

AMENDMENTS SUBMITTED AND PROPOSED

SA 352. Mr. SMITH of New Hampshire (for himself, Mr. REID, Mr. CHAFEE, and Mrs. BOXER) proposed an amendment to the 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.

TEXT OF AMENDMENTS

SA 352. Mr. SMITH of New Hampshire (for himself, Mr. REID, Mr. CHAFEE, and Mrs. BOXER) proposed an amendment to the 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; as follows:

Beginning on page 57, strike line 24 and all that follows through page 58, line 3, and insert the following:

“(ii)(I) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(II)(aa) is contaminated by petroleum or a petroleum product excluded from the definition of ‘hazardous substance’ under section 101; and

“(bb) is a site determined by the Administrator or the State, as appropriate, to be—

“(AA) of relatively low risk, as compared with other petroleum-only sites in the State; and

“(BB) a site for which there is no viable responsible party and which will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

“(cc) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

“(III) is mine-scarred land.”

On page 65, between lines 11 and 12, insert the following:

“(4) INSURANCE.—A recipient of a grant or loan awarded under subsection (b) or (c) that performs a characterization, assessment, or remediation of a brownfield site may use a portion of the grant or loan to purchase insurance for the characterization, assessment, or remediation of that site.

On page 67, line 16, before the period, insert the following: “, including threats in areas in which there is a greater-than-normal incidence of diseases or conditions (including cancer, asthma, or birth defects) that may be associated with exposure to hazardous substances, pollutants, or contaminants”.

On page 68, between lines 16 and 17, insert the following:

“(J) The extent to which a grant would address or facilitate the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations.

On page 70, between lines 2 and 3, insert the following:

“(4) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Environmental Protection Agency shall submit to Congress a report that provides a description of the management of the program (including a description of the allocation of funds under this section).

On page 71, strike lines 15 through 17 and insert the following:

“(k) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

“(1) this Act (including the last sentence of section 101(14));

“(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

“(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

“(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

“(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

“(1) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2002 through 2006.

“(2) USE OF CERTAIN FUNDS.—Of the amount made available under paragraph (1), \$50,000,000, or, if the amount made available is less than \$200,000,000, 25 percent of the amount made available, shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II).”

On page 93, line 4, before “develop”, insert “purchase insurance or”.

On page 94, line 11, strike “and”.

On page 94, line 14, strike the period at the end and insert “; and”.

On page 94, between lines 14 and 15, insert the following:

“(iii) a mechanism by which—

“(I) a person that is or may be affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield site located in the community in which the person works or resides may request the conduct of a site assessment; and

“(II) an appropriate State official shall consider and appropriately respond to a request under subclause (I).

On page 97, line 7, after “Administrator”, insert “, after consultation with the State,”.

On page 97, line 18, after the period, insert the following: “Consultation with the State shall not limit the ability of the Administrator to make this determination.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, April 25, 2001. The purpose of this hearing will be to review agricultural trade issues.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 25, 2001, immediately following the nomination hearing, on status of labor issues in airline industry.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Com-

mittee, on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 25, 2001, at 9:30 a.m. on the nomination of Brenda Becker to be Assistant Secretary for Legislative and Intergovernmental Affairs (DOC), and Michael Jackson to be Deputy Secretary for the Department of Transportation.

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

COMMITTEE ON FINANCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, to hear testimony on Medicare and SSI Benefits: Turning off the Spigot to Prisoners, Fugitives, the Deceased and other ineligible.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, at 10:30 a.m. and at 2 p.m., to hold two hearings.

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

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, April 25, 2001, at 10 a.m., in SD226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, at 2 p.m., to hold a closed briefing on intelligence matters.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE AND TOURISM

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 25, 2001, at 2:30 p.m., on west coast gas prices.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, to conduct a hearing on “HUD’s Program, Budget and Management Priorities for FY 2002.”

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

SUBCOMMITTEE ON STRATEGIC

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, at 2:30 p.m., in open session to receive testimony on the fiscal year 2002 budget request of the National Nuclear Security Administration in review of the Defense authorization request for fiscal year 2002 and the future years Defense program.

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

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Daniel Wood be given floor privileges for this day.

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

Mr. REID. Mr. President, I ask unanimous consent that Mathew Tinnings, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor for the pendency of the debate on S. 350.

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

SENATOR ROBERT KERREY OF NEBRASKA

Mr. KERRY. Madam President, I want to share a couple of thoughts regarding some reports that have appeared in the media in the last few hours regarding our colleague, Senator Bob Kerrey.

Some reports have been written during the last 24 hours about an incident that took place in Vietnam in February 1969, several weeks prior to Senator Kerrey receiving the Congressional Medal of Honor for the secret mission on which he served. I read a couple of those reports. I want to express my personal concern about the approach of the media to this issue, and express my personal support for Senator Bob Kerrey, particularly for the nature and the circumstances of the mission which has been written about.

It is my hope that the media is not going to engage in some kind of 32-year-later binge because there is a difference of memory about a particularly confusing night in the delta in a free fire zone under circumstances which most of us who served in Vietnam understood were the daily fare of life in Vietnam at that point in time.

I served in the very same area that Bob Kerrey did. I served there at the very same time that he did. I remember those free fire zones. I remember our feelings then and the great confusion many people felt about the ambiguities we were automatically presented with then by a military doctrine that suggested that certain areas were wholly and totally "enemy territory," but nevertheless to the naked eye we could often perceive life as we knew it in Vietnam being carried on in those areas.

Inevitably, there were older citizens, women, children, and others who were often, as a matter of strategy by the Viet Cong, drawn into the line of fire and put in positions of danger without regard, I might add, for their side as well as ours.

To the best of my memory, most people worked diligently—I know Senator Kerrey did as well as others—to avoid the capacity for confusion or for accidents. I know certainly within our unit there was a great deal of pride on many occasions when orders were changed on the spot simply because perceptions on the spot made it clear that there was the potential for innocents to be injured.

I fully remember what it was like to "saddle up" for a nighttime mission with no Moon, with no light, trying to move clandestinely and trying to surprise people. The confusion that can ensue in those kinds of situations is not confusion that lends itself to a 32-year-later judgment.

There were occasions in Vietnam, as everyone knows, when innocents were victims. There wasn't a soldier there at that time, or who has come back to this country and home today, who doesn't regret that.

But I also know it is simply a disservice to our Nation and to the quality of the service and a person such as Bob Kerrey to have condemnation after the fact which does anything to diminish the quality of service, or the unit's service, or the service of so many others who spent their sweat and blood and youth in that particularly difficult battlefield.

So it is my hope that in the next days people will understand the appropriate perspective and put this issue in its appropriate perspective. Bob Kerrey served with distinction. He obviously feels anguish and pain about those events, but I do not believe they should diminish, for one moment, the full measure of what he has given to his country and of what he represents. It is my hope that he personally will not allow it to.

TAIWAN

Mr. KERRY. Madam President, I want to say a word about what President Bush said this morning with respect to Taiwan because if what the President said is, in fact, what he means, or if it is indeed the new policy of the United States, it has profound implications for our country. He made a far-reaching comment this morning on the American defense of Taiwan, a comment which suggests that without any consultation with Congress, without any prior notice to the Congress, a policy that has been in place for 30 years is now summarily being changed with implications that I believe are serious.

When asked by Charles Gibson, on ABC's "Good Morning America," whether the United States had an obligation to defend Taiwan if Taiwan were

attacked by China, President Bush said:

Yes, we do, and the Chinese must understand that.

Charles Gibson then asked:

With the full force of the American military?

President Bush responded:

Whatever it took to help Taiwan defend themselves.

For almost 30 years, through Republican and Democrat administrations alike, the cornerstone of our approach to policy toward China and Taiwan has been the so-called "one China" policy: There is but one China; Taiwan is a part of China, and the question of Taiwan's future must be settled peacefully.

This policy was laid out in the 1972 Shanghai Communique issued by the United States and China at the end of President Nixon's historic visit. It was reaffirmed in subsequent bilateral communiques—in 1979, when the United States recognized the People's Republic of China and again in 1982 on the question of U.S. arms sales to Taiwan.

A consistent tenet of this policy is the U.S. expectation that the question of reunification of China and Taiwan will be settled peacefully. We have never stated what the United States would do if Beijing attempted to use force to reunify Taiwan with the mainland—until today. We have not stated it in the course of Republican and Democrat administrations alike because we understood the danger of doing so.

We have been deliberately vague about what the circumstances might be under which we would come to Taiwan's defense, not only to discourage Taiwan from drawing us in by declaring independence but also to deter a Chinese attack by keeping Beijing guessing as to what the response might be.

Sometimes some people have talked about trying to reduce that ambiguity and simplify it and simply say, of course we would come to their defense. But if you do that, you invite a set of consequences that might carry with it its own set of dangers, and you may lose control of the capacity to make a determination about what has happened and what the circumstances really are to which you need to respond.

President Bush's comments this morning on "Good Morning America" suggest that the administration has decided to abandon the so-called strategic ambiguity. If so, the President has made a major policy change with absolutely no consultation with the Foreign Relations Committee, the Armed Services Committee, the Intelligence Committee, or the leadership of the Congress.

In my view, it is a policy change that serves neither our interests nor Taiwan's. Any situation which results in the use of force across the Taiwan Strait is unlikely to be simply black and white, as clear as can be. The Tonkin Gulf is a classic example of that.