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# Congressional Record

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# 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-Retired, 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 these 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:

H. Con. Res. 66. Concurrent resolution authorizing the printing of a revised and updated version of the House document entitled ''Women in Congress, 1917–1990''.

## 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 Bolkcom in National Defense; Ms. Kerry Dumbaugh in Foreign Affairs; Mr. David Brumbaugh in Public Finance; Ms. Barbara Leitch LePoer 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 McCOLL, 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 the former North Carolina National Bank 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



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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 their 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 better treatment options and, indeed, even a cure.

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 35 million people 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 us, 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 spend 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 investing in their children'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 taking women to drive-in movies who may end up getting shot in a passionate embrace. I yield back all those plain old Maidenform brassieres and chainlink pantyhose.

## THE UNBORN VICTIMS OF VIOLENCE ACT

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

Mr. RYUN of Kansas. 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 there is 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. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. 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.

□ 1015

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

billionaires; but, like me, the American people want to know who is taking care of our children.

## CONGRESS MUST PASS VICTIMS' RIGHTS AMENDMENT NOW

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

Mr. CHABOT. Madam Speaker, this week is National Victims' Rights Week. I would like to take this opportunity to ask my colleagues in Congress to follow the lead of 32 States, including my State of Ohio, and pass a Victims' Rights Constitutional Amendment.

The amendment would allow crime victims to confront their assailants in court, at sentencing and parole hearings, require that they be notified about the release or escape of a perpetrator from custody, and guarantee them the right to seek restitution from their attackers.

For far too long, victims of crime in this country have had to stand on the courthouse steps with meaningful justice just beyond their reach, not allowed to view proceedings in person, too often not permitted to speak out on behalf of a murdered loved one, not even notified when a violent abuser is turned loose.

Crime victims deserve to be treated better. They deserve to be treated with dignity in our criminal justice system. With the adoption of this amendment, we will finally say loud and clear that victims have inalienable rights too, which should be recognized by our Constitution.

## INVESTIGATION DEMANDED IN PERUVIAN PLANE SHOOTING

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, though many of us recognize the importance of the international drug war, enough is enough. A mother, a baby, now dead; the CIA involved, suggesting that they gave information and requested that the plane with the missionaries be watched.

Well, I will say if the United States is collaborating with drug fighters of another nation and you have no more power than to say something and to be ignored, then you need to get the heck out of the fight. It is a tragedy that occurred.

Madam Speaker, there are still questions as to whether or not these kinds of border activities even do any good. Why do we not spend our dollars on treatment and prevention? If nothing else, when we have a collaborative effort with our neighbors to the South, why is it not a real collaborative effort, where we work together? And if we raise questions of concern about our own citizens or the possibility that it is not a drug plane, why does not someone listen? This was an unnecessary loss of life. An immediate investigation of all persons who were involved is demanded now.

Let me close, Madam Speaker, by saying in addition, we have got our young men back from China, but let us investigate the reason why they are holding one of our young women, who has a 5-year-old son and a husband here, and why are they holding religious leaders.

We have got to do a better job of demanding the kind of human rights around the world that we beg for in this country. China needs to acknowledge 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 direction of the Committee on Rules, I call up House Resolution 118 ask for its immediate consideration.

The Clerk read the resolution, as follows:

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 limitations. The joint resolution shall be considered 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 Committee 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 debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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 the customary 30 minutes to my good friend and distinguished member of the Committee on Rules, the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 118 is a structured rule providing for the consideration of H.J. Res. 41, proposing an amendment to the Constitution of the United States with respect to tax limitation.

The rule provides for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides for one amendment printed in the CONGRESSIONAL RECORD if offered by the minority leader or his designee, which shall be considered as read and shall be separately debated for 1 hour, equally divided and controlled by the proponent and an opponent. Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, another April 15 tax day has come and gone, leaving most Americans frustrated by the size and complexity of our tax system. I, too, am one of those who is confused and dazed and frustrated by this complexity of the system.

The humor columnist Dave Barry described this season in these words: ''It is income tax time again, Americans; time to gather up those receipts, get those tax forms, sharpen up that pencil, and stab yourself in the aorta.''

Today, the average American pays more in taxes than he or she does in food, clothing, shelter, or transportation combined. For too long the tax burden imposed by the government has been going up, not down.

The tax limitation amendment starts from this very simple premise: It should be harder, not easier, for the government to raise taxes. Raising taxes should be an absolute last resort, not an easy, quick fix for excessive government spending.

Opponents may cynically dismiss this important legislation by saying that we have debated the tax limitation amendment before. Madam Speaker, we have indeed been here before; and we will hopefully continue to debate this issue on the House floor until we see its passage.

I have observed with great interest the spirited debate surrounding the tax cut that now is taking place in the Halls of Congress. Over the last few months, debate about tax cuts have evolved from whether we should have a tax cut, to how much of a tax cut the American people should be given.

No longer should we argue about whether or not reducing the tax burden is good for individuals as well as America's economy, because it is good. Instead, discussion is focused on the extent of a tax cut.

We have seen the people across this Nation overwhelmingly support tax reduction. I am pleased that the consensus is finally being attained within this Congress to reflect the sentiment of the American people. In the same way a balanced budget took place years before the consensus was achieved, so we are fighting that battle today.

I recall when I was running for Congress in 1994, people said we would never have a balanced budget; and indeed in 1993, I recall a Senator in the other body once stated that if we ever had a balanced budget by the year 2002, he would take a high dive off the top of the Capitol. Thank goodness 2002 is a year away, but, Madam Speaker, we have now balanced the budget for 6 years.

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 taxpayer.

Passage of this rule today will allow the House to begin debate on one of the most serious matters to be considered by the Congress, an amendment to the Constitution of the United States.

When our Founding Fathers met more than 200 years ago to draft what became the Constitution of the United States, there was an agreement on potential problems our Nation faced. Our Constitution was drafted to address those problems. In many instances they wrote specific language protecting the people from what at times could be oppressive, intrusive, or an overbearing Federal Government. They protected bedrock foundations to our liberty and freedom, such as life, the pursuit of happiness, freedom of speech, and freedom of religion.

Our founding fathers were so insightful and ingenious in their preparation of our Constitution that they provided within our system of checks and balances a Constitution which would clearly enumerate occasions where a supermajority would be appropriate as the guardian of the people.

A vote of two-thirds of both Houses, for example, is required to override a Presidential veto; a two-thirds vote of the Senate is required to approve treaties and to convict and impeach a Federal official; but a two-thirds vote of Congress is not yet required for raising taxes.

In my view, our Founding Fathers would recognize that under the current system there is an inherent bias towards raising taxes and might support this constitutional provision.

There has long been a bias towards raising taxes under our current system. The Federal budget is currently in balance in part due to the spending constraints by Congress, as well as hard work and global leading productivity of American workers. But short economic downturns can be expected. Future Congresses may not be as fiscally responsible and return to the ways of deficit spending and take the easy way out by raising taxes.

Making it more difficult to raise taxes balances the options available to Congress as it makes decisions on the size of government. It is critical that this balance be achieved.

By requiring a supermajority to raise taxes, an incentive for government agencies could be created to eliminate waste and create efficiency, rather than simply turning to more deficit spending or increased taxes.

It is important to remember that there was no Federal income tax when our Founding Fathers drafted the Constitution. Not until 1913 was the 16th amendment of the Constitution passed to allow Congress to tax 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 Pharaoh. 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, sometimes they are passed 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 families and our children? Will we pass this amendment to the Constitution and require a supermajority, not just a simple majority, to raise taxes?

□ 1030

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 joined the States and listened to the voice of 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 a 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 opponents 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 making our 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 amendment allows for 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 supermajority 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, at this time 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 defund the Federal Government was 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 should reject 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 reductions that will, 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 become a part of the Constitution, 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 importance of 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, or when there is no 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 prescription 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. Amending our Constitution is very serious business and should be done only when absolutely necessary to promote the well-being of our country and its citizens. Over the past 6 years, the Republican majority has used the Constitution as a political plaything and that is, quite frankly, a shameful record for Republicans to stand on. What we have before us today is no different.

Our Nation's Founding Fathers carefully designed and drafted our Constitution, not to meet their own personal political agendas, but to ensure the foundation of our republic could endure and meet the needs of its citizens for centuries to come. The actions of the Republican majority in the past few months, combined with the proposal now before us, make a mockery of the intentions of our Founding Fathers.

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 changed the Rules of the House to impose a three-fifths majority requirement for any tax increase. Well, guess what? A funny thing happened on the way to idealogical purity. Whenever a bill containing a tax increase came along, the Republican majority 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 package. If the Republican majority 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 idea is supported by the majority in Congress, 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 will seriously undermine Congress' ability to pass major budgetary 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 proposal will sharply limit Congress' 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 up to its 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 and this most ill-advised amendment to the Constitution of the United States.

Madam Speaker, I reserve the balance of my time.

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

It is great to be back in Washington after a 2-week break and find out that a lot of my colleagues view the inability to raise taxes easily as kind of like what a vampire would feel about light. They just do not like it. They do not like that threat of taking away the ability to go to the American people and take and take and take and take. We are trying to make it more difficult for that to happen. I am glad to see that we are back in Washington and able to show our differences.

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) has played a leadership role on issues such as tax fairness and simplification and deserves 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. I believe this 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 want to commend 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 that are 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 of 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.

□ 1045

Madam Speaker, 14 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, have 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. Yet 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, oftentimes very 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 have two gentlemen from 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 reduction, something we are seeking 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 are we going to be so arrogant that we are going to say to the American people that we are going to protect you from your future leaders. If you are going to select someone to represent you in the House of Representatives, a body based on that Madisonian model that the gentleman from Texas (Mr. FROST) was referring to, was established as a majoritarian institution, we are going to say that we are no longer going to be a majoritarian institution, we are going to say 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 cut 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.

Madam 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 have been spoken today are very 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 balance, that is 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, then 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. One of the long-serving Members, 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 we are going to 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 is tired of paying 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 only because of 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. A Republican President and a Republican Congress will cut our taxes retroactively, which we will see in our paychecks through our withholding. And the Republican Congress has brought forward today for the American people to see firsthand what we as Republicans hold near and dear as a core principle that the Congress should make as an absolute last resort tax increases. Tax increases should only be done as a last resort when it is absolutely necessary and all other options are exhausted.

Madam Speaker, that is the core principle at work behind this amendment, that a two-thirds supermajority would be required before the Congress could raise taxes. A two-thirds majority of the House, a two-thirds majority of the Senate. To me personally, I think it is a point of great pride that our distinguished chairman of the Committee on Rules, who has throughout his career opposed tax increases, has labored long and hard to control Federal spending and worked hard to allow individual Americans to keep more of their money that they earn in their own pocketbooks, to invest and spend as they see fit, the gentleman from California (Mr. DREIER) who respects and has such deep roots in the history of this country and understands the Federalist Papers and the works of James Madison. I share his admiration of James Madison, Thomas Jefferson and the founders. It is a terrific day for the country that we can debate this important amendment honestly, all built around the core Republican principle that we share that taxes should only be raised as a last resort, and we are debating simply the mechanism, or the procedure, by which we would make it more difficult or help ensure that this Congress and future Congresses only looks to tax increases as a last resort.

□ 1100

As the gentleman from Texas (Mr. SESSIONS) has pointed out, those States which have adopted two-thirds supermajority requirements have consistently seen an increase in economic growth, about 10 percent higher than those States that do not have tax limitation amendments. Job growth in those States that have the two-thirds supermajority requirement typically see job growth about 20 percent higher.

Above all, it is important for every American listening to this debate today to remember that it is the Republican Congress that has presented this idea to us, consistent with our core Republican philosophy that the power to tax is the power to destroy and should only be exercised as a last resort. This is consistent with everything we do in this Congress.

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.

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.

Madam 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.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SENSENBRENNER. 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. SENSENBRENNER. 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 is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths 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 two-thirds of the Members of that House voting 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. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.''.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 60 minutes of debate on the joint resolution.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. Speaker, I rise in support of H.J. Res. 41, the tax limitation amendment, which was introduced by the gentleman from Texas (Mr. SESSIONS) and ordered reported by the Committee on Judiciary on April 4. This important legislation would amend the Constitution by requiring a two-thirds majority vote by Congress for any bill that increases the internal revenue by more than a de minimis amount.

The effect of this amendment would not preclude Congress from amending the internal revenue laws so long as the change in the law did not increase revenue by more than a de minimis amount. For example, a bill that both lowered and increased taxes, if it were revenue neutral would not be subject to the two-thirds requirement, nor would 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.

Mr. Speaker, 15 States have adopted similar tax limitation amendments. According to statistics provided by the Bureau of Economic Analysis, these States have benefited from 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 average 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 from here in Washington, D.C., we will need to take more from the hard-working citizens across our great Nation.

However, I believe this is the wrong approach, and there is another way to meet our Nation's priorities. That is by taking our bill and reducing wasteful spending, ferreting out fraud and eliminating ineffective programs. Raising 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 needed 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.

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. SENSENBRENNER), 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 passed, that has not been the case. So we begin 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, then I think it is important, that for 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 soundly rejected on each 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 up 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 certain legislation, we undercut the majority rule and diminish the vote of every single Member of the Congress.

Now, this matter was taken up when our Founders were together. The framers wisely rejected a rule requiring a supermajority for basic government functions. James Madison argued that, under a supermajority requirement,

the fundamental principle of free government would be reversed. It would no longer be the majority that would rule. The power would instead have transferred to a minority.

It is on that basis that I apply the same logic now as James Madison applied then in determining whether a supermajority would be appropriate in the Constitution. The amendment is unsatisfactory because it is an undemocratic one.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Mr. Speaker, I rise in support of House Joint Resolution 41 and believe that this is actually a commonsense measure and one that actually enforces some discipline on the Congress to reexamine spending.

As we look at the budgets over recent history, Mr. Speaker, we see that the spending has increased year to year to year by more than inflation. More importantly, Mr. Speaker, it is increased by higher than the average incomes of Pennsylvanians has increased and higher than the incomes of Americans.

Mr. Speaker, it is only sensible for us as Members of Congress to enforce some discipline on ourselves so that we do not drive Americans to the poor house.

It is a sensible measure that should be supported by all the Members to put this in place, but it is also sensible that to require a tax increase we would have to have bipartisan agreement.

Clearly, Americans are of both parties and many other third parties. Americans do not want to be forced to pay more taxes only because of the decision of one-half plus one of the Congress. It only makes sense for us to heed their wishes and be more careful with their dollars. This measure would only enforce that discipline on us. It would make us more responsive to Americans. It would also make them more sensitive to their families' pocketbooks.

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

Mr. Speaker, apparently, Members of the Congress now all very simplistically refute James Madison. The gentlewoman from Pennsylvania (Ms. HART), the previous speaker, a very important and valuable member of the Committee on the Judiciary, just told us in effect, who cares what Madison was thinking? I mean, that was then, and this is now.

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

Mr. CONYERS. Of course I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I recall one of the compromises that got the Constitution through the convention in the States was one that permitted slaves to be imported for the first 20 years of the Constitution and 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 discussion 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 right every time on every issue. But I am referring to the question of whether a supermajority requirement on this subject should be put into the Constitution.

Now, James Madison made many mistakes. By the way, so did all the other Founding Fathers. I mean, do you want to start with George Washington and come forward?

□ 1115

The compromise to include slavery was only made, sir, because it was the only way we could form a Nation. The southern leaders all said that without that compromise they would not do it. What I am saying here is that on the requirement for a supermajority James Madison was entirely correct then and those who cite him, including myself, are entirely correct now.

Mr. SENSENBRENNER. If the gentleman will yield further, with all due respect to my good friend the gentleman from Michigan (Mr. CONYERS), I am certainly happy, Mr. Speaker, that he was not around to promote his earlier argument about Madison's enlightenment at the time the Congress debated the 13th, 14th and 15th amendments 140 years ago. I thank the gentleman for yielding.

Mr. CONYERS. Could I just point out a little bit of history? I do not think Madison was around when the 15th amendment was being debated, sir. I do not think Madison was around when the 14th amendment was being debated. I do not think he was around when the 13th amendment was being debated. But let us take Madison out of the picture. Apparently there is some problem with Madison. Let us go to the present day. I never thought I would find myself on the floor defending James Madison's positions, but let us talk about what would happen if this amendment were to actually come into our Constitution. The amendment would permanently enshrine some $450 billion of special corporate tax favors into the Constitution, nearly three times as much as all the means-tested entitlement programs combined, something we have been trying to deal with for many years. Now, Madison does not have anything to do with that. That is a present day, 21st century problem.

Another point that we may want to take into present consideration, it would be impossible to change the law to require foreign corporations to pay their fair share of taxes on income earned in this country or to repeal the loopholes which encourage United States corporations to relocate overseas. Now, Madison aside, do we really want to do that? Or is this an example of conservative elitism carried to an extreme?

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

I am very interested in the argument of the gentleman from Michigan. Under this constitutional amendment, we could repeal a tax loophole that gave these outrageous benefits to the corporation he mentioned by a majority vote as long as the revenue that was raised was distributed to the American people. If there was just a flat out repeal, it would take a two-thirds vote. This would make it easier to give tax relief to the American people in repealing these loopholes.

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

Mr. HEFLEY. 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. They 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 that 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 and higher taxes to maintain it must cease. The government does not have the right to take more than it needs just because it has the power to do so. The requirement of a clear consensus to ensure limited increases in taxes is needed. We need 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 to benefit all 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 very 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 measures 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 two-thirds majority in both Houses.

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. SENSENBRENNER. 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 an even greater straitjacket on the Congress' ability to raise taxes than the Articles of Confederation had.

Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. 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. SENSENBRENNER) 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 thousands, or millions even, of hardworking Americans are going to be suffering intaxication. What is intaxication? Let me say that if the word were actually in the dictionary, intaxication would be defined as the 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 voters. This legislation, 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 saying that two-thirds 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 of Nevada 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.

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 American working family without overwhelming demonstration of need and support from their elected officials.

Let us stop intaxication plaguing Americans. I urge my colleagues to support this tax limitation amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise today in opposition to this resolution, in opposition to this amendment, and in opposition to changing our most basic government document in this way.

The gentleman from Michigan has been doing an admirable job of sparring on these issues, but I wanted to come over and stand up and be counted against this thing, also, with him.

For the last couple of months, I have been putting together a Law Review article on the congressional oath of office. It has been interesting because I have gone back and read through some of the statements of Madison and the framers and Hamilton. These were serious men that put together our most basic document. This very debate that we are having today was a debate that the framers had. This is the kind of discussion that was contemplated by them, what level of vote count should there be in our legislative bodies to make these kinds of changes.

I not only have respect for the seriousness of their debate and their discussions but also respect for their conclusion, and that once they reached that conclusion, I think we would do well as a Nation not to rekindle that debate every 2 years as we seem to have been doing here for the last few years.

I think this amendment would be a mistake. I think it has very little support around the country. Right now the thrust nationally is to lower taxes, not to raise taxes. In the past when we have raised taxes, the majority of the Members of the legislative body felt that was the way to go. That is not the situation today.

□ 1130

This is an amendment that is not necessary at this time in our Nation's history. It was contemplated by the Framers. I think it would be a mistake today to pass this amendment.

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

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

Mr. Speaker, there is another problem that has not been discussed about the amendment that we may want to take into consideration, and that is the possibility that a constitutional amendment of the nature under debate could lead to large cuts in Social Security and Medicare and a return to deficit spending. No constitutional debate on this subject could be concluded without some discussion about this.

These reductions, large ones, in Social Security and Medicare benefits, have been observed by The Washington Post, in which they noted that when baby boomers begin to retire not many years from now, as a matter of fact some have already begun to retire, the country will be in an era of constant fiscal strain. To avoid destructive deficits, there will have to be tax increases

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 that are 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 really what 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 message 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 modest measures to shore up Social Security and Medicare. They would all be caught by the supermajority requirement.

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 a revenue increase and would 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. Speaker, I reserve the balance of my time.

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, it 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. ARMEY), the distinguished majority leader.

Mr. ARMEY. 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 of Representatives, and that was a privilege.

Mr. Speaker, in the last 6½ 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 have mercy. 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 that boils 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 what we are trying to do today is to give ourselves an institutional leveler, 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.

Is 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 have come about except for 2½ years of 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 of 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, Mr. Speaker, during 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 the recession; thus, solving 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 passed as 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 their own 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 when we dealt with H.R. 1215, the Contract with America Tax Relief Act.

□ 1145

We then had the supermajority vote suspended, this is under the leadership of the majority, under the leadership of the distinguished majority leader that just left the well, in the Medicare Preservation Act of 1994, H.R. 2425; in the Budget Reconciliation Act of 1995, H.R. 2491; in the Health Insurance Reform Act, H.R. 3103; and in H.R. 3734, the Welfare Reform Conference Report. The majority, under the Republican leadership, has frequently waived its own rules requiring a supermajority vote to increase taxes.

The unworkability of House Joint Resolution 41 is illustrated by the fact that they frequently ignore their own rule preventing tax rates from taking increase, unless approved by three-fifths of the House, and this was done in the 104th Congress, many times, on six separate occasions. It led our distinguished colleague the gentleman from Texas (Mr. STENHOLM) to write, ''The final blow to any hope that the vote on the supermajority tax requirement might be for real comes from the dismal adherence Republicans have made to their own internal House rule requiring a three-fifths vote to raise taxes.'' This is from the leadership of the gentleman who just left the well.

After much fanfare during the organization of the 104th Congress, the House leadership has waived its own effort to restrain itself in every potential instance but one.

In an attempt to avoid these problems at the beginning of the 105th Congress, the rule was significantly narrowed to limit its application to increases in particular tax rates specified under the Internal Revenue Code, rather than tax rate increases generally. Now, that narrow application does not apply to the constitutional provision; it only applies to what we do in the House of Representatives.

So, such experiences highlight the unworkability of setting forth special procedural rules concerning tax laws and tax rates, and these problems would be greatly compounded in the constitutional context that we face in H.J. Res. 41.

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. 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 rarely trifle with the work product of the founders of this country from that balmy summer of 1787, where in the Philadelphia State House they crafted our Constitution, I rise today in strong support of the Tax Limitation Constitutional Amendment that we will vote on today.

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 provides that changes in 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.

Let me just point out a couple of problems with that idea, Mr. Speaker. The proposed constitutional amendment does not affect spending; only paying for the spending. You can increase spending and enact new programs with a simple majority. To pay for the new programs, you require a two-thirds majority. The limitation that this bill proposes is on whether we will pay for the spending or whether we will resort to deficit spending.

Now, the same analysis applies to correcting mistakes. It would take a two-thirds majority to close a corporate loophole, while it only took a simple majority to create the loophole in the first place. If we cannot come up with a two-thirds majority to close the corporate loophole, then that loophole remains, possibly costing millions, or even billions, of dollars that could be put to use elsewhere.

In fact, changing Internal Revenue laws that change the internal revenue by more than a de minimis amount would also affect passing new laws to enforce the laws that are already on the books if that action would increase the internal revenues. You need a two-thirds vote to pass that.

Now, if we really are being honest about reducing spending and limiting spending, the constitutional amendment ought to require a two-thirds vote not to increase taxes, but a two-thirds vote to increase spending. Now, that would limit spending. The limitation on taxes only limits your ability to pay for the spending that you have already enacted.

Another problem, Mr. Speaker, is that the bill has the statutory language involving de minimis. While two-thirds majority vote is required to increase the internal revenue by more than a de minimis amount, the term ''de minimis'' is not defined, so, we can debate whether you need a two-thirds vote or not.

Some committee members have suggested that any increase in revenue less than one-tenth of one percent of total revenues would be de minimis. But I would remind you that our total revenues are in the trillions of dollars. One-tenth of one percent of $1 trillion is $1 billion. I believe that most of us would consider $1 billion to be more than just de minimis.

Mr. Speaker, amending the Constitution is serious business which should not be taken lightly. This bill presents very difficult questions that are not even close to being answered. It does nothing to limit spending; and, therefore, ought to be rejected.

Mr. SENSENBRENNER. 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 misinterpreting 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 the 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, 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 sincerely 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.J. Res. 41 does; it empowers 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 too many times I think 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 our ability to pay for that spending. You create a new program, simple majority; to pay for it, it takes a two-thirds vote.

Mr. SENSENBRENNER. 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, this 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.

□ 1200

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 just a couple of significant incidences of tax relief. Whenever we can do anything to actually put a lid on taxes, to actually cut taxes and make it more difficult to raise taxes, then we ought to do it.

For the record, it was mentioned that if we are doing this, then we also ought to put a limitation on spending by making it more difficult to spend. I am in favor of that. I would love to offer an amendment to the amendment which would actually require a two-thirds majority to increase spending, but this, as it stands, is a good piece of legislation, and I support it.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a senior member of the Committee on the Judiciary.

Mr. FRANK. Mr. Speaker, what we are seeing today is a declaration by the Republican Party that they recognize that the majority of Americans cannot be relied upon. One of the previous advocates to this amendment said the power belongs to the people, but he misstates what this amendment does. Power now under our Constitution belongs to the representatives of the majority of the people, taking into account, of course, the two Senators per State, which is nonmajoritarian, but within that the majority rules. Well, apparently the Republicans do not have much confidence in the majority, so they want to change the rules so that this particular decision cannot be made by a majority.

The gentleman said the power belongs to the people. We used to have a slogan, ''power to the people.'' Well, this amendment would change that slogan to ''power to one-third plus one of the people.'' If the majority of the people, as they are represented in Congress, decide that they want to improve our ability to do environmental cleanup, or if people thought that having the Social Security tax base cut off at $75,000 so that if one makes $30,000 every penny one earns is taxed for Social Security, but if one makes $300,000 the great majority of one's income is exempt, we could not do that without two-thirds.

Not only are they declaring a lack of faith in the people, they are repudiating the legacy of some past Republican presidents. For instance, President George Bush raised taxes in conjunction with the Congress, because he thought it was very important for the economy. We all remember the President's famous slogan, ''Read my lips, no new taxes.'' Well, any future President I guess would have to say, ''Read two-thirds of my lips, no new taxes.'' George Bush asked us to raise 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 occur at different points.

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 vote for 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 concurrence of a Republican 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 partisan 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 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 they believe 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 taking people's money for 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 authorities to hire police officers to combat 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 prepared to debate that. 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 grave error. I think making sure that Bill Gates pays no taxes when he dies, or his heirs do not; once one dies, they do not pay any taxes, but the notion that Bill Gates' heirs should be able to inherit billions of dollars, but we cannot afford to help someone making $20,000 with prescription drugs at the age of 82, I think that is wrong. But I am prepared to debate that without fixing it. I say these things because they are directly relevant to this amendment.

This is why the Republicans feel that they have to change the rules. They understand that there will be times when a majority of the Americans will say, we would rather have more revenue. By the way, while the Republicans claim to dislike taxes at certain times, they come to love them, and that is the other thing I would say to my Republican friends: do not underestimate your capacity to adapt.

For example, when President Clinton in 1993 asked Congress to raise the gasoline taxes, there was a great deal of unhappiness on the Republican side, at least it was expressed and I under the Rules of the House of course take at face value everything said here, and when President Clinton remained in office, time and again the Republicans said, we have to get rid of this gasoline tax increase. Well, we now have a Republican President and we have a Republican House and we have a Republican Senate, and we have tax bills coming forward that would reduce various taxes. Do we know what else we have? The same gasoline tax increase that went into effect in 1993 unchallenged.

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

Mr. FRANK. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman for yielding. Yesterday I introduced a bill to suspend the Federal gasoline tax to provide some relief to our motorists and our truck drivers. I would invite the gentleman from Massachusetts and others who feel that way to cosponsor this bill.

Mr. FRANK. Mr. Speaker, I am glad that the gentleman is being consistent. He is not only being consistent, he is being unique, because while it is encouraging to some, I thought increasing the gasoline tax was a useful thing to do to help us reduce the deficit in a socially responsible way, the Committee on the Judiciary does not have jurisdiction over it. I will say as I read the Republican program for the year, with $1.6 trillion worth of tax reduction, they could not find room in there to reduce the gasoline tax. So the Republicans did not think it was a good idea to raise the gasoline tax in 1993, but now that they have complete control over both Houses of Congress and the White House, they are leaving it alone. They have decided, apparently, on second thought, that it was not such 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 grown on them.

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 this decision, 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. What we have today is an effort to bias the decision-making process, 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 going forward, is bad constitutional government and an unfortunate expression of a lack of confidence in the American people.

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

Mr. Speaker, 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, I would say parenthetically I guess the gentleman has decided to reciprocate.

The SPEAKER pro tempore (Mr. SHAYS). 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 congressional expression 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 have a chance 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 we will, if we decide next 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.

□ 1215

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 proposes and the Congress disposes.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, in the Department of Defense, we have 480,000 bureaucrats that buy and sell. They charge 22 percent to the military. Should Congress eliminate a lot of that bureaucracy, and instead of having taxpayers cough up money for more defense, should we just put more money into it without more reform?

In education, we get as little as 48 cents to the dollar because of the bureaucracy in education. This morning the Secretary of Education, Rod Paige, testified. The gentleman from Wisconsin pointed out that the President's budget only puts in 6 percent increase. Six percent. Traditionally we have been increasing it by over 12 percent. The Secretary pointed out that there has been a flatlining; that we put more money in education, but there has not been any change. Can Congress work harder, can we do our job to eliminate Federal bureaucracy and spending or can we afford to give the money back to the American people? I pick on not just education, I pick on defense and all government agencies.

Mr. Speaker, environmental cleanup was mentioned. Seventy percent of Superfund went to trial lawyers. Do we look as a Congress and work with the States on how to clean up the environment, or do we keep dumping in money?

Many of my colleagues fought against welfare reform. Sixteen years was the average. They want to dump more money. We have to raise taxes to pay for that. Welfare reform put people back to work, and it helped stimulate the economy.

Capital gains, my colleagues said it was only 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 other side of the aisle always want 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. CONYERS).

There was no objection.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentlewoman 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. As I left my district, I noticed on the front page of the business section a number of corporations that are in fact laying off workers. I would imagine that you will see over the next couple of weeks and months, the necessity of increasing compensation for those who are now laid off and cannot in some areas, where there is not the appropriate number of jobs available to provide for them, they will then stay unemployed. That means that families will be without their breadwinners and will be without an income.

Mr. Speaker, we stand here today addressing a situation which has occurred on an annual basis. I believe it is almost going to get the kind of standing like Christmas. We will have it every year. This is the sixth annual year that our colleagues have wasted our time with a constitutional amendment dealing with a two-thirds supermajority on a tax increase.

We have listened to my colleagues suggest to you how confining this kind of procedure would be; but more importantly, how it impacts the Constitution where our Founding Fathers, as wise as they were, suggested that a majority reflects the will of the American people. When we begin to use the supermajority, we begin to get into a desperate situation.

Mr. SENSENBRENNER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, is the gentlewoman from Texas aware that the Constitution written by the Founding Fathers prohibited Congress from levying direct taxes on the American people, and it required an amendment about 100 years ago in order to allow Congress to even have the power to do what we are talking about?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am certainly aware of that;

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 idea 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 wrong-headed 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 not been accepted, or 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 friend, that means 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 piper 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 have 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, and you say can 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 prosperity, although I have noted 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 deal with taxes. 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 require for final adoption in each House the concurrence of two-thirds of the Members of that 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 2 years, if there is 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 so 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 now retiring, 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 cited James Madison who vehemently 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 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 Sameual Thompson, one of the Nation's leading 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 reduce the tax liability of 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 disparagement. It is a reduction of the impact, the import, of one man, one vote.

Mr. Speaker, H.J. Res. 41 will also make it nearly impossible to eliminate tax loopholes, thereby locking in the current tax system at the time of ratification. The core problem with this proposed constitutional amendment is that it would give special interest groups the upper hand in the tax legislative process. Once a group of taxpayers receives either a planned or unplanned tax benefit with a simple majority vote of both Houses of Congress, the group will then be able to preserve the tax benefit with just a 34 percent vote of one House of Congress.

In addition, H.J. Res. 41 would make it inordinately difficult to make foreign corporations

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. Estimates of the costs of such tax dodges are also significant. A 1992 Internal Revenue Service study estimated that foreign corporations cheated on their tax returns to the tune of $30 billion per year.

Another definitional problem arises from the fact that it is unclear how and when the so-called ''de minimis'' increase is to 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 insuperable logistical and budget 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.

I hope that my colleagues take seriously the path H.J. Res. 41 would lead us down were it to be adopted as is, and I urge my colleagues to support my amendment.

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

Mr. Speaker, in response to the comment that I made, the gentlewoman from Texas (Ms. JACKSON-LEE) said that since the income tax amendment was ratified in 1913, we have done very well. I would agree with her 100 percent. We have done too well. We have done too well having an escalating cascade of taxes on the American people.

What has happened is that we went from the original Constitution that seemed to serve us very well for 140 years prohibiting direct taxes on the American people, to having the pendulum swing far too far in the other direction so that now the Federal tax expressed as a percentage of GDP is the highest in peacetime history of our country.

Mr. Speaker, this amendment pushes that pendulum back in the middle by making it harder to raise taxes. I think the American people would say hooray for that because Congress has been much to eager since 1913 to dip into the pockets of the American taxpayer deeper and deeper.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise as a strong supporter of this constitutional amendment to require a two-thirds vote to raise taxes on the American people. Until the last Congress, this was the Barton tax limitation constitutional amendment. I was very pleased and willing to let the gentleman from Texas (Mr. SESSIONS) and the gentleman from Arizona (Mr. SHADEGG) become the original cosponsors in this Congress.

As has been pointed out, when the Constitution was ratified in the late 1700s, there was a supermajority required to raise taxes. It was 100 percent because you could not have a Federal income tax. The Constitution did not allow it. As has been pointed out by the chairman of the Committee on the Judiciary, in 1913 we changed the Constitution to say that income taxes were acceptable.

The first income tax levied on the American people after that income tax was passed, about 99 percent of the American people paid no income tax because you had to have an adjusted income of over $3,000 cash; and most Americans in the early part of the 20th century did not have $3,000 cash income. But if you did, if you did, you paid 1 percent; 1 percent of income over $3,000. And if you were super-rich, in other words if you got up to where you had cash income over, I think it was, $50,000, you paid an additional 1 percent.

Mr. Speaker, what does the American taxpayer pay today? The income tax levied on the American people had gone up at one point in time 9,000 percent. We got up to a 90 percent tax bracket. Now how is that possible? It is possible because it only requires 50 percent plus one vote in the House and 50 percent plus one vote in the Senate to raise your income taxes. That has been done repeatedly the last 100 years.

What does this constitutional amendment do? It does not say that you cannot raise taxes; but it says if you are going to raise taxes, you need more than a bare majority. You need more than 50 percent plus one; you need two-thirds.

Now our Founding Fathers knew that there would be times when we needed to do things that needed to be a super-consensus. To ratify treaties and to change the Constitution requires a supermajority vote. What is more important to require a consensus more than a bare majority than raising income taxes? It is interesting when you look at the opinion polls around the country, the States that have supermajority requirements to raise taxes, their taxes are lower. They are lower. States that do not have it, their taxes are higher.

Mr. Speaker, we have used the States as a laboratory; and we have proven that it works at the State level. It would work here in Washington. If you look at interest groups, do you know that the interest group that most supports requiring a supermajority to raise taxes, it is not rich, country club Republicans, it is not soccer moms, it is male, head-of-household union members. Now they tend to vote for our friends on the Democratic side of the aisle, which is fine. Eighty percent of them support a supermajority requirement to raise income taxes. That is the highest number of any segment of our country, 80 percent.

So why is it that we cannot pass this in the House of Representatives? We want it, but to amend the Constitution you have to have a two-thirds votes. It is because some people in this body 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.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. WATT) has 14½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 29 minutes.

Mr. WATT of North Carolina. 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.

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.

□ 1230

Actually, it is a bit more complicated than that. See, it says that a bill, a resolution or a legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of all Members of that House voting 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.

Well, I guess, then, what we have got to have 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 scenarios 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 a standing to go into 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 will 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 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 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 1½ minutes.

Mr. Speaker, very plainly, on page 3, lines 4 and 5 of the constitutional amendment, it says that Congress defines by law 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 by the Supreme 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 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.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL) to demonstrate the bipartisan support this amendment has.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.J. Res. 41, the Tax Limitation Constitutional Amendment. I have been a cosponsor of this legislation since we first started it back in 1995. I have appeared before in front of post offices on April 15 and talked to distraught taxpayers on that particular day. I will get the same answer from all of them.

I am going to continue to support this as long as it takes to provide a constitutional protection against tax increases for hard-working Americans.

It would have a chance. This bill is going to pass sooner or later. I am not sure when it is going to pass, but it will pass. I will tell my colleagues when it could pass. It could pass when every Member of Congress would take the time to walk out into the streets of their own district and ask this simple question: Would you like to make it more difficult for Congress to raise taxes? If my colleagues do not get a yes answer from that 9 out of 10, then it will be different to the various areas that I have made that same inquiry.

The tax increases that have been enacted since I have been in Congress have passed by narrow margins, once I think by a single vote. Legislation that hits everybody's pocketbook ought to require more than a simple majority of passage. A two-thirds vote requirement would give the taxpayers the protection they need and they are entitled to.

The amendment would do more than just provide tax protection. It will help ensure that our efforts to maintain a balanced budget will focus on eliminating wasteful and unnecessary programs and achieving cost savings wherever we can, not raising taxes as a means of achieving this goal.

Now, we are blessed with the projected budget surpluses over the next few years. I do not know if it will last for 10 years. That is the length of our budget. But I do not think anything this Congress can do can screw it up in less than 3 or 4 or 5 years. So I think we have got some real good years directly in front of us.

President Bush and the Congress have pledged to return a portion of that surplus to the American citizens this year in the form of tax relief, and Congress is working out the details on that. However, should the economic environment change and the surplus begin to dwindle, our first line of defense should not be to breach our agreement with Americans by not lowering their taxes. Any serious economic situation that might call for increased taxes has to be addressed with the cooperation and understanding of all Americans and with more than a simple majority.

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 look 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 and the American citizens 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 a 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

distinguished chairman of the Committee on the Judiciary does not want to be in that position either.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the Framers of the Constitution have used terms of art like 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. WEINER) 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. WEINER), for example, he seems to be 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. SENSENBRENNER. 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 such time as I may consume.

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 a constitutional amendment. 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.

□ 1245

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 the money is being spent for the benefit of the individual who is taking a position or whether it is being spent for the benefit of somebody else. If money is being spent for your benefit, then most likely you are going to support that expenditure, and 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 democratic rule and democracy and majority rule, 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 not a good 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 they are conservatives seem to have forgotten that there is something conservative about the concept of majority rule. They seem to have forgotten that there is something conservative about maintaining the integrity of our Constitution.

In 1994, when my Republican colleagues took over the majority in the House in the 104th Congress, we had a total of 118 proposed constitutional amendments. In the next term of Congress under their control, we had a total of 86 proposed constitutional amendments. In the last term of Congress, we had a total of 52 proposed constitutional amendments. Now, these are the people who came in here telling me that they believed in some conservative philosophy. These are the people who are now telling me that somehow or another they have a better idea about this than the historical founders have had. I am a little confused by this. There is something else going on here.

I think this is about democracy. I think this is about democracy, and I think it is about my ability to represent the constituents who have sent me here on an equal footing with everybody else in this body. It is not 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 to make this decision or whether 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. SENSENBRENNER. 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 hereinbefore 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 easy for Congress to raise 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 other body, because 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 when a constitutional requirement would apply, provided that the Congressional decision is ''reasonable,'' is to ask for lawsuits challenging whatever definition might be adopted.

Aren't there enough lawsuits already over the tax laws? Do we need 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. There, if any 34 Senators are 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, that 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 such 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—''internal revenue,'' however that term might be defined by Congress or by the courts. When Congress debates taxes, it is deciding what funds are to be raised under Congress's 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 under 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 well without it 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. 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 two-thirds majority, yet a majority of this representative body found them necessary to reduce the federal debt and balance the federal budget.

This bill 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 tax, as required 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 ''not'' vote on H.J. Res. 41.

Mr. WATTS of Oklahoma. 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 generate more revenue than we 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. GOODLATTE. 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 Congress to waive 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 by restraining the government'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 government programs are run as 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, Once 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's pocketbook.

This Amendment demonstrates the respect this Congress has for the states and taxpayers of the United States. Today, the United States taxpayer faces the highest tax burden ever. I am pleased to have joined a bi-partisan majority in passing President Bush's tax relief package a few weeks ago. But the measure we take up today in the House is a longer-term solution to keep our taxes in check. No longer will a determined, razor-thin majority be able to force through tax increases against the will of the people. In 1993 this country was subjected to massive tax increases that passed each House by a single vote.

I believe that if Washington, D.C. really thinks a tax increase is necessary, we should be able to convince the representatives of ⅔ of the states. We require a ⅔ vote of Congress to change the constitution, we require a ⅔ vote to overturn the President's veto, we require ⅔ votes for many important votes. Shouldn't we recognize that to working Americans, how much Washington takes away is the most important issue of all? I am proud to vote for this amendment, and I will recommend its passage to the legislature of my home state of Idaho.

Mr. NADLER. Mr. Speaker, I oppose the constitutional amendment before us 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 ''super majority'' vote 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 be no longer 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 the workings of our 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 a reduction of the impact, the import, 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 close unfair tax loopholes that benefit the powerful corporations and wealthiest Americans, requiring a two-thirds supermajority to do so. For example, the amendment makes it difficult to curb ''corporate welfare'' and cut unproductive tax expenditures that grant subsidies to powerful special interests. Yet, according to a recent editorial in the Washington Post, ''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.'' This is wrong, 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 not the province of 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 own House rules 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 majority rule. 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 the inclusion of a supermajority 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. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). Under House Resolution 118, an amendment in 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 joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WATT of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 189, not voting 11, as follows:

[Roll No. 87]

YEAS—232

Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Hutchinson
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCarthy (NY)
McCrery
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gillmor
Gonzalez
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Rush
Sabo
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shaw
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Capps
Cooksey
Gutierrez
Hall (OH)
McHugh
Moakley
Moran (VA)
Roybal-Allard
Smith (TX)
Vitter
Watts (OK)

□ 1322

Messrs. FORD of Tennessee, CUMMINGS, TURNER, ACKERMAN, and THOMAS changed their vote from ''yea'' to ''nay.''

Messrs. PORTMAN, BARTLETT of Maryland, and McKEON changed their vote from ''nay'' to yea.''

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.

Trade with China, though, should be credited with helping to resolve this crisis. President Bush in the diplomatic handling of this event avoided overly strong language and military threats which would have done nothing to save the lives of these 24 Americans.

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

hands of the Chinese government. At the same time we subsidize trade with China, including sensitive military technology, we also build up the Taiwanese military, while continuing to patrol the Chinese border with our spy planes. It is a risky, inconsistent policy.

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 in Korea 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 for our spy missions 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 need for this type of surveillance for the benefit of Taiwan, then the Taiwanese ought to be involved in this activity, not American military personnel.

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We should not feel so insecure that we need to threaten and intimidate other countries in order to achieve some vague psychological reassurance that we are still the top military power in the world. This is unnecessary and may well represent a weakness rather than a strength.

The Taiwanese Relations Act essentially promises that we will defend Taiwan at all costs and should be reevaluated. Morally and constitutionally a treaty cannot be used to commit us to war at some future date. One generation cannot declare war for another. Making an open-ended commitment to go to war, promising troops, money and weapons is not permitted by the Constitution.

It is clear that war can be declared only by a Congress currently in office. Declaring war cannot be circumvented by a treaty or agreement committing us towards some future date. If a previous treaty can commit future generations to war, the House of Representatives, the body closest to the people, would never have a say in the most important issue of declaring war.

We must continue to believe and be confident that trading with China is beneficial to America. Trade between Taiwan and China already exists and should be encouraged. It is a fact that trade did help to resolve this current conflict without a military confrontation.

Concern about our negative trade balance with the Chinese is irrelevant. Balance of payments are always in balance. For every dollar we spend in China, those dollars must come back to America. Maybe not buying American goods as some would like, but they do come back as they serve to finance our current account deficit.

Free trade, it should be argued, is beneficial even when done unilaterally, providing a benefit to our consumers. But we should take this opportunity to point out clearly and forcefully the foolishness of providing subsidies to the Chinese through such vehicles as the Export-Import Bank. We should be adamantly opposed to sending military technology to such a nation or to any nation, for that matter.

It is interesting to note that recent reports reveal that missiles coming from Israel and financed by American foreign aid were seen on the fighter plane that caused the collision. It should be equally clear that arming the enemies of our trading partners does not make a whole lot of sense either. For American taxpayers to continue to finance the weaponry of Taiwan and to maintain an open commitment to send troops if the border dispute between Taiwan and China erupts into violence is foolhardy and risky.

Don't forget that President Eisenhower once warned that there always seems to be a need for a "monster to slay" in order to keep the military industries busy and profitable. To continue the weapons buildup, something we are always engaged in around the world, requires excuses for such expenditures—some of these are planned, some contrived, and some accidental.

When we follow only a military approach without trading in our dealings with foreign nations, and in particular with China, we end up at war, such as we did in the Korean War. Today, we are following a policy where we have less military confrontation with the Chinese and more trade, so relations are much better. A crisis like we have just gone through is more likely to be peacefully resolved to the benefit of both sides. But what we need is even less military involvement, with no military technology going to China and no military weapons going to Taiwan. We have a precise interest in increasing true free trade; that is, trade that is not subsidized nor managed by some world government organization like the WTO. Maintaining peace would then be much easier.

We cannot deny that China still has many internal moral, economic and political problems that should be resolved. But so do we. Their internal problems are their own. We cannot impose our views on them in dealing with these issues, but we should be confident enough that engaging in free trade with them and setting a good example are the best ways for us to influence them in coming to grips with their problems. We have enough of our own imperfections in this country in dealing with civil liberties, and we ought not to pretend that we are saintly enough to impose our will on others in dealing with their problems. Needless to say we don't have the legal authority to do so either.

During the Cuban missile crisis a resolution was achieved under very dangerous circumstances. Quietly, President Kennedy had agreed to remove the missiles from Turkey that we pointed at the Soviets, making the point that American missiles on the Soviet borders was not unlike the Soviets missiles on the American borders. A few months later, quietly, the United States removed these missiles, and non one suffered. The Cold War was eventually won by the United States, but our national security was not threatened by the removal of those missiles. It could be argued that the fact that our missiles were in Turkey and pointed at the Soviets was more of a threat to our national security because that motivated the Soviets to put their missiles in Cuba. It would do no harm to our national security for us to quietly, in time, stop the potentially dangerous and unnecessary spy missions that we have pursued for over 50 years along the Chinese border.

James Bamford recently wrote in The New York Times of an episode that occurred in 1956 when Eisenhower was president. On a similar spy mission off the Chinese coast the Chinese Air Force shot down one of our planes, killing 16 American crewmen. In commenting on the incident President Eisenhower said, "We seem to be conducting something that we cannot control very well. If planes were flying 20 to 50 miles from our shores we would be very likely to shoot them down if they came in closer, whether through error or not."

We have been pursuing these missions near China for over 50 years. It's time to reconsider the wisdom and the necessity of such missions, especially since we are now engaged in trade with this nation.

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 to promoting friendly 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 to impose our will on others has generally caused a resentment of America rather than respect.

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 ought to be spelled out and submitted to the American people for approval.

First, some people irately took issue with my calling the airplane a ''spy plane.'' It is not, they stoutly 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 spied upon 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. But let's keep this in perspective. The Chinese have about 20 ICBMs; we have hundreds. Their defense expenditures are somewhere around $50 billion; ours, in excess of $268 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 Newspeak name, Defense Department. Armed forces are either 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 war.

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 twentysomethings 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 could 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 someone else if you are such grand 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.

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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.)

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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.)

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

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

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

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

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## 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 us, between the Democrats and the Republicans. They are literally caught in the ropes, strangled by our inability, especially on health care.

An issue as important as quality, affordable and accessible health care is not and should not be a political game played by the Democrats or the 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 medicine. 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 get well.

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

politicians in Washington to keep their hands off the Social Security and Medicare Trust Funds. It is the Social Security and Medicare Off-Budget Lockbox Act of 2001, H.R. 560.

Also, during the district work period, I visited a Christian charitable medical clinic in my district, again in Hot Springs, one of the more affluent cities and counties in my district. At that facility, they literally spend millions of dollars with over 500 volunteers equaling millions of dollars in providing care for those who fall through the cracks. They only see those who live below poverty. That is all they see, people who live below poverty and yet do not qualify for Medicaid or any of the other programs. By and large, we are talking about the working uninsured, people that are trying to do the right thing, people that are trying to stay off welfare, but they are working the jobs that have no benefits.

Mr. Speaker, I relish the opportunity to fight against the unfair inequities that have created an enormous uninsured population and fight against the big drug companies who continue to price Americans out of the market. It is wrong for the big drug manufacturers to invent drugs in America, oftentimes with government-subsidized research. They are invented in America, they are made in America, and then they send them to Canada and Mexico and sell them for 10 cents on the dollar. That is wrong. That is why I am proud to be cosponsoring legislation that tells the big drug manufacturers that whatever the average price that they sell to other countries is, they have to provide that price to our seniors back in America, one of many first small steps that we must take to finally have a voluntary guaranteed Medicare prescription drug package for every single senior citizen in America.

## APRIL IS CHILD ABUSE PREVENTION MONTH

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

Mr. SHOWS. Mr. Speaker, I rise today to remind my colleagues that the month of April is Child Abuse Prevention Month. I have been heartened to see so many of my colleagues in Congress and members of my community in Mississippi wear the blue ribbons. This simple act has solidified support and raised attention across the United States to our national concern of child abuse. I am proud to join this effort.

Today I would like to commend the Southwest Mississippi Children's Advocacy Center located in McComb, Mississippi for its fine efforts towards assisting children and families victimized by abuse. This private, nonprofit center was just opened this past January under the excellent leadership of Director Ben Hess, offers a comprehensive program of services, working in 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 often feel 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 call on all of 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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## A TRIBUTE TO RICHARD AUSTIN

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

Mr. KILDEE. 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 in order to support his family.

But he continued to take night classes at the Detroit Institute of Technology while working full time selling and repairing shoes.

In 1941, Austin became the first African-American certified public accountant in Michigan. He made a point of hiring other African-American accountants in his business.

In 1969, he was the first African-American to run for the office of mayor of Detroit.

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.

Once again, Michigan was the first state to put in place this system which allows people to register to vote at the same time and place they renewed their driver licenses.

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 gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

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

## 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 longtime friend of mine who passed away this weekend, Mr. Doug 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. In 1982, Mr. Jamerson and I were both elected to the Florida House of Representatives, where we served together for 10 years. He was a wonderful family man and he is survived by his wife Leatha and his son Cedric. Jamerson was a true Democrat who championed the cause of quality education for all children. He was a close friend of mine, a friendship that we developed when he was elected to the Florida House of Representatives in 1982. For 11 years he represented District 55, which covered South Pinellas County and a small part of Manatee County.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. 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

(Ms. BROWN), Doug Jamerson and myself served together in the Florida Legislature, and today he is gone. Doug Jamerson 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 educational programs. 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 had respect 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.

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.

Jamerson 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 loving home. He was a Democrat who oversaw reduction by 50 percent of the state's education bureaucracy.

Jamerson will be remembered as a gifted man whose genial disposition made it hard for even staunch opponents of his causes to dislike him. He will be missed.

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## THE BIPARTISAN SENIORS HEALTH CARE BILL OF RIGHTS

The SPEAKER pro tempore (Mr. SHAYS). 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 I rise today on behalf of the 50,000 senior citizens on Long Island who have been kicked out of their Medicare HMOs.

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 common sense. That is why I have been working with my Republican colleague from Long Island on a solution. Our plan, the Seniors' 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 fight 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 schools, 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.

## TRIBUTE TO MICHIGAN SECRETARY OF STATE RICHARD A. AUSTIN

The SPEAKER pro tempore. 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 A. 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 statesman. 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 party's State conventions, and each 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 to 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 intellect, 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 school, never letting hardship become an obstacle to success. An academic and track star, he gave up a scholarship to Wayne State University when his family faced hardship. Undaunted, Dick sold and took night classes to earn his degree as a CPA.

Dick Austin was the perfect combination of competence and decency. He was full of charm, and he was as honest as the day is long. He was a gentleman in the truest sense of the word. He served the people of Michigan with grace and dignity. He lived by the values that he preached. He was someone who took to heart the words of the prophet: ''To do justice, love kindness, and walk humbly with your God.''

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.

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 Utah (Mr. MATHESON) is recognized for 5 minutes.

(Mr. MATHESON 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. His desire 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 our 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 gentlewoman 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 Noelani 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 program's national recognition event. Hawaii's Distinguished Finalists—Tessa and Kauilani—have been awarded engraved bronze medallions.

Lauren Noelani Calhoun, a junior at Kauai High School, led an effort to establish a homework 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 room 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. Andrews, brightened the lives of elderly 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.

I look 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, Celina, 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 that very 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 have a 31 percent greater risk for adverse health outcomes. 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 greater share of their monthly check. 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 (Mr. ALLEN), who has introduced H.R. 1400, of which I am a proud cosponsor, 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.

□ 1400

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 it must provide 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 endeavors for Congress to undertake. 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 joy many times 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 responded time after 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 RICHARDSON 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 Richardson Preyer.

Judge Preyer, Congressman Preyer, was my congressman for 12 years. His family, Mr. Speaker, and this is probably known to the gentleman from Connecticut (Mr. SHAYS) 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 makeshift, 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 much years afterward, and I told him that story. He too beamed with pride because I could see 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.

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 very adept campaigners.

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 gift 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 dissimilar. 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 life. 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 had to leave 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 to me. Of course they say 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) yield 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 for 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.

□ 1415

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 big dose of castor oil if we had a stomach virus, but if we were congested, and 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 parents' and foreparents' business dealings and 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 broader public plane. 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 official who took risk and stood up 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 upheld a ruling that enabled five black children to attend the previously all-white Gillespie Park School in Greensboro. This was 1957 in North Carolina. This was the first integrated school in the City of Greensboro. It was 3 years before the historic Greensboro 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 a lifetime appointment on 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, the Ku Klux Klan burned 50 crosses 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 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 Members of Congress 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, he could have picked up the phone, called his adversary, his opponent 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 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 among us 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 end by just expressing 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 order. 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 my friend 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 done under his guise. I think maybe 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 that.

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 Greensboro's 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 the assassination of 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 a North Carolina 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 such an obvious choice for that position that he was nominated without opposition. Rich then won reelection year 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 politics myself, I was 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 as executive director 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 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.

□ 1430

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 Rich, 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 strength and comfort 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 offered at the April 5 memorial service by Jane Preyer, 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 duty in the Atlantic and South 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 United States Congress, 6th District of North Carolina and served until 1980.

The U.S. Federal Courthouse and Post Office are named in his honor as the L. Richardson Preyer Federal Building in Greensboro.

Among his many Congressional Committees he was most proud of serving as Chairman of the Select Committee on Ethics which drew up the Congressional Code of Ethics and Chairman of the House Committee on Assassination of President Kennedy and Martin Luther King.

The Honorable Mr. Preyer served in many other ways and was honored as Chairman of the Board of the North Carolina Outward Bound School; Commissioner, Greensboro Little League and Pony Baseball programs; Honorary Chairman of the Greater Greensboro Open (GGCC); Inter-Club Council's Outstanding Civic Leader of the Year Award; Greensboro Chamber's ''Uncle Joe Cannon'' Award for outstanding leadership; Distinguished Service Award at the University of North Carolina School of Medicine; and recipient of the Phillip Hart Memorial Award for Conscience by ''Washingtonian Magazine.''

At the time of his death he was Co-chairman of the Guilford Battleground Company; member of the Board for the National Humanities Center; Chairman of Coastal Futures Committee (appointed by Governor James B. Hunt); Trustee: Mary Reynolds Babcock Foundation; H. Smith Richardson Foundation; NC Institute of Political Leadership; Woodrow Wilson Center (Smithsonian Institute); Uplift, Inc. (past president); and the NC Institute of Medicine.

He had served as a Trustee of the National Nature Conservancy; Hastings Institute of Medicine; Greensboro National Bank; Director of Vanguard Cellular Systems, Inc. and Piedmont Management, Inc. He also served on the Board of Directors of Guildford College, Davidson College, UNC School of Social Work; Robert Wood Johnson Fellows—UNC Medical School; Community Self Help; The American Red Cross, Salvation Army, NC Museum of Natural History; and UNC–G Excellence Foundation.

He was preceded in death recently by his wife Emily Harris Preyer and brother William Yost Preyer Jr. He is survived by his sons and daughters-in-law, L. Richardson and Marilyn Jacobs Preyer Jr. and Britt Armfield and Alice Dockery Preyer; daughters and sons-in-law, Mary Norris Preyer and Henry Patrick Oglesby, Jane Bethell Preyer, and Emily Harris Preyer and Richard Tillman Fountain, III; brothers and sisters-in-law, Dr. Robert Otto and Kitty Preyer, Dr. Norris Watson and Catherine Preyer and Frederick Lynn and Margaret Preyer; sister-in-law, Mrs. Russell H. Tucker and Mrs. Doris Preyer; grandchildren, L. Richardson Preyer, III, Parker Jacobs Preyer, Jane Elizabeth Preyer, Emily Preyer Oglesby, Britt Armfield Preyer Jr., John Calder Preyer, William Harris Preyer, Mary Norris Preyer Fountain, Richard Tillman Fountain, IV, Janie Katherine Fountain, Preyer Harris Fountain, and Peter Richardson Fountain.

The family will receive friends following the service in the Church's Family Enrichment Center and request the memorial contributions be made to one's favorite charity.

Hanes-Lineberry, N. Elm St., Funeral Home is assisting the family.

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DAD'S SERVICE, APRIL 5, 2001—L. RICHARDSON PREYER

(By Jane 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 great man. To his family, Dad was nothing less than our hero. From the stories you've shared with us about Dad, we know that to some of you he was a hero, too.

Many people knew him as a man of public service—his children and grandchildren saw and knew him in that way, too, and are very proud. But my hope today is to share a few thoughts to celebrate Dad's life as the person that so many people loved as a friend, a father, and a grandfather.

Dad loved music. Undoubtedly, some of his happiest times were those hours when he stole away to the den or bedroom to play his beloved saxophone. His mother 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 always amazed at 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 instead 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 own lives, enriching us from childhood onward.

Like music, books were a source of sustenance in Dad's life which he 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 of reading came in handy 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 in the world I wanted to do, but I definitely wanted 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 told me, ''Jane, if we sit quietly enough, we may get to see a deer'' And so we did.

How did this reserved 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 frys, 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 in his re-election 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 courageous he was . . . and that integrity is exactly why we all believed in him.

Our family is thankful for the encouragement and support so many 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 wow, what a wonderful sense of humor Dad had through thick and thin! He was a great story teller. Many of you have been treated to his favorite stories—maybe once too often!

He did have a mischievous side, too. A few years ago, the pond on the golf course across from my parents' house was drained and became quite a mud sink. After seeing an unclaimed golf ball sitting about 3 feet out into the pond, Mom could not resist venturing in to get that ''free'' ball.

GOOWOOSH. She was sucked into the mud midway up her thigh. Completely stranded, she called out to Dad ''Rich, help me!?'' He was laughing so hard, tears streaming down his face, and buckled over the steering wheel of the golf cart. Mom called out again ''Rich, come on and help me!''

I don't know—we sort of suspect that this fine gentleman moved a bit slower than usual in making the rescue!

Dad loved the natural world of North Carolina—the piedmont waters and forests, the mountains, the coast. Being in nature was another way he sustained himself, and he taught us the joy and wonder and beauty of this world and our state, that sustains us as well.

Mom's idea of a vacation was to go to the Travel Lodge on Elm Street in Greensboro to spend the night and swim in the indoor pool.

Dad's idea of vacation was to be in the NC mountains or at the coast or on a Piedmont lake—fishing, walking, noticing everything out there—he would constantly say ''look at that bird, look at that tree''. He never got quite the names of the birds and trees right, but he always appreciated them!

And especially fishing. Dad taught each of us to love fishing and to love the fish. From the earliest days, he was a ''throw-it-back man'' . . . what we now call ''catch and release''. He taught us to love the simplicity of a fishing line with worms, the fun of a spinning rod throwing it way out and reeling it in . . . and the pure thrill of casting a fly rod and watching that fly land in close to the bank over dark, clear water and floating there lightly.

Mind you, he was no expert fisherman, and his technique was pretty questionable! Just ask my brothers and sisters sometime for their imitation of Dad stumbling on slippery rocks, getting his line hung up in trees—but still amazingly he got that fly our there on the stream.

In the 1970s, in Congress, Dad became one of the authors of the Clean Air Act and Clean Water Act—He translated his love of nature into creating in these pieces of legislation—and they have transformed the way America treasures and protects our natural resources.

I think it is only in this last year that I have begun to more fully understand the deep, tender, steadfast, and unbreakable bond between my Mom and Dad. They were so devoted to each other . . . and so committed together to their shared life of service as they felt led by God to do.

Growing up, Sunday afternoons at our house were my favorite. Without fail, whether he'd been in DC or given speeches that weekend in the far reaches of his district—he would do something fun with us. Those times were filled with sports and more sports, hikes, fishing, visits with our grandparents, cousins, and aunts and uncles.

And how he delighted in being with his grandchildren! How he enjoyed hearing about all their activities—whether it was soccer, or violin, or tennis or lacrosse, be being in a play or the choir. And he loved their drawings they brought him by the dozens and which he cherished over the years.

Dad was also sustained by his friends, and he especially loved being in Greensboro these last years, close to many of you dear friends here today. And you have been so good to him and us through this last year.

And so this day has come, a day that I did not ever want to come. I feel like the world will never be the same without Mom and Dad.

But even stronger that our grief today is our thankfulness for Dad's life and all that we shared with him. We will go forward beyond today's tears by of us every day of our lives.

We know very well his legacy to us:

His gentleness
His courage
His deep honesty and integrity
His wonderful sense of humor
His profound 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 new 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 mighty surprised to see so many of you here today—thinking 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 Dad was beaten in the 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 at every sort of gathering—whether 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 you did so much teaching mixed in with a good bit of 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 fighter. You fought injustice in the 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 fifties and early sixties. And when the people called out for you to leave the Federal Bench and run for governor in those tumultuous times in 1964, you left a lifetime appointment and ran.

And when you crisscrossed the state on that last day of the campaign—the Ku Klux Klan burned fires against you in fifty different cities and towns . . . you gave a speech that night and said, ''We will light the fires of knowledge and not the fires of hate.''

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 were so admired by your Washington colleagues that midst the Watergate happenings, you were called ''the conscience of the House.''

And when 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, they knew they could count on you to be fair. All of us here could have always told them that.

And your findings 25 years ago that Oswald did not act alone—were recently—after exhausting technical examinations—upheld. Dad, you always were in all of our hearts, the best doggone Judge around.

And you've all heard Jane's wonderful stories. There is really no one quite like you. As a father for my entire life—you never raised your voice in anger—ever—at your five children—something your oldest son has not been able to master.

An incredibly calm, patient temperament combined with a fierce tennis competitive streak—mix in the love of fishing in a stream, as well as playing the alto and soprano sax—add humor and a sweet disposition—take these qualities and surround them with compassion for your fellow beings and an unwavering love of the law—and you have my father.

Several years ago Dad gave me the complete works of Checkov and along with it a handwritten note at Christmas. It said, ''We are proud of you for the things you have done, but we are most proud of your greatest achievement—your marriage to Marilyn and your three beautiful children. For all our ambitions and plans and strategies, the truth is, no other single thing is more precious than family and friends and the sense of belonging to a community.''

Thank you Dad for writing us this message.

We're all hearing you now, Dad, about that. We're all here for you now—your family—your friends—your vast and diverse community—we're all here because we love you and believe in you and to thank you for showing us the goodness of being steadfast and true on our brief journey upon God's eternal earth.

So Dad I want to thank you for taking us all fishing on Sunday afternoons after church. I want to thank you for taking 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 is it 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, kick, and serve every manner and size of ball, because Dad you could hit a golf ball farther than anyone your age—period.

And thank you for watching your young grandchildren playing in tennis tournaments for 2½ hours in 95° heat—with the ball going back and forth endlessly. Only a Saint could stand such agony.

And thank you for holding the children on your lap in the den while you read on—totally oblivious as our many young ones sped all around you.

And Dad I want to thank you and Mom for being such a fabulous team—the vitality—the joy—the adventurous attack on life each day. How ya'll had us all on the move—and I mean everyone—in motion—let's get going!

I really believe that with you and Mom gone—watching over us—time has slowed down in Old General Greene's city.

And Dad your friends are going to miss you on the fairways and tennis courts and classrooms and walkways—all around us. And goodness knows, Dad, our family is going to miss you as much as if a trusted nightly star had fallen from the sky.

But though we might not see you, Dad—you shall always be with us.

Your spirit shall help guide us—to be a better human family—through life's push and shove—learning again to use a strong hand to lift a weak shoulder—rediscovering the daily lessons 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, goodly path.

That is what you would want, Dad. We'll all keep giving it a try.

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 tribute to Rich by your presence and, indeed, by the example of your own lives made richer because of friendship and love and commitment inspired by his life. I cannot rightly claim to speak for you; 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 he lived. In a public career and a private life that 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 us and 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 those values that make us good and great 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 Kamikazees 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 handed the toughest assignments; his 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 that work and his love 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 only an incident in the contest, that true victory is in the heart. In that contest, he never lost.

Years ago I had the great satisfaction of sitting with him when he received an honorary degree from my alma mater at Chapel Hill. When he sat down, finally relieved of the burden of earned degrees at Princeton and Harvard; I leaned over and said to him ''Now you are as good as the rest of us.'' Yet, I knew, as you do, that he was better than almost any of us. It is a tribute to the grace which he carried his accomplishments that realizing his excellence makes us feel better about ourselves.

Now we gather for our moment of remembrance and of celebration of a truly good life; but the most eloquent tribute to Rich will be the way in which we seek to capture for ourselves and our communities that consistency of strength and truth and goodness that defined his life.

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 farewell 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 this North Carolina 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 works, 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 from my colleague the gentleman from North Carolina (Mr. WATT) and the gentleman from North Carolina (Mr. PRICE), for those who did not have a voice in many cases.

After his graduation from Princeton, as we have heard, he served as a lieutenant with the United States Navy and was on a destroyer in the Atlantic and in the South Pacific and earned a Bronze Star for his heroism and his valor at Okinawa. One did not hear a lot from him about that. He did not talk about it.

Rich Preyer was a great lover of the arts. He used his family resources to help the lot of many people, and he invested in the arts and in music, which he loved a great deal, and in his church. After serving for several years, as has been indicated earlier, as a State superior court judge, he was appointed by his Harvard Law School classmate, John F. Kennedy, to a position as a U.S. judge. As all of us know, that is a lifetime appointment; but he resigned that post in 1964 to really make a difference in what he saw was an opportunity to change our State. He did not win that election, 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 won a seat in this body, representing 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 Congress. 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. As we have heard, 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 of North Carolina 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 what Rich did 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 started looking across the 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 the State, the name of L. Richardson Preyer popped up. We asked him to chair it. Without hesitation, he committed and accepted that challenge and spent the next year providing the kind of leadership that was needed to pull 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 charged him 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, it was the whole family with 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

Preyer and add his name to that long list of great Americans.

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.

Much has been said 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 forward. He came to the podium where I was seated in the Committee on the Judiciary hearing room, and I said to 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 glaring terms, Madam Speaker, about the uncertainty, about the indefinite phase, of life. I am talking to Ed one day. His staffer was going to call him the next day to talk to him and it was too late.

I would extend our condolences and good wishes to the surviving children and their families and conclude with this comment, Madam Speaker. Jim Slosher, one of our well-known reporters at the Breezeberg News and Record, called me for a quote shortly after Rich Preyer's death. I thought for a moment, and I said when you saw Rich Preyer you instinctively uttered or concluded there stands a gentleman. He was, indeed, a rare gentleman.

I want to thank those who took part in this Special Order today, Madam Speaker; and I want to urge those who wanted to be here who were otherwise detained to feel free to submit their comments in a subsequent edition of the RECORD.

Mr. BURR of North Carolina. Mr. Speaker, I rise today to join my colleagues in honoring the memory of the late L. Richardson Preyer who served my home state of North Carolina and our country with distinction. Richardson Preyer has an outstanding record of public service dating back to his time in the U.S. Navy during World War II, for which he was awarded the Bronze Star.

Through his years as a State Superior Court Judge, a United States District Court Judge and then as a Member of the U.S. House of Representatives for six terms, Richardson Preyer saw his responsibility and fulfilled his duty when called upon. Serving with a quiet demeanor but effective in getting the job done, he commanded the respect of his constituents and his peers in the Congress.

Richardson Preyer was always concerned about the welfare of the people and his desire to help those who were less fortunate was well known. It was the hallmark of his unsuccessful campaign for Governor of North Carolina in 1964 and then of his Congressional career from 1969 to 1981.

Richardson Preyer was never too busy to give of his time and his considerable abilities when he was needed. When Congressman Preyer passed away recently, North Carolina lost a valiant patriot who loved his country, and who served us well.

I am honored to have the opportunity to pay tribute to Richardson Preyer and I extend my sympathy to the Preyer family on their loss.

## HEALTH CARE

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under a previous order of the House, the gentleman from Washington (Mr. LARSEN) is recognized for 5 minutes.

Mr. LARSEN of Washington. Madam Speaker, I rise today to discuss an issue that is a very important issue to my home State, Washington State, and to the people in that State. That issue is health care. As I traveled around my district during the Easter recess meeting with health care consumers, physicians and hospitals, again and again I heard of rising costs, declining reimbursements, and general frustration with our system.

First, I would like to address the issue of prescription drugs. I strongly support adding a prescription drug benefit for Medicare beneficiaries. Today, many seniors are forced to purchase expensive Medigap policies or join HMOs to try and avoid the high out-of-pocket expenses for prescription drugs.

□ 1445

Seniors should not be forced to choose between groceries and their medicines.

In this time of government surpluses, I believe some of the surplus must be used to provide a Medicare drug benefit; and using the surplus for a drug benefit within the framework of reducing the national debt, we can provide for a more prosperous and healthy Nation.

I also have great concerns about Medicare reimbursement, particularly in my home State. Because of a flawed complex formula, the Federal Government provides fewer Medicare dollars for seniors in Washington State. Medicare reimbursements are based on the region's average cost of living, rather than on an individual's personal income, so Washington State senior citizens receive less Medicare support than most other States. Medicare payments in Washington rank fifth from the bottom nationally; and between 1998 and 1999, Medicare payments in Washington experienced the sixth fastest decline of all States.

As a result of the low reimbursement rate in Washington State, many health plans have opted to withdraw from Puget Sound area plans that serve seniors. Last year, as many as 30,000 seniors in Washington State received notice that their health plans would no longer serve them or that they would increase the deductible for the same coverage. That is wrong. I support access and affordability; but, above all, equity for Washington State seniors and will work to rectify this unfair provision.

In addition, according to the Washington State Medical Association study, the average medical practice in Washington State lost $95,000 in 1999. Reduced Medicare payments have led to a white-coat flight, with physicians leaving the State or retiring early. This is simply unacceptable.

Local hospitals also continue to contact me about their deep financial difficulties related to the cutbacks of the Balanced Budget Act legislation of 1997. As we know, the Balanced Budget Act of 1997 enacted some far-reaching changes in the way Medicare pays health care providers. These changes were intended to both modernize Medicare and save some $115 billion over 5 years.

Today we know that the actual savings are much larger than Congress had anticipated and those changes are affecting services. Like many Members, I have been hearing from health care providers in my district regarding these cuts in the BBA and how they are affecting and may affect in the future their ability to provide quality health care to our seniors. I take these concerns very seriously.

For instance, Whidbey General Hospital on Whidbey Island has detailed for me their hardship. Approximately 50 cents of every dollar they receive goes to the cost of running their facilities and dealing with insurance plan requirements, not to patient care. These skyrocketing administrative burdens add cost, but little value, to the delivery of health care. Patients must come first.

So, Madam Speaker, I have outlined many of the health care concerns that are of the highest priority to patients and providers in Washington State. I plan to work on these issues in a bipartisan fashion in the 107th Congress so that we can get some much needed relief at home in Western Washington for our seniors, for our physicians, for our hospitals, but, most importantly, for patient care.

## EVALUATING THE PRESIDENT'S FIRST 100 DAYS

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, I would like to begin discussing today the first 100 days of the Bush Administration. I know that over the next week you will probably hear from both Democrats as well as from the President about the first 100 days, because

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 30th.

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 conservative. 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 this 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 has 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 what I am saying out and be 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 improvements to the environment 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 or not 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, but we were 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 drilling in the Arctic National Wildlife Refuge, and he will not stress conservation, increased technological efficiency, or the use of renewables. The budget that the President sent us a couple weeks ago specifically 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 carbon dioxide, that the only answer is more production rather than use of renewables and conservation, I think is an egregious mistake.

Let me talk about some other environmental issues. I think personally that one of the most important areas where we need to make progress is by cleaning up hazardous waste sites and also by making sure that our drinking water is safe. Yet we were told just a few weeks ago by this administration that the standards for arsenic in water, which are very high, meaning very weak, I should say, 50 parts per billion, would stay in place, and that the new standards that had been suggested by the Clinton Administration to reduce that 50 parts per billion down to 10 parts per billion would not be implemented, that we needed another year or so to study the issue before we could possibly improve on the standards.

That was a major, I think, disaster, because it affects drinking water quality. It affects the water that we drink, one of the basic proponents of life. I think it was also symptomatic of what we are going to see from this administration with regard to environmental concerns.

In my subcommittee of the Committee on Energy and Commerce, the Subcommittee on Environmental and Hazardous Materials, we had the EPA administrator, Mrs. Whitman, come in and testify a few weeks ago, the day after the President indicated that he was not going to enact stronger arsenic standards, and she 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 you have hopefully better standards for 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 Clinton administration the Beaches 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 provide the money for 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 water quality monitoring? 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, I would assume that that common agenda would be protecting the environment, because 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.

□ 1500

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 the governor of Texas, he let a Patients' Bill of Rights for HMO reform become law. He actually did not sign it, but he said that he supported the Texas Patients' Bill of Rights to try to improve and reform HMOs. The President said he would agree to have something like what they have in Texas, the Patients' Bill of Rights HMO reform, enacted into Federal law, that he had no problem with the Texas legislation, and if we could do that nationally, that would be fine, he would support it.

President Bush also said during the course of the campaign that he wanted to expand Medicare to include a prescription drug program for seniors, because we know that seniors increasingly cannot afford the price of drugs; the price of prescription drugs continue to go up. It is a bigger part of their household budget, their weekly and daily expense, and we need to do something about it. President Bush said during the campaign, oh, yes, I recognize that we must address this issue, and I would be in favor of expanding Medicare to include a prescription drug benefit.

The President also recognized during the campaign that there were an increasing number of Americans who had no health insurance, something like 40 million, now maybe it is 45 million Americans who have no health insurance, no health coverage. He said that he wanted to go about improving the situation with regard to that as well and maybe come up with some sort of tax credit or some kind of program through community health clinics to improve the situation for those who have no health insurance.

Now, again, I would maintain that that entire health care agenda has not only fallen flat on its face in the last 100 days, but it has not even been addressed effectively by President Bush in the first 100 days. It almost disappeared from the radar screen. We do not hear about it any more.

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; both Houses, within days of the inauguration, exactly the same as the Texas bill that President Bush had talked about during the campaign. No difference. I would defy anyone to suggest that it was any different in any significant way from what exists now in the State of Texas and is working very well.

What have we heard? 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 saying, we are going to come up with our own proposal, but we have not seen it yet. We have heard statements from the White House suggesting that maybe they like some of the other proposals that have been put out there by those who are not as oriented towards reforming HMOs, but not even any real suggestion as to which of those bills they like.

So in this case, with the Patients' Bill of Rights, I would maintain that basically, the President has taken it off the radar screen. A Patients' Bill of Rights, HMO reform, was so crucial during the campaign that this was one of the first things that President Bush was going to address. But we are almost at the 100 days on Monday, and he has not, to my knowledge, done anything significant to suggest that he even wants to come to common ground on this issue, or even make some suggestions about what we should do in an effective way.

This Patients' Bill of Rights, the bipartisan bill that was introduced within the few days after his inauguration that was like the Texas bill, should have moved in both of these Houses and been on the President's desk already. The only reason it has not is because the President has not signaled what he wants or what he wants to do about it.

This is a very important issue for Americans. People are denied care all the time by HMOs. People die, people have serious injuries, they are denied care, they do not have a way of addressing their grievances, they cannot go to court, they cannot go to an outside independent agency that would review why the HMO denied a particular operation or a particular medical device. I get these calls every day in my district office in New Jersey. We are not addressing it, and the President has not addressed it in a meaningful way during his first 100 days.

Let me go to the second health care issue. I see I am being joined by some of my colleagues, which is great. Let me just go to the second health care issue, and then I would like to yield some time to one of my colleagues. Medicare prescription drugs. During the course of the campaign, the President said over and over again, this was a high priority, something that he wanted to address. He was not always clear as to exactly what he wanted to do. Most of the time he talked about a benefit primarily, if not exclusively, but primarily for low-income seniors, not an expansion of Medicare that would provide a benefit to all seniors, but just to low-income seniors.

Mr. Speaker, I will be honest that I have been very critical of that, because I think that since Medicare has always been for everyone, because we do not have an income test for Medicare; it does not matter how poor or how wealthy one is, one still gets it, I felt very strongly and continue to feel very strongly that a prescription drug benefit should be universal for every Medicare recipient. It should be affordable and it should be simply latched on to Medicare and handled by Medicare in the way that we traditionally do.

But even if one disagrees with that, the fact of the matter is that I have not seen anything significant coming from this administration other than in a suggestion that in the budget there should be something like $150 million to pay for a Medicare benefit, and we have already been told by everyone, including our Republican colleagues, 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 wealthy Americans, 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 the resources of the President to a huge tax cut that I think will hurt the economy and certainly not benefit the average American.

Mr. Speaker, I yield to the gentlewoman 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 landmark 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 their funding in the 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 America.

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 cuts 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 salmonella in hamburger in school systems is okay, and came back around and changed his mind. He changed the Kyoto Treaty, where all countries across America had agreed to $CO_2$ levels. Then add to all of that naming some 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 safety programs the President has cut, more people looking for housing assistance, a decreased ability to count on our drinking water, and other environmental programs. He likes to disarm his opponents with charm and allow his hatchet men to do the dirty work, but we know who is sending those hatchet men and whose work they are doing.

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

□ 1515

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 going to continue. I certainly do not want what I have seen for the first 100 days to continue for the next 3½ 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 Republican agenda 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 that in effect the tax cut comes 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 basically was 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. That is why we have had this program for a 100,000 police officers. That is why we have tried to encourage community policing across the country. The President's budget cuts the COPS program by 17 percent. All of these cuts, some of which I am going to run through, there is not time to run through them all, what they do is they will grow dramatically over time because the tax cut grows dramatically in each successive year. That is why the budget cuts have to be so severe.

The Bush budget cuts funding for land management programs by $2.6 billion including the Department of Interior, the EPA, the Army Corps of Engineers; and these funds have helped parks and wildlife refuges in Maine.

The Bush campaign said that he would leave no child behind. The Bush budget leaves many of America's children behind. How does that happen? On the one hand he says we are going to add $1 billion more for special education. On the other hand he pulls back $1.2 billion for school construction and renovation. In my State of Maine it means we get $4.5 million more in special education funds, whereas full funding would be $60 million for the State of Maine. And he takes back $5.5 million. We lose $1 million, and yet the President is saying education is one of his top priorities.

This makes no sense. It makes no sense at all. This is the one chance we have had in decades, in fact since the special education law was passed, this is our one chance to pass special education. And if the President's tax cut passes, that chance will be gone for a decade.

It is absolutely clear that the priority is tax cut first, tax cut second, tax cut third; and education, prescription drugs for seniors, Social Security and Medicare, the environment, they are so far down on the agenda that you cannot even see them.

The President says we have an energy crisis. He favors more drilling in ANWR, but his budget cuts funds for renewable energy resources programs and energy conservation programs. What sense does that make?

Mr. Speaker, I think that certainly in my State it is clear that his budget cuts are aimed directly at the heart of Maine municipalities. The cuts in special education or the reduced fund 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; and that is 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 Breaux-Frist reform plan is all about, will not work. We learned last August from the Congressional Budget Office that traditional fee-for-service Medicare is cheaper than the services provided to Medicare beneficiaries by managed care companies, by HMOs. Yet the President continues his train down a track that provides that we are going to make sure that at least half, maybe more, of Medicare beneficiaries are served not by Medicare but by Aetna or United or the private insurance companies that have gone in and provided some HMO coverage to Medicare beneficiaries in other parts of the country, not in Maine.

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 as the President has.

If you want to know his policy on privatizing Social Security, it is the same policy that Wall Street brokerages 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 those values that we deal with every day here because in this Congress, in the people's House, our job is not just about commercial values, it is about making sure that people have a chance to get ahead. That is what this country is all about. In a wide variety of areas, whether education, health care, the environment, we can only do, we can only improve our collective well-being through the Federal Government, the State governments, and the local governments. Abraham Lincoln said in 1854, ''Governments exist to do those things which a community of individuals cannot do, or cannot do so well by themselves.'' 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 and one that 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 Clubs 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

of school, they have a place to go. They have tutors, and materials to work on. They can improve their education and do better in school.

Four different areas in Portland. It helps pay for a satellite Boys and Girls Club, a peer leadership program through which young people are able to develop leadership skills. It helps fund the Institute for Practical Democracy, a place for girls; and a variety of other programs. One woman who works with these children said if we eliminate this, we eliminate opportunities for our kids. The truth about the Bush tax cut is that it is taking money out of the hides of our kids. It is taking money out of the hides of our seniors. It is taking money out of the hides of the municipalities and communities all across this country, and it is taking money away from our ability to protect and preserve our environment.

Mr. Speaker, there is no free lunch in this country. Revenues are related to expenditures, even though the administration would argue the tax cut as if it were totally separate from the programs that American people and American communities have come to depend on. We need to do a better job, and we can.

A tax cut half this size protects and preserves the kinds of programs which make a difference in the lives of Americans all across the country. This budget and tax cut are bad for my State of Maine. They are bad for the country. They are bad for working men and women all across the country, and it is our hope that they will be rejected.

Mr. Speaker, we may not change the administration; but it is our hope that in this Congress and in the other body we will be able to change the direction to one that is more balanced, more sensible and fairer for ordinary Americans.

□ 1530

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.

When 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, that we had to make significant cuts and even raid other programs, like Social Security and Medicare. So there is no free lunch.

The other thing that I maintain is that, when we look at the President's tax initiative, although it is geared toward the wealthy and the corporate interests, 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, it is 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 that I thought 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 has like a bad connotation, 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 citizens' 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 dislike 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 California (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.

Actually, I am 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. Nowhere is that more clear than in his actions and in 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 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.

Shortly after breaking his word on $CO_2$s, President Bush repealed tough new regulations that would have reduced the arsenic in our drinking water. Instead of acting to protect the water that our children drink, the President acted to protect mining companies from having to clean up their act and keep our water clean.

In these first 100 days, the President 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 is the President's lack of commitment to environmentally smart solutions for our energy crisis.

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 real 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 his State of the Union Address 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 61 million dollars would be cut from energy efficiency research funding.

Once more, 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 more environmental problem. 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 geothermal.

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 antienvironment 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. It is so unfortunate because a lot 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 renewables 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 today.

I wanted 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. Looking at a budget 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 and overall budget resolutions 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 deep 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. If one looks in that Department of Energy budget for solar, wind, other alternative and renewable sources of energy, big cuts in those budgets. To me, that just does not make any sense.

Now, let us jump to the campaign trail for a minute, because President Bush talked a lot on the campaign trail about how he was for full funding of the land and water conservation fund. This is a fund that helps the Federal Government, States, localities, cities try to do everything they can to protect parks and to expand parks and to refurbish recreation areas. That is what the land and water conservation funds.

President Bush said in his campaign full funding of land and water conservation fund. The Congress passed by a very, very big margin a bill that, over the next 10 years, put significant monies; and there was another big huge cut to the tune of $260 million in land and water conservation fund monies going into parks, going in to help people with recreation areas.

□ 1545

This is a shared relationship. This is something that the Federal Government does with a city and a county. They put up half the money, we put up half the money, we go into it together to create a park and a community.

One other department I want to mention because it is very important in the West is the Department of Interior. The President's budget once again has big cuts in the Department of Interior. What we have here, and I think it is a very sad situation, we have a lot of talk about how we are going to take care of the environment. We are going to move towards clean air and clean water. Yet when we look at this budget blueprint, we end up finding out that this President wants to cut in all of these crucial areas, from the Environmental Protection Agency to nuclear waste cleanup in DOE, to 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 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 it over 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 because we 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 agenda that he promised in the campaign, which would be good for the average American. Whether it is $CO_2$ emissions or open space or education, there is a lot of rhetoric but there is not much action and certainly no indication of funding 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. PALLONE) for holding forth for an hour on 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 of the House and cite 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 rebuild 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 Americans, helping 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 and in the House that are Republican and this administration. One of the first things we did 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 helping Americans with skeletal 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 hope that we will strike a vision 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 incredibly high 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 generators, many of whom happen to be from the President's home State, who were charging $20 a megawatt-hour last year are now charging $250, $500 a megawatt-hour, 10 to 20 times what they charged last year.

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 obscene 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 this sort of mantra 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 this 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 us 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-inus 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 come 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 our roadless areas, the last 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 that national energy policy and how we ought to look forward. Energy and energy issues are not just about 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. I think increasingly in recent 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.

□ 1600

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 need to look 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 efficiency. In the last end of this administration, the Clinton administration, we 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 conditioners in the future have 30 percent energy efficiency. I find it very unfortunate that this administration has rolled that back. Rather than get more energy-efficient air conditioners which use up huge amounts of energy in the summer, that has been rolled back.

We need to look at fuel efficiency. If we just increased our automobile efficiency 3 miles per gallon, that would equal all of the oil that is in the Arctic National Wildlife Refuge. So fuel efficiency on automobiles is another important 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 recommendations in that area.

Then we need to look at conservation. Since 1900 until today, we have used up enormous sums of oil. Some estimates 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 resource at such a rapid pace. So we need to apply a conservation ethic. I hope this 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 renewable 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 independent; and we will not be so dependent on this foreign oil. When it comes to those areas, I really do not understand 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. REHBERG). 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 important to communicate some of the thoughts that I have learned, having spent a significant amount of time in my district over the Easter recess talking to teachers and superintendents, talking to students, and talking to parents. 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 struggling to keep up. The State Office of Education estimates Utah will add over

100,000 new students over the next 10 years. It is going to require 124 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 very critical. We believe in Utah, 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 they 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 clearly also important that we 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. BLUMENAUER, for 5 minutes, today.

Ms. MILLENDER-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.

## ADJOURNMENT

Mr. MATHESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, April 26, 2001, at 10 a.m.

## 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—Diary Price Support, Diary Recourse Loan, Livestock Assistance, American Indian Livestock Feed, and Pasture Recovery Programs (RIN: 0560–AG32) received April 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1592. A letter from the Acting Administrator, Farm Services 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 Nonrecourse Loan Program, and Payment 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: 2070–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—Metolachlor; Extension of Tolerance for Emergency Exemptions [OPP–301118; FRL–6778–6] (RIN: 2070–AB78) 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: 2133–AB42) 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 Requirements for Allegheny County [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 Wassennar Arrangement List of Dual-Use Items: Revisions to Microprocessors, Grapic Accelerators, and External Interconnects Equipment [Docket No. 010108008–1008–01] (RIN: 0694–AC39) received April 9, 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. 001212346–0346–01] (RIN: 0694–AB50) 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 Avenue, N.E., S.O. 00–91 Act of 2001'' received April 24, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1602. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–576, ''Brownfield Revitalization Amendment Act of 2000'' 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, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon, OR to Humbug Mountain, OR [Docket No. 000501119–0119–01; I.D. 031501B] 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 Shelikof Strait Conservation Area in the Gulf of Alaska [Docket No. 010112013–1013–01; 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—Safety Zone; Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, AK [COTP Western Alaska-01–001] (RIN: 2115–AA97) 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: Shaw Cove, CT [CGD01–01–018] (RIN: 2115–AE47) 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 Operating 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.

1609. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Crescent Beach Bridge (SR 206), Crescent Beach, FL [CGD07–01–019] (RIN: 2115–AE47) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1610. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Lessee Construction Allowances For Short-Term Leases [Rev. Rul. 2001–20] received April 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, 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. ALLEN, Mr. BAIRD, Mr. BALDACCI, Mr. BARTON of Texas, Mr. BLUMENAUER, Mr. BLUNT, Mr. CALLAHAN, Mr. CAMP, Mr. COLLINS, Mr. COOKSEY, Mrs. EMERSON, Mr. ENGLISH, Mr. HERGER, Mr. HILLIARD, Mr. HUTCHINSON, Mr. ISAKSON, Mr. LARSEN of Washington, Mr. LEWIS of Kentucky, Mr. GREEN of Wisconsin, Mr. MCCRERY, Mr. THOMPSON of California, Mrs. JOHNSON of Connecticut, Mr. OBERSTAR, Mr. OTTER, Mr. PICKERING, Mr. ROSS, Mr. SCHAFFER, 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 restore the right of State and local governments to decide whom they will admit to their State and local colleges and universities; to the Committee on the Judiciary, and in addition 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. VISCLOSKY, Mr. PENCE, Mr. ROEMER, Mr. SOUDER, Mr. BUYER, Mr. BURTON of Indiana, Mr. KERNS, Mr. HOSTETTLER, and Ms. CARSON of Indiana):

H.R. 1583. 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 Transportation and Infrastructure.

By Mr. HOEKSTRA (for himself, Mr. TANCREDO, Mr. SESSIONS, Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. DEMINT, Mr. BAKER, Mr. ARMEY, Mr. SENSENBRENNER, Mr. KOLBE, and Mr. SCHAFFER):

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 such 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. SHAYS, Mr. SESSIONS, Mr. EVANS, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mr. TIERNEY, Mr. MCGOVERN, Mr. FRANK, and Mr. DELAHUNT):

H.R. 1586. A bill to amend chapter 84 of title 5, United States Code, to make certain temporary Federal service performed for the Federal Deposit Insurance Corporation creditable for retirement purposes; to the Committee on Government Reform.

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 a presumption of service-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 May 7, 1975; to the Committee on Veterans' Affairs.

By Mrs. MINK of Hawaii (for herself and Mr. ABERCROMBIE):

H.R. 1588. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations 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. RAMSTAD:

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 in flexible spending accounts and similar arrangements to be carried forward to the succeeding taxable year or to be included in gross income upon termination of such accounts and arrangements; to the Committee on Ways and Means.

By Ms. 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 enforcement, 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. JONES of North Carolina, Mr. GRAVES, Mr. DELAY, and Mr. OTTER):

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 Resources.

By Mr. PAUL:

H.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the Untied States Government from engaging in the business in competition with its citizens; to the Committee on the Judiciary.

By Mr. SKELTON:

H. Con. Res. 106. Concurrent resolution commending the crew of the United States Navy EP–3 Aries II reconnaissance aircraft that on April 1, 2001, while flying in international airspace off the coast of China, was involved in a mid-air collision with a Chinese fighter aircraft for their outstanding performance of duty and exemplary conduct and expressing the sense of Congress concerning continued United States reconnaissance and surveillance flights in the area; to the Committee on Armed Services.

By Mr. WELDON of Florida (for himself and Mr. CRAMER):

H. Con. Res. 107. Concurrent resolution expressing a declaration of space leadership; to the Committee on Science, and in addition to the Committee on Armed Services, 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. SMITH of Michigan:

H. Con. Res. 108. Concurrent resolution honoring the National Science Foundation for 50 years of service to the Nation; to the Committee on Science.

By Mr. LATOURETTE:

H. Con. Res. 109. Concurrent resolution honoring the services and sacrifices of the United States merchant marine; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, 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. FLAKE (for himself, Mr. SHADEGG, Mr. TOOMEY, Mr. SESSIONS, Mr. DEMINT, Mr. OTTER, Mrs. MYRICK, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mr. DOOLITTLE, Mr. RYUN of Kansas, and Mr. RYAN of Wisconsin):

H. Res. 123. A resolution amending the rules of the House of Representatives to prohibit the inclusion in any legislation of any provision which makes a decrease in Federal income taxes contingent upon another event or circumstance; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. TAUSCHER introduced A bill (H.R. 1593) for the relief of Bruce Watson Pairman and Daniele Paule Pairman; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. PITTS, Mr. DELAY, Mrs. CUBIN, and Ms. SANCHEZ.

H.R. 21: Mr. LOBIONDO and Mrs. NORTHUP.

H.R. 61: Mrs. BIGGERT.

H.R. 68: Mrs. THURMAN.

H.R. 99: Mr. MILLER of Florida.

H.R. 123: Mr. BUYER and Mr. KOLBE.

H.R. 128: Mr. OLVER, Mr. OBERSTAR, Ms. MCKINNEY, Mrs. CAPPS, Mr. GEORGE MILLER of California, and Ms. BALDWIN.

H.R. 169: Mr. CUMMINGS, Mr. GREEN of Wisconsin, Mr. COYNE, Ms. SANCHEZ, Mr. SANDLIN, Mr. MCGOVERN, Mr. KUCINICH, Ms. MCKINNEY, Mr. WELDON of Florida, and Mr. ARMEY.

H.R. 220: Mr. SKEEN and Mr. REHBERG.

H.R. 270: Mr. BONIOR and Ms. SCHAKOWSKY.

H.R. 325: Mr. GEORGE MILLER of California, Ms. KILPATRICK, Ms. NORTON, Mr. GILCHREST, and Mr. MALONEY of Connecticut.

H.R. 353: Mr. TIAHRT.

H.R. 389: Mr. FILNER.

H.R. 397: Mr. SCHIFF, Ms. SOLIS, Ms. SANCHEZ, Mr. HOBSON, and Mr. CLEMENT.

H.R. 435: Ms. WOOLSEY.

H.R. 436: Mr. ROGERS of Kentucky and Mr. GREEN of Texas.

H.R. 458: Mr. GREENWOOD.

H.R. 460: Mr. DEFAZIO and Ms. LEE.

H.R. 490: Mr. BOEHLERT, Mr. ROGERS of Kentucky, Mr. KILDEE, Mr. BLUMENAUER, Mr. REHBERG, Ms. MCKINNEY, Mr. FRANK, Mrs. DAVIS of California, Mr. PICKERING, and Mr. OLVER.

H.R. 499: Mr. PAYNE, Ms. DELAURO, Mr. GONZALEZ, Ms. KILPATRICK, and Mr. RUSH.

H.R. 500: Mr. LANTOS.

H.R. 521: Mr. ABERCROMBIE.

H.R. 525: Mr. COSTELLO.

H.R. 527: Mr. EVERETT and Mr. RILEY.

H.R. 531: Mr. LANTOS.

H.R. 555: Mr. THOMPSON of Mississippi and Mr. CAPUANO.

H.R. 579: Mr. LANGEVIN.

H.R. 594: Mr. FALEOMAVAEGA.

H.R. 611: Ms. DEGETTE, Mr. ENGLISH, Mr. ROGERS of Kentucky, Mr. OLVER, Mr. LEWIS of Kentucky, Mr. WAXMAN, Mr. ROSS, Mr. MURTHA, Mr. ENGEL, Mrs. JONES of Ohio, Mr. DOYLE, Mrs. MINK of Hawaii, Mr. ETHERIDGE, Ms. MCCOLLUM, and Mr. INSLEE.

H.R. 619: Mr. MORAN of Virginia.

H.R. 622: Mr. WATT of North Carolina, Mr. GONZALEZ, Mr. MALONEY of Connecticut, Mrs. TAUSCHER, and Mr. BROWN of Ohio.

H.R. 641: Mr. DAVIS of Illinois, Mr. JOHN, Mr. SHOWS, Mr. OWENS, Mr. Dooley of California, Mr. MORAN of Virginia, Mr. JEFFERSON, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HANSEN, and Mr. MCINNIS.

H.R. 648: Mr. RYUN of Kansas and Mr. BOEHLERT.

H.R. 662: Mr. WICKER, Mr. PETERSON of Pennsylvania, Mr. RODRIGUEZ, Mr. TERRY, Mr. GEKAS, Mr. KENNEDY of Minnesota, Mr. HALL of Texas, Mr. HAYWORTH, Mr. STUPAK, Mr. LUCAS of Kentucky, Mr. CLEMENT, Ms. MCKINNEY, Mr. SCHAFFER, Mr. HILLEARY, Mr. FOLEY, Mr. ROGERS of Kentucky, Mrs. KELLY, Ms. KAPTUR, Mr. BOEHLERT, Mr. BERRY, Mr. GILCHREST, Mr. HILLIARD, Mr. CONDIT, and Mr. PUTNAM.

H.R. 663: Mr. ISAKSON, Mr. CUNNINGHAM, and Ms. MCCOLLUM.

H.R. 678: Mr. LEVIN and Mr. ISRAEL.

H.R. 712: Mrs. THURMAN.

H.R. 717: Mr. ENGEL, Mr. HUTCHINSON, Mr. ROGERS of Kentucky, Mr. OWENS, Mr. CASTLE, Mr. HOLT, Mr. REYES, Mr. BERRY, Mr. SIMMONS, and Ms. ESHOO.

H.R. 730: Mr. SMITH of New Jersey and Mr. HOLT.

H.R. 739: Mr. FARR of California.

H.R. 744: Mr. LANGEVIN and Mr. BENTSEN.

H.R. 773: Mr. CAPUANO.

H.R. 781: Mr. HINOJOSA.

H.R. 786: Mr. HOEFFEL.

H.R. 793: Mr. PALLONE.

H.R. 818: Mr. HOYER and Mr. RUSH.

H.R. 827: Mr. WELLER.

H.R. 864: Mr. RYUN of Kansas.

H.R. 868: Mr. EVERETT, Mr. ROGERS of Michigan, Mr. TURNER, Mr. BOUCHER, and Mr. WALDEN of Oregon.

H.R. 911: Mr. GUTIERREZ.

H.R. 913: Mr. WEXLER.

H.R. 966: Mr. FLAKE and Mr. RYUN of Kansas.

H.R. 997: Mr. PAUL.

H.R. 1014: Mr. CLAY, Mr. WEXLER, Mr. RANGEL, Mr. UNDERWOOD, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. MCGOVERN, Ms. DEGETTE, Ms. SCHAKOWSKY, Ms. LEE, Ms. WATERS, Mr. BERMAN, Mrs. NAPOLITANO, Mr. CUMMINGS, and Ms. WOOLSEY.

H.R. 1024: Mr. BECERRA, Mr. HAYWORTH, Mr. ARMEY, Mr. LEWIS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Ms. DUNN, Mr. DEMINT, Mr. CARDIN, and Mr. CAMP.

H.R. 1032: Ms. SCHAKOWSKY and Mr. LATOURETTE.

H.R. 1073: Ms. SOLIS, Mr. GONZALEZ, Mr. UDALL of Colorado, Mr. PAYNE, Mr. BLAGOJEVICH, Mr. BEREUTER, Mr. LEACH, Mr. BOUCHER, Mrs. LOWEY, Ms. VELAZQUEZ, and Mr. MEEKS of New York.

H.R. 1089: Mr. BOUCHER, Ms. LOFGREN, and Ms. HART.

H.R. 1090: Mr. UDALL of New Mexico.

H.R. 1117: Mr. SABO, 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. GALLEGLY, and Mr. BASS.

H.R. 1146: Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, and Mr. EVERETT.

H.R. 1174: Mr. SCHAFFER, Mr. SUNUNU, and Mr. STEARNS.

H.R. 1177: Mr. SMITH of Washington.

H.R. 1195: Ms. LOFGREN, Mr. OWENS, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. NADLER, Mr. LAFALCE, Mr. MEEKS of New York, Mr. WYNN, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. ABERCROMBIE, Ms. MCKINNEY, Mr. CROWLEY, Mr. RUSH, Ms. PELOSI, Ms. MCCOLLUM, Ms. VELAZQUEZ, Ms. SOLIS, and Mr. FRANK.

H.R. 1198: Mr. SKEEN, Mr. BAKER, Mr. SIMMONS, Mr. HYDE, Mr. EHRLICH, Ms. HOOLEY of Oregon, Mr. WEXLER, Mr. BLAGOJEVICH, and Mr. GOODE.

H.R. 1201: Mr. RUSH.

H.R. 1230: Mr. STUPAK, Mr. KILDEE, Ms. KAPTUR, Mr. BOEHLERT, Ms. BALDWIN, and Mr. GEORGE MILLER of California.

H.R. 1266: Mr. ABERCROMBIE, Mr. BALDACCI, Ms. BALDWIN, Mr. BLUMENAUER, Mr. CAPUANO, Mr. COYNE, Mr. ENGLISH, Mr. EVANS, Mr. FLAKE, Mr. FRANK, Mr. HASTINGS of Florida, Mr. HOLT, Ms. KILPATRICK, Mr. KING, Mr. KUCINICH, Ms. LEE, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. RAHALL, Ms. RIVERS, Mr. SANDERS, Mr. SUNUNU, Mr. UDALL of Colorado, and Ms. WOOLSEY.

H.R. 1291: Mr. HINOJOSA, Mr. FROST, Mr. LUCAS of Kentucky, and Mr. ROGERS of Kentucky.

H.R. 1308: Mr. RYUN of Kansas.

H.R. 1328: Ms. PRYCE of Ohio.

H.R. 1330: Mr. RODRIGUEZ.

H.R. 1331: Mr. BARTON of Texas, Mr. RYUN of Kansas, and Mr. HOEFFEL.

H.R. 1342: Mr. FLAKE.

H.R. 1358: Mr. KUCINICH.

H.R. 1363: Ms. HART.

H.R. 1405: Ms. LOFGREN.

H.R. 1407: Mr. BEREUTER.

H.R. 1408: Mr. SHOWS and Mr. SHERMAN.

H.R. 1413: Ms. CARSON of Indiana, Mr. MOLLOHAN, Mr. REYES, Mr. RODRIGUEZ, Mr. FORD, Mr. RAHALL, and Mr. SMITH of Washington.

H.R. 1429: Ms. MILLENDER-MCDONALD and Mr. BLAGOJEVICH.

H.R. 1441: Mr. BALLENGER, Mr. BROWN of South Carolina, Mr. CULBERSON, Mr. DOOLITTLE, Mr. FLAKE, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOEKSTRA, Mr. ISTOOK, Mr. LARGENT, Mr. MCCRERY, Mr. MILLER of Florida, Mr. OTTER, Mr. PAUL, Mr. PITTS, Mr. ROHRABACHER, Mr. RYUN of Kansas, Mr. SCHAFFER, Mr. SHADEGG, Mr. SWEENEY, Mr. TANCREDO, Mr. TERRY, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER.

H.R. 1443: Ms. SCHAKOWSKY, Mr. BEREUTER, Mr. MALONEY of Connecticut, Ms. SLAUGHTER, and Ms. KILPATRICK.

H.R. 1459: Mrs. THURMAN, Mr. SHIMKUS, Mrs. JOHNSON of Connecticut, Mr. CRANE, Mr. RAMSTAD, Mr. PETRI, Mr. BOUCHER, and Mr. STEARNS.

H.R. 1462: Mr. UDALL of Colorado.

H.R. 1464: Mr. TOWNS.

H.R. 1485: Mrs. MYRICK.

H.R. 1486: Mr. STARK.

H.R. 1487: Mr. TOM DAVIS of Virginia, Mr. ISSA, Mr. COX, and Mr. UDALL of Colorado.

H.R. 1494: Mr. GUTIERREZ, Mr. NEAL of Massachusetts, Mr. SCHIFF, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Ms. VELAZQUEZ, Mr. ENGEL, Mr. RANGEL, and Mr. COYNE.

H.R. 1498: Mr. TIERNEY.

H.R. 1524: Mr. SMITH of New Jersey, Mr. NORWOOD, Mr. RYUN of Kansas, Mr. TOOMEY, and Mr. GANSKE.

H.R. 1531: Mrs. LOWEY.

H.R. 1541: Mr. SANDERS, Mr. GUTIERREZ, Mr. KILDEE, Mr. FALEOMAVAEGA, and Ms. MCKINNEY.

H.R. 1542: Mr. SWEENEY, Mr. GRUCCI, and Mr. TURNER.

H.R. 1567: Ms. SCHAKOWSKY, Mr. SANDERS, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CONYERS, Ms. BROWN of Florida, and Ms. JACKSON-LEE of Texas.

H.J. Res. 36: Mr. SMITH of Washington.

H.J. Res. 38: Mr. STUMP, Mr. GOODE, Mr. BARTLETT of Maryland, and Mr. FLAKE.

H. Con. Res. 26: Mrs. CAPPS.

H. Con. Res. 52: Mrs. CAPPS.

H. Con. Res. 58: Mr. SCHIFF.

H. Con. Res. 61: Mr. BONIOR, Mr. SIMMONS, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 81: Mr. BALDACCI, Mr. FROST, Mr. RANGEL, Mr. MCHUGH, Mr. EVANS, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. HILLIARD, Mr. KUCINICH, Mr. CLEMENT, Mr. LANGEVIN, Mr. WAXMAN, Ms. KILPATRICK, Mr. CONYERS, Mr. LANTOS, and Ms. PELOSI.

H. Con. Res. 91: Mr. BLAGOJEVICH, Mr. MOORE, Mr. TURNER, Mr. BROWN of Ohio, Mrs. KELLY, Mrs. ROUKEMA, Mr. FRANK, Mr. LAFALCE, Mr. BALDACCI, Mr. HORN, Mr. GILMAN, Mr. KING, Mr. TOM DAVIS of Virginia, Mr. RAHALL, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. LUCAS of Kentucky, Mr. PLATTS, Ms. ROS-LEHTINEN, and Ms. RIVERS.

H. Con. Res. 98: Mrs. MALONEY of New York and Mr. LIPINSKI.

H. Con. Res. 101: Mr. SCHIFF, Mr. FILNER, Ms. BERKLEY, Mr. BERMAN, Mr. LEVIN, Mr. WEXLER, and Mrs. LOWEY.

H. Con. Res. 103: Mr. SHAYS, Mr. EVANS, Mr. FILNER, Mr. DOYLE, Mr. KLECZKA, Mr. FRANK, Mrs. MORELLA, Ms. KAPTUR, Mr. COSTELLO, Mr. STARK, Ms. MCKINNEY, Mr. SIMMONS, Ms. RIVERS, Mr. LIPINSKI, and Mr. KUCINICH.

H. Res. 23: Ms. SANCHEZ.

H. Res. 120: Mr. WELLER.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, APRIL 25, 2001 No. 53

# Senate

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 at all times given unto us. You are the most gracious, for Your mercies never fail. Evermore do we hope in You, O Lord our God. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN 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.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April, 25, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
*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.

## 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.

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.

The Senator from Nevada.

## BROWNFIELDS

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

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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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 I have said before, 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. It is a desert. 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 can't burn them; you can't poison them; you can't snag 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 these invasive species are all over America and we need to work on their eradication.

Fine air particles from fossil fuel use, land use changes, the need for thoughtful use of our land for 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 somebody.

I can't imagine a good man doing such things in the first few months of his administration. His Administrator of EPA gave a speech about the importance and dangers of global warming and about needing to do something about it and referred to the $CO_2$ contamination. Four days later, the administration cuts her legs out from under her and says they are going to delay implementation.

Greenhouse gas emission is a problem. This would have been the first tangible U.S. effort to address global warming, and we backed away from it.

Next, the administration proposed drilling on all public lands, including national wildlife refuges, national forests, national monuments, and other public lands. This was followed closely by a delay of the rules designed to protect 60 million acres of national forest from logging and roadbuilding. This ''roadless rule'' had been published after more than 600 public hearings and consideration of 1.6 million comments. It is not as if it was done in the dead of night.

Soon after that, the administration pulled back a long-awaited regulation lowering the standard of arsenic, a known human carcinogen, in our drinking water supplies. As early as 1962, the US Public Health Service recommended that the standard be lowered to 10 ppb. EPA held an extensive comment period on this rule, including more than 180 days of comment and holding stakeholder meetings beginning as early as 1997. There was a study by the National Science Foundation. Now the administration wants to restudy this issue and further delay the process of getting arsenic out of our drinking water. That is absolutely wrong.

Then, without any apparent regard for the economic, environmental or foreign relations consequences, the administration walked away from international climate change negotiations that were being conducted under a U.S.-ratified treaty. The administration also suspended the rule which requires companies getting federal dollars to be in compliance with federal laws, including environmental laws.

I was in a meeting with Senator BYRD and Senator HAGEL. We agreed, if we are going to do something about this Kyoto treaty, on making sure the Third World nations are also brought into the picture. Senator BYRD said he had the intention of going forward with the discussion. We need to do something about global warming. He said that he is going on 84 years of age and he has been able to see in his lifetime the changes that have taken place in the environment.

This was not good for us. We walked away from this treaty.

And, without explanation, the administration withdrew draft plans for public access to information on potential catastrophic chemical accidents in neighborhoods around the country. These plans are more than a year late and their withdrawal suggests that the administration doesn't want the public to know about these dangers.

In April, the Bush administration weakened the new energy efficiency standards for water heaters and central aid conditioners. Over the next 30 years, this change equals the total electricity used by all American households in one year. When electricity supplies are drastically low and high priced, as in California, does it make sense to increase electricity consumption 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 research on 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 here Monday. 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 a broad 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 pout 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, we need a vision for conserving game 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 ACTING PRESIDENT pro tempore. 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 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 very 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 DODD 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 go back to 1989, my first year as Governor, when President Bush called us to a national summit in the city of Charlottesville.

For only the third time in our Nation's history, all 50 Governors had gathered together to focus 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 dedicated to the standards 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 pleased when 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 our local schools. The principles 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 stand 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 every child is doing toward meeting those standards. Everyone in the process will be held responsible for making progress—every school, every school district, every State—each and every year.

For the first time, there will be real consequences—real consequences—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 only makes sense that if the funding 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. Every study I have ever seen—I know the Presiding Officer 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 is, first, whether a parent is 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 competition in parental 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 are all for reform. We are all 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 those dollars to give those children hope and 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 of our young people—who are qualified to receive that assistance are instead receiving none. 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 those assessments when they 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, practical dollars-and-cents 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 an illusion of progress. We 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 thought 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, calls for investing $2.6 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 them believe we are doing 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, to 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 schools.

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. ENSIGN). 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 always had more than enough power to meet its needs. As a result, electricity is usually very cheap. So this is as good a time as any to provide an update of where the State is and to see how this year is different from all other years. The last ten months provide a gloomy picture of what may well happen this summer.

The average cost of electricity for California this month has been about $300 a megawatt hour. This is more than 10 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 first 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 repair 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 by any public utility for any transmission or sale subject to jurisdiction of the Commission, or that any rule, regulation, practice, or contract affected such 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 thereafter observed and in force, and shall fix the same by order.

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 in the day-ahead and 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 $300 a megawatt hour. 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 off 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. So 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 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:

CALIFORNIA POWER PLANTS COMING ONLINE

| Plant name | Capacity | Location—(Peaker?) | Online by |
|---|---|---|---|
| By the end of this summer: | | | |
| 1. Alliance Century Substation | 40 MW | Colton (peaker) | |
| 2. Alliance Drews Substation | 40 MW | Colton (peaker) | |
| 3. Indigo Energy Facility* | 135 MW | Palm Springs (peaker) | |
| 4. Larkspur Energy Facility* | 90 MW | San Diego County (peaker) | |
| 5. Ramco Chula Vista | 57 MW | San Diego County (peaker) | |
| 6. Calpine King City | 50 MW | Monterey County (peaker) | |
| 7. Hanford Energy Park | 95 MW | Kings County (peaker) | |
| 8. Sutter Power* | 500 MW | Sutter County | |
| 9. Los Medanos* | 559 MW | Contra Costa County | |
| 10. Sunrise Cogeneration* | 550 MW | Kern County | |
| 11. United Golden Gate* | 51 MW | San Mateo | |
| Subtotal | 2,167 MW | | |
| From November 2001 to June 2003: | | | |
| 12. La Paloma* | 1,048 MW | Kern County | Nov. 2001 |
| 13. Moss Landing* | 1,060 MW | Monterey | June 2002 |
| 14. Delta Energy Center* | 880 MW | Pittsburg | July 2002 |
| 15. Elk Hills* | 500 MW | Kern County | July 2002 |

CALIFORNIA POWER PLANTS COMING ONLINE—Continued

| Plant name | Capacity | Location—(Peaker?) | Online by |
|---|---|---|---|
| 16. High Desert* | 720 MW | Victorville | Winter 2002 |
| 17. Western Midway-Sunset* | 500 MW | Kern County | March 2003 |
| 18. Blythe Energy* | 520 MW | Riverside County | March 2003 |
| 19. Mountainview* | 1,056 MW | San Bernardino | April 2003 |
| 20. Hanford* | 99 MW | Kings County | April 2003 |
| 21. Otay Mesa* | 510 MW | San Diego County | April 2003 |
| 22. Pastoria* | 750 MW | Kern County | June 2003 |
| Subtotal | 7,643 MW | | |
| Total | 9,810 MW | | |

*Approved by the California Energy Commission.

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 generosity.

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 State has brought on line enough additional power to have a functioning free market where supply and demand functions in an appropriate manner.

The State has also planned an $850 million conservation package that will aim to reduce energy demand across the board by 10 percent or more. So in the immediate future, conservation is the best way for California to avoid days of rolling blackouts this summer. But, in my opinion, it is going to be impossible to achieve enough conservation to avoid all blackouts.

Additionally, the Governor of California has issued a series of executive orders authorizing increased output at existing facilities and ensuring that environmental regulations are not posing any barriers to maximum energy production.

I ask unanimous consent to have printed in the RECORD at this time a letter from Winston Hickox, the Secretary of the California Environmental Protection Agency, asserting that there are no energy plants idling in the State because of environmental reasons, with the exception of those State plants that are being retrofitted so that they can operate cleaner, more efficiently, and more often this summer.

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

STATE OF CALIFORNIA,
ENVIRONMENTAL PROTECTION AGENCY,
*Sacramento, CA, March 28, 2001.*

Hon. DIANNE FEINSTEIN,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR FEINSTEIN: It has been alleged that air quality regulations are a major contributor to California's current power shortage crisis and are constraining energy supplies. In his March 22, 2001, testimony before the House Energy and Air Quality Subcommittee (enclosed), Dr. Alan Lloyd, Chairman of the California Environmental Protection Agency's Air Resources Board (ARB), refuted those statements. The situation in California has not changed. No essential power generation is off-line due to air quality constraints.

As you know, on February 8, 2001, Governor Gray Davis issued a series of Executive Orders to comprehensively address power generation. The Orders boosted generating capacity by authorizing increased output at existing facilities, accelerated power plant construction, streamlined the review process for new facilities, and provided incentives for distributed and renewable generation.

California regulatory agencies are quickly and successfully expediting permits for new generating units. Since April 1999, nine major power projects (including one expansion) totaling an additional 6,300 megawatts (MW) have been approved. Six plants are under construction with four expected to be on-line this year between July and November. Another 14 projects (new sitings and expansions) are under review for an additional 7,700 MW of capacity. All of these projects include the necessary environmental offsets and required emission controls. The State has also realized the need for short-term supply and is expediting permits for smaller peaking plants. These peakers will be on-line for the 2001 summer peak season.

With regard to existing capacity, the ARB is continuing its coordination with the California Independent System Operator (Cal-ISO), local air districts, California Energy Commission (CEC), and plant personnel to identify generating units that may be constrained by air permit limitations and to remove barriers to summer time operation. Governor Davis' Executive Orders dealt with this matter as well, authorizing additional compliance mechanisms to keep both power generation and environmental protection on track. The U.S. Environmental Protection Agency, Region IX, is working closely with California regulatory agencies and has indicated support for this approach.

This spring, a number of generating units are off-line for routine maintenance. Many of them are taking advantage of this downtime—and available labor—to install air pollution controls. Please note, these installations have been carefully coordinated with Cal-ISO. They were only authorized upon a finding that sufficient supplies and reliability of the power grid system would be maintained.

In summary, air quality agencies realize the seriousness of the State's energy situation and have been working diligently, and effectively, to site new power plants and increase existing capacity while still addressing air quality concerns. Existing state and federal laws provide significant flexibility to make these adjustments. Governor Davis' Executive Orders provide additional means and flexibility to keep generation on-line and quickly permit new power plants. The air quality regulatory system works. We believe that California can increase energy supply while, at the same time, protecting public health and the environment. California citizens expect nothing less.

Sincerely,

WINSTON H. HICKOX,
*Agency Secretary.*

Enclosure.

TESTIMONY OF DR. ALAN C. LLOYD, CHAIRMAN, CALIFORNIA AIR RESOURCES BOARD, BEFORE THE HOUSE SUBCOMMITTEE ON ENERGY AND AIR QUALITY, MARCH 22, 2001

Thank you, Mr. Chairman and Members of the Subcommittee. My name is Alan Lloyd, and I serve as Chairman of the California Air Resources Board (ARB). I welcome the opportunity to provide an overview of California's electricity challenge with respect to air quality issues.

Over the past several months, Governor Davis has embarked on a comprehensive strategy to address the electricity situation in California. One of the major components of the State's plan centers around increasing energy supplies by expediting the construction of power plants and other sources of generation. Specifically, we are in the midst of an aggressive effort to bring 5,000 megawatts on line by this summer and 20,000 megawatts by 2004 in order to meet anticipated energy demand this summer and beyond.

Mr. Chairman, my main message is this: We can accomplish this goal within the existing framework of California's air quality regulations. Furthermore, environmental laws do not pose a barrier in terms of our ability to bring new generation on line and ensure that existing power plants can operate at maximum capacity. In short, we can increase energy supply in an expedited manner while at the same time maintaining our commitment to the environment.

Air pollution controls have been identified as a major contributor to California's current energy challenge. That perception is not accurate. Air quality issues are a very small part of the State's overall power production problem. Where air quality rules have affected or might have potentially affected the ability to create essential power, state and local regulators have moved swiftly and successfully to keep needed plants on line. Simply put, no essential electricity generation

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 laws are not to blame. Under existing environmental programs and the policy direction of Governor Davis, state and local air regulators have had, have used, and will continue to use, the considerable flexibility included in California's regulatory programs to ensure that power generating sources remain in operation under environmentally sound conditions. While the review process and decision making timelines have been streamlined, substantive environmental standards and mitigation requirements have not been compromised.

Over the last several months, there has been an increasing focus on environmental laws as contributors to the energy crisis. 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 have also been charges that the State of California has not be responsive enough in addressing the power issues, and has not been willing to take the extraordinary actions needed to deal with how environmental requirements have affected electricity production.

Mr. Chairman, I submit to you that these statements have diverted attention from the true and complex causes of the current energy situation. 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 to ensure that power generation will continue.

By using his emergency powers and issuing Executive Orders, Governor Davis has added substantially to the 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 impediments exist—related to either the continued 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 needed air quality protections.

State and local agencies now have both the direction the authority they need to expeditiously review and approve permits. Under the Governor's Executive Orders, they are:

Allowing the continued operation of existing facilities that might otherwise face limits on hours of operation.

Expediting the review and permit approval for new peaking facilities that have acquired 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.

Completing permit reviews and approvals for new large facilities in as little as four months to enable new capacity to begin construction expeditiously.

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. Similarly, 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 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, emission limits are 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 electrical 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 (CEC), 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 disruption of electrical generation or unmitigated damage to air quality.

The ARB has assisted local air districts in addressing any potential issues arising out of their efforts to maintain power generation. ARB has maintained close coordination with the U.S. EPA to ensure that state and local response to the energy situation does not raise concerns at the federal level. We have approached the electricity shortage with an environmentally sound balance of need awareness and impact concern. U.S. EPA has indicated its understanding of the complexities California is facing and has indicated a continued willingness to assist.

At the Governor's direction, the ARB and air districts have been able to balance the State's energy needs with the public's right to clean air. Existing air quality regulations have provided the flexibility to address expeditiously the unexpected power demands of the State without material harm to air quality. These accommodations have been completed in very short time frames and have ensured continued power generation. This flexibility has been used numerous times over the last six months to enable continued power production. These have affected both large and small plants are summarized in Attachment 1.

The additional grants of authority to the Governor under the Emergency Services Act augments existing statutes and increases the ability of state and local agencies to work together in significantly reduced time frames. Whether it is providing for an existing source to operate beyond its permitted hours of operation of streamlining certification of new peaking sources, the Governor's emergency Executive Orders provide even greater flexibility in responding to source specific generation issues than previously existed.

All new proposed power plants must be constructed and operated in compliance with applicable federal, state, and local air pollution requirements. Within California, the 35 local air districts are responsible for regulating emissions from stationary sources, including power plants. At the state level, ARB is the agency charged with coordinating efforts to attain and maintain federal and state ambient air quality standards and comply with the requirements of the federal Clean Air Act. To this end, ARB coordinates the activities of all the districts in order to comply with the Clean Air Act.

Some have cited California's environmental laws as the reason new power generation has not been built in recent years. However, a review of CEC data demonstrates otherwise. Since April 1999, CEC has approved 13 major power projects (including one expansion) totaling over 8,400 MW of additional capacity. Six of these plants are under construction and four of those six are expected to be on line this year, with start dates spanning from July through November. Another 15 projects (new sitings and expansions) are currently under review for an additional 6,700 MW of capacity. Lastly, there is still an additional 7,960 MW of capacity that has been publicly announced and for which the CEC anticipates receiving applications this year.

Some have also argued that costs of compliance with air quality regulations are too substantial and must be relaxed to achieve needed power generation. This argument is also flawed. Today, approximately 15,000 MW of new electrical generation has either been approved or is in the licensing process. All of these projects have included the necessary environmental offset packages and have incorporated all required emission controls. Compliance with these requirements has proven to be both technically and economically feasible.

To bring new, additional peaking facilities on line, Governor Davis has created both a streamlined review process and an ARB-operated emission offset bank. These actions will ensure that all necessary peaking facilities can also be sited.

The CEC's siting process is designed to take 12 months. However, a number of factors, other than environmental regulations, 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 siting process to hold up the licensing of a competitor.

Since 1997, competing companies have intervened in 12 of the 21 projects proposed for licensing. Their participation has slowed the process in at least four cases.

Constraints on electrical generation capacity from central station powerplants have caused increased interest in the use of distributed generation (DG). DG is electrical generation at or near the place of use. Governor Davis supports legislation action that will provide incentives for distributed generation. Last September, the Governor signed Senate Bill 1298, which directs ARB to establish a certification program and adopt uniform emissions standards and general air quality guidelines for DG technologies. By law, this program must be in effect by January 1, 2003. ARB is on a fast track and expects to complete this December—over a year ahead of schedule.

As the foregoing demonstrates, it is not environmental regulation that has prevented the creation of additional power generation. Rather, many factors have contributed to the current crisis. Among those is also the fact that market participants can and do manipulate the electrical power market by withholding capacity in order to maximize their price of electricity.

Even the Federal Energy Regulatory Commission (FERC) agrees. Although it found insufficient evidence of market manipulation by any individual market participant: ". . . there was clear evidence that the California market structure and rules provide the opportunity for sellers to exercise market

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 continue to be charged unless remedies are implemented.''

The Air Resources Board is continuing its efforts to ensure that California has the maximum electrical power output possible, while still protecting public health and mitigating any adverse effects of increased electrical 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 that a reasonable and successful solution is achieved.

In sum, the air quality regulatory system works. The Governor's utilization of his emergency powers to expedite the process of power siting while maintaining environmental standards confirms that California can maintain its 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, but it is still 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 $32 billion. The cost predicted for energy to the State of California in 2001 is $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 couple 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. When it was, that cost was about 70 cents per decatherm.

If natural gas is selling for $5 in San Juan and it costs 70 cents to transport it to southern California, when it gets to southern California it should be selling for no more than $5.70.

The price of natural gas today in San Juan, NM, is $4.80. However, the price in southern California today is $14.71. In northern California it is $9.59. Something is clearly wrong. This price need be no 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 would actually drive 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 BINGAMAN, Senator CANTWELL, Senator MURRAY, and Senator LIEBERMAN, introduced legislation yesterday directing FERC to do its job. The legislation says that since 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 those 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 on through real-time pricing, tiered pricing, or by setting a baseline, but it must be passed on, 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 inability or failure to do 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 committees 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 designee, I ask that I 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 ensuing 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 system 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 desire to give them 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 level of funding by the Federal Government. The President suggested we spend $44.5 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 is 17 of the 40 percent we have 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 $2.6 billion in the area of teacher quality funds. That is a 17-percent increase. It provides a $½ 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 some Federal funding or on their own have enacted laws encouraging or mandating character education. Thus, the time is now to ensure that there will be a permanent and dedicated funding source made 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 being done in my State under a 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. These were developed a few years ago when a large group of Americans, under the leadership of a foundation in the United States that brought them together to talk about good character, the Josephsen 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, of any State 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. There are lesson plans that help them 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 for each 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 and ask more and more 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 Nunn, 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 third amendment I will introduce with a number of cosponsors has 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 purely voluntary grant basis where there would be internships by budding teachers with senior teachers known for their quality and competency, thus permitting a number of young Americans to have a half year or year service as an intern with an educator before they are placed in the classroom.

I think it is going to be a worthwhile debate. There are many participating from the committee in the Senate. I do not happen to be on that committee, but I will participate to the maximum extent 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. The Senator 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. The Senator 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 military 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 though 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 of these service members and hope they 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 a 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 with, 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 personnel. 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 SFC Tommy James 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 TSgt 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 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—indeed, fly on maybe 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 days, weeks away from their families, on the ground, sifting 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 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 are struggling mightily to improve 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 had a $100 million contribution from Jim and Sally Barkesdale 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 access to privately 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 alone. We are focusing on 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 eventually into radio announcing. 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 constructive 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 1965.

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 to put more funds at the local, State, and Federal level into education, but we need more than that. We need fundamental reform. We need 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 more and better programs to make sure we have teachers who have been taught how to teach the use of computers. We have computers in backs 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 know 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 sporadically.

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 an objection to the motion to proceed. My attitude was, fine, we will begin talking about the issue and emphasize 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 to try to get 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's 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, and then you 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. Yet 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 go forward and try to take up 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 institution and it will get us 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 are ready.

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.

## UNANIMOUS-CONSENT AGREEMENT—S. 350

Mr. LOTT. Mr. President, I ask unanimous consent that at 11:15 today the Senate proceed to the 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 be in order to the bill 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 Senator from West Virginia has an important statement to give regarding one of our valued employees in the Senate. The Senator from West Virginia, I understand, wants to speak for 10 or 15 minutes.

Mr. BYRD. Fifteen at the most.

Mr. REID. Maybe we could start this at 11:25.

Mr. LOTT. I modify my request so that we would begin then at 11:25, to allow Senator BYRD to go forward with his statement between now and then.

Mr. REID. I say to the majority leader, that would leave 2 hours and 35 minutes until 2 o'clock.

Mr. LOTT. Yes.

Mr. REID. There are no amendments in order anyway. We may have some people who wish to speak on it. Would that be OK with the leader?

Mr. LOTT. I am not sure I understand what the request is.

Mr. REID. Rather than ending the debate at approximately 1:25, we would do it at 2 o'clock and just vote at 2 o'clock.

Mr. LOTT. That would be fine.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished majority leader and the distinguished minority whip for their kindness and courtesy to me.

## TRIBUTE TO JIM ENGLISH

Mr. BYRD. Mr. President, I rise today with a heavy heart. And I do not say that without justification. I measure my words in saying that I rise today with a heavy heart, for it will shortly be time for me to say goodbye, for now at least, to one of the most extraordinary men I have ever had the pleasure of knowing in my 83 years on God's footstool, this Earth.

The minority staff director of the Senate Appropriations Committee, Mr. Jim English, has decided to retire this year. Jim English has been my right arm, figuratively speaking, since 1989, when I assumed the chairmanship of 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 said this about anybody else. 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 of the Senate, staff director of 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 people—he is without a doubt, 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 we have seen in 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, knows, there are certainly times when being on the Appropriations Committee staff can be dreadfully stressful and demanding.

I cannot recall ever seeing Jim English angry in all of the years I have known him. I have rarely ever even 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 our 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 equanimity. 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 Pfost and Elizabeth Arensdorf, 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, and the friendship he has offered to me for so many good years.

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 of the Defense Subcommittee of Appropriations. But I am saddened to come to the Chamber for this occasion to recognize and comment upon the retirement of Jim English from the staff of our Appropriations Committee.

I say to Jim, very frankly, all of the members of our staff, minority, majority, 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 daughters and 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 first 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 Senator BYRD's majority 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 ours, he has fostered that by his actions and by his work. Much of the credit for the close bipartisan relationship we have now comes from the work he did before when Senator BYRD was chairman of the committee. That period has extended through the time I have been chairman.

We have a different relationship on our committee. It is a committee that recognizes the work has to be done. There is only one committee that actually 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 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 seeing a young man such as him leave. 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 to be accepted 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.

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 country is better off for you having spent time with us. We hope you will enjoy your life from now on and come back to see us from time to time. Whatever your new endeavors may be, you have our best wishes, and you have my assurance that I would be ready to help you in any regard.

Mr. BYRD. Mr. President, I thank Senator STEVENS for those remarks. 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

of the Appropriations Committee—and that includes myself as chairman—he is the best chairman the Senate Appropriations Committee has had during my long tenure in this body. I know that what he says brings pride to the heart of this man—Jim English—who is about to leave the employ of the Senate.

Let me close with a few lines which I think are most fitting when we think of Jim English.

IT WILL SHOW IN YOUR FACE

You don't have to tell how you live each day
You don't have to say if you work or play;
For a tried and true barometer—right in its place,
However you live, my friend, it will show in your face.

The false, the deceit that you bear in your heart
Won't stay down inside where it first got its start;
For sinew and blood are a thin veil of lace
What you carry in your heart will show in your face.

If you have gambled and won in the great game of life
If you feel you have conquered sorrow and strife;
If you played the game square and you stand on first base,
You won't have to tell it, it will show in your face.

Then if you dissipate nights till the day is most nigh,
There is only one teller, and one that won't lie;
Since your facial barometer is right in its place,
However you live, my friend, it will show in your face.

Well, if your life is unselfish and for others you live,
Not for what you can get but for what you can give,
And if you live close to God in his infinite grace,
You won't have to tell it, it will show in your face.

## COMMENDING JAMES HAROLD ENGLISH FOR HIS 23 YEARS OF SERVICE TO THE UNITED STATES SENATE

Mr. BYRD. Mr. President, I have the approval of the distinguished majority leader and the distinguished minority leader to ask unanimous consent that the Senate proceed to the consideration of S. Res. 73 submitted earlier today by Senator LEAHY and myself.

The PRESIDING OFFICER. The clerk will report the resolution 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.

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, 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 to 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 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.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***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:*

*Sec. 1. Short title; table of contents.*

*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 I—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, redevelopment, 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 or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);*

*''(v) a facility that—*

*''(I) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and*

*''(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;*

*''(vi) a land disposal unit with respect to which—*

*''(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and*

*''(II) closure requirements have been specified in a closure plan or permit;*

*''(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;*

*''(viii) a portion of a facility—*

*''(I) at which there has been a release of polychlorinated biphenyls; and*

*''(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or*

*''(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.*

''(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 included in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B) if the President finds that financial assistance will protect human health and the environment, and either promote economic development or enable 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)(I) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

''(II) is mine-scarred land.''.

(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 State; or

''(7) an Indian Tribe.

''(b) BROWNFIELD 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 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.

''(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, to be used for capitalization of revolving loan funds; and

''(B) eligible entities or nonprofit organizations, where warranted, as determined by the President based on considerations 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.

''(2) 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 eligible entity that is providing the assistance, based on considerations under paragraph (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

''(3) 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;

''(D) the benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation; and

''(E) such other similar factors as the Administrator considers appropriate to consider for the purposes of this section.

''(4) 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) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT.—

''(i) IN GENERAL.—A grant under subsection (b)—

''(I) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

''(II) shall not exceed, for any individual brownfield site covered by the grant, $200,000.

''(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) BROWNFIELD 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, not to exceed $1,000,000 per eligible entity.

''(ii) 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.

''(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 (including a Federal law specified 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;

''(ii) design and performance of a response action; or

''(iii) monitoring of a natural resource.

''(3) ASSISTANCE FOR DEVELOPMENT OF LOCAL GOVERNMENT SITE REMEDIATION PROGRAMS.—A local government that receives a 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 institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

''(e) GRANT APPLICATIONS.—

''(1) SUBMISSION.—

''(A) 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 that the information is available).

''(ii) NCP 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 section.

''(2) APPROVAL.—The Administrator shall—

''(A) at least annually, complete a review of applications for grants that are received from eligible entities under this section; and

''(B) award grants under this section to eligible entities that the Administrator determines have the highest rankings under the ranking criteria established under paragraph (3).

''(3) 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 subsequent reuse, 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 or facilitate the identification and reduction of threats to human health and the environment.

''(D) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

''(E) 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.

''(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.

''(f) IMPLEMENTATION OF BROWNFIELDS PROGRAMS.—

''(1) 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.

''(2) FUNDING RESTRICTIONS.—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.—

''(1) 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.

''(2) PROCEDURE.—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.

''(3) 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.

''(h) LEVERAGING.—An eligible entity that receives a grant under this section may use the grant 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).

''(i) AGREEMENTS.—Each grant or loan made under this section shall—

''(1) 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; and

''(2) be subject to an agreement that—

''(A) requires the recipient to—

''(i) comply with all applicable Federal and State laws; and

''(ii) ensure that the cleanup protects human health and the environment;

''(B) requires that the recipient use 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)(1), 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, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

''(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

''(j) FACILITY OTHER THAN 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.

''(k) FUNDING.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2002 through 2006.''.

## 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:

''(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 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—

''(I) potentially liable, or affiliated with any other 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

''(II) the result of a reorganization of a business entity that was potentially liable;

''(iii) the person takes reasonable steps to—

''(I) stop any continuing release;

''(II) prevent any threatened future release; and

''(III) prevent or limit human, environmental, or natural resource exposure to any hazardous substance released on or from property owned by that person;

''(iv) the person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at the vessel or facility from which there has been a release or threatened release (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action or natural resource restoration at the vessel or facility);

''(v) 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) does not impede the effectiveness or integrity of any institutional control employed in connection with a response action;

''(vi) the person is in compliance with any request for information or administrative subpoena issued by the President under this Act;

''(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) conducted all appropriate inquiry within the meaning of section 101(35)(B) with respect to the property; 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.

''(D) GROUND WATER.—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 property containing contaminated aquifers, dated May 24, 1995.

''(2) EFFECT OF LAW.—With respect to a person described in this subsection, nothing in this subsection—

''(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).

''(3) 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 section 113(f).''.

### SEC. 202. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) DEFINITION OF BONA FIDE PROSPECTIVE PURCHASER.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(a)) is amended by adding at the end the following:

''(40) BONA 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) DISPOSAL PRIOR TO ACQUISITION.—All disposal of hazardous substances at the facility occurred before the person acquired the facility.

''(B) INQUIRIES.—

''(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices in accordance with clauses (ii) and (iii).

''(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in clauses (ii) and (iv) of paragraph (35)(B) shall be considered to satisfy the requirements of this subparagraph.

''(iii) RESIDENTIAL USE.—In the case of property in residential or other similar use at the time of purchase 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.

''(C) NOTICES.—The person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

''(D) CARE.—The person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

''(i) stop any continuing release;

''(ii) prevent any threatened future release; and

''(iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.

''(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at a vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions or natural resource restoration at the vessel or facility).

''(F) INSTITUTIONAL CONTROL.—The person—

''(i) is in compliance with any land use restrictions established or relied on in connection with the response action at a vessel or facility; and

''(ii) does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility in connection with a response action.

''(G) REQUESTS; SUBPOENAS.—The person complies with any request for information or administrative subpoena issued by the President under this Act.

''(H) NO AFFILIATION.—The person is not—

''(i) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through—

''(I) any direct or indirect familial relationship; or

''(II) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed or by a contract for the sale of goods or services); or

''(ii) the result of a reorganization of a business entity that was potentially liable.''.

(b) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by adding at the end the following:

''(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

''(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a)(1), a bona fide prospective purchaser whose potential liability for a release 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) RESPONSE ACTION.—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 action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was initiated.

''(4) AMOUNT; DURATION.—A lien under paragraph (2)—

''(A) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

''(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

''(C) shall be subject to the requirements of subsection (l)(3); and

''(D) shall continue until the earlier of—

''(i) satisfaction of the lien by sale or other means; or

''(ii) notwithstanding any statute of limitations under section 113, recovery of all response costs incurred at the facility.''.

**SEC. 203. INNOCENT LANDOWNERS.**

Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(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 ''he'' and inserting ''the defendant''; and

(ii) by striking the period at the end and inserting '', provides full cooperation, assistance, and facility access to the persons that are authorized to conduct response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility), is in compliance with any land use restrictions established or relied on in connection with the response action at a facility, and does not impede the effectiveness or integrity of any institutional control employed at the facility in connection with a response action.''; and

(2) by striking subparagraph (B) and inserting 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)(i), 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 all appropriate inquiries, as provided in clauses (ii) and (iv), into the previous ownership and uses 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;

''(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 for the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

''(iii) CRITERIA.—In promulgating regulations that establish 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, disposal, and spill records, concerning contamination at or near the facility.

''(VI) Visual inspections of the facility and of adjoining properties.

''(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.

''(iv) INTERIM STANDARDS AND PRACTICES.—

''(I) 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;

''(bb) the relationship of the purchase price to the value of the property, if the property was not contaminated;

''(cc) commonly known or reasonably ascertainable information about the property;

''(dd) the obviousness of the presence or likely presence of contamination at the property; and

''(ee) the ability of the defendant to detect the contamination by appropriate inspection.

''(II) 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 described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process', shall satisfy the requirements in clause (i).

''(v) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use 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 202) is amended by adding at the end the following:

''(41) ELIGIBLE RESPONSE SITE.—

''(A) IN GENERAL.—The term 'eligible response site' means a site that meets the definition of a brownfield site in subparagraphs (A) and (B) of paragraph (39), as modified by subparagraphs (B) and (C) of this paragraph.

''(B) INCLUSIONS.—The term 'eligible response site' includes—

''(i) notwithstanding paragraph (39)(B)(ix), a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986; or

''(ii) a site for which, notwithstanding the exclusions provided in subparagraph (C) or paragraph (39)(B), the President determines, on a site-by-site basis and after consultation with the State, that limitations on enforcement under section 129 at sites specified in clause (iv), (v), (vi) or (viii) of paragraph (39)(B) would be appropriate and will—

''(I) protect human health and the environment; and

''(II) promote economic development or facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

''(C) EXCLUSIONS.—The term 'eligible response site' does not include—

''(i) a facility for which the President—

''(I) conducts or has conducted a preliminary assessment or site inspection; and

''(II) after consultation with the State, determines or has determined that the site obtains a preliminary score sufficient for possible listing on the National Priorities List, or that the site otherwise qualifies for listing on the National Priorities List;

unless the President has made a determination that no further Federal action will be taken; or

''(ii) facilities that the President determines warrant particular consideration as identified by regulation, such as sites posing a threat to a sole-source drinking water aquifer or a sensitive ecosystem.''.

*(b) 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.—*

*''(A) STATES.—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 to include 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—*

*''(I) capitalize a revolving loan fund for brownfield remediation under section 128(c); or*

*''(II) 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 response 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 law; and*

*''(ii) if the person conducting the response action fails to complete the necessary 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 or conducting site activities; and*

*''(ii) prior notice and 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 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 under section 106(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 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 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 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 prepared or relied on in selecting or conducting the cleanup, has been discovered regarding the contamination or conditions at a facility such that the contamination or conditions at the facility present a threat requiring further remediation to protect public health or welfare or the environment.*

*''(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 response actions have 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 subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.*

*''(D) EPA NOTIFICATION.—*

*''(i) IN GENERAL.—In the case 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)(aa) wait 48 hours for a reply from the State under clause (ii); or*

*''(bb) if the State fails to reply to the notification or if the Administrator makes a determination under clause (iii), 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 under a State program; 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 specific references to the facts demonstrating that enforcement action is permitted under subparagraph (B).*

*''(2) SAVINGS PROVISION.—*

*''(A) 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 section or during a period in which the limitations of paragraph (1)(A) were not applicable.*

*''(B) EFFECT ON AGREEMENTS BETWEEN STATES AND EPA.—Nothing in paragraph (1)—*

*''(i) modifies or otherwise affects a memorandum of agreement, memorandum of understanding, or any similar agreement relating to this Act between a State agency or an Indian tribe and the Administrator that is in effect 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) limits the discretionary 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.*

*''(3) EFFECTIVE DATE.—This subsection applies only to response actions conducted after February 15, 2001.*

*''(c) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—*

*''(1) this Act, except as provided in subsection (b);*

*''(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);*

*''(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);*

*''(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and*

*''(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).''.*

***SEC. 302. ADDITIONS TO NATIONAL PRIORITIES LIST.***

*Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following:*

*''(h) NPL DEFERRAL.—*

*''(1) DEFERRAL TO STATE VOLUNTARY CLEANUPS.—At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—*

*''(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site—*

*''(i) in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and*

*''(ii) that will provide long-term protection of human health and the environment; or*

*''(B) the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A).*

*''(2) PROGRESS TOWARD CLEANUP.—If, after the last day of the 1-year period beginning on the date on which the President proposes to list*

*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 last day 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 of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—*

*''(A) the complexity 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 the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;*

*''(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. President, we 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 Senator from Oklahoma wish to speak?

Mr. INHOFE. Five minutes.

Mr. REID. Following that, Mr. President, I wonder if we may have a unanimous consent agreement that the Senator from New Hampshire speak for up to 20 minutes; the Senator from Nevada, Mr. REID, 15 minutes; Senator CHAFEE, 15 minutes; Senator BOXER, 15 minutes; Senator BOND, 15 minutes; Senator Clinton, 15 minutes; Senator CRAPO, 15 minutes; and 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, we have gotten 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 think the abuses I was concerned 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, the Resource Conservation and 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 State 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 legislation.

I still have concerns that businesses will not feel adequately protected, and, therefore, brownfields may not get cleaned up. In the end, the developers and businesses will be the judges of 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 are willing to 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 had concerns that by failing to address RCRA, 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 so 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 petroleum-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 clean up and redevelop brownfields 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 funds appropriated on 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 Superfund reform. 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 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 enough Members that we will go ahead with a more comprehensive program and address these other problems.

I thank the chairman and the ranking member and specifically Senators CRAPO, BOND, and VOINOVICH 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.

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 CRAPO 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, but it is something that 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 cosponsors—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 I have worked on 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-bill basis and do the right thing.

I was pleased to be joined by the committee's ranking member, the Superfund subcommittee chairman and its ranking member, 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 deal in the environment, 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, it is that, 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 it is bipartisan.

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, but we don't get them. 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 her full support and commitment on this issue, 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 first 100 days of the administration. That is a promise made and a promise kept—sometimes rare in politics these days.

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 Rhode Island, our distinguished father 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. It is now law. We will see that great natural resource restored.

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 all the great issues of the day, 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 longer it takes 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 waiting to be turned back 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, or New Ipswich. This bill will 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 Londonderry eco-industrial park. Now these 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 beautification 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 industrial park if 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 help communities all across the Nation. We estimate as many as 400,000 to 500,000 brownfield sites exist across America. We will see activity now on these sites.

A brief background on the bill. On March 8, the Environmental and Public Works Committee reported S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. There were a few dissenting votes, but we worked with those individuals who had concerns and the Members now have been able to reconcile those differences. As far as I know, we have a totally united front. That is a tribute to every member of that committee, on both sides, a tribute to the staffs of the members working hard to address the concerns to come out with a totally unified effort on a bipartisan bill.

This is a strong bill. It deserves the support of the full Senate, not only the 68 cosponsors but the other 32 out there, as well.

How is S. 350 better than current law? That is the issue. Current law is what it is and we are now cleaning up sites. How do we improve it? Simply stated, our bill provides an element of finality that does not exist today in current law. While allowing for Federal involvement under specific conditions, current law allows EPA to act whenever there is a release or a threatened release. Again, current law allows EPA to act whenever there is a release or threatened release.

This bill changes that requirement, ups the ante a little bit, and provides four things: One, EPA to find that ''the release or threatened release may present an imminent and substantial endangerment to public health, welfare or the environmnent'' and after taking into consideration response activities already taken, ''additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release.

We put some conditions on there for the EPA's finding.

We also find that the action should come at the request of the State if we need to come back.

Third, contamination may have migrated across a State line.

Fourth, there may be new information to emerge after the cleanup that results in the site presenting a threat.

That is not all our bill does. It also authorizes $200 million in critically needed funds to assess and clean up brownfield sites as well as $50 million to assist State cleanup programs. This is more than double the level of funding currently expended on the EPA brownfield program.

I also want to point out this is not about only Federal dollars. The Federal dollars, the $200 million we are talking about here, are nowhere near enough money to clean up 500,000 brownfield sites. What this does is it limits the liability and brings us closer to finality in cleanup so we can now get contractors to go on these sites. They can get the insurance, they can take the risk, and they are not going to be held accountable if a hot spot or some other problem that was not their fault occurs several years down the road. That has been the problem to date. They cannot do it because they will be held liable so they say, fine, we are not going to go on the site and clean it up and take the risk.

If a contractor comes onto a site, he is responsible. If he does what he is supposed to do, follows the plans as he is supposed to, cleans it up and does it in good faith and we find something later, he is not accountable. That is why this bill will go so far toward moving us in the right direction, getting these sites cleaned up.

Individuals and towns and property owners will now invest in cleaning up these sites. Banks will lend money. There are millions and millions of dollars—tens of millions, if not hundreds of millions—that will be used now from the private sector to clean up these sites, far beyond the $200 million we are talking about in this bill.

This will promote conservation through redevelopment, as I said before, as opposed to new greenfield development, and will help to revitalize our city centers and create new jobs in the inner cities. It is a win for the environment, a win for the economy, a win for the Nation, a win for every State, including New Hampshire, and a lot of communities with those brownfield sites. It is a giant step forward. We now have a chance to move forward on a piece of legislation that will make a significant difference in communities across the Nation.

The real winners are the people who live near these abandoned sites—sometimes those are minorities—the renewed urban centers that will see development and jobs replace blighted, contaminated sites, the local communities that will be revitalized, and the green space that is preserved. It is a win, win, win, win, win, no matter how you cut it. Thanks to the leadership of my colleagues, Senators REID, BOXER, and CHAFEE, and all my colleagues on the committee, we have a chance to enact now, for the first time in all the years I have been in Congress, which is 16—the first time to enact meaningful brownfields reform. We came out of the gate running. I hope the House will follow suit, because if they do, it will be on the President's desk shortly and the President can sign this bill before the end of the summer.

There are numerous interests that support S. 350. I ask unanimous consent that several letters of support I have received—and all of us have received them—be printed in the RECORD.

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

NATIONAL CONFERENCE OF STATE LEGISLATURES,
*March 7, 2001.*

Hon. BOB SMITH,
*Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN SMITH: I am writing on behalf of the National Conference of State Legislatures (NCSL) to commend you for your continued commitment to the issue of Brownfields revitalization. Without the necessary reforms to the Comprehensive Response, Compensation and Liability Act (CERCLA), clean up and redevelopment opportunities are lost as well as new jobs, new tax revenues, and the opportunity to manage growth. NCSL's Environment Committee has made this a top priority and we applaud the committee's leadership for designating it as one of the first environmental issues to be brought before the 107th Congress.

The Brownfields Revitalization and Environmental Restoration Act of 2001 (S 350) provides a welcome increase in federal funding for the assessment and cleanup of state brownfields. We are encouraged by the committee's efforts to provide some level of liability reform for innocent property owners. NCSL would also like to acknowledge the committee's success in garnering broad bipartisan support on an issue that is of concern in all 50 states.

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 suggests that you maintain the 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 according 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 bring forward a bill to further advance brownfields cleanup and redevelopment. We look forward to working with you on this issue. For additional information, 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.*

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THE UNITED STATES
CONFERENCE OF MAYORS,
*Washington, DC, February 14, 2001.*

Hon. BOB SMITH,
*Chairman, 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, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATORS SMITH, REID, CHAFEE AND BOXER: On behalf of The United States Conference of Mayors, I am writing 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 we 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.*

Hon. BOB SMITH,
*Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.*

Hon. HARRY REID,
*Ranking Member, Environmental 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: We are writing to thank you for the outstanding leadership you have demonstrated by your re-introduction of the Brownfields Revitalization and Environmental Restoration Act of 2001. Our organizations, and our many community partners across America, are heartened by the benefits that this legislation would impart upon our landscapes, economies, public parks and our communities as a whole. Transforming abandoned brownfield sites into greenfields or new development will provide momentum for increasing ''smart growth'' and reducing sprawl by utilizing existing transportation infrastructure, which in turn will lead to better transportation systems and the revitalization of historic areas and our urban centers.

As you are well aware, brownfields pose some of the most critical land-use challenges—and afford some of the most promising revitalization opportunities—facing our nation's communities, from our cities to more rural locales. Revitalization of these idled sites into urgently needed parks and green spaces or into appropriate redevelopment will provide great benefits to our neighborhoods and local economies. In the process, it has also proven to be an extremely powerful tool in local effort to control urban spawl by directing economic growth to already developed areas, encouraging the restoration and reuse of historical sites, and in addressing longstanding issues of environmental justice in underserved areas.

We acknowledge the commitment that the Environmental Protection Agency and other federal agencies have demonstrated to brownfields restoration through existing programs. At the same time, given that there are an estimated 450,000—600,000 brownfield properties nationwide, we recognize that these limited resources have been stretched too far to allow for an optimal federal role. Additional investment, at higher levels and in new directions, is essential to meeting the enormous backlog of need and to establish the truest federal partnership with the many state, local, and private entities working to renew brownfield sites.

The Brownfield Revitalization and Environmental Restoration Act of 2001 would provide this much needed federal response. Through our work with local governments, our organizations have witnessed firsthand—and have often worked as a partner to help create—the benefits that this bill would provide. We are particularly gratified by the emphasis your legislation places on brownfields-to-parks conversion, and the flexibility it provides to tailor funding based on a community's particular needs. In all, this bill provides the framework and funding that an effective national approach to brownfields will require.

Accordingly, we appreciate your vision in developing this legislation, and we look forward to working with your towards its enactment.

Sincerely,

THE TRUST FOR PUBLIC LAND.
SCENIC AMERICA.
AMERICAN PLANNING ASSOCIATION.
THE ENTERPRISE FOUNDATION.
NATIONAL ASSOCIATION OF REGIONAL COUNCILS.
SMART GROWTH AMERICA.
SURFACE TRANSPORTATION POLICY PROJECT.
NATIONAL RECREATION AND PARK ASSOCIATION.

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AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
*Washington, DC, March 6, 2001.*

Hon. ROBERT C. SMITH,
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the American Bar Association, we write to express our support for the liability reforms contained in S. 350, the ''Brownfield Revitalization and Environmental Restoration Act of 2001,'' and we urge you and your committee to support these provisions during the markup of the measure scheduled for March 8, 2001. By enacting these reforms, Congress can help to expedite the cleanup and redevelopment of more than 450,000 contaminated brownfield sites throughout the country while at the same time breathing new life into the inner cities in which these sites are concentrated.

As the largest association of attorneys in the United States with over 400,000 members nationwide, the American Bar Association has a strong interest in working with Congress in order to ensure that federal environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'' or ''Superfund''), encourages and does not impede the cleanup of brownfields. In an effort to play a meaningful role in this area, the ABA House of Delegates adopted a resolution in 1999 outlining detailed suggestions for encouraging the redevelopment of brownfields, and this resolution and the accompanying background report are enclosed.

In recent years, brownfields increasingly have reduced the quality of urban life in America. These contaminated properties often lie unused or underutilized for long periods of time largely due to the perceived legal liabilities that confront potential new owners and developers of these properties. While these sites remain idle, employment levels suffer, particularly among disadvantaged communities within the inner city. Often this accelerates urban flight, increases sprawl, and creates the need to carve out yet more space for suburban development, with the related infrastructure needs that such development requires. By encouraging the redevelopment of brownfields, we can revitalize our urban core, preserve open space, conserve resources, and make far better use of public dollars.

By now, almost all of the states have adopted their own state brownfields programs, including statutes and regulations designed to encourage the voluntary remediation of brownfields. These programs generally set clear cleanup standards that are designed to protect human health and the environment while also taking future site use into consideration. In order to encourage developers to participate in these voluntary cleanup programs, most states also grant liability relief to those who successfully clean up the sites to the states' standards.

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 are being cleaned up and redeveloped, 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 voluntarily cleaning up contaminated property. As a result, many brownfield sites remain idle for extended periods of time, despite the 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 brownfields 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 programs (1) impose cleanup standards that are protective of human health and the environment; (2) ensure appropriate public notice and public participation; and (3) provide the financial and personnel resources necessary to carry out their programs.

S. 350 goes a long way towards achieving these aims by preventing 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 endangerment to public health, welfare 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 to certain types of innocent parties, including bona fide prospective purchasers who do not cause or worsen the contamination at a brownfields site and innocent owners of real estate that is continguous to the property where the hazardous waste was released. The ABA favors comprehensive reform of Superfund, including the elimination of joint and several liability in favor of a ''fair share'' allocation system in which liability is allocated based upon each party's relative contribution to the harm. Until Congress enacts comprehensive reform legislation, however, the ABA believes that truly innocent parties, including those covered by S. 350, should be released from potential Superfund liability. These reforms are consistent with the principle that ''polluters should pay,'' but only for the harm that they cause and not for the harm caused by others. Innocent parties who have neither caused nor worsened environmental hazards should not be subject to liability under Superfund, and S. 350 furthers this important principle.

The ABA has been a consistent advocate of legislation that would expedite the cleanup of brownfields and Superfund sites, reduce litigation, and promote fairness to all parties, and the liability reforms contained in S. 350 make significant strides towards achieving these goals. For these reasons, we urge you to support these reforms during the full committee markup scheduled for March 8.

Thank you for considering the views of the ABA on these important matters. If you would like more information regarding the ABA's positions on these issues, please contact our legislative counsel for environmental law matters, Larson Frisby, at 202/662–1098.

Sincerely,

ROBERT D. EVANS.

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AMERICAN INSTITUTE OF ARCHITECTS,
*San Francisco, CA, March 2, 2001.*

Hon. BOB SMITH,
*Chairman, U.S. Senate Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN SMITH: On behalf of the 67,000 members of the American Institute of Architects (AIA). I am writing to commend you on the introduction of the Brownfields Revitalization and Environmental Restoration Amendments Act of 2001. This measure, S. 350, demonstrates your commitment and leadership in keeping the brownfields redevelopment issue at the forefront of the national agenda. The AIA endorses this important measure since it offers practical solutions to the key issues, including liability reform and financing options. It is important for Congress to pass meaningful brownfields redevelopment legislation this year. Superfund reform issues should not be allowed to delay passage of S. 350.

As you know, there are brownfields problems in nearly every community in the United States. If enacted, your 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 cities. Thus, it would better integrate some 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 occur at the estimated 500,000 brownfields sites nationwide.

For your review and for inclusion in the Committee record, I have enclosed a copy of a chapter entitled ''The New 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. In addition, I have 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 contact Dan Wilson, senior director, Federal Affairs at (202) 626–7384.

Sincerely,

GORDON H. CHONG,
*Chairman, Government Affairs Advisory Committee.*

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AMERICAN SOCIETY OF CIVIL ENGINEERS,
*Washington, DC, April 4, 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 Act 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 effectively have been removed from 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, rights of individual property owners, public interests, social needs and the environment. Community growth planning based on the principles of sustainable development should give consideration to 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.

We support systems to ensure appropriate public participation in state cleanups or provide assurance through state review or approval that site cleanups are adequate.

Sincerely yours,

ROBERT W. BEIN,
*President.*

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THE TRUST FOR PUBLIC LAND,
*Washington, DC, February 15, 2001.*

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, and 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 conversion 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 green spaces, 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.*

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BUILDING OWNERS AND MANAGERS ASSOCIATION INTERNATIONAL,
*Washington, DC, March 29, 2001.*

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 achieving its passage early in 2001. If you have any questions or concerns, please contact Rick Sheridan at (202) 326–6338.

Sincerely,

RICHARD D. BAIER,
*President, BOMA International.*

NATIONAL ASSOCIATION OF REALTORS,
*Washington, DC, February 14, 2001.*

Hon. ROBERT SMITH,
*Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR SMITH: On behalf of the more than 760,000 members 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;

Recognizes the finality of successful state hazardous waste cleanup efforts.

Brownfields sites offer excellent opportunities for the economic, environmental 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 sites benefit their 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, broadly-supported policy initiative. NAR looks forward to working together with you to enact brownfields legislation in the 107th Congress.

Sincerely,

RICHARD MENDENHALL,
*2001 President.*

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INSTITUTE OF SCRAP RECYCLING INDUSTRIES, INC.,
*Washington, DC, February 14, 2001.*

Hon. ROBERT C. SMITH,
*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 purchase a property without knowing that it is contaminated, but who carry out a good faith effort to investigate the site. It also recognizes the finality of successful state approved voluntary cleanup efforts and provides funds to cleanup and redevelop brownfields sites.

ISRI stands ready to help build support for passage of this bipartisan borwnfields bill. In the previous Congress, ISRI's membership worked to build grassroots support and sought cosponsors for S. 2700 of the 106th Congress, the predecessor bill to the Brownfields Revitalization and Environmental Restoration Act of 2001.

ISRI looks forward to continuing to work with you to see that the brownfields bill you have sponsored becomes law. We believe that the Brownfields Revitalization and Environmental Restoration Act of 2001 is a model for sensible bipartisan environmental policy.

Sincerely,

ROBIN K. WIENER,
*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 and input into this process; 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; Sara Barth from 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 Deitz and Sven Kaiser. 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.

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

The Senator from Nevada.

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 the very volatile, difficult Select Committee On MIA/POWs. For one 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—it was a long time—until he got his chairmanship of this committee.

I have found him to be a person who understands the institution and understands the importance of people being 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, has been outstanding. Senator 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, expressing 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. I have tremendous admiration for BARBARA 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 best work she has done, in 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 subcommittee 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 of it. 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 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 CORZINE 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 brownfield sites. It will create 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.

The managers' amendment before us 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 an issue raised by Senator VOINOVICH. 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 was some concern that 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 corner gas 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 CRAPO. 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 in making grant decisions regarding children. This was pushed very strongly by Senator CLINTON. I am grateful for her input. These provisions grew out of the amendment discussed in the markup of the original bill sponsored by Senator CLINTON.

I also want to add Senators CORZINE and BOXER. But it is supported by a broad bipartisan group of Members.

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 input from citizens who may be aware 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 improvements to the bill. 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 unique. 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, brownfields money was granted to Mineral County to do a cleanup. It is a very rural site. It was damaged by the largest ammunition dump during the war. It is run now as an ammunition dump by the Army. But there are lots of problems there. We have a 240-acre brownfield site set for cleanup. After it is finished, we are confident that a golf course can be created for this very rural community which will add recreational activities.

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 many 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 VOINOVICH'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 Restoration 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 begin to reclaim those 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 of an issue. This 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 SMITH. His tireless efforts over that time have certainly paved the way for this legislation. I also would like to extend my appreciation to Senator REID of Nevada and Senator BOXER for their commitment to this issue and the bipartisan process which has proven so successful. In addition, let me thank the staff that has worked so hard on this bill: David Conover, Chelsea Maxwell, and Marty Hall of Senator SMITH's staff, Lisa Haage of Senator REID's staff, Sara Barth of Senator BOXER's staff, and Ted Michaels of my staff.

The issue of brownfields has been discussed for nearly a decade. While I was mayor of Warwick, my fax machine constantly fed me alerts from the U.S. Conference of Mayors seeking my support for brownfields reform. With this legislation today, we have the opportunity to protect the environment, strengthen local economies, and revitalize our communities. I urge each of my colleagues to vote in favor of S. 350 and give each mayor across the country the benefit of the full potential of their real estate.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if I could get the attention of the Senator from Rhode Island for a moment, I thank the Senator so much for his leadership on this issue. It has meant so much to us to have it and that of Senator SMITH. Senator REID and I are most grateful. I think we have a team that is very good for the environment. When we are together, it is a real winner because we can reach out to colleagues on both sides of the aisle from the entire spectrum. So I just want to say thank you.

I say to the Senator, as much as I miss your father, whom I adored, I must say that it is wonderful to have you here and following in his ''green'' footsteps.

Mr. CHAFEE. I thank the Senator very much.

Mrs. BOXER. Mr. President, I am here to say that this bill, S. 350, the Brownfields Revitalization and Environmental Restoration Act, is a tremendously important issue for this country and for my constituents.

I truly believe if we look around the country, it is an extremely important issue to everyone. Why? Because we have so many acres of land around the country that have been contaminated with low-level hazardous waste. They do not fit the definition of a Superfund site, but they are expensive to clean up, and local communities really do need our help.

I want to show you an example of a successful brownfields restoration. This photograph is of a site in Emeryville, CA, that hosted a steel manufacturing plant for over 100 years. In the early 1990s, it was shut down, the buildings were demolished, and the area was left empty and desolate. You can see from the photograph what a horrible eyesore it was to the community. And, by the way, this site is along a major freeway, so everyone saw it. It gave the impression of a community that was simply going downhill.

The next picture I will show you is what happened when the State got together with the IKEA company and worked together to clean up the site.

In 1997, the State came to this agreement with the original owners of the site and with IKEA to restore and redevelop the area. Now the site holds 280,000 square feet of commercial retail space. The project has created 300 new, permanent jobs for the community. Now the site generates roughly $70 million in annual sales.

There are not too many things in this Chamber that we can do that has such clear-cut benefit. Clean up the environment and you make an area much nicer to look at. And then you can develop it and bring jobs to the site.

So if anyone questions the need for this brownfields legislation, I would welcome them to, again, look at these before-and-after pictures. Here it is after; here it is before. It is a pretty clear picture.

I am so proud of the bipartisan cooperation that occurred in getting the bill through the Environment and Public Works Committee. The broad support, from a variety of diverse interests, as well as the cosponsorship of over 60 Senators, is a good indication that the time has come to pass this brownfields legislation.

I understand that even our colleagues who have problems with the bill are now supporting it. I think this is a tribute to them for being open minded about it, and a tribute to our chairman, Chairman SMITH, and our ranking member, HARRY REID, for working with our colleagues.

I want to talk a little bit about the brownfields in my home State of California, the largest State in the Union, with 34 million people. The economy of my State would be considered the sixth largest economy in the world. So it seems to me that whenever there are problems in the country, of course, we have more of those problems in my State. And when good things are happening, we have more of the good things.

This is one of the problems. So let's talk about it. There are estimated to be 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 with 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, Superfund covers our Nation's most 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 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 people who are 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 we have 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 improve its economic plight. 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 pleased 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 terribly dangerous drug is not only illegal, not only does it destroy people—destroy people—but the byproduct of 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 labs are sited.

I show you a picture of one abandoned lab where you can see these containers with all the chemicals that were left on the site.

This is another picture of an abandoned meth site. We can see what it looks like, what a disaster it is when these criminals leave and then suddenly the owners of the land who had no idea this was happening are left with this horrible contamination. We were able to include relief for these farmers. I will talk about that in a minute.

I will take a moment to talk more about these methamphetamine labs. In California alone, there were 277 secret drug labs that were raided in 1990. In 1998, there were over 1,000 of these clandestine drug labs. The State is doing its best to address the problem as well as the larger brownfields problem. They are trying to do it, but it is very hard to do it alone. We have to have everyone helping. This bill will provide invaluable assistance for the cleanup of meth sites and other brownfields, which is another reason I am such a strong supporter of the legislation.

This bill includes liability relief for innocent parties. These innocent parties are people who are interested in cleaning up the brownfield site, but they are afraid to get involved because they may become liable for somebody else's mess. Our bill makes it clear that innocent parties will not be held liable under Superfund for the work they do on a brownfield site. This provision alone should help reduce the fear of developers and real estate interests, and it should lead to more cleanups. This provision is certainly a strong reason that a variety of business and real estate interests are strong supporters of the bill. They want to come in; they want to clean up the sites; but they don't want to now become held liable for past problems and then be hauled into court on a Superfund case.

However, I do believe very strongly that the polluter must pay. Our bill does not protect people who are responsible for cleanup under Superfund or any other statute. If you make a mess, if you despoil the environment, you still will be held responsible for cleaning it up. We maintain ''the polluter pays'' principle that underpins many of our hazardous waste statutes.

The committee considered and rejected efforts to waive the application of other statutes, such as RCRA and TSCA, to these brownfield sites. It was too complicated to try to amend other statutes, and I appreciate the fact that our foursome stuck together during these amendments because it would have opened up a can of worms. What we did was we kept this narrow. We kept it on the issue of brownfields. We kept out extraneous issues. Again, I thank my colleagues on both sides of the aisle for their cooperation on that.

Our bill encourages States to take the lead on brownfield sites. It does set some limitations on EPA's enforcement authority under Superfund for sites covered by this bill. We believe this is important in gaining strong support. I am comfortable with this feature because there are a number of safeguards that ensure that a secure Federal safety net remains. These safeguards are an essential part of the compromise that is the heart of the bill. They ensure that EPA can apply its full Superfund enforcement authority under a variety of circumstances.

Most important to me—and it was a tough debate that we had—was the guarantee that EPA could intervene if a site threatens to cause immediate and substantial endangerment to the public's health or welfare or to the environment. I believe this language guarantees that if a State's oversight of a cleanup fails to protect our citizens or our environment, the Federal Government can intervene. We are clear that we want the State to be responsible, but if there is a problem which will result in an immediate threat to people's health, the EPA can enter. It was a careful balance that went into crafting that provision as well as the rest of the bill.

Together I believe we have produced a sensible and balanced bill that will help encourage the recycling of brownfield sites that now sit unused around the Nation.

In closing, one more time I will show our success story that happened in Emeryville. First, let's show the before picture again. This is what we are talking about, sites that look like this, sites that are harmful. People don't want to go on them. People are afraid of them. There is no economic development in the middle of our urban areas. Then when we work together, we can bring business interests to the site and we start to see people use the site again. The site will bring in revenues.

I thank my colleagues for all their hard work, and I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, for too many years comprehensive Superfund reform has been blocked by partisan rhetoric and fear-mongering. Even though the general public, government agencies, and federal bureaucrats know that the Superfund program is broken, proposed changes were called stealth attacks, roll-backs, and letting polluters off the hook. Those characterizations were not accurate, but they were effective in protecting one of the most troubled and inefficient programs in the Federal Government from meaningful reform.

For more than 7 years we have been unable to reach agreement on Superfund reauthorization so the Environment and Public Works Committee decided to take a smaller, targeted approach. So today we are here considering S. 350, the Brownfield Revitalization and Environmental Restoration Act.

There is general agreement that we need to address the issue of Brownfields. Across the country, brownfields are blights on the landscape, but because of liability concerns, too often clean-up and redevelopment opportunities are lost. The loss of clean-up and redevelopment opportunities means the loss of jobs and tax revenues for communities and means these sites are not cleaned up.

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 in 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 ''front door'' of Superfund is closed, 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 State programs. If we are 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.

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 reasonable and workable.

As we all know, the great environmental progress in this country has been made with bi-partisan support, when honest concern for the environment and the people outweighed political opportunism. I hope that the progress made on brownfields will translate into positive movement on the remaining issues.

Mr. LIEBERMAN. Mr. President, I am grateful for the opportunity today to speak about 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 additions made in 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 past vitality. Once upon a time, these 450,000 ''brownfields'' were home to our neighborhood gas station, a flourishing textile mill, or a manufacturing plant. They were central to the economic well being of their communities. Unfortunately, now they lay idle and unproductive, spoiling the quality of life in thousands of communities across the country. Brownfields lower a community's tax base, encourage urban sprawl and loss of open space, and worst of all, threaten to pollute local streams and drinking water, endangering human health and environmental quality.

While everyone wishes to see brownfields reintegrated into the community, they often remain untouched urban eyesores. Developers fear the potential liability risks involved in developing a site laden with unknown chemicals. Communities lack the funds to initiate their own clean up plans.

This bill could change all of that. First, it provides much-needed funding for brownfields' restoration programs. Second, it offers important legal protections that will give developers, private and public, the confidence to cleanup these toxic sites. All across the country, we see examples of communities successfully restoring brownfields sites into vibrant and prosperous enterprises, including in my home state of Connecticut.

With the help of small federal grants and loans, more than two dozen cities and towns throughout Connecticut have been able to jump-start their plans for environmental remediation and economic development of brownfields sites.

Just last month, I joined in the Grand Opening of a new Harley Davidson dealership on a former brownfields site in Stamford, one of EPAs Brownfields Showcase Communities. Prior to cleanup, the area was a chemical cesspool of abandoned lots contaminated with PCBs, lead, arsenic and several other metals. During cleanup, close to 3,000 tons of contaminated soil were removed from the site, reducing the risk of groundwater contamination and exposure to neighborhood residents. Now this enterprise brings new life, a cleaner environment, and new jobs to the industrial South End of Stamford.

The promise of this approach may seem obvious, but the language in this bill was not easily agreed. It is the product of over eight years of negotiations, debate and finally compromise. So it is with pride that I join more than two thirds of my colleagues, Democrat and Republican, and dozens of organizations representing a wide range of interests, including those of mayors, developers, realtors, insurance companies and environmental groups, in supporting this legislation, I believe we should all feel a sense of accomplishment and pride—this was battle hard won.

This is a good day for America's communities, especially in the inner cities which regrettably are home to many of these urban wastelands. But it doesn't have to stay that way. This legislation is a shot in the economic arm for towns like Stamford seeking to revitalize their neighborhoods for future generations to enjoy. I strongly urge my colleagues to support it.

Mrs. CARNAHAN. Mr. President, today I am pleased to support S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. This bill will help communities throughout the country identify and clean up brownfields, sites where low level contamination has kept the land from being developed.

This bill would help communities in several different ways. By providing liability protection and economic incentives to clean up contaminated and abandoned industrial sites, this legislation will make our communities healthier and reduce environmental threats. By returning these sites to productive use, we encourage redevelopment and help curb sprawl. This legislation means both new jobs and a cleaner environment for Missouri. It shows that a clean environment and a strong economy are not in competition, they go hand in hand.

In Missouri, we have 11 brownfield projects financed in part with federal funds, and another 29 projects that are State-financed.

One example of a successful brownfield project is Martin Luther King Business Park in St. Louis, Missouri. The site, which is across the street from two schools, was contaminated from a century of metal plating and junkyards. Asbestos and high levels of lead were found close to the surface. As a result of federally-funded assessments and the State's Voluntary Cleanup and Brownfield Redevelopment Programs, a developer stepped forward to purchase and cleanup the property. Due to these cleanup efforts, a much-needed warehouse/light manufacturing facility in the heart of St. Louis opened in 2000, bringing more than 60 jobs to the area. Construction of an even larger facility is scheduled to begin this year after cleanup is complete. This development will help to rejuvenate the entire surrounding area. This progress was made possible by the federal brownfield grant which allowed the City to perform initial environmental assessments. Without those assessments, developers are reluctant to even consider such properties.

We have made considerable progress toward making our urban centers into places where people want to work and live. Yet we still have more than 12,000 abandoned and tax-default properties in St. Louis alone. Obviously our work is not done.

Brownfields are not just an urban problem. A century of lead mining has left towns like Bonne Terre, Missouri with contamination from mining waste. In Bonne Terre, developers are reluctant to purchase land near the mine waste properties being addressed by Superfund because of possible contamination. Using federal pilot funds, Bonne Terre is working on cleaning up these sites and developing them into a

122-acre commercial zone and industrial park. The clean up and development will bring more jobs to this rural community as well as address environmental concerns.

I anticipate a strong vote in favor of the Brownfields Revitalization and Environmental Restoration Act of 2001. 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 by the President.

Mr. BAUCUS. Mr. President, I rise today in support of S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. I compliment the efforts of Senators SMITH, REID, CHAFEE, and BOXER. They have done a great job in moving this legislation forward.

I was very disappointed that this bill was not enacted last year, it represents a lot of hard work and compromise. I think this bill is a win-win for the environment, for local communities and for local economies. More hazardous waste sites will be cleaned up, and we'll have more parks and open space, more economic redevelopment, and more jobs. This bill will make cleaning up polluted sites easier by reducing the many legal and regulatory barriers to brownfields redevelopment while providing much needed cleanup funds.

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 Senator REID. 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 the Nation. These sites need to be cleaned up, for the health and well-being of our citizens and our environment, and doing nothing is no longer an option.

Hopefully, two other bills will come to the floor that would expand the abilities of the Economic Development Administration and the Department of Housing and Urban Development to help local communities physically develop and restore brownfields sites to productive use. Taken together, S. 350 and these two bills would make up a complete brownfields redevelopment package. They will provide critical economic and technical assistance to communities during all stages of brownfields redevelopment—from an initial site assessment to putting the finishing touches on a new apartment building or city park.

I am happy to hear that the administration has expressed its support for S. 350. The brownfields bill is an outstanding example of a bipartisan effort to help communities across the nation. I hope we can all work together to make sure it is signed into law this year.

Mr. LEVIN. Mr. President, I am pleased that the Senate is taking up and will pass S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. I am a strong supporter and advocate of this legislation. 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 where 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, is a fiscally-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. This legislation will compliment state and local efforts to successfully redevelop brownfields. The bill provides much needed funding to state and local jurisdictions for the assessment, characterization, and remediation of brownfield sites. Importantly, the bill removes the threat of lawsuits for contiguous landowners, prospective purchasers, and innocent landowners. Communities must often overcome serious financial and environmental barriers to redevelop brownfields. Greenfields availability, liability concerns, the time and cost of cleanup, and a reluctance to invest in older urban areas deters private investment. This bill will help communities address these barriers to redevelopment. Finally, the bill provides greater certainty to developers and parties conducting the cleanup, ensuring that decisions under state programs will not be second-guessed. Public investment and greater governmental certainty combined with private investment can provide incentives for redeveloping brownfield properties and level the economic playing field between greenfields and brownfields.

I believe the Brownfields Revitalization and Environmental Restoration Act of 2001 will do much to encourage commercial, residential and recreational development in our nation's communities where existing infrastructure, access to public transit, and close proximity to cultural facilities currently exist. America's emerging markets and future potential for economic growth lies in our cities and older suburbs. This potential is reflected in locally unmet consumer demand, underutilized labor resources and developable land that is rich in infrastructure. In Detroit, the Department of Housing and Urban Development estimates that there is a $1.4 billion retail gap, the purchasing power of residents minus retail sales. In Flint, HUD estimates the retail gap to be $186 million and in East Lansing, $160 million. The redevelopment of brownfields will help communities realize the development potential of our urban communities. It is a critical tool for metropolitan areas to grow smarter allowing us to recycle our Nation's land to promote continued economic growth while curtailing urban sprawl and cleaning up our environment.

Mr. SMITH of New Hampshire. Mr. President, on March 12, 2001, the Committee on Environment and Public Works filed Senate Report 107–2, to accompany S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. When the report was filed, the cost estimate from the Congressional Budget Office was not available. Therefore, I ask unanimous consent that the cost estimate be printed

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 20, 2001.*

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 cost 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 (for Federal costs), who can be reached at 226–2860; Victoria Heid Hall (for the State and local impact), who can be reached at 225–3220; and Lauren Marks (for the private-sector impact), who can be reached at 226–2940.

Sincerely,

DAN L. CRIPPEN.

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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 statutory framework for Environmental Protection Agency (EPA) policies and programs related to brownfield sites and the liability of certain entities under CERCLA. (Brownfields are properties where the presence, or potential presence, of a hazardous substance complicates the expansion or redevelopment of the property.) The bill 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.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 350 would cost $680 million over the 2002–2006 period. CBO estimates that provisions affecting the liability of certain property owners would reduce net offsetting receipts (a form of direct spending) by $2 million a year beginning in 2002, or a total of $20 million over the next 10 years. In addition, the Joint Committee on Taxation (JCT) estimates that enacting this bill would reduce revenues by a total of $24 million over the 2002–2006 period and by $110 million over the 2002–2011 period. Because S. 350 would affect direct spending and receipts, pay-as-you-go procedures would apply.

S. 350 would impose no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 350 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

[By fiscal year, in millions of dollars]

| | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|---|---|---|---|---|---|---|
| SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Brownfields Spending Under Current Law: | | | | | | |
| Budget Authority [1] | 92 | 0 | 0 | 0 | 0 | 0 |
| Estimated Outlays | 89 | 87 | 41 | 14 | 5 | 0 |
| Proposed Changes: | | | | | | |
| Authorization Level | 0 | 200 | 200 | 200 | 200 | 200 |
| Estimated Outlays | 0 | 10 | 110 | 170 | 190 | 200 |
| Brownfields Spending Under S. 350: | | | | | | |
| Authorization Level [1] | 92 | 200 | 200 | 200 | 200 | 200 |
| Estimated Outlays | 89 | 97 | 151 | 184 | 195 | 200 |
| CHANGES IN DIRECT SPENDING | | | | | | |
| Estimated Budget Authority | 0 | 2 | 2 | 2 | 2 | 2 |
| Estimated Outlays | 0 | 2 | 2 | 2 | 2 | 2 |
| CHANGES IN REVENUES | | | | | | |
| Estimated Revenues [2] | 0 | 0 | 1 | 4 | 8 | 11 |

[1] The 2001 level is the amount appropriated for that year for EPA grants for brownfields initiatives, including grants to States for voluntary programs.
[2] Source: Joint Committee on Taxation.

BASIS OF ESTIMATE

For purposes of this estimate, CBO assumes that S. 350 will be enacted by the end of fiscal year 2001, and that all funds authorized by the bill will be appropriated. Estimated outlays are based on the historical spending patterns for similar activities in the Superfund program.

*Spending subject to appropriation*

S. 350 would authorize the appropriation of $1 billion over the next 5 years for two grant programs: for brownfield revitalization and for enhancing State programs related to brownfields and other voluntary initiatives. In recent years, the Congress has allocated some of the money appropriated for EPA's Superfund program for such grants; this legislation would provide an explicit statutory authorization for these activities and would authorize specific amounts for fiscal years 2002 through 2006. Provisions limiting the liability of certain property owners could increase the use of appropriated funds to clean up Superfund sites, but CBO estimates that any change in discretionary spending would not be significant in the next 5 years.

*Grant Programs.* Title I would authorize the appropriation of $150 million annually for grants to States and other governmental entities to characterize, assess, or cleanup brownfield sites. Remediation grants could be used to capitalize revolving funds or to pay for cleaning up sites owned by public or nonprofit entities. Grants used for remediation would be subject to a matching requirement and could be used to leverage funding from other sources. In addition, title III would authorize $50 million a year for grants to States and Indian tribes to develop or enhance programs pertaining to brownfields or voluntary response programs. These funds also could be used to capitalize revolving funds for brownfield remediation activities.

*Cleanup Costs.* Under CERCLA, property owners may be responsible for cleanup activities, even if they did not contribute to the contamination of a Superfund site. Title II would amend CERCLA to limit the liability of certain prospective purchasers of contaminated property after the date of enactment. By reducing the pool of potentially responsible parties, the ''prospective purchaser'' provisions in section 202 could reduce the number of Superfund sites that can be cleaned up in a timely fashion by private entities. This could, in turn, increase the number of sites needing full or partial Federal funding for cleanup activities.

For this estimate, CBO assumes that the bill's prospective purchaser provisions would not affect discretionary spending for several years because only properties purchased after the date of enactment would be exempt from liability. The cost eventually could be significant, however, because cleanup costs average $20 million per site.

*Direct spending*

CBO estimates that provisions limiting the liability of certain property owners would reduce net 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 covenant not to sue. While the cash payments vary significantly among properties, the agency typically collects an average of $100,000 per settlement. EPA would forgo such payments under S. 350, because prospective purchasers would no longer need these 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. Liability for cleanup is retroactive, strict, and joint and several, so changing the liability of one party generally has the effect of shifting liability among the other 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 to capitalize revolving funds. JCT expects that the ability to leverage these revolving funds would result in an 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 4 years are counted.

[By fiscal year, in millions of dollars]

| | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Changes in outlays | 0 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Changes in receipts | 0 | 0 | 1 | 4 | 8 | 11 | 15 | 17 | 18 | 18 | 18 |

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 350 would impose no mandates on State, local, or tribal governments. The bill would authorize $200 million annually from 2002 through 2006 for grants to State and local governments for inventorying, characterizing, assessing and remediating brownfield sites and for establishing or enhancing response programs. Implementing S. 350 would benefit State, local, and tribal governments if the Congress appropriates funds for the grants and loans 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 concerning 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 their liability would be reduced or eliminated. Enacting S. 350 could also benefit State and local governments with contaminated sites in their jurisdictions by clarifying the liability for 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 Prepared by:* Federal Costs: Kathleen Gramp (226–2860); Impact on State, Local, and Tribal Governments: Victoria Heid Hall (225–3220); Impact on the Private Sector: Lauren Marks (226–2940); Revenues: Thomas Holtmann (226–7575).

*Estimate Approved by:* Peter H. Fontaine Deputy Assistant Director for Budget Analysis.

Mr. SMITH of New Hamsphire. 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 areas in CBO's 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:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, U.S. SENATE,
*Washington, DC, April 12, 2001.*

Mr. DAN 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 Revitalization 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 authors of the 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 entities to perform cleanups. Although the bill may limit future potential liability of parties not currently liable under the Superfund statute, it does not affect the liability of parties who are already liable under the statute at sites already underway. For even those new prospective purchasers receiving protection under section 202, the bill provides for a ''windfall lien,'' which would further reduce any need for Federal funding at these sites. Moreover, the ''prospective purchaser'' exemption is designed to, and should result in, a significant 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 eventual cost of the bill will be significant because cleanup costs average $20 million per site. In fact, although cleanup costs at National Priorities List sites may average 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 shift responsibility to the Federal Government 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:

''(ii)(I) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(II)(aa) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section 101; and

''(bb) is a site determined by the Administrator or the State, as appropriate, to be—

''(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 responsible party and which will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

''(cc) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

''(III) is mine-scarred land.''.

On page 65, between lines 11 and 12, insert the following:

''(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 for the characterization, assessment, or remediation of that site.

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:

''(J) The extent 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.

On page 70, between lines 2 and 3, insert the following:

''(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).

On page 71, strike lines 15 through 17 and insert the following:

''(k) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

''(1) this Act (including the last sentence of section 101(14));

''(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

''(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

''(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

''(l) FUNDING.—

''(1) 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.

''(2) USE OF CERTAIN FUNDS.—Of the amount made available under paragraph (1), $50,000,000, or, if the amount made available is less than $200,000,000, 25 percent of the amount made available, shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II).''.

On page 93, line 4, before ''develop'', insert ''purchase insurance or''.

On page 94, line 11, strike ''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 release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield 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 official shall consider and appropriately respond to a request under subclause (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: ''Consultation with the State 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, I 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 concerns 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 approach to the issue that runs into the same problems we have dealt with under the Superfund statute for so many years. In other words, we need to craft it so the effort to reclaim these areas and make them green again is not a failure and we don't simply pass legislation that creates another set of difficult, burdensome approaches to the issue.

To effectively encourage more brownfields redevelopment programs, we have to provide the necessary resources, give the States the management and oversight responsibility within their borders, and ensure that developers are confident that their involvement will be truly welcomed and they will not simply pick up the liabilities already facing those who own the brownfields and work on the properties.

All this has to be done in conjunction with the assurance that public health and the environment are being adequately protected. In that context, as the Senate Environment and Public Works Committee handled this issue, a number of us had concerns that we hadn't yet achieved those objectives as well as we could. I commend the managers of this bill for working so well with us to address those issues in the interim since the bill was sent out of committee and is now being considered in the Senate. We have a managers' amendment that addresses a number of those concerns and that makes it possible for those of us who had problems with the way the bill was originally drafted to work with and support the bill at this point.

The Senate has held many hearings on this legislation. A number of us have worked on this measure for many years. I will discuss some of the elements of progress that have been made since the bill was sent out of committee and as we now move forward with the managers' amendment. I am very pleased that we were successful in making these improvements.

The first issue relates to State finality. For those who are not concerned with the issue, what we are talking about is a policy decision that says that State governments should be the ones that handle the management of the brownfields legislation. Instead of having a national, federally led and, many of us believe, dictate-driven decisionmaking process, we wanted to put together a system in which each individual State had the ability to interpret and implement the brownfields legislation with decisions going on in their own States.

Many of us felt that State management and control would result in much better decisionmaking, as we would see it at the State and local level, than we would have if the decisionmaking were driven from the Federal level. It is a case of the State and local people having a much better understanding of the needs in their communities than those who are distant decisionmakers, not having the ability and understanding to truly address the issues as best they could.

We needed to achieve that by still making sure the environmental objectives were in place. I believe the managers' amendment gives us an important stride forward in this effort.

As the Senator from California, who just spoke, indicated, one of the protections 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 in which it was clear that the State either did not have the resources or was not willing to implement the law.

I believe that is where we have 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 intent 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 alone will 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 the bill with the amendment in place. I know there is still a lot of debate about whether we have made enough improvement in the legislation or whether we have made the bill good enough. The other body is going to be working on its proposals, and there will still be an effort to work with the administration, as the President, the House, and the Senate all work together to craft a brownfields bill that will ultimately be signed into law.

I look forward to working with all of them to make sure that even further improvements and changes to the legislation can be made as we move through the legislative process.

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' amendment, 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.

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

Mr. VOINOVICH. Mr. President, I rise today in support of S. 350, the Brownfields Revitalization and Restoration Act.

The PRESIDING OFFICER. It is my understanding that the Senator from Ohio is using the time of Senator BOND; is that true?

Mr. VOINOVICH. Yes, it is.

The PRESIDING OFFICER. The Senator may proceed.

Mr. VOINOVICH. Mr. President, this legislation will provide incentives to clean up abandoned industrial sites, or brownfields, across the country and put them back into productive use and preserve our green spaces.

I want to congratulate the chairman of the committee, Senator SMITH, the ranking member of the committee, Senator REID, the subcommittee chairman, Senator CHAFEE, and all the other members of the committee who have worked to put this piece of legislation together.

Revitalizing our urban areas has been an issue I have been passionate about for many years. As former mayor of Cleveland, I experienced first-hand the difficulties that cities face in redeveloping these sites.

I have been working on brownfields issues at the national level since I became Governor of Ohio in 1990 and through my involvement with the National Governors' Association and the Republican Governors' Association. For more than a decade, I have worked closely with congressional leaders, such as MIKE OXLEY of Ohio and the late Senator John Chafee, to develop legislation that would do many of the same things this bill does.

When the Environment and Public Works Committee considered this legislation in March, I voted to report the bill out of committee after getting a commitment from the Presiding Officer today, Senator REID, that he would be willing to work with me on some concerns I had regarding specific bill language.

During the committee markup of S. 350, I offered an amendment seeking to strengthen the State finality provisions in the legislation. Based on the commitment I received from Senator REID, I ultimately withdrew my amendment.

In my view, we need to create more certainty in the brownfields cleanup process. Parties that clean up non-Superfund sites under State cleanup laws need certainty about the rules that apply to them, particularly that their actions terminate the risk of future liability under the Federal Superfund Program.

Last Congress, I introduced legislation supported by the National Governors' Association and the National Council of State Legislatures which would create more certainty by allowing States to release parties that cleaned up sites under State laws and programs from Federal liability.

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 at its site in Minerva, OH, under 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, 78 sites have been 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, OH—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 current 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 about 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, because 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 PRESIDING OFFICER. 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 PRESIDING OFFICER (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

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 allows businesses and developers 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 clean up, and reuse brownfields. 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 cleanup decisions.

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 mill and factory 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 in the middle of downtown Utica were too 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 Haverstram 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, one of 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. It is my hope and belief that there will be many 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 a subcommittee; namely, Senators CHAFEE 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 grateful; two of the managers' 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 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 important provision 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 under 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 in the State. I was concerned 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.

I am pleased that with 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 because of 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. We were privileged to hear testimony from the admiral who runs the naval airbase that trains the top gun pilots outside of Fallon. They use a lot of jet fuel. They have to occasionally burn it. They sometimes have to drop it in their flight. They were very willing to come forward and talk about what the defense industry can do to help in this area.

Many of the places suffering from brownfields were in the forefront of creating the strong economy and 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 alleged large leakages of fuel. Is it from the dumping of the fuel, as she indicated? There is a theory by some academics 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 Newlands 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 trying to lower it to 10 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 positive editorials that were 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 on this floor, what 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 valuable. She attends 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. REID. 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 CORZINE 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.

Rarely has someone 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 participated 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 economic centers. 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 wonderful 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 the economic revitalization of the 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 advantage of this expensing 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.

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 WELLSTONE be added as a cosponsor to S. 350.

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

Mr. SMITH of New Hampshire. I point out, Mr. President, that with the addition of Senator WELLSTONE, that makes 70 cosponsors to this legislation. That runs the entire political spectrum, from HELMS to WELLSTONE. 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 new jobs, new tax revenues, 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 Presiding 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 a greater cost 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.

Let me talk about eco-industrial development for just a second. It creates efficiencies in the use of materials and energy through planned, voluntary networks among businesses and their industrial-manufacturing processes. This increased efficiency not only drives down pollution and waste generated by these industrial processes, but it increases the profitability and competitiveness of the businesses at the same time. With these reinforcing benefits, eco-industrial development is 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 current level of output while 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 in doing so, 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 America where 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 help.

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 ask 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, by cleaning up sites in our urban areas, we redirect development away from our remaining open space and reduce many of the problems associated with sprawl.

Unfortunately, despite the broad benefits of cleaning up brownfields, the private sector often finds it unattractive or unrealistic to take on the task. Nor is it always easy for States and local governments. That's why this legislation is so important. By providing needed funding and placing reasonable limits on developers' liability, it should encourage the development of many brownfields and the revitalization of depressed areas around our Nation and across the State of New Jersey.

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 point out, however, that 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. That will be up 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 $98 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 this 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 for years 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 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 again urge 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 Restoration Act. It is a bill which I hope we 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.

This morning, I came to work by 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 looked over to 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 no longer needed. 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 manufacturing vitality began to go to seed, and over the years it eventually turned into an abandoned wasteland.

To be honest, as Delaware's Congressman during the late 1980s, as I rode that same Amtrak train to work, I looked out that window 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.

A couple years ago, as Delaware's Governor, I signed legislation that enabled us to go in and turn that industrial wasteland into the riverfront jewel that it is becoming today for the State of Delaware. We returned to productive use some land that had been forgotten and that in a way, served as a buffer to keep people away from the river.

I want to thank several people, certainly our subcommittee chairman, the ranking Democrat, and Senator CHAFEE, 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 say to colleagues today 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 the revitalization of thousands of 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 as Republican 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 we have seen on these issues. 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 unanimous 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 a higher than average 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. It was a long ride, but 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 appreciation 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 reached out on a bipartisan basis to Senators CRAPO and VOINOVICH. He and Senator VOINOVICH were fellow Governors. As a result of his advocacy, he worked very hard with Senator VOINOVICH to satisfy the problems he had with this bill. I express my appreciation 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, and 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 in America will benefit from this legislation. 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 CHAFEE, and the ranking member of the subcommittee, Senator BOXER, for their outstanding work.

Mr. President, have the yeas and nays been 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 CONSULTATION WITH THE STATES ON NEW INFORMATION

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 conditions 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. Consultation with the State is 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 determine that a site 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.

REGARDING PETROLEUM SITES

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'', will 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 9003(h)(3), a 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)(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 contamination is relatively low 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(l)(2) shall be used for site remediation, characterization, or assessment. If a site uses funds authorized by section 128(l)(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 manager's amendment.

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 working, and whether the funding levels are sufficient.

Mr. BOND. I'd like to thank the chairman and ranking member for

their cooperation on this amendment and commend the Senator from Oklahoma for his leadership on this important initiative, which will provide a vital tool for brownfields cleanups.

REGARDING ''CONTRACT CARRIAGE'' AND ''SPUR TRACK'' ISSUES

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.

There are two such changes 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 the terms of 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 contracts, not tariffs, as was the case when CERCLA was first enacted in 1980.

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 that creates CERCLA liability.

These noncontroversial changes are simple and needed reforms to the 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 these provisions and have, in fact, supported them in the past. I will continue to support them, but 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.

REGARDING ENVIRONMENTAL INSURANCE

Mr. REID. Mr. President, I appreciate the work of the subcommittee chairman and ranking minority member and 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.

S. 350 clarifies that a person who receives federal funds for characterization, assessment and cleanup of a brownfield site, and is performing 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 Senator from Nevada is correct. This provision is intended 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 protection 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 assessment, characterization, or cleanup costs at a site. The Senator from Nevada also is 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.

REGARDING A MECHANISM FOR CITIZENS TO REQUEST STATE OFFICIALS TO ASSESS A POTENTIAL BROWNFIELDS SITE

Mrs. CLINTON. Mr. President, I thank Chairmen 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 by the State. Although states complying with the other state program elements in the bill must survey and inventory sites in the state, there may be rare instances when sites are inadvertently overlooked. I am particularly concerned about this happening in communities that may be small or sparsely populated, low-income, minority, or otherwise socially or politically disenfranchised.

This new provision will help to ensure that in those rare circumstances that a site is overlooked in a State's survey process, someone who lives or works in the community can bring a potential brownfields site to the attention of the State and request that the site be assessed under the state's brownfields program. The intent is to provide states with the flexibility to set 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 the 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, OEPA, responds under the verified complaint procedure required under State law. Under this statute, the Director of OEPA 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, DES, 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 DES'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 matters that require immediate response from others of a less immediate nature. In the event of a grave emergency, DES 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 the site was in control and the responders or other Division staff could 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 make an initial response to an individual within 2–3 days.

As you can see, Senator CLINTON, the State of New Hampshire has a very responsive brownfields program that takes seriously all requests and inquires made by its citizens.

Mrs. CLINTON. Thank you, Senator SMITH and Senator VOINOVICH. I think everyone would agree with you that it is important for states to be responsive to citizens' concerns, and that many states are doing just that.

REGARDING INFORMATION

Mr. INHOFE. Mr. President, the ''information'' referred to in new section 129(b)(1)(B)(iv) of S. 350 pertains to information that indicates that a site presents a threat requiring further remediation to protect public health or welfare 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.

''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. 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.

REGARDING CATTLE DIPPING VATS

Mr. GRAHAM. Mr. President, I would like to confirm with the chairman and ranking Democratic member of 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 site meets 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 liability under 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.

ALASKA NATIVE CORPORATIONS ELIGIBILITY

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.

Alaska native corporations have no government powers but manage, as private landowners, twelve percent of our state.

The federal government has recognized 229 tribes in Alaska most of which do not have governmental power over land.

The bill is ambiguous as to whether Alaska native corporations, are eligible entities as ''Indian Tribes.''

I have not raised this with the committee, but do request assurance that the conference will address this matter.

Mr. SMITH of New Hampshire. I would like to work with the Senator on that issue.

EDA AND HUD DEVELOPMENTAL FUNDING

Mr. LEVIN. Mr. President, I would like to engage my colleagues, Senators JEFFORDS, REID, and SMITH from New Hampshire in a colloquy on the Brownfields Revitalization and Environmental Restoration Act of 2001, S. 350. I am a co-sponsor and strong supporter of this brownfields revitalization bill. I commend Senators SMITH, REID, CHAFEE and BOXER for their hard work on crafting bipartisan 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 cochairmen 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 assist distressed communities. 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 restore 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 EDA and HUD along with the financial resources and liability clarifications contained in S. 350 would provide communities with the help 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.

A number of national economic development organizations support this proposal, including the US Conference of Mayors, National League of Cities, National Association of Counties, National Association of Development Organizations, National Association of Regional Councils, National Association of Towns and Townships, Enterprise Foundation, National Congress for Community Economic Development, Smart Growth America, Council for Urban Economic Development, National Association of Installation Developers, and the National Business Incubator Association.

Mr. JEFFORDS. Mr. President I join my colleague, Mr. LEVIN, in commending Senators SMITH of New Hampshire, CHAFEE, 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's required link to Section 108 serves 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 129(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. I thank the Senator.

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. HUTCHINSON) 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 | Bond |
| Allard | Bennett | Boxer |
| Allen | Biden | Breaux |
| Baucus | Bingaman | Brownback |
| Bunning | Frist | Miller |
| Burns | Graham | Murkowski |
| Byrd | Gramm | Murray |
| Campbell | Grassley | Nelson (FL) |
| Cantwell | Gregg | Nelson (NE) |
| Carnahan | Hagel | Nickles |
| Carper | Harkin | Reed |
| Chafee | Hatch | Reid |
| Cleland | Helms | Roberts |
| Clinton | Hollings | Rockefeller |
| Cochran | Hutchison | Santorum |
| Collins | Inhofe | Sarbanes |
| Conrad | Inouye | Schumer |
| Corzine | Jeffords | Sessions |
| Craig | Johnson | Shelby |
| Crapo | Kennedy | Smith (NH) |
| Daschle | Kerry | Smith (OR) |
| Dayton | Kohl | Snowe |
| DeWine | Kyl | Specter |
| Dodd | Landrieu | Stabenow |
| Domenici | Leahy | Stevens |
| Dorgan | Levin | Thomas |
| Durbin | Lieberman | Thompson |
| Edwards | Lincoln | Thurmond |
| Ensign | Lott | Torricelli |
| Enzi | Lugar | Voinovich |
| Feingold | McCain | Warner |
| Feinstein | McConnell | Wellstone |
| Fitzgerald | Mikulski | Wyden |

NOT VOTING—1

Hutchinson

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:

Sec. 1. Short title; table of contents.

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 I—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, redevelopment, 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 or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

''(v) a facility that—

''(I) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

''(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

''(vi) a land disposal unit with respect to which—

''(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

''(II) closure requirements have been specified in a closure plan or permit;

''(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

''(viii) a portion of a facility—

''(I) at which there has been a release of polychlorinated biphenyls; and

''(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

''(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

''(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 included in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B) if the President finds that financial assistance will protect human health and the environment, and either promote economic development or enable 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)(I) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(II)(aa) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section 101; and

''(bb) is a site determined by the Administrator or the State, as appropriate, to be—

''(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 responsible party and which will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

''(cc) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

''(III) is mine-scarred land.''.

(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 State; or

''(7) an Indian Tribe.

''(b) BROWNFIELD 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 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.

''(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, to be used for capitalization of revolving loan funds; and

''(B) eligible entities or nonprofit organizations, where warranted, as determined by the President based on considerations 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.

''(2) 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 eligible entity that is providing the assistance, based on considerations under paragraph (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

''(3) 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;

''(D) the benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation; and

''(E) such other similar factors as the Administrator considers appropriate to consider for the purposes of this section.

''(4) 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) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT.—

''(i) IN GENERAL.—A grant under subsection (b)—

''(I) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

''(II) shall not exceed, for any individual brownfield site covered by the grant, $200,000.

''(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) BROWNFIELD 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, not to exceed $1,000,000 per eligible entity.

''(ii) 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.

''(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 (including a Federal law specified 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;

''(ii) design and performance of a response action; or

''(iii) monitoring of a natural resource.

''(3) ASSISTANCE FOR DEVELOPMENT OF LOCAL GOVERNMENT SITE REMEDIATION PROGRAMS.—A local government that receives a

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 institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

''(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 for the characterization, assessment, or remediation of that site.

''(e) GRANT APPLICATIONS.—

''(1) SUBMISSION.—

''(A) 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 that the information is available).

''(ii) NCP 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 section.

''(2) APPROVAL.—The Administrator shall—

''(A) at least annually, complete a review of applications for grants that are received from eligible entities under this section; and

''(B) award grants under this section to eligible entities that the Administrator determines have the highest rankings under the ranking criteria established under paragraph (3).

''(3) 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 subsequent reuse, 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 or facilitate the 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) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

''(E) 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.

''(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 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.

''(f) IMPLEMENTATION OF BROWNFIELDS PROGRAMS.—

''(1) 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.

''(2) FUNDING RESTRICTIONS.—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.—

''(1) 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.

''(2) PROCEDURE.—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.

''(3) 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.

''(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).

''(h) LEVERAGING.—An eligible entity that receives a grant under this section may use the grant 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).

''(i) AGREEMENTS.—Each grant or loan made under this section shall—

''(1) 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; and

''(2) be subject to an agreement that—

''(A) requires the recipient to—

''(i) comply with all applicable Federal and State laws; and

''(ii) ensure that the cleanup protects human health and the environment;

''(B) requires that the recipient use 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)(1), 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, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

''(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

''(j) FACILITY OTHER THAN 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.

''(k) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

''(1) this Act (including the last sentence of section 101(14));

''(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

''(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

''(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

''(l) FUNDING.—

''(1) 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.

''(2) USE OF CERTAIN FUNDS.—Of the amount made available under paragraph (1), $50,000,000, or, if the amount made available is less than $200,000,000, 25 percent of the amount made available, shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(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:

''(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 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—

''(I) potentially liable, or affiliated with any other 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

''(II) the result of a reorganization of a business entity that was potentially liable;

''(iii) the person takes reasonable steps to—

''(I) stop any continuing release;

''(II) prevent any threatened future release; and

''(III) prevent or limit human, environmental, or natural resource exposure to any hazardous substance released on or from property owned by that person;

''(iv) the person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at the vessel or facility from which there has been a release or threatened release (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action or natural resource restoration at the vessel or facility);

''(v) 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) does not impede the effectiveness or integrity of any institutional control employed in connection with a response action;

''(vi) the person is in compliance with any request for information or administrative subpoena issued by the President under this Act;

''(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) conducted all appropriate inquiry within the meaning of section 101(35)(B) with respect to the property; 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.

''(D) GROUND WATER.—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 property containing contaminated aquifers, dated May 24, 1995.

''(2) EFFECT OF LAW.—With respect to a person described in this subsection, nothing in this subsection—

''(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).

''(3) 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 section 113(f).''.

**SEC. 202. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.**

(a) DEFINITION OF BONA FIDE PROSPECTIVE PURCHASER.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(a)) is amended by adding at the end the following:

''(40) BONA 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) DISPOSAL PRIOR TO ACQUISITION.—All disposal of hazardous substances at the facility occurred before the person acquired the facility.

''(B) INQUIRIES.—

''(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices in accordance with clauses (ii) and (iii).

''(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in clauses (ii) and (iv) of paragraph (35)(B) shall be considered to satisfy the requirements of this subparagraph.

''(iii) RESIDENTIAL USE.—In the case of property in residential or other similar use at the time of purchase 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.

''(C) NOTICES.—The person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

''(D) CARE.—The person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

''(i) stop any continuing release;

''(ii) prevent any threatened future release; and

''(iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.

''(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at a vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions or natural resource restoration at the vessel or facility).

''(F) INSTITUTIONAL CONTROL.—The person—

''(i) is in compliance with any land use restrictions established or relied on in connection with the response action at a vessel or facility; and

''(ii) does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility in connection with a response action.

''(G) REQUESTS; SUBPOENAS.—The person complies with any request for information or administrative subpoena issued by the President under this Act.

''(H) NO AFFILIATION.—The person is not—

''(i) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through—

''(I) any direct or indirect familial relationship; or

''(II) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed or by a contract for the sale of goods or services); or

''(ii) the result of a reorganization of a business entity that was potentially liable.''.

(b) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by adding at the end the following:

''(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

''(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a)(1), a bona fide prospective purchaser whose potential liability for a release 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) RESPONSE ACTION.—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 action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was initiated.

''(4) AMOUNT; DURATION.—A lien under paragraph (2)—

''(A) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

''(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

''(C) shall be subject to the requirements of subsection (l)(3); and

''(D) shall continue until the earlier of—

''(i) satisfaction of the lien by sale or other means; or

''(ii) notwithstanding any statute of limitations under section 113, recovery of all response costs incurred at the facility.''.

**SEC. 203. INNOCENT LANDOWNERS.**

Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(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 ''he'' and inserting ''the defendant''; and

(ii) by striking the period at the end and inserting '', provides full cooperation, assistance, and facility access to the persons that are authorized to conduct response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility), is in compliance with any land use restrictions established or relied on in connection with the response action at a facility, and does not impede the effectiveness or integrity of any institutional control employed at the facility in connection with a response action.''; and

(2) by striking subparagraph (B) and inserting 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)(i), 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 all appropriate inquiries, as provided in clauses (ii) and (iv), into the previous ownership and uses 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;

''(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 for the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

''(iii) CRITERIA.—In promulgating regulations that establish 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, disposal, and spill records, concerning contamination at or near the facility.

''(VI) Visual inspections of the facility and of adjoining properties.

''(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.

''(iv) INTERIM STANDARDS AND PRACTICES.—

''(I) 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;

''(bb) the relationship of the purchase price to the value of the property, if the property was not contaminated;

''(cc) commonly known or reasonably ascertainable information about the property;

''(dd) the obviousness of the presence or likely presence of contamination at the property; and

''(ee) the ability of the defendant to detect the contamination by appropriate inspection.

''(II) 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 described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process', shall satisfy the requirements in clause (i).

''(v) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use 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 202) is amended by adding at the end the following:

''(41) ELIGIBLE RESPONSE SITE.—

''(A) IN GENERAL.—The term 'eligible response site' means a site that meets the definition of a brownfield site in subparagraphs (A) and (B) of paragraph (39), as modified by subparagraphs (B) and (C) of this paragraph.

''(B) INCLUSIONS.—The term 'eligible response site' includes—

''(i) notwithstanding paragraph (39)(B)(ix), a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986; or

''(ii) a site for which, notwithstanding the exclusions provided in subparagraph (C) or paragraph (39)(B), the President determines, on a site-by-site basis and after consultation with the State, that limitations on enforcement under section 129 at sites specified in clause (iv), (v), (vi) or (viii) of paragraph (39)(B) would be appropriate and will—

''(I) protect human health and the environment; and

''(II) promote economic development or facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

''(C) EXCLUSIONS.—The term 'eligible response site' does not include—

''(i) a facility for which the President—

''(I) conducts or has conducted a preliminary assessment or site inspection; and

''(II) after consultation with the State, determines or has determined that the site obtains a preliminary score sufficient for possible listing on the National Priorities List, or that the site otherwise qualifies for listing on the National Priorities List;

unless the President has made a determination that no further Federal action will be taken; or

''(ii) facilities that the President determines warrant particular consideration as identified by regulation, such as sites posing a threat to a sole-source drinking water aquifer or a sensitive ecosystem.''.

(b) 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.—

''(A) STATES.—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 to include 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—

''(I) capitalize a revolving loan fund for brownfield remediation under section 128(c); or

''(II) purchase insurance or 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 response 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 law; and

''(ii) if the person conducting the response action fails to complete the necessary 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 or conducting site activities;

''(ii) prior notice and opportunity for comment on proposed cleanup plans and site activities; and

''(iii) a mechanism by which—

''(I) a person that is or may be affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield 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 official shall consider and appropriately respond to a request under subclause (I).

''(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 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 under section 106(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 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 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 prepared or relied on in selecting or conducting the cleanup, has been discovered regarding the contamination or conditions at a facility such that the contamination or conditions at the facility 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 response actions have 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 subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

''(D) EPA NOTIFICATION.—

''(i) IN GENERAL.—In the case 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)(aa) wait 48 hours for a reply from the State under clause (ii); or

''(bb) if the State fails to reply to the notification or if the Administrator makes a determination under clause (iii), 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 under a State program; 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 specific references to the facts demonstrating that enforcement action is permitted under subparagraph (B).

''(2) SAVINGS PROVISION.—

''(A) 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 section or during a period in which the limitations of paragraph (1)(A) were not applicable.

''(B) EFFECT ON AGREEMENTS BETWEEN STATES AND EPA.—Nothing in paragraph (1)—

''(i) modifies or otherwise affects a memorandum of agreement, memorandum of understanding, or any similar agreement relating to this Act between a State agency or an Indian tribe and the Administrator that is in effect 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) limits the discretionary 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.

''(3) EFFECTIVE DATE.—This subsection applies only to response actions conducted after February 15, 2001.

''(c) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

''(1) this Act, except as provided in subsection (b);

''(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

''(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

''(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).''.

**SEC. 302. ADDITIONS TO NATIONAL PRIORITIES LIST.**

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following:

''(h) NPL DEFERRAL.—

''(1) DEFERRAL TO STATE VOLUNTARY CLEANUPS.—At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—

''(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site—

''(i) in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and

''(ii) that will provide long-term protection of human health and the environment; or

''(B) the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A).

''(2) PROGRESS TOWARD CLEANUP.—If, after the last day of the 1-year period beginning on the date on which the President proposes to list 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 last day 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 of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—

''(A) the complexity 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 the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;

''(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 move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MORNING BUSINESS

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.

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

The Senator from Utah is recognized.

S. 1, BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

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 along 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 reauthorization 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 in reading 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 reasonably 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 remember 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 reform and we all want education progress, we disagree on the means to achieve this goal. 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 districts and 763 public schools are the best ones to decide whether or not to target federal money on school construction, technology improvements, hiring new teachers, or anything else.

I trust the people of Utah to make these decisions. And, I believe Utahns are perfectly capable of debating these issues locally and choosing a course.

I have repeatedly said that Utah does more with less than any State in the nation. Utah is a worst case scenario when it comes to school finance, yet we consistently rank highly on student performance measures. We must be doing something right!

Actually, I think we are doing a lot that is right, and one of the things that Utah parents do right is spend a lot of time with their children. An integral part of Utah's way of life involves family-centered activities. This clearly has spill-over benefits for schools.

Utah can claim some well-deserved bragging rights. For example:

Utah is first in the nation in both advanced placement participation and performance on a per capita basis.

Utah's dropout rates are substantially lower than the nation's as a whole.

In the Statewide Testing Program, the performance of Utah students on the Stanford Achievement Test exceeds national performance in mathematics, reading, science reasoning, and the composite score.

Since 1984, Utah high school graduates have taken increasingly more rigorous programs of study with substantial increases in such areas as mathematics and foreign language.

Utah is second in the nation in the percentage of its adult population holding a high school diploma.

Utah has made a number of important commitments to advancing technology in education.

Utah provides incentives for school districts to acquire technology infrastructure.

Utah installs Internet connections at every school and pays most of the line charges.

Utah has launched a number of professional development efforts.

Utah provides in-service training opportunities and requires pre-service teachers to complete a technology course as part of their preparation program.

Utah parents are educated and informed and take an active role in educating their children. I firmly believe that this is one of the reasons why Utah students perform so well.

But, what we need in my State is not a federal superintendent looking over the shoulder of our State-elected or locally elected school boards. We need additional resources, plain and simple. But, resources with so many strings attached bog us down. Give us the flexibility to manage these resources and apply them to the areas of greatest need in our State. Measure our children's educational progress. We will meet the challenge.

I look forward to a challenging and informative debate. It is my sincere hope that we will be successful in crafting legislation which will genuinely put children first. Children are America's greatest asset, and our future depends on their educational excellence. We must ensure that no child is left behind. We must ensure that the achievement gap is closed between disadvantaged children and their peers. We must ensure that every child in this country is prepared for the challenges and opportunities that await them in the years to come. For it we fail, we have failed not only ourselves, but future generations.

I am confident we are up to the task.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred on November 6, 1998 in Seattle, Washington. A gay man was severely beaten with rocks and broken bottles in his neighborhood by a gang of youths shouting ''faggot.'' The victim sustained a broken nose and swollen jaw. When he reported the incident to police two days later, the officer refused to take the report.

I believe that government's first duty is to defend its citizens—to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

## VA CONTINUES TO LEAD THE NATION IN END-OF-LIFE CARE

Mr. ROCKEFELLER. Mr. President, I am committed to focusing a spotlight on the good work of the Department of Veterans Affairs, VA, in the area of long-term care. VA has hidden its light under a barrel for too long.

The federally funded VA health care system, out of necessity, has developed some of the most innovative ways to care for older people. The necessity arises because approximately 34 percent of the total veteran population is 65 years or older, compared with approximately 13 percent of the general population. And by the year 2010, 42 percent of the veteran population will be 65 years or older.

As a result of this demand, VA has led the nation in developing adult day health care programs, standardized clinical treatment protocols and specialized units for Alzheimer's patients, home-based services, and respite care. Our older veterans are leading richer lives because of these innovations.

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 behavior.''

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 with dementia. 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 within VA nursing homes (like Salem's) and transitional 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 met the current needs at the time. 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. Ultimately, this expertise 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 and explore the various ways 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 GENUINE CARE

(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 visiting 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. There was something so intrinsically important about 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 was one of the most difficult tasks any of us had ever had to do.

That would be 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 filled not only with people just like himself, but also employed a staff of extremely skilled healthcare professionals who began the difficult job of taking care of 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, any chemical imbalances or other underlying culprit that might bring on his state of confusion. If there was a remote

possibility, it was tested for. Indeed, the unthinkable had happened. Only now it had an official name: Alzheimer's.

In the months that followed, we watched the VA staff do everything it could for Dad: bathing, dressing, feeding, changing and hundreds of other daily tasks. Different medications were tried, and in different combinations and at different dosages, but his dementia had a mind of its own, for lack of a better term. What had worked yesterday didn't work today.

Each visit, Dad would be brought out to the visitation area—a bright, sunny room with lots of plants, park benches and a garden scene painted on the walls by the gifted wife of another patient. The staff was always as glad to see us as we were to see them, and it was during those months that we began to realize that Dad, for all those years, had been absolutely right about where he needed to be if it ever happened.

The doctors, physician assistants, nurses, social workers, occupational therapists, dieticians and others associated with dementia services became more like family. It was medicine administered in equal portions from the head and from the heart. As Dad's mental state skidded deeper into a quagmire, not one member of the staff ever complained. They looked out for us just as much as they looked after my father. When it appeared at one point that he might be stable enough to consider releasing him to a long-term-care facility, we were dismayed to think he might not receive the same level of care he'd been getting at the VA. These folks had come to know my father's needs, and we trusted them fully with his care.

But the stability was short-lived and all too soon interrupted by more difficulties. In particular, he's lost his ability to swallow. In those last days and hours, he was made as comfortable as possible. Even into the wee hours of that final morning, the staff kept almost as constant a vigil by his side as did the family.

The VA, we found, is full of immensely compassionate, caring professionals who could not have done more for my father. We think, too, perhaps they do not get recognition and praise from the community as often as they should.

With my father's personal nightmare over, the staff at the VA continues to care for others just as they cared for him. They deal daily with patients who have long forgotten how to say thank you. The staff never really knew my ''real'' father, a man who would have been so humbled and grateful for their help. We hope we said thank you enough on his behalf. We will never forget their kindness.

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Department of Veterans Affairs,
Office of Public Affairs Media Relations,
News Release, April 20, 2001.

VA SPONSORS NEW PROGRAM FOR END-OF-LIFE CARE

WASHINGTON.—Dying is never easy—not for an individual, not for a family, not for the medical staff who administer the care. But the Department of Veterans Affairs (VA) is taking new steps to ease the process for everyone.

An initiative, called ''VA Interprofessional Fellowship Program in Palliative Care,'' will develop health-care professionals with vision, knowledge and compassion to lead end-of-life care into the 21st century. Although aimed at improving care for veterans, the program will affect how this care—known as ''palliative care'' in medical circles—is provided throughout the country.

''As VA serves an increasingly higher percentage of older and chronically ill veterans, the need for end-of-life care similarly increases,'' said Dr. Stephanie H. Pincus, VA chief officer for Academic Affiliations, a program that educates more than 90,000 physicians, medical students, and associated health professionals each year. ''This interdisciplinary fellowship will jump-start palliative care as an important field in health care. It will change the way physicians, social workers, nurses and other caregivers approach patients at an extremely difficult time in their lives.''

Historically, VA has taken a leadership role in the promotion and development of hospice care and, more recently, in a national pain management initiative. In 1998, VA's Office of Academic Affiliations addressed the need for clinicians trained in end-of-life care and was awarded a $985,000 grant by the Robert Wood Johnson Foundation to support further education. On March 1, 2001, the palliative care fellowship program was announced and will involve up to six sites, with four one-year fellowships provided at each site.

''The training changes the focus of health-care providers who are treating the terminally ill,'' said Pincus. ''In the past, doctors saw death as a failure, so they consequently focused on medical cures and preventing death at any cost. We are training medical care staff now to concentrate on symptom management rather than disease management.''

Pincus further explained that the new fellowship program has a large educational component. Trained clinicians are expected to serve as leaders promoting development and research. Selected training sites will be required to develop and implement an ''Education Dissemination Project'' to spread information beyond the training site through conferences, curricula for training programs, patient education materials and clinical demonstration projects.

And, of course, as resident doctors go out into the community, they take their training with them. More than 130 VA facilities have affiliations with 107 medical schools and 1,200 other schools across the country. More than half the physicians practicing in the United States have received part of their 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 that he will be more comfortable. 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 by a caring, trained partnership 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, communicating with compassion and providing support and counseling become paramount. And that's what these fellowships are all about,'' said Pincus.

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## 50TH ANNIVERSARY MEMORIAL SERVICE OF THE 442ND REGIMENTAL COMBAT TEAM

Mr. INOUYE. Mr. President, on March 25, 2001, I returned to my home State of Hawaii to attend 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. H. David Burge, 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 the 442nd Veterans Club's 58th Anniversary Memorial Service here at the National Memorial Cemetery of the Pacific.

This morning is time to remember and pay special tribute to boyhood friends and classmates lost in battle, dear friends and loved ones no longer with us, and cherished 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 for members, families, and friends 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 major 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 with Japan was imminent. As such, Japanese Americans were released and banned from employment at Pearl Harbor and other military bases in Hawaii without explanation or justification. Despite these early warning 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 mother's 1941 McKinley High School Black and Gold Yearbook, published six months before the attack on Pearl Harbor, provides a glimpse into the daily activities, beliefs, and values of young Nisei in Hawaii prior to the outbreak of World War II. In this regard, let me share with you the introduction section of the yearbook:

In 1941, we find our sports-minded typical McKinley boy standing five feet, six inches in height weighing 124 pounds with naturally straight hair and brown eyes. The typical McKinley girl is a petite lassie, five ft., one inch in height, weighing a dainty 97 pounds, has black hair and is brown-eyed. Both are Americans of Japanese ancestry.

Their trim figures and fresh complexions are accounted for by their nine hours of sleep each night and their daily glass of milk. Typical boy usually buys his lunch outside the school. Not so typical girl. She knows the importance of a healthy meal and depends on the school cafeteria for it.

The typical boy looks forward to weekend social activities. He considers school dances tops and goes to as many of the class, student body, and club dances as he possibly can, but give jitter-bugging and waltzing only slight nod. He usually goes stag to dances because of the small size of his pocketbook. His favorite recreations are football, listening to the radio, and going to movies with his friends.''

In general, the description of the typical Nisei student at McKinley could have been a description of a typical student at any American high school at that time. This is not surprising since these high school students truly believed that they were Americans and acted accordingly.

The Nisei students were heavily influenced by the McKinley faculty almost entirely from the mainland with a heavy concentration from the midwest. Their principal, Dr. Miles Carey, indicated that his primary objective was in his words, ''helping our young people to develop those attitudes, 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, the Nisei 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 say in the 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 be more efficiently run when they attained voting age.

My final observation in reviewing the yearbook was the dedication page. It underscored the foundation for the Nisei student's core values. It read, ''Respectfully dedicated to our parents and the excellent home influence given us.''

Six months after publication of that yearbook, on the morning of December 7, 1941, the lives of these young Nisei were forever changed as they became part of one of America's most dramatic stories—a story of shameful treatment by our government, a story of heroic feats on the battlefield, a story of major accomplishments in business and government after the war, and finally a story of full vindication and pride for all Americans of Japanese ancestry.

Just prior to the enemy attack on Hawaii, Washington emphasized the danger of sabotage by the local Japanese population to local military commanders. Follow on actions to cluster aircraft in the middle of airfield to guard against such local sabotage resulted in easy targets for attacking enemy aircraft and needless destruction of most American aircraft on the ground at Hickam, Wheeler, Bellows and Ford Island.

After the attack, Hawaii Territorial Governor Poindexter told President Roosevelt that what he feared most was sabotage by the large Japanese community. Subsequently, 1,000 innocent Japanese Americans—Buddhist priests, language school teachers, civic and business leaders, fishermen, and judo instructors—were arrested and detained in tents on Sand Island. A number of these individuals and their families, without any proof and without any due process, were subsequently transported to prisoner of war camps on the mainland.

Secretary of Navy Frank Knox who visited Hawaii the week following the attack reported to the President and Congress that the devastation at Pearl Harbor was the most effective fifth column work that had come out of any war in history. His sensational and totally unfounded assessment that Japanese Americans in Hawaii had aided the enemy attack hit the headlines in newspapers across America, and significantly fueled anti-Japanese American sentiment. The follow on rumors of sabotage and espionage emanating from Hawaii, although untrue, were used by West Coast groups to demand and justify the wholesale internment of Japanese American families living in California, Oregon, and Washington into concentration camps in remote areas far from their homes.

Immediately after the attack, at a time that Hawaii was still very vulnerable to another raid and possible occupation by enemy forces, 317 Japanese American members of the Hawaii Territorial Guard were involuntarily discharged without any explanation. In addition, 2,000 Japanese American soldiers already on active duty were recalled to Schofield Army Barracks, stripped of their weapons, and separated from their non-Japanese buddies and under orders from Washington, they were shipped to the interior of the mainland for security reasons. Finally, Japanese Americans were declared ineligible for military service and classified as 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 occurred in February 1942 when President Roosevelt ordered the evacuation and internment of all Japanese Americans in Hawaii in concentration camps on the mainland. Fortunately, the military was unable to carry out the President's order since there were not enough ships to conduct such a massive evacuation and the evacuation of such a large number of workers would have crippled the islands. As such, the evacuation orders were delayed several times and finally abandoned in 1943.

Could any of us today who did not experience this war time hysteria truly understand and appreciate the impact of these outrageous actions on Japanese American families, especially young Nisei family members? Hawaii's Nisei truly believed they were Americans. They were equally offended by the vicious attack on their homeland and equally ready to serve their country. As just teenagers the rejection and hostility vented towards them and their families by their own government were beyond comprehension.

But perhaps unconsciously they responded in a very Japanese way by doing the only thing they could under such extreme circumstances that is stepping forward. Stepping forward with loyalty and courage in order to honor their families and to demonstrate to their fellow countrymen that they were worthy Americans. While there was more than sufficient justification for turning inward and refusing to support the government that had treated them so brutally and unfairly, Nisei young men demanded the right to fight.

As we know today, the Nisei achieved their objective but at a very high price. The 100th Infantry Battalion led the way and after nine long months of bitter fighting from Salerno to Anzio was joined in Rome by the 442nd Regimental Combat Team. Thereafter the two Japanese American units remained as one through the bloody fighting in northern Italy and France to the end of the war.

Bill Mauldin, the Stars and Stripes cartoonist who created the beloved infantry characters Willie and Joe, described the Nisei unit as follows:

''No combat unit in the army could exceed the Japanese Americans in loyalty, hard work, courage and sacrifice. Hardly a man of them hadn't been decorated at least twice, and their casualty lists were appalling. When they were in the line, they worked harder than anybody else. As far as the army was concerned, the Nisei could do no wrong. We were proud to be wearing the same uniform.''

This morning we gather to remember and honor the typical McKinley boy and other young Nisei who fell on the battlefields in Europe. They were good and brave Americans. They brought honor to their families and great pride to all citizens of Hawaii. It is unfortunate that these young men did not live to see the full measure of their ultimate sacrifices.

The insignia of the 442nd 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 countrymen.

When President Truman welcomed home the 100th and 442nd, he said to them, ''You are on the way home. You fought not only the enemy, but you fought prejudice 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.''

Perhaps President Truman did not fully realize the extent to which the Nisei veterans would take to heart his challenge to keep up the fight to ensure the welfare of all the people all of the time. Although the war abroad was won, Nisei veterans continued to forge ahead on the home front after the war to ensure that their sacrifices in battle were not made in vain. As many can attest today much hard work was needed at the end of the war to accomplish President Truman's goal.

The enormity of the task at hand was reflected in comments made at that time by the U.S. Speaker of the House, Sam Rayburn. In voicing his opposition to statehood for Hawaii he said, ''If we give them Statehood they'll send a delegation of Japs here.''

This inflammatory statement was made by the powerful Speaker from Texas whose Texas Lost Battalion was rescued two years earlier in Europe by Nisei soldiers at a cost 800 Nisei casualties to rescue 200 Texans. Unfortunately, much work still remained to be accomplished at home, but the Nisei veterans, as previously demonstrated in battle, were undaunted in their quest and pressed on with unrelenting effort.

These veterans were firm in the conviction they expressed in that 1941 McKinley High School survey that the Nisei generation would, in fact, make positive improvements in Hawaii and our nation. More than a half-century later, we know that our Nisei veterans were more than up to the task and, as such, we have much to celebrate today.

Today a Sansei from Kauai, Eric Shinseki, serves as Chief of Staff of the United States Army. This general of all generals often relates stories of personal inspiration based on the experiences of his Nisei family members who served in World War II the same Nisei soldiers from Hawaii who were once designated enemy aliens and denied the opportunity to fight for their country.

Today 22 Nisei World War II veterans are Congressional Medal of Honor recipients. I was honored to attend the ceremonies last year in Washington and to witness the awards made by President Clinton. At the White House ceremony, the President attributed the lack of proper and timely recognition for these individuals to three factors: war-time hysteria, racial discrimination, and a complete breakdown in national leadership. The President went on the praise all Japanese Americans who served in World War II despite the error of our nation in questioning their loyalty and wrongfully interning their families.

Today we have the names of our new Nisei Medal of Honor recipients forever etched in stone in the Hall of Heroes at the Pentagon. In viewing the new inscriptions, I was moved to see these names added along side the names of other American heroes from every war in our nation's history. I was also proud to see great sounding American names on the wall—Hajiro, Hayashi, Inouye, Kuroda, Muranaga, Nakae, Nakamura, Nishimoto, Okubo, Okutsu, Ono, Otani, Sakato, and Tanouye.

Today, a Nisei is the first and only Asian American to serve as a Cabinet member. Norman Mineta, who served as Secretary of Commerce for President Clinton and continues to serve today as Secretary of Transportation for President Bush, was a youngster in California when his family was sent to an American concentration camp. He vividly recollects how the military police took away his favorite baseball bat because they viewed it as a weapon.

Today, a brand new National Japanese American Memorial proudly stands on Capitol Hill in Washington, DC. The Memorial,

the first and only memorial dedicated to any ethnic group in our Nation's capitol, 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 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 memorial to honor any of these immigrants in the shadow of our nation's Capitol—that is the Japanese American Memorial.

And finally today, a 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 442nd'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 exposed them to the ideals of justice and equality and urged 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 humanely 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 American'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 benefits of the values drawn from the various ethnic groups here in Hawaii—values similar to those of Nisei veterans that were used to help them persevere through challenging times during their lives. 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 in America. 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, Korea, 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 used to construct a very real 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 & Gold Yearbook of 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 future generations 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 not allow hysteria 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 returned home 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 had on us.

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 Automobiles Resulting from Advanced Car Technologies Act.

Let me begin my remarks by thanking the original cosponsors of S. 760, Senators ROCKEFELLER, JEFFORDS, KERRY, CRAPO, 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 development of 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 dependence. 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 in sunlight to form 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 can be 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 miles are driven in our State. It is clear that if we are to have cleaner air, we must encourage the use of alternative fuels and technologies to reduce vehicle emissions.

Let me paint the picture on the national scale. In 1998, a year for which we have complete data, our nation had 121 regions that failed to attain the Environmental Protection Agency's National Ambient Air Quality Standards, NAAQS. This status directly threatens the quality of life of more than 100 million, 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.

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 the new ozone standard 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 need to invest more effort toward the promotion of alternative fuels. Every new alternative fuel or advanced technology car, truck, or bus on the road will displace a conventional vehicle's lifetime of emissions and reliance on imported oil.

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 and decreasing 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 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 $1,959,555,000,000, One trillion, nine hundred fifty-nine billion, five hundred fifty-five million, which reflects a debt increase of more than $3 trillion, $3,722,118,830,247.36, Three trillion, seven hundred twenty-two billion, one hundred eighteen million, eight hundred thirty thousand, two hundred forty-seven dollars and thirty-six cents during the past 15 years.

# ADDITIONAL STATEMENTS

## CONGRATULATING CENTRAL FALLS HIGH SCHOOL

• Mr. CHAFEE. Mr. President, this past weekend, twenty-two exceptional students from Central Falls High School in Rhode Island visited Washington to compete in the national finals of the ''We The People . . . The Citizen And The Constitution'' program, after finishing in first place in the Rhode Island competition. In fact, this is the fourth time that the Central Falls High School team has won the statewide competition!

For those of my colleagues who are not familiar with it, the ''We The People . . . The Citizen And The Constitution'' program is among the most extensive educational specifically to ensure that young people understand the history and philosophy of the Constitution and the Bill of rights. The three-day national competition simulates a congressional hearing in which students are given the opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on historical and contemporary constitutional issues.

Administered by the Center for Civic Education, the ''We The People . . . The Citizen And The Constitution'' program provide an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history. It is heartwarming to see young Rhode Islanders taking such an active and participatory interest in public affairs.

I am very proud of Gabriel Arias, Jorge Bolivar, Andrew Castillo, Karen Corrales, Johnathan DePina, Kinga Dobrzycki, Kayla England, Renee Fisher, Christina Garcia, Roseangel Gavidia, Karen Hurtado, Deborah Navarro, Jessica Pareja, Denisse Reyes, Erik Rua, Shirley 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 Dryer 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. 428. 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 managers of 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 ''1999/2000 PCB Questions and Answers Manual—Part 4''; to the Committee on Environment and Public Works.

EC–1536. 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, pursuant to law, the report of a rule entitled ''Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Industrial Steam Generating Units'' (FRL6965–4) 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, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production'' (FRL6965–5) 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, Participation by 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 Conformity: Idaho'' (FRL6957–1) received on April 6, 2001; 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 study for Ponce de Leon Inlet, Florida; 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 Success Dam, Tule River Basin, California; 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, pursuant to law, 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 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, Participation by the District of Columbia and U.S. Insular Territories and Commonwealths, 50 CFR part 80'' (RIN1018–AB83) 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'' (RIN3067–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 for Allegheny County'' (FRL6962–3) received on April 11, 2001; to the Committee on Environment and Public Works.

EC–1551. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''2001 Update of Ambient Water Quality Criteria for Cadmium''; to the Committee on Environment and Public Works.

EC–1552. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Unregulated Contaminant Monitoring Regulation Guidance for Operators of Public Water Systems Serving 10,000 of Fewer People''; to the Committee on Environment and Public Works.

EC–1553. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a report on licensing activities and regulatory duties; 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'' (FRL6968–5) 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 ''Approval and Promulgation of State Implementation Plans; Idaho'' (FRL6962–1) 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 ''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 States for the Operator Certification Expense Reimbursement Grants Program'' (FRL6967–3) 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, Ventura County Air Pollution Control District'' (FRL6963–1) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1558. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan; Bay Area Air Quality Management District and Imperial County Air Pollution Control District'' (FRL6954–8) received on April 19, 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 ''Changes 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–1560. 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; Texas; Post 96 Rate of Progress Plan, Motor Vehicles Emissions Budgets (MVEB) and Contingency Measures for the Houston/Galveston (HGA) Ozone Nonattainment Area'' (FRL6969–3) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1561. 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 State Implementation Plans (SIP); Texas: Control of Gasoline Volatility'' (FRL6969–4) 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 bayensis)'' (RIN1018–AH61) received on April 23, 2001; to the Committee on Environment and Public Works.

EC–1563. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Reregistration Eligibility Decision: Diclofop–Methyl''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1564. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Report on FQPA Tolerance Reassessment Progress and Interim Risk Management Decision for Fenitrothion''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1565. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Interim Reregistration Eligibility Decision (IRED) for Fenthion''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1566. A communication from the Deputy Associate 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 ''Reregistration Eligibility Decision: Vinclozlin''; 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-2-oxopropyl)-4-Methylbenzamide; Pesticide Tolerance'' (FRL6774–8) received on April 6, 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'' (RIN3052–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 Loan and LDP Program, Sugar Nonrecourse 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 Recourse Loan, Livestock Assistance, American Indian Livestock Feed, and Pasture Recovery Programs'' (RIN0560–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'' (RIN0560–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 11, 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'' (FRL6778–5) 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 Agricultural Marketing Service, Fruit and Vegetable Programs, 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. 00–103–2) 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 ''Pine Shoot Beetle; Addition to Quarantined Area'' (Doc No. 99–101–2) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1581. 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 ''Imported Fire Ant; Addition to Quarantined Areas'' (Doc. No. 00–076–2) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1582. 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 ''Tuberculosis Testing for Imported Cattle'' (Doc. No. 00–102–1) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1583. 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; Oklahoma'' (Doc. No. 01–016–1) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1584. 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–1585. A communication from the Inspector 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 Chairman 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 Chairman of the Federal Labor Relations Authority, 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 Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, 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 General Counsel of the Federal Emergency Management Agency, transmitting, the report of the designation of acting officer for the position of Deputy Director of the Federal Emergency Management Agency; to the Committee on Governmental Affairs.

EC–1591. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Budget Estimates and Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1592. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, 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 Relating to Legal and Other Proceedings—Revocation'' received on April 11, 2001; to the Committee on Governmental Affairs.

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 Manager of the Washington Metropolitan Area Transit Authority, 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 and the Performance Plan for Fiscal Year 2002; 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 relative to the General Schedule (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 People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on April 18, 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 Federal Maritime Commission, 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 of Columbia Auditor, 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 as 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 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 a vacancy in the position 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 for Demand Reduction, 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 the Legislature of 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.

HOUSE RESOLUTION NO. 24

Whereas, While the problems created by the introduction of nonindigenous species into the Great Lakes from ballast water are not new, this situation is raising greater concerns as the damage done to this freshwater network becomes more apparent. The alarming rate at which the zebra mussel has spread demonstrates the serious problems that can result when the area's delicate ecology is thrown out of balance; and

Whereas, In recent years, numerous proposals have been advanced to halt the introduction of new species. Many of these proposals involve strengthening laws and enforcement on the release or treatment of ballast water; and

Whereas, In all discussions to address the issue created by ballast water discharges in the Great Lakes, it is essential that a regional approach be taken. With the multiple levels of government, including states, provinces, and two federal governments, it is important that there be a well-coordinated effort on this matter. A quilt of regulations or practices developed by the individual entities could provide more harm than good, not only to the environment, but also to specific communities and to specific uses of the lakes; now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the Congress of the United States to enact legislation that offers a regional solution to the problems of nonindigenous species being released in the ballast water of ships on the Great Lakes; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, March 7, 2001.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

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.

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 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 years; to the Committee on the Judiciary.

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.

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.

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. WELLSTONE):

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.

## 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. KOHL, Mr. DASCHLE, Mr. REID, 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. SPECTER, Mr. EDWARDS, Ms. MIKULSKI, Mr. HELMS, Mr. BIDEN, and Mr. KERRY)):

S. Res. 75. A resolution designating the week begining 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. LUGAR) 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 Michigan (Ms. STABENOW) 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. 316

At the request of Mr. MCCONNELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 316, 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.

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. 441

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 441, 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 to ensure 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 name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental 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 Mr. REED, the names 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 XVIII 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. 739

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. 63

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. Res. 63, 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 a cosponsor of S. Res. 68, a resolution designating September 6, 2001 as ''National Crazy Horse Day.''

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved 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 will protect Florida's fragile coastline from outer continental shelf leasing and drilling in three important ways.

First, we transform the annual moratorium on leasing and preleasing activity off the coast of Florida into a permanent ban covering planning areas in the Eastern Gulf of Mexico, the Straits of Florida, and the Florida section of the South Atlantic.

Second, the Outer Continental Shelf Protection Act corrects an egregious conflict in regulatory provisions where an effected 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 of both their 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 resuspension 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 accident in these areas 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 90 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, Congressman 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-in-the-making, 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 coastlines. I look forward to working 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.

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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 security at an additional nongovernmental 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.

Ms. 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 some cases, however, 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 does 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 and sometimes state 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 so designates.

I envision that it will help, for example, the Kennebunkport Police Department and associated law enforcement organizations in my home state. I expect that 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 reimbursements 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.

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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 and seriously 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 1900 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 issue of campus fire safety by requiring colleges and universities to provide annual reports that explains fire policies, frequency of false alarms, and whether dorms are equipped with sprinkler systems.

These reports would be straight-forward 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.

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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 man, former Congressman Lee Hamilton. 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 U.S. 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 went on to study for one year in postwar 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. Mr. 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 his Southern Indiana constituents. Over the years, he was presented with a number of opportunities to ascend to other offices, including the U.S. Senate, Secretary of State, and the Vice-Presidency of the United States. He chose instead to retain his House seat and fulfill his commitments to the people of Southern Indiana.

Today, Congressman Hamilton remains active in foreign policy and congressional reform. He currently heads the Woodrow Wilson International 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 many years of 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.

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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, he has been 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 inevitable aging of America. 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 76 million baby boomers are aging and in 30 years, 70 million Americans will be 65 years 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 grows older.

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 as people age. 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. Frequently, our older 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 provide incentives 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 low Medicare reimbursement levels 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 decisionmaking more complex and time consuming. Additionally, planning for health care needs becomes more complicated as geriatricians seek to include both patients and caregivers in the process.

We must modernize the Medicare fee schedule to acknowledge the importance of geriatric assessment and care coordination in providing health care for our seniors. Geriatric practices cannot flourish and these trends will not improve until we adjust the system to reflect the realities of senior health care.

The Geriatric Care Act I am introducing today addresses these shortfalls. This bill provides Medicare coverage for the twin foundations of geriatric practice: geriatric assessment and care coordination. The bill authorizes Medicare to cover these essential services for seniors, thereby allowing geriatricians to manage medications effectively, to work with other health care providers as a team, and to provide necessary support for caregivers.

The Geriatric Care Act also will remove the disincentive caused by the graduate medical education cap established by the 1997 Balanced Budget Act. As a result of this cap, many hospitals have eliminated or reduced their geriatric training programs. The Geriatric Care Act corrects this problem by allowing additional geriatric training slots in hospitals. By allowing hospitals to exceed the cap placed on their training slots, this bill will help increase the number of residents in geriatric training programs.

My home State of Arkansas ranks sixth in the Nation in percentage of population 65 and older. In a decade, we will rank third. In many ways, our population in Arkansas is a snapshot of what the rest of the United States will look like in the near future.

All of us today could share stories about the challenges faced by our parents, our grandparents, our families, our friends, our loved ones as they contend with the passing years. These are

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 our Nation'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. There are many more things 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 responsibility we have today to prepare 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,
*Washington, DC, April 24, 2001.*

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 the grossly inadequate, fragmented 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 boomers, 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,

HOWARD BEDLIN,
*Vice President, Public Policy and Advocacy.*

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AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING,
*Washington, DC, April 18, 2001.*

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 reimbursement 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 5,600 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. Every day 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 clinic practices find it difficult to provide the level of service this population requires and deserves for the payment that 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 its passage. Please feel free to contact Will Bruno, our Director of Congressional Affairs.

Sincerely,

WILLIAM L. MINNIX, Jr., D. Min.
*President and CEO.*

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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 Medicare payment for 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 geriatric psychiatry and other fields that are extremely relevant to the Medicare population. Your 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.*

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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.

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By Mr. BINGAMAN (for himself Mr. ENZI, Mr. BAUCUS, and Mr. WELLSTONE):

S. 776, A bill to amend title XIX of the Social Security Act to increase the floor treatment as an 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 WELLSTONE, 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 their growing burden of providing 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 bourne 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,'' 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 1989. 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 state spends around 9 percent of its 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 but inadequate to hospitals all across our state, including University Hospital, Eastern New Mexico Regional Hospital, St. Vincent's Hospital, Espanola Hospital, and others.

In an analysis of the Medicaid DSH program by the Urban Institute, 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 . . . [C]urrent 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 low-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 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(f)(5) of the Social Security Act (42 U.S.C. 1396r–4(f)(5)) is amended—

(1) by striking ''fiscal year 1999'' and inserting ''fiscal year 2000'';

(2) by striking ''August 31, 2000'' and inserting ''August 31, 2001'';

(3) by striking ''1 percent'' each place it appears and inserting ''3 percent''; and

(4) by striking ''fiscal year 2001'' and inserting ''fiscal year 2002''.

(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 73—TO COMMEND JAMES HAROLD ENGLISH FOR HIS 23 YEARS OF SERVICE TO THE UNITED STATES SENATE

Mr. BYRD (for himself, Mr. STEVENS, Mr. LEAHY, Mr. KOHL, Mr. DASCHLE, Mr. REID, Mr. WARNER, and Mr. GRAMM) submitted the following resolution; which was considered and agreed to:

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 to 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.

### SENATE RESOLUTION 74—EXPRESSING THE SENSE OF THE SENATE REGARDING CONSIDERATION OF LEGISLATION PROVIDING MEDICARE BENEFICIARIES WITH OUTPATIENT PRESCRIPTION DRUG COVERAGE

Mr. DAYTON (for himself, Ms. STABENOW, Mr. JOHNSON, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 74

*Resolved,* That it is the sense of the Senate that, by not later than June 20, 2001, the Senate should consider legislation that provides 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 Senate 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 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, even ruined, 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:

S. RES. 75

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 breakthroughs and achievements 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 chemical pesticide usage, production of renewable energy and biobase 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 lead the way in reinvigorating rural economies and;

Whereas it is important for all Americans to understand the beneficial role biotechnology plays in improving quality of life and protecting the environment: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning May 13, 2001, as ''National Biotechnology Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. HUTCHINSON. Mr. President, I rise today with Senators DODD, CRAPO, KENNEDY, INHOFE, FEINSTEIN, CRAIG, MURRAY, SPECTOR, EDWARDS, MIKULSKI, HELMS, BIDEN, and KERRY to introduce a Senate Resolution declaring May 13–20, ''National Biotechnology Week.''

There have been phenomenal advancements in science over the last few years that are allowing us to improve health care, increase crop yields, reduce the use of pesticides, and replace costly industrial processes involving harsh chemicals with cheaper, safer, biological processes. These advancements 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 role of genetics in our lives 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 disease. The identification of which genes are activated, how, and the determination of the functional characteristics of their RNA and protein products are frontiers 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 and potential for 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 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 product known as ''golden rice,'' which could substantially combat blindness and anemia in the third world, is immense. In the next ten to twenty years, we will likely 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 wastes while producing recyclables or biodegradable products. Industrial biotechnology has been used to create environmentally friendly laundry detergents with fewer phosphates and paper production treatments that reduce the discharge of chlorine. Industrial enzymes have also been used to create ethanol and other alternative fuels from corn and biomass.

Aside from the environmental benefits of both agricultural and industrial biotechnology, researchers have used this technology to actually solve environmental problems and clean up environmental disasters. Through the use of bioremediation, the use of living organisms to degrade toxic waste into harmless byproducts, researchers and environmentalists have been able to clean polluted coastlines and areas where fuels have leaked into the soil. Cities and towns throughout the world are now using microbes to remove pollutants from their sewage systems, and the EPA is now using bioremediation to clean up some of our nation's most serious waste sites.

With all of these marvelous benefits, there is no doubt that biotechnology is touching our lives and improving our world. But, along with this technology comes the responsibility to understand and carefully evaluate it. If there is to be a future for this technology, and we are to fully realize its benefits, elected officials and the public must be informed and engaged about the basics of technology itself and its incredible benefits.

This is why my colleagues and I are pleased to introduce this resolution declaring May 13–20, 2001, as ''National Biotechnology Week.'' It is our hope that public officials, community leaders, researchers, professors, and school teachers across the country will take this week to actively promote understanding of biotechnology in their communities and their classrooms.

## 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.

## TEXT OF AMENDMENTS

**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; as follows:

Beginning on page 57, strike line 24 and all that follows through page 58, line 3, and insert the following:

''(ii)(I) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(II)(aa) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section 101; and

''(bb) is a site determined by the Administrator or the State, as appropriate, to be—

''(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 responsible party and which will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

''(cc) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

''(III) is mine-scarred land.''.

On page 65, between lines 11 and 12, insert the following:

''(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 for the characterization, assessment, or remediation of that site.

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:

''(J) The extent 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.

On page 70, between lines 2 and 3, insert the following:

''(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).

On page 71, strike lines 15 through 17 and insert the following:

''(k) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

''(1) this Act (including the last sentence of section 101(14));

''(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

''(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

''(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

''(l) FUNDING.—

''(1) 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.

''(2) USE OF CERTAIN FUNDS.—Of the amount made available under paragraph (1), $50,000,000, or, if the amount made available is less than $200,000,000, 25 percent of the amount made available, shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II).''.

On page 93, line 4, before ''develop'', insert ''purchase insurance or''.

On page 94, line 11, strike ''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 release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield 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 official shall consider and appropriately respond to a request under subclause (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: ''Consultation with the State shall not limit the ability of the Administrator to make this determination.''.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, April 25, 2001. The purpose of this hearing will be to review agricultural trade issues.

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 25, 2001, immediately following the nomination hearing, on status of labor issues in airline industry.

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee, on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 25, 2001, at 9:30 a.m. on the nomination of Brenda Becker to be Assistant Secretary for Legislative and Intergovernmental Affairs (DOC), and Michael Jackson to be Deputy Secretary for the Department of Transportation.

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

### COMMITTEE ON FINANCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, to hear testimony on Medicare and SSI Benefits: Turning off the Spigot to Prisoners, Fugitives, the Deceased and other ineligibles.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, at 10:30 a.m. and at 2 p.m., to hold two hearings.

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

### COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, April 25, 2001, at 10 a.m., in SD226.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, at 2 p.m., to hold a closed briefing on intelligence matters.

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

### SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE AND TOURISM

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 25, 2001, at 2:30 p.m., on west coast gas prices.

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

### SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, to conduct a hearing on ''HUD's Program, Budget and Management Priorities for FY 2002.''

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

SUBCOMMITTEE ON STRATEGIC

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, at 2:30 p.m., in open session to receive testimony on the fiscal year 2002 budget request of the National Nuclear Security Administration in review of the Defense authorization request for fiscal year 2002 and the future years Defense program.

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

## PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Daniel Wood be given floor privileges for this day.

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

Mr. REID. Mr. President, I ask unanimous consent that Mathew Tinnings, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor for the pendency of the debate on S. 350.

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

## SENATOR ROBERT KERREY OF NEBRASKA

Mr. KERRY. Madam President, I want to share a couple of thoughts regarding some reports that have appeared in the media in the last few hours regarding our colleague, Senator Bob Kerrey.

Some reports have been written during the last 24 hours about an incident that took place in Vietnam in February 1969, several weeks prior to Senator Kerrey receiving the Congressional Medal of Honor for the secret mission on which he served. I read a couple of those reports. I want to express my personal concern about the approach of the media to this issue, and express my personal support for Senator Bob Kerrey, particularly for the nature and the circumstances of the mission which has been written about.

It is my hope that the media is not going to engage in some kind of 32-year-later binge because there is a difference of memory about a particularly confusing night in the delta in a free fire zone under circumstances which most of us who served in Vietnam understood were the daily fare of life in Vietnam at that point in time.

I served in the very same area that Bob Kerrey did. I served there at the very same time that he did. I remember those free fire zones. I remember our feelings then and the great confusion many people felt about the ambiguities we were automatically presented with then by a military doctrine that suggested that certain areas were wholly and totally ''enemy territory,'' but nevertheless to the naked eye we could often perceive life as we knew it in Vietnam being carried on in those areas.

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 ours.

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 when orders were changed 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 unit's 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 theirself.

For almost 30 years, through Republican and Democrat administrations alike, the cornerstone of our approach to policy toward China and Taiwan 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 communiques—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 some 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 use of force across the Taiwan Strait is unlikely to be simply black and white, as clear as can be. The Tonkin Gulf is a classic example of that.

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? Have we given Taiwan 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 reiterated that we maintain the ''one China'' policy, and he hopes Taiwan will not declare independence. But he remained vague as to what we would do if Taiwan did declare independence and China attacked.

To remove the strategic ambiguity runs the risk of decreasing Taiwan's security rather than increasing it and of eliminating the flexibility that we will need to determine how to respond in any given situation.

Notwithstanding 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 on this question our interests and Taiwan's are better served by the ambiguity that has existed and would be better served by maintaining it. It not only deters a Chinese attack, but it discourages Taiwan from misreading what the United States might do.

President Bush has said that the United States has an obligation to defend Taiwan. Certainly we want to help Taiwan preserve its thriving democracy and robust, growing economy. I have said previously that I think this is enough of a message to the Chinese, that no American President could stand idly by and watch while that democracy that has been gained is set back, by force or otherwise. Nevertheless, we need to press both Taipei and Beijing to reinvigorate the cross-strait dialogue, without any misinterpretations about our role.

So let us be clear: The Taiwan Relations Act does not commit the United States to come to the defense of Taiwan in the event of an attack. The Taiwan Relations Act commits us to provide Taiwan with the necessary military equipment to meet its legitimate self-defense needs. The arms package that the Bush administration just approved for Taiwan, I believe, is the right mix and the right measure, and it will 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 Arkansas.

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 26, 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. on Thursday, April 26. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m. with Senators speaking for 10 minutes each with the following exceptions: Senator THOMAS or his designee from 10 to 10:30, and Senator DURBIN or his designee from 10:30 to 11 a.m.

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

## PROGRAM

Mr. NICKLES. For the information of all Senators, it is hoped that the Senate can begin consideration of S. 149, 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.

## 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. FIDDICK, RESIGNED.

MARY KIRTLEY WATERS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE ANDREW C. FISH, RESIGNED.

### FEDERAL TRADE COMMISSION

TIMOTHY J. MURIS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1994, VICE ROBERT PITOFSKY, RESIGNED.

### DEPARTMENT OF ENERGY

LEE SARAH LIBERMAN 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 PIZZELLA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE PATRICIA WATKINS LATTIMORE.

### IN THE AIR FORCE

THE FOLLOWING NAMED UNITED STATES AIR FORCE RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 8038 AND 601:

*To be lieutenant general*

MAJ. GEN. JAMES E. SHERRARD III, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. GREGORY B. GARDNER, 0000
BRIG. GEN. ROBERT I. GRUBER, 0000
BRIG. GEN. CRAIG R. MCKINLEY, 0000
BRIG. GEN. JAMES M. SKIFF, 0000

*To be brigadier general*

COL. RICHARD W. ASH, 0000
COL. THOMAS L. BENE, JR., 0000
COL. PHILIP R. BUNCH, 0000
COL. CHARLES W. COLLIER, JR., 0000
COL. RALPH L. DEWSNUP, 0000
COL. CAROL ANN FAUSONE, 0000
COL. SCOTT A. HAMMOND, 0000
COL. DAVID K. HARRIS, 0000
COL. DONALD A. HAUGHT, 0000
COL. KENCIL J. HEATON, 0000
COL. TERRY P. HEGGEMEIER, 0000
COL. RANDALL E. HORN, 0000
COL. THOMAS J. LIEN, 0000
COL. DENNIS G. LUCAS, 0000
COL. JOSEPH E. LUCAS, 0000
COL. FRANK PONTELANDOLFO, JR., 0000
COL. RONALD E. SHOOPMAN, 0000
COL. BENTON M. SMITH, 0000
COL. HOMER A. SMITH, 0000
COL. ANNETTE L. SOBEL, 0000
COL. CLAIR ROBERT H. ST. III, 0000
COL. REX W. TANBERG, JR., 0000
COL. MICHAEL H. WEAVER, 0000
COL. LAWRENCE H. WOODBURY, 0000

# EXTENSIONS OF REMARKS

## 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 community and the lives of many new Americans.

The Fresno Center for New Americans is a non-profit organization that assists new Americans in becoming productive, self-fulfilled, and 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 in one fell swoop. He should—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 $950 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 today to commemorate the hospital's 125th anniversary and its long tradition of providing quality health care to the community.

The hospital can trace its roots to 1876, when Wilborforce 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 inpatients 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 its 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 Shook, Bethany Simmons, Luke Siversen, Cody Steussy, 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. ALCEE 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 31 years.

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 relentlessness of the oil and gas industries. As recently as last Sunday, the Bush Administration restated its plan to auction nearly six million acres off of 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 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 undoubtably 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 set the foundation for 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 in New York 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 Filmore 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 is one of the few women 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 Roman 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 Fairs 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 Walrus'' 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 with my colleagues to remember 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 meet the call 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

### HON. LYNN C. WOOLSEY

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.

Her work included the Marin City-USA Project, Sausalito School Board, Marin General Hospital Board, Marin Education Fund, the Marin City Community Development Corporation, the National Women's Political Caucus, and many others. She became the first African-American to head a county department when she was named to direct the newly formed Citizens Service Office in 1978. She has been honored by the Marin Women's Hall of Fame, the county Human Rights Commission (the Martin Luther King Humanitarian Award), and the Marin County Grass Roots Leadership Network.

Mr. Speaker, we honor Betty Times for her strength, good humor, wit, and integrity as well as her leadership. The Marin community will be the poorer for her loss.

## CONGRATULATING THE ARMENIAN COMMUNITY SCHOOL OF FRESNO

### 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 celebrating 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 Hovannissian and Sahatdjian 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.

## TRIBUTE TO JEANNE STINE, FORMER MAYOR OF THE CITY OF TROY, MICHIGAN

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 25, 2001*

Mr. LEVIN. Mr. Speaker, on April 26, 2001, the City of Troy, Michigan will pay tribute at a dinner in honor of their former Mayor, Jeanne Stine. She recently left that post she had held since 1992.

During Mayor Stine's tenure, the City of Troy witnessed remarkable growth and prosperity, whether measured by the total market value of its property, the growth in employment, or most vitally, the quality of life for Troy's citizens. The ground was recently broken for construction of a community center, including a new gymnasium, conference center, computer room, exercise facilities, and a senior citizen dining room. The annual Troy Daze festival prospered under her tutelage. There, I have spent many happy hours with Mayor Stine at the festival, watching her as she pridefully spoke to the annual ceremonies swearing in new citizens and touring the many booths of a wide variety of Troy's public service groups.

Beginning with her first service to Troy's citizens when elected to the City Council in 1976, Jeanne Stine has worked tirelessly for her community. She serves as the Immediate Past President of the Michigan Association of Mayors and Vice President of the Michigan Municipal League. She also serves on the Board of Directors of a number of organizations, including the Boys and Girls Club of Troy, Arab American Chaldean Council and the Troy Community Coalition.

Mayor Stine received her BS and RA from Wayne State University. She worked as an educator and school counselor in the neighboring community of Clawson for 33 years.

Troy is a far more enjoyable, hospitable and cohesive community today because of Jeanne Stine. No matter was too small for her attention, and I was privileged to participate with her in some of her incessant efforts to better life for Troy's citizens, whether improving the post office, modernization of its highways, or the encouragement of the uniquely successful Troy Community Coalition and its anti-drug program.

Mr. Speaker, I ask my colleagues to join me in thanking my friend, Jeanne Stine, for her years of public service and in wishing her good health and happiness in the years ahead.

## COMMEMORATING 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 modern-day Turkey's attempt to disavow the Armenian Genocide and dispute 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 efforts to do so will make a difference and 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, recitals, guest appearances, joint 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 volunteerism that has always been the hallmark of our Western New York community.

Mr. Speaker, today I join with the group's membership, and indeed, our entire Western New York community, to honor the Kalina Singing Society on this historic anniversary. On behalf of the Thirtieth Congressional district of the State of New York, I want to formally extend my enthusiastic commendation, and offer my personal best wishes for the Kalina's second century.

## RECOGNIZING PAULINE BLAYNEY

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 25, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Pauline Blayney for being named ''Silent Servant'' of the year 2001 by the Fowler Chamber of Commerce.

Pauline was bom in Fresno and has been a Fowler resident since the age of six. In 1946 she married Laurice Blayney. The couple has three children and nine grandchildren.

Pauline has been involved with several community activities in the community, including: Fowler Improvement Association, Friday Book Club, Iowa Community Club, Presbyterian Church of Fowler, Presbyterian Women of the Presbyterian Church U.S.A., Edwin Blayney Senior Center, Girls Scouts, Cub Scouts.

Mr. Speaker, I congratulate Pauline Blayney for her ''Silent Servant'' of the year 2001 award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing Pauline Blayney many more years of continued success.

## HONORING COMMISSIONER JACK BUELL FOR ACTS OF CARING

### 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.

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 RJ 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 and getting to know many of the executives and employees at R.J. Reynolds Tobacco Company. They are all extremely dedicated, hard working, creative, and proud of their work. An organization is only as good as its people; and the workers at Reynolds are second to none, and it shows in the final product.

Congratulations to Reynolds and its employees for winning this award. You've always been at the top of my list. Keep up the good work.

## PERSONAL EXPLANATION

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 25, 2001*

Ms. BALDWIN. Mr. Speaker, during the week of March 26, 2001, I was absent from the House due to a death in my family. Although I received the appropriate leave of absence from the House, I want my colleagues and constituents of the 2nd District of Wisconsin to know how I intended to vote on the rollcall votes that I missed.

Rollcall vote 62: I would have voted ''No''.
Rollcall vote 63: I would have voted ''Aye''.
Rollcall vote 64: I would have voted ''Aye''.
Rollcall vote 65: I would have voted ''No''.
Rollcall vote 66: I would have voted ''Aye''.
Rollcall vote 67: I would have voted ''Aye''.
Rollcall vote 68: I would have voted ''No''.
Rollcall vote 69: I would have voted ''Aye''.
Rollcall vote 70: I would have voted ''No''.
Rollcall vote 71: I would have voted ''No''.
Rollcall vote 72: I would have voted ''Aye''.
Rollcall vote 73: I would have voted ''Aye''

Rollcall vote 74: I would have voted ''Aye''.
Rollcall vote 75: I would have voted ''No''.

## 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 healthier 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 Claret, 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 their 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 rewards 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 citizens 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. GRACE 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 devout community service in organizations like the Knights of Columbus, Veterans of Foreign Wars, the Blind Association and the Rancho San Antonio Boys Home.

Jim was born in Los Angeles in 1935 and educated in the Los Angeles Public Schools. He married his high school sweetheart Kathleen in 1956 and was drafted into the Army in 1958, spending his time in Korea. After an honorable discharge, he and his wife bought a home in Norwalk, where they lived for forty wonderful and memorable years and raised two children, Jim and Theresa.

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 preparing to become 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.

## COMMENDING 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 Alstatt, Tara Bauer, Travis Beam, Chelsea Boldra, Sarah Braun, Kelly Brooks, Ashleigh Dyck, Elise Eilts, Brandon Fross, Rebekah Girard, Daran Herrman, Bojun Hu, Brandon Klaus, Brandi Legleiter, Matthew Leiker, Abby Maska, Fatou Mbye, Jayna Montoia, Charlotte Moore, Kayla Schippers, Jill Seib, Evan Shaw, Kevin Wasinger, Michael Wasinger, Sonya Wesselowski, Jeremy Wilson, Michael Wilson, Joslin Woofter, Alexandra Zehner.

This past weekend, Hays High represented the state of Kansas in the national finals of the

We the People . . . The Citizen and the Constitution program. These Kansas seniors joined over 1200 students from across the United States to compete in Washington, DC. These young scholars worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. I commend each of these students for their hard work and success.

I would also like to recognize their teacher, Sue Boldra, for helping prepare these young students. Ms. Boldra's commitment and dedication to nurture and encourage our youth shines through the accomplishments of her students. The First Congressional district has been proud to be represented by Hays High for the past four years on the national level in this prestigious competition. I comrnend Ms. Boldra for her excellent job promoting education and patriotism among the youth of Kansas.

I also applaud Professor Richard Heil at Fort Hays State University for his three years of service as a judge at the We the People national finals. Dr. Heil's commitment to this program has helped students from across the United States take a strong interest in the principles that govern our nation.

It is an honor to recognize such a meritorious group.

## 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 has 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 Herndon High School and eventually moved to the Herndon Elementary School. She retired when she gave birth to her two daughters. After the last of her children grew up, she looked for ways to remain active in the community.

She went to Northern Virginia Community College to receive her associate's degree in fine arts. Her works became well-known, but she decided to keep art as a hobby. Ms. Mankin continues to enjoy art, but her real joy is her love of volunteering. She became involved in over ten organizations after finishing her degree.

Ms. Mankin continues her volunteer efforts, visiting Reston Hospital once a week to assist in the rehabilitation center. She also participates in a social group for local women called ''Lunch and Fun Bunch.'' She serves as a trustee on the Herndon School Board, a lifetime member of the Historical Society, and has served as a town election official for 22 years. Her countless hours of service make our district proud to have such a fine citizen.

Mr. Speaker, in closing, I wish the very best to Ms. Elma Mankin as she is recognized as the Citizen of the Year. She certainly has earned this recognition, and I call upon all of my colleagues to join me in applauding this remarkable achievement.

## HONORING PAUL BESSELIEVRE

### HON. GEORGE RADANOVICH

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 sweetheart. 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. Best advice you've ever received?

A. One night in 1965 while working late, Earl Nightengale came on the radio and asked a simple question. What do you say when someone asks, ''Will you do me a favor?'' Most people ask what it is. He encouraged them to just say ''sure.'' It's an attitude. Expect the best of people. If they ask for something unreasonable, you can always recant. What you learn when you expect the best of people is that you usually get it. This change in attitude becomes a way of life. That 10-niinute broadcast had a profound impact on me. Life as an optimist is a lot more enjoyable.

Q. Favorite book?

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 1983 Buick Riviera convertible.

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 Conferees 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

SPEECH 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 more than ever promote 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 who will agree 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 form a 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 and the skepticism of his colleagues and academics. But he succeeded, and 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.

Now as we proceed into a new century, his work continues. Just because he's now emeritus 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.

## COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 24, 2001*

Mr. HOYER. Mr. Speaker, every year on April 24 we commemorate the Armenian genocide. Between 1915 and 1923, in what is called the first genocide of this century, more than one million Armenians perished and 500,000 survivors were exiled from their homes in Ottoman Turkey. We mark this unspeakable tragedy each year on that date so that we can examine what occurred and honor the memory of the victims. Sadly, Mr. Speaker, the massacre of the Armenians was not the last genocide of the 20th Century. In designing his ''final solution to the Jewish problem'' Adolf Hitler reflected, ''Who today remembers the Armenians?'' Decades later, the cries of these victims echoed in Cambodia, Rwanda, Bosnia-Herzegovina and Kosovo.

We must remember, Mr. Speaker, but we must also learn from this event and ultimately act on that knowledge to prevent such indescribable horror from ever occurring again. There are those who deny that there was an Armenian genocide. Mr. Speaker, Yehuda Bauer, historian of Yad Vashem, has said that ''to deny a genocide . . . is a denial of truth.'' We must speak the truth, and that is what we do here in this House today.

As we honor the memory of those who perished, we marvel at the strength of the survivors and the generations which have followed. In the diaspora, the Armenian people have prospered and flourished throughout the world. The creation of the independent state of Armenia in 1991 not only provided the Armenian people with a homeland, but is a beacon of hope for the future. It is our hope, Mr. Speaker, that Armenia will thrive and prosper and continue to fortify its democracy.

It is also our hope, Mr. Speaker, that the people of Armenia and Azerbaijan will redouble their efforts to find a solution to the conflict in Nagomo-Karabagh. I commend our government for bringing the parties together in Florida recently for renewed negotiations, and I hope that this intensified effort will result in an agreement that will ensure lasting peace for all the people of the region.

## 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 to honor the accomplishments of Mr. 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 payed 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 it's 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 as follows: Rollcall vote 85, on the Motion to Instruct Conferees on 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.''

## COMMEMORATING 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 2600th birthday of the greatest prophet of Jainism, 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 Jainis 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 they look deep in their hearts and pick up a few extra nonperishable items while doing their weekly shopping. As all food collected remains in the community, these essential 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. IKE SKELTON

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 organizer with an empathetic soul, and she 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 United Way'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 Centres 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 Mayors 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 then planned 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 once our government decides to insert itself into internal or regional matters in 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 DETENTE 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 his peace initiative 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 engaging the communist North, but a number of Mr. Kim's aides fear time is running out since his term ends next year.

Fueling 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 Jang 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 Taek 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 says. ''We 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 had held an unprecedented meeting with North Korea's supreme leader, Kim Jong Il, 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 Il'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 has been cancelled, and Kim Jong Il's proposed trip to South Korea during 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 quickly wrap up their review of North Korea policy and sign on to new peace talks. If not, however, there is a helpless sense of what can actually be achieved without Washington's imprimatur. 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 Representatives 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. This law was enacted at the will of 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 Michigan, 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 sheer size, offers a wealth of diverse social and political issues. Because its population is sparse, however, its representation in Lansing is meager in numbers.

Spokesmen 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 an excellent platform to speak on behalf of his region.

Paul brought an essential understanding of the region with him when he went to Lansing. He knew that the part of the state he represented has a rich and diverse heritage. In fact, one community, Calumet, once was so vital and prosperous that it came within one vote of becoming the capital of Michigan.

Paul and I had the opportunity to work together on many major issues, perhaps the most important of which was trying to rebuild the region's economic vitality in the face of challenges like imports, which have devastated its copper mining industry.

In trying to address the problems of unemployment arising from the closing of the White Pine Mine and related economic fallout from that closing, Paul and I have shared the knowledge that we have great resources at hand in this part of Michigan, which will be at the heart of any development effort. These resources include the excellent quality of the area's workforce and the strength of its nationally-renowned engineering school, Michigan Technological University.

I wish Paul and his wife Julie and their three children the best in Paul's post-legislative career. He has my respect and friendship, and I will miss working with him.

## COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

### HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 24, 2001*

Mr. MOAKLEY. Mr. Speaker, I am proud to rise with my colleagues in calling for the remembrance of the Armenian Genocide. I remain deeply concerned that the United States has not officially recognized this tragedy as a genocide, and believe it is time this nation acknowledges the truth.

That truth is told by those who were there. Many Armenians that saw the killing, saw the destruction and lived through the persecution, are now our neighbors and friends. For years, these brave individuals who lost their loved ones have told the painful story of their experience, yet it has often fallen on deaf ears. They have told of the day in 1915—April 24th—when Turkish officials arrested and exiled 200 Armenian political, intellectual and religious leaders. That terrible day started a campaign of terror that would last for eight years, resulting in the death of 1.5 million Armenians.

Today, despite all of our advances, we still see this kind of brutal ethnic cleansing in several places around the world. In Kosovo, an international military force had to be called in to end ethnic cleansing in that tiny province. And across Africa, in places like Sierra Leone and the Congo, entire groups of women, children and men have literally been wiped out in attempts to control land and resources. If we are ever to stop such inhumane treatment, we must ensure that we speak the truth about the past. We must ensure that our young people hear the wrongs that have been committed against humanity, so that they have the opportunity to stand firmly for basic human rights as they rise to become our leaders.

As a nation, the United States speaks often about respect for human rights. I am proud that we hold such values so close—but until 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 perspective 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 diseases known as CLL (chronic lymphocytic leukemia) and ALL (acute lymphoblastic leukemia) 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 donation 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 beaded pins. Make and distribute pins to your family, friends, business associates and Congressional reps. Carry the theme forward into National 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 budget doubled over the next five years, and with that hopefully diseases such as lymphoma will become history.

PERSONAL EXPLANATION

## HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 25, 2001*

Mr. MORAN of Virginia. Mr. Speaker, on Rollcall No. 87, 1 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. I 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 Polfus 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.
Armed Services
To hold hearings to examine the report of the panel to review the V-22 Program.
SH–216

Commerce, Science, and Transportation
To hold hearings to examine climate change issues.
SR–253

10 a.m.
Appropriations
Energy and Water Development Subcommittee
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

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Forest Service, Department of Agriculture.
SD–138

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

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Commerce.
S–146, Capitol

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 to examine 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.
334, Cannon Building

Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on individual fishing quotas.
SR–253

Environment and Public Works
To hold hearings to examine the science of global climate change and issues related to reducing net greenhouse gas emmissions.
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

Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

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 State.
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

JUNE 6

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

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

JUNE 20

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 Housing and Urban Development.
SD–138

# Daily 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. **Pages S3921–22**

**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. **Page S3879**

***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: **Pages S3879–S3912**

Smith (of NH) Amendment No. 352, to make certain improvements to the bill. **Pages S3896–S3904**

**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. **Page S3931**

**Executive Communications:** **Pages S3919–21**

**Petitions and Memorials:** **Page S3921**

**Messages From the House:** **Pages S3918–19**

**Measures Referred:** **Page S3919**

**Statements on Introduced Bills:** **Pages S3923–27**

**Additional Cosponsors:** **Pages S3922–23**

**Amendments Submitted:** **Page S3929**

**Additional Statements:** **Page S3918**

**Authority for Committees:** **Pages S3929–30**

**Privileges of the Floor:** **Page S3930**

**Record Votes:** One record vote was taken today. (Total—87) **Page S3907**

**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.

## AUTHORIZATION—NATIONAL NUCLEAR SECURITY ADMINISTRATION

*Committee on Armed Services:* Subcommittee on Strategic concluded hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on the National Nuclear Security Administration, after receiving testimony from Gen. John A. Gordon, USAF (Ret.), Under Secretary for Nuclear Security/Administrator for National Nuclear Security Administration, C. Paul Robinson, Director, Sandia National Laboratories, C. Bruce Tarter, Director, Lawrence Livermore National Laboratory, and John C. Browne, Director, Los Alamos National Laboratory, all of the Department of Energy; Joseph J. Buggy, Westinghouse Savannah River Company, Aiken, South Carolina; John Mitchell, BWXT–Y12, Lynchburg, Virginia; David S. Douglas, Honeywell Federal Manufacturing and Technologies, Kansas City, Missouri; and Dennis R. Ruddy, BWXT Pantex, Amarillo, Texas.

## 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. Czerwinski, 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.

Hearings recessed subject to call.

## 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. **Pages H1604–05**

**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. **Page H1561**

**Guest Chaplain:** The prayer was offered by the Guest Chaplain, Rev. John F. Baldwin, Captain, Chaplain Corps, United States Navy, Retired, of Chicago, Illinois. **Page H1561**

**Tax Limitation Constitutional Amendment:** With ⅔ 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. **Pages H1568–82**

Earlier, H. Res. 118, the rule that provided for consideration of the joint resolution was agreed to by voice vote. **Pages H1563–67**

**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

*Committee on Energy and Commerce:* Held a hearing on H.R. 1542, Internet Freedom and Broadband Deployment Act of 2001. Testimony was heard from public witnesses.

## 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 Stanlislaus 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

*Committee on Ways and Means;* Ordered reported, as amended, H.R. 10, Comprehensive Retirement Security and Pension Reform Act of 2001.

### 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.

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## 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.

Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Transportation, 10 a.m., SD–124.

Subcommittee 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.

Subcommittee 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.

Subcommittee 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.

Subcommittee 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.

Subcommittee 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.

Subcommittee 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 the District of Columbia, on Economic Development, 9:30 a.m., H–140 Capitol.

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.

*Committee on Energy and Commerce,* Subcommittee on Health, hearing entitled "Priorities of the U.S. Department of Health and Human Services Reflected in the Fiscal Year 2002 Budget," 10 a.m., 2322 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 the Judiciary,* Subcommittee on Crime, hearing on H.R. 1577, Federal Prison Industries Competition in Contracting Act of 2001, 9 a.m., 2237 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 4 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).

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