

imaginative legal departures, as Schrag notes, are decisions that handicapped parents could not be stereotyped and automatically ruled unfit to raise their children; that victims of a pharmaceutical drug who could not identify the specific maker of the pharmaceutical product they consumed could collect damages from all manufacturers in proportion to their market share when injured; and upholding State law requiring private owners of tidelands to permit public access.

As the Sacramento Bee recently editorialized, "Mosk's greatest contribution to the law and rights was pioneering the theory of 'independent state grounds.' The rights of the people were lodged not just in the Bill of Rights and transitory interpretations of the Supreme Court majority," Mosk argued. "They were embedded as well in State Constitutions, which sometimes offered greater protection to individuals than the minimum required by the Federal courts. The doctrine, widely adopted by State courts around the country, is the source of many path-breaking privacy rulings and has given States the chance to become agents for legal change."

Justice Mosk is survived by his wife, Kaygee Kash Mosk; his son, Richard; and his grandson, Matthew Mosk, is in attendance in the House gallery here tonight. To them, I want to extend my sincere condolences and, as the gentlewoman from California (Ms. PELOSI) indicated, all of our sincere pride in the work of that great man. As the Sacramento Bee editorialized so appropriately, Justice Mosk was "California's brightest beacon of liberty." While his life has ended, his legacy shines brightly for all Californians and for our great Nation.

#### CRISIS IN KLAMATH RIVER BASIN

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

Mr. WALDEN of Oregon. Mr. Speaker, I rise tonight to again talk about the saga of the Klamath Basin and the farmers who have lived there and tilled the ground and fed the Nation.

As my colleagues know, Mr. Speaker, on April 6, they cut off the water. They said, no water for the farmers this year; the suckerfish would prevail. Mr. Speaker, word is finally getting out about this crisis. There have been stories in The New York Times, and today in the Washington Post there is a story. It has been on Fox News and other networks, CNN and others, who are beginning to cover this story and the tragedy that is occurring at ground zero of the Endangered Species Act debate.

Today, in the Washington Post, Michael Kelly, a columnist, writes, "The Endangered Species Act has worked as intended, but it has been exploited by environmental groups whose agenda is

to force humans out of lands they wish to see returned to a prehuman state. Never has this been made more nakedly, brutally clear than in the battle of Klamath Falls."

Mr. Speaker, I want to read today from a couple of letters I have received from constituents. These folks, Bill and Ethel Rust wrote, "We have not written sooner as shock and disbelief have kept us almost immobilized and so sick at heart.

My husband is 76 years old and a Navy veteran of World War II, having lost a brother in this war. We have been ranchers our entire life and depended on this for our livelihood. We are still in shock that our own government has taken this away from us. We recently retired to a small 75-acre alfalfa ranch that was just perfect for us to handle at our age, and you have just destroyed it. Without water, our alfalfa is dying. What are we to do to replace this income? Is the suckerfish more important to you than we are? Having raised nine children to be hard workers and contributors to our society, are we now to apply for welfare or live off our children?

"We have sold our cattle. We are in the process of selling our horses. After a lifetime of getting up in the morning to care for our livestock and ranch chores, what would you suggest we do with our mornings? What reason do you give us to get out of bed?

"We need the help of our government. Will we get that?"

Mr. Speaker, this is typical of hundreds, if not thousands of letters I have received from the people of Klamath Falls.

Mr. Speaker, as my colleagues know, this House, prior to the July 4 recess, passed \$20 million in aide to the farmers and ranchers of Klamath Basin, and the Senate has now approved that. It will be in conference next week, and soon it should be on the President's desk.

Mr. Speaker, today I had the opportunity to speak with President Bush personally about the crisis in the Klamath Basin and he offered his help and urged me to continue to contact and work with Secretaries Norton and Veneman. So later this afternoon, I spoke with Secretary Veneman, Agriculture Secretary, about the problem. Because, Mr. Speaker, the word is getting out, and now the help must get in. Good people are being urged to do bad things, as frustration levels rise in the Klamath Basin. Twenty million dollars, Mr. Speaker, that will be available to these farmers and ranchers in the Klamath Basin sooner rather than later if the U.S. Department of Agriculture acts expeditiously to get these funds that we have approved in this Congress into the hands of farmers whose fields are drying out.

The land, instead of green, is parched and brown. Wind is stirring up the dust. The costs continue. Mortgages have to be paid. Equipment payments have to be met. Bankers are knocking

on the door. People are scared. Their livelihoods are at stake.

We need also to work with USDA to get feed and water for livestock. Literally, a crisis is at the doorstep. We also need in the long term, which has to be shorter, rather than longer, to improve water quality, but moreover, improve water quantity; to get biological opinions for next year's operations plan that are above question that have been blind peer-reviewed so we know the science is valid but, moreover, the conclusions are sound, so that we can open the gates legally and get water into the fields and the farms for the people of the Klamath Basin.

Mr. Speaker, we have a crisis on our hands, a crisis that is getting worse, not better, as people's frustration levels rise, not fall. They need our help, Mr. Speaker. They need help in us changing the Endangered Species Act. They need help financially; but most of all, they need the water they were promised so that next year they can plant the crops like they have for the past 85 years.

Mr. Speaker, I want to thank my colleagues in the Oregon congressional delegation, members of both parties, for working with me on this issue, for helping secure the \$20 million. It is a start, but it is not the end. It must be distributed rapidly and not parceled out over the months. We need to act.

It took an overnight to cut off the water; it cannot take months to get relief to these same people.

Mr. Speaker, these people who settled this country were invited there by this Federal Government with the promise of land and water if they would simply homestead the land and produce food for the country. People who were invited to this area were the very people who fought for our freedom in a far-off land. Veterans of America's Armed Forces were given priority. It is our turn now, Mr. Speaker, to step up and take care of those people.

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.)

#### PROBLEMS IN AMERICAN AGRICULTURE

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. Mr. Speaker, today we passed an appropriations bill for agriculture. Let me first spend a second giving my impressions of the predicament that American agriculture is now facing.

On a level playing field, American agriculture could compete favorably with most any other country in the

world on most any of the commodities that we produce. Part of the challenge in our Federal agricultural policy is the fact that other countries subsidize their farmers much more than we subsidize our farmers in this country. So, for example, Europe subsidizes five times as much as we do, and the consequences are that the additional production from those farmers and in those countries that are heavily subsidized often take what would otherwise be our markets to sell our particular agricultural products. Farmers today face some of the lowest commodity prices they have seen in the last 15, 20, 25 years, depending on the particular commodity.

So as we try to develop agricultural policy in the next several weeks for what is going to partially determine the destiny and, in many cases, the survival or bankruptcy or going out of business of many farmers in the United States, we need to look at how we spend Federal taxpayer dollars to most effectively, number one, assure that the agricultural industry that we want to keep in America stays here and is able to survive; number two, that still the marketplace and those individual farmers that are efficient and productive tend to have the kind of incomes that are going to allow them and their families to stay on that family farm operation.

One of the amendments I had today on the agricultural appropriations bill was an amendment that would put a payment limitation on farmers. We are now seeing a situation where our farm programs, our Federal farm policy, since we started it in 1934, has tended to favor the large farmers. The result is that those large farmers, with the additional advantage of Government payments, ended up trying to buy out the smaller farms and became even larger. If there is some merit in having a Federal agricultural policy that helps the traditional family farm survive without giving, then it is going to be a situation that does not give an additional advantage to the huge, large farmer.

Some farmers in the loan program, the price support program for commodities that we have as part of our Federal farm policy, still continue to favor that large farmer. The average farm size in the United States is about 420 acres. To exceed the current limits in law of not more than \$75,000 per farmer in this loan, minimum price protection policy that we have, we see a lot of farmers now that have gone way over the average of 420 acres. We have 20, 30, 40, 50, 60, 70, 80,000 acre farms.

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Because we have no limit on the price support of those farmers, then some of these farms are taking in \$1 million, or some of these farmers are taking in \$1 million-plus in farm payments.

As we face the predicament of trying to be as frugal and as well-managed as

we can on the available resources in this country, we need to look at the kind of policy that does not continue to favor those large farmers, and putting a real limit on how much taxpayers should be paying to any farmer should be part of that consideration.

I am disappointed that my amendment today was ruled out of order, but it is an issue as we start developing new farm legislation that we have to deal with in terms of assuring not only that we have the kind of agricultural production in this country that is not going to put us at a security disadvantage, and I use the comparison of oil.

In concluding, Mr. Speaker, we are now dependent almost 40 percent on imported energy from petroleum products. We have seen the power of OPEC in raising their prices and making us pay the higher price.

That same thing could happen to agriculture, so the decisions we make in agricultural policy are extremely important. Favoring the traditional family farm and not favoring the huge farm corporations must be part of our agricultural agenda.

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

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

#### SMALL BUSINESS REFINERS' COMPLIANCE WITH THE HIGHWAY DIESEL FUEL SULFUR CONTROL REQUIREMENTS

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

Mr. HORN. Mr. Speaker, at the beginning of this year, on January 18, 2001, the Environmental Protection Agency, EPA, implemented heavy-duty engine and vehicle standards and highway diesel fuel sulfur control requirements.

I strongly supported the final rule by the EPA as a necessary tool to reduce pollution. Under this new regulation, oil refiners must meet rigorous new standards to reduce the sulfur content of the highway diesel fuel from its current level of 500 parts per million to 15 parts per million by June, 2006. The diesel rule goes a long way in reducing the amount of pollution in our air.

Small business refineries produce a full slate of petroleum products, including everything from gasoline to diesel to jet fuel to asphalt, lube oil, and specialty petroleum products.

Today, among the 124 refineries operating in the United States, approximately 25 percent are small independent refineries. These small business refineries contribute to the Nation's energy supply by manufacturing specific products such as grade 80 avia-

tion fuel, JP4 jet fuel, and off-road diesel fuel.

In order for oil refineries to comply with the new rule, the Environmental Protection Agency estimated capital costs at an average of \$14 million per refinery. This is a relatively small cost for major multinational oil companies, but for smaller refineries this is a very high capital cost that is virtually impossible to undertake without substantial assistance.

Small business refiners presented information in support of this position to EPA during the rule-making process. In fact, EPA said that small business refiners would likely experience a significant and disproportionate financial hardship in reaching the objectives of the diesel fuel sulfur rule.

There is currently no provision that helps small business refiners meet the objectives of the rule. That is why I am introducing a tax incentive proposal that would provide the specific targeted assistance that small refiners need to achieve better air quality and provide complete compliance with EPA's rule.

A qualified small business refiner, defined as refiners with fewer than 1,500 employees and less than a total capacity of 155,000 barrels a day, will be eligible to receive Federal assistance of up to 35 percent of the costs necessary, through tax credits, to comply with the highway diesel fuel sulfur control requirements of the EPA.

Without such a provision, many small business refiners will be unable to comply with the EPA rule and could be forced out of the market. Individually, each small refiner represents a small share of the national petroleum marketplace. Cumulatively, however, the impact is substantial. Small business refiners produce about 4 percent of the Nation's diesel fuel, and in some regions, provide over half.

Small business refiners also fill a critical national security function. For example, in 1998 and in 1999, small business refiners provided almost 20 percent of the jet fuel used by the U.S. military bases. Small business refiners' pricing competition pressures the larger integrated companies to lower prices for the consuming public. Without that competitive pressure, consumers will certainly pay higher prices for the same products.

Over the past decade, approximately 25 United States refineries have shut down. Without assistance in complying with the EPA rule, we may lose another 25 percent of U.S. refineries.

This legislation is critical, not because small business refiners do not want to comply with the EPA rule due to differences in environmental policy, but because it will help keep small business refiners as an integral part of the industry and on the way to cleaner production and full compliance with all environmental regulations.