

on Tuesday. Tuesday came and went. Even though great progress was made on negotiations and reform and movement on the money issue, there was still no agreement to go forward on the bill. Now here we are on Wednesday. Each time I have called and talked to the Democratic leader, I have had the impression that he would like to move forward, but, he was just not quite ready yet.

I understand what is occurring. Leverage is being applied on the President to try to get more money, and to get a commitment to spend more and more money. It is obvious what is happening. But I don't think that is the responsible thing to do.

I think we should go forward with the bill. In the past I have been criticized because I wouldn't move to a bill and just said let's let the Senate work its will. Let's have amendments. Let's have votes. Some amendments win; some lose. In the end, you have a product, and then you vote and go forward.

I am being told until a total agreement is reached, we cannot go forward. I do not understand. Education is the highest priority in America with the President, the legislative branch, the States, the Governors, local school officials—everybody—and here we are. We stand, and we wait.

We are ready to go to the bill. Let's take it up. Let's have a free-flowing debate. Let's have amendments. Let's have votes. Let's do our job. Yet I am told we cannot even proceed to the bill.

Well, I am going to be patient. I am hoping that by this afternoon we can at least proceed to this bill. It was reported unanimously out of committee. Let's go to the underlying bill. We can have some amendments offered. Then, if there is agreement between all the parties, the manager can offer an amendment, and we can amend that.

So I say to my colleagues on both sides of the aisle, let's begin. Let's do our job on education. We have had enough time. We should have done the bill in February. But I was told by the committee it was not ready. Then I was told we were making progress. And then it was reported out overwhelmingly. Everybody was happy. We are ready to go, and yet here we are and we cannot go forward.

So rather than just at this point mark time, I thought it was important that we go forward and try to take up another bill while we hope that some agreement can be reached and we can move forward on the education bill.

I talked to the chairman of the committee that has jurisdiction over the brownfields legislation. I had thought maybe there would be a need to go to this legislation as we were getting ready to go home for the Easter period. I indicated to the chairman I thought it would be necessary for him to be prepared to go forward. He is ready to do so.

So I think I am going to ask for an agreement I believe the Democratic leadership is agreeable to this that we

would go forward with this legislation which affects all of our States, a lot of communities. This is some reform legislation that hopefully will allow more of these brownfields to actually be cleaned up and not just be a lawyers' enhancement act. This will be a plus for the institution and it will get us some results. I believe we can do this in a couple hours and we would be prepared to have a vote at about 2 o'clock or so.

I inquire of the chairman of the committee, is your counterpart ready?

Mr. SMITH of New Hampshire. Yes.

Mr. LOTT. I see the Senator from Nevada.

Mr. SMITH of New Hampshire. We are ready.

Mr. LOTT. I thank the chairman and the ranking member for the work they have already done and for being ready to go to this bill on short notice.

UNANIMOUS-CONSENT AGREEMENT—S. 350

Mr. LOTT. Mr. President, I ask unanimous consent that at 11:15 today the Senate proceed to the consideration of Calendar No. 19, S. 350, the brownfields legislation, and it be considered under the following limitation: There be 2 hours of debate equally divided between the two managers, and no amendments be in order to the bill other than a managers' amendment.

Finally, I ask unanimous consent that following the use or yielding back of time, the managers' amendment be agreed to, the committee substitute be agreed to, the bill be read a third time, and the bill then be temporarily set aside with a vote occurring on passage at 2 p.m. today, with no intervening action or debate.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Nevada is recognized.

Mr. REID. Mr. President, I reserve the right to object.

The Senator from West Virginia has an important statement to give regarding one of our valued employees in the Senate. The Senator from West Virginia, I understand, wants to speak for 10 or 15 minutes.

Mr. BYRD. Fifteen at the most.

Mr. REID. Maybe we could start this at 11:25.

Mr. LOTT. I modify my request so that we would begin then at 11:25, to allow Senator BYRD to go forward with his statement between now and then.

Mr. REID. I say to the majority leader, that would leave 2 hours and 35 minutes until 2 o'clock.

Mr. LOTT. Yes.

Mr. REID. There are no amendments in order anyway. We may have some people who wish to speak on it. Would that be OK with the leader?

Mr. LOTT. I am not sure I understand what the request is.

Mr. REID. Rather than ending the debate at approximately 1:25, we would do it at 2 o'clock and just vote at 2 o'clock.

Mr. LOTT. That would be fine.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished majority leader and the distinguished minority whip for their kindness and courtesy to me.

TRIBUTE TO JIM ENGLISH

Mr. BYRD. Mr. President, I rise today with a heavy heart. And I do not say that without justification. I measure my words in saying that I rise today with a heavy heart, for it will shortly be time for me to say goodbye, for now at least, to one of the most extraordinary men I have ever had the pleasure of knowing in my 83 years on God's footstool, this Earth.

The minority staff director of the Senate Appropriations Committee, Mr. Jim English, has decided to retire this year. Jim English has been my right arm, figuratively speaking, since 1989, when I assumed the chairmanship of the Appropriations Committee of the Senate. We have been through so many battles together, that sometimes it seems as if Jim English has always been with me. I could almost say, I can never remember a time in my life when Jim was not beside me.

In fact, I met Jim English in 1973, when he worked on the Transportation Subcommittee, but he did not actually work directly for me until 1989.

Jim English was born on a farm near Homer, LA. That simple fact explains a great deal. Jim English has a head full of brains. And he knows how to use them. They do not go to waste. They are not dormant. They are always working. But while he has a head full of brains, he does not have a thimble full of arrogance or supercilious attitude.

He is rock solid. He is honest. And he is full of good humor. He is the type of person whose values and character reflect the very best of America, and indeed the very best of human nature, and the preeminently best of nobility. Few persons have I seen in life that I would think of as being noble. Jim English is one. I do not recall ever having said this about anybody else. It does not mean that I have not seen other very noble people. The man who raised me, Titus Dalton Byrd, a man of little education, but with a big heart and a great soul, was a noble man.

James English has had a working career which includes being an accounting clerk for the D.C. Government, revenue officer for the IRS, clerk of the Transportation Appropriations Subcommittee, vice president for government affairs at Amtrak, Assistant Secretary of the Senate, staff director of the Senate Appropriations Committee, and minority staff director of the Appropriations Committee. I daresay that

he has worn all of those many hats, those many badges with distinction. There is probably no position that Jim would not improve just by occupying it.

He is without doubt—and I have had some extraordinarily fine staff people—he is without a doubt, overall, the finest staff member I have ever employed in my 48 years on Capitol Hill.

I have employed some top-notch, very fine staff people. I say this about Jim English because of his versatility, for one. He is multitalented, he is supremely capable, and he is completely undaunted by any challenge. Jim English is also unrelentingly curious. He will dig and dig and dig until he gets an answer to a question.

It has been said by someone that curiosity is one of the certain characteristics of a vigorous mind. When you stop and think about it, that is a very apt saying. Never was there a better example of the truth of that observation than we have seen in Jim English. Moreover, I have never met anyone so consistently good humored, even in the most stressful of situations. As my dear friend, Senator TED STEVENS, chairman of the Appropriations Committee, knows, there are certainly times when being on the Appropriations Committee staff can be dreadfully stressful and demanding.

I cannot recall ever seeing Jim English angry in all of the years I have known him. I have rarely ever even seen him become impatient.

Emerson once observed:

It is easy in the world to live after the world's opinion; it is easy in solitude to live after our own; but the great man is he who in the midst of a crowd keeps with perfect sweetness the independence of solitude.

That is Jim English. He is the epitome of Emerson's thoughts in that regard: Gentle with everyone, yet the toughest of adversaries when he must be tough. Jim English seems always to maintain perfect control and equanimity. In all the years I have worked with Jim English, I have never heard him tell an off-color joke. I have never heard him use profanity. If he had, he wouldn't stay on my staff. I don't use it in front of my staff. Not that I have never used it in my life, but I don't use it anymore. And Jim English doesn't use it. My staff people don't use it. He is just a good man.

The Bible says no man is good, but Jim English comes as near to it as anyone I have ever met. Losing him will be like losing an arm. Jim has given over 30 years to Federal service, with 23 of those years spent with the Senate Appropriations Committee. Almost 13 of those 23 years he has spent working closely with me.

I shall miss him professionally, and I shall miss him personally, but I know he wants to spend more time with his lovely and good wife Phyllis, with his daughters Kathleen Pfost and Elizabeth Arensdorf, and with his four grandchildren, Ashley, Alex, Evan, and Jimmy. As much as I regret losing Jim

English—and I couldn't keep him if I wanted to—no one could begrudge him these desires.

I wish for him all the best that life has to offer, and I want him to know I am grateful for the loyalty, the service, and the friendship he has offered to me for so many good years.

My dear colleague—and I say "dear colleague" meaning it—TED STEVENS is on the floor. He wants to share his thoughts on this subject.

I ask unanimous consent that I may yield to Senator STEVENS, after which I be recognized again for just a few lines, and that the time be extended to whatever is necessary, which will not be very long but not more than 10 additional minutes.

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

Mr. STEVENS. Mr. President, I am grateful to my great friend from West Virginia. I am chairing a hearing at the present time of the Defense Subcommittee of Appropriations. But I am saddened to come to the Chamber for this occasion to recognize and comment upon the retirement of Jim English from the staff of our Appropriations Committee.

I say to Jim, very frankly, all of the members of our staff, minority, majority, Members and staff, extend to him our heartfelt congratulations and thanks for all he has done and our desire that he and his wife Phyllis and their daughters and grandchildren will have a grand time.

I can't fathom a young man such as that deciding to retire, but I hope there are some fishing holes along the line that he will explore, and other activities to do. My first father-in-law told me that English is the only language in which "retire" means other than go to bed. I hope it is a misuse of the term "retire" in terms of referring to Jim English because he has much yet to contribute to our country and to his family.

Senator BYRD and I have worked together with Jim English since 1973. Although he left the committee and worked for Amtrak, as my colleague mentioned, and he worked under the leadership of the Senator from West Virginia on his staff and with the leadership staff, he has been back again with our committee since 1989, according to our figures, and has served as Senator BYRD's majority staff director and now as the Democratic staff director in this equalness we are now celebrating.

In the time I have been chairman, Jim English has not just been an adviser to Senator BYRD, he has been our adviser, the committee's adviser, and he has worked with us in a way that has been deserving of the trust we have imposed and conferred upon him. He is a man who believes in close bipartisan relationships. On a committee such as ours, he has fostered that by his actions and by his work. Much of the credit for the close bipartisan relationship we have now comes from the work

he did before when Senator BYRD was chairman of the committee. That period has extended through the time I have been chairman.

We have a different relationship on our committee. It is a committee that recognizes the work has to be done. There is only one committee that actually has to pass 13 bills every year. No matter what happens, those bills have to pass the Congress. They have to be approved by our committee. As my colleague mentioned, there are many issues that arise, many specific battles where animosities develop within our ranks. I have never seen Jim English take part in that. He has been a man of calm temper—unlike me, I might add—and he is one who has worked to ensure that the processes we follow are fair and honorable.

I can say without any question that my staff and I have trusted Jim completely. If he tells us anything, it is accepted on its face. There is no reason to go behind Jim English's word. He is a man who has played a central role in the appropriations process for many years.

I come to the Chamber to say I will miss him. I really don't like the idea of seeing a young man such as him leave. It raises a question in my mind: Who is the smarter of the two?

Anyone who recognizes the caliber of Jim English and his professionalism will understand how much we are going to miss him.

I am sure you will find someone to replace him, and it is my hope that we will have the same relationship with whomever that is. But it is a difficult time to have a person such as Jim decide to leave, and I want to say to Jim English that the doors of my offices will always be open to you, no matter the issue and I will continue to rely upon your advice, no matter where you go. I think you have earned the reputation to be accepted in this body as a man of integrity and honor and one who has always kept his word. There is nothing better you can say about a man, in my opinion.

I wish I had the capability the Senator from West Virginia has to remember quotes from distinguished authors. I have never tried to develop that capability. But I do want Jim to know we have benefited greatly from his service, whether Republican or Democrat. The country is better off for you having spent time with us. We hope you will enjoy your life from now on and come back to see us from time to time. Whatever your new endeavors may be, you have our best wishes, and you have my assurance that I would be ready to help you in any regard.

Mr. BYRD. Mr. President, I thank Senator STEVENS for those remarks. In my judgment, having served on the Appropriations Committee longer than any other Senator serving, going on 43 years—and I have seen some good chairmen of the Appropriations Committee—I have no hesitancy in saying Senator STEVENS is the best chairman

of the Appropriations Committee—and that includes myself as chairman—he is the best chairman the Senate Appropriations Committee has had during my long tenure in this body. I know that what he says brings pride to the heart of this man—Jim English—who is about to leave the employ of the Senate.

Let me close with a few lines which I think are most fitting when we think of Jim English.

IT WILL SHOW IN YOUR FACE

You don't have to tell how you live each day
You don't have to say if you work or play;
For a tried and true barometer—right in its place,
However you live, my friend, it will show in your face.

The false, the deceit that you bear in your heart
Won't stay down inside where it first got its start;

For sinew and blood are a thin veil of lace
What you carry in your heart will show in your face.

If you have gambled and won in the great game of life
If you feel you have conquered sorrow and strife;

If you played the game square and you stand on first base,
You won't have to tell it, it will show in your face.

Then if you dissipate nights till the day is most nigh,
There is only one teller, and one that won't lie;

Since your facial barometer is right in its place,
However you live, my friend, it will show in your face.

Well, if your life is unselfish and for others you live,
Not for what you can get but for what you can give,

And if you live close to God in his infinite grace,
You won't have to tell it, it will show in your face.

COMMENDING JAMES HAROLD ENGLISH FOR HIS 23 YEARS OF SERVICE TO THE UNITED STATES SENATE

Mr. BYRD. Mr. President, I have the approval of the distinguished majority leader and the distinguished minority leader to ask unanimous consent that the Senate proceed to the consideration of S. Res. 73 submitted earlier today by Senator LEAHY and myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 73) to commend James Harold English for his 23 years of service to the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the resolution: Senators STEVENS, LEAHY, and DASCHLE.

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

Mr. REID. Would the Senator yield?

Mr. BYRD. Yes.

Mr. REID. I ask that I be added as a cosponsor. Jim English is a great public servant and has been a good friend of mine.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD, all with no intervening action or debate.

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

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 73

Whereas James Harold English became an employee of the United States Senate in 1973, and has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate;

Whereas James Harold English served as Clerk of the Transportation Appropriations Subcommittee from 1973 to 1980;

Whereas James Harold English served as the Assistant Secretary of the Senate in 1987 and 1988;

Whereas James Harold English has served as Democratic Staff Director of the Appropriations Committee of the United States Senate from 1989 to 2001;

Whereas James Harold English has faithfully discharged the difficult duties and responsibilities of Staff Director and Minority Staff Director of the Appropriations Committee of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas he has earned the respect, affection, and esteem of the United States Senate; and

Whereas James Harold English will retire from the United States Senate on April 30, 2001, with over 30 years of Government Service—23 years with the United States Senate: Now, therefore, be it

Resolved, That the United States Senate—

(1) Commends James Harold English for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

(2) The Secretary of the Senate shall transmit a copy of this resolution to James Harold English.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2001

The PRESIDING OFFICER. The clerk will report S. 350 by title.

The legislative clerk read as follows:

A bill (S. 350) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Brownfields Revitalization and Environmental Restoration Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

Sec. 101. Brownfields revitalization funding.

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

Sec. 201. Contiguous properties.

Sec. 202. Prospective purchasers and windfall liens.

Sec. 203. Innocent landowners.

TITLE III—STATE RESPONSE PROGRAMS

Sec. 301. State response programs.

Sec. 302. Additions to National Priorities List.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

SEC. 101. BROWNFIELDS REVITALIZATION FUNDING.

(a) DEFINITION OF BROWNFIELD SITE.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

“(39) BROWNFIELD SITE.—

“(A) IN GENERAL.—The term ‘brownfield site’ means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

“(B) EXCLUSIONS.—The term ‘brownfield site’ does not include—

“(i) a facility that is the subject of a planned or ongoing removal action under this title;

“(ii) a facility that is listed on the National Priorities List or is proposed for listing;

“(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under this Act;

“(iv) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

“(v) a facility that—

“(I) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

“(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

“(vi) a land disposal unit with respect to which—

“(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

“(II) closure requirements have been specified in a closure plan or permit;

“(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

“(viii) a portion of a facility—

“(I) at which there has been a release of polychlorinated biphenyls; and

“(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

“(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.