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Senate

The Senate met at 1 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Everloving God, we thank You for the rest and renewal of the weekend, for the promise that comes with this new week, and the hope we feel. We ask you to implant the eyes of our minds with trifocal lenses so that we may behold Your signature in the natural world around us, see the needs of people so we can care for them with sensitivity, and visualize the work that we must do. With minds alert and hearts full of gratitude, we honor You as our Sovereign. Thank You for meeting all the needs of our bodies, souls, and spirits so that we can serve You with renewed dedication. Now, as You hover around us as we pray, grant us wisdom throughout this day. In the name of Him who is our amazing grace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID 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 (Mr. AKAKA). The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA 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 be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the time to be equally divided between the two leaders or their designees.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. As the Chair announced, we will be in a period of business until 2 p.m. At 2 p.m., we will resume consideration of the energy reform bill. There will be no rollcall votes today. Cloture was filed on the Daschle-Bingaman substitute amendment to the energy reform bill. The Senate will vote on cloture on the substitute amendment tomorrow morning. All first-degree amendments to the energy bill must be filed by 1:30 p.m. today.

EARTH DAY

Mr. REID. Mr. President, Earth Day is today. Most of the celebrations took

place this weekend. People are interested in this program all over the country. Gaylord Nelson, a Senator from Wisconsin, came up with this idea. It has caught fire. People are more concerned about the environment than ever.

I indicated the other day the reason we have the Clean Water Act is that for example, the Cuyahoga River in Ohio kept catching fire. Yes, they had to put out the fire on the river on a number of occasions because it was so polluted. It was determined at that time that 80 percent of our rivers and streams in the United States were polluted; only 20 percent were not.

As a result of that river catching fire, Congress, and then President Nixon, decided something had to be done. The Clean Water Act was passed. It was imperfect legislation, but it has made great strides toward improving the waterways of this country. Some say the numbers have reversed, that now only 20 percent of the rivers and streams are polluted. That is probably inaccurate—it is probably more than that—but progress has been made.

Fish are returning to rivers that were once so polluted they could not survive in the water. There are rivers and streams now where people can catch fish and actually eat them; they are not toxic to eat.

People realize Earth Day should apply not only to places in the mountains where it is greener but more fragile habitat such as the desert, from where I come. The Mojave Desert is the driest and most unforgiving region in North America. Yet to most it is also one of the most beautiful, awe-inspiring places in America. It is fragile because of the extreme climate. It is not unusual to see extremes of 40 degrees from morning to night.

I have learned the Earth heals very slowly from the impact of people. I didn't realize that as a boy. I don't think a lot of people realized how fragile the desert was. I mentioned the

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



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other day that I have seen the tracks made 50 years ago or more where Patton and his troops did war exercises in the desert. I was in that part of the desert a couple weeks ago. It was amazing to still see those tank tracks in the desert. They will be there probably for another 50 years, if not more.

More people each year understand how important it is to conserve our land and its rich resources. While this administration's environmental rollbacks are getting too numerous to count, they started with, of course, the infamous problem of arsenic in the water—saying there was no problem, regardless of how much arsenic was in the water.

While this administration's environmental rollbacks are too numerous to count, the one that stands out the most in my mind is the transportation of nuclear waste. The reason this has been so difficult for me to accept is the President came to Nevada on one occasion. He came to northern Nevada, the Lake Tahoe area, and would not take questions from the press during his campaign. He was afraid people would ask questions about nuclear waste. His position had been contrary to the interests of residents of Nevada. As the campaign rolled on and it was determined that Nevada electoral votes might become very important in the Presidential race, he sent people to Nevada on his behalf and explained: President Bush thinks nuclear waste is an important issue and he will not allow nuclear waste to come to Nevada unless there is sound science. Vice President CHENEY came when he was campaigning. President Bush issued a statement to that effect, unequivocally saying nuclear waste would not come to Nevada unless there was sound science. He came to Nevada only on one occasion during the campaign. But, since he came to Nevada, that science has gone downhill from the perspective of the nuclear power industry. In fact, there are 292 scientific investigative reports, according to the General Accounting Office, that have not been completed. In addition to that, the Nuclear Waste Technical Review Board has stated that the science is poor. In addition to that, the Winston & Strawn law firm, which was giving legal advice to the Secretary of Energy for the sum of millions of dollars, was also getting millions of dollars from the Nuclear Energy Institute. If there were ever a direct conflict of interest, that was it, and the inspector general from the Department of Energy said so in written form.

So we have the General Accounting Office, inspector general of the Department of Energy, and the Nuclear Waste Technical Review Board saying: Secretary Abraham, don't make this recommendation now. You don't have the facts at your disposal to show there is good science. In spite of that, Secretary Abraham went ahead and did this anyway, and it was confirmed 1 day later by President Bush.

The people of Nevada are extremely disappointed in how President Bush handled this issue. So this is only one indication of how the President has handled the environment.

We have to work together to protect our environment from threats for our children and for their children. All future generations deserve clean water to drink, safe air to breathe, and communities free of dangerous chemicals. That is for certain.

In Nevada, we have taken important steps to protect our Nation's threatened and endangered species, even though, I repeat, Nevada is a desert, mostly. We have been either third or fourth, sometimes fifth, among the States that have listings in that regard. But we have made progress.

Construction came to a halt in Las Vegas because of the desert tortoise, and we have had problems in some of our rivers because of threatened and endangered species, but we have met those challenges. We have met them, especially in the southern Nevada area, a rapidly growing Las Vegas area, in a very inventive—I would say not only inventive way, but a way that will be used in future endangered species actions.

This was difficult to obtain, but we were able to get this with Secretary Babbitt, and I am convinced Secretary Norton will follow the same routine that Secretary Babbitt established as relates to endangered species in the southern Nevada area.

We have done some things that are extremely important to preserve areas around Las Vegas, including the Red Rock National Recreation area. We have been able to do some good things for Lake Tahoe and Pyramid Lake. We have done things with the Lake Mead area.

So we have a lot to celebrate in Nevada about our environmental accomplishments. But they are not secure. We believe there are other actions that need to be taken. One of the things we have been able to do—and this Congress really needs to talk positively about—is the brownfields legislation. That was legislation I authored. We were able to report that out of the Environment and Public Works Committee where I served during my entire time in the Senate.

I have been chairman of that committee on two separate occasions. During the time I have been there, we have had the opportunity to help improve many of our bedrock environmental laws, including the Clean Water Act, the Clean Air Act, Food Quality Protection Act, the Endangered Species Act, and the Safe Drinking Water Act. But the Brownfields Revitalization and Environmental Restoration Act of 2001, to clean up contaminated sites in rural areas and inner cities, has been very important. It will create hundreds of thousands of jobs and create millions and millions in revenues—actually over \$2 billion in revenue—for local government.

This took a piece of the Superfund legislation and improved upon that. We could not totally rework the Superfund legislation as needed, but we were able to take a small piece of it and do things of which all cities in America were supportive. It was supported by the National League of Cities and the National Council of Mayors. As a result, we were able to pass this legislation.

It took a while to get it out of the House, but we were finally able to get it out. It took almost a year to get it out of the House.

We have made progress, in addition to that, toward reducing air pollution. That is what some of these general laws have done in years past. As I have indicated, with drinking water threats such as arsenic and others, we need to do better.

We have worked to protect our Nation's threatened and endangered species, bringing back American symbols such as the bald eagle. I was able to go to the west front of the Capitol about a month ago. We had a bald eagle fly in. We were able to see that beautiful bird. I had never been that close to an eagle—really this close—with those piercing eyes. Those eyes can see a fish in the water a mile away, I am told.

Mr. President, I know this administration has taken steps to erode some of these accomplishments about which I have spoken, and on nearly every front. On this Earth Day, I think we should recognize this administration has denied the reality of global warming by walking away from the international negotiating table on climate change. This administration has threatened to undermine a Clean Air Act program which would clean up pollution from our powerplants. This administration has proposed to cut funding for enforcement of our landmark environmental laws. This administration has opposed efforts to develop renewable energy and to make our vehicles more efficient. This administration has tried to exploit the National Wildlife Refuge at the request of the big oil companies.

Today the President is in the Adirondack Mountains or someplace in New York—I think that is where I heard in the news that he was—to celebrate Earth Day. I am glad the administration recognizes the importance of Earth Day. But I think we should look at some of the basic laws that are being underfunded and undermined by the policies of this administration.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming, Mr. THOMAS, is recognized.

THE SENATE AGENDA

Mr. THOMAS. Mr. President, I will speak in morning business. There are a couple of issues before us. First of all, I urge that we move back as soon as possible—I understand we will at 2 o'clock—to our energy bill. Certainly, there is nothing more important before