

The efforts of this private group has led to a proposed delisting of the peregrine falcon. Just 20 years ago, there were only 39 known pairs of peregrine falcons in the lower 48 States. Today, recovery and reintroduction efforts have produced nearly 1,000 pairs. More than 81 percent of the falcons released have reached independence. The success of the Peregrine Fund should be a model for reforming the Endangered Species Act. If at all possible, we want to avoid putting species on the endangered list. We would like to take them off, and the only acceptable way is through recovery. This cooperative effort shows that we can use good science and manage a species early in its decline and bring about these kinds of results. We can recover species, and the work of the Peregrine Fund shows that if Government will provide incentives and then get out of the way, that we can, through innovation and good science, achieve the very results that all of us applaud.

I envision an Endangered Species Act that uses good science, innovation, incentives, and, where necessary, public financial resources to do what we, the stewards of this wonderful land, can do to benefit not only other species but ourselves as well.

I envision an Endangered Species Act that encourages all of us to participate willingly to conserve rare and unique species.

I envision an Endangered Species Act that treats property owners fairly and with consideration and that minimizes the social and economic impact of this law on the lives of citizens.

Working together, we can draft legislation that takes that important step in that direction. We can make the act smarter, and we can make that act better.

I believe that Congress has abdicated its responsibility by not dealing with the Endangered Species Act sooner. I can see why. Advocate change and you are immediately labeled as antienvironmentalist.

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

Mr. KEMPTHORNE. I ask for 2 additional minutes.

Mr. COVERDELL. I grant the Senator from Idaho 2 additional minutes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, this should not be a contest to see who is more for the environment. We should all be in favor of a cleaner, safer, healthier America for our children and their children.

I have called myself a probusiness environmentalist. We have been able to strike a balance between development and the environment. A good environment makes good business and, therefore, good business will invest in protecting the environment. Economic growth and quality environment are not mutually exclusive. They, in fact, can and should and must support one another.

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

Mr. COVERDELL. Mr. President, at this time, I yield up to 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

#### EARTH DAY, 1996: A DIFFERENT SHADE OF GREEN

Mr. GRAMS. Mr. President, on a day set aside to recognize the importance of protecting our environment and preserving our natural resources, I am pleased to join with my colleagues in this frank discussion of the substantial progress we have made and the steps we have yet to take.

But first, it is important to recognize that environmental protection is not a partisan matter. It is not about Republicans or Democrats. This is one issue which should bring us together, because on this issue, we share the same goal: We all want a clean America, where our children can breathe clean air and drink clean water. And there is not a man or woman in this Congress who would demand anything less for their families.

I am so proud, Mr. President, that over the past 20 years, we have made such great strides toward achieving that goal.

Our urban landscapes are no longer polluted by the thick, black smoke of industrial smokestacks. Our lakes and rivers are no longer the dumping ground for toxic sludge. We are recycling newspapers, glass, and plastics in record numbers. Through efforts such as the Conservation Reserve Program, Congress is working in partnership with the American people to ensure our generation leaves behind a cleaner Earth than the one we inherited.

We acknowledge that government at all levels can and should play a strong role in protecting our environment. Maybe that is why the United States spends more per capita on environmental protection than any other Western, industrialized nation.

The question is no longer whether or not we want to protect the environment—we all do. The question is, How do we achieve it?

It is an interesting coincidence that just a week ago, the American people were filing their Federal income tax returns and thinking about Government and how it impacts the family finances.

Today, exactly 1 week after Tax Day, we are marking Earth Day. And once again, the American people have an opportunity to think about Government—this time, its impact on the environment. But in the 26 years since Earth Day was first celebrated, Americans have grown concerned with Washington's environmental activism: What it is doing to jobs and salaries, and the bite it takes out of the family checkbook.

What they are telling us is yes, government ought to protect the environment. But they are also saying it can

do better by the taxpayers, too. And so they have asked this Congress to find a better balance, a "different shade of green" for Earth Day, 1996.

Over the past two decades, the Federal Government has worked toward better environmental protection by passing new legislation and imposing necessary new regulations. But in our zeal to protect the environment, we have often neglected to consider the serious, unintended consequences of the actions we are taking here in Washington.

We have cleaned up neighborhoods by clamping down on pollution, but we have handcuffed job-providers from finding better ways to achieve the same results.

We have sought out and protected wetlands and other unique environmental areas, but we have often commandeered people's land, without compensation, to do it.

We have demanded a great deal of the American people through our environmental regulations, but we have forgotten about the burdensome costs and confusing bureaucracies our vigilance have imposed on everybody.

It is hard to measure the benefits of our well-intentioned, environmental safeguards when these Federal regulations come at such a high cost.

The American people are telling us that Washington has gone too far, especially given the estimates that complying with environmental regulations cost an estimated \$850 billion every year. That is \$850 billion no longer available to pay higher wages and better benefits, and creating new jobs.

Is it possible that the environmental policies of the past have a cost that can be measured in terms greater than just dollars? Could they be costing human lives as well? According to researchers at Harvard University, the answer is yes. Because the government has increasingly focused its precious resources guarding the public against minuscule, theoretical risks, they are ignoring much greater dangers—a situation Dr. John Graham of the Harvard Center for Risk Analysis labels "statistical murder." It is a policy, say researchers, that costs 60,000 lives every year.

In other words, we have spent a lot of our taxpayers' hard-earned money on wasteful and nonproductive programs, rather than spending those dollars on finding a cure for, say, cancer, leukemia, or heart disease.

That kind of micromanagement, undertaken at such a horrible cost, is the wrong approach. No wonder so many average Americans feel they are being victimized by oppressive environmental legislation. In many cases, the Government has caused more damage than it has improved, and our goal should be to balance environmental protection with the need for economic growth as well. We always talk about the best welfare program being a job, but we have unnecessarily lost thousands of jobs because we have ignored

the end result of bad policy. If we are ever going to achieve balance, the solutions will not be dictated from Washington, DC, where layers of bureaucracy and waste cloud every decision. Sensible relief will only be found outside the beltway, by reining in the Federal regulators and giving our constituents the freedom to achieve the environmental goals everyone shares.

The Government can set goals or limits, but we should then step back and let the creative genius of Americans work on the solution in less costly, innovative ways. Expensive, one-size-fits-all dictates from Washington are not the answer, nor is using old technology to treat new problems. If experience has taught us anything over the past 26 years, it is that wisdom and compassion does not flow from the Federal Government.

That has clearly been the lesson of the Superfund program, a classic example of Washington-knows-best gone wrong.

Let us look at the facts.

Mr. President, 25 billion taxpayer dollars have been spent over the past 15 years cleaning up toxic waste sites on Superfund's National Priorities List. Yet as of today, only 12 percent of these sites have actually been cleaned up. Excessive administrative costs and a bloated bureaucracy have eaten away a lot of the money, while billions of dollars have gone to line the pockets of trial lawyers, who continue to delay Superfund's important work. The lawyers are benefiting while the American taxpayers get burned.

The end result? Fewer hazardous sites are being cleaned up and more Americans are being put at risk.

Clearly, the Superfund program is broken. Congress has an opportunity this year to reform Superfund and redirect the taxpayers' dollars away from the bureaucrats and lawyers, and toward meeting the original intent of the law: and that was cleaning up the environment.

The Endangered Species Act is another well-intentioned, but problematic, piece of legislation.

I have always believed the Federal Government can assist landowners in being the best stewards of their lands. But the Endangered Species Act provides an incentive for them to actually harm endangered species.

Under the act, if a landowner is told by the Government that their property is home to an endangered species, they are stripped of their ability to use their own land. Not only are they deprived of that land—and the enjoyment and revenue it might generate—but they are also denied any compensation from the Federal Government.

While that is obviously not the intent of the Endangered Species Act, it has become an unfortunate, perverse byproduct of the legislation.

One way Congress could improve the endangered species legislation is to provide incentives for property owners that would enable them to protect the

environment, instead of forcing them into desperate actions when they've been threatened by Federal bureaucrats.

Mr. President, what is most often lacking in Washington's attempts to improve the environment through regulation is an effort to get the big picture—a scientific approach to assess the various risks, and then direct resources where they can do the most good. Risk assessment and cost-benefit analyses are commonsense approaches undertaken out in the real world, but sorely missing in the Federal Government.

When businesses or individuals make important decisions, they usually perform their own version of a risk assessment. To best serve the taxpayers—who deserve to know what kind of bang their getting for their bucks—Federal agencies ought to be targeting their resources in the same way, eliminating overzealous regulation by asking the Environmental Protection Agency to focus on real solutions to real problems. This will not only free up more funds for financially strapped Federal agencies, but also provide a higher level of environmental and public health protection.

Giving our job creators more flexibility in meeting national standards is another way to eliminate the pervasive command and control approach that has infected many Federal programs. A pilot program called Project XL is proof that these efforts do work.

I have been working on Project XL with the Minnesota Pollution Control Agency, Minnesota-based 3M, and the EPA. This popular program allows participating companies to come up with their own methods to go beyond minimum environmental compliance. Allowing business to best determine how to meet all Federal standards is an innovative idea that should be expanded. As long as those standards are met, the path traveled to reach compliance should be open to experimentation.

And finally, the Federal Government needs to promote a better partnership between all levels of government, job providers, environmental interest groups, and the taxpayers. The most effective way for the Federal Government to play a strong role in protecting the environment is to do it in concert with those closest to the problems. Local solutions, not Washington domination.

That means setting reasonable national standards and giving technical advice to State and local governments and businesses. I have always believed that Minnesota taxpayers and our elected officials in St. Paul are much more aware of local problems and how to solve them than Washington will ever be.

"It is not easy being green," went the lyrics of a popular song from the 1980's. Maybe not, if being green in the 1990's means promoting an environmental agenda that flies in the face of common sense and treats the taxpayers with contempt.

Americans are looking for a different shade of green, Mr. President, an approach to the environment that strengthens the protection of our precious natural resources, promotes better health and safety measures, and helps rein in the exploding regulatory costs that are threatening people's paychecks.

Government does have an important role in ensuring a strong environmental safety net. But we can do better. In closing, Mr. President, by reforming the system and providing balance, we will enhance environmental cleanup and preservation while we protect landowners from undue Government interference, reduce costly, arbitrary regulations, and ultimately, save more lives.

So, Mr. President, on Earth Day, 1996, that is the shade of green this Congress is working to deliver.

I yield the floor.

Mr. COVERDELL. I thank my colleague from Minnesota. I yield up to 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair. And I thank the Senator from Georgia for his effort to organize this group of conversations regarding the protection of our environment.

I noticed from some of the comments that certain Democrats, anyway, I should say, have appeared to take offense that Republicans are actually working to protect the environment, apparently under the belief that Earth Day is a special day for them to demagog and politicize environmental issues. The real purpose of Earth Day is to recognize important work being done to protect our environment.

Today I want to discuss briefly two specific projects undertaken by a broad group of interests in my home State of Arizona that do exactly that.

The first has to do with ranchers in southeast Arizona who are acting as true stewards of the lands for the purpose of protecting the grasslands on which they currently are grazing. Many ranchers are working in harmony with nature not only to earn a living but also to protect the environment upon which they are earning that living. They are using their natural resources in a way that it is meant to be used.

In his forward to Dan Dagget's book called "Beyond the Rangeland Conflict—Toward a West That Works," David Getches, who is chairman of the board of trustees of the Grand Canyon Trust, said of ranchers on the Colorado Plateau—I am quoting—

It's not hard to find ranchers on the plateau who share some of our most heartfelt values. Most want their grandchildren to know a region with a healthy ecosystem and places of wonder, beauty and solitude. And most can understand that economic stability and permanence of communities are intertwined with the permanent health of the surrounding land, water, and wildlife.

Certainly Professor Getches is correct because some of the people who

care the most about the land are those ranchers. I speak specifically of a new group called the Malpai Borderlands Group which is the essence of this commitment for protection. I met with representatives of the Malpai Group over the Easter recess when I was in Douglas, AZ. I was very impressed with the work they are doing as a combined group of ranchers, representatives of environmental groups, Federal agencies, and other people in the community.

The area in which they are working together is an area of thousands of acres in both New Mexico and Arizona which is the home of a great many endangered species and an environment that needs help. The land ownership is about half private and half Federal agency, the Federal lands being the Bureau of Land Management and the Forest Service as well as some State trust land.

But in 1990 this group got together to begin discussing ways of dealing with what they thought was a deteriorating situation, an attack on ranching generally, and also a deteriorating environment. The grasslands, with some shrubs, were moving inexorably to shrub lands with some grass. And this occurred for many reasons. But the principal one was the absence of a very natural element—fire.

For years fire used to sweep through this area every decade or so and, in effect, cleanse it of all of the woody shrubby plants which then promoted very shortly thereafter fresh new grass for the wildlife then to thrive on. But because of the fire suppression that has not occurred in the last 100 years or so, the result is that the grasslands have gradually now become woods where there are shrubby lands that cannot support grazing.

So the agenda of this group was to address both the threat of fragmentation of the landscape—selling off smaller parcels for development—and the decreasing productivity and loss of biological diversity accompanying the encroachment of these woody species on the grasslands.

What they did is form the 501(c)3 organization called the Malpai Borderlands Group with 45 rancher members. And its 19-member board includes local ranchers, a scientist, and a businessman, and, as I said, representatives of various environmental groups. It has a 5-year plan for ecosystem management that targets three key concerns.

First, conservation and land protection, including such things as on-the-ground projects, use of fire, and holding of conservation easements; second, sustaining rural livelihoods, including innovative approaches to grazing, possibly the cooperative marketing of beef, and exploring other opportunities with low impact to the environment; and, third, science and education, including a comprehensive resource inventory of the area.

The Malpai Group has taken an evolutionary, if not revolutionary, ap-

proach to ranching, working with biologists, soil conservation specialists, BLM and Forest Service representatives, and the Nature Conservancy to find ways to keep this area literally a working wilderness.

As I alluded to, reintroducing fire is a crucial element of the Malpai group's plan to restore the range. As a result, they have worked in several experimental areas restoring that element of fire and bringing back the grasslands.

The success of this group, as I said, is really due to a commitment of the landowners. Participation is purely voluntary. The enthusiasm of this group of land stewards is clearly a shining example to those who would like to create such organizations and protect their own areas, working together.

As Bill McDonald, Malpai Borderlands Group president, says of the group: "In a political climate where the traditional position on the issue of land use is usually to be at one end of the spectrum or the other, we find ourselves in the 'radical center.' We invite you to join us right there."

Mr. President, I joined that group just a couple of weeks ago to try to help them clear away some of the bureaucratic underbrush that might prevent them from moving forward with their very important, innovative experimentation.

Now, the second key thing relates to the forests in the arid Southwest. Natural fire is not just a friend of the grasslands but has also helped to maintain the health of our forests over the years. Once again, because of fire suppression and other problems, our forest health has deteriorated because that natural phenomena that used to keep it healthy is no longer part of our management process. Instead, what happens is that because we suppress fire, the fuel in the forests builds up and the growth begins to become very concentrated, with the result that when the fire comes, it burns not only the underbrush as it used to do, thus clearing the forest of the smaller, scrubby kind of plants, but quickly crowns to the top of the trees and literally jumps from tree to tree, devastating entire forests.

The other problem with the forests is the health condition today. Too many trees are crowding into too small an area which then sucks all of the nutrients and the moisture from that area, thus providing a more disease-prone forest. Rather than the open and rather park-like environment that existed 100 years ago, tree densities now make a very unattractive and unhealthy forest. Mr. President, 100 years ago the tree density was typically 20 trees per acre, with most trees of a relatively large diameter. By contrast, the present forest averages about 850 trees per acre, with an average diameter of less than 4 inches. I have three cross sections of trees in my office. One is about this big, one this big, and one is this big. All three trees are 60 years

old, but the big tree exists in the open park-like environment, and the little tree exists in a cramped environment with 850 or 1,000 trees per acre. Obviously, all are competing for the same nutrients and water.

What we need to do is open the forests up. Two professors from Northern Arizona University have begun an ambitious program to do precisely that. Professors Wally Covington and Margaret Moore have begun to use what they call adaptive management techniques to restore the southwestern ponderosa forests to their natural presettlement conditions. Their partners are the Bureau of Land Management, the U.S. Forest Service, and Northern Arizona University. Their work is being supported by Secretary Bruce Babbitt, Secretary Glickman, and others in the region who understand the importance of bringing environmental groups and other persons interested in forest health together to reintroduce some of the natural methods of forest management that have been lacking in recent years, including both the thinning of the small, unhealthy trees and the use of fire to get rid of the brush and the fuel which could, of course, create the fire danger.

In October 1995, these scientists initiated the Southwest forest ecosystem restoration project near Mount Trumbull, AZ. This is roughly a 5,000-acre pilot project in which these new management techniques will be utilized to determine whether or not they can truly restore the health of the forest and whether these management techniques would then be useful throughout the arid Southwest. They will remove the dense, young growth to restore the open forests of large older trees and hope to do ecological sampling that include overstory trees, understory trees, understory shrubs, grasses, wildflowers, and forest floor fuels. Sampling will also extend to birds, mammals, and insect communities.

I saw a pilot project just west of Flagstaff which had only been under experimentation for 2 years, but it is amazing that sap contents of the trees—which did not mean anything to me before I heard about it—had grown by an order of magnitude in just 2 years, thus making the tree almost impervious to bark beetles.

Mr. COVERDELL. Mr. President, we worked with the other side. We have another speaker. I ask unanimous consent our time be expanded by 7 minutes.

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

Mr. COVERDELL. Mr. President, I yield 2 additional minutes to the Senator from Arizona.

Mr. KYL. I see the majority leader is here.

Just increasing the sap content of the trees makes them more impervious to beetles, and thus disease, thereby creating more nutrients in the grasses because the forest has opened up. Wildlife needs less grass because the protein

content has quadrupled. There are so many benefits to this kind of management that it is clear we need to expand it to broader sectors of our forest environment.

The point is there are innovative things being done to protect our fragile environment, with land stewards and environment groups and others all working together. These two examples I have discussed today show that through this kind of cooperation and innovation, we can truly protect the environment in a very bipartisan and cooperative way.

I commend these two experiments to my colleagues.

Mr. COVERDELL. Mr. President, I compliment the Senator from Arizona on his remarks.

I yield up to 10 minutes to the Senator from New Hampshire.

Mr. SMITH. Mr. President, I thank the Senator from Georgia for yielding.

As we celebrate the 26th anniversary of Earth Day, Americans will again have an opportunity to reflect on many of our past environment successes and, frankly, some shortcomings, which I hope we will be able to address. We should also take this opportunity to set a course to correct any past failures regarding the protection and restoration of our precious environment, as well as dwelling and focusing on those that have been successful.

Let me, as many of my colleagues before me have done, set the record straight once again, Mr. President. We are all environmentalists here in the Senate. I think most of us would call ourselves environmentalists in the United States of America as citizens. This is a beautiful country. It is home to all of us. The environment is not a Democratic issue. It is not a Republican issue. It should be a bipartisan issue. I very frankly and honestly, as one who has worked for the past 2 years on the Superfund bill, take great issue with those who would somehow accuse me or anyone else in my party of being antienvironment. Yet that is happening.

Unfortunately, the political environment has become so partisan during this Congress that it is almost outrageous. My children, I think, would like to drink clean water. I certainly recognize the fact that President Clinton's daughter might like to drink clean water. I hope you will recognize that my two sons and my daughter would like to drink clean water as well.

My family breathes the same air as Vice President GORE and his family and the President and his family. I have enjoyed fishing and hiking in the trails and ponds and lakes and streams of New Hampshire, probably some of the same lakes and streams that some of the people in the administration have. We are very proud of the fact that in northern New Hampshire we have the great northern forests which are protected by landowners, as well as the Federal Government. But landowners take good care of that land and have been good stewards. We are very proud of what they have done to protect that land.

I think most of the environmental laws on the books today were initiated—not just signed; were not vetoed, certainly—but were initiated by Republican Presidents—Theodore Roosevelt, George Bush, Richard Nixon, to name just a few. They have very strong environmental protection records. Our National Park System was started under President Theodore Roosevelt. The EPA was started under Richard Nixon. The Clean Air Act amendments and the Oil Pollution Act were under George Bush. They were all initiated under Republican administrations. Yes, the Congress, many Democrats in Congress, sent those bills to the President's desk. My point is it is a bipartisan matter, and these bills were signed.

One statute, though, I have been involved in stands out as one of the least effective. That is a bill called Superfund. Mr. President, \$30 billion has been spent over 15 years to clean up 50 sites. If you do the math on that, it does not work out very well. I have devoted many hours on developing appropriate reforms to this failed program. Our goal is to change this program from one of litigation and wasted resources and delay to one that actually cleans up hazardous sites expeditiously.

While Republicans and Democrats agree on the need for reform, there is still some disagreement on how to get there. One of the basic problems with the current Superfund Program is that it is more focused on process than results, more focused on litigation and arguing than on getting results.

I issue a challenge now to my Democrat colleagues on the other side of the aisle and say that we are ready—Majority Leader DOLE is ready, I am ready, and Senator CHAFEE is ready to get a bipartisan Superfund bill and put it on the President's desk. I challenge my colleagues not to play politics with this bill and help us get it there.

A number of environmental laws are long overdue. For 3 years, I have been involved in efforts to reauthorize the Safe Drinking Water Act as was Senators CHAFEE, KEMPTHORNE, and others. The vote was 99 to 0. I find it hard to believe that we can be accused of being antienvironment.

There is no doubt that the environmental movement in the 1970's served an important purpose. Our air and water are cleaner today and continue to improve. Now is the time to reflect on the successes and build upon them and address some of the failures, so that we can get more bang for the buck. Let us face it, many of the things that have been done to clean up the environment have been done, but pollution controls from this point forward will be very expensive. We need to be able to pick and choose the best technology and be up to speed on that. Carol Browner, the EPA Administrator, said, "We need to develop better, smarter, cheaper regulations."

I could not agree more. Is the environment getting cleaner? Yes, thanks to a lot of bipartisan leadership over a

lot of years. Are there less expensive efforts to achieve the same or higher level of protection? I think the answer is yes. I think we have an obligation to look at those least expensive methods, and one condition is that it does not detract in any way from the pace of cleanup of the environment.

To what degree should the Federal Government mandate regulations on States and local communities without providing adequate resources to comply? That is another question we need to ask. But there are a number of themes that my Republican colleagues and I believe should be the foundation for effective improvements in current environmental law. One should be that we ought to promote sound, effective market-based environmental regulations, because when you bring the market in, you save the taxpayers money and you bring the businesses in as a partnership. Therefore, since they are responsible for some of the problems, they are willing to help us clean them up. We must recognize that States and local communities often do a better job of protecting the environment within their borders than the Federal Government can. So, partners, not enemies.

We must incorporate better risk management and cost-benefit analysis in our environmental regulations that will enable us to prioritize our goals. We must base our environmental decisions on the highest quality, peer-reviewed science, not questionable, unreliable data and unfair politics. Finally, and most important, our goal is to enhance, not detract from, a cleaner environment, to enhance it. That is our goal, not just to save dollars for the sake of saving dollars. If it detracts from our environment, then we spend the money. And if we can spend less and do more and accelerate the pace, why not do it? We have an obligation to do that.

I ask my colleagues to take a look at that and realize that just because we say we can do it better, not less efficiently, that does not necessarily mean it is negative. We all want a clean, healthy environment to pass on to future generations. It is one of our most important responsibilities.

However, the American people also believe we need to reduce Government waste and bureaucracy, to update environmental programs, to address problems more effectively and allow American business to remain more competitive. If we can do all of those things and enhance the environment, we ought to do it.

My Republican colleagues and I are trying to accomplish these goals. We consider such things as cost benefits and risks and rewards not as trivial, but as very important. We must strive to prioritize risk reduction and get the biggest bang for the buck in every American program. That is just common sense.

Environmental policy is at a crossroads, Mr. President. We have a historic opportunity to improve our environmental laws so that they better serve the American people. That is not to say that we have failed in the past. We have many, many, many successes, including the Merrimack River in my State, which is now beginning to see fish and recreation again. It should not be controversial. We all live on this planet, and we should be working together on this. If there is anything we ought not to be partisan about, it ought to be the environment.

I will close on this point. This week, as Earth Day commences, the Senate Environment and Public Works Committee begins hearings on a Superfund bill. During the Earth Day festivities, Americans will be presented with a number of conflicting images of what is good for the environment and what is not. It is my hope that the President and Members of Congress, as I said earlier, will rise above the urge to exploit this event for short-term political gain and join our efforts to inject common sense and fairness into the Nation's Superfund Program, which is the one program which I happen to be involved in because I chair the subcommittee.

So, Mr. President, at this point, I yield the floor and thank my colleagues, and I thank the Senator from Georgia for the opportunity to speak on this very important issue.

Mr. COVERDELL. How much time remains, Mr. President?

The PRESIDING OFFICER. One minute remains.

Mr. COVERDELL. I thank all of the Senators who came to the floor to honor Earth Day and to talk in very meaningful terms about how to manage our environment. This legislation, wherever it falls in the environment, should be guided by a working relationship between the Government and the stewards of the land. In too many cases, recently, we are seeing the Government taking on the form of arrogance. We have threatened the constitutional rights of personal property. That is a very high law, the Constitution. If it becomes public policy to take interests of private property owners, the public will have to assume the responsibility for that. That has to be a working partnership. We have to protect our constitutional rights. We must learn to work together on this legislation. We have heard words like partnership, balance, working together, common ground, nonpartisan. This is the answer to our modern environment.

I appreciate the Senate's time this afternoon, and I yield back whatever seconds are remaining.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. The leader time has been reserved.

Mr. DOLE. Mr. President, first, I thank the distinguished Senator from

Georgia for his efforts this morning on Earth Day and on the environment. I will be making a statement later on that.

I thank Senator SMITH for his efforts on Superfund. He has been working on this, I know, month after month after month, and we have been trying to come together with a bipartisan bill. Hopefully, that will be accomplished and we can pass Superfund legislation in the next 30 to 60 days.

#### NOMINATION OF CHARLES STACK TO ELEVENTH CIRCUIT COURT OF APPEALS

Mr. DOLE. Last Friday, I outlined some of my views on the issue of judicial nominations, one of the most lasting legacies of any President. I said that Federal judges should respect the clear language of the Constitution as it is written; that judges should understand that society is not to blame for crime, criminals are; that judges should protect the rights of crime victims, not invent new and more expansive rights for criminal defendants.

Today, let me make another point: Those who seek to sit on the Federal bench should be well-grounded in the basics of constitutional law. Unfortunately, Charles "Bud" Stack, one of President Clinton's nominees to the Eleventh Circuit Court of Appeals, does not meet this standard.

During his recent confirmation hearing, Mr. Stack was unable to cite any fourth amendment case concerning the law of search and seizure. He demonstrated little knowledge about Supreme Court precedent on capital punishment. And despite the Supreme Court's highly publicized decision in the Adarand case, Mr. Stack was unable to discuss any Supreme Court or Federal case concerning discrimination or affirmative action.

When asked how he would remedy his own ignorance of key aspects of the law, Mr. Stack said he "Could attend some courses" or ask other judges for help.

Yet Mr. Stack has been nominated to sit on one of the Nation's most influential judicial panels, the court that effectively serves as the court of last resort for the citizens of Florida, Georgia, and Alabama.

Apparently, Mr. Stack's most important qualification is his prowess as a political fundraiser. According to news reports, administration aides had discussed offering Mr. Stack an ambassadorship and a seat on the Federal district court as a reward for his fundraising efforts, but that Mr. Stack had his heart set on a court of appeals position.

Mr. President, I understand that Mr. Stack raised millions and millions of dollars for President Clinton and the Democratic Party, but does that qualify him to be on the next highest court in the land? I do not think so. That is not what the judicial system is all about.

Mr. President, I understand that the American Bar Association has given Mr. Stack a qualified rating, but in my judgment, this rating is yet another example of why we should not rely on the ABA to review the qualifications of our judicial nominees.

Although I do not know Mr. Stack personally, I have no reason to challenge his integrity. I am sure he is a fine man who has contributed much to his community and to his country. But that is not the point. The question we must ask is whether Mr. Stack is, in fact, qualified to sit on the Eleventh Circuit Court of Appeals, the second highest court in the land? The answer, or course, is, "No." President Clinton should withdraw the Stack nomination without delay.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### NO MORE GAMES—RAISE THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I know that under the rule we will move very swiftly to the term limit legislation, but I would like to speak before that debate starts on another matter which, although not directly before the Senate today, is very much in the thinking of Members of the Senate and the House of Representatives, certainly the President and, most importantly, working families and needy working families, and that is the issue of the increase in the minimum wage.

On "Face the Nation" yesterday, Senator DOLE was asked whether he would allow a straight up or down vote on the minimum wage. Senator DOLE said, "No, our view is that it needs to be packaged with other things—maybe comp time, flex time."

Let me be very clear in response. There is no reason to delay or saddle the minimum wage with other controversial measures. I intend to offer a clean vote on increasing the minimum wage on the nuclear waste bill or any other bill this week or next week that is open to amendments. There is no excuse for further delay in raising the minimum wage.

Raising the minimum wage is a matter of basic economics, not politics, for millions of American families. More than 10 million people will receive a direct pay increase if the minimum wage is raised to \$5.15 or \$5.25 an hour. To those millions of working Americans, the issue is not politics. It's paying the rent and putting food on the table for themselves and their families.

An overwhelming majority of Americans want the minimum wage increased. They do not want to see this legislation buried in procedural maneuvers, or loaded up with antiunion amendments. They want to see it increased, and increased now.

Yet, ignoring the clear interest of low-wage workers and the desire of an overwhelming majority of the American people, Senator DOLE intends to