

compliance with the rules and regulations governing the use of the Capitol Grounds.

The sponsor of the event will assume all expenses and liabilities in connection with the event, and all sales, advertisements, and solicitations are prohibited.

The Capitol Police will host the opening ceremonies for the run starting on Capitol Hill, and the event will be free of charge and open to the public.

Over 2,000 law enforcement representatives from local and Federal law enforcement agencies in Washington will carry the Special Olympics torch in honor of the 2,500 Special Olympians who participate in this annual event to show their support of the Special Olympics.

For over a decade, Madam Speaker, the Congress has supported this worthy endeavor by enacting resolutions for the use of the grounds. I am proud to have sponsored, along with the ranking member of our subcommittee, the gentleman from Illinois (Mr. COSTELLO), this resolution and urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, this event needs little introduction. The year 2001 marks the 33rd anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremonies for the Special Olympics, which take place at Gallaudet University in the District of Columbia. In the mid-1960s, Eunice Kennedy Shriver started a summer camp for handicapped children in her backyard. Since that modest beginning, this event has grown to involve approximately 2,500 Special Olympians competing in over a dozen events.

More than 1 million children and adults with special needs participate in Special Olympic programs worldwide. The event is supported by thousands of volunteers. The goal of the games is to help bring developmentally disabled individuals into the larger society under conditions where they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic games.

I enthusiastically support this resolution. I thank the subcommittee chairman for his support. I urge passage of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 87.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was passed.

A motion to reconsider was laid on the table.

□ 1500

HONORING SERVICES AND SACRIFICES OF THE UNITED STATES MERCHANT MARINE

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 109) honoring the services and sacrifices of the United States merchant marine.

The Clerk read as follows:

H. CON. RES. 109

Whereas throughout our history, the United States merchant marine has served the Nation during times of war;

Whereas the merchant marine served as the Nation's first navy, and defeated the British Navy to help gain the Nation's independence;

Whereas during World War II more than 250,000 men and women served in the merchant marine, and faced dangers from the elements, and from mines, submarines, other armed enemy vessels, and aircraft;

Whereas during World War II vessels of the merchant marine fleet, such as the S.S. Lane Victory, provided critical logistical support to the Armed Forces by carrying equipment, supplies, and personnel necessary to the war effort;

Whereas President Franklin D. Roosevelt and many military leaders praised the role of the merchant marine as the "Fourth Arm of Defense" during World War II;

Whereas during World War II more than 6,800 members of the merchant marine were killed at sea, more than 11,000 were wounded, and more than 600 were taken prisoner;

Whereas 1 out of every 32 members of the merchant marine serving during World War II died in the line of duty, a higher percentage of war related deaths than in any of the armed services;

Whereas, at a time when the people of the United States are recognizing the contributions of the Armed Forces and civilian personnel to the national security, it is appropriate to recognize the service of the merchant marine; and

Whereas the merchant marine continues to serve and protect the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the service and sacrifice of members of the United States merchant marine;

(2) recognizes the critical role played by vessels of the United States merchant marine fleet in transporting equipment, supplies, and personnel in support of the Nation's defense;

(3) recognizes the historical significance of May 22 as National Maritime Day, so designated in 1933 to commemorate the anniversary of the first transoceanic voyage under steam propulsion, and finds it fitting and proper on this day of paying tribute to our maritime history to pay special honor to the merchant marine;

(4) encourages the American people and appropriate government agencies, through appropriate ceremonies and activities, to recognize the services and sacrifices of the United States merchant marine, and to observe this day by displaying the flag of the United States at their homes and other suitable places; and

(5) requests that all ships sailing under the United States flag prominently display the flag on this day.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

First of all, as May 22 is the day nationally designated as the commemoration for the efforts of merchant mariners across the country, I want to specifically thank the gentleman from Alaska (Mr. YOUNG), the chairman of our full committee; the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee; the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the Subcommittee on the Coast Guard; and the gentlewoman from Florida (Ms. BROWN), the ranking member, for agreeing to discharge this particular resolution from the committee's consideration.

Madam Speaker, H. Con. Res. 109 honors the services and sacrifices of the United States Merchant Marine. Today, we are here to pay tribute to a group of American heroes who, in my estimation, have never gotten their just due for all they have done to serve our country; that is, the Merchant Marines.

The Merchant Marines certainly are aware of their proud history, but I will bet that there are millions of Americans out there, especially our schoolchildren, who probably did not hear much about the tremendous role of the Merchant Marine when they were learning about the Second World War.

The United States Merchant Marine has served the people of the United States in all wars since 1775 and was in existence prior to the formation of the United States Navy or the United States Coast Guard. In fact, the United States Merchant Marine was our country's first Navy and defeated the British Navy to help win our country's independence.

The Merchant Marine's role was especially important during the Second World War. The Merchant Marines were the ones who took the troops through harm's way and delivered supplies all over the world. Merchant Marines were participants in landing operations from Guadalcanal to Iwo Jima, and suffered the highest casualty rate of any service during the Second World War.

At least 8,600 merchant mariners were killed at sea, meaning one in 32 were killed in action. Another 11,000 mariners were wounded, and some 1,500 ships were sunk. More than 604 were taken prisoner. From December 1941 to August 1945 alone, the United States lost 5,638 merchant seamen aboard 733 ships sunk by submarines. Some weeks, 30 ships were sunk.

Our Merchant Marines were there long before the war began and were the

last ones to come home. We cannot underestimate the importance of this group of overlooked heroes.

During World War II, 7 to 15 tons of supplies were needed to supply just one GI for one year at the front. In 1945 alone, merchant mariners moved 17 million pounds of cargo every hour. This included ammo, planes, fuel, boats, explosives, tanks, Jeeps, medicines and food.

In World War II, virtually every serviceman who saw action against the enemy was transported overseas by ship and virtually all of the supplies were also delivered by our gutsy, fearless merchant mariners. President Roosevelt called the 250,000 Merchant Marines who served in World War II our Nation's "Fourth Arm of Defense."

While the Merchant Marines are best known for their service and sacrifice of World War II, that is hardly their entire mystery. Merchant mariners also participated in the War of 1812, World War I, the Civil War, the Spanish American War, Korea and Vietnam. They even supplied troops in Bosnia and the Persian Gulf.

The Merchant Marines have provided a critical service during every war in our Nation's history, yet our Nation officially refuses to recognize merchant mariners as veterans and give them the same status and benefits afforded to other veterans. Only recently did the Congress pass legislation to give merchant mariners the right to a flag upon burial. I think that is one of the great shames of the 20th century, Madam Speaker, that we did not do more to honor the service of the Merchant Marines.

Madam Speaker, since 1933, our Nation has recognized May 22 as National Maritime Day, and that particular date was chosen because it was on May 22, 1819 that the S.S. *Savannah* departed from Savannah, Georgia on the first transatlantic steamship voyage. It was not long before merchant mariners used this date to honor their own.

Tomorrow is National Maritime Day, and it is fitting that today we will pass H. Con. Res. 109, which honors the service and sacrifice of the members of the United States Merchant Marine. The measure recognizes the critical role played by vessels of the United States Merchant Marine fleet in transporting equipment, supplies and personnel in support of our Nation's defense and recognizes the historical significance of May 22 as National Maritime Day.

Madam Speaker, H. Con. Res. 109 encourages the American people and appropriate government agencies to recognize the services and sacrifices of the United States Merchant Marine and to observe National Maritime Day tomorrow by displaying the flag of the United States at their homes and in other suitable places. It also requests that all ships sailing under the United States flag prominently display the flag tomorrow.

Madam Speaker, I recently had the honor of dedicating a Merchant Marine

Memorial in Ashtabula, Ohio, which is in my lovely congressional district. I was honored to be there in the presence of those great Americans. I hope my colleagues will join me today in passing this resolution.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of House concurrent resolution 109, a resolution honoring the services and sacrifices of the men and women who served in the United States Merchant Marine.

Madam Speaker, tomorrow is National Maritime Day, a day set aside by law for the past 68 years to recognize the contributions to our Nation by these men and women who have served our Nation in war and in peace, transporting goods and military supplies wherever they are needed.

The Merchant Marine is not well-known by many Americans. The Merchant Marine is composed of those men and women who operate the commercial ships that transport both military supplies and the everyday goods that we use in or society. This includes everything from tanks to televisions, from ammunition to automobiles.

During World War II, over 6,000 Merchant Marines died when their ships were attacked by the enemy. Merchant mariners were exempt from the draft during World War II, because it was vitally important for them to use their unique skills to transport our military supplies in the Atlantic and Pacific theaters of operation. Their mission was made dangerous by the constant attacks of the German submarines.

I would urge my colleagues and the American people to take the time to visit some of the merchant ships from this era that are on display around the country. In Baltimore, they can visit the S.S. *John Brown*. In San Francisco, they can visit the S.S. *Jeremiah O'Brien*, and in Los Angeles, they can visit the S.S. *Lane Victory*. These Liberty and Victory ships were turned out of our shipyards at a rate of one per day. Once on board, a much better appreciation for the conditions under which these mariners worked and the sacrifices and contributions these Americans made for our Nation would be gained.

Today, the men and women who serve in the U.S. Merchant Marine are responsible for the safe operation of container ships, dry cargo ships and tankers that are all the lifeline of commerce. Over 95 percent of the imports and exports that come from overseas are transported by water. These ships form the bridge over which the goods and materials for U.S. factories and consumers are shipped. During Operations Desert Shield/Desert Storm, these men and women successfully transported the weapons and supplies from the United States to the Middle East that were crucial for our victory.

Madam Speaker, it is fitting and appropriate for the House of Representa-

tives to recognize the service and sacrifices made by the men and women who serve in the U.S. Merchant Marine. Therefore, I strongly urge my colleagues to support passage of House concurrent resolution 109 as a sign of our appreciation for their work to protect our freedom.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise today in support of House Concurrent Resolution 109, honoring the services and sacrifices of the United States Merchant Marine.

At a time when America prepares to honor the men and women who have served their country in the armed forces, it is with great pride that I take this opportunity to recognize the United States Merchant Marine for their contribution to a grateful nation.

Madam Speaker, the U.S. Merchant Marine has been critical to our military success dating back to the Revolutionary War. It served as the nation's first navy when we defeated the British Navy, helping to secure our independence.

During World War II, the merchant marine fleet provided critical logistical support to the armed forces by transporting equipment, supplies, and personnel in support of the war effort. And today, as we face the challenges of an ever-changing world, the United States continues to rely on the merchant marine and the vital role it plays to ensure we remain ready to respond to any emergency threatening our national security.

Madam Speaker, as I stand here today, the men and women of the merchant marine continue to prepare for the next time the nation calls. They have been entrusted to continue the legacy of those who have sailed the seas before them. Their role in transporting goods and services is the critical link required to support a global economy. It has been instrumental in securing the prosperity our nation enjoys today. And, at the same time, as the merchant marine makes such tremendous contributions to our nation's prosperity, they continue to strengthen their skills and remain ready to flex what President Roosevelt called the "Fourth Arm of Defense" in time of crisis.

Madam Speaker, as we approach this Memorial Day weekend, it is a privilege for me to honor and thank the men and women of the United States Merchant Marine. Their efforts and dedication have contributed to our nation from the beginning and they continue to be an important element in America's ability to maintain peace through strength.

I urge support for House Concurrent Resolution 109 and encourage a "yes" vote.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 109.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LATOURETTE. Madam 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 H.R. 495, H.R. 1801, and on House Concurrent Resolutions 76, 79, 87 and 109, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SMALL BUSINESS LIABILITY PROTECTION ACT

Mr. GILLMOR. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1831) to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

The Clerk read as follows:

H.R. 1831

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 "Small Business Liability Protection Act".

SEC. 2. SMALL BUSINESS LIABILITY RELIEF.

(a) EXEMPTIONS.—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 new subsections:

“(o) DE MICROMIS EXEMPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a person shall not be liable, with respect to response costs at a facility on the National Priorities List, under this Act if liability is based solely on paragraph (3) or (4) of subsection (a), and the person, except as provided in paragraph (4) of this subsection, can demonstrate that—

“(A) the total amount of the material containing hazardous substances that the person arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, at the facility was less than 110 gallons of liquid materials or less than 200 pounds of solid materials (or such greater or lesser amounts as the Administrator may determine by regulation); and

“(B) all or part of the disposal, treatment, or transport concerned occurred before April 1, 2001.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply in a case in which—

“(A) the President determines that—

“(i) the materials containing hazardous substances referred to in paragraph (1) have contributed significantly or could contribute significantly, either individually or in the aggregate, to the cost of the response action or natural resource restoration with respect to the facility; or

“(ii) the person has failed to comply with an information request or administrative subpoena issued by the President under this

Act or has impeded or is impeding, through action or inaction, the performance of a response action or natural resource restoration with respect to the facility; or

“(B) a person has been convicted of a criminal violation for the conduct to which the exemption would apply, and that conviction has not been vitiated on appeal or otherwise.

“(3) NO JUDICIAL REVIEW.—A determination by the President under paragraph (2)(A) shall not be subject to judicial review.

“(4) NONGOVERNMENTAL THIRD-PARTY CONTRIBUTION ACTIONS.—In the case of a contribution action, with respect to response costs at a facility on the National Priorities List, brought by a party, other than a Federal, State, or local government, under this Act, the burden of proof shall be on the party bringing the action to demonstrate that the conditions described in paragraph (1)(A) and (B) of this subsection are not met.

“(p) MUNICIPAL SOLID WASTE EXEMPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, a person shall not be liable, with respect to response costs at a facility on the National Priorities List, under paragraph (3) of subsection (a) for municipal solid waste disposed of at a facility if the person, except as provided in paragraph (5) of this subsection, can demonstrate that the person is—

“(A) an owner, operator, or lessee of residential property from which all of the person's municipal solid waste was generated with respect to the facility;

“(B) a business entity (including a parent, subsidiary, or affiliate of the entity) that, during its 3 taxable years preceding the date of transmittal of written notification from the President of its potential liability under this section, employed on average not more than 100 full-time individuals, or the equivalent thereof, and that is a small business concern (within the meaning of the Small Business Act (15 U.S.C. 631 et seq.)) from which was generated all of the municipal solid waste attributable to the entity with respect to the facility; or

“(C) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that, during its taxable year preceding the date of transmittal of written notification from the President of its potential liability under this section, employed not more than 100 paid individuals at the location from which was generated all of the municipal solid waste attributable to the organization with respect to the facility.

For purposes of this subsection, the term 'affiliate' has the meaning of that term provided in the definition of 'small business concern' in regulations promulgated by the Small Business Administration in accordance with the Small Business Act (15 U.S.C. 631 et seq.).

“(2) EXCEPTION.—Paragraph (1) shall not apply in a case in which the President determines that—

“(A) the municipal solid waste referred to in paragraph (1) has contributed significantly or could contribute significantly, either individually or in the aggregate, to the cost of the response action or natural resource restoration with respect to the facility;

“(B) the person has failed to comply with an information request or administrative subpoena issued by the President under this Act; or

“(C) the person has impeded or is impeding, through action or inaction, the performance of a response action or natural resource restoration with respect to the facility.

“(3) NO JUDICIAL REVIEW.—A determination by the President under paragraph (2) shall not be subject to judicial review.

“(4) DEFINITION OF MUNICIPAL SOLID WASTE.—

“(A) IN GENERAL.—For purposes of this subsection, the term 'municipal solid waste' means waste material—

“(i) generated by a household (including a single or multifamily residence); and

“(ii) generated by a commercial, industrial, or institutional entity, to the extent that the waste material—

“(I) is essentially the same as waste normally generated by a household;

“(II) is collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services; and

“(III) contains a relative quantity of hazardous substances no greater than the relative quantity of hazardous substances contained in waste material generated by a typical single-family household.

“(B) EXAMPLES.—Examples of municipal solid waste under subparagraph (A) include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

“(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

“(i) combustion ash generated by resource recovery facilities or municipal incinerators; or

“(ii) waste material from manufacturing or processing operations (including pollution control operations) that is not essentially the same as waste normally generated by households.

“(5) BURDEN OF PROOF.—In the case of an action, with respect to response costs at a facility on the National Priorities List, brought under section 107 or 113 by—

“(A) a party, other than a Federal, State, or local government, with respect to municipal solid waste disposed of on or after April 1, 2001; or

“(B) any party with respect to municipal solid waste disposed of before April 1, 2001, the burden of proof shall be on the party bringing the action to demonstrate that the conditions described in paragraphs (1) and (4) for exemption for entities and organizations described in paragraph (1)(B) and (C) are not met.

“(6) CERTAIN ACTIONS NOT PERMITTED.—No contribution action may be brought by a party, other than a Federal, State, or local government, under this Act with respect to circumstances described in paragraph (1)(A).

“(7) COSTS AND FEES.—A nongovernmental entity that commences, after the date of the enactment of this subsection, a contribution action under this Act shall be liable to the defendant for all reasonable costs of defending the action, including all reasonable attorney's fees and expert witness fees, if the defendant is not liable for contribution based on an exemption under this subsection or subsection (o).”.

(b) EXPEDITED SETTLEMENT.—Section 122(g) of such Act (42 U.S.C. 9622(g)) is amended by adding at the end the following new paragraphs:

“(7) REDUCTION IN SETTLEMENT AMOUNT BASED ON LIMITED ABILITY TO PAY.—

“(A) IN GENERAL.—The condition for settlement under this paragraph is that the potentially responsible party is a person who demonstrates to the President an inability or a limited ability to pay response costs.

“(B) CONSIDERATIONS.—In determining whether or not a demonstration is made under subparagraph (A) by a person, the President shall take into consideration the ability of the person to pay response costs and still maintain its basic business operations, including consideration of the overall