent to which the applicant is eligible for funding from other sources.

(H) The extent to which a grant will further the fair distribution of funding between urban and nonurban areas.

(i) The extent to which the grant provides for involvement of the local community in the process of making decisions relating to cleanup and future use of a brownfield site.

(j) The extent to which a grant would address characterization and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations.

(f) IMPLEMENTATION OF BROWNFIELDS PROGRAMS.—

(I) ESTABLISHMENT OF PROGRAM.—The Administrator may provide, or fund eligible entities or nonprofit organizations to provide, training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation.

(II) FUNDING REQUIREMENTS.—The total Federal funds to be expended by the Administrator under this subsection shall not exceed 15 percent of the total amount appropriated to carry out this section in any fiscal year.

(g) AUDITS.—

(I) IN GENERAL.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants and loans under this section as the Inspector General considers necessary to carry out this section.

(II) PROCEDE.—An audit under this paragraph shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

(h) VIOLATIONS.—If the Administrator determines that a person that receives a grant or loan under this section has violated or is in violation of a condition of the grant, loan, or applicable Federal law, the Administrator may—

(A) terminate the grant or loan;

(B) require the person to repay any funds received; and

(C) seek any other legal remedies available to the Administrator.

(i) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Environmental Protection Agency shall submit to Congress a report that provides a description of the management of the program (including a description of the allocation of funds under this section).

(j) LEVERAGING.—An eligible entity that receives a grant under this section may use funds for a portion of a project at a brownfield site for which funding is received from other sources if the grant funds are used only for the purposes described in subsection (b) or (c).

(k) AGREEMENTS.—Each grant or loan made under this section shall—

(I) include a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section, as determined by the Administrator;

(II) be subject to an agreement that—

(A) requires the recipient to—

(i) comply with all applicable Federal and State laws;

(ii) ensure that the cleanup protects human health and the environment;

(l) FUNDING.—

(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2002 through 2006.

(II) USE OF CERTAIN FUNDS.—Of the amount made available under paragraph (1), $20,000,000, or, if the amount made available is less than $20,000,000, 25 percent of the amount made available, shall be used for site characterization, assessment, and remediation of facilities described in section 103(39)(D)(I)(II).

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

SEC. 201. CONTIGUOUS PROPERTIES.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

(”(c) CONTIGUOUS PROPERTIES.—

(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

(A) IN GENERAL.—A person that owns real property that is contiguous to or otherwise similarly situated with respect to, and that real property may be contaminated or threatened to be contaminated or threatened release of a hazardous substance from real property that is not owned by that person shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

(i) the person did not cause, contribute, or consent to the release or threatened release;

(ii) the person is not—

(iii) potentially liable, or affiliated with another person that is potentially liable, for response costs at a facility through any direct or indirect familial relationship or any contractual, corporate, or financial relationship other than a contractual, corporate, or financial relationship that is created by a contract for the sale of goods or services; or

(iv) the result of a reorganization of a business entity that was potentially liable;

(v) the person takes reasonable steps to—

(i) stop any continuing release;

(ii) prevent any threatened future release; and

(B) requirements of the grant or loan exclusively for purposes specified in subsection (b) or (c), as applicable;

(C) in the case of an application by an eligible entity under subsection (c), requires the eligible entity to pay a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent of the Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

(D) such other terms and conditions as the Administrator determines to be necessary to carry out this section.

SEC. 202. SECURITY OF BROWNFIELD SITE.—The fact that a facility may not be a brownfield site within the meaning of section 101(39)(A) has no effect on the eligibility of the facility for assistance under any other provision of Federal law.
(II) does not impede the effectiveness or integrity of any institutional control employed in connection with a response action; and

(vii) the person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility; and

(viii) at the time at which the person acquired the property, the person—

(I) is in compliance with any land use restrictions established or relied on in connection with the response action at the facility; and

(II) did not know or have reason to know that the property was or could be contaminated by a release or threatened release of 1 or more hazardous substances from other real property not owned or operated by the person;

(B) DEMONSTRATION.—To qualify as a person described in subparagraph (A), a person must establish by a preponderance of the evidence that the conditions in clauses (i) through (viii) of subparagraph (A) have been met.

(C) BONA FIDE PROSPECTIVE PURCHASER.—Any person that does not qualify as a person described in this paragraph because the person had, or had reason to have, knowledge specified in subparagraph (A)(viii) at the time of acquisition of the real property may qualify as a bona fide prospective purchaser under section 101(40) if the person is otherwise described in that section.

(E) IN GENERAL.—With respect to a hazardous substance from 1 or more sources that are not on the property of a person that is a contiguous property owner that enters ground water beneath the property of the person solely as a result of subsurface migration in an aquifer, subparagraph (A)(iii) shall not require the person to conduct ground water investigations or to install ground water remediation systems, except in accordance with the policy of the Environmental Protection Agency concerning owners of properties on or adjacent to a contaminated aquifer.

FALL LIENS.

(2) by striking subparagraph (B) and inserting—

(A) in the first sentence, in the matter preceding clause (i), by striking "deeds, easements, leases, or"; and

(B) in subsection (b), in the matter preceding clause (I), by striking "and customary standards and practices in accordance with clauses (i) and (iii)."

SEC. 203. INNOCENT LANDOWNERS.

Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 201(i)) is amended—

(A) in the first sentence, in the matter preceding clause (i), by striking "deeds or" and inserting "deeds, easements, leases, or"; and

(B) in the second sentence—

(i) by striking "be" and inserting "the defendant"; and

(ii) by striking the period at the end and inserting "-,".

(2) by striking paragraph (A) and inserting the following:

"(A) GRANT OF RESPONSE COSTS.—A person described in paragraph (1) who is not otherwise liable under this Act or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (as amended by the Water Quality Act of 1987 (Public Law 100-4) or any other Federal law that authorizes payments for the costs to remove or clean up hazardous substances or pollutants at a facility if the person is not otherwise liable under this Act or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (as amended by the Water Quality Act of 1987 (Public Law 100-4)) shall be entitled to have a lien on the facility for those costs incurred by the person and the United States for a release or threatened release of any hazardous substance at the facility, or to have a lien on the facility for actions or services to prevent or remedy a release or threatened release of any hazardous substance at the facility."
TITLE III—STATE RESPONSE PROGRAMS

SEC. 301. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

"(B) REASON TO KNOW.—"(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A), the defendant must demonstrate to a court that—

"(I) on or before the date on which the defendant acquired the facility, the defendant carried out an inquiry described in clauses (ii) and (iv), into the previous ownership and use of the facility in accordance with generally accepted good commercial and customary standards and practices; and

"(II) the defendant took reasonable steps to—

"(aa) stop any continuing release; and

"(bb) prevent any threatened future release; and

"(cc) prevent or limit any human, environmental, or natural resource exposure to any previously released hazardous substance.

"(ii) STANDARDS AND PRACTICES.—Not later than 2 years after the date of enactment of the Brownfields Revitalization and Environmental Restoration Act of 2001, the Administrator shall by regulation establish standards and practices to the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

"(iii) CRITERIA.—In promulgating regulations establishing the standards and practices referred to in clause (ii), the Administrator shall include each of the following:

"(I) The results of an inquiry by an environmental professional;

"(II) Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility;

"(III) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property since the property was first developed.

"(IV) Searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law.

"(V) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, and disposal records of the facility,

"(VI) Visual inspections of the facility and of adjacent property, recreational property, or other similar use purchased by a nongovernmental entity;

"(VII) Specialized knowledge or experience on the part of the defendant.

"(VIII) The relationship of the purchase price to the value of the property, if the property was not contaminated.

"(IX) Commonly known or reasonably ascertainable information about the property.

"(X) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

"(X) STANDARDS AND PRACTICES.—Not later than 2 years after the date of enactment of the Brownfields Revitalization and Environmental Restoration Act of 2001, the Administrator shall by regulation establish standards and practices to the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

"(I) Property purchased on or after May 31, 1997.—With respect to property purchased on or after May 31, 1997, and until the Administrator promulgates the regulations referred to in clause (II), the defendant must demonstrate to a court that the defendant had no reason to know of the matter described in subparagraph (A), the defendant carried out all appropriate inquiries, including the document known as ‘Standard E1527-97’, entitled ‘Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process’, that shall satisfy the requirements in clause (I).

"(II) SITE INSPECTION AND TITLE SEARCH.—In the course of the commercial or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

TITLE III—STATE RESPONSE PROGRAMS

SEC. 301. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(b)) is amended by adding at the end the following:

"(B) REASON TO KNOW.—"(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A), the defendant must demonstrate to a court that—

"(I) on or before the date on which the defendant acquired the facility, the defendant carried out an inquiry described in clauses (ii) and (iv), into the previous ownership and use of the facility in accordance with generally accepted good commercial and customary standards and practices; and

"(II) the defendant took reasonable steps to—

"(aa) stop any continuing release; and

"(bb) prevent any threatened future release; and

"(cc) prevent or limit any human, environmental, or natural resource exposure to any previously released hazardous substance.

"(ii) STANDARDS AND PRACTICES.—Not later than 2 years after the date of enactment of the Brownfields Revitalization and Environmental Restoration Act of 2001, the Administrator shall by regulation establish standards and practices to the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

"(iii) CRITERIA.—In promulgating regulations establishing the standards and practices referred to in clause (ii), the Administrator shall include each of the following:

"(I) The results of an inquiry by an environmental professional;

"(II) Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility;

"(III) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property since the property was first developed.

"(IV) Searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law.

"(V) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, and disposal records of the facility,

"(VI) Visual inspections of the facility and of adjacent property, recreational property, or other similar use purchased by a nongovernmental entity;

"(VII) Specialized knowledge or experience on the part of the defendant.

"(VIII) The relationship of the purchase price to the value of the property, if the property was not contaminated.

"(IX) Commonly known or reasonably ascertainable information about the property.

"(X) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.
‘(ii) a person is conducting or has completed a response action regarding the specific release that is addressed by the response action that is in compliance with the State program that specifically governs response actions for the protection of public health and the environment; the president may not use authority under this Act to take an administrative or judicial enforcement action by or under section 107(a) or to take a judicial enforcement action to recover response costs under section 107(a) against the person regarding the specific release that is addressed by the response action.

‘(B) EXCEPTIONS.—The president may bring an administrative or judicial enforcement action under this Act during or after completion of a response action described in subparagraph (A) with respect to a release or threatened release at an eligible response site described in that subparagraph if—

‘(i) the State requests that the President provide assistance in the performance of a response action;

‘(ii) the Administrator determines that contamination has migrated or will migrate across a State line, resulting in the need for further response action to protect human health and the environment, or the President determines that contamination has migrated or is likely to migrate onto property subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States and may impact the authorized purposes of the Federal property;

‘(iii) after taking into consideration the response activities already taken, the Administrator determines that—

‘(I) a release or threatened release may present an imminent and substantial endangerment to public health or welfare or the environment; and

‘(II) additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release or—

‘(iv) the Administrator, after consultation with the State, determines that information, that on the earlier of the date on which cleanup was approved or completed, was not known by the State, as recorded in documents or in another manner, including conducting the cleanup, has been discovered regarding the contamination or conditions at a facility such that the contamination or conditions present a threat requiring further remediation to protect public health or welfare or the environment. Consultation with the State shall not limit the ability of the Administrator to make this determination.

‘(C) PUBLIC RECORD.—The limitations on the authority of the President under subparagraph (A) apply only at sites in States that maintain, update not less than annually, and make available to the public a record of sites, by name and location, at which the program has been completed in the previous year and are planned to be addressed under the State program that specifically governs response actions for the protection of public health and the environment in the upcoming year. The public record shall identify whether or not the site, on completion of the response action, will be suitable for unrestricted use and, if not, shall identify the institutional controls relied on in the remedy. Each State and tribe receiving financial assistance under sub-subsection (A) shall maintain and make available to the public a record of sites as provided in this paragraph.

‘(D) EPA NOTIFICATION.—

‘(i) at the request of an eligible response site at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to carry out an action that may be barred under subparagraph (A), the Administrator shall—

‘(I) notify the State of the action the Administrator intends to take; and

‘(II) wait 48 hours for a reply from the State under clause (i) or—

‘(bb) if the State requests to reply to the notification or if the Administrator makes a determination under clause (ii), take immediate action under that clause.

‘(II) STATE REPLY.—Not later than 48 hours after a State receives notice from the Administrator under clause (i), the State shall notify the Administrator if—

‘(I) the release at the eligible response site is or has been subject to a cleanup conducted by the President; and

‘(II) the State is planning to abate the release or threatened release, any actions that are planned.

‘(III) IMMEDIATE FEDERAL ACTION.—The Administrator may take action immediately after giving notification under clause (i) without waiting for a State reply under clause (ii) if the Administrator determines that 1 or more exceptions under subparagraph (B) are met.

‘(E) REPORT TO CONGRESS.—Not later than 90 days after the date of initiation of any enforcement action by the President under clause (ii), (iii), or (iv) of subparagraph (B), the President shall submit to Congress a report describing the basis for the enforcement action, including reference to the facts demonstrating that enforcement action is permitted under subparagraph (B).

‘(F) SAVINGS PROVISION.—

‘(1) COSTS INCURRED PRIOR TO LIMITATIONS.—Nothing in paragraph (1) precludes the President from seeking to recover costs incurred prior to the date of enactment of this Act or in effect on or before the date of enactment of this section in which the limitations of paragraph (1)(A) were not applicable.

‘(2) PROGRESS TOWARD CLEANUP.—If, after February 15, 2001, a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A) at the site with the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States and may impact the authorized purposes of the Federal property, the State, as an owner or operator or responsible party; or

‘(3) CLEANUP AGREEMENTS.—With respect to an eligible response site, the State, an Indian tribe, or the President determines that the State or other party is not making reasonable progress toward compliance with the response action at the site, the President may enter into an agreement with the State, an Indian tribe, or the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the eligible response site on the National Priorities List for an additional period of not to exceed 180 days if the President determines deferring the listing would be appropriate because the State, an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party; or

‘(4) EXCEPTIONS.—The President may decline to defer, or elect to discontinue a deferral of listing of an eligible response site on the National Priorities List if the President determines that—

‘(A) the State or other party would not be appropriate because the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party; or

‘(B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or

‘(C) the conditions in paragraphs (1) through (3), as applicable, are no longer being met.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each, subject to subjection.

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

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each, subject to subjection.

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

The Senator from Utah is recognized.
Mr. HATCH. Mr. President, I rise today to speak on the subject of education, a subject about which we have been hearing a good deal in the past several months. I commend President Bush for putting forth a credible plan for education improvement. The Bush Administration has worked with colleagues on both sides of the aisle to craft a policy compromise which will go a long way to securing that all children have access to quality education. I also commend the distinguished Chairman of the Health, Education, Labor and Pensions, HELP, Committee for his tireless work on this issue. As former chairman of the then Labor Committee, I know my friend from Vermont has a job roughly akin to herding cats.

I also appreciate the Majority Leader's diligence and persistence in continuing to bring this measure up for Senate consideration and his efforts at brokering a compromise. President Bush has made it a priority to ensure that State and local education agencies have the discretion to make key decisions on how education dollars are spent. I support the President's approach. I have often said that we should not be second guessing on a federal level the ability of State and local school boards, educators and parents to direct the education of students.

President Bush has made it a priority to link a reduction in the ridiculous amount of red-tape that State and local education agencies face with real accountability measures. Paperwork reduction is a decidedly pro-teacher priority, 80 percent of our nation's educators say that paperwork is their number one headache. Teachers just want to teach, not fill out forms or go to meetings required by federal regulations.

The President has made yearly testing a priority and I commend him for that. In my State of Utah, we have already begun implementing an annual test. The Utah Performance Assessment System for Students, U-PASS, requires a statewide criterion referenced test for all students, grades 1st through 12th in reading, language arts, and math. I am proud that, once again, Utah educators are ahead of the curve when it comes to education innovation and reform.

I sincerely hope that my colleagues on the other side of the aisle will not stall, delay or prevent the reauthoriza-
tion of the Elementary and Secondary Education Act, or as it is now called, BEST, the Better Education for Students and Teachers Act. We really need to pass this bill and set the country on a path toward meaningful education progress.

The need for reform is great. A recent report from the National Center for Education Statistics, NAEP, concluded that reading scores for 4th and 12th graders failed to improve over their 1992 levels. This study also concluded that 58 percent of disadvantaged children in 4th grade scored at the "below basic" level.

There also is an alarming disparity in skills between white students and African American students. According to the National Center for Education Statistics, achievement gaps between white and African-American 9-year-old students have not narrowed since 1975. The score gap narrowed to its lowest, 18 points in 1988, and has since widened to 29 points in 1999. For 17-year-old students, the gap in reading was also its lowest in 1988, 20 points and has since widened to 31 points in 1999.

Clearly, the challenge is before us. And yes, we can do better.

Many local school districts are struggling. They are struggling with class sizes that are too large and school buildings that are too small or dysfunctional. They are struggling to provide books, materials, and equipment that are appropriate for the 21st century.

They are struggling with resources, so they can pay their teachers better, increase professional development for educators, and provide essential music, art and sports opportunities for students as well. They are struggling with transportation needs, especially in many rural Utah communities where children can be bused as many as 100 miles round-trip a day.

There is not a Senator in this body who doesn't want to help solve these problems. Certainly, I have been a long-time advocate of federal support for education, and I will continue to make that a top priority.

I honestly believe that colleagues on both sides of the aisle sincerely and with good intentions want children to attend clean, safe schools with state of the art technology and teachers who are appreciated and well paid in reason-
sably sized classrooms and up-to-date textbooks.

Sometimes, when the rhetoric gets too hot around these deeply felt issues, I think it would behoove us all to re-
member that no one gets elected to serve as an anti-education Senator. So, if we are all pro-education then why the debate? Because, of course, while we all agree on the merits of re-
form and we all want education progress, we disagree on the means to achieve it. We cannot afford to tie this bill up in partisan gridlock over a debate on how much funding to provide. Where there is a will, there is a way, and we simply have to find that way or we will be letting the American public down.

While there are good intentions on all sides, some of my colleagues honestly feel that education policy is best met at the federal level and that the answer to every education challenge is a new federal program. Others of us have markedly differing views.

I sincerely believe that State and local officials in Utah's 40 school dis-

...
Today, I wish to highlight the Alzheimer's unit at the Salem VA hospital, which has received extraordinary praise from the son of a veteran who was treated there for Alzheimer's.

I know firsthand how difficult it is to care for a loved one afflicted by Alzheimer's. The special needs of Alzheimer's patients are all too frequently misunderstood and therefore go unmet. It seems, however, that the VA is up to the challenge. The family members of this particular veteran found the care at the VA hospital to be first-rate, humane and loving. By all accounts, the veteran suffering from Alzheimer's was well cared for up until the very end.

To quote from the article, "His daily needs were met by the staff less from obligation or duty than from true, honest caring. His aimless wandering was confined behind secured doors, without restraints, thank goodness. Dad's sleepless nights and constant babbling were 'normal' there. The staff was unshaken by any of his peculiar behaviors."

The Salem VA Alzheimer's unit is not one of a kind, thankfully. Approximately 56 VA hospitals have specialized programs for the care of veterans suffering from Alzheimer's. These programs include inpatient and outpatient dementia diagnostic programs, behavior management programs, adapted work therapy programs for patients with early to mid-stage dementia, Alzheimer's' special care units, and model inpatient palliative care programs for patients with late stage dementia. There are also various programs for family caregivers. While VA has developed significant expertise in long-term care over the past 20-plus years, it has not done so with any mandate to share its learning with others, nor has it pushed its program development beyond that which is reflected in VA regions today. For VA's expertise to be of greatest use to others, it needs both to better capture what it has done and to develop new learning that would be most applicable to other health care entities.

Those who would benefit by capitalizing on VA's long-term care expertise are the health organizations, including academic medicine and research entities, with which VA is now connected, and the rest of the U.S. health care system. Such collaboration can benefit all Americans who will need some form of long-term care services.

As Ranking Member of the Committee on Veterans' Affairs, I am enormously proud of VA's efforts in end-of-life care. However, I have always been dismayed that my colleagues here in the Senate remain for the most part unaware of VA's good work in this area. Those of us in the health policy arena should sit up and take notice. We simply must stay ahead of the curve on how to provide such care, so all Americans will have the best choices available to them at the time they need them.

I ask consent that a Roanoke Times article on VA Alzheimer's care by Wayne Slusher, son of a veteran cared for at the Salem VA hospital, be printed in the RECORD along with a press release on VA's newest end-of-life care program, a fellowship in palliative care.

The material follows:
[From the Roanoke (VA) Times, Apr. 1, 2001]

SUCCUMBING TO ALZHEIMER'S—IN THE HANDS OF THE VA, A DECLINING FATHER GOT GIN-\_UNE CARE

(Reporting by Wayne Slusher)

It started out seemingly innocent enough. Wrong turns on familiar roads, daily tasks forgotten and numerous other little things not so significant as to send up red flags, but still enough that it registered in the back of the mind that something was not quite right.

In the years following, it got worse. Faucets left on, asking for dinner an hour after leaving the table, inability to use the phone, failing to recognize home, and on and on. It had happened.

"If anything ever happens to me," my father would say time and time again, "you take me to the VA." It was a frequent topic, since Dad was a deacon in his church and spent a great deal of time with the sick and the elderly members in the community.

You spend your whole life hearing it, but reject the idea that you'll actually have to act on it, much less take him to the Veterans Affairs Medical Center so far from his home. Even well-intentioned friends asked, "why the VA?"

But then, it had happened, and we decided that going to the VA for help was what he had always wanted. Doing so was intrinsic to honoring his wish, especially when he was at a point of mental incapacity such that he could no longer contribute to decision-making even about himself.

So, in the middle of the night, we took him to the emergency room. As we sat in the waiting room, Dad thought he was in a train station on his way to visit old Army buddies, and he was deliriously happy. Instead, the visit was with a doctor who quickly determined that admission to the hospital was warranted.

We doubt Dad ever fully understood what transpired that evening. Leaving him there were one of the most difficult tasks any of us had ever had to do.

That was the beginning of our relationship with the VA and, in particular, the staff providing services for those with various levels of dementia.

Right away, we learned that the building to which he was assigned was assigned only with people just like himself, but also employed a staff of extremely skilled health-care professionals who began the difficult job of caring for my father.

His daily needs were not met by the staff less from obligation or duty than from true, honest caring. His aimless wandering was confined behind secured doors—without restraints, thank goodness. Dad's sleepless nights and constant babbling were "normal" there. The staff was unshaken by any of his peculiar behaviors. The specially designed area provided as much of a homelike atmosphere as possible, with bright colors, hanging plants and murals on walls. The unit was always clean, always tidy.

The initial few weeks were full of all sorts of cognitive tests, blood tests and scans. As the results of each test came in, they ruled out one by one, all of the diseases or other underlying culprit that might bring on his state of confusion. If there was a remote
news.

we have been so humbled and grateful for their daily with patients who have long forgotten the staff at the VA continues to care for others as they should.

compassionate, caring professionals who the family.

hours of that final morning, the staff kept comfortable as possible. Even into the wee those last days and hours, he was made as too soon interrupted by more difficulties. In medicine administered in equal portions social workers, occupational therapists, peer education materials and clinical demonstration projects.

train new medical staff who administer the care. But what does this mean to the professional education in the VA health care system.

This is an important step for health-care providers. But what does this mean to the chronically ill veteran?” said Pincus. “It means he might not have to die in ICU but instead be able to remain in the secure surroundings of his home. It means he will be treated as a patient in the care of doctors, nurses, chaplains and social workers. It means his family will be included in decision-making and care giving.

There comes a time when all the modern medicine in the world can’t cure the illness. That’s when treating the pain, communication with compassion and providing support and counseling become paramount. And that’s what these fellowships are all about,” said Pincus.

50TH ANNIVERSARY MEMORIAL SERVICE OF THE 442ND REGIMENTAL COMBAT TEAM

Mr. INOUYE. Mr. President, on April 25, 2001, I was privileged to be the guest of honor at the 50th Anniversary Memorial Service of the 442nd Regimental Combat Team at the National Memorial Cemetery of the Pacific. The memorial address was presented by Mr. David Burke, Director of the Spark M. Matsunaga Veterans Affairs Medical & Regional Office Center in Honolulu.

I was moved and impressed by his remarks, and I wish to share them with the American people. I ask that Mr. Burge’s address be part of the RECORD. The remarks follow:

I am very honored to be the first speaker in the 21st century at America’s oldest veterans Club’s 58th Anniversary Memorial Service here at the National Memorial Cemetery of the Pacific that this morning is time to remember and pay special tribute to bayhood friends and classmates lost in battle, dear friends and loved ones, in memory of the 10,000 members of the 442nd who continue to serve as good family and community elders and leaders. As we enter the new millennium, this is a time to honor the men and women of the 442nd to reflect on the past, to celebrate the present, and to contemplate the future.

Our men of the 442nd are testament to the joys, heartache, and our sports accomplishments of the 20th century both here in Hawaii and the Nation. To reflect on the past, let’s roll the clock back to the 1940s and see that period through snapshots familiar to many of you.

In 1940, the U.S. Government felt that war was imminent and Japanese American Americans were released and banned from employment at Pearl Harbor and other military bases in Hawaii without explanation or judicial process. Despite the alarming signs, Japanese Americans in Hawaii did not feel an acute sense of crisis. While Japanese American bashing was increasing on the mainland, most people in Hawaii where all groups were minorities had no animosity towards their Japanese neighbors.

My father’s valedictorian at McKinley High School Black and Gold Yearbook, published six months before the attack on Pearl Harbor, provides a glimpse into the daily activities, values, and beliefs of young people in Hawaii prior to the outbreak of World War II. In this regard, let me share with you the introduction section of the yearbook:

This morning is time to remember and pay homage to the 442nd, the men who serve as good family and community elders and leaders. At the beginning of the 21st century, we are proud that the 442nd continues to serve as the best of the best.

On Monday, April 25, 2001, the 442nd Regimental Combat Team will honor the memory of its 10,000 veterans and their families at the National Memorial Cemetery of the Pacific. The memorial service will commemorate the service of the 442nd Regimental Combat Team from 1941 to 1946. The 442nd was a segregated unit composed of Japanese American soldiers who served with distinction in Europe and the Pacific Theater during World War II. The 442nd Regimental Combat Team was the most decorated unit of the United States Army in World War II, with over 19,000 citations and awards. The 442nd Regimental Combat Team was awarded the Presidential Unit Citation for its service in Europe and the Pacific Theater. The 442nd Regimental Combat Team was also awarded the Medal of Honor for its service in Europe and the Pacific Theater.

The Nisei soldiers were heavily influenced by the McKinley faculty almost entirely composed of mainland American instructors from the mainland. Their principal, Dr. Miles Carey, indicated that his primary objective was in his words, “helping our young men develop their dispositions, and abilities which we call the democratic way of living together.”
The results of a student survey included in the yearbook reflected how strongly these young students embraced these democratic beliefs. Moved by the growing crisis in Europe, these students believed that the honor of the United States should always be defended, even if it meant going to war. They believed that common people should have more influence in government. They also believed that all races were mentally equal. It was also noteworthy that the Nisei students firmly believed that the Hawaiian Islands would continue to win, to make this great Republic stand for just what the Constitution says it stands for: the welfare of all the people all the time.”

Perhaps President Truman did not fully realize the extent to which American veterans would take heart to challenge to keep up the fight to ensure the welfare of all the people all of the time. Although the war abroad would be won long before America had to vote again, a new found sense of pride and honor the typical McKinley boy and other veterans. The President went on to praise all soldiers from Hawaii who were once distinguished enemy aliens. All of these unthinkable actions occurred at a time that every able-bodied man was needed to defend Hawaii.

The ultimate act of wartime hysteria in Hawaii was when President Roosevelt ordered the evacuation and internment of all Japanese Americans in Hawaii in concentration camps on the main- land. Nisei veterans were unable to carry out the President’s order since there were not enough ships to conduct such a massive evacuation and the evacuation of a large number of workers would have crippled the islands. As such, the evacuation orders were delayed several times and finally abandoned in 1944.

Could any of the Japanese Americans on active duty be recalled to service? In addition, 2,000 Japanese American soldiers of the Hawaii Territorial Guard were involun-
tarily discharged without any due process, and detained in tents on Sand Island. A num-
er of these individuals and their families, without any proof and without any due proc-
ess, were subsequently transported to pris-
of concentration camps on the mainland.

By the attack, Hawaii Territorial Gover-

The insignia of the 42nd is the Statue of Liberty hand holding the torch of freedom. This symbol is most appropriate because it exemplifies the unit’s steadfast belief in not only freedom for all men but also through their actions and sacrifices on the battlefield final freedom for Japanese Americans in the form of real acceptance by their fellow coun-
members.

When President Truman welcomed home the 100th and 442nd, he said to them, “You are on the way home. You fought not only for the country you love and you have won. Keep up that fight and we will continue to win, to make this great Republic stand for just what the Constitution says it stands for: the welfare of all the people all the time.”

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The President went on to praise all soldiers from Hawaii who were once distinguished enemy aliens. All of these unthinkable actions occurred at a time that every able-bodied man was needed to defend Hawaii.
the first and only memorial dedicated to any ethnic group in our Nation’s capital, is dedicated to Japanese American immigrants who valiantly fought for and attained their full rights as citizens.

When I attended the dedication ceremony for the new Memorial last fall, I was overwhelmed by the great honor finally bestowed upon our Japanese Americans by our great Nation. Think about it for a moment—America is a country of immigrants—many waves of immigrants. And today, there is only one memory of these immigrants in the shadow of our Nation’s Capitol—that is the Japanese American Memorial.

And the brand new state-of-art veteran’s medical center, named after the late Senator Spark M. Matsunaga, now proudly serves all our veterans here in Hawaii.

So today, I say to our Nisei veterans you have brought great pride to your families as well as pride in their heritage for future generations of Japanese Americans. More importantly, you have ensured that your friends, who were lost in battle, did not die in vain.

So at this juncture, where are our Nisei veterans headed next? Are they declaring victory and passing the 42nd’s Statue of Liberty torch on to others?

While such action would certainly be justified, it would not reflect the values ingrained into many Nisei by their progressive high school teachers who instilled in them the ideals of equal rights and equality, and charged them to continually reach out to others.

It is said that McKinley Principal Miles Carey got people to do what he wanted because he treated them humbly and considerately. If there was any fault with Dr. Carey, and maybe it was not a fault, he was dreamer. But all of this was due to his efforts to treat people right. And in this regard, he did an outstanding job in getting his students to think like him. So it is not surprising that the final chapters of America’s Nisei veterans are still being written.

Here in Hawaii, our Nisei veterans are currently developing and endowing at the University of Hawaii a Nisei Veterans Forum on Universal Values for a Democratic Society. The purpose of this effort is to show current and future generations of high school students the values derived from the various ethnic groups here in Hawaii—values similar to those of Nisei veterans that were used to help them persevere through challenges and achieve their dreams.

In this manner, Nisei veterans are passing on to future generations of students the same type of beliefs and values they were exposed to during their formative years.

On the national front, Nisei and Sansei from Hawaii and the mainland are actively engaged in the important work of the New Japanese American National Museum in Los Angeles. The Museum is the first and only national museum dedicated to an ethnic group of any country. Through both fixed and traveling exhibits, the Museum shares the darkest and brightest moments for Japanese Americans with others both at home and abroad. It is noteworthy that the City of Los Angeles currently lists the Museum as one of seven must see attractions in its brochures provide to tourists.

The Museum has also received a large federal grant this year, through the sponsorship of Senator Inouye, that will use the experiences of Japanese American veterans from World War II and Vietnam as the foundation for a new Center for the Preservation of Democracy. In this manner, the sacrifices of our Nisei veterans will be captured and construct a very rich and moving American story. A story that needs to be told over and over again to current and future generations of Americans so that no group of Americans is ever subjected to what Japanese Americans experienced.

Well, 60 years has now passed since that Black Friday, Dec. 7, 1941. Today, the typical McKinley boy from that time is still five ft., six inches tall, but perhaps heavier than the then reported 124 pounds. By contrast, I know that the typical McKinley girl from that same period is still five ft., one inch tall, and still weighs 97 pounds.

Regarding the results of that 1941 high school survey, I say to our Nisei veterans you successfully carried through on your convictions. You stepped forward to defend your country and after the war worked hard to make Hawaii and our nation better places to live.

You are grayer and wiser than you were 60 years ago. You still believe in honor, duty, and country and have a proven record to show these are not just words. You are still humble and as such will not bathe yourselves in glory although most of us realize you deserve such honor. And perhaps more important, you truly care about your families and all families in America. For it is through your story that your children, grandchildren, and great grandchildren will cherish and take great pride in their Japanese American heritage. And it is through this same story that other Americans will learn that the preservation of our democracy requires constant vigilance and courage to allow hysterics of any kind to strip innocent Americans of their basic rights.

That 1941 yearbook states, “Respectfully dedicated to our parents and the excellent home influence given us.” Today I say to our Nisei veterans who died in combat, to our Nisei veterans who retired honorably and are no longer with us, and to our Nisei veterans we are blessed to still have with us: We dedicated this service to you and the excellent influence you have brought God bless our Nisei veterans and their families, God bless their beloved Hawaii, and God bless the great nation they served so well both in battle and in peace.

The CLEAN EFFICIENT AUTOMOBILES RESULTING FROM ADVANCED CAR TECHNOLOGIES ACT OF 2001

Mr. HATCH. Mr. President, I rise today to address a bill I have just introduced, S. 760, the CLEAR Act,” which is short for the Clean Efficient Automoblies Resulting from Advanced Car Technologies Act.

Let me begin my remarks by thanking the original cosponsors of S. 760, Senators Rockefeller, Jeffords, Kerry, Craig, Lieberman, Collins, Chafee, and Gordon Smith, all of whom have joined with me in drafting this legislation which will help our country achieve a greater reliance on alternative fuel technologies.

Our proposal relies on a system of tax-based incentives to encourage the development of these alternative fuel technologies and consumer acceptance of these products. Rather than rely on a system of federal mandates, we use tax credits to promote all of the advanced technologies being pursued by auto manufacturers in a dramatic effort to reduce emissions and improve efficiency. These technologies include: fuel cell; hybrid electric; alternative fuel; and battery electric vehicles.

It is significant that our bipartisan initiative is founded on a belief that government should not be in the business of picking winners and losers in the free market. Rather, the CLEAR Act leaves it up to the consumer to choose among the lowest emitting vehicles.

By promoting the technologies and fuels that improve air quality, S. 760 helps to solve two of our nation’s most difficult and expensive problems, air pollution and energy independence. These are issues of critical concern in my home state of Utah. According to a study by Utah’s Division of Air Quality, on-road vehicles in Utah account for 22 percent of particulate matter. This particulate matter can be harmful to citizens who suffer from chronic respiratory or heart disease, influenza, or asthma.

Automobiles also contribute significantly to hydrocarbon and nitrogen oxide emissions in my state. These two pollutants react to form ground-level ozone, which in turn reduces lung function in humans and hurts our resistance to colds and asthma. In addition, vehicles account for as much as 87 percent of carbon monoxide emissions. Carbon monoxide is harmful to persons with heart, respiratory, or circulatory ailments.

While Utah has made important strides in improving air quality, it is a fact that each year more vehicular emissions result in the loss of one life in Utah, or about one-third, of our citizens who must bear the health and the economic burden associated with non-attainment. Non-attainment status can be costly, whether due to the loss of federal highway money, lost economic opportunities, or the expensive measures required to reach attainment.

The EPA has set new standards for both ozone and particulate matter, PM 2.5. By the EPA’s own estimates, the annual cost of achieving these standards in 2010 was set at $9.6 billion. Additionally, the EPA put the annual cost of achieving the PM 2.5 standard at $37 billion, for a combined cost of $47 billion annually. These staggering figures paint a graphic picture of why we must invest money in our State to reduce our dependency on petroleum.

This brings me to another important benefit of the CLEAR Act, increased energy independence. Whether during
the energy crisis in the 1970s, during the Persian Gulf War, or during our current energy crisis, every American has felt the sting of our dependency on foreign oil. And I might add, Mr. President, that our dependency on foreign oil has steadily increased to the point where we now depend on foreign sources for more than 57 percent of our oil. Last month alone, it was over 60 percent. When enacted, the CLEAR Act will play a key role in helping our nation improve its energy security by increasing the diversity of our fuel options, reducing our need for gasoline. Our nation’s energy strategy will not be complete without an incentive to increase the use of alternative fuels and advanced car technologies.

Historically, consumers have faced three basic obstacles to accepting the use of alternative fuels and advanced technologies. These are the cost of the vehicles, the cost of alternative fuel, and the lack of an adequate infrastructure of alternative fueling stations. The CLEAR Act would lower all three of these barriers.

First, we provide a tax credit of 50 cents per gasoline-gallon equivalent for the purchase of alternative fuel at retail. To give customers better access to alternative fuel, we extend an existing deduction for the capital costs of installing alternative fueling stations. We also provide a 50 percent credit for the installation costs of retail and residential refueling stations.

Finally, we provide tax credits to consumers to purchase alternative fuel and advanced technology vehicles. To make certain that the tax benefit we provide translates into a corresponding benefit to the environment, we split the vehicle tax credit into two. One part provides a base tax credit for the purchase of vehicles dedicated to the use of alternative fuel, or vehicles using advanced technologies. The other part offers a bonus credit based on the vehicle’s efficiency and reduction in emissions. In this way, we are confident that the CLEAR Act will provide the biggest possible “bang for the buck” in terms of providing a social benefit to our citizens.

We all recognize that in the future we will not use gasoline fueled vehicles to the same extent we do today. Our legislation is an attempt to bring benefits of cleaner air to our citizens sooner, to free our cities from expensive EPA regulations, and to reduce our consumption of foreign oil. S. 760 enables us to tackle these problems with incentives, not mandates.

Our proposal is the most comprehensive legislation ever brought before Congress to promote the use of alternative fuel vehicles and advanced car technologies among consumers. We urge our colleagues to join with us in this forward-looking approach to cleaner air and increased energy independence.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 24, 2001, the Federal debt stood at $5,681,673,830,247.36. Five trillion, six hundred eighty-one billion, six hundred seventy-three million, eight hundred thirty thousand, two hundred forty-seven million, eight hundred forty-one thousand, seven hundred and sixty-one dollars and thirty-six cents.

One year ago, April 24, 2000, the Federal debt stood at $5,711,906,000,000. Five trillion, seven hundred eleven billion, nine hundred six million.

Five years ago, April 24, 1996, the Federal debt stood at $5,110,704,000,000. Five trillion, one hundred ten billion, seven hundred four million.

Ten years ago, April 24, 1991, the Federal debt stood at $3,438,135,000,000. Three trillion, four hundred thirty-eight billion, one hundred thirty-five million.

Fifteen years ago, April 24, 1986, the Federal debt stood at $1,855,555,000,000. One trillion, eight hundred fifty-five billion, five hundred fifty-five million, five hundred fifty-five thousand, one million.

Our nation’s energy strategy will play a key role in helping our nation improve its energy security by increasing the diversity of our fuel options, reducing our need for gasoline. Our nation’s energy strategy will not be complete without an incentive to increase the use of alternative fuels and advanced car technologies. We also provide a 50 percent credit for the installation costs of retail and residential refueling stations.

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Our proposal is the most comprehensive legislation ever brought before Congress to promote the use of alternative fuel vehicles and advanced car technologies among consumers. We urge our colleagues to join with us in this forward-looking approach to cleaner air and increased energy independence.

I am very proud of Gabriel Arias, Jorge Bolivar, Andrew Castillo, Karen Corrales, Johnathan DePina, Kinga Dobrzynki, Kayla England, Renee Fisher, Christina Garcia, Roseangel Gavidia, Karen Hurtado, Deborah Navarro, Jessica Pareja, Denise Reyes, Erik Rua, Shihue Rua, Jesse Salazar, Janet Sanchez, Corey Stad, Monica Torres, Vladimir Uran, Sirabel Uran, for making it to the national finals. I congratulate this outstanding group of young men and women for their hard work and perseverance. Also, I want to applaud Jeff Schanck, a fine teacher who deserves so much credit for guiding the Central Falls High School team to the national finals.

Yesterday, I was pleased to visit with the students from Central Falls to offer my congratulations for what they have achieved. These students, with the guidance of Mr. Schanck, have learned much about the meaning of our nation and what countless men and women have fought and died to protect. No matter what the outcome of the contest, they have each earned the greatest prize of all: Knowledge.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.

MESSAGE FROM THE HOUSE

At 11:14 a.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 1238(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) and the order of the House of Wednesday, April 4, 2001, the Speaker on Thursday, April 5, 2001, appointed the following members on the part of the House of Representatives to the United States-China Security Review Commission: Mr. Stephen D. Bryen of Maryland, Ms. June Teufel Dreyer of Florida, and Mr. James R. Lilley of Maryland.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 823. An act concerning the participation of Taiwan in the World Health Organization.

The message further announced that the House disagrees to the amendment
of the Senate to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. Nussle, Mr. Sununu, and Mr. Spratt, as the United States senators to the conference on the part of the House.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 428. An act concerning the participation of Taiwan in the World Health Organization; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1534. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report relative to Voluntary Stationary Source Emission Reduction Programs Into State Implementation Plans; to the Committee on Environment and Public Works.

EC–1535. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Improving Air Quality with Economic Incentive Programs”; to the Committee on Environment and Public Works.


EC–1537. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Report on the Hazardous Performance for Industrial-Commercial-Industrial-Industrial Steam Generating Units” (FRRL6965–4) received on April 5, 2001; to the Committee on Environment and Public Works.

EC–1538. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report of a rule entitled “Standards of Performance for Industrial-Commercial-Industrial-Industrial Steam Generating Units for Which Construction is Commenced After September 18, 1978; Report on the Hazardous Performance for Industrial-Commercial-Industrial-Industrial Steam Generating Units” (FRRL6965–4) received on April 5, 2001; to the Committee on Environment and Public Works.

EC–1539. A communication from the Assistant to the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Federal Aid in Sport Fish Restoration Program: Plan for the District of Columbia and U.S. Insular Territories and Commonwealths, 50 CFR part 80” (RIN1018–AD 83) received on April 6, 2001; to the Committee on Environment and Public Works.

EC–1540. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plans; Transportation Control District; Bay Area Air Quality Management District; California; to the Committee on Environment and Public Works.

EC–1541. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the navigation improvements for the Port Jersey Channel, Bayonne, New Jersey; to the Committee on Environment and Public Works.

EC–1542. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the navigation improvements for the Port Jersey Channel, Bayonne, New Jersey; to the Committee on Environment and Public Works.

EC–1543. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the navigation study for Ponce de Leon Inlet, Florida; to the Committee on Environment and Public Works.

EC–1544. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Upper Des Plaines River, Illinois; to the Committee on Environment and Public Works.

EC–1545. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, the report of a vacancy in the position of Administrator of the Federal Highway Administration, Department of Transportation; to the Committee on Environment and Public Works.

EC–1546. A communication from the Assistant to the Director of the Division of Scientific Authority, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled “Federal Aid in Sport Fish Restoration Program, Participation by the District of Columbia and U.S. Insular Territories and Commonwealths, 50 CFR part 80” (RIN1018–AD83) received on April 6, 2001; to the Committee on Environment and Public Works.

EC–1547. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Disaster Assistance: Cerro Grande Fire Assistance” (RIN3007–AD12) received on April 6, 2001; to the Committee on Environment and Public Works.

EC–1548. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the designation of acting officer for the position of Associate Director, Mitigation Directorate, Federal Emergency Management Agency; to the Committee on Environment and Public Works.

EC–1549. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “EPA International Green Buildings Initiative” received on April 11, 2001; to the Committee on Environment and Public Works.

EC–1550. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Gasoline Volatility Requirements; to the Committee on Environment and Public Works.

EC–1551. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Nebraska” (FRRL6968–5) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1552. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plans; Idaho” (FRRL6962–1) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1553. A communication from the Chair- man of the Nuclear Regulatory Commission, transmitting, a report on licensing activities in the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

EC–1554. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Nebraska” (FRRL6968–5) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1555. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final Additions to the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Final Allocation Methodology for Funding to Support the Small Nontransient Noncommunity Public Water Systems; Final Allocation Methodology for Funding to Support the Small Nontransient Noncommunity Public Water Systems” (FRRL6967–3) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1556. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District” (FRRL6963–1) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1557. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan; Bay Area Air Quality Management District and Imperial County Air Pollution Control District” (FRRL6964–8) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1558. A communication from the Chief of the Division of Scientific Authority, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled “Changes and Revisions in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora” (RIN1018–AH63) received on April 18, 2001; to the Committee on Environment and Public Works.

EC–1559. A communication from the Chief of the Division of Scientific Authority, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Commonwealth of Pennsylvania; Gasoline Volatility Requirements” (FRRL6962–3) received on April 11, 2001; to the Committee on Environment and Public Works.

EC–1560. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Improving Air Quality with Economic Incentive Programs”; to the Committee on Environment and Public Works.
EC-1561. A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Appropriation of Agriculture State Implementation Plans (SIP); Texas: Control of Gasoline Volatility” (FRL6696-4) received on April 23, 2001; to the Committee on Environment and Public Works.

EC-1562. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Bay Checkerspot Butterfly (Euphydryas editha editha)” (RIN0683-AH61) received on April 23, 2001; to the Committee on Environment and Public Works.

EC-1563. A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, a report entitled “Registration Eligibility Decision: Dichlobop-Methyly” to the Committee on Agriculture, Nutrition, and Forestry.

EC-1564. A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, a report entitled “Report on FQPA Tolerance Reassessment Process and Interim Risk Management Policy; General Registration Eligibility Decision: Vinclizinol” to the Committee on Agriculture, Nutrition, and Forestry.

EC-1565. A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, a report entitled “Interim Reregistration Eligibility Decision (IRED) for Fenithion” to the Committee on Agriculture, Nutrition, and Forestry.

EC-1566. A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, a report entitled “Reregistration Eligibility Decision: Etridiazole (Terrazole)” to the Committee on Agriculture, Nutrition, and Forestry.

EC-1567. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Interim Reregistration Eligibility Decision (IRED): Oxamyl” to the Committee on Agriculture, Nutrition, and Forestry.

EC-1568. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Registration Eligibility Decision: Vinclizinol” to the Committee on Agriculture, Nutrition, and Forestry.

EC-1569. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Zoxamide 3,5-dichloro-N-(3-chloro-1-methyl-1-oxo-2-propenyl)isoxazole-4-carboxamide; Pesticide Tolerance” (FRL6778-8) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1570. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Agricultural Mortgage Corporation Risk-Based Capital Requirements” (RIN0352-AB56) received on April 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1571. A communication from the Acting Administrator of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Dairy and Cranberry Market Loss Assistance Programs, Honey Marketing Assistance Program, Recourse Loan Program, and Payment Limitations for Marketing Loan Gains and Loan Deficiency Payments” received on April 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1572. A communication from the Acting Administrator of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Dairy Price Support, Dairy Reinsurance, Loss of Federal Milk Procurement, American Indian Livestock Feed, and Pasture Recovery Programs” (RIN0659-AG32) received on April 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1573. A communication from the Acting Administrator of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “2001 Crop Disaster Program” (RIN0659-AG32) received on April 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1574. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Propiconazole; Time-Limited Pesticide Tolerance” (FRL6778-1) received on April 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1575. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Metolachlor: Extension of Tolerance for Emergency Exemptions” (FRL6778-6) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1576. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Flumioxazin, Pesticide Tolerances” (FRL6775-5) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1577. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Hexythiazox, Pesticide Tolerances” (FRL6778-8) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1578. A communication from the Acting Administrator of the Federal Meat Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Irish Potatoes Grown in Washington; Exemption from Handling and Assessment Regulations for Potatoes Shipped for Experimental Purposes” (FV00-946-1 FIR) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1579. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Brucellosis in Cattle; State and Area Classifications; South Dakota” (Doc. No. 06-103-2) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1580. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 97-24 consisting of FAR Case 1999-010 (stay), Interim Rule, Contractor Responsibility, Labor Relations Costs, and Costs Reimbursement—Revolving” received on April 11, 2001; to the Committee on Governmental Affairs.

EC-1581. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1582. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1583. A communication from the Chair- man of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled “Procurement Act; Federal Acquisition Regulation; Federal Acquisition Circular 97-24 consisting of FAR Case 1999-010 (stay), Interim Rule, Contractor Responsibility, Labor Relations Costs, and Costs Reimbursement—Revolving” received on April 11, 2001; to the Committee on Governmental Affairs.

EC-1584. A communication from the Acting Administrator of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Imported Firewood into Cattle; State and Area Classifications; Oklahoma” (Doc. No. 01-016-1) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1585. A communication from the Inspektor General of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to commercial activities; to the Committee on Governmental Affairs.

EC-1586. A communication from the Chair- man of the Federal Trade Commission, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1587. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1588. A communication from the Chair- man of the Federal Labor Relations Author- ity, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1589. A communication from the Execu- tive Director of the Committee for Purchase from People Who Are Blind or Severely Dis- abled, transmitting, pursuant to law, the report of additions to the procurement list received on April 6, 2001; to the Committee on Governmental Affairs.

EC-1590. A communication from the Gen- eral Counsel of the Federal Emergency Man- agement Agency, transmitting, the report of the designation of acting officer for the position of Deputy Director of the Federal Emer- gency Management Agency to the Com- mittee on Governmental Affairs.

EC-1591. A communication from the Chair- man of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Budget Request and Performance Report for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-1592. A communication from the Dep- uty Administrator of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Imported Firewood Act; Final Rule” received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1593. A communication from the Con- gressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Tuberculosis and Other Imported Cattle” (Doc. No. 06-102-1) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1594. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 97-24 consisting of FAR Case 1999-010 (stay), Interim Rule, Contractor Responsibility, Labor Relations Costs, and Costs Reimbursement—Revolving” received on April 11, 2001; to the Committee on Governmental Affairs.
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EC–1593. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000 and the Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1594. A communication from the General Counsel of the Office of Management and Budget, transmitting pursuant to law, the Annual Financial Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1595. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1596. A communication from the Senior Vice President and Chief Financial Officer of the Potomac Electric Power Company, transmitting, pursuant to law, the Balance Sheet for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1597. A communication from the President's Pay Agent, transmitting, pursuant to law, a report on the April 1, 2001, adjustment of the GS locality-based comparability payments to non-GS categories of positions in more than one executive agency; to the Committee on Governmental Affairs.

EC–1598. A communication from the Executive Director of the Committee for Purchase From Vendors Whose Products and Services are Disadvantaged, transmitting, pursuant to law, the report of additions to the procurement list received on April 1, 2001; to the Committee on Governmental Affairs.

EC–1599. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1600. A communication from the Chairman of the Maritime Administration, transmitting, pursuant to law, the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1601. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1602. A communication from the District Director for the Great Lakes, transmitting, pursuant to law, a report entitled "Certification of the Fiscal Year 2001 Revised Revenue Estimate"; to the Committee on Governmental Affairs.

EC–1603. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1604. A communication from the Acting General Counsel of the United States Office of Personnel Management (OPM), transmitting, pursuant to law, the report of a vacancy in the position of Director of OPM; to the Committee on Governmental Affairs.

EC–1605. A communication from the Acting General Counsel of the United States Office of Personnel Management (OPM), transmitting, pursuant to law, the report of the designation of acting officer in the position of Director; to the Committee on Governmental Affairs.

EC–1606. A communication from the Acting General Counsel of the Office of National Drug Control Policy, transmitting pursuant to law, the report of a vacancy in the position of Deputy Director of National Drug Control Policy, Executive Office of the President; to the Committee on the Judiciary.

EC–1607. A communication from the Acting General Counsel of the Office of National Drug Control Policy, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Director of National Drug Control Policy, Executive Office of the President; to the Committee on the Judiciary.

EC–1608. A communication from the Acting General Counsel of the Office of National Drug Control Policy, transmitting, pursuant to law, the report of the designation of Deputy Director for Supply Reduction, Executive Office of the President; to the Committee on the Judiciary.

EC–1609. A communication from the Acting General Counsel of the Office of National Drug Control Policy, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Director, Executive Office of the President; to the Committee on the Judiciary.

EC–1610. A communication from the Acting General Counsel of the Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of the designation of acting officer for the position of Director of National Drug Control Policy; to the Committee on the Judiciary.

EC–1611. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report concerning the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC–1612. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

EC–1613. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to military expenditures for countries receiving United States assistance; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–19. A resolution adopted by the House of Representatives, the Senate, and the State of Michigan relative to nonindigenous species being released in the ballast water of ships on the Great Lakes; to the Committee on Commerce, Science, and Transportation.

H. Res. 271. A bill to permanently prohibit the conduct of offshore drilling on the outer continental shelf off the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS:

S. 772. A bill to permit the reimbursement of the expenses incurred by an affected State and local governments for security at an additional non-governmental property to be secured by the Secret Service for protection of the President for a period of not to exceed 60 days each fiscal year; to the Committee on the Judiciary.

By Mr. TORSKICELLI (for himself and Mr. CORZINE):

S. 773. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 774. A bill to designate the Federal building and United States courthouse located at 121 West Broad Street in New Albany, Indiana, as the ‘‘Lee H. Hamilton Federal Building and United States Courthouse’’; to the Committee on Environment and Public Works.

By Mrs. LINCOLN (for herself and Mr. REID):

S. 775. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. WALTON):

S. 776. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002; to the Committee on Finance.

By Mr. ALLEN (for himself and Mr. BURNS):

S. 777. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.
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CONGRESSIONAL RECORD — SENATE

April 25, 2001

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. STEVENS, Mr. LEAHY, Mr. KORIHL, Mr. BIDEN, Mr. REED, Mr. WARNER, and Mr. GRAMM):

S. Res. 73. A resolution to commend James Harold English for his 23 years of service to the United States Senate; considered and agreed to.

By Mr. DAYTON (for himself, Ms. STABENOW, Mr. JOHNSON, and Mr. ROCKEFELLER):

S. Res. 74. A resolution expressing the sense of the Senate regarding consideration of legislation providing Medicare beneficiaries with outpatient prescription drug coverage; to the Committee on Finance.

By Mr. LOTT (for Mr. HUTCHINSON (for himself, Mr. DODD, Mr. CRAPO, Mr. KENNEDY, Mr. INHOFE, Mrs. FEINSTEIN, Mr. CRAIG, Mrs. MURRAY, Mr. SPICER, Mr. EDWARDS, Ms. MIKULSKI, Mr. HELMS, Mr. BIDEN, and Mr. KERRY):

S. Res. 75. A resolution designating the week beginning May 13, 2001, as “National Biotechnology Week”; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 41

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUIGAR) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 60

At the request of Mr. BYRD, the names of the Senator from Missouri (Mr. BOND) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 133

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 231

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 231, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 250

At the request of Mr. BIDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 315

At the request of Mr. McCONNELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 315, a bill to provide for teacher liability protection.

S. 350

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 393

At the request of Mr. CHAFEE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 350, supra.

S. 393

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. 411

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 411, a bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty.

S. 452

At the request of Mr. MURkowski, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the Medicare program that the Secretary does not target inadvertent billing errors.

S. 486

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 543, a bill to provide for equal coverage of medical health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals.

S. 656

At the request of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 659

At the request of Mr. CRAPO, the names of the Senator from Virginia (Mr. WARNER), the Senator from New Hampshire (Mr. SMITH, of New Hampshire), the Senator from Michigan (Mr. LEVIN), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 659, a bill to amend title XV of the Social Security Act to adjust the labor costs relating to items and services furnished in a geographically reclassified hospital for which reimbursement under the medicare program is provided on a prospective basis.

S. 706

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 789

At the request of Mr. WELLSTONE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from
New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 739, a bill to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes.

S. RES. 61
At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. ANDERSON) was added as co-sponsor of S. Res. 61, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 68
At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as co-sponsor of S. Res. 68, a resolution designating September 6, 2001 as “National Crazy Horse Day.”

S. CON. RES. 23
At the request of Ms. SNOWE, the name of the Senator from California (Ms. FEINSTEIN) was added as a co-sponsor of S. Con. Res. 23, a concurrent resolution calling for a United States effort to end restrictions on the free-dom and basic rights of the estimated one million people in the occupied area of Cyprus.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 771. A bill to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, I rise today with my colleague, Senator BILL NELSON, to introduce legislation that will protect the coast of Florida in the future from the damages of offshore drilling.

In past Congresses, I have introduced similar legislation that sought to codify the annual moratorium on leasing in the Eastern Gulf of Mexico and ensure that state’s receive all environmental documentation prior to making a decision on whether to allow drilling off of their shores.

Today, I am introducing legislation that takes these steps, plus several others. The Outer Continental Shelf Protection Act corrects an egregious conflict in regulatory provisions where an affected state is required to make a consistency determination for proposed oil and gas production or development under the Coastal Zone Management Act prior to receiving the Environmental Impact Statement, EIS, for them from the Mineral Management Service.

Our bill requires that the EIS is provided to affected states before they make a consistency determination, and it requires that every oil and gas development plan have an EIS completed prior to development.

Third, our bill buys back leases in the Eastern Gulf of Mexico which are an immediate threat to Florida’s natural heritage and economic engine.

What does this bill mean for Florida?

The elimination of preleasing activity and lease sales off the coast of Florida protects our economic and environmental future.

For years, I have taken my children and grandchildren to places like Grayton Beach so that they can appreciate the natural treasures and local cultures that are part both our own heritage and that of the Florida Panhandle.

We have a solemn obligation to preserve these important aspects of our state’s history for all of our children and grandchildren. Much of our identity as Floridians is tied to the thousands of miles of pristine coastline that surround most of our state.

The Florida coastline will not be safe if offshore oil and gas resources are developed. For example, a 1997 Environmental Protection Agency, EPA, study indicated that even in the absence of oil leakage, a typical oil rig can discharge between 6,500 and 13,000 barrels of waste per year. The same study also warned of further harmful impact on marine mammal populations, fish populations, and air quality.

In addition to leakages and waste discharges, physical disturbances caused by anchoring, pipeline placement, rig construction, and the reclamation of bottom sediments can also be destructive. Given these conclusions, Floridians are unwilling to risk the environmental havoc that oil or natural gas drilling could wreak along the sensitive Panhandle coastline.

Because the natural beauty and diverse habitats of the Gulf of Mexico, the Florida Keys, and Florida’s Atlantic Coast attract visitors from all over the world and support a variety of commercial activities, an oil or natural gas disaster could have a crippling effect on the economy. In 1996, the cities of Panama City, Pensacola, and Fort Walton Beach reported $1.5 billion in sales to tourists. Florida’s fishing industry benefits from the fact that nearly 50 percent of reef fish caught in the Gulf of Mexico come from the West Florida continental shelf.

For the last several years, I have been working with my colleagues, former Senator Connie Mack and now Senator BILL NELSON, Congresswoman JOE SCARBOROUGH, and others to head off the threat of oil and natural gas drilling. In June of 1997, we introduced legislation to cancel six natural gas leases seventeen miles off of the Pensacola coast and compensate Mobil Oil Corporation for its investment. Five days after the introduction of that legislation and two months before it was scheduled to begin exploratory drilling off Florida’s Panhandle, Mobil ended its operation and returned its leases to the federal government.

While that action meant that Panhandle residents faced one less economic and environmental catastrophe, it did not completely eliminate the threats posed by oil and natural gas drilling off Florida’s Gulf Coast. Florida’s Congressional representatives fight hard each year to extend the federal moratorium on new oil and natural gas leases in the Gulf of Mexico. But that solution is temporary.

Today we are introducing the Outer Continental Shelf Protection Act to make permanent our efforts to protect Florida’s coastline and to work with my colleagues on the Energy and Natural Resources Committee to move this legislation forward and protect the coast of future generations of Floridians and visitors to Florida.

By Ms. COLLINS:

S. 772. A bill to permit the reimbursement of the expenses incurred by an affected State and units of local government for providing security at an additional non-governmental property to be secured by the Secret Service for protection of the President for a period of not to exceed 60 days each fiscal year; to the Committee on the Judiciary.

Mr. COLLINS. Mr. President, today I introduce a bill to provide fair reimbursement to state and local law enforcement organizations for additional costs incurred by them in providing frequent assistance to the Secret Service to protect the President of the United States.

Of course, the Secret Service has the principal responsibility for protecting our Presidents. Without the assistance of state and local law enforcement organizations, however, providing that protection would be more costly and more difficult, if not impossible. For the most part, state and local law enforcers provide this assistance with no need for or expectation of reimbursement from the Federal government. In fact, they often bear the costs of providing this critical service.

Because emergencies and threats are unpredictable, providing that reimbursement is appropriate. It is appropriate, for example, when state and local law enforcement organizations are required to incur substantial expenses on a frequent basis in localities that are small and thus do not have adequate financial bases to provide the necessary services without reimbursement.

This is not a new idea. Dating back to at least the Administration of President Jimmy Carter, the Federal government has provided reimbursement to local government organizations where sitting Presidents maintain a principal residence. In the early 1990s, reimbursement was provided for
services provided for then-President Bush’s visits to Kennebunkport, Maine. Reimbursement is similarly available now to Crawford, Texas. The bill I am introducing will extend this authority to localities and states other than the place of principal residence when the sitting President is also designated.

I envision that it will help, for example, the Kennebunkport Police Department and associated law enforcement organizations in my home state. I expect the allure of summer in Maine will draw President George W. Bush to the Bush family residence in Kennebunkport for several visits in the coming months. My bill will help ensure that the town, with a population of only 3,720, will not have to shoulder alone the substantial financial burden associated with these visits. In addition, however, I anticipate that in the future other localities will benefit, for this bill has been carefully drafted to provide reimbursement to localities and states designated by future Presidents.

This bill will not result in an unlimited “windfall” to local and state law enforcement organizations. It requires that the organizations requesting reimbursement first incur the expenses and therefore will likely discourage excessive expenditures. It also limits the number of days for which reimbursement may be sought to not more than 60 days per fiscal year. In addition, it provides reimbursement only for services provided in conjunction with visits to small localities with a population of no more than 7,000 residences. Finally, the total amount of reimbursement is limited to not more than $100,000 per fiscal year.

I encourage my colleagues to support this modest, yet important and equitable provision of support to local and state law enforcement organizations.

By Mr. TORRICELLI (for himself and Mr. CORZINE):
S. 773. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. TORRICELLI. Mr. President, today I rise to introduce the Campus Fire Safety Right-to-Know Act so that we can move forward in protecting our children at our colleges and universities. It is an unfortunate reality that it often takes great tragedies to highlight vulnerabilities in our laws.

On January 19, 2000, several New Jersey families experienced an unimaginable tragedy. A fire in a freshman college dormitory killed 3 students and injured 62 others. Investigations into the fire revealed that the dorm was not equipped with a sprinkler system, which could have saved lives. In addition, during that fatal evening, many students delayed leaving the building because they assumed it was a false alarm, an all too common occurrence.

On March 19, 2000, a fire broke out at a fraternity house at a Pennsylvania university, killing three students. This was not the first fire at that fraternity house, in 1994, five students were killed in a fraternity house fire.

On June 8, 2000, a student was killed in an early morning fraternity house fire at an Illinois University. Local authorities said the building was not protected with an automatic fire sprinkler system.

And, as recently as April 1, 2001, a fire in a residence hall at a New Hampshire college forced 100 students out of the building, burning damaged at least two apartments. This was the second fire to occur at a residence hall at that college within two months.

This is a national crisis that endangers our children’s lives.

Although the average number of college residence fires dropped 10 percent in the last decade, an average of 66 students still are injured in campus fires in dorms, and fraternity and sorority houses. In the 11 deadly campus fires between 1988 and 1997, an average of two people died in each.

The National Fire Protection Association reports that 72 percent of dorms, and fraternity and sorority houses that suffer fires are not equipped with life-saving sprinkler systems, even though sprinklers are proven to cut by up to two-thirds the risks of death and property damage in fires.

I have a proposal that will help make university housing safer. The Campus Fire Safety Right-to-Know Act would highlight the lack of campus fire safety by requiring colleges and universities to provide annual reports that explain fire policies, frequency of false alarms, and whether dorms are equipped with sprinkler systems.

These reports would be straightforward and based on the types of reporting that many campuses already do.

Colleges and universities could use these reports to highlight their successes and progress with campus fire safety. They would be, in part, a marketing tool to attract students and families.

The reports would also bring greater awareness about campus fire safety to schools that have not made progress, and encourage them to take action.

And, the reports would be a resource for students and their families, so that they know whether their dorms are fire safe and can work with their schools to improve fire safety.

My bill is supported by universities in my State, Seton Hall, Rutgers and Princeton, and is also endorsed by the National Fire Protection Association, the National Safety Council, and College Parents of America.

We need to pass this measure so that we can ensure that the tragedies in New Jersey, Illinois, and Pennsylvania are the last of their kinds.

By Mr. BAYH (for himself and Mr. LUGAR):
S. 774. A bill to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the “Lee H. Hamilton Federal Building and United States Courthouse”; to the Committee on Environment and Public Works.

Mr. BAYH. Mr. President, it is with great pride that I rise today to pay tribute to a good friend and a great President of the United States. I am honored to introduce legislation designating the Federal Building and United States Courthouse located at 121 W. Spring Street in New Albany, Indiana, as the “Lee H. Hamilton Federal Building and United States Courthouse.”

Lee Hamilton was born in Daytona Beach, FL, on April 20, 1931, and raised in Evansville, IN. He attended Evansville Central High school, where he excelled both in the classroom and on the basketball court. As a senior, he led his team to the final game of the Indiana state basketball tournament, and received the prestigious Tresler award for scholarship and athletics.

After graduation, Congressman Hamilton attended Depauw University, and earned his bachelor’s degree in 1952. He then went on to study for post-war Germany at Goethe University, before enrolling in law school at Indiana University, where he received his Doctor of Jurisprudence Degree in 1956.

In 1964, Lee Hamilton was first elected to the U.S. House of Representatives, where he went on to serve with distinction for 34 years. During his long tenure in office, he established himself as a leader in International Affairs, serving as the chairman of the House Foreign Relations committee, Intelligence Committee, and Iran-Contra committee. Hamilton was widely respected for his powerful intellect and impressive knowledge of foreign affairs, and remains unquestionably one of our nation’s foremost experts on foreign policy.

In addition to his record on foreign affairs, Mr. Hamilton also played an important role in reforming the institution of Congress itself. He cochaired the Joint Committee on the Organization of Congress where he worked to reform the institution by instituting the gift-ban, tightening lobbying restrictions, and applying the laws of the workplace to Congress.

Even with all his success in Washington, however, Mr. Hamilton never forgot his Hoosier roots. He always remained down-to-earth and accessible to the American people. He maintained active in foreign policy and continued to have a distinguished career as a member of Congress.

Today, Congressman Hamilton remains active in foreign policy and congressional reform. He currently heads the Hamilton Center for Scholars in Washington, DC, and serves as the director of the Center on Congress at Indiana University.
Congressman Hamilton has received numerous public service awards including the Paul H. Nitze Award for Distinguished Authority on National Security Affairs, the Edmund S. Muskie Distinguished Public Service Award, the Phillip C. Habib Award for Distinguished Public Service, the Indiana Humanities Council Lifetime Achievement Award and the U.S. Association of Former Members of Congress' Statesmanship Award. It is only fitting that we recognize Congressman Hamilton's service to the people of Southern Indiana by naming the New Albany Federal Building and U.S. Courthouse in his honor.

It is my hope that the Federal Building and U.S. Courthouse located at 121 W. Spring Street in New Albany will soon bear the name of my friend and fellow Hoosier, Congressman Lee Hamilton.

By Mrs. LINCOLN (for herself and Mr. REID):
S. 775. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the Medicare Program; to the Committee on Finance.

Mrs. LINCOLN. Madam President, I rise today to introduce the Geriatric Care Act of 2001, a bill to increase the number of geriatricians in our country through training incentives and Medicare reimbursement for geriatric care. I am proud to be joined in this effort today by Senator HARRY REID of Nevada. Senator Reid has been a pioneer in seeking real commonsense solutions to the health care challenges facing our Nation’s seniors. In fact, he has graciously allowed me to include in this bill components of a bill he introduced during the last Congress. Moreover, it is an invaluable resource and ally to me as I have grappled with the solutions to these challenges we are seeking.

Our country teeters on the brink of revolutionary demographic change as baby boomers begin to retire and Medicare begins to care for them. As a member of the Finance Committee and the Special Committee on Aging, I have a special interest in preparing health care providers and Medicare for the increasing proportion of older persons in our country, through training incentives and Medicare reimbursement for geriatric care.

The Geriatric Care Act of 2001 takes an important first step in modernizing Medicare for the 21st century.

The 76 million baby boomers are aging and in 30 years, 70 million Americans will be 65 years old and older. They will soon represent one-fifth of the U.S. population, the largest proportion of older persons in our Nation’s history. Our Nation’s health care system will face an unprecedented strain as our population ages.

Our Nation is simply ill-prepared for what lies ahead. Demand for quality care will increase, and we will need physicians who understand the complex health problems that aging inevitably brings. As seniors live longer, they face much greater risk of disease and disability. Conditions such as heart disease, cancer, stroke, diabetes, and Alzheimer’s disease occur more frequently among seniors. The complex problems associated with aging require a supply of physicians with special training in geriatrics.

Geriatricians are physicians who are first board certified in family practice or internal medicine and then complete additional training in geriatrics. Geriatric medicine provides the most comprehensive health care for our most vulnerable seniors. Geriatrics promotes wellness and preventive care, helping to improve patients’ overall quality of life by allowing them greater independence and preventing unnecessary and costly trips to the hospital or institutions.

Geriatric physicians also have a heightened awareness of the effects of prescription drugs. Given our seniors’ growing dependence on prescriptions, it is increasingly important that physicians know how, when, and in what dosage to prescribe medicines for seniors. Often patients respond to medications in very different ways from younger patients. In fact, 35 percent of Americans 65 years and older experience adverse drug reactions each year.

According to the National Center for Health Statistics, medication problems may be involved in as many as 17 percent of all hospitalizations of seniors each year. Care management provided by a geriatrician will not only provide better health care for our seniors, but it will also save costs to Medicare in the long term by eliminating the pressures on more costly medical care through hospitals and nursing homes.

Quite clearly, geriatrics is a vital thread in the fabric of our health care system, especially in light of our looming demographic changes. Yet today there are fewer than 9,000 certified geriatricians in the United States. Of the approximately 98,000 medical residency and fellowship positions supported by Medicare in 1998, only 324 were in geriatric medicine and geriatric psychiatry. Only three medical schools in the country—the University of Arkansas for Medical Sciences in Little Rock being one of them—have a department of geriatrics. This is remarkable when we consider that of the 125 medical schools in our country, only 3 have areas of residency in geriatrics.

As if that were not alarming enough, the number of geriatricians is expected to decline dramatically in the next several years. In fact, most of these doctors will retire just as the baby boomer generation becomes eligible for Medicare. We must reverse this trend and frequently anticipate to increase the number of geriatricians in our country. Unfortunately, there are two barriers preventing physicians from entering geriatrics: insufficient Medicare reimbursements for the provisions of geriatric care, and inadequate training dollars and positions for geriatricians.

Many practicing geriatricians find it increasingly difficult to focus their practice exclusively on older patients because of insufficient Medicare reimbursement. Unlike most other medical specialties, geriatricians depend most entirely on Medicare revenues.

A recent MedPAC report identified long-term care reimbursements as a major stumbling block to recruiting new geriatricians. Currently the reimbursement rate for geriatricians is the same as it is for regular physicians, but the services geriatricians provide are fundamentally different. Physicians who assess younger patients simply don’t have to invest the same time that geriatricians must invest assessing the complex needs of elderly patients. Moreover, chronic illness and multiple medications make medical decision making more time consuming. Additionally, planning for health care needs becomes more complicated as geriatricians seek to include both patients and caregivers in the process.

It is my hope that the Federal Building and U.S. Courthouse will be a reminder of Southern Indiana by naming the Courthouse in his honor.

The Geriatric Care Act of 2001 corrects this problem by allowing an additional 125 medical schools to exceed the Medicare graduate medical education cap established by the Balanced Budget Act of 1997. As a result of this cap, many hospitals have eliminated or reduced their geriatric training programs. The Geriatric Care Act of 2001 corrects this problem by allowing additional geriatric residencies in more than 300 medical schools in the country. By improving access to geriatric care, the Geriatric Care Act of 2001 takes an important first step in modernizing Medicare for the 21st century.
the people who have raised us, who have loved us, who have worked for us, and who have fought for us. Now it is our turn to work for them, to fight for them, and this is where we must start. I ask my colleagues to join me in support of this legislation to modernize Medicare, to support crucial geriatric services for America’s growing population of seniors. I also urge my colleagues to recognize that this is only the beginning of what I hope will be a grand overhaul of the way we think about and deliver care to our Nation’s elderly. We have more time to discuss and to address—adult daycare, long-term care insurance, just to name a few. But it is essential that we begin soon, that we begin now in preparing those individuals we will need 10 years from now in order to be able to care for our aging population in this Nation.

Madam President, I also want to submit three letters of support for this bill, along with a list of organizations that support this important legislation, and encourage all of my colleagues to recognize the unbelievable response we today have to provide for the seniors of tomorrow. I ask unanimous consent that the items I mentioned be printed in the RECORD.

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

THE NATIONAL COUNCIL ON THE AGING
Hon. Blanche L. Lincoln,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR LINCOLN: On behalf of the National Council on the Aging (NCOA)—the nation’s first organization formed to represent America’s seniors and those who care for them—I write to express our organization’s support for the Geriatric Care Act of 2001.

A major shortcoming of the Medicare program is that patients are inadequately fragmented, in the manner in which chronic care needs are addressed. Some of the major problems include: specific geriatric and chronic care needs are not clearly identified; services are poorly coordinated, if at all; medications are not managed properly, resulting in avoidable adverse reactions; family caregivers are excluded from the care planning process; transitions across settings are disjointed; and follow-up care and access to consultation to promote continuity are often unavailable. All of these serious problems cry out for Medicare coverage of care coordination. NCOA strongly supports your efforts to address these critical shortcomings in the Medicare program.

NCOA also supports efforts to increase the number of health care providers who have geriatric training. Given the aging of our population and the coming retirement of the baby boom generation, it is important to have physicians trained to care for older patients who may be frail and suffer from multiple, chronic conditions. We applaud your efforts to meet this challenge by introducing legislation to allow for growth in geriatric residency programs above the hospital-specific cap established by the Balanced Budget Act of 1997.

We applaud your leadership on behalf of our nation’s most frail, vulnerable citizens and stand ready to assist you in working to enact the Geriatric Care Act of 2001 into law this year.

Sincerely,
HOMER BEDLIN,
Vice President, Public Policy and Advocacy,
AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING,
Hon. Blanche L. Lincoln,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR LINCOLN: I understand that you are introducing legislation to provide incentives for the training of geriatricians and to require Medicare to pay for geriatric assessments and care management for beneficiaries with complex care needs. The American Association of Homes and Services for the Aging (AAHSA) strongly supports your proposal, which would help to alleviate the serious shortage of physicians trained to meet the special needs of older people.

AAHSA is a national non-profit organization representing more than 6,500 not-for-profit nursing homes, continuing care retirement communities, assisted living and senior housing facilities, and community service organizations. More than half of AAHSA’s members are religiously sponsored and all have a mission to provide quality care to those in need. AAHSA members serve over one million older persons across the country.

Residents of long-term care facilities rely on physician services more than the general population does. The severity of older people’s medical conditions compounded by multiple co-morbidities demand more time per visit than younger or healthier people need. Many of these seniors would benefit from the services of a geriatrician, who is trained in the special medical needs of older people. Unfortunately, few physicians elect to specialize in this field. In addition, the Medicare Part B fee schedule does not recognize the specialty services of geriatricians and the time and effort they spend providing medical care of this older, more vulnerable population. Nursing facilities have a difficult time finding physicians, let alone geriatric specialists, to serve residents. Geriatric clinical practices find it difficult to provide the level of service this population requires and deserves for the care they receive through the Medicare fee schedule.

Your legislation would do much to address these issues, and AAHSA is anxious to work with you toward that goal. I look forward to working with you to introduce the ‘‘Geriatric Care Act of 2001.’’

Sincerely,
WILLIAM L. MINNIX, Jr., D. Min.,
President and CEO,
AMERICAN ASSOCIATION FOR GERIATRIC PSYCHIATRY,
Bethesda, MD, April 24, 2001.

Hon. Blanche L. Lincoln,
U.S. Senate,
Washington, DC.

DEAR SENATOR LINCOLN: On behalf of the American Association for Geriatric Psychiatry (AAGP), I would like to take this opportunity to thank you for your introduction of the ‘‘Geriatric Care Act of 2001.’’

Although geriatric psychiatry is a relatively small medical specialty, it is one for which demand is growing rapidly as the population ages and the ‘‘baby boom’’ generation nears retirement. Arbitrary, budget-driven limits on graduate medical education, such as caps on the aggregate number of residents and interns at a teaching hospital, could discourage the expansion of training programs in psychiatry and other fields that are extremely relevant to the Medicare population.

You bill would help to increase the number of physicians with the specialized geriatric training that is needed to serve the growing number of elderly persons in this country.

In addition, we support the provision of your bill, which would provide Medicare reimbursement for assessment and care coordination. This will help to provide those Medicare beneficiaries with severe physical and mental disorders with the access to the appropriate and coordinated care that they deserve.

AAGP commends you for your commitment to ensuring that America’s senior citizens have adequate access to effective health care, and we look forward to working with you on the ‘‘Geriatric Care Act of 2001.’’

Sincerely,
STEPHEN BARTELS, MD,
President.

SUPPORTERS OF THE GERIATRIC CARE ACT OF 2001

American Association for Geriatric Psychiatrists,
Alzheimer’s Association,
Alliance for Aging Research,
American Geriatrics Society,
National Chronic Care Consortium,
National Council on Aging,
National Committee to Preserve Social Security and Medicare,
American Association for Homes and Services for the Aging,
International Longevity Center.

By Mr. BINGAMAN (for himself Mr. ENZI, Mr. BAUCUS, and Mr. WELLSSTONE):
S. 776. A bill to amend title XIX of the Social Security Act to increase the floor treatment as an extrem extremely low DSH State to 3 percent in fiscal year 2002; to the Committee on Finance.
Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with Senators ENZI, BAUCUS, and WELLSSTONE, entitled the ‘‘Medicaid Safety Net Hospital Improvement Act of 2001.’’ This legislation is absolutely critical to the survival of many of our nation’s safety net hospitals. It would provide additional funding to address the chronic, underlying uncompensated care to many of our nation’s 42.6 million uninsured residents, including 463,000 in New Mexico, through the Medicaid disproportionate share hospital, or DSH, program. In recognition of the burden borne by hospitals that provide a large share of care to low-income patients, including Medicaid and the uninsured, the Congress established the Medicaid DSH program to give additional funding to support such ‘‘disproportionate share’’ hospitals. By providing financial relief to these hospitals, the Medicaid DSH program maintains hospital access for the poor. As the National Governors’ Association has said, ‘‘Medicaid DSH’s funds are an important part of statewide systems of health care access for the uninsured.’’
Recent reports by the Institute of Medicine entitled ‘‘America’s Health Care Safety Net: Intact But Endangered,’’ and the National Association of Public Hospitals entitled ‘‘The Dependence of Safety Net Hospitals’’ and the Commonwealth Fund entitled ‘‘A Shared Responsibility: Academic
Health Centers and the Provision of Care to the Poor and Uninsured” have all highlighted the importance of the Medicaid DSH program to our health care safety net.

As the Commonwealth Fund report, which was released just this last week, notes: “The Medicaid DSH program has had a beneficial effect on patient access. The average payment rate for Medicaid inpatient services has increased dramatically. Medicaid payments for hospital services were only 76 percent of the cost of providing this care in 1988. By 1994, Medicaid payments had increased to 94 percent of costs.”

Unfortunately, as the Commonwealth Fund report adds, “...there are large inequities in how these funds are distributed among states.” In fact, for 15 states, including New Mexico, our federal DSH allotments are not allowed to exceed 1 percent of our state’s Medicaid program costs. In comparison, the average payments across all states amount to 2.5 percent of our state’s Medicaid funding on DSH. This disparity and lack of Medicaid DSH in “extremely low-DSH states” threatens the viability of our safety net providers. In New Mexico, these funds are critical to the maintenance of our state’s health care safety net, including University Hospital, Eastern New Mexico Regional Hospital, St. Vincent’s Hospital, Espanola Hospital, and others.

In an analysis of the Medicaid DSH program for fiscal year 2002 and each fiscal year thereafter, the total amount of federal Medicaid DSH payments in six states was less than $1 per Medicaid and uninsured individual compared to five states than had DSH spending in excess of $500 per Medicaid and uninsured individual. That figure was just $14.91 per Medicaid and uninsured person in New Mexico. Compared to the average expenditure of $218.96 across the country, such disparities cannot be sustained.

As a result, this bipartisan legislation increases the allowed federal Medicaid DSH allotment in the 15 “extremely low-DSH states” from 1 percent to 3 percent of Medicaid program costs, which remains far less, or just one-third, of the national average. I would add that the legislation does not impact the federal DSH allotments in other states but only seeks greater equity by raising the share of federal funds to “extremely low-DSH states.”

Once again, the Commonwealth Fund recommends such action. As the report finds, “States with small DSH programs are not permitted to increase the relative size of their DSH programs...[Current] policy simply rewards the programs that acted quickly and more aggressively, without regard to a state’s real need of such funds.” Therefore, the report concludes, “...greater equity in the use of federal funds should be established among states.

Again, this is achieved in our legislation by raising the limits for “extremely low-DSH states” from 1 percent to 3 percent and not by redistributing or taking money away from other states.

Failure to support these critical hospitals could have a devastating impact not only on the income and vulnerable populations who depend on them for care but also on other providers throughout the communities that rely on the safety net to care for patients whom they are unable or unwilling to serve.

As the Institute of Medicine’s report entitled “America’s Health Care Safety Net: Intact But Endangered” states, “Until the nation addresses the underlying problems that make the health care safety net system necessary, it is essential that national, state, and local policy makers protect and perhaps enhance the ability of these institutions and providers to carry out their missions.”

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD.

As the Commonwealth Fund report adds, “The Medicaid DSH program has increased dramatically. Medicaid payments in six states was less than $1 per Medicaid and uninsured individual compared to five states than had DSH spending in excess of $500 per Medicaid and uninsured individual. That figure was just $14.91 per Medicaid and uninsured person in New Mexico. Compared to the average expenditure of $218.96 across the country, such disparities cannot be sustained.

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I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 776
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE
This Act may be cited as the “Medicaid Safety Net Improvement Act of 2001”.

SEC. 2. INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2002.
(a) INCREASE IN DSH FLOOR.—Section 1923(b)(5) of the Social Security Act (42 U.S.C. 1396d-4(b)(5)) is amended by striking “1 percent” each place it appears and inserting “3 percent”.
(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2001, and apply to DSH allotments under title XIX of the Social Security Act for fiscal year 2002 and each fiscal year thereafter.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 74—EXPRESSING THE SENSE OF THE SENATE REGARDING CONSIDERATION OF LEGISLATION PROVIDING MEDICARE BENEFICIARIES WITH OUTPATIENT PRESCRIPTION DRUG COVERAGE

Mr. DAYTON. Mr. President, today I am introducing a resolution which expresses the sense of the Senate that the President will consider legislation providing prescription drug coverage for senior citizens by June 20, 2001. The resolution does not specify what form of coverage will be considered; rather, it simply commits us to scheduling consideration of this important legislation, and hopefully its passage, in the near future.

Many of us have promised the senior citizens of our states that Congress would enact this kind of program. As you know, last year the 106th Senate was unable to reach an agreement on whether to provide prescription drug coverage directly through Medicare, through subsidized insurance policies, or another mechanism. While these disagreements stymied any one measure’s passage, it appeared that an overwhelming majority of Senators then supported some form of coverage.

I believe it is imperative that we get a program of financial assistance for hard-pressed senior citizens quickly enacted. While I have my own preference for direct, voluntary coverage under Medicare, I am most concerned that some form of financial assistance be provided to desperate senior citizens in
Minnesota and across the country, whose lives are being traumatized by the unaffordable costs of their prescription medicines. Their economic security, their emotional well-being, and their physical health are being threatened, by ever-increasing costs over which they have no control. I respectfully request your support for this resolution when it comes to the floor for a vote.

SENATE RESOLUTION 75—DESIGNATING THE WEEK BEGINNING MAY 13, 2001, AS "NATIONAL BIOTECHNOLOGY WEEK". Mr. LOTT (for Mr. HUTCHINSON for himself, Mr. DODD, Mr. CRAPO, Mr. KENNEDY, Mr. INHOFE, Mrs. FEINSTEIN, Mr. CRAIG, Mrs. MURRAY, Mr. SPECTER, Mr. EDWARDS, Ms. MIKULSKI, Mr. HELMS, Mr. BIDEN, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas biotechnology is increasingly important to the research and development of medical, agricultural, industrial, and environmental products;

Whereas public awareness, education, and understanding of biotechnology is essential for the responsible application and regulation of this new technology;

Whereas biotechnology has been responsible for novel and significant advances that have benefited people for centuries and contributed to increasing the quality of human health care through the development of vaccines, antibiotics, and other drugs;

Whereas biotechnology is central to research for cures to diseases such as cancer, diabetes, epilepsy, multiple sclerosis, heart and lung disease, Alzheimer’s disease, Acquired Immune Deficiency Syndrome (AIDS), and innumerable other medical ailments;

Whereas biotechnology contributes to crop yields and farm productivity, and enhances the quality, value, and suitability of crops for food and other uses that are critical to the agriculture of the United States;

Whereas biotechnology promises environmental benefits including protection of water quality, conservation of topsoil, improvement of waste management techniques, reduction of pesticide use, introduction of renewable energy and biobased products, and cleaner manufacturing processes;

Whereas biotechnology contributes to the success of the United States as the global leader in research and development, and international commerce;

Whereas biotechnology will be an important catalyst for creating more high-skilled jobs throughout the 21st century and will provide jobs throughout the 21st century and will provide food that has value added traits such as reduced fat content and increased levels of vitamins and minerals that our diets here in the United States or those in the developing world may be deficient in. The potential for the production of rotten "golden rice," which could substantially reduce malnutrition in the third world, is immense. In the next ten to twenty years, we likely will be able to grow vaccines in plants, eliminating the difficulties of distribution in many areas of the world.

Industrial biotechnology also shows tremendous potential for reducing the pollution and waste generated through industrial production. Through the use of enzymes and other biological components, industries are able to minimize material and energy inputs while simultaneously maximizing renewable resources. An added benefit of those processes is that they limit the production of hazardous pollutants and waste products. Advances in biotechnology have occurred due to the hard work and diligence of scientists and researchers in United States, and all around the world, who have spent their lives promoting and perfecting the practice of biotechnology.

Biotechnology is the use of biological processes to solve problems or make useful products. While the use of biological processes for these purposes is not new, the use of recombinant DNA technology and our greater understanding of the molecular mechanisms of organisms and how they interact with their environment have led to the creation of hundreds of products and therapeutic treatments with a wide variety of health, agricultural, and environmental benefits.

Through the analysis of genes and gene products, we will soon be able to forecast disease and create preventative therapies that will drastically reduce the cost of health care by limiting the number of drug treatments necessary and reducing the amount of time patients must be in the hospital. This same technology will enable us to refocus health care on promoting health and preventing disease rather than restoring health in the sick and treating the symptoms and effects of full-blown illness in our nation’s health care clinics.

With the publication of the human genome sequence, we are now one step closer to understanding the mechanisms of life and the determination of the functional characteristics of their RNA and protein products that remain for our next generation of scientists. However, we are quickly moving towards those frontiers, shedding light on the complex functions of our own bodies that have been shrouded in mystery and speculation for centuries.

In the area of agriculture, the benefits of biotechnology are no less stunning—allowing us to increase the yield of commodities while reducing the use of pesticides. As the world population continues to balloon and the amount of arable land available decreases, we will increasingly look to biotechnology to meet the needs of people everywhere. Researchers in industry and academia are also exploring the possibilities for genetic traits that will yield maximum production, even in the face of inclement weather.

They are also looking for ways to use biotechnology to create novel plants that will provide food that has value added traits such as...
AMENDMENTS SUBMITTED AND PROPOSED

SA 352, Mr. SMITH of New Hampshire (for himself, Mr. REID, Mr. CHAFEE, and Mrs. BOXER) proposed an amendment to the bill S. 350, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes:

Beginning on page 57, strike line 24 and all that follows through page 58, line 3, and insert the following:

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(11)(aa) is contaminated by petroleum or a petroleum-derived product excluded from the definition of 'hazardous substance' under section 101;
and
(bb) is a site determined by the Administrator of the State, as appropriate, to be of relatively low risk, as compared with other petroleum-only sites in the State; and

(cc) is not subject to any order issued under section 1004(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

(ii) is mine-scarrred land.
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On page 65, between lines 11 and 15, insert the following:

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(4) INSURANCE.—A recipient of a grant or loan awarded under subsection (b) or (c) that performs a characterization, assessment, or remediation of a brownfield site may use a portion of the grant or loan to purchase insurance related to the characterization, assessment, or remediation of that site.
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On page 67, line 16, before the period, insert the following: "including threats in areas in which there is a greater-than-normal incidence of diseases or conditions (including cancer, asthma, or birth defects) that may be associated with exposure to hazardous substances, pollutants, or contaminants."

On page 68, between lines 16 and 17, insert the following:

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(3) The President to which a grant would address or facilitate the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations.
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On page 70, between lines 2 and 3, insert the following:

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(4) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Environmental Protection Agency shall submit to Congress a report that provides a description of the management of the program (including a description of the allocation of funds under this section).
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On page 71, strike lines 15 through 17 and insert the following:

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Inevitably, there were older citizens, women, children, and others who were often, as a matter of strategy by the Viet Cong, drawn into the line of fire and put in positions of danger without regard, I might add, for their side as well as their own.

To the best of my memory, most people worked diligently—I know Senator Kerrey did as well as others—to avoid the capacity for confusion or for accidents. I know certainly within our unit there was a great deal of pride on many occasions to be engaged on the spot simply because perceptions on the spot made it clear that there was the potential for innocents to be injured.

I fully remember what it was like to “saddle up” for a nighttime mission with no Moon, with no light, trying to move clandestinely and trying to surprise people. The confusion that can ensue in those kinds of situations is not confusion that lends itself to a 32-year later judgment.

There were occasions in Vietnam, as everyone knows, when innocents were victims. There wasn’t a soldier there at that time, or who has come back to this country and home today, who doesn’t regret that.

But I also know it is simply a disservice to our Nation and to the quality of the service and a person such as Bob Kerrey to have condemnation after the fact which does anything to diminish the quality of service, or the service of so many others who spent their sweat and blood and youth in that particularly difficult battlefield.

So it is my hope that in the next days people will understand the appropriate perspective and put this issue in its appropriate perspective. Bob Kerrey served with distinction. He obviously feels anguish and pain about those events, but I do not believe they should diminish, for one moment, the full measure of what he has given to his country and of what he represents. It is my hope that he personally will not allow it to.

TAIWAN

Mr. KERRY. Madam President, I want to say a word about what President Bush said this morning with respect to Taiwan because if what the President said is, in fact, what he means, or if it is indeed the new policy of the United States, it has profound implications for our country. He made a far-reaching comment this morning on the American defense of Taiwan, a comment which suggests that without any consultation with Congress, without any prior notice to the Congress, a policy that has been in place for 30 years is now summarily being changed with implications that I believe are serious.

When asked by Charles Gibson, on ABC’s “Good Morning America,” whether the United States had an obligation to defend Taiwan if Taiwan were attacked by China, President Bush said:

Yes, we do, and the Chinese must understand that.

Charles Gibson then asked:

With the full force of the American military?

President Bush responded:

Whatever it took to help Taiwan defend itself.

For almost 30 years, through Republican and Democrat administrations alike, the cornerstone of our approach to helping our friends in Asia toward China has been the so-called “one China” policy: There is but one China; Taiwan is a part of China, and the question of Taiwan’s future must be settled peacefully.

This policy was laid out in the 1972 Shanghai Communique issued by the United States and China at the end of President Nixon’s historic visit. It was reaffirmed in subsequent bilateral communications—in 1979, when the United States recognized the People’s Republic of China and again in 1982 on the question of U.S. arms sales to Taiwan.

A consistent tenet of this policy is the U.S. expectation that the question of reunification of China and Taiwan will be settled peacefully, we have never stated what the United States would do if Beijing attempted to use force to reunify Taiwan with the mainland—until today. We have not stated it in the course of Republican and Democrat administrations alike because we understood the danger of doing so.

We have been deliberately vague about what the circumstances might be under which we would come to Taiwan’s defense, not only to discourage Taiwan from drawing us in by declaring independence but also to deter a Chinese attack by keeping Beijing guessing as to what the response might be.

Sometimes people have talked about trying to reduce that ambiguity and simplify it and simply say, of course we would come to their defense. But if you do that, you invite a set of consequences that might carry with it its own set of dangers, and you may lose control of the capacity to make a determination about what has happened and what the circumstances really are to which you need to respond.

President Bush’s comments this morning on ‘Good Morning America’ suggest that the administration has decided to abandon the so-called strategic ambiguity. If so, the President has made a major policy change with absolutely no consultation with the Foreign Relations Committee, the Armed Services Committee, the Intelligence Committee, or the leadership of the Congress.

In my view, it is a policy change that serves neither our interests nor Taiwan’s. Any situation which results in the loss of control of the capacity to make a determination about what has happened and what the circumstances really are to which you need to respond.

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To this day, people debate over whether or not there really was an attack on the Maddox and the Turner Joy, and whether or not there was an appropriate response under those circumstances.

The scenarios which could lead to the use of force and the conditions under which the United States might respond are simply too variable to lend themselves to a simple, clear declaration such as the declaration made by the President this morning.

For example, if China attacked in response to what it sees as a Taiwanese provocation, would we then respond? Apparently so, according to President Bush. Or if Taiwan declared independence, and China responded militarily, would we then come to Taiwan’s defense? I am not sure Taiwan would want a card it wanted all along, which is the capacity to know that no matter what it does, the United States would, in fact, be there to defend it?

The answer to that question is the reason that we have carried this ambiguity through President Ford, President Carter, President Reagan, President Bush, the President’s father, and President Clinton.

In a subsequent interview on CNN, the President stated that he would continue to maintain the “one China” policy, and he hopes Taiwan will not declare independence. But he remained vague as to what he would do if Taiwan did declare independence and China attacked.

To remove the strategic ambiguity runs the risk of decreasing Taiwan’s security by increasing it and of eliminating the flexibility that we will need to determine how to respond in any given situation.

Nevertheless, President Bush’s efforts to clarify that the United States does not want Taiwan to declare independence, the new policy has the automatic impact, if it is in place, and if it is the declaration that was made, of emboldening Taiwan and, frankly, reducing our control over events.

Although I have argued that we need to inject more clarity into our engagement with China, I personally believe that the President is absolutely right. The arms package would significantly increase the Taiwanese defensive capacities. I support that package.

It may be the case that we would send American forces ultimately to Taiwan’s defense if there were an attack, but that decision should not be made by an American President in advance during a television interview. A decision of this magnitude, which holds the potential for risking the lives of American military men and women, should be made in response to the circumstances at the moment, on the ground, in the air, and, most importantly, in consultation with the Congress of the United States in the due performance of its responsibilities with respect to the engagement of our forces overseas.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. LINCOLN. Madam President, I ask unanimous consent to speak for 15 minutes.

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

(The remarks of Mrs. LINCOLN pertaining to the introduction of S. 775 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mrs. LINCOLN. Madam 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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDERS FOR THURSDAY, APRIL 25, 2001

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 10 a.m. Thursday, April 26. I further ask unanimous consent that on Thursday, immediately following the prayer, the President pro tem issue a proclamation to adjourn until the hour of 10 a.m. on April 26, 2001.

Mr. NICKLES. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:56 p.m., adjourned until Thursday, April 26, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 2001:

DEPARTMENT OF AGRICULTURE

LOU GALLEGOS, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE PAUL W. FIDDELL, RESIGNED.

MARY KIRBY, WATERS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE ANDREW C. FISH, RESIGNED.

FEDERAL TRADE COMMISSION

TIMOTHY J. MURD, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 28, 1994, VICE ROBERT FITZPOTTS, RESIGNED.

DEPARTMENT OF ENERGY

LEE SARAH LIBHMAN OTIS, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY, VICE MARY ANNE SULLIVAN, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CLAUDE A. ALLEN, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE KEVIN L. THURM, RESIGNED.

DEPARTMENT OF LABOR

PAT FIZZELLA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE PATRICIA WATKINS LATTMORE.

IN THE AIR FORCE

THE FOLLOWING NAMED UNITED STATES AIR FORCE RESERVE OFFICERS FOR APPOINTMENT AS CHIEF OF AIR FORCE Reserve and for Appointment to the Grade Indicated under Title 10, U.S.C., Sections 606 and 601.

To be lieutenant general

MAJ. GEN. JAMES K. SHEPPARD III, 0000;


To be major general

BRIG. GEN. GREGORY B. GARDNER, 0000;
BRIG. GEN. ROBERT E. GRIESE, 0000;
BRIG. GEN. CRAIG R. MCKINLEY, 0000;
BRIG. GEN. JAMES M. SKEFF, 0000.

To be brigadier general

COL. RICHARD W. ASH, 0000;
COL. THOMAS L. BENÉ, JR., 0000;
COL. PHILIP E. BUNCH, 0000;
COL. CHARLES W. COLLINS, JR., 0000;
COL. RALPH E. DEWSNUP, 0000;
COL. CAROL ANN FAUSONE, 0000;
COL. SCOTT A. HAMMOND, 0000;
COL. DAVID E. HARRIS, 0000;
COL. DONALD A. HAUGHT, 0000;
COL. RICKY J. HEATON, 0000;
COL. TERRY P. HEGGEMEIER, 0000;
COL. RICHARD E. HORN, 0000;
COL. THOMAS J. LIEZ, 0000;
COL. DIANNE G. LUCAS, 0000;
COL. JOSPEH E. LUCAS, 0000;
COL. FRANK PONTISLANDOF, JR., 0000;
COL. RONALD R. SCROOP, 0000;
COL. BENTON M. SMITH, 0000;
COL. RODERICK A. SMITH, 0000;
COL. ANNETTE R. SOBEL, 0000;
COL. CLAIR ROBERT R. STITZ, JR., 0000;
COL. W. RICHARD TANDER, 0000;
COL. MICHAEL R. WEAVER, 0000;
COL. LAWRENCE W. WOODY, 0000.

PROGRAM

Mr. NICKLES. For the information of all Senators, it is hoped that the Senate will be in session on the following day. The Export Administration Act, at approximately 11 a.m. Therefore, votes could occur during tomorrow’s session. In addition, the negotiations on the education bill are continuing, and it is still hoped that an agreement can be reached prior to the end of the week.

ADJOURNMENT Until 10 A.M. TOMORROW

Mr. NICKLES. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:56 p.m., adjourned until Thursday, April 26, 2001, at 10 a.m.
RECOGNIZING THE FRESNO CENTER FOR NEW AMERICANS

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Fresno Center for New Americans (FCNA) on their 10 year anniversary. Their work makes a critical difference in the lives and the community of new Americans.

The Fresno Center for New Americans is a non-profit organization that assists new Americans in becoming productive, self-sufficient members of the community. They also foster cultural preservation and promote cross-cultural understanding.

FCNA was established in 1991 as a non-profit organization. The organization addresses a wide variety of social issues, including health education, employment assistance and placement, and acculturation services. FCNA’s vision is to act as a resource to refugees and new Americans, and to contribute to their quality of life.

Mr. Speaker, I rise to recognize the Fresno Center for New Americans for helping new citizens become productive members of our society. I urge my colleagues to join me in wishing the Fresno Center for New Americans many more years of continued success.

A TRIBUTE TO HARLAND B. JOHNSON

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor a man whose devotion to the youth in my district is an inspiration to us all. Mr. Harland B. Johnson helped start the Boys and Girls Club of Santa Cruz, California in 1966, and he served as its founding President of the Board of Directors. On May 11, 2001, Mayor Tim Fitzmaurice of the City of Santa Cruz will proclaim the day as “Harland B. Johnson Day”, and I am proud to be able to salute him here, Mr. Speaker.

Since Mr. Johnson first began the Boys and Girls Club of Santa Cruz, he has continued to sit on its Board of Directors. It is this 35 year tenure that is the milestone we are all celebrating this coming May, and I believe that his commitment to the youth of Santa Cruz is a shining example of dedication and community service.

In his 35 years with the Club, Mr. Johnson has raised literally hundreds of thousands of dollars to ensure the operation and maintenance of the facilities and programs that the Boys and Girls Club offers. Because of his tireless efforts, tens of thousands of Santa Cruz youth have had the opportunity to utilize all that the Club has to offer. This safe environment, which has served as a constant for several generations of schoolchildren, has provided a place for the community to come together and help our children become enriched, educated and dedicated individuals.

Harland B. Johnson has helped make the Boys and Girls Club possible, and has been the driving force behind the success that this institution. For all of his work and dedication for the past 35 years, and for the many years left to come, I join with the City of Santa Cruz in honoring Mr. Johnson.

TAXATION ON MEMBERS OF THE U.S. ARMED FORCES

HON. CAROLYN MCCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. MCCARTHY of New York. Mr. Speaker, I would like to bring attention to the following article by Mr. Dennis Fitzgerald proposing an end to taxation on members of the U.S. armed forces.

George W. Bush has a golden opportunity to effect a meaningful tax cut, spark our flagging economy and restore morale and loyalty in the military. This is a one fell swoop, Mr. Speaker—immediately—end all taxes on members of the armed forces.

It has always seemed to me mildly absurd that those who are being paid by taxes also have to pay them. It would seem that by ending military taxation, President Bush could increase the buying power of our military and at the same time relieve them from the burden of filing federal tax returns. He would also go a long way toward keeping the best people in the service.

Military stationed in a combat zone pay no taxes now. Why should they have to pay while training for that mission? Some training is more dangerous than some combat. And people who change jeep transmissions in a combat zone are often under no more peril than those performing the same task stateside. It is no secret that re-enlistment rates have reached an all time low. The all-volunteer military is woefully short of competent middle management. And only the Marines last year filled their enlistment quotas. Some have cited the opportunities presented by a booming economy as the reason for the best captains leaving the service before their time.

But the real reason for these departures is morale and a lack of financial incentive. Thirty years ago a career military person could count on a living wage while on active duty, discounted food, gasoline and other creature comforts through the PX system and the GI education bill amounting to a month of education for each month served up to 36 months.

The retirement benefits, if one served 20 or more years, were what kept most “lifers” going. These were one half to three fourths of the highest salary and medical services and PX aid club privileges for life. Both retirement and active duty benefits have been severely curtailed, leading to a malaise that even George Washington’s army would recognize.

The solution is a tax-break—big time. There are approximately 1.4 million service people on active duty with total salaries of about $42 billion. Tax revenues from this group currently stand at about $12 billion. This is a drop in the bucket when one considers total tax revenues of $550 billion.

This move would encourage people both to join and stay in the military. In the worst case it would cost the country little, and, if the Laffer curve is still operational, perhaps would actually increase tax revenues.

Increasing the disposable income of service people makes good economic sense. The newly formed XFL is killing to attract male audiences between 18 and 32. Why? Because they have a lot of money to spend. It should dawn on this administration that they have a lot of that cohort in their employ. And if they freed up their income, they might just spend it on stuff.

Camp LeJeune North Carolina on its web site proudly boasts it contributes some $3 billion to the local economy. Fine. With a tax cut it might just contribute $4 billion. And with the multiplier effect, this would pump tens of billions of dollars into an economy that most agree is faltering. And part that increased revenue would find its way to the U.S. Treasury through increased income and excise taxes on civilians who sell to service people.

Congress, especially those members from the South, should support this measure. Increased revenue from businesses surrounding military bases has always warmed their hearts, and filled their campaign chests. With the military tax cut adopted, there would be an easier haul through Congress for a more far-reaching bill later in the year.

These practical considerations aside, the major reason for this measure would be to put pride back in our military. Those on active duty in the armed forces should consider themselves so special that the government exempts them from paying taxes.

In addition to saving administrative headaches, increasing disposable income, bumping up total tax revenues and attracting good people for the military, a zero tax rate would add a certain all-encompassing eclat to serving that medals, decorations or flag ceremonies could never replace.

IN SPECIAL RECOGNITION OF THE 125TH ANNIVERSARY OF FIRELANDS COMMUNITY HOSPITAL, SANDUSKY, OHIO

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. GILLMOR, Mr. Speaker, as Sandusky’s first hospital, Good Samaritan Hospital, which
joined with Sandusky Memorial Hospital in 1985 to create Firelands Community Hospital, has cared for generations of Sandusky area families. It gives me great pleasure to recognize the hospital’s 125th anniversary and its long tradition of providing quality health care to the community.

The hospital’s roots trace back to 1876, when Wilburforce Farr, the minister of Grace Church, Sandusky, and other community leaders founded Good Samaritan Hospital, a place where everyone could receive health care, regardless of their financial or social situation. For the past 125 years, the hospital has played a vital role in the lives of Sandusky area residents. In 1985, Firelands Community Hospital was established through the union of Good Samaritan and Sandusky Memorial Hospitals. At the time the merger of these two institutions was considered a bold, but necessary move. The federal government’s push to lower health care costs was forcing hospitals to reconsider how they did business. Those who did not adapt to the changing health care climate would suffer serious financial trouble. Although the decision to consolidate was not an easy one, the Board of Trustees and Professional Staffs of both hospitals had the foresight and initiative to put the needs of the community first. Their efforts provided the foundation for Firelands Community Hospital’s role as one of the area’s leading comprehensive health care systems.

Today, Firelands Community Hospital continues to provide new and innovative services and programs to meet the needs of the Sandusky area community. More than 7000 inpatients and 250,000 outpatients are served annually at four Sandusky facilities. In recent surveys, Firelands has been rated the best in Erie County for quality of physician care, personal care and attention, most modern technology, physical environment and range of services.

For the past one hundred twenty-five years Sandusky, area residents have entrusted their health care needs to Firelands Community Hospital, and I am confident they will continue to do so for generations to come.

TRIBUTE TO ROGERS HIGH SCHOOL

HON. ASA HUTCHINSON
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. HUTCHINSON. Mr. Speaker, I rise to congratulate Rogers High School and participants in the “We the People . . . . . . . . . The Citizen and the Constitution” national finals.

I am pleased to recognize the class from Rogers High School who represented Arkansas in the national competition. The outstanding young people who participated are: David Clay, Jessica Diaz, Mitch Dinowitz, Marcus Emerson, Kenni Floyd, Haris Hasic, Jared Janacek, Amanda Lay, Ashley Marcum, Dylan Mory, John O’Connor, Josh Reece, Stephen Reed, Kyle Schoeller, Brian Shock, Bethany Salter, Luke Siversen, Cody Steenwyk, Zack Taylor, David Young. The class is coached by Brenda Patton.

“We the People . . . . . . . . . The Citizen and the Constitution” is the nation’s most extensive program dedicated to educating young people about our Constitution. Over 26 million students participate in the program, administered by the Center for Civic Education. The national finals, which includes representatives from every state, simulates a congressional hearing in which students testify as constitutional experts before a panel of judges. I wish these bright students the best of luck at the “We the People . . . . . . . . . The Citizen and the Constitution” national finals. They represent the Third District of Arkansas well, and I wish them all the best in their future academic pursuits.

THIS YEAR, EARTH DAY MEANS MORE THAN EVER BEFORE

HON. ALCIE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. HASTINGS of Florida. Mr. Speaker, this past Sunday, America celebrated its 31st annual Earth Day. In the past, Earth Day has been a day of both preservation and celebration. The day has symbolized our commitment to preserving the Earth’s beauty for the enjoyment of future generations. This year, however, Earth Day means much more. This year, we are not using Earth Day as a catalyst for the creation of new and innovative ways to keep our environment clean and healthy. This year, we are not spending Earth Day talking about reducing air pollution and cleaning up the water we drink. This year, Earth Day is not a celebration of the environmental accomplishments of the past century’s efforts.

Instead, this year, we are spending Earth Day toe-to-toe with the Bush Administration to simply maintain the status quo of our country’s environmental policies. This year, we are spending Earth Day fighting against the special interests of oil and gas companies. This year, we are celebrating Earth Day with a return to the careless and unhealthy environmental practices of the 1970s. This year, Earth Day means more than it has ever meant before.

In the first 100 days of President Bush’s term in office, the Administration has sought to eliminate nearly every major environmental advancement of the past twenty years. Whether it is trying to drill for oil in the Arctic National Wildlife Refuge (ANWR), failing to reduce the amount of carbon dioxide emissions into the air, or halting a plan to lower arsenic levels in drinking water, the Bush Administration has made it clear that it is not serious about protecting our environment.

In Florida, we are facing the relentless attack on the oil and gas industries. As recently as last Sunday, the Bush Administration restated its plan to auction nearly six million acres off the coast of Florida’s Panhandle for the purposes of drilling for oil and natural gas. This is a plan that Floridians have both feared and rejected. Florida has maintained a position that any drilling will not occur within 100 miles of Florida’s coast. While Florida’s neighboring states have chosen to move forward with offshore drilling programs, the people of Florida have recognized the environmental dangers of offshore drilling and have chosen not to move forward with any such program.

Drilling off the coast of Florida’s Panhandle could have devastating outcomes. Studies show that the cost of offshore drilling far outweighs the benefits. The potential for oil spills and life-threatening accidents is there. The construction of oil rigs, combined with continued drilling, will undoubtedly disrupt the marine ecosystem that currently exists. One only has to look at pictures of an oil rig sinking off the coast of Brazil to recognize the real dangers of offshore drilling. Now, the Administration is seeking not only to destroy Florida’s already delicate environment, but to do it against the obvious wishes of Florida’s people and government.

This year, we must view Earth Day as an opportunity to rally our troops and fight against the special interests that have been dictating environmental roll backs for the past 100 days. If the Administration will not fight against the oil and gas companies, then we must. We have a responsibility to recognize the role that we play in preserving our environment. If we do not recognize and accept this responsibility, then no one will.

CONGRATULATING JOHN DIENER

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor John Diener for receiving the Award of Distinction from the College of Agricultural and Environmental Sciences at the University of California, Davis. The award is the highest designation given by the college to individuals whose contributions enrich the image and reputation of the college and enhance its ability to provide public service.

Diener earned a degree in agricultural economics in 1974. He worked as a pest control advisor, specializing in viticulture, for six years before beginning a farm operation in 1980. In 20 years his farm grew from 640 acres to 4,500 acres. He began organic production practices and helped develop Greenway Organic Farms.

Diener has supported research and started field studies on reclaiming farmland that suffers from high underground water tables. This sort of research has the potential to help growers to grow crops on acreage considered too salty. The success of his new farming methods can be seen by the abundant harvesting of crops on land that had previously been considered non-fertile soil.

Mr. Speaker, I rise to congratulate John Diener on his Award of Distinction. I ask my colleagues to join me in congratulating John and wishing him many more years of continued success.

COMMENDING THE VIRGIN ISLANDS FRESHWATER ASSOCIATION, INC.

HON. DONNA M. CHRISTENSEN
OF THE VIRGIN ISLANDS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mrs. CHRISTENSEN. Mr. Speaker, I rise on this occasion to commend an outstanding group of Virgin Islanders—Helen George-Newton, Eldra Malone-Drew, Ava Stagger, Carol
Stagger, Kenneth “Cisco” Francis and Renaldo Chinnery, who, as residents of New York, recognized the need to preserve and promote the culture of the Virgin Islands. In March of 1991, they officially established the Virgin Islands Freshwater Yankees, which was later incorporated as the Virgin Islands Freshwater Association, Inc.

Since then, the Association has grown to 75 dedicated members, who contribute to their Virgin Islands community through educational scholarships, supplying equipment to the health facilities on all three islands, helping our senior citizens and the underprivileged children, providing supplies during natural disasters or emergency occurring in the territory.

Although this organization takes their responsibilities seriously, they also find time to have fun and participate in the annual carnival activities on St. Thomas and St. Croix.

They also serve as an oasis for Virgin Islanders on the mainland by sponsoring yearly social events. They promote and offer guidance to the other Virgin Islands associations throughout the United States and continue to preserve the values that are the roots of their heritage.

For the past ten years, in commemoration of the day that the Virgin Islands were transferred from the Danish government to the United States, “Virgin Islands Transfer Day”, this organization has honored numerous outstanding Virgin Islanders in the area of sports, politics, education, health and community involvement. This year, the organization and all of its past honorees was recognized at the Tenth Anniversary Transfer Day Dinner Dance held on March 31, 2001.

Mr. Speaker, I wish to recognize and commend the Virgin Islands Freshwater Association, Inc. as an outstanding model for community involvement and the preservation of their culture. I invite my colleagues to join with me in congratulating the efforts of this organization.

A TRIBUTE TO BONNIE GARTSHORE
HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor the life of Bonnie Gartshore, a woman of letters and history who will be honored in Monterey, California on June 9.

The living memory of Monterey and Pacific Grove, Bonnie is a mild-mannered journalist, a determined educator, an accomplished poet and a lifelong human-rights activist.

She was a feminist before the term was coined. And as a devoted Catholic, she has always displayed her conviction, piety and humanity through her life and her work.

Bonnie was introduced at a tribute dinner at Carmel Mission in 1983 as “a true peacemonger and an incorrigible advocate for the poor and beleaguered.” At that dinner Bonnie, ever the teacher, called attention to the statues of Benny Bufano, pointing out that he always turned the palms of hands outward, “open to receive and also to let go.” That’s an important lesson, Bonnie explained. “Something I have learned: If you are busy hanging onto things, you are going to miss a lot along the way.”

Bonnie was born in Monterey 75 years ago—on Nov. 23, 1925—in the heyday of the sardine industry that was centered just a few blocks from her Father Street home. She called it a great place for living and learning, with few houses and a mix of people that included school principals, doctors, drunks and bums.

It was the Monterey that John Steinbeck wrote about. And it conditioned her for life. “I wasn’t surprised by anything because I had seen it all growing up,” she said later. As for childhood: “What I did as a young girl growing up in the New Monterey that used to be, was soak in the twin pleasures of forest and beach, develop a delight in reading and a curiosity about people and places, and absorb the values of my mother, who was a mixture of middle-class morality and liberal political views.”

Her parents tried to calm her independence by sending her to Catholic school in the 1930s, hoping the nuns would straighten her out. But Bonnie ended up writing some of the services and sermons for the priests of the diocese. Bonnie was the only woman ever asked to deliver a homily at San Carlos Cathedral. She did it, of course, preaching on her theme: “Jesus doesn’t leave anyone out.”

She graduated from San Carlos School in 1939 and went on to Pacific Grove High School, where she discovered a knack for writing and became editor of the school newspaper. Bonnie then went to San Jose State College as a journalism major. She edited the campus paper, the Spartan Daily, of course, and graduated with honors in 1947.

Once out of school, Bonnie went to work for the Monterey Peninsula Herald and started what has become a 53-year association as a writer and editor through three locations and four owners. She began her career in the society section, where “the girls” were assigned in those days, as the assistant editor. Her first office was in the tower of the building at Pearl and Washington Streets, which was The Herald’s location in those days, Morgan’s Coffee & Tea these days.

Bonnie’s first stint with The Herald lasted for 15 years. Then she left to tour England and Scotland, work for the Paso Robles Daily Press, do research in Big Sur, and work as assistant editor of The Observer, the weekly newspaper of the Catholic Diocese of Monterey. She also took a variety of jobs that included writing advertising brochures, doing publicity for the Monterey County and Santa Cruz County Fair and writing the introduction to an aphrodisiac cookbook.

Bonnie also handled special sections for The Herald and wrote occasional stories for The Herald’s Weekend Magazine until she eventually returned full time. In 1990, after establishing herself as Monterey’s “historian in residence,” she started a weekly history column, Looking Back, for The Herald. The Monterey History & Art Association recently published a collection of those columns as a book titled “Footprints from the Past.”

Bonnie also developed a writers’ workshop for the inmates at the Soledad Correctional Training Facility. She described it at the time as “something useful I could do.” Subsequently, she was hired by Hartnell College in Salinas to teach English and speech classes at the prison, an avocation that lasted for a 20-year stretch. During that time, Bonnie staged a poetry reading at the Carl Cherry Center for the Arts in Carmel in order to raise money to publish a book of the convicts’ poems.

She has also published two books of her own poetry, “Trying to Put it Together” in 1988 and “Taking My Cue from the Wailers” in 2000.

Beyond her professional pursuits, Bonnie’s devotion to religion has made her a lifelong activist for peace and social justice. “In the 1960s I came to understand that religion and activism go hand in hand,” she explained.

She picketed with the United Farm Workers before it became fashionable, marched with civil rights and peace groups, helped organize a Monterey memorial of the bombing of Hiroshima, interviewed the homeless and presented programs about humanity in Monterey, Pacific Grove and Carmel. She organized programs for Catholic women, presented retreats and wrote liturgies for the priests of the other gender.

Bonnie has made her home in Pacific Grove for the past 45 years, where she’s been active in anything literary, including the Monterey Peninsula Dickens Fellowship, The Robert Louis Stevenson Club of Monterey and the Cherry Foundation in Carmel.

In 1989, when Bonnie was presented the Woman of the Year award from the Quota Club of Monterey-Pacific Grove, she told that audience: “I’m learning all the time. . . . There were all these people along the way, all the wonderful people I was learning from.”

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF
HON. CAROLYN MCCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 24, 2001

Mrs. McCARthy of New York. Mr. Speaker, I rise today to join my colleagues in remembering one of the great tragedies of the twentieth century: the deportations and massacres of more than one and a half million Armenians in the final years of the Ottoman Empire. I extend my sincere sympathy to the survivors and their descendants for the hardships they suffered. Our hearts go out to Armenians around the world, including the Armenian-American community, as they mourn the loss of those innocent lives.

However, Armenians deserve not only our sympathy, but our support as well. Although Armenia has made great strides to become an independent and democratic state, many challenges remain. As Armenia, moves towards forging a lasting peace in the region, it is critical that there be an honest accounting of all those who died and why they died.

Taking a moment here today, is the least we can do to honor the victims of that terrible time, but it is essential nonetheless. If there is to be any hope of preventing future acts of such inhumanity, the senseless acts of violence inflicted upon Armenians must be properly recognized.
A SPECIAL TRIBUTE ON THE 125TH ANNIVERSARY OF CENTRAL MUTUAL INSURANCE COMPANY

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize an institution in northwestern Ohio. Central Mutual Insurance Company has a history as great and rich as Ohio itself.

The “Van Wert County Mutual Fire Insurance Company” was formed on April 5, 1876, the start of what was to become today’s Central Insurance Companies. Twelve days later Central Mutual was incorporated and has been providing insurance for automobiles, homes, and businesses through independent agents in 15 states with regional offices in Atlanta, Boston, Dallas and Van Wert. Central Mutual’s family is made up of Central Insurance Companies, the All-American Insurance Company, Central Insurex, and CMI Lloyds, located in Dallas, TX.

Soon after its founding, Central Insurance began to operate through independent agents rather than having salesmen sell directly to the public, which was revolutionary at the time. The first agency to come was the Purmort Brothers Insurance Agency, also in Van Wert, which has been continually representing Central Insurance for its entire 125 years. Quickly the Central Insurance Company began to grow and by 1883, they expanded their operations outside of their home state. Since then, they have spread across the country, opening offices while still retaining the important values that guided them to success in the late 1800’s.

In today’s extremely competitive market, customer service is the key to success. Central Mutual epitomizes that commitment. An insurance policy is simply a promise to pay for covered losses that occur to a policyholder’s assets. For the last 125 years, their primary commitment to policyholders has been to ensure that adequate funds are available to fulfill these promises.

Mr. Speaker, I am proud to recognize this company for all of its contributions to Ohio, including its Fire Museum, which preserves a vital piece of American history. In addition, I want to wish all of the Central Mutual Insurance Company family the best. You are an example for Ohio and the country.

TRIBUTE TO MS. BETTY TIMES
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Ms. Betty Times. Betty Times was a truly unique individual whose record of dedicated community service is an inspiration. Her leadership has meant so much to the many agencies she supported as well as the individuals whose lives she touched.

She left Ohio itself, and to the Marin City-USA Project, Sausalito School Board, Marin General Hospital Board, Marin Education Fund, the Marin City Community Development Corpor.

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Armenian Community School of Fresno on their 24th year of existence at their annual banquet. The Armenian Community School of Fresno was opened with 24 students on September 12, 1977. This was the first community-wide Armenian day school in Fresno. Through generous donations from the Hovnanian and Sahatjian Families, as well as other individuals and organizations, the school was able to move from the Holy Trinity Armenian Apostolic Church Sunday School room to its present location on September 8, 1980.

The essence of the Armenian Community School is to emphasize serious study, to educate on social responsibility, and to lay the foundation for strong, healthy, moral, ethical, and spiritual values.

The student body has grown to over 120 students. Many features have been added to the education program such as the Fresno County Science Fair, Outdoor Education Camps, a solid Physical Education program, and a Student Council. The students receive a bilingual curriculum, which helps them become model Armenian-American citizens with a strong appreciation and knowledge of their heritage and culture.

Mr. Speaker, I want to congratulate the Armenian Community School of Fresno on the occasion of their 24th year anniversary. I urge my colleagues to join me in wishing the Armenian Community School of Fresno many more years of continued success.

COMMENORATING ARMENIAN GENOCIDE

SPEECH OF
HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 24, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to stand with the Armenian-American community to commemorate the Armenian Genocide, one of the darkest chapters of world history.

First of all, I would like to thank the gentleman from Michigan and the gentleman from New Jersey for their leadership as co-chairmen of the Congressional Caucus on Armenian Issues.

Today marks the 86th year of the beginning of the Armenian Genocide. The Armenian people were subjected to deportation, expropriation, torture, massacre, starvation, and abduction. April 24, 1915, is recognized the world over as the day the Ottoman Turks rounded and killed hundreds of Armenian leaders in Constantinople. Thousands more were murdered in public. This began an eight year long campaign that claimed the lives of over 1.5 million Armenian men, women and children—half of the world’s Armenian population at the time. Moreover, 500,000 Armenians were forcibly driven out of their homeland to seek refuge in other nations.
From 1915 to 1923, in a short eight years, the Ottoman Turks systematically and deliberately slaughtered over 1.5 million Armenians in their homeland. In a short eight years, in the blink of any eye, a 2,500 year-old civilization—the first Christian nation in the world—was almost wiped out.

Because of demon-day Turkey’s attempt to disavow the Armenian Genocide and disprove the historical records, we must continue to affirm the Armenian Genocide. We must continue to commemorate the victims and the survivors as a matter of conscience and as a matter of faith. I believe we must have faith that every act of compassion and every effort to make a difference will help keep the memories alive despite the Turkish government’s attempt to rewrite history. I believe we must have faith to work together in the hopes of preventing any type genocide from ever occurring again.

As I said two years ago in this chamber and on this floor, we cannot, should not and will not forget the Armenian Genocide. As a matter of conscience, we should all stand together to speak out to remember the victims. While the Armenians have suffered through such tragic horrors, it would be an even greater tragedy if we forget. We will remember and honor their memories in the hopes for a better tomorrow.

IN HONOR OF THE KALINA SINGING SOCIETY

HON. JACK QUINN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. QUINN. Mr. Speaker, I rise today to recognize and pay tribute to the Kalina Singing Society of my Congressional district on the occasion of its 100th Anniversary.

Founded in Buffalo, New York on March 1, 1901, the Kalina Singing Society is a women’s chorus founded under the auspices of the Polish Singing Circle and a member of the Polish Singers’ Alliance of America. For the past 100 years, it has proudly promoted American and Polish culture through song, and has garnered a fine reputation as an outstanding performance group.

Throughout its rich history, and still today, the Kalina Singing Society has promoted the Arts, as well as our City’s rich cultural heritage. They have performed countless concerts, operettas, toasts, toasts in New York, and have appeared in concerts, and holiday offerings, and have participated in national competition.

The Kalina Singing Society has continued to exhibit a strong and dedicated commitment to the Polish-American community, the City of Buffalo, and to the spirit of community service and volunteering. As a former Lieutenant Governor of Washington, D.C., I honor outstanding elected officials who do so much to serve their communities. As a former Lieutenant Governor of Idaho for fourteen years, I have had the privilege of working with many fine officials on the county level. One of those officials is Mr. Jack Buell.

For the past twenty years, Jack has ably represented the citizens of Benewah County, Idaho as County Commissioner. He’s a Democrat. But that isn’t what distinguishes Jack. A lifelong Idahoan, Jack was born in St. Maries, Idaho. He married Eleanor, his wife of 39 years, raised a family and built a successful trucking business. Through the years, he has developed affiliations that have benefited the citizens of Idaho—including the Idaho Department of Transportation Advisory Board, the Idaho State Scaling Board, and the timber industry, in which he now serves as President of the Associated Logging Contractors, and as Chairman of the Idaho Forest Products Commission. In that last capacity, he has passionately led the timber industry at rallies throughout Idaho, Montana, and Washington with caravans of diesel trucks.

And even those mighty achievements do not explain why I honor Jack Buell today. In 1996, during heavy flooding and cleanup efforts in St. Maries, Jack selflessly donated the use of virtually every piece of heavy equipment he owned to help move homes to safety, provide escape for trapped victims, and help rebuild the flood-ravaged community. That experience, and many others, resulted in his community and peers awarding him the Idaho Association of Counties Sidney Duncombe Award.

Jack is a good friend, a solid family man and businessman, and he deserves my thanks, and thanks from fellow county officials—and Congress—for his service to communities and citizens in Idaho.

CONGRATULATING R.J. REYNOLDS TOBACCO COMPANY FOR BEING NAMED ONE OF “THE 100 BEST COMPANIES TO WORK FOR”

HON. RICHARD BURR
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. BURR of North Carolina. Mr. Speaker, today I rise to congratulate Mr. Andy Schindler and the fine folks at R.J. Reynolds Tobacco Company in Winston-Salem, North Carolina in being named to Fortune magazine’s annual list of “100 Best Companies to Work For.”

I have always been proud of R.J. Reynolds and its employees and I remain honored to be their Representative in Congress. Reynolds is one of North Carolina’s best corporate citizens, one of its largest taxpayers, and an invaluable asset to our state. Frankly, Mr. Speaker, it’s been a long time coming for Reynolds to receive this national commendation as North Carolinians have known of Reynolds’ benefits for years.

During my tenure in serving the people of the Fifth District of North Carolina, I have had the pleasure of working with R.J. Reynolds Tobacco Company and its employees and I remain honored to be a representative of this country.

CONGRATULATING R.J. REYNOLDS TOBACCO COMPANY TO WORK FOR

HON. C.L. “BUTCH” OTTER
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. OTTER. Mr. Speaker, this week is National County Government Week. Countless counties across the country are represented in Washington, D.C. to honor outstanding elected officials who do so much to serve their communities. As a former Lieutenant Governor of Idaho for fourteen years, I have had the privilege of working with many fine officials on the county level. One of those officials is Mr. Jack Buell.

For the past twenty years, Jack has ably represented the citizens of Benewah County, Idaho as County Commissioner. He’s a Democrat. But that isn’t what distinguishes Jack. A lifelong Idahoan, Jack was born in St. Maries, Idaho. He married Eleanor, his wife of 39 years, raised a family and built a successful trucking business. Through the years, he has developed affiliations that have benefited the citizens of Idaho—including the Idaho Department of Transportation Advisory Board, the Idaho State Scaling Board, and the timber industry, in which he now serves as President of the Associated Logging Contractors, and as Chairman of the Idaho Forest Products Commission. In that last capacity, he has passionately led the timber industry at rallies throughout Idaho, Montana, and Washington with caravans of diesel trucks.

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Jack is a good friend, a solid family man and businessman, and he deserves my thanks, and thanks from fellow county officials—and Congress—for his service to communities and citizens in Idaho.
CONGRATULATING FRESNO AREA CONGREGATIONS TOGETHER (FACT)

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Fresno Area Congregations Together (FACT) for their service to the community of Fresno. They recently celebrated their 2nd Annual Awards Banquet.

FACT has played a vital role in the community of Fresno since 1997. FACT’s mission is to develop neighborhood leaders, while improving the quality of life in areas throughout the city. FACT members fulfill their obligation to seek social justice, dignified relationships, and neighbor communities in a meaningful, hands-on manner. The 10 congregations/organizations that form FACT are: Anabaptist Community Action, First Mexican Baptist, Grace Lutheran, Our Lady of Mt. Carmel, Our Saviour’s Lutheran, St. Alphonsus, St. Helen’s, St. John’s Cathedral, San Antonio Maria Clar et, and San Ygnacio Episcopal Mission.

FACT uses a systematic approach to addressing community concerns. Congregational committee’s meet with neighborhood residents to listen to their memories, concerns, pressures, sources of pain, and hopes for a better tomorrow. After community concerns are identified, research is conducted to learn about causes and possible solutions to the concerns. The concerns are then brought to the attention of the public official responsible for facilitating positive results.

Mr. Speaker, I rise to congratulate FACT for its exemplary community service in the city of Fresno. I urge my colleagues to join me in wishing FACT many more years of continued success.

HONORING LIGHTHOUSE OF OAKLAND COUNTY

HON. DALE E. KILDEE
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. KILDEE. Mr. Speaker, it gives me great honor to recognize one of the crowning jewels of my district. On April 26, government and community leaders will gather in Pontiac, Michigan to formally unveil the new program headquarters of Lighthouse of Oakland County, the Robert and Mary Flint Campus of Caring. This wonderful facility, named after its two primary benefactors, was completely constructed with the selfless donations of time, materials, and money from hundreds of individuals who realize the significant impact Lighthouse has made in the community.

Lighthouse of Oakland County began in 1972 as an ecumenical ministry at Pontiac’s St. Vincent de Paul Church, designed to assist low-income families and senior citizens in need. Nearly 30 years later, it remains committed to these ideals, providing a full range of human services to help lift the less fortunate from poverty to independence and self-sufficiency. With an army of volunteers and charitable donors, Lighthouse provides service through three subsidiaries Lighthouse Emergency Services, Lighthouse PATH, and Lighthouse Community Development.

With branches in Pontiac and nearby Clarkston, Lighthouse Emergency Services responds to families and seniors with an immediate need for food, medicine, transportation, or temporary shelter. Last year, the two branches assisted more than 76,000 people, many of whom are among Oakland County’s working poor.

Lighthouse Pontiac Area Transitional Housing, or PATH began in 1991 and provides a safe, structured environment for 24 women and their children referred by homeless shelters. PATH offers counseling, job training, child care, and instruction in parenting and life skills. With an 84% success rate, many women have gone to become independent and productive members of society.

In 1992, Lighthouse Community Development initiated a neighborhood revitalization program whose goal was to increase affordable housing for low-income families. Through the efforts of community volunteerism and donations, a cluster of vacant and abandoned houses was transformed into the Unity Park housing development. Community Development continues to renovate and repair homes, build new single family housing, maintain neighborhood yards, and also provides financial management training.

Lighthouse’s value has been recognized by many, as evidenced by its many collaborations with churches, community programs, and businesses. They have received numerous awards and citations and serve as one of Michigan’s best managed non-profit groups.

Mr. Speaker, I am exceptionally proud to have Lighthouse of Oakland County in my district, and I am grateful for people like Robert and Mary Flint, the Lighthouse staff, and its Executive Director, Noreen Keating. With the new facility, the Campus of Caring will provide programs for computer training center, business and banking, senior independence, and life skills, among others. Through their work, many disadvantaged individuals will indeed reach their full potential. I ask my colleagues in the 107th Congress to please join me in congratulating Lighthouse.

TRIBUTE TO MR. JIM LEEDY

HON. GRAICE F. NAPOLITANO
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today to pay tribute to a friend and lifelong resident of my 34th Congressional District in Norwalk, California. Mr. Jim Leedy recently passed away and I am proud to honor him for his many years of dedicated service to the community.

Jim was a truck driver by trade, however most of his life was spent helping others in various capacities. He became active in the Knights of Columbus in 1972 and was probably on his way to becoming a 4th degree Knight when he passed away. Under the leadership of Jim as Community Director, the Norwalk Knights of Columbus won top honors in Community Service at the State convention in 1977. Since then, Jim has remained very active and involved in many different service areas of the Knights of Columbus, as well as the VFW.

During the last two years of his life, Jim served as Family Director for the Knights of Columbus under two different Grand Knights. Even when he was not holding a specific office, Jim constantly worked on programs to better the community, organizing and raising funds for numerous charitable organizations.

Jim was also actively involved in St. Linus Church and gave much of his time to helping others. During the Thanksgiving and Christmas holidays, Jim would use his truck to pick up and deliver food baskets to the needy. He also picked up and delivered wreaths and trees for Christmas and palms during the Easter season for the church. In addition to the service organizations that Jim belonged to, he took it upon himself to volunteer to deliver baked goods from local markets to the Norwalk Senior Citizens Center, Rio Hondo Woman’s Shelter, Norwalk Social Service Center, and woman’s detention center in Norwalk. He did this Monday through Friday every week of the year. The people he delivered bread to affectionately called Jim the “Bread Man”, and he could always be counted on for a great big “bear hug” and a smile no matter what task he was undertaking. Neighbors and friends used to say that there was nothing Jim would say “no” to when he was asked to do for others. I am grateful to have known Jim Leedy and experience his warmth and compassion that touched so many around him. I wish to express my deepest sympathies to Jim’s wife Kathleen, his children, Jim and Theresa, grandchildren and step-grandchild.

COMMEMDING THE ACADEMIC ACHIEVEMENTS OF STUDENTS AT HAYS HIGH SCHOOL

HON. JERRY MORAN
OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. MORAN of Kansas. Mr. Speaker, I offer congratulations to the twenty-nine students from Hays High School in Hays, Kansas for their excellence in academic competition; Kristin Altatt, Tara Bauer, Travis Beam, Chelsea Boldt, Sarah Brown, Katie Brown, Asheleigh Dyck, Elise Elitz, Brandon Foss, Rebekah Giard, Daran Herrman, Bojun Hu, Brandon Klaus, Brandi Legleiter, Matthew Leiker, Abby Masp, Fatou Mbye, Jayna Montoia, Charlotte Moore, Kayla Schippers, Jill Seib, Evan Shaw, Kevin Wasinger, Michael Wasinger, Sonya Wesselskiwsky, Jeremy Wilson, Michael Wilson, Joslin Wooster, and Alexandra Zehner.

This past weekend, Hays High represented the state of Kansas in the national finals of the...
HONORING ELMA MANKIN, HERNDON ROTARY CITIZEN OF THE YEAR

HON. TOM DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor a friend of Northern Virginia, Ms. Elma Mankin, who is being recognized by the Herndon Rotary Club as Citizen of the Year at a ceremony on April 25, 2001 in Herndon, Virginia.

Ms. Mankin dedicated herself to making our community a better place. As an active philanthropist, she spends countless hours volunteering in Herndon’s many historical sites. She is involved with the Herndon Historical Society, the Herndon Women’s Club, Reston Hospital, Herndon United Methodist Church, the Council for the Arts in Herndon, and other local organizations.

A lifelong member of Herndon, Ms. Mankin has seen it grow from a one-stop-light town to the booming technological corridor it is today. She began her career as a secretary at Hen-ndon High School and eventually moved to the Herndon Elementary School. She retired when her last of her children grew up, she looked for

Herndon Elementary School. She retired when

don High School and eventually moved to the

She began her career as a secretary at Hern-

don Hospital, Herndon United Methodist

volunteering in Herndon’s community a better place. As an active

principles in the principles that govern our nation.

HONORING PAUL BESSELIEVRE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I would like to congratulate and honor Paul Besselievre, the recently retired C.E.O./Owner of Valley Trane, who was recently featured in an Executive Profile for the Fresno Business Journal newspaper. The question and answer Executive Profile, printed in the Fresno Business Journal on February 26, 2001, reads as follows:

Q. What is the best thing about your job?
A. Dealing with professionals within the company and the community.
Q. What is the worst thing about your job?
A. Those 7 a.m. meetings.
Q. What is your best professional accomplishment?
A. Training many young engineers and other professionals to be successful in the industry, and hopefully, in life.
Q. If you could effect any change in the business community, what would it be?
A. To get back to doing business with a handshake, where a man’s word is his bond, and lawyers are used mostly to write your will.
Q. What is your best personal accomplishment?
A. My wife of 39 years is still my sweet-heart. Every Friday is date night. And we still make out.
Q. What is a good yardstick of success?
A. Good friends and a family that loves you.
Q. Best decision?
A. I asked Carol Poljansek to marry me.
Q. Worst decision?
A. To skate across Bear Butte Lake before the ice was thick enough. This should stimulate thought.
Q. What is the community service project or event closest to your heart?
A. I belong to too many organizations to pick one. Each has a special place in my heart, or I wouldn’t be a part of it. I couldn’t pick a favorite child. Any organization or project that improves the livability of my community is close to my heart.
Q. What is your best professional accomplishment?
A. A 1983 Buick Riviera convertible.
Q. What type of car do you drive?
A. The Children’s Stories of the Bible. My parents read it to my sister and me, and Carol and I read it to our children.
Q. Favorite recreational activities?
A. Camping, skiing, fishing, cooking. Any activity outdoors, especially in the mountains.
Q. Where did you spend your most recent vacation?
A. A trip to Kansas City to spend Thanksgiving with my children, grandchildren, mother, sister, niece, nephew, and friends who are also family.
Q. What type of car do you drive?
A. A sport utility vehicle.
Q. What is your favorite restaurant?
A. Every ethnic restaurant. We will NEVER run out of favorites. This area is rich with them. Indian, Thai, Chinese, Japanese, Basque, Italian, Mexican, Cajun, Vietnamese, Armenian, etc.
Q. What was your first job?
A. Emptying wastebaskets in an office building after school in Lemmon, South Dakota when I was 10 years old. Moved on to a lawn mowing and snow shoveling business when I was 12.

Mr. Speaker, I rise to honor my friend Paul Besselievre for his years of dedicated and distinguished service to his community. I urge my colleagues to join me in wishing Mr. Besselievre a pleasant retirement and many more years of continued success.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. ABERCROMBIE. Mr. Speaker, yesterday I was unavoidably detained in Hawaii on official business during which two rollcall votes were taken. Had I been present I would have voted:

Rollcall No. 85, Motion to Instruct Conferences on the FY 2002 Budget Resolution, “Yes”.
Rollcall No. 86, Motion to Suspend the Rules on HR 428 concerning the participation of Taiwan in the World Heath Organization, “Yes”.

COMMEMORATING ARMENIAN GENOCIDE

SPRCE OF

HON. XAVIER BECERRA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. BECERRA. Mr. Speaker, today I rise to honor the 86th anniversary of the Armenian Genocide, in hopes that we will work to ensure that our country’s foreign policy reflects a respect for human rights, and renounces ethnic cleansing and genocide. This Special Order brings forth an opportunity to pay tribute to the memory of the 1.5 million Armenians that lost their lives as a result of this tragic event.

As we arrive at this anniversary once again, the United States should now move past the current promised healing with Turkey and the Armenian community in this nation and abroad. By acknowledging the great tragedy of the Armenian Genocide, we would be doing something
today that is right for the wrong endured by Armenians 86 years ago. Although we are conscience of the current crisis in the Middle East and value our relationship with Turkey, it does not diminish the need to recognize what Armenians experienced during the early 20th Century. There are many people across the world that this is a highly sensitive and serious issue to discuss. But in order for us to correct the errors of the past we must never forget they took place by officially recognizing the Armenian Genocide and standing up against such atrocities.

On this April 24th, 2001, we remember and mourn the loss of all the Armenians killed from 1915 to 1923. But we also look forward to the day when we will see peace and stability realized by not tolerating acts of severe cruelty and injustice. Unfortunately, genocide is not yet a vestige of the past. In more recent years we have witnessed ethnic killings in Cambodia, Bosnia, Rwanda and Kosovo. We must continue on with a commitment to prevent such assaults on humanity from occurring again. There are many Armenians living in California today who are Armenia’s strong and vibrant part of the State’s community. The strength they have displayed in overcoming the suffering is an example to us all.

Surrounded by countries still hostile to them, to this day the Armenian struggle continues. Our nation must work to prevent further aggression and assure Armenians throughout the world that they can live free of threats to their existence and property. Now with an independent Armenian state, the United States has an opportunity to contribute to a true memorial of the past by strengthening Armenia’s emerging democracy.

Mr. Speaker, as we remember and honor the dead, we also honor the living. Out of the ashes of their history, Armenians all over the world have clung to their identity and have prospered in new communities. For my part, I will vigorously fight to help improve the lives of Armenians in the United States and abroad.

TRIBUTE TO DR. THOMAS STARZL
HON. JOHN E. PETERSON OF PENNSYLVANIA IN THE HOUSE OF REPRESENTATIVES Wednesday, April 25, 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today in honor of one of the truly great Americans of the 20th century, Dr. Thomas Starzl, the renowned “Father of Transplantation.”

Dr. Starzl turned 75-years old on March 11th, and his former students, colleagues, patients and others are gathering in Pittsburgh in late April for the dedication of a portrait to hang alongside other University of Pittsburgh medical research luminaries such as Dr. Jonas Salk, who discovered the polio vaccine. Dr. Starzl’s pioneering work on organ transplantation is no less important to our society.

One considered to be mere science fiction, the reality of organ transplantation is today often taken for granted. For years throughout his early career, Dr. Starzl tirelessly experimented with transplantation in the face of adversity. His colleagues and academic were surprised, and he succeeded, because of his work thousands of lives are saved each year by organ transplant surgery. It was 20-years ago this year that Dr. Starzl performed the first liver transplant in Pittsburgh. Since that time, more than 11,300 transplants have been performed in what is now the UPMC Health System, making Pittsburgh the busiest transplant center in the world. Even though he retired from surgery in 1991, his work and dedication to the field of transplantation continues and is unmatched.

As we proceed into a new century, his work continues. Just because he’s nowemeritus does not mean he will be idle. He still contributes on a daily basis (just a few years ago he was named the most cited in clinical medicine) and he will provide leadership and vision to the program that bears his name.

Few in their lifetimes have pioneered and developed a field of medicine and seen it flourish, as has Dr. Starzl. And expect more from him—there are breakthroughs around the corner.

TRIBUTE TO MR. RICHARD CHRISTMAS
HON. MIKE ROGERS OF MICHIGAN IN THE HOUSE OF REPRESENTATIVES Wednesday, April 25, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today in honor of one of the truly great Americans of the 20th century, Richard Christmas of Lansing, Michigan. Mr. Christmas has been writing letters for over forty years to government officials in an attempt to set aside a day dedicated to space exploration. Over the years his letter-writing campaign has paid great dividends. Ten Michigan cities, sixteen cities in other states, and a few states have dedicated a day, and sometimes a week for space exploration.

Mr. Christmas has always had an interest in space ever since he was a young boy. However, due to a severe accident he was forced to put his space ambitions on hold. After his recovery he started to write letters to government officials. At first there were few replies but as the United States Space Program gained momentum so did his letter-writing campaign. He has received several letters from mayors and governors commending him on his continuous effort and dedication to space exploration.

Today, Mr. Christmas wants more cities to become involved with making space exploration a national holiday. With the National Air and Space Museum’s 25th anniversary around the corner, this would be a perfect time to promote Space Day across the country and I encourage my colleagues to support the efforts of my civic-minded constituent, Mr. Richard Christmas.

HONORING PAUL POLO FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY
HON. ROSA L. DeLAURO OF CONNECTICUT IN THE HOUSE OF REPRESENTATIVES Wednesday, April 25, 2001

Ms. DeLAURO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to an outstanding Connecticut business leader and my dear friend, Paul Polo, who has been honored by the Italian American Historical Society of Greater New Haven with their 12th Annual Distinguished Service Award.

Each year, the Italian American Historical Society of Greater New Haven honors members of Connecticut’s Italian American community for their service and dedication. The Distinguished Service Award is a reflection of their commitment to the Society and to its mission—preserving the culture and heritage of Italian-Americans. Throughout his life, Paul has demonstrated a unique commitment to public service in both his professional and philanthropic efforts.

Paul’s contributions to the Italian-American community are innumerable. For over four decades, Paul has been a member of the Order Sons of Italy in America, serving as president of the nation’s largest and oldest Italian American organization for two years. Under his leadership, the organization raised millions of dollars that was contributed to education, medical research, and social awareness issues. Paul now serves as the president...
of the Sons of Italy Foundation, where he has again played a crucial role in fund-raising efforts on behalf of a variety of service organizations. In addition to his work on the national stage, Paul is also involved in several organizations in Connecticut. A member of the Knights of Columbus, Elks, Mount Carmel Society, the Chamber of Commerce, and as an organizational representative of the American Society of Association Executives, Paul has dedicated much of his life to making a real difference in the lives of others.

An avid political activist, Paul has long been a figure in Washington as well as Connecticut. In 1991, Paul met with former President Bush as a representative from the Order Sons of Italy in America during an Oval Office meeting to discuss initiatives for social equality. In addition, he served on President Bush’s policy round table. Former President Bill Clinton named Paul an alternate delegate to the U.S. Small Business Administration. Currently serving as the chairman of this year’s Democratic National Convention and co-vice chairman of the Italian American Democratic Leadership Council—an organization which he helped to establish—Paul remains an active participant in public affairs.

As a respected business leader, volunteer, an political activist, Paul has left an indelible mark on the State of Connecticut. His commitment and dedication has gone a long way to enrich our communities and strengthen the bonds we share. It is with great pride that I rise today to join his children, Paul Jr., Daniel and Michael; grandchildren, Daniel Jr., Anthony, Philip, Nicole and Emily; family, friends, and colleagues in extending my sincere appreciation and congratulations to Paul Polo for his outstanding service to Connecticut and our great nation.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mrs. MYRICK. Mr. Speaker, due to inclement weather, I was unable to participate in the following votes. If I had been present, I would have voted ‘yea.’ Rollcall vote 85, on the Motion to Instruct Conference to H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, I would have voted “nay.” Rollcall vote 86, on H.R. 428, concerning the participation of Taiwan in the World Health Organization, I would have voted “yea.”

COMMENORATING THE 2600TH BIRTHDAY OF LORD MAHAVIR

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. PALLONE. Mr. Speaker, I come to the House floor today to praise the Prime Minister of India, Mr. Vajpayee, in declaring this year as the year of nonviolence. April 6 commemorates the birth of Lord Mahavir, the 2600th birthday of Lord Mahavir. Jainism is a beautiful religion originating in India over two millennia ago, built on the principles of nonviolence, working on the self, and realization of multiplicity of truth through our varying perspectives of life. Lord Mahavir worked tirelessly all his life until he reached Nirvana, and then embarked barefoot to spread his message of truth across the great nation of India.

Lord Mahavir practiced and preached environmental protection to safeguard trees, plants and animals for the living. The observation of the nonviolent practices of the Jainists was a major influence on the philosophy of the great Indian leader Mahatma Gandhi. The same principles of nonviolence and respect for life were practiced more recently by Dr. Martin Luther King, Jr., in the United States, as he led the struggle for civil rights for all Americans.

Mahavir’s principles are extremely important today as well. Mahavir or The Great Soul taught us liberation of soul by right knowledge, right faith and right conduct. We must all bring this into our lives to make this world a better place for our children and grandchildren.

April 6th marks the beginning of pioneering celebrations throughout the world for nonviolence, and thus I ask my colleagues to join me in recognizing the year 2001 as the year of nonviolence worldwide.

LETTER CARRIERS DELIVER HOPE TO FAMILIES IN NEED

HON. GERALD D. KLECZKA
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. KLECZKA. Mr. Speaker, on Saturday, May 12, 2001, the largest one-day food drive in the country will take place. Letter carriers from across the nation will join together and collect nonperishable food items from their customers and the supplies will be taken to food pantries for distribution. In Milwaukee, last year’s food drive benefited the community by providing a total of over 376,000 pounds of donations for more than 100 local food operations.

These contributions come at a critical time when donations to food pantries traditionally fall. During the summer months, demand for food to feed school-aged children typically peaks as access to school breakfast and lunch programs is restricted. Students suffer as their parents struggle to provide well-balanced meals. It is because of this that the National Letter Carriers Food Drive is so important to the health of our communities.

This project has been made possible by the generous sponsorship and efforts of the National Association of Letter Carriers, U.S. Postal Service, AFL-CIO, United Way of Greater Milwaukee, Harley-Davidson Motor Company, Covenant Healthcare, and Hunger Task Force of Milwaukee.

Mr. Speaker, I am here today to ask that my colleagues lend their support to the letter carriers’ food drives in their own hometowns and districts. To my neighbors in Milwaukee and Waukesha counties, I ask that you look deep in their hearts and pick up a few extra non-perishable items while doing their weekly shopping. As all food collected remains in the communities, donations will benefit those that we work and live with.

Together we can make a difference in the fight against food shortage. May 12, 2001, the National Letter Carriers’ Food Drive provides a practical step in the march to stamp out hunger.

TRIBUTE TO MARY LOU RAYNES

HON. IRE S. KELAY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. SKELTON. Mr. Speaker, I rise today to congratulate and pay tribute to Mary Lou Raynes, who will retire from Central Missouri State University on July 31, 2001, after more than 31 years of devoted service to the Army ROTC Fighting Mules Battalion.

Mrs. Raynes began her service to the Fighting Mules Battalion in August of 1969. During her first decade at CMSU, she served as the university-hired secretary of the department. Later, she was promoted to government service, spending over 20 years as the department’s Military Personnel Technician.

Mrs. Raynes has continually gone above and beyond the call of duty. She has received numerous cash awards, two consecutive Annual Formal Inspections with laudatory ratings and received commendation from Cadet Command for excellence on six different occasions. She is continually cited as the “subject matter expert” in Cadet Personnel Management and has been praised many times for “far exceeding the standards expected of a civil service employee.” Mrs. Raynes has been a loyal ally of the ROTC Fighting Mules Battalion, even when the group was severely shorthanded in both instructors and administrative support.

On top of her overwhelming support to Central Missouri State University’s Army ROTC program, Mrs. Raynes has been successful in other areas. She was recognized as the Warrensburg, Missouri, American Business Woman of the Year. She was also commended for organizing the community Christmas Store and the radio show KOKO Expo Home Show.

Mr. Speaker, Mary Lou Raynes’ passion for excellence in Central Missouri State University’s Army ROTC has made a difference in the lives of students and teachers. I know all Members of Congress will join me in paying tribute to her outstanding service to the Army ROTC Fighting Mules Battalion.

TRIBUTE TO MATTIE M. HOLLIMAN

HON. VERNON J. EHLERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. EHLERS. Mr. Speaker, I rise today to pay tribute to a truly outstanding woman who did so much in our community to help those who are less fortunate. If only there were more people like Mattie M. Holliman; then this world would be a better place. I am saddened to report that Mattie passed away on March 9 after a brief illness. This lady, known as “Mother Holliman” in our community, leaves behind an outstanding legacy.

During her 79 years, Mattie was a tireless worker who looked out for others who were
homeless, hungry or unemployed. Sitting still was a concept that was unknown to Mattie. If there was a community issue to be addressed then Mattie would organize a community meeting with local officials to discuss the issues. She had a special way of bringing people together to solve problems. She was an optimistic soul and was as much at home with her Mayor or Senator as she was with the homeless person sleeping under the freeway.

For 16 years she worked as a certified social worker at the Sheldon Complex. But her work didn’t stop when she turned off the lights and closed the door at the office. Mattie was always doing something to help somebody or some cause. In addition to her job at the Sheldon Complex, she was the founder of two grassroots organizations, Community Volunteers Agency and the Men’s Supportive Task Force.

Mattie’s dedication and work did not go unnoticed in our community, which is evident by the numerous awards she received for her efforts in community service. Among her many honors were the Good and Wayne’s Volunteer of the Year Award, YWCA Tribute, Giants Award, NAACP Award, and in 1993 she was recognized by President Clinton for being the first inductee into the Creative Communications Centers Women’s Hall of Fame. All of us who knew Mattie Holliman are thankful for the opportunity to have shared in her life. Her leadership, thoughtfulness, and caring ways will be missed by those who had the privilege of knowing her. She was a remarkable woman with a heart of gold who did so much for so many during her lifetime.

A TRIBUTE TO HOWARD RUBENSTEIN

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to the extraordinary talent and civic contributions of Howard J. Rubenstein, who will be honored on Sunday at the Fifth Annual Heritage Dinner of the Museum of Jewish Heritage—A Living Memorial to the Holocaust.

Mr. Speaker, Howard Rubenstein was dubbed by Newsweek Magazine as the “Dean of Damage Control.” That praise is indeed appropriate because Howard is one of America’s foremost public relations consultants. A Phi Beta Kappa graduate of the University of Pennsylvania, he later finished first in his class in the night school division at St. John’s University School of Law, and later was awarded an honorary doctor of law degree from the University. Howard founded his public relations agency in 1954 and ran it from his parents’ kitchen table until his mother refused to answer the family phone, “Rubenstein and Associates.” Today his firm is one of the nation’s largest and best-known independent public relations agencies with a staff of more than 190 people.

Mr. Speaker, the Museum of Jewish Heritage—a Living Memorial to the Holocaust, opened to the public in 1997. Overlooking the Statue of Liberty and Ellis Island, its mission is to educate people of all ages and backgrounds about the 20th century Jewish experience before, during and after the Holocaust. The Museum contains more than 2,000 photographs, 800 artifacts, and 24 original documentary films. The Museum’s core exhibition combines archival material with modern media to provide a thoughtful and moving chronicle of history, keeping the memory of the past alive and offering hope for the future.

Howard Rubenstein is being honored by the Museum of Jewish Heritage for his extraordinary commitment to public service. He has served as a member of numerous civic and philanthropic organizations, and currently sits on the Executive Committee of the Association for a Better New York. He is a trustee of the Police Athletic League, the Central Park Conservancy, and the Inner City Scholarship Fund of the Archdiocese of New York. He is Vice Chairman of the New York State-New York City Holocaust Memorial Commission and is a special advisor to the New York City Commission on the Status of Women. Howard has served on the Mayor’s Committee on Business and Economic Development for Mayor Beame, Dinkins, and Giuliani, and he is a member of the board of directors of the Center for Democracy here in Washington, D.C. He also served as a consultant to the United States Foreign Claims Settlement Commission and, as an attorney, he was assistant counsel to the Judiciary Committee of the U.S. House of Representatives.

Mr. Speaker, one particular episode stands out in my reflection upon Howard Rubenstein’s service to his community. In 1991, the Brooklyn community of Crown Heights exploded in a chain reaction of violence, riots, and ever mounting divisions between the area’s African-American and Hasidic Jewish populations. These disputes escalated, eventually dividing the city and receiving national attention. Responding to a request for his assistance from then Mayor David Dinkins, Howard undertook the difficult task of diffusing the tensions between the African-American and Jewish communities. He organized a “Peace Conference in Crown Heights” and named a “Neighbor to Neighbor” event at the Apollo Theater in Harlem. There he screened the movie, “The Liberators,” a film depicting the liberation of a Nazi concentration camp by African-American soldiers, to an audience of over 1300 Jews and African-Americans. The showing was broadcast live on New York television, while simultaneously 500 “Neighbor to Neighbor” meetings were held in homes and community centers around the City. Howard’s efforts were critical to defusing tensions as well as restoring civility and understanding in Crown Heights. I believe that this efforts speak volumes about the character and commitment of this outstanding man.

Mr. Speaker, in an era when business leaders all too often fail to demonstrate a devotion to the needs of our society, Howard Rubenstein is a model for all of us to emulate. I invite my colleagues to join me in extending warmest congratulations and sincere appreciation to Howard J. Rubenstein on this special occasion.

U.S. INTERVENTION IN SOUTH KOREA

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. PAUL. Mr. Speaker, today I am placing into the record the attached article from yesterday’s Wall Street Journal, as I believe it accurately depicts the problem that many nations face in attempting to resolve their difference over our government decides to insert itself into internal or regional matters of other parts of the world. Instead of hindering peace in the ways pointed out by this article, we can play a constructive role in the world. However, to do so will require a change of policy. By maintaining open trade and friendly diplomatic relations with all countries we could fulfill that role as a moral compass that our founders envisioned. Unfortunately, as this article shows, our current policy of intervention is having the exact opposite effect.

SOUTH KOREA FEARS BUSH TEAM IS HINDERING DEFENSE WITH NORTH

(By Jay Solomon)

SEOUL, SOUTH KOREA—Amid heightened tension between the U.S. and China over the downing of an American spy plane, frustration is mounting inside President Kim Dae Jung’s government that President Bush’s Asia policies are undercutting ties between North and South Korea.

President Kim has made peace initiatives toward reclusive North Korea—with whom the South remains technically at war—a cornerstone of his administration. Mr. Bush’s advisers say they are still reviewing the merits of enacting the communist North, but a number of Mr. Kim’s aides fear time is running out since his term ends next year.

Intensifying this unease among some in Mr. Kim’s government is their belief that the Bush administration views peace on the Korean Peninsula as working against its principal security interests. Central to this is Mr. Bush’s plans to build a national missile-defense shield, for which North Korea’s missile program is a primary justification. U.S. military and intelligence officials have played up in recent weeks both the military and nuclear threats posed by North Korea’s military, re-emphasizing the Pentagon’s need to maintain 37,000 troops in South Korea.

Now, the U.S.-China standoff over an American surveillance plane that landed on China’s Hainan island is fanning fears that a renewed Cold War will grip North Asia. “The U.S.’s dependence upon a Cold War strategy . . . is causing the detente mood (on the Korean Peninsula) to collapse,” says Jung Sung Min, a legislator with the Millennium Democratic Party and an aide to Mr. Kim. He fears the U.S.’s pursuit of missile defense will exacerbate this tension by leading to a renewed arms race between regional powers China, Japan and Russia.

The South Korean Foreign Ministry, while officially maintaining that it is too early to judge Mr. Bush’s policy vis-a-vis North Korea, also is expressing skittishness toward Washington’s intentions. Spokesman Kim Euy Taeik says the ministry hopes “the Bush administration will rethink its skepticism” toward North Korea after completing its review of the Clinton team’s policies toward Pyongyang.

For its part, the Bush administration doesn’t accept the premise that its actions
are undermining Seoul’s peace initiative. “We continue to strongly support President Kim’s policy of engagement with North Korea,” a State Department spokesman in Washington said, “and share a common concern about the nature and level of the military threat from North Korea, and we continue to discuss ways to deal with that.”

Just three months ago, expectations were high that a peace pact could be signed between allies South Korea and the U.S. and North Korea. Then-Secretary of State Madeleine Albright held an unprecedented meeting with North Korea’s supreme leader, Kim Jong II, after the North sent a senior envoy to Washington. President Clinton was seriously considering a deal in January where North Korea would scrap some weapons programs in exchange for financial aid.

Kim Dae Jung’s government followed up by scheduling a March summit with Mr. Bush in Washington in hopes of picking up where Mr. Clinton left off. Instead Mr. Bush voiced “skepticism” toward Kim Jong II’s intentions and placed all talks with North Korea on hold pending the Clinton-policy review.

This rebuke has fueled a marked deterioration in North-South relations. Last month, Pyongyang halted peace talks with the South, a sporting exchange that has been cancelled, and Kim Jong II’s proposed trip to South Korea fell through. The first half of the year has been delayed to the second half—at the earliest.

Now, President Kim and his supporters are left hoping Mr. Bush’s team will quietly wrap up their review of North Korea policy and sign on to new peace talks. If not, however, there is a hopeless sense of what can actually be achieved without Washington’s imp- primitur. Hahn Hwa Kap, a senior member of President Kim’s Millennium Democratic Party, says: “The longer this process takes, the longer it will take for North-South relations to improve.”

TRIBUTE TO FORMER MICHIGAN STATE REPRESENTATIVE PAUL TESANOVICH

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. STUPAK. Mr. Speaker, I would like to pay tribute today to Paul Tesanovich, a former representative to the Michigan House of Rep- resentatives from the 110th Representative District, which is comprised of six counties—Gogebic, Ontonagon, Baraga, Iron, Houghton, and Keweenaw—in my congressional district.

Paul was first elected to the House in 1994, and he has just concluded his service in the Michigan House because of the Michigan term limits law. His laughter related to the witty, the voters of Michigan, but I have to confess that in this case I believe the law has turned a dedicated public servant out of office.

Mr. Speaker, the Upper Peninsula of Michi- gan, where Paul and I are from, is an area rich in natural wealth and scenic beauty. It is also an area that, because of its smaller size, offers a wealth of diverse social and political issues. Because its population is sparse, how- ever, its representation in Lansing is meager in numbers.

Specifically for this region, therefore, must stand taller and speak more eloquently than their downstate counterparts. Paul served on the important Appropriations Committee in the Michigan House, a position that allowed him to hold such values so close—but until we will accept the truth about atrocities like the Armenian Genocide we fail to reach our goals.

BEADS OF HOPE PROJECT

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. MORELLA. Mr. Speaker, lymphoma advocates are coming to Washington, DC for the 3rd annual Lymphoma Advocacy Day on April 25, 2001 to unveil a project that will put the rising incidence of lymphoma into perspec- tive for Members of Congress and the public.

Mr. Speaker, according to the American Cancer Society, 1996 saw over 85,000 new cases of lymphoid malignancies in the United States. These included Hodgkin’s and non- Hodgkin’s lymphomas, the lymphocytic dis- eases known as CLL (chronic lymphocytic leu- kemia) and ALL (acute lymphoblastic leu- kemia) as well as multiple myeloma. Lymphoma is the second most rapidly rising cancer over the last 20 years. Sixty percent of all childhood malignancies are lymphomas or their cousin, leukemia.

The project being unveiled is called “Beads of Hope”. It consists of a necklace of beads to symbolize the 64,000 Americans who will be diagnosed with lymphoma in 2001. Each bead represents one newly diagnosed person.

Mr. Speaker, these Beads of Hope have a story of their own that I would like to share, it makes me proud to be an American. The project was conceived by Karl Schwartz, whose wife, Joanne, is a non-Hodgkin’s lymphoma survivor. Karl circulated his idea over several lymphoma Internet list-servers and received an enthusiastic response. One member of his email group, Jessica Chen, took off with the bead idea, shared it with Debra of the Bead Fairies and received a don- nation for all 64,000 beads from The Beadery of Hope Valley, Rhode Island.

Email group members are volunteering to string beads in sections that will be brought to Washington, DC and assembled on Capitol Hill. Jessica estimates that when connected the necklace will be 600 yards long! At the suggestion of Cure For Lymphoma board member Katherine Adams, advocates will continue the theme by wearing beaded safety pins on their clothing and distributing pins to Members of Congress with whom they will be meeting on the 25th. Each bead on a pin will represent one year of being touched by lymphoma.

I ask my colleagues to show your support for this caring initiative by wearing these bead- ed pins. Make and distribute pins to your fam- ily, friends, business associates and Congres- sional reps. Carry the theme forward into Na- tional Lymphoma Awareness Week (Oct. 7- 13).

I thank the Lymphoma advocates who have come to our Nation’s Capitol, I thank the Lymphoma Research Foundation of America for all the hard work they have done to fight this dreaded disease. As you know I strongly support the increased funding of the National Institutes of Health, and hope to see its budg- et doubled over the next five years, and with that hopefully diseases such as lymphoma will become history.
Mr. MORAN of Virginia. Mr. Speaker, on Rollcall No. 87, I was unavoidably detained on official business. Had I been present, I would have voted “nay.”

TRIBUTE TO THE FINLANDIA UNIVERSITY LIONS FOR THEIR NSCAA BASKETBALL CHAMPIONSHIP

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 25, 2001

Mr. STUPAK. Mr. Speaker, I’d like to say a few words about a great accomplishment by a small university in my congressional district—one of the nation’s newest universities, as a matter of fact.

Finlandia University in Hancock, Michigan, up on the beautiful Keweenaw Peninsula, is less than a year old. That age is deceiving, however. Finlandia is actually a new name for Soumi College, a school founded by Finnish immigrants in 1896 to ensure their children would have a better life through advanced education.

One of the qualities of Finnish culture is a respect for the quality of “sisu,” translated variously as persistence, determination, drive, or stamina. The Finlandia Lions, the university’s basketball team, recently demonstrated the characteristic of sisu by capturing the National Small College Athletic Association national championship in basketball.

The team entered the tourney with a 14–14 record and came up in the first round against St. Mary’s College of Ave Maria University, an Orchard Lake, Mich., school. After defeating St. Mary’s by a score of 76–50, Finlandia University next faced the tournament’s No. 1 seed, Northwest Christian College from Eugene, Ore. In a comeback victory, 69–66, Finlandia won the right to meet Southern Virginia College of Buena Vista, Va., which it defeated 98–84 to take the title.

The Finlandia Lions basketball team was led by second-year coach Art Van Damme and assistant coach Duane Snell. Nine Michigan students and one student from Finland make up the roster of the National Small College Athletic Association championship team. Team members are Nick Forgette and Jacob Pfall of Carney; Jeffrey Stiefel of Capac; Jeremy Suardina of Gwinn; John Abramson, Painesdale; Mark Nolan, Watton; Jon Paul Katona, Negaunee; Pete Flaska, Ishpeming; Bill Loeks, Iron Mountain; and Marcus Ylainen of Helsinki, Finland.

Mr. Speaker, Finlandia University is the only private university in Michigan’s Upper Peninsula and one of only 28 colleges and universities in the U.S. affiliated with the Evangelical Lutheran Church in America. In its vision statement, Finlandia University says it is “committed to offering liberal arts based, globally connected, international, ecologically sensitive, spiritually engaged and career focused baccalaureate and associate degree programs as well as community education opportunities.”

Clearly, Mr. Speaker, Finlandia is also offering its students an opportunity to cheer for one heck of a basketball team. I ask you and my House colleagues to join me in offering the warmest congratulations to Coach Van Damme and the Finlandia Lions for their success in capturing the NSCAA basketball crown.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 26, 2001 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

MAY 1

9:30 a.m.

Appropriations

To hold hearings on the report of the panel to review the V-22 Program.

SH–216

10 a.m.

Appropriations

To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.

SD–124

Judiciary

To hold hearings to examine the legal issues surrounding faith based solutions.

SD–226

Small Business

To hold hearings to examine the Small Business Administration’s funding priorities for fiscal year 2002.

SR–428A

2 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the future relationship between the United States and China.

SD–419

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine the United States military’s capabilities to respond to domestic terrorist attacks involving the use of weapons of mass destruction.

SR–222

MAY 2

9:30 a.m.

Commission on Security and Cooperation in Europe

To hold hearings on the current status of human rights and democracy in Ukraine, and the role of the United States in assisting Ukraine’s development as an independent, market-oriented democracy in the face of the current political crisis.

SR–253

Environment and Public Works

To hold hearings on the science of global climate change and issues related to reducing net greenhouse gas emissions.

SD–628

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Labor.

SH–216

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Veterans’ Affairs.

SD–138

Appropriations

To hold closed hearings on Plan Colombia.

S–407, Capitol

2 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on the implementation of the Telecommunications Act and its impact on competition in the industry.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on certain cloning issues.

SR–253

MAY 3

9:30 a.m.

Armed Services

To hold hearings to examine the lessons learned from the attack on USS Cole, on the report of the Crouch/Gehman Commission and on the Navy’s Judge Advocate General Manual Investigation into the attack, including a review of appropriate standards of accountability for United States military services, to be followed by closed hearings (in Room SR–222).

SD–106

10 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture, focusing on assistance to producers and the farm economy.

SD–138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy.

SD–192

2 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.

SD–124

Judiciary

Immigration Subcommittee

To hold hearings to examine certain aspects of United States immigration policy, focusing on asylum issues.

SD–226

MAY 8

10 a.m.

Judiciary

To hold hearings to examine high technology patents, relating to genetics and biotechnology.

SD–226

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy.

SD–124

MAY 9

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration.

SD–138

MAY 10

10 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, Department of Health and Human Services.

SD–138

MAY 15

10 a.m.

Judiciary

To hold hearings to examine high technology patents, relating to business methods and the Internet.

SD–226

MAY 16

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.

SD–138
10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD-138
Day Digest

HIGHLIGHTS
Senate passed Brownfields Revitalization and Environmental Restoration Act.
House Committee ordered reported H.R. 10, Comprehensive Retirement Security and Pension Reform Act.

Senate

Chamber Action
Routine Proceedings, pages S3867–3931
Measures Introduced: Seven bills and three resolutions were introduced, as follows: S. 771–777, and S. Res. 73–75.

Measures Passed:
Commending Jim English: Senate agreed to S. Res. 73, to commend James Harold English for his 23 years of service to the United States Senate.

Brownfields Revitalization and Environmental Restoration Act: By a unanimous vote of 99 yeas (Vote No. 87), Senate passed S. 350, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Smith (of NH) Amendment No. 352, to make certain improvements to the bill.

Nominations Received: Senate received the following nominations:
Lou Gallegos, of New Mexico, to be an Assistant Secretary of Agriculture.
Mary Kirtley Waters, of Virginia, to be an Assistant Secretary of Agriculture.
Timothy J. Muris, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 1994.
Lee Sarah Liberman Otis, of Virginia, to be General Counsel of the Department of Energy.
Claude A. Allen, of Virginia, to be Deputy Secretary of Health and Human Services.

Pat Pizzella, of Virginia, to be an Assistant Secretary of Labor.
29 Air Force nominations in the rank of general.

Executive Communications:
Petitions and Memorials:
Messages From the House:
Measures Referred:
Statements on Introduced Bills:
Additional Cosponsors:
Amendments Submitted:
Additional Statements:
Privileges of the Floor:
Record Votes: One record vote was taken today. (Total—87)
Adjournment: Senate met at 9:30 a.m., and adjourned at 3:56 p.m., until 10 a.m., on Thursday, April 26, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3931.)

Committee Meetings
(Committees not listed did not meet)

FARM BILL: TRADE ISSUES
Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine agricultural trade issues, focusing on access to world markets, declining export values, tariffs, and barriers to trade, after receiving testimony from Bruce A. Babcock, Iowa State University Center for Agricultural and Rural Development, Ames; Ron Heck, Perry, Iowa,
on behalf of the American Soybean Association; Robert Stallman, Columbus, Texas, on behalf of the American Farm Bureau Federation; Leland Swenson, Aurora, Colorado, on behalf of the National Farmers Union; Charles J. O’ Mara, O’ Mara and Associates, on behalf of the American Oilseed Coalition, and Gary Martin, North American Export Grain Association, Inc., both of Washington, D.C.; James Echols, Hohenberg Brothers Company, Memphis, Tennessee, on behalf of the National Cotton Council of America; Timothy F. Hamilton, Mid-America International Agri-Trade Council, Chicago, Illinois; Dennis McDonald, Melville, Montana, on behalf of the Ranchers-Cattlemen Action Legal Fund United Stockgrowers of America; Judith Lewis, United Nations World Food Programme, Rome, Italy; and Kenneth Hackett, Catholic Relief Services, Baltimore, Maryland, on behalf of the Coalition for Food Aid.

APPROPRIATIONS—AGRICULTURE
Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture, receiving testimony from Ann M. Veneman, Secretary of Agriculture, who was accompanied by several of her associates.

Hearings continue on Thursday, May 3.

CHEMICAL DEMILITARIZATION
Committee on Appropriations: Subcommittee on Defense concluded hearings to examine issues related to the state of the Chemical Demilitarization Program, which was implemented to eliminate the United States chemical weapons inventory consistent with an international treaty obligation, the Chemical Weapons Convention, including the Chemical Stockpile Emergency Preparedness Program, after receiving testimony from Joseph Westphal, Acting Secretary, James Bacon, Program Manager for Chemical Demilitarization, and Michael Parker, Program Manager for Assembled Chemical Weapons Assessment, all of the Department of the Army; Russell Salter, Director, Chemical and Radiological Preparedness Division, Federal Emergency Management Agency; James Eli Henderson, Calhoun County Commission, and Rufus Kinney and Brenda Lindell, both on behalf of the Families Concerned About Nerve Gas Incineration, all of Anniston, Alabama; and Craig Williams, Chemical Weapons Working Group, Berea, Kentucky.

APPROPRIATIONS—HEALTH AND HUMAN SERVICES
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings on proposed budget estimates for fiscal year 2002 for the Department of Health and Human Services, after receiving testimony from Tommy Thompson, Secretary of Health and Human Services.

APPROPRIATIONS—CORPORATION FOR NATIONAL SERVICE/NEIGHBORHOOD REINVESTMENT CORPORATION
Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on proposed budget estimates for fiscal year 2002, after receiving testimony in behalf of funds for their respective activities from Wendy Zenker, Acting Chief Executive Officer, Corporation for National Service; and Ellen W. Lazar, Acting Chief Executive Officer, Neighborhood Reinvestment Corporation.

AUTHORIZED—NATIONAL NUCLEAR SECURITY ADMINISTRATION

HUD PROGRAMS
Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded hearings to examine the Department of Housing and Urban Development’s program, budget, and management priorities for fiscal year 2002, after receiving testimony from Mel Martinez, Secretary, and Susan M. Gaffney, Inspector General, both of the Department of Housing and Urban Development; Stanley J. Czerwinsksi, Director, Physical Infrastructure Issues, General Accounting Office; Rene Glover, Atlanta Housing Authority, Atlanta, Georgia, on behalf of the Council of Large Public Housing Authorities; and Barbara Sard, Center on Budget and Policy Priorities, Washington, D.C.
NOMINATIONS
Committee on Commerce, Science, and Transportation: Committee concluded hearings on Brenda L. Becker, of Virginia, to be Assistant Secretary of Commerce for Legislative and Intergovernmental Affairs, and Michael P. Jackson, of Virginia, to be Deputy Secretary of Transportation, after the nominees testified and answered questions in their own behalf. Ms. Becker was introduced by Senators Lott and Burns.

AVIATION INDUSTRY LABOR ISSUES
Committee on Commerce, Science, and Transportation: Committee held hearings to examine labor relations problems that are confronting the airline industry today, focusing on the large passenger airline’s recent union negotiations, receiving testimony from Frederick W. Smith, Federal Express Corporation, and Carol B. Hallett, Air Transport Association of America, both of Washington, D.C.; Sonny Hall, Transport Workers Union, AFL-CIO, New York, New York, on behalf of the Transportation Trades Department, AFL-CIO; R. Thomas Buffenbarger, International Association of Machinists and Aerospace Workers, Upper Marlboro, Maryland; and Linda F. Farrow, Association of Flight Attendants, Rosemont, Illinois.

WEST COAST GASOLINE PRICES
Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism concluded hearings to examine the causes of high retail gasoline prices and competition in the gasoline industry in West Coast markets, after receiving testimony from Senator Murkowski; Robert Pitofsky, Chairman, Federal Trade Commission; Jim Wells, Director, Natural Resources and Environment, and Frank Rusco, Senior Economist, both of the General Accounting Office; John Cook, Director, Petroleum Division, Energy Information Administration, Department of Energy; R. Preston McAfee, University of Chicago Graduate School of Business, Chicago, Illinois; Carl Shapiro, University of California Haas School of Business/Institute of Business and Economic Research, Berkeley; Robert Malone, British Petroleum, Washington, D.C.; and Chuck Mau, Portland, Oregon.

MEDICARE AND SOCIAL SECURITY BENEFITS
Committee on Finance: Committee held hearings to examine certain improper payments of Medicare and Medicaid, Social Security, and disability programs benefits to prisoners, fugitives, the deceased and other ineligibles, receiving testimony from James G. Huse, Jr., Inspector General, and Fritz Streckewald, Acting Assistant Deputy Commissioner, Disability and Income Security Programs, both of the Social Security Administration; Michael F. Mangano, Acting Inspector General, and Michael McMullan, Acting Deputy Administrator, Health Care Financing Administration, both of the Department of Health and Human Services; Daniel G. Kyle, Louisiana Legislative Auditors Office, Baton Rouge; and Jerome Horn, an incarcerated witness.

Hearings recessed subject to call.

NOMINATION
Committee on Foreign Relations: Committee concluded hearings on the nomination of Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development, after the nominee, who was introduced by Senator Kerry and Representative Wolf, testified and answered questions in his own behalf.

NOMINATIONS
Committee on Foreign Relations: Committee concluded hearings on the nominations of Paula J. Dobriansky, of Virginia, to be Under Secretary for Global Affairs, Lincoln P. Bloomfield, Jr., of Virginia, to be Assistant Secretary for Political-Military Affairs, and Richard Nathan Haass, of Maryland, for the rank of Ambassador during his tenure of Service as Director, Policy Planning Staff, all of the Department of State. Ms. Dobriansky was introduced by Senators Allen and Dodd, and Mr. Bloomfield was introduced by Senator Allen.

POLYGRAPH USAGE
Committee on the Judiciary: Committee concluded hearings to examine the accuracy and reliability of polygraphs, as well as the policy and potential legal issues that may arise from their use as a screening tool in counterintelligence context, after receiving testimony from Michael H. Capps, Deputy Director for Developmental Programs, Defense Security Service, Department of Defense; William G. Iacono, University of Minnesota Department of Psychology/Clinical Science and Psychopathology Research Training Program, Minneapolis; Jeffrey H. Smith, Arnold and Porter, and Mark S. Zaid, Lobel, Novins and Lamont, both of Washington, D.C.; and Richard W. Keifer, American Polygraph Association, Apopka, Florida.
House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 1580–1592; 1 private bill, H.R. 1593; and 6 resolutions, H.J. Res. 45; H. Con. Res. 106–109, and H. Res. 123 were introduced.

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Biggert to act as Speaker pro tempore for today.

Guest Chaplain: The prayer was offered by the Guest Chaplain, Rev. John F. Baldwin, Captain, Chaplain Corps, United States Navy, Retired, of Chicago, Illinois.

Tax Limitation Constitutional Amendment: With 2/3 required to pass, the House failed to pass H.J. Res. 41, proposing an amendment to the Constitution of the United States with respect to tax limitations, by a yea-and-nay vote of 232 yeas to 189 nays, Roll No. 87.

Earlier, H. Res. 118, the rule that provided for consideration of the joint resolution was agreed to by voice vote.

Senate Messages: Message received from the Senate appears on page H1561.

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of the House today and appears on page H1582. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 4:07 p.m.

Committee Meetings

FEDERAL FARM COMMODITY PROGRAMS

Committee on Agriculture: Continued hearings on Federal Farm Commodity Programs, with the corn industry. Testimony was heard from Lee Klein, President Corn Growers Association.

Hearings continue tomorrow.

ENERGY SUPPLY AND DEMAND ISSUES

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development held a hearing to review energy supply and demand issues affecting the agricultural sector of the U.S. economy. Testimony was heard from public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on Budget Overview and Foreign Agricultural Service (International Programs). Testimony was heard from Ann M. Veneman, Secretary of Agriculture.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary continued appropriation hearings. Testimony was heard from Members of Congress.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on NSA. Testimony was heard from Lt. Gen. Michael V. Hayden, USAF, Director, NSA.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on U.S. Army Corps of Engineers. Testimony was heard from the following officials of the Corps of Engineers, Department of the Army: Claudia L. Tornblom, Acting Assistant Secretary, Civil Works; Lt. Gen. Robert B. Flowers, USA, Chief, Corps of Engineers; Maj. Gen. Hans A. Van Winkle, USA, Deputy Commanding General, Civil Works; and Rob Vining, Chief, Programs Management Division, Directorate of Civil Works.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Secretary of the Interior. Testimony was heard from Gale A. Norton, Secretary of the Interior.

LABOR, HHS AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on the Secretary of Education. Testimony was heard from Roderick R. Paige, Secretary of Education.
TRANSPORTATION APPROPRIATIONS
Committee on Appropriations: Subcommittee on Transportation held a hearing on the Secretary of Transportation. Testimony was heard from Norman Y. Mineta, Secretary of Transportation.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS
Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government held a hearing on U.S. Customs Service, and on Bureau of Alcohol, Tobacco, and Firearms. Testimony was heard from the following officials of the Department of the Treasury: Charles Windwood, Acting Commissioner; U.S. Customs Service; James Floam, Under Secretary, Law Enforcement; and Bradley A. Buckles, Director, Bureau of Alcohol, Tobacco, and Firearms.

VA, HUD APPROPRIATIONS
Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on the Department of Veterans Affairs. Testimony was heard from Anthony J. Principi, Secretary of Veterans Affairs.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT

U.S. POLICY TOWARDS AFRICAN DEVELOPMENT BANK AND THE AFRICAN DEVELOPMENT FUND
Committee on Financial Services: Subcommittee on International Monetary Policy and Trade held a hearing on U.S. Policy towards the African Development Bank and the African Development Fund. Testimony was heard from Donald R. Sherk, former U.S. Executive Director, African Development Bank; and public witnesses.

AUTISM—INCREASED RATES
Committee on Government Reform: Held a hearing on “Autism—Why the Increased Rates?—A One Year Update.” Testimony was heard from Representatives Smith of New Jersey and Doyle; and public witnesses.

Hearings continue tomorrow.

ELECTION REFORM
Committee on House Administration: Held a hearing on Election Reform. Testimony was heard from the following Secretaries of State: J. Kenneth Blackwell, Ohio; Sharon Priest, Arkansas; Katherine Harris, Florida; Rebecca Vigil-Giron, New Mexico; and Ron Thornburgh, Kansas; Martin R. Stephens, Speaker of the House, State of Utah; John Adams Hurson, Majority Leader, House of Delegates, State of Maryland; Kenneth Mayfield, Commissioner, Dallas County, State of Texas; and public witnesses.

AFTER HAINAN: NEXT STEPS FOR U.S.-CHINA RELATIONS
Committee on International Relations: Subcommittee on East Asia and the Pacific held a hearing on After Hainan: Next Steps for U.S.-China Relations. Testimony was heard from public witnesses.

U.S.-EUROPEAN RELATIONSHIP
Committee on International Relations: Subcommittee on Europe held a hearing on The U.S.-European Relationship: Opportunities and Challenges. Testimony was heard from public witnesses.

OVERSIGHT
Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on “BLM and Forest Service Oil and Gas Permitting.” Testimony was heard from Peter Culp, Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 427, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon; H.R. 434, to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California; and H.R. 451, to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area. Testimony was heard from Representatives Hansen, Doolittle, and Blumenauer; Sally Collins, Associate Deputy Chief, National Forest System, Forest Service, USDA; and public witnesses.

PROPOSED R&D BUDGET
Committee on Science: Held a hearing on Proposed R&D Budget for 2002. Testimony was heard from Rita Colwell, Director, NSF; the following officials of NASA: Daniel S. Goldin, Administrator; and Scott Gudes, Acting Administrator; and Jim Decker, Acting Director, Office of Science, Department of Energy.
OVERSIGHT—FAA’s CAPACITY BENCHMARKS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on FAA's Capacity Benchmarks. Testimony was heard from Jane F. Garvey, Administrator, FAA, Department of Transportation; and public witnesses.

OVERSIGHT—RAILROAD INFRASTRUCTURE POLICY

Committee on Transportation and Infrastructure: Subcommittee on Railroads held an oversight hearing on Railroad Infrastructure Policy. Testimony was heard from Mark Lindsey, Chief Counsel and Acting Administrator, Federal Railroad Administration, Department of Transportation; and public witnesses.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT


BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Hot Spots. The Committee was briefed by departmental witnesses.

Joint Meetings

INTELLIGENCE

Select Committee on Intelligence, Committee on Armed Services, Committee on Appropriations: Committees met in closed session to receive a briefing on intelligence matters from officials of the intelligence committee.

CONGRESSIONAL BUDGET RESOLUTION

Conferees met to resolve the differences between the Senate and House passed versions of H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 26, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Special Committee on Aging: to hold hearings to evaluate current developments in assisted living, focusing on consumer protection, staff training, and assistance with medications, 9 a.m., SD–562.

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on certain ergonomic issues, 9:30 a.m., SH–216.

Committee on Transportation, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Transportation, 10 a.m., SD–124.

Committee on Treasury and General Government, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Treasury, 10 a.m., SR–485.

Committee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Justice, 10 a.m., SD–192.

Committee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy, 2 p.m., SD–124.

Committee on Armed Services: to hold hearings on the nomination of Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology; the nomination of William J. Haynes II, of Tennessee, to be General Counsel of the Department of Defense; and the nomination of Powell A. Moore, of Georgia, to be Assistant Secretary of Defense for Legislative Affairs; to be followed by a closed business meeting to consider pending nominations, 9:30 a.m., SD–106.

Committee on SeaPower, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on strategic airlift and sealift imperatives for the 21st Century, 2 p.m., SR–232A.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of Theodore William Kassinger, of Maryland, to be General Counsel of the Department of Commerce; to be followed by hearings on S. 718, Amateur Sports Integrity Act, which amends federal law to stop legal gambling in Nevada on amateur sports, 9:30 a.m., SR–253.

Committee on Communications, to hold hearings to examine the problem of unsolicited commercial email (spam) and possible legislative options to deter it, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold oversight hearings to consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price, 9:30 a.m., SD–366.

Committee on Forests and Public Land Management, to hold oversight hearings to examine energy implications of the Forest Service’s Roadless Area Rulemaking, 2 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure, to hold hearings to examine the budget oversight on the Army Corps of Engineers program for fiscal year 2002, 9:30 a.m., SD–628.

Committee on Finance: to hold hearings to examine the complexity of the tax code, featuring the release of the congressionally mandated study on simplification from the Joint Committee on Taxation, 10 a.m., SD–215.
Full Committee, to hold hearings on the nomination of Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade; the nomination of John B. Taylor, of California, to be Under Secretary of the Treasury; and the nomination of Scott Whitaker, of Virginia, to be Assistant Secretary of Health and Human Services, 11:30 a.m., SD–215.

Committee on Foreign Relations: to hold hearings on the nomination of James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs), 10 a.m., SD–419.

Full Committee, business meeting to consider the nomination of John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security, and other pending calendar business, 2:30 p.m., S–116, Capitol.

Committee on the Judiciary: business meeting to consider the nomination of Larry D. Thompson, of Georgia, to be Deputy Attorney General; and the nomination of Theodore Bevry Olson, of the District of Columbia, to be Solicitor General of the United States, both of the Department of Justice, 10 a.m., SD–226.

House

Committee on Agriculture, to continue hearings on Federal Farm Commodity Programs, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on the Secretary of Agriculture, 9:30 a.m., 2362–A Rayburn.

Subcommittee on Commerce, Justice, State and Judiciary, on the Secretary of State, 10 a.m., 2172 Rayburn.


Subcommittee on Energy and Water Development, on the Bureau of Reclamation, 10 a.m., 2362–B Rayburn.

Subcommittee on Interior, on the Forest Service, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services and Education, on the Office of Elementary and Secondary Education, the Office of Educational Research and Improvement and the Office of Bilingual and English Language Minority Affairs, 10 a.m., on the Office of Special Education and Rehabilitation Services, 2 p.m., and on the Office of Vocational and Adult Education, 3 p.m., 2358 Rayburn.

Subcommittee on Transportation, on the National Highway Traffic Safety Administration, 2 p.m., 2358 Rayburn.

Committee on Armed Services, Subcommittee on Military Installations and Facilities, on the conditions of military facilities and their effects on readiness and quality of life, 10 a.m., 2212 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 10, Comprehensive Retirement Security and Pension Reform Act of 2001, 10:30 a.m., 2175 Rayburn.


Subcommittee on Telecommunications and the Internet, to mark up H.R. 1542, Internet Freedom and Broadband Deployment Act of 2001, 9 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing on the budget of the Department of Housing and Urban Development, 10 a.m., 2128 Rayburn.

Committee on Government Reform, to continue hearings on “Autism—Why the Increased Rates?—A One Year Update,” 10 a.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on “The Role of Community and Faith-Based Organizations in Providing Effective Social Services,” 2 p.m., 2247 Rayburn.

Subcommittee on Technology and Procurement, hearing on “FTS 2001: How and Why Transition Delays Have Decreased Competition and Increased Prices,” 2 p.m., 2154 Rayburn.


Committee on Resources, Subcommittee on National Parks, Recreation and Public Lands, to mark up H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site; and to hold a hearing on the following bills: H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of national historic trails and provide for possible additions to such trails; H.R. 640, Santa Monica Mountains National Recreation Area Boundary Adjustment Act; and H.R. 1000, William Howard Taft National Historic Site Boundary Adjustment Act of 2001, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, oversight hearing on Maximizing Power Generation at Federal Facilities, 2 p.m., 1324 Longworth.

Committee on Science, Subcommittee on Energy, hearing on Department of Energy Fiscal Year 2002 Budget Request, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on H.R. 1407, to amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays, 11 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Rainy Day Funds, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on China Overview, 1 p.m., H–405 Capitol.
Next Meeting of the SENATE
10 a.m., Thursday, April 26

Senate Chamber

Program for Thursday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 11 a.m.), Senate may begin consideration of S. 149, Export Administration Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, April 26

House Chamber

Program for Thursday: Consideration of H.R. 503, Unborn Victims of Violence Act (modified closed rule, two hours of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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Stupak, Bart, Mich., E631, E634
Woolsey, Lynn C., Calif., E628

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April 25, 2001