

rural America because suicide rates among rural residents are twice the rate of urban areas, and 75 percent of the 518 nationally designated Mental Health Professional Shortage Areas are located in rural areas.

The Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003 must be passed by Congress as soon as possible, and I urge all my colleagues to work toward its enactment.

#### AIR POLLUTION

Mr. JEFFORDS. Mr. President, today the Bush Administration took direct aim against the health of all Americans, but particularly those who are the most vulnerable to air pollution—the elderly, the children, and the poor. As a result of this frenzy to gut the Clean Air Act, millions more of our citizens will now be staring down the barrel of a smokestack.

The administration's new rule on New Source Review adds to all the woes and worries that people must face everyday. These new threats include more illness, lung disease, and heart attacks.

This Bush administration's EPA is not his father's EPA. At almost every turn, this President Bush is seeking to undo the positive environmental legacy of his father, with a particular focus on tearing apart the Clean Air Act Amendments of 1990.

From the beginning, the first President Bush was the motivating force behind passage of that complex, politically balanced and protective act. In fact, it was his acid rain proposal that broke the legislative logjam just before passage. His participation during Senate consideration helped ensure passage from this body, and the technical assistance of his Federal agencies was critical throughout the process.

I was proud to work with the first President Bush and his team. But I am not proud of what the current President Bush has done on the environment. He and his team came to Washington claiming a desire and ability to work across the aisle. But that hasn't turned out to be the case.

This President Bush and his team have intervened in environmental policy throughout the administration on behalf of polluters, not for the health and welfare of the American public and a sustainable environment. This is a huge contrast with the first President Bush who cared about these matters and cooperatively worked with Congress to address environmental problems.

We did not solve all the problems related to air pollution in the 1990 amendments. But, through bipartisan cooperation, we built a strong legal construct and a renewed commitment to gradual and continual reductions in harmful emissions. It has survived legal challenges and until 2001 was working quite effectively from a health and an economic perspective.

That is when the new Bush administration came to town. They have em-

barked on a comprehensive program to dismantle or slow walk the Clean Air Act, starting with the New Source Review program and extending to the ozone and fine particulate matter standards.

Their Clear Skies proposal is weaker and slower than the existing Clean Air Act, if it were fully and faithfully implemented on schedule. The Bush proposal delays the achievement of air quality standards beyond the act or my bill, the Clean Power Act. In the name of "flexibility," their proposal does away with vital programs designed to protect local and regional air quality, some of which have been particularly important to the Northeast.

Based on the scientific evidence before us, we know that the 1990 amendments did not go far enough in specifically controlling pollutants that cause acid rain, global warming and toxic contamination. However, they did provide the Administrator with ample authority to take action to address these matters. Instead, this administration has chosen the path of delay, non-enforcement, or deregulation.

Government regulation must protect the public's health. But, the administration changed the New Source Review rules while Americans enjoyed the last of their summer vacations to allow greater levels of pollution than currently emitted. Some analyses suggest that as many as 20,000 more premature deaths may occur annually as a result—20,000 deaths. The administration released this terrible news when they thought no one would pay attention.

I have seen charts showing deaths per hundred thousand people who die prematurely from "grandfathered" powerplant pollution. These are the powerplants that haven't put on modern controls. These are the same powerplants that will Never be required to clean up to modern standards under the Bush administration's new NSR rule. Never. And it is not just powerplants.

Adding insult to that injury, the administration's new rule is plainly illegal. So I will be joining with other colleagues in Congress, the States, public health and environmental organizations, and other members of the public in litigation to stop this newest assault on our air quality. The States and attorneys general are filing today.

The Clean Air Act says, and I quote: ". . . any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source" triggers New Source Review, NSR. That means if a change or modification increases emissions of air pollutants, then the law requires sources to put on modern pollution control technology. It is that simple.

This doesn't mean letting polluters reach back 10 years to pick the highest possible emissions baseline from which EPA would then judge the increase. Common sense and case law says that the regulators must use recent actual emissions levels.

EPA's Assistant Administrator for Air, Jeff Holmstead, admitted the rule will "in some cases" allow increases in pollution. That is why it is illegal.

Mr. Holmstead defends this indefensible rule by suggesting that its harm will be limited because sources will not be allowed to exceed their permitted levels while making these modifications. Sadly, that is wrong and its disingenuous. Harm will not be limited, it will be spread downwind of 17,000 plants.

Permitted levels for many sources are substantially above their recent average emissions levels. So sources can now increase their pollution above levels that would have been allowed prior to this rule. That means millions of additional tons of pollutants.

The new rule lets emissions increase at facilities without review. That contradicts the Clean Air Act's statutory language and Congress' intent. Government officials who issue such illegal rules betray the public's trust and commit malfeasance in my book.

Mr. Holmstead told Fox News that, "We can say categorically that pollution will not increase as a result of this rule." The next day on the PBS "Newshour," he agreed that the rule would allow emissions increases in some cases. Which is true?

Mr. Holmstead also had similar trouble giving clear and direct answers to questions during our July 16, 2002, joint hearing between the Judiciary Committee and the Environment and Public Works Committee.

He said he was advised by Agency and DOJ enforcement personnel that the proposed NSR changes wouldn't affect the ongoing enforcement actions. The General Accounting Office report and the statements of former Agency enforcement personnel say otherwise. Which is true? We have asked the EPA Inspector General to investigate.

NSR was not designed to encourage emissions increases. Instead, Congress created it to help continually reduce air emissions as sources upgraded their facilities. As they make those improvements, they are supposed to put on modern pollution controls, not be exempt from that duty.

I am afraid that this rule is part of an administration agenda to lock in air pollution increases for a long time to come.

The timing of the rule takes advantage of the gap in the permit process for these plants in the period between the new and old ozone standards.

The permitted levels that Mr. Holmstead mentioned are part of the States' plans to achieve attainment with air quality standards, including the 1-hour ozone standard. That standard will soon be replaced by a more stringent one known as the 8-hour standard. That standard is more protective of public health.

As Mr. Holmstead knows, polluters "permitted levels" are closely tied to States' plans to achieve the old 1-hour standard. They are not yet tied to the

new, more stringent 8-hour standard or the new fine particulate standard. The States will revise those plans for the new standards, including adjusting "permitted" levels, but that will be done in 2007-2008.

In the meantime, the powerplants and industrial sources exempted by this rule can make huge modifications that increase emissions. These pollution increases will be locked in for many, many years and make it harder to achieve the new air quality standards.

I am not opposed to making the New Source Review program work better through constructive changes. But it is important to know the costs and benefits related to a program before doing radical surgery. An EPA memo estimated that just a small portion of the NSR program may have health benefits worth more than \$1.8 billion annually. We can ill afford to throw away all the lives represented by that number.

Beginning in May 2001, I have repeatedly sought, and most often been denied, full information on the public health and environmental impacts of the administration's agenda on New Source Review.

I agreed not to subpoena this information, while chairman of the Environment and Public Works Committee, in exchange for promises that most of it would be forthcoming. Those promises have been broken and I am still waiting.

And Congress is still waiting for EPA to comply with the Supplemental Appropriations bill for fiscal year 2004 passed in February. That Act directed EPA to fund a study by the National Academy of Sciences to look at the effects on public health of the other NSR changes made on New Year's Eve last year. After 6 months of delay, EPA authorized the Academy to start.

A recent General Accounting Office report, which I requested, demonstrates that the administration does not collect and has not collected valid, credible information on the New Source Review program.

The Agency has no factual basis to determine that their regulation changes will be beneficial, as they have claimed. Indeed, GAO said that EPA and an electric utility industry group think that post-rule modifications may increase efficiency at some facilities, but will also encourage greater emissions at those same facilities due to expanded production.

The hypocrisy of the Bush administration is stunning. They want to exempt thousands of major sources of pollution from using modern control technology. This is based on flimsy and unsubstantiated anecdotes.

At the same time, they pretend to support "sound science" and hide behind the Data Quality Act when choosing not to regulate in the face of abundant proof of potential environmental harm.

This new NSR rule has been a time-consuming waste of taxpayer's dollars.

EPA's resources would have been better spent in saving lives by taking some kind of regulatory action, any kind of action, over the last 2½ years to halt powerplant pollution.

There is real and legitimate authority under the Clean Air Act to do that now. There is even real and legitimate authority to make the New Source Review program work better and more efficiently. But the administration has failed to use that authority correctly and squandered their opportunities.

Using his father's model, this President Bush could have worked with me and my staff and Democrats in Congress to develop a strong tripartisan, multi-pollutant bill to control emissions of sulfur dioxides, nitrogen oxides, mercury, and carbon dioxide. But they have refused requests for technical assistance, evaded legitimate oversight, politicized every possible matter, and avoided any real policy discussions.

They have spent their time ignoring the people's representatives in Congress, pandering to polluters and wishing away the abundant evidence that increasing air pollution causes increases in death, disease and illness.

Pollution is an indiscriminate weapon. It should be emitted only as a last resort. Instead, this Bush administration brandishes it, boasting about flexibility and "sound science" while more people die prematurely and the Earth warms. If we were dealing with the first administration, I would breathe easier about the future.

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#### HONORING OUR ARMED FORCES

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##### OKLAHOMA LOSS IN IRAQ

Mr. NICKLES. Mr. President, in the time since major combat in Iraq has ended and peacekeeping and transitional operations have begun, the United States, our allies and the Iraqi people have accomplished much.

The men and women of our armed forces in particular deserve much praise for their diligence and bravery. They have been given the goal of establishing democracy in Iraq, and their success in this endeavor is directly linked to the freedom and security we enjoy in the homeland. A free and democratic Iraq will stand as a beacon of hope amidst one of the world's most troubled regions.

Fortunately we are now seeing many of the fruits of their labor.

Nearly 760,000 metric tons of food items have been dispatched into Iraq in just one month's time. Health care centers are receiving shipments of health care kits, refrigerators and furniture. Shipments of office supplies including furniture, computers and printers have been received in Iraq and will be used to equip seven essential government ministries.

The Iraqi people are stepping up to provide leadership for their newly liberated country. Crops are being suc-

cessfully planted in areas that have not produced for years. Iraqis are volunteering for the new Iraqi Army. The Iraqi Nurses Association has initiated a 2-day conference to lay the ground work for adequate nursing services in Iraq over the next ten years and close to 30,000 Iraqis have undergone training to be members of Iraq's new police force.

More importantly, representative democracy in Iraq has taken shape. The Iraqi Governing Council has been formed and brings together 25 political leaders from across Iraq. The council will name Iraqi ministers, represent the new country internationally, and draft a constitution that will pave the way for national elections leading to a fully sovereign Iraqi government.

Recently, we have confirmed that Saddam Hussein's sons, Uday and Qusay have been killed in a firefight in Mosul. This development has led to an increase in tips from the Iraqi people, one of which led us to the capture of 660 surface to air missiles, as well as an increasing confidence among the Iraqi people.

With two thirds of the Hussein regime gone, one has reason to hope that the final piece of the puzzle will soon follow.

And this good news that we are witnessing in Iraq is a direct result of the hard work and dedication of our troops. Were it not for their courage and perseverance, our presence in Iraq would be in vain.

Our military men and women will surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own continue to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

But today I rise to honor a man who made the ultimate sacrifice one can make for his country.

On August 27, Specialist Rafael L. Navea, of Pittsburgh, PA was killed in Fallujah when an improvised explosive device struck his vehicle.

Specialist Navea was stationed at Fort Sill and therefore an adopted Oklahoman. He was assigned to C Battery, 2nd Battalion, 5th Field Artillery Regiment, a Paladin unit in 212th Field Artillery Brigade. The unit deployed to Southwest Asia in support of Operation Iraqi Freedom on April 12.

Specialist Navea served his country well. Fort Sill and Oklahoma mourn his tragic death and now our prayers are with his family and friends. He is survived by his wife and children who reside in Lawton and his mother in Florida.

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Specialist Navea did not die in vain. He died so that many others would live