If you take the issue of $CO_2$ emissions, we had a President who promised that, although he was against Kyoto, he would come up with a plan to cut those emissions back. That is the problem that causes global warming. I don't know of any respected scientists today who say global warming is not a dreadful problem. What it could do to our agricultural products, what it could do to our Nation, what it would mean for the world, is devastating.

It is not a question of panicking about it. It is a question of doing something about it. It is not that hard to do, if we set our mind to it.

This administration's Environmental Protection Agency sent a report to the United Nations where they admitted, yes, there is global warming and, yes, it is caused by human beings, and, yes, it is bad. Now this administration, this President, is backing away from his own administration, what they said. He said: Gee, I really don't agree with that ''bureaucracy.''

I don't get it. This is his Environmental Protection Agency. And the thrust of the report, even though it admitted there were problems, basically said there are these problems but we have to learn to live with them.

I do not understand why people go into Government, would join the Environmental Protection Agency, would run for President or the Senate or the House to say: ''You know, it's a problem.'' And throw up their hands.

That is not what we are about. Our job is to find solutions to problems, to lay those problems out. I know the Senator who is in the Chair is taking the lead in finding solutions to the problem of the high cost of prescription drugs, not only for our seniors but for all of our citizens. She is working long and hard on that, day in and day out, and with her leadership and that of others in the Senate, we are going to come up with a good plan.

I know our leader, TOM DASCHLE, is going to come up with a very good plan that we can all back, on all fronts, dealing with Medicare but also dealing with the pricing of prescription drugs.

You could throw up your hands and just say, ''Isn't this awful, prices are going up,'' and walk away. Why would we deserve to be here if we took that attitude? Why do we deserve to be here if we do not protect people's health—by getting them prescription drugs, but also preventing the health problems that you get when you have dirty air and water and high levels of arsenic and high levels of lead in children's blood.

It is one thing to react at the end of it when they have these illnesses. We need these pharmaceuticals. It is another thing to prevent these problems because many come from a very unhealthy environment.

I am sorry to say that this administration's record in 2001—and let's show 2002—an average of once a week, coming up with an anti-environmental rule, rolling back a pro-environmental, prohealth rule. This record is shameful. I think it is only because we have been so focused, as we have to be, on other issues, that we have not, as Americans, stood up to say this is a terrible circumstance.

I will show the Superfund. I will leave with that one more time, to show the number of sites they are cutting back on the Superfund. Remember, in California 40 percent of Californians live within 4 miles of a Superfund site. I am sure, Madam President, if you examine the Superfund sites in your State—you have many, as unfortunately many of us do, and we will give the exact number later—you will see what is happening. There is a walking away from the responsibility to clean up these sites, which means these sites will remain very dangerous.

We have a site in New Jersey that has become infamous because the wildlife there is turning bright colors from the dioxin that is in the soil, the arsenic that is in the soil, the dangerous chemicals that are in the soil. The EPA will not tell us, Madam President, from which of your sites they are walking away. We are trying desperately to get the information.

Senator JEFFORDS, who is a man of tremendous patience, I can tell you, started trying to get the information in March. We sent a letter and said that we now see you promised to clean up 75 sites. Now you say it is only 47. That is down from 87 sites under the last administration. Tell us, pray tell, which sites are you abandoning? Our people have a right to know. It impacts their lives; it impacts the lives of their children; it impacts the property values in the community. Just tell us which sites you are not going to clean up.

We found in the hearing we held that, in fact, a message went out to all the employees at EPA not to talk to anyone. Don't tell Senators which sites are off the list; don't tell newspapers; refer all the calls to our communications people.

The penchant for secrecy in this administration is growing to be alarming. We couldn't find out who sat in on Vice President CHENEY's meeting when they drew up this energy bill. We had to go to court to find out. Now we know. It was the special interests that wrote that. We know what happens then.

That is not the kind of America we want. We want an America where everyone sits around the table—people from the environmental community, people from the business community, people from the labor community, people from the management community. That is the way we are going to have an America that works for everyone—not when we leave out people with whom we don't agree.

I represent a State which is very diverse in thinking. We go from very liberal to very conservative and everything in between. If I just sat with the people who voted for me, that would be a huge mistake for me; plus, it would be unfair and wrong.

We need to sit with people with whom we don't always agree. That is why this Norquist blacklist is so upsetting, as Senator DURBIN said. If we put a little X on the forehead of people who do not agree with us, and we put them on a blacklist and we never talk to them, what kind of America is this going to be? It is going to be an extremist America—an America that doesn't reflect the values of the American people.

One of the values of the American people is a clean and healthy environment. I hope people will educate themselves to the fact that we cannot find out which Superfund sites are not going to be cleaned. I hope people will understand the danger they face if this continues.

I pledge today to continue to come to the Chamber to talk about this environmental issue, to fight for the Superfund Program, and to fight for clean air and clean water. We are going to take this case to the American people.

I thank the Chair very much. I yield the floor.

The PRESIDING OFFICER. The time controlled by the majority has expired. The remaining time until 10:45 is controlled by the minority leader.

Mrs. BOXER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THOMAS. Madam President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. The Senator may proceed.

Mr. THOMAS. I thank the Chair.

## ROLE OF THE FEDERAL GOVERNMENT

Mr. THOMAS. Madam President, we always have different kinds of things to talk about and issues that are before us. That is our job, of course, to deal with the issues. There is no end to the number of issues that come here. We focus on them, as we should. In addition to that, however, it seems to me that it is appropriate from time to time that we focus a little bit on the appropriate role of the Federal Government.

What is the appropriate role of Government spending? I understand the pressures that come from wanting to do something about every problem, partly because we do want to do something about every problem, and partly because of the politics of it. Now we find ourselves getting more and more into the kind of setting, a kind of culture, if you please, where, as the Federal Government continues to grow, every issue that arises—at whatever the level—the first request is let us get

the Federal Government involved; let us get some money from the Federal Government; let us get some programs from the Federal Government. So continuously we get larger.

If you walk down the street and ask in general terms if you think the Federal Government ought to be larger, if you think it ought to be less large, if the issues ought to be considered more close to the people where they have more input at the State and local level, the answer is yes.

I believe we need to stand back from time to time and take a look at what we are doing in terms of the future, and maybe try to get some vision of where we want to be in the next 10 years or 15 years.

What do we want our society to look like in terms of government? Do we want a national government for everyone? I don't think so. That is not what we are. This is the United States of America. We are a federation of States. The Federal Government's role is fairly well defined in the Constitution, and those things not there are to be left to the States. But we move the other way.

I am not anti-Federal Government. I think there is obviously a very serious role for the Federal Government. One of them we are exercising now is defense. That, obviously, is a Federal role, and one that we should and are pursuing.

But take a look at all the things we are in. Take a look at all of the little things in the supplemental budget which we passed last week, and tell me that those are Federal responsibilities—all of those little items in there that we are funding. I am sorry, they are clearly not.

It seems to me that we have to take a look at the concept. I think some of the things we are looking at now are very important. One of them is Medicare. Obviously, Medicare is a Federal program. But we need to take a look at it and see where it is going over time to be other than just patching here or patching there or putting a little more money in there, and then come to the Chamber and complain about not having enough money. But we never seem to look at where we might be.

I am a little frustrated at the feeding frenzy at the public trough of the Federal Government that we have been engaged in over the past several decades. As a matter of fact, I think that is going to be more difficult as we go forward.

First of all, of course, we need to debate and pass a responsible bipartisan budget resolution. To most people, the budget means you have a budget which hopefully you can stay within. If you can't, you can't. It means more than that here. A budget, of course, is some limitation on what you are spending. That is what your plan is, and that is what you are doing. But, in addition to that, there are some restraints that can be used here on the floor of the Senate.

If an appropriations or spending bill goes beyond the budget that we have established, then it becomes more difficult. You have to have more votes to pass it.

It is a very important thing. Here we are without one, I think, for the first time in 27 years. Certainly, we need one. We need to take a long look at some of these appropriations bills that are coming up. We need to do that very soon. We will be talking about hundreds of billions of dollars in expenditures.

Of course, we should be helping to strengthen education. What is the role of the Federal Government in education? Now it contributes about 7 percent to elementary secondary education—most of it in special education. But we continue to look there for more and more money. There are all kinds of recommendations to do that.

I think one of the interesting ones that I run into—and the Presiding Officer does as well—in terms of the Finance Committee is taxes, tax changes, tax credits—tax this and tax that. Every day something comes up that someone wants to give a tax credit for some certain kind of behavior. Then the next day we come to the Chamber and say the tax system is too complicated. It is complicated because every day we use it more to affect behavior than we do for raising money. There is just no end to it. Let us give a tax credit to do this or give a tax credit to do that or we will give a tax credit to help build small communities or give a tax credit for charitable giving or whatever, all of which on their face are nice ideas. But if you step back and say what the role of the Federal Government is in that, then I think maybe you would have to take a closer look at what is really happening. It is one that I believe is very important.

There is constitutional direction, as I mentioned. Some people interpret that in different ways. But, nevertheless, it does indicate that there is a limit to what the Federal Government should do. I don't know. I suppose different States have different things. A good deal of Wyoming belongs to the Federal Government. So one of the things I hear the most is there is too much Government regulation—Federal regulations that impact everybody—probably more than anything else.

The Senator from California was talking about environmental restrictions. That is all I hear—an excessive amount of non-use restrictions on public property—and the idea that you don't have access to the Federal lands that belong to the people. The access, obviously, ought to be limited so that you preserve the environment. But the idea that you have to have roadless areas so you cannot access the property, the idea you cannot go to Yellowstone Park in a snow machine, even though the snow machine can probably be made cleaner than an automobile—these kinds of things are constantly there. At the same time, we want the Federal Government to get bigger, with more regulations. It is quite a frustrating thing. I know it is difficult, but we need to take a look at really where we want to be.

Last summer in Wyoming, I had a series of meetings, two in almost every county; we called it Vision 20/20. We asked people to share with us what they saw in the future for their families, their town, their county, and their State. It was interesting. Of course, it was different in different parts of the State, but several things were pretty unanimous. It would be fun to have this body sit down for a day and say: What do you see as the role of the Federal Government? What do you see the Senate doing in terms of spending, in terms of programs 15 years from now? Do we want to continue to spend the way we have over the last several years? If so, what would be the totals?

A couple years ago, we tried pretty much to have some limitations and held the general budget to about 3 percent, which was basically inflation. This year, notwithstanding terrorism and the necessary emergency spending, it is probably 8 percent—probably more than that, close to a 10-percent increase in Government spending.

Of course, we will hear from our friends on the other side of the aisle that the problem is because of tax reductions. I don't agree with that. Tax reductions are necessary when you have a slow economy, to get things going. Tax reductions help us plan to see the kind of Federal Government we really want—perhaps one with a smaller role—and identifying those things that are clearly the role and responsibility of the Federal Government; perhaps reducing Federal taxes so locals can have more taxes, to do with it what they want.

One of the things I think most of us, I suppose from every State, work on more than anything else is what a bill or a proposal means in terms of our States. For instance, health care. I come from a rural State. Health care delivery in Wyoming is quite different than it is in New York City, so a Federal program that is designed for metropolitan areas doesn't fit at all. There has to be enough flexibility. The same is true with education and most everything else we do. But we don't always give that flexibility. So we find ourselves with programs designed to go nationwide which don't fit nationwide. Yet because we constantly have these Federal programs going, it is most difficult.

I mentioned to you that we are always saying we need to simplify taxes. Yet we use them to affect behavior more than almost anything. The size of the Government continues to grow. We worked very hard last year to get the bill passed that required agencies to look at their activities, and those that are not totally governmental could be put out into the private sector for private contracting. I think it is an excellent idea to try to keep the Government as small as possible. Some of our

folks are opposed to that idea; they want more and more Government and more and more Government employees. Those things that are not certified Government things ought to be dealt with in the private sector.

So I know these are general comments and you don't have an answer for all these issues, but there is a frustration that builds as you go through everything we look at every day, and more and more bills being talked about.

As an example, we are going to have hearings this afternoon on the Park Subcommittee, which I used to chair. I love parks. But there need to be some criteria as to what a national park should be. Failing having criteria, what they say in every community that has an area they would like to develop and set aside is, let's get the Federal Government to take it over and let it be some kind of a Federal park. It is not a Federal park just by its definition. But I understand when we are working for something in our States—some call it pork, and some call it other things, but it doesn't matter—we don't look at the broad picture, we just look at that. It is difficult.

So I am hopeful we can take a long look at what we are doing and, as opposed to simply dedicating ourselves to an election in 2002—to which I think you will find many of these things are very related—let's take a little longer look at where we are going to be. That is really our job for the future. These young pages sitting here, where are they going to be 20 years from now? We have some responsibility to look at that. I think it is a very strong responsibility.

So I hope we can put our emphasis a little more on our responsibility as the Federal Government, how we can best do that, what it means in the future, how we can help build the strength of local and State governments so that it will be close to the people and the people can indeed have a real role in what is being managed in their area.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. KENNEDY. Madam President, as I understand it, the time between now and 11:45 a.m. is equally divided, and at 11:45 a.m., we will vote on the cloture motion on the hate crimes legislation.

The PRESIDING OFFICER. The Senator is correct.

Under the previous order, the Senate will now resume consideration of S. 625, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 625) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes.

Pending:

Hatch amendment No. 3824, to amend the penalty section to include the possibility of the death penalty.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I wish to briefly review where we are on this issue involving releasing the other arm of the Federal Government to fight hate crimes.

This is an issue that has been before the Congress since 1997. We reported the legislation out of the committee in 1999. It is the year 2002, and we still, in this body and in the House of Representatives, have been unwilling, unable to pass legislation that is going to permit the Federal Government to fight terrorism at home. That is what hate crimes are all about.

I am always surprised that we are unable to break the logjams. This legislation has been before the Senate. We voted on this legislation about a year ago as an amendment to the Defense authorization bill. The vote was 57 to 42.

So we had strong bipartisan support for that legislation. Then we get to the conference and the Republican leadership in the House of Representatives said no.

What we really need is to have the legislation passed free and clear, meaning no amendments attached to the legislation, in spite of the fact that 232 Members of the House of Representatives, Republicans and Democrats, understood as well that we ought to be fighting hate and terror at home. That is what this is all about, whether we are going to deal with the insidious hate crimes that continue to exist in this country and which, in too many instances, are not prosecuted.

We have the strong support of those in the law enforcement area. Twenty-two State attorneys general support it; 175 law enforcement, civil rights, civic, and religious organizations; and 500 diverse religious leaders from across the Nation.

We have to ask ourselves: Why are we really being blocked from permitting the Senate to address an issue which we have already addressed and which is in great need at home? And that is the hate crime issue.

It is an outrage that Congress continues to be AWOL in the fight against hate crimes. Hate crimes are terrorist acts. They are modern-day lynchings designed to intimidate and terrorize whole communities.

Our Attorney General in this past year has said:

> Just as the United States will pursue, prosecute and punish terrorists who attack America out of hatred for what we believe, we will pursue, prosecute and punish those who attack law abiding Americans out of hatred for who they are. Hatred is the enemy of justice, regardless of its source.

In the same speech:

> Criminal acts of hate run counter to what is best in America, our belief in equality and freedom. The Department of Justice will aggressively investigate, prosecute and punish criminal acts of violence and vigilantism motivated by hate and intolerance.
>
> Our message this morning is unambiguous and clear. The volatile poisonous mixture of hatred and violence will not go unchallenged in the American system of justice.

That is what this legislation is all about, to try to make sure we are going to prosecute these acts of violence that are based upon bigotry and hatred and that affect not only the individuals who are involved but also affect the whole community.

Many of us thought, after September 11 and after the extraordinary loss of lives, after the extraordinary acts of heroism, there was a new spirit in America. I believe that to be so. I think it is true. It is reflected in so many different areas. We are reaching out to understand our communities. We are reaching out to understand our neighbors and friends. We have a strong understanding that America, in many respects, is closer, bonded together in order to try to resist the acts of terror that are at home but also understand the values which are important to each other.

Within that spirit, it is amazing to me that we as a country are so prepared to assault those cells of hatred as they exist in other parts of the world and refuse to address them at home. That is what this legislation is really all about. That is why we need this legislation. It is very simple.

I see my friend and colleague. I reserve the remainder of my time, and I yield such time as he may consume to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, each day I have detailed in the Senate RECORD another hate crime. Again, these are always violent, they are always sickening, but they always happen to an American citizen. These citizens are not different from you and me. They are Americans. They may be black, they may be gay, they may be disabled, female or of Middle Eastern descent, and yet they are all Americans. We are all, in that important aspect, the same.

I will detail a heinous crime that occurred in the State of Oregon in 1995. I have spoken about this horrible crime before in this Chamber. A 27-year-old Stockton, CA, man murdered a Medford, OR, couple: Roxanne Ellis, 53, and Michelle Abdill, 42. The women, who ran a property management business together, disappeared on December 4, 1995, after showing a man an apartment for rent. He shot them both in the head. The bodies were left bound and gagged in the truck bed. The Stockton man later confessed, saying he had targeted the women because they were lesbians, and he figured they would not have families that would miss them.

I believe the government's first duty is to defend its citizens, to defend them