

colleagues will join me in honoring her dedication to improving the quality of life for area residents. We all owe an enormous debt of gratitude to Kathryn for such an invaluable contribution to the Northern Black Hills and the entire State of South Dakota. We wish her well as she begins her well-deserved retirement.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2001

Mr. DOMENICI. Mr. President, today I want to take a moment to share some thoughts on the Brownfields Revitalization and Environmental Restoration Act. I believe that this act is important and can do positive things in communities across America.

Laws related to brownfields were the result of a much broader Act, which we commonly refer to as Superfund. Superfund was intended to bring about the clean up of some of the most contaminated sites in our nation. As Superfund has been implemented in our society we have found that it is often too cumbersome to bring about clean up and restoration of many brownfield sites. When we talk about brownfields we are not talking about the most contaminated sites in our communities, but about sites that are less contaminated and could realistically be bought, cleaned up, and developed thus bringing economic and other benefits to American citizens. Therefore, I share the thoughts of many of my colleagues and support removing the barriers to brownfields redevelopment.

When the average person wishes to invest in something such as an abandoned gas station, they are often discouraged from doing so for fear of the strict liabilities that could be imposed on them by Superfund. Attempting to relax the daunting liability provisions for those willing to buy brownfields sites for the purpose of cleaning and upgrading them is a huge step in the right direction.

I believe that enactment of this brownfields legislation, will provide a significant foundation for rebuilding many of our communities. Many of these sites are located in downtown areas and often serve as the breeding grounds for crime, drug trafficking and contamination. I am hopeful that passing this legislation will help restore downtown communities making them once again attractive to business, industry and prospective residents.

Many of us have watched these downtown areas slowly die. I know that in Albuquerque, NM, the largest city in the State, we have seen a huge shift away from the downtown area. Local businesses that once thrived were forced to close and slowly, what was once the metropolis of Albuquerque, began to seem like a ghost town.

I support this legislation because of the potential it brings to restoring places like downtown Albuquerque. As I briefly touched on, some of the most

important benefits of the bill are its liability and finality provisions. The bill specifies that prospective purchasers, innocent landowners, and contiguous property owners, who exercise due diligence in purchases, are not responsible for paying cleanup costs. The stringent liability scheme under Superfund hinders those who want to invest in these sites for fear of liability. These barriers are unnecessary and do not foster development and growth in our inner cities. Additionally, the bill precludes EPA from taking action on a site that a State has already placed in a cleanup program, unless there is an imminent and substantial endangerment to the environment or public health, and some additional work must be completed.

Finally, the bill authorizes \$150 million per year to help State and local governments perform assessments and cleanup at brownfields sites. Further, \$50 million per year is also authorized to establish and enhance brownfields programs, more than double the current level of funds available through the current EPA program.

Pumping federal tax dollars back into localities and fostering partnerships with States and their local communities can help rid our communities of the negatives such as crime and contamination while rejuvenating downtown economies.

Economics and Environmental health are not mutually exclusive. This bill would allow these types of areas to be cleaned up, thus providing both economic and environmental benefits. It is a win-win for everyone—cities and citizens alike.

I am hopeful that New Mexico, as well as many other communities across the nation, will see great benefits as a result of this legislation. I hope that we are successful at reviving the ghost towns that currently exist in many downtown areas and that they will once again come alive with prosperity.

CRIME VICTIMS' ASSISTANCE ACT OF 2001

Mr. KENNEDY. Mr. President, victims of crime deserve to have their voices heard and to be notified of important events in the criminal justice system relating to their cases, and they deserve enforceable rights under the law.

Today, this is why my colleagues and I are re-introducing the Crime Victims Assistance Act. It is especially appropriate that we do so this week, which is National Crime Victims' Rights Week. Our bill defines the rights of victims and establishes an effective means to implement and enforce these rights. Equally important, it does so without taking the drastic, unnecessary, and time-consuming step of amending the Constitution.

Our bill provides enhanced protections to victims of both violent and non-violent federal crimes. It assures victims a greater voice in the prosecu-

tion of the criminals who injured them and their families. It gives victims the right to be notified and consulted on detention and plea agreements; the right to be heard at sentencing; the right to be notified of the escape or release of a criminal from prison or a grant of executive clemency; and the right to a speedy trial and prompt disposition, free from unreasonable delay.

The rights established by this bill will fill existing gaps in federal criminal law and will be a major step toward guaranteeing that victims of crime receive fair treatment. Our bill achieves these goals in a way that does not interfere with the efforts of the States to protect victims in ways appropriate to each State's unique needs.

Rather than mandating that States modify their criminal justice procedures in particular ways, our bill authorizes the use of federal funds to establish effective pilot programs to promote victim-rights compliance. It increases resources for the development of state-of-the-art systems for notifying victims of important dates and developments in their cases. It provides funds for the development of community-based justice programs relating to those rights. Finally, it creates and funds additional personnel in federal law enforcement agencies to assist victims in obtaining their rights. These initiatives will provide victims with the counseling, information, and assistance they need in order to participate in the criminal justice process to the maximum extent possible.

There is no need to amend the Constitution to achieve these important goals. The Constitution is the foundation of our democracy. It reflects the enduring principles of our country. The framers deliberately made the Constitution difficult to amend, because it was never intended to be used for normal legislative purposes. If it is not necessary to amend the Constitution to achieve particular goals, it is necessary *not* to amend it. Our legislation is well-designed to establish effective and enforceable rights for victims of crime, and I urge my colleagues to support it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH or Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred Nov. 7, 1998 in Easton, MA. An Easton teenager threw a large rock at a 17-year-old boy he thought was gay, kicked him in the head and yelled, swore and called the victim a "fag." The victim suffered a broken nose and a concussion. A week before the assault, the perpetrator told friends he hated gay people and thought they should be beaten up.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

NUANCE MATTERS, GETTING TAIWAN POLICY RIGHT

Mr. BIDEN. Mr. President, as we were reminded yesterday, words matter in diplomacy. Wednesday morning, the President of the United States appeared on national television in an interview taped Tuesday night with Charles Gibson of ABC News. In that interview, the President was asked if the United States had an obligation to defend Taiwan if it was attacked by China.

President Bush replied, "Yes, we do, and the Chinese must understand that. Yes, I would."

The interviewer pressed further, asking, "With the full force of the American military?"

President Bush replied, "Whatever it took to help Taiwan defend itself." He did not elaborate at that time.

A few hours later, the President appeared to back off this startling new commitment, stressing in an interview on CNN that the United States would continue to abide by the Taiwan Relations Act and the One China policy followed by each of the past five Presidential Administrations.

I want to make clear that I believe the security of Taiwan to be a vital interest of the United States.

Senator HELMS and I are among a handful of current members of the U.S. Senate who were around to vote for the Taiwan Relations Act when it was introduced 22 years ago.

And I remain as committed today as I was then to the peaceful resolution of the Taiwan question.

And because of my strong support for Taiwan, I was inclined to believe that the President had made an honest, and mostly harmless, mistake yesterday, especially when the State Department issued a clarification stressing that U.S. policy remained unchanged. State Department spokesman Phil Reeker said, "Our policy hasn't changed today, it didn't change yesterday, and it didn't change last year, it hasn't changed in terms of what we have followed since 1979 with the passage of the Taiwan Relations Act."

But by the end of the day, senior national security officials at the White House were singing a different tune, insisting that the President meant what he said in the morning interview.

The President's National Security Adviser claimed that, "the Taiwan Relations act makes very clear that the U.S. has an obligation that Taiwan's peaceful way of life is not upset by force." And a White House Aide said, "Nothing in the act precludes the President from saying that the U.S.

would do whatever it took to help Taiwan defend herself."

As my colleagues may know, the Taiwan Relations Act obligates the United States to provide Taiwan "with such defense articles and defense services . . . as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

It also states that any attempt to determine the future of Taiwan by other than peaceful means would constitute a "threat to the peace and security of the Western Pacific area" and would be, "of grave concern to the United States."

Finally, it mandates that in the event of, "any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom, the President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger."

Contrary to the President's statement to Charles Gibson, the United States is not obligated to defend Taiwan, "With the full force of the American military," and hasn't been since we abrogated the 1954 Mutual Defense Treaty signed by President Eisenhower and ratified by the United States Senate.

And contrary to the White House spokesman's comments, the President does not have the authority unilaterally to commit U.S. forces to the defense of Taiwan. Under the Constitution, as well as the provisions of the Taiwan Relations Act, that is a matter which the President must bring to the American people and to the Congress of the United States.

During the campaign, President Bush implicitly criticized the policy of "strategic ambiguity" which has governed the use of American forces to defend Taiwan in the event of a conflict with China for more than 20 years since the United States abrogated the 1954 Mutual Defense Treaty with Taiwan and normalized diplomatic relations with China.

The point of that policy, which I support, was to retain the right to use force to defend Taiwan, while reserving to the United States all the decision-making authority about the circumstances in which we might, or might not, commit U.S. forces.

Otherwise, the United States might find itself dragged into a conflict between China and Taiwan even in the event of a unilateral Taiwanese declaration of independence, something the President said yesterday he would not support.

This policy of strategic ambiguity was consistent with our One China policy and also with our desire that the Taiwan question be resolved only through peaceful means.

Well, today I guess we have a new policy, and I am calling it the policy of "ambiguous strategic ambiguity."

What worries me is not just what the President said, but the utter disregard

for the role of Congress and the vital interest of our key Pacific Allies, specifically Japan.

Perhaps the President is unaware that without using U.S. bases in Japan, we would be hard-pressed to make good on his commitment to use U.S. forces to defend Taiwan in the event of a conflict with China.

Perhaps he is unaware of how sensitive an issue this is for the Japanese government, which has taken great pains to avoid explicitly extending the U.S.-Japan Security Alliance to a Taiwan contingency.

I was quick to praise the President's deft handling of the dispute with China over the fate of the downed U.S. surveillance aircraft.

But in this case, as in his rocky summit meeting with South Korean President Kim Daejung, the President has damaged U.S. credibility with our allies and sown confusion throughout the Pacific Rim.

Words matter. Nuance matters.

Other events, the challenge of engaging North Korea, the emergence of a reformist prime minister in Japan, and the threat of political instability in Indonesia, will surely test America's resolve and diplomatic agility in the Pacific during the months ahead.

WORLD INTELLECTUAL PROPERTY DAY

Mr. HATCH. Mr. President, it is with great pleasure that I rise today to pay tribute to the first celebration of "World Intellectual Property Day."

Last fall, the World Intellectual Property Organization dedicated April 26th as "World Intellectual Property Day" with the objective of highlighting the valuable contributions intellectual property makes to economic, cultural and social development and to raise public awareness of just what intellectual property is all about.

Intellectual property, which includes patents, trademarks and copyright protections, is hardly a household phrase, but its significance to all Americans should not be underestimated. Intellectual property is really about creativity and innovation; it is about ideas that start out as just a dream, but then go on to become the creations and products that enrich our daily lives and improve our standard of living.

Included among our Founding Fathers' many accomplishments were the express intellectual property protections of Article 1, Section 8 of our Constitution. This section is so seemingly simple, "to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries", but it has done more to shape our Nation's economic growth than almost any other provision in the Constitution.

Indeed, one of the most significant results of this constitutional provision was the creation of the U.S. patent system. Today, more than six million patents have been issued, for inventions