number of small businesses that make up the luxury ground transportation industry. After much hard work from several members of the New Jersey Delegation and hundreds of constituents in New Jersey and around the country, the President will sign H.R. 2546, The Real Interstate Driver Equity Act. This Act will bring tremendous relief to those operators of the luxury ground transportation industry conducting interstate business.

Four years ago, two of my constituents Don Kensey of Au Premiere Limousine of Bellmawr, and James Moseley of James Limousine of Cherry Hill, approached my good friend Congressman Rob Andrews concerning the problem limousine operators in New Jersey were having with local jurisdictions in other States seizing and fining properly authorized vehicles upon picking up their clients to return them to New Jersey. Joining with many other limousine businesses in New Jersey and the National Limousine Association, our constituents organized a national grassroots campaign in the 106th Congress to educate the House and Senate. Today, the Congress is aware of the hardships faced by these small business owners across the country.

Because such a substantial portion of their service does not occur in a single State, limousine and other prearranged ground transportation service providers are frequently assessed registration and licensing fees by these other States. Enforcement of these requirements, which includes vehicle impoundment and heavy fines, has caused tremendous hardship to drivers and owners of these businesses, over 80% of which are one-to-three car operators grossing less than $500,000 a year. I would note that these problems are especially hard on small businesses in New Jersey, which borders on two States with large cities and airports.

Indeed, I was shocked to hear that in one particularly egregious instance, the CEO of McGraw Hill Publishing was forced out of his limousine, which was seized in another State and told to find another way home. That was when Senator CORZINE and myself, along with Congressman ANDREWS decided to take action.

The Real Interstate Driver Equity Act simply prohibits States other than a home licensing State from enacting or enforcing a law requiring a fee or some other payment requirement on vehicles that provide prearranged transportation service. States and localities can no longer restrict limousine or sedan services if the service is registered with the Department of Transportation as an interstate carrier; the company meets all of the requirements of the State in which it is domiciled or do business; and the limousine or sedan service is engaged in providing pre-arranged transportation from one state to another, including round trips.

This Congress, through the hard work of our constituents, has finally remedied this inequity in our interstate commerce law.

There were several other members who were instrumental in passing this legislation. I would like to thank Congressmen ROY BLUNT and ROB ANDREWS, who took the lead on H.R. 2546 in the House of Representatives and helped ensure its passage last year. In April of this year, with the assistance of my colleagues Senator HOLLINGS and Senator MCCAIN, the Commerce, Science and Transportation Committee passed H.R. 2546 unanimously. I am also most grateful to Senator REID, Senator BOND, and Senator CORZINE for their able assistance in passing this important small business legislation.

USE OF CUSTOMS FEES

Mr. DORGAN. Mr. President, there is an important provision in the Homeland Security Act of 2002 (H.R. 5710), that, if misinterpreted, could limit the ability of the U.S. Customs Service to effectively protect our borders.

Section 413 of this bill appropriately seeks to ensure that user fees that are currently used exclusively by the Customs Service for the purposes set out in 19 U.S.C. 58(c) will continue to be used for that sole purpose. These fees are paid by commercial vessels, aircraft, railroads and passengers that enter the U.S. This money is used to ensure that there will be Customs personnel available to clear these arriving goods and passengers efficiently when they arrive.

I am concerned that the wording of section 413 could be misconstrued since it merely states that these fees must be directed to the commercial operations of the Customs Service. I want to clarify that the intent of this provision is that these fees continue to be used for the purposes for which they were originally intended as set out in 19 U.S.C. 58(c). Additionally, I have consulted with Senator BAUCUS and Senator LIEBERMAN and they both agree with this view.

The work done by Customs inspectors at our ports of entry is critically important to our country's security and economic health. More than 1,100 Customs inspector positions, as well as overtime pay for Custom's employees, are currently funded out of the fees referred to in section 413. It is imperative that these fees continue to be used as intended. This statement serves as clarification that this is the purpose of section 413 of the Homeland Security bill being considered by the Senate.

BROWNFIELDS REVITALIZATION

Mr. BAUCUS. Mr. President, I rise today to highlight an issue of great importance to the people of my State and to people across this country.

Over the past several years, I worked closely with a number of my Senate colleagues to pass the Brownfields Revitalization and Environmental Restoration Act. Signed into law by the President last year, this act is an innovative piece of legislation that will promote and accelerate the cleanup of hundreds of brownfield sites around the country.

The Brownfields Revitalization and Environmental Restoration Act passed with strong bipartisan support in both the House and the Senate. It will help states and local communities clean up the country's estimated 1,000,000 brownfield sites. These sites blight our communities, threaten public health and safety, and drain local tax bases.

I am proud of this legislation. It devotes desperately needed resources to address the environmental and economic challenges posed by brownfields.

Still, I remain convinced that there is much left to do. With an estimated 1,000,000 brownfield sites across this nation and new sites being discovered each day, the very best efforts of our government will be insufficient to tackle this growing concern in any reasonable period of time.

For that reason, I have begun exploring legislative options to encourage additional private capital investment in the remediation and redevelopment of our nation's brownfield sites. Such a solution would complement the Brownfields Revitalization and Environmental Restoration Act and could help us make great strides toward creating jobs and cleaning up the environment in communities across the country.

Over 60 percent of the institutional capital in the United States is held for investment by tax-exempt entities such as pension funds and university endowments. Given the risks associated with acquiring and cleaning up contaminated sites, it is no surprise that private investors are reluctant to invest large amounts of capital in brownfields cleanup and revitalization. Tax exempt entities are often prevented from engaging in brownfield cleanups because of the unrelated business taxable income, UBTI, provisions in the code.

The UBTI provisions of the tax code play an important role in ensuring that entities do not use their tax-exempt status to gain a competitive advantage in the marketplace over taxed entities. It is clear, however, that the free market is not moving to remediate and redevelop many of these sites, certainly not at a rate that will solve this problem during our lifetimes. It is my belief that without some additional stimulus, many of these sites will remain unattractive as business investments and will continue to languish and blight our communities.

If we were to allow tax-exempt entities to invest in the remediation and redevelopment of these sites without incurring UBTI, we may be able to create a powerful engine to help revitalize our Nation's brownfield sites. It also seems possible that we could accomplish these goals in this slowed economic climate with a solution that neither materially impacts revenues nor

requires significant costs for administration.

In the coming months, it is my intent to explore legislative options to encourage the investment of additional private capital into the cleanup and redevelopment of our Nation's brownfield sites. It is my intention and desire to work on this matter in a bipartisan fashion with my good friend and colleague, the senior Senator from Iowa.

Mr. GRASSLEY. Mr. President, let me thank the good Senator from Montana and take a moment to echo his remarks. I strongly supported the Brownfield Revitalization Act and applaud the strides that it is making toward remediating brownfield sites across our Nation.

In Iowa, as in many other States, we are challenged with our share of brownfields in places like Des Moines, Cedar Rapids and Sioux City. The cleanup and redevelopment of brownfield sites can help reduce health risks, protect the environment, revitalize surrounding communities, preserve open space and create jobs by reintroducing properties into the stream of commerce that have languished for years.

Philosophically, I support efforts to encourage private markets to help solve problems such as those presented by our Nation's brownfield sites. Given the size and scope of the brownfield problem in this country, I believe it behooves us to look for additional, innovative and low-cost solutions to help encourage investment in the remediation and redevelopment of these sites.

I understand that current law may discourage tax-exempt investors from contributing capital to the remediation and revitalization of brownfield sites. Let me say to my good friend and colleague from Montana that I will gladly work with him to explore legislative options to help bring additional private capital to bear on solving our Nation's brownfield problem.

Mr. BAUCUS. Mr. President, I thank my good friend from Iowa. As we have worked together as chairmen and as ranking members of the Senate Finance Committee, I have always found him to approach issues in a fair and even-handed manner. Let me express my sincere appreciation to him for the many bipartisan efforts that we have worked on together, particularly the Brownfields Revitalization and Environmental Restoration Act that passed 99–0 in the Senate. I look forward to working with him on this and many other issues in the months and years to come.

CHIEF JUDGE LAWRENCE BASKIR

Mr. LEAHY. Mr. President, the United States Court of Federal Claims is the only federal court where the President may appoint and dismiss the chief judge. Although this power has been available since the Court of Federal Claims was established in 1982, President George W. Bush is the first President to use this power to remove a sitting judge. That is a regrettable decision because of the integrity and outstanding judicial record of the former incumbent, Chief Judge Lawrence Baskir. His absence is already being felt in the slower pace of important procedural reforms that Chief Judge Baskir had launched to improve the fairness and efficiency of the Court of Federal Claims.

Former Chief Judge Baskir was appointed in July, 2000 by President Clinton after the retirement of the previous incumbent chief judge, who had been appointed by President Regan. In his short, two-year tenure, Chief Judge Baskir had accomplished much in boosting public awareness of and respect for the work of this important, but little-known federal court.

The Court hears cases brought against the federal government by American citizens. It is especially important that litigants can rely on its objectivity and integrity. Some may say that because its original complement of judges was appointed by President Reagan and George Bush, Sr., its work had more of a political cast to it. Chief Judge Baskir worked hard to correct that impression, and he was scrupulous in every way in seeking to avoid even the appearance of any political involvement.

Among the ways he sought to reinforce the integrity of the Court was to ensure that incoming cases, some of which were highly charged with politics, were assigned automatically, ''off the wheel,'' and not directed to any particular, pre-determined judge. Just prior to his removal from the bench, the Court's new procedural rules took effect, rules for which he had pressed for two years. The rules, which are critical for the administration of justice and are the procedures for litigating cases in the Court, had not been revised in 10 years. Because Court rules define the parties' rights and obligations, they can give unfair advantage to one side or another. Their content is always contentious, and previous efforts to revise them had collapsed in deadlock. Chief Judge Baskir guided the revisions through with great success.

He reorganized the Clerk's Office, putting an end to delays in document handling, and instituted a ''same day'' rule for recording court filings. He brought the Court's electronic data systems into the 21st Century and created both internal and external web pages. He converted the main courtroom into a state of the art electronic courtroom, where attorneys can connect their own computers to the Court system, and have access to their own records and data and exhibits.

He also helped modernize the Court's alternative dispute settlement resolution, or ADR procedures. Resolving legal disputes through ADR can be a useful alternative to long litigation in certain circumstances. ADR is an important procedural option at the Court of Federal Claims, where citizens, often with very limited resources, are suing the federal government with its unlimited resources. ADR can serve in such instances to help level the playing field.

For example, he instituted a pilot ADR process in which incoming cases are assigned to an ADR judge at the same time they are assigned to a trial judge. This program is unique in the federal system, and has been chosen by the Federal Judicial Center as a model to examine and analyze for possible application in other federal courts.

Chief Judge Baskir made sure that ordinary citizens got fair treatment when they sued the federal government. Knowing of the large number of pro se plaintiffs, or people representing themselves, going up against the Justice Department, including parents with heartbreaking cases involving young children, he revised the system of handling these cases, and in the process referred more than 700 pro se plaintiffs to attorneys participating in the Court's vaccine program. Believing in the duty of members of the legal profession to contribute a portion of their time without charge for the good of the public, he also helped launch a pro bono program within the Court for both judges and legal clerks, and among the attorneys who are members of the Court's bar.

Many of these accomplishments would be impressive for a chief judicial administrative official whose tenure lasted a full term. This record is all the more impressive for having been achieved by a Chief Judge whose term lasted a mere 22 months. He achieved much because he brought an extensive legal and administrative background to the position, including service as Acting General Counsel of the U.S. Army, as staff director and chief counsel of a major U.S. Senate subcommittee, and as director and chief administrative officer of a major Presidential program under President Ford.

I commend Chief Judge Baskir on all that he accomplished as Chief Judge of the U.S. Court of Federal Claims. I thank him for his service to our Nation.

WHY SLOVENIA SHOULD BE INVITED TO JOIN NATO

Mr. HARKIN. Mr. President, the expansion of NATO is a forgone conclusion. Formal invitations are expected at the Prague Summit next week for three to nine new member countries to join. In fact, NATO enlargement represents a logical extension of the first serious American intervention in European geopolitics; namely, the famous Fourteen Points of President Woodrow Wilson, which provided substantial assistance and encouragement to the nations of Central Europe in their long-deferred aspirations to gain political independence and international recognition. History has shown that the substantial disengagement of America