

in hardships and consequences that will require us to return to these matters again and again in the days, months and years ahead.

In addition, I expect we will be hearing more about this bill and the lobbying efforts and the contributions by the bill's corporate beneficiaries as soon as next week, when campaign finance reform is debated.

Mr. HATCH. Mr. President, S. 420, the Consumer Bankruptcy Reform Act, is one of the most important legislative efforts to reform the bankruptcy laws in decades.

I want to thank a few of the people who have worked on the bill. Let me first acknowledge the majority leader, who has worked very hard to keep this bill moving forward. Because of his dedication to the important reforms in this bill, we now have legislation that makes enormous strides in eliminating abuse in the bankruptcy system. I am also grateful to the assistant majority leader, Senator NICKLES, along with Senators DASCHLE and REID for their efforts in trying to work with us to move the legislation forward.

Let me also acknowledge the ranking Democratic member of the Senate Judiciary Committee, Senator LEAHY, who has worked where he can to reach agreement on many of the bill's provisions, and who ably managed the bill for his side of the aisle. I also want to commend my colleagues, Senators GRASSLEY, BIDEN and others for their sponsorship of and leadership on this much needed legislation. I particularly appreciate the dedication they have shown in working with me in making the passage of this bill an inclusive and bipartisan process.

Also, let me express my thanks to Senator SESSIONS who has shown unwavering dedication to accomplishing the important reforms in this bill, to Senator GRAMM for his efforts over the past several years in helping see sensible reform through the Senate, and to the many other members of the Senate for their hard work and cooperation.

At the Committee staff level, let me acknowledge a few people who have worked very hard on this bill. Kolan Davis and Rita Lari Jochun, of Senator GRASSLEY's staff, along with Ed Haden and Brad Harris of Senator SESSIONS' staff, all of whom deserve praise for their impressive efforts on this legislation. In addition, Judiciary Committee Staff Director, Makan Delrahim, who has been lead counsel on this bill, and Judiciary Committee Counsel, René Augustine, who has really been working day and night to make sure this bill stayed on track.

Let me make one observation here. When we started this bankruptcy reform process, René didn't have any children, and by the time this bill becomes effective, she will have two children. Mr. President, I feel like I have given birth twice during this process myself. Thanks as well should be given to the Judiciary Committee's Chief Counsel, Sharon Prost, and all of the

other Judiciary Committee staff who have worked hard on this.

On Senator LEAHY's Committee staff, I want to acknowledge Minority Chief Counsel Bruce Cohen, and thank counsel Ed Pagano for his efforts. In addition, I want to recognize the efforts of Jennifer Leach of Senator TORRICELLI's staff, as well as the dedicated work of Jim Greene of Senator BIDEN's staff, as well as the very able Ben Lawsky of Senator SCHUMER's staff.

I also want to commend John Mashburn and Dave Horpe of the majority leader's staff, Stewart Verdery, Eric Ueland, and Matt Kirk of the Assistant Majority Leader's staff, and Eddie Ayoob of the Minority Whip's office for their efforts on this legislation.

Also, my thanks goes to Laura Ayoud, and others in the office of Senate Legislative Counsel, for their extraordinary efforts that have made this legislation possible.

The compelling need for this reform is underscored by the dramatic rise we have seen over the past several years in bankruptcy filings. The Bankruptcy Code was liberalized back in 1978, and since that time, consumer bankruptcy filings have risen at an unprecedented rate.

Mr. President, the bankruptcy system was intended to provide a "fresh start" for those who truly need it. We need to preserve the bankruptcy system within limits to allow individuals to emerge from financial hardship. What we do not need is to preserve the elements of the system that allow it to be abused—that allow some debtors to use bankruptcy as a financial planning tool rather than as a last resort. I firmly believe that by allowing people who can repay their debts to avoid their financial obligations, we are doing a disservice to the honest and hardworking people in this country who end up paying for it.

Mr. President, again I would like to applaud the bipartisan efforts of my colleagues who have made S. 420 a broadly-supported bill. The impact of this important legislation not only will be to curb the rampant number of frivolous bankruptcy filings, but also will be to give a boost to our economy.

Thank you. I yield the floor.

Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, all time is yielded back.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote "nay".

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—83

Akaka	Dorgan	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feinstein	Murkowski
Bennett	Frist	Murray
Biden	Graham	Nelson (NE)
Bingaman	Gramm	Nickles
Bond	Grassley	Reid
Breaux	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Schumer
Byrd	Helms	Sessions
Campbell	Hollings	Shelby
Cantwell	Hutchinson	Smith (NH)
Carnahan	Inhofe	Smith (OR)
Carper	Inouye	Snowe
Chafee	Jeffords	Specter
Cleland	Johnson	Stabenow
Clinton	Kohl	Stevens
Cochran	Kyl	Thomas
Collins	Landrieu	Thompson
Conrad	Leahy	Thurmond
Craig	Levin	Torricelli
Crapo	Lieberman	Voivovich
Daschle	Lincoln	Warner
DeWine	Lott	Wyden
Domenici	Lugar	

NAYS—15

Brownback	Feingold	Nelson (FL)
Corzine	Harkin	Reed
Dayton	Hutchison	Rockefeller
Dodd	Kennedy	Sarbanes
Durbin	Kerry	Wellstone

ANSWERED "PRESENT"

Fitzgerald

NOT VOTING—1

Boxer

The bill (S. 420), as amended, was passed, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. REID. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT

Mr. REID. Mr. President, prior to our going out today, I want to speak on something that is not related to bankruptcy. What I would like to talk about today is the disappointment I have that we are not going to be able to do a bipartisan brownfields bill, S. 350, tomorrow or Monday. I want to talk about this bill which is entitled the Brownfields Revitalization and Environmental Restoration Act. I am sorry we cannot take this up today.

We cannot take it up because there has been objection on the other side. We have worked very hard. We wanted

to have a unanimous consent agreement. We have a window with some time on Friday before we get into any heavy lifting on campaign finance reform. We would do it anytime: Early in the morning, late at night tomorrow, or on Monday.

This is a bill blessed with wide support. The bill has almost 60 cosponsors and passed out of our committee last week with a 15-3 vote. We went to tremendous effort to satisfy those three. For example, Senator VOINOVICH, who is a very fine legislator, had some problems. I told him during the markup that we would work with him to try to resolve those differences, and we did that. I know some of my colleagues on the committee voiced their concerns about some specific bill language, including my friend Senator VOINOVICH, at the markup. I am pleased to say that Senator VOINOVICH and all of the others who had problems, we worked night and day, the staff worked night and day to reconcile differences.

The chairman of the committee is BOB SMITH of New Hampshire. I am the ranking member. We have worked extremely hard on this legislation. We wanted to have a bipartisan bill come out of that committee, a 50/50 committee, as are all the committees over here. The President supports this bill. This bill reflects the bipartisan efforts of Senator SMITH and myself on the committee. It also reflects the tremendous staff work of our committee in helping us work out these differences we had, even though the bill was reported out 15-3. We wanted to make sure they were satisfied.

I appreciate the cooperation of my colleagues on both sides of the aisle to address these concerns and others and produce a bill with even more broad support. We have worked closely with Senators INHOFE, BOND, and CRAPO—I have already mentioned Senator VOINOVICH—as well as Senators CLINTON, BOXER, CORZINE, and GRAHAM to accommodate the interests they expressed at our committee hearing. I understand the bill we have before us to date does just that. I am very proud of that.

This bill is truly the best compromise we could reach and is a symbol of our ability to reach across the aisle and enact truly bipartisan legislation.

I understood, when we entered into this historic power-sharing agreement this year, that we would truly work together. I understood that we would truly work to pass thoughtful bipartisan legislation, just like the bill we had before us today.

This brownfields legislation, S. 350, is an issue on which President Bush campaigned. This is a bill his administration has endorsed. Yet we stand here today basically being denied the opportunity to bring up this bill. We know there is a need for this legislation. There are more than 500,000 contaminated, abandoned sites in the United States. They are waiting to be cleaned and to become thriving parts of our

communities. It works in urban areas; it works in rural areas.

Redeveloping a site will create almost 600,000 jobs nationally. In the State of Nevada, it would create hundreds of new jobs, millions of dollars in tax revenue, and, on a national level, tax revenues would be increased to as much as \$2.5 billion.

This bill is good, and we need it. This bill provides three important things to directly spur cleanup and reuse of these abandoned and contaminated sites.

No. 1, it provides critically needed money to assess and clean up abandoned and underutilized brownfields sites, which will create jobs, increase tax revenues, and preserve and create parks and open space.

No. 2, it encourages cleanup and redevelopment by providing legal protections for innocent parties such as contiguous property owners, prospective purchasers, and innocent landowners.

Every day that goes by that we do not pass this legislation means property owners have problems. One reason I care so strongly about this issue is that we waited for 2 years, the entire last Congress, to get this to the Senate floor, and we were always prevented from doing so.

No. 3, this legislation provides for funding and enhancement of State cleanup programs and a balance between providing certainty for developers, which they want, and others but still ensuring protection of public health.

This legislation has been signed off on by the business community, the development community. It has been signed off on by the environmental community. It is a fine balance, but it is good legislation.

This bill does a number of additional things that are not in the committee report. It clarifies the coordination between the States and EPA. Senator VOINOVICH thought this was important. It provides clarification that cities and others can purchase insurance at brownfields sites. It provides for an additional \$50 million per year for addressing abandoned sites which are contaminated by petroleum, such as corner gas stations.

For those of you not familiar with Superfund, it does not cover petroleum, so our original brownfield bill did not cover these sites either. I am pleased, however, that we were able to work out provisions so that these numerous sites can also be addressed.

This was a provision requested by Senators INHOFE and CRAPO, and I am pleased we were able to agree to it. Senator CRAPO felt very intensely about his objections to this bill. He expressed them well. As a result of that, we came back and corrected his problem. I do appreciate the intensity of his feelings about this.

This legislation also adds provisions so that areas with higher than average instances of cancer and disease and sites with disproportionate effects on

children, minority communities, or other sensitive subpopulations will be given consideration in making grant decisions. This is something that was advocated very well by Senators CLINTON, CORZINE, and BOXER.

This legislation also increases citizen participation by adding to the list of State brownfields program elements the right for citizens to request that a site be considered under the State program.

All these changes have been carefully considered and provide improvements to the bill. We acknowledge that. Moreover, they collectively represent the same delicate balance, as does the underlying bill, in the managers' amendment. We address the different but often complementary needs of the real estate community, environmentalists, States, mayors, and other local government officials, land and conservation groups, and the communities that are most directly affected by these sites. This balance is what makes this bill unique and makes it a success.

As we all know, S. 350 has the support of a wide variety of groups including, as I have already mentioned, environmentalists, mayors, businesses, and the real estate community. This is a bill that reflects a meeting of the minds from all sectors of American society because it is so badly needed. It is also something that is bipartisan in nature. This is not something that either the Democrats or Republicans are trying to cram down our throats. It is a model of how an evenly divided committee can work.

I urge the Senate to recognize how good this legislation is and to prove to Americans that a 50/50 Senate can be productive and we can enact these laws. I am terribly disappointed that we are in a position now where we cannot go forward with this legislation. I am not going to ask unanimous consent that this agreement be effectuated. I will not do that. I understand there is an objection on the other side. I acknowledge that.

I do say, however, that it is too bad we can't move forward on this legislation. It has been signed off on by every Democratic Senator. I hope there will be work done, maybe even during the night, so we can do something about this legislation and move forward on it. It is important legislation. It would be great for America in so many different ways, and I hope that very quickly we can have whatever problems are on the side of the Republicans alleviated and we can move forward on this most timely and important legislation.

The PRESIDING OFFICER. The Senator from Alabama.

#### MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 10 minutes each.