we will have rollcall votes until we finish it, including Monday and into next week.

Again, working together, looking at these amendments, having a number of them not called up and recognizing we can address these issues in other ways as we go forward, I hope we get these to a manageable number.

Mr. REID. If the majority leader will yield, this morning, on the Ridge speeches, people who have designated time should be here or they will lose their time because the time will run. It is my understanding that the majority may not use all their time so I suggest to those on this side of the aisle they should be here; otherwise, they will lose their time.

Mr. FRIST. Mr. President, I add to that, we decided not to do the Ridge nomination out of consideration for a number of people who wanted to speak who either were not back last night or prepared to go forward. We reached an agreement yesterday we would give time to people who requested it. We did that by unanimous consent and it is set up for this morning. I ask anyone on that list to come down and we will respectfully give them that time. We need to finish this vote this morning. We would like to have a vote this morning or shortly after noon.

Mr. STEVENS. Will the majority leader yield for a brief statement?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I address the majority leader. We have gone over the amendments. Quite a few of them are technical in nature and legislative in nature. We have members of our staff in the appropriations room downstairs, room 128, prepared to discuss any amendment that a Member wishes to try to work out with the committee and have it adopted without votes. I believe there are quite a few in that category we could accept. All of the amendments are being checked with the committees of legislative jurisdiction where they are legislative in nature and they do not affect the bill from a financial point of view.

I hope Members would tell us if they sincerely wish to press their amendments. There are a great many that are very redundant. We will have to choose as to which amendment the individual Senator wishes to bring forward. If we are to finish this bill and be able to get it to the House for conference, when the House comes back, this means a lot of long hours.

I say at the outset, there are 129 amendments that our committee would oppose. If a Member wishes to know which we will oppose, we are happy to tell them. I urge the majority and minority to help us by determining the amendments that Members absolutely insist they will raise so we can get a schedule and start working our way through these amendments. It will take the cooperation of every Member.

Keep in mind, these are bills that should have been passed last year. Amendments should not be the vehicle for legislation that would arise in this 2-year period of the new Congress. I hope everyone will join in tabling amendments that are legislative in nature, that should be raised later in the session. To hold up this bill at this time is very unfair to the thousands of people out there waiting to know whether they will have funding at the level of 2003, as intended by the President and by the Congress, instead of continuing at the level of the 2002 appropriations which, after all, were devised in the late part of 2001. We are dealing with people who have been waiting for 2 years now to have different types of funding.

I hope we can get this bill done this week. I hope we have that will to get it done.

Mr. FRIST. Mr. President, let me continue through the Chair to encourage the managers to work very aggressively on both sides of the aisle to complete this bill.

What I just heard from the bill managers, we need participation of everyone pulling together to give some focus to the 245 amendments in order to complete this bill. This is unfinished business from the last Congress. As my colleagues know, we are supposed to be on recess right now, a scheduled recess for this week. We have called everyone back on the floor of the Senate, all 100 U.S. Senators, and asked them to cancel their plans from overseas travel, meeting with leaders around the world, to meeting with constituents at home, for the sole purpose of completing this bill and addressing these very important issues.

Again, I am optimistic we can finish this week, I am confident we can, but only if we have the participation of everyone, recognizing the importance of this bill and the appeal that the managers are making that we all work together to get these amendments condensed to a manageable number, and their willingness to work with us, again, essentially around the clock, on time that was supposed to be a recess, to complete this important bill.

Mr. REID. Mr. Leader, if I could, the manager of the bill, the President pro tempore of the Senate, has done outstanding work last night and was able to get rid of 116 amendments. If we give him a few more hours, maybe he can do better than that. I have great faith in the Senator from Alaska and the Senator from West Virginia.

I would say—and this is not the time for debate—people contend we did not do the work of last year, and we should have, we acknowledge that, but it was not the fault of the Senate. It was the fault of the House.

We are going, as I told the leader yesterday, to do everything we can to move this bill as quickly as we can. I think it would be in the best interests of everyone if we did move it.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of H.J. Res. 2, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Pending:

Edwards amendment No. 67, to require a study of the final rule relating to prevention of significant deterioration and nonattainment new source review to determine the effects of the final rule on air pollution and human health.

Dodd amendment No. 71, to provide additional funding for part B of the Individuals with Disabilities Education Act.

Gregg amendment No. 78, to provide additional funding for special education programs.

Dayton amendment No. 80, to amend the Homeland Security Act of 2002 (Public Law 107–296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is essential to the national security.

Inhofe amendment No. 86 (to amendment No. 67) to provide for a study by the National Academy of Sciences.

Reed amendment No. 40, to expand the Temporary Extended Unemployment Compensation Act of 2002.

Nelson (Fl.) amendment No. 97, to make additional appropriations for emergency relief activities.

AMENDMENT NO. 86, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 86, with 10 minutes for debate to be equally divided between the Senator from Oklahoma and the Senator from North Carolina.

Under the previous order, that amendment is modified to become a first-degree amendment.

The amendment, as modified, is as follows:

At the appropriate place, insert:

'' . (a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—

(1) increases or decreases in emissions of pollutants regulated under the New Source Review program;

(2) impacts on human health;

(3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rulemaking;

(4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and

(5) other relevant data.

(b) DEADLINE.—The NAS shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me acknowledge this is a little different than it was yesterday. Yesterday, it was a second-degree amendment. To accommodate both sides, we will have two first-degree amendments that we will consider today.

Our leader talked about the unfinished business from last year. This first amendment falls into that category. It actually was unfinished business from the Clinton administration. I have a letter from Bob Perciasepe, the clean air man, director for the Clinton administration, saying at the last minute they were unable to get this completed. What we are trying to do now is to complete this effort.

With that, I reserve the remainder of my time so we can hear from the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, first, I yield a minute and a half to my friend from Vermont, who has worked so hard on this issue.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I urge my colleagues to vote against the Inhofe amendment and for the Edwards amendment. The Inhofe amendment might appear to be a step in the right direction. It demonstrates our legitimate concern that these NSR changes are bad for the environment, bad for public health. It shows that these impacts deserve better study.

Unfortunately, for that one step forward, the Inhofe amendment takes two steps backward. The Inhofe amendment requires a study that should have been completed long before the rules were finalized and certainly before they become effective.

That is the whole point of Executive Order 12866. The Agency should have done a comprehensive cost and benefit analysis of this deregulation, because of the tremendous potential loss in health benefits.

Instead, the Agency issued a warmed over version of its report to the White House energy task force and called it analysis. That report is simply propaganda to justify deregulating vast numbers of major sources of pollution.

These final NSR rules are very different from the reforms proposed by the Clinton administration. The differences warrant longer review and consideration.

The PRESIDING OFFICER. The Senator has consumed his minute and a half.

Mr. EDWARDS. I yield the Senator another 30 seconds.

Mr. JEFFORDS. Mr. President, we have tried to do that. But this administration has fought us at every turn on this matter. They refuse to share information that is our right to have.

The Inhofe amendment doesn't work. It would bar the door after the horse has already left the barn. We need real public health and air quality information before the rules take effect, not later, after the damage is done.

That damage could be severe. Independent analysis for just a few states—Florida, Virginia and Colorado—suggests that the rules would allow new emissions of thousands of tons annually of smog or acid rain causing pollutants.

There is one final note for Senators to consider—the potentially large increases in pollution from these so-called NSR ''improvements'' will come back to haunt them. Other sources and sectors in nonattainment areas, such as transportation, for instance, will have to make up the difference in emissions that is necessary to achieve air quality standards. It's a zero sum game.

Senators should first vote against the Inhofe amendment and then support the Edwards-Lieberman-Jeffords amendment.

Mr. EDWARDS. Mr. President, we reserve the remainder of our time.

Mr. INHOFE. Mr. President, let me make one point. The analysis that was referred to by the Senator from Vermont as not being complete is right here. It is 180 pages of analysis of all data that was available. If they were to try to have the NAS do a further analysis, they would have to go back and use this same data. This job has been done. This has been delayed now for 10 years.

At this point I yield 2 minutes to the Senator from Missouri, Mr. BOND.

Mr. BOND. Mr. President, the administration's New Source Review, or NSR review, will benefit the environment. Right now companies face an average delay of 8 months, sometimes as long as 18 months, to get an NSR permit. Therefore, many companies avoid the process altogether. That means that there are environmental losses because companies stick with old, outdated technologies instead of the most modern, efficient pollution control measures.

There is a specific example. EPA has done a plantwide application limits, or PALS, test and the results are striking. Many companies have multiple emissions from many different sources, including big to extremely small pipes. If you tried to do it under the existing framework, you would have to have a permit for each one. As a facility wants to upgrade or modernize, they have go through a time-consuming process but PALS allows a plant to calculate its total emissions from all sources. As long as they stay below the plantwide total, they can do it.

A striking example is at the DaimlerChrysler plant in Newark, DE, where they make Dodge Durango trucks. They needed to upgrade their process. They did it. PALS allowed them to make over 90 changes.

The environment was benefited. An amazing thing happened. With the new flexibility, the plant was able to cut pollution in its painting process, cut smog-forming volatile organic compounds and hazardous plant pollutants. Plant managers cut 400 tons of air pollution from the clean air process and cut paint odors by 50 percent.

We have auto assembly plants in Missouri. We make light trucks and vans. I would love for my constituents to breathe cleaner air because of the PALS program reforms. That is why the Clinton administration's EPA, led by Carol Browner, supported the NSR reforms. We should and I urge support for the Inhofe amendment and the defeat of the Edwards amendment.

Mr. INHOFE. We reserve the remainder of our time.

Mr. EDWARDS. Mr. President, this administration has made new rules that are the biggest rollback of clean air protections in history. The amendment from me, Senator LIEBERMAN, Senator JEFFORDS, Senator REID, Senator DASCHLE, and others says: Before the administration puts kids with asthma and seniors with respiratory problems at risk, we ought to take at least 6 months to see what effect it is going to have on their health. In other words, what we are saying is let's look before we leap.

The amendment from my friend from Oklahoma says exactly the opposite. It says let's leap and then later we will look. What are we going to say when the study that he is proposing is completed if, in fact, it shows what all of us believe it is going to show now, which is that this change will cause pollution, it is going to put kids with asthma at risk, it is going to put senior citizens with serious respiratory problems at risk? What are we going to say to them, those kids who have had asthma attacks, seniors who have had serious heart or respiratory problems as a result of these changes in the rules?

In other words, what the Inhofe amendment is suggesting is let's pollute more now, study it, and when we find out we are wrong we will go back and do something about it.

The responsible thing to do is to conduct a serious, quantitative analysis so we can determine what impact this will have on kids and what impact it will have on seniors' health before it has the force of law.

This study that is referred to by my friend from Oklahoma could well have been bought and paid for by the administration's own people. It is called ''qualitative,'' which means it is guessing by political appointees as opposed to serious analysis. The career officials within the EPA itself have said that it is self-selecting and misleading. One of the key States that is cited in the study has actually disavowed it.

The bottom line is this: The EPA has never scientifically studied and modeled this issue. The one analysis that did do that, by private consultants that the EPA has used in the past, says that these new rules will cause 120 tons more pollution at just two factories.

We should not leap before we look. We need to see what impact this will have on the health of kids and seniors. And all we are asking is 6 months.

I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator from North Carolina time has expired. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time remains for both sides?

The PRESIDING OFFICER. The Senator from Oklahoma controls a minute and a half. The time has expired for the Senator from North Carolina.

Mr. INHOFE. First, let me comment that this amendment enjoys the embrace and the support of virtually every organization of business or labor unions in America. It was unanimously approved by the National Governors Association, the Environmental Council of the States, the National Black Chamber of Commerce, et cetera, and virtually every labor union in America.

At this time I recognize the chairman of the clean air subcommittee, the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I think the arguments have been made that this is about delaying something that has been looked at for over the last 10 years. I hope my colleagues will decide this issue today on a bipartisan basis, as was the letter that we sent to Administrator Whitman, asking that she move forward with the new regulations to end some 4 or 5 years of uncertainty by businesses throughout this country, in terms of routine maintenance and repair of their facilities. This vote for the Inhofe amendment is a vote for the environment. It will allow us to move forward quickly, to do what should have been done several years ago so these repairs and the maintenance can be done. We can reduce the emissions and we can make these facilities more efficient.

The PRESIDING OFFICER. All time has expired. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I ask unanimous consent that each side be given an additional minute.

Mr. STEVENS. I object. I am going to object to all requests for extension of time.

The PRESIDING OFFICER. Objection is heard. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chambliss	Hutchison	Smith
Cochran	Inhofe	Specter
Coleman	Kyl	Stevens
Cornyn	Landrieu	Talent
Craig	Lincoln	Thomas
Crapo	Lott	Voinovich
DeWine	Lugar	Warner

NAYS—45

Akaka	Dayton	Levin
Baucus	Dodd	Lieberman
Bayh	Dorgan	McCain
Biden	Durbin	Mikulski
Bingaman	Edwards	Murray
Boxer	Feingold	Nelson (FL)
Byrd	Graham (FL)	Reed
Cantwell	Gregg	Reid
Carper	Jeffords	Rockefeller
Chafee	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Collins	Kerry	Snowe
Conrad	Kohl	Stabenow
Corzine	Lautenberg	Sununu
Daschle	Leahy	Wyden

NOT VOTING—4

Feinstein	Hollings
Harkin	Inouye

The amendment (No. 86), as modified, was agreed to.

Mr. CRAPO. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 67

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment offered by the Senator from North Carolina. Under the previous order, there will be a 10-minute rollcall vote. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I ask unanimous consent that each side be given 1 minute prior to the vote.

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

The Senator from North Carolina.

Mr. EDWARDS. Mr. President, the administration has proposed some of the most dramatic changes in the Clean Air Act that have been made in our history. All this amendment says is before we make these significant changes, we take a serious look at a quantitative study of what effect it is going to have on human health, particularly kids with asthma and seniors with cardiorespiratory problems. Look before we leap. It is that simple.

The studies that have been done have not been serious scientific studies. There has not been any serious scientific study done to support this rule. The only serious scientific studies say this rule will cause significantly more pollution.

In addition to that, the Governors, although they support some kind of reform, specifically do not support this reform, and so it is critically important that Senators support this amendment for the sake of our kids and for the sake of our seniors. Six months just to determine what effect this will have on the health of our kids and our seniors is a perfectly reasonable, responsible thing to do. I ask my colleagues to vote for the amendment.

Mr. BIDEN. Mr. President, I rise today on behalf of all those who breathe and I want to thank the sponsors of this amendment for their efforts. I say that half in jest, because I get the feeling that those who are trying to weaken our clean air laws often forget why we passed them in the first place—so we all can breathe cleaner, healthier air. I certainly support the most efficient and effective regulations we can devise to curb pollution, and I agree with the statement that the New Source Review Program could use some reform, but we must not lose sight of the fact that these rules are designed first and foremost to protect public health.

The Bush administration has shifted priorities from protecting the public to protecting polluters from doing their best. The Bush administration is protecting special interests, rather than protecting our environment and the public health. That is unacceptable and threatens to reverse the progress we have made as a nation to protect our citizens from health threats in the workplace and environment.

This is a serious issue for the people in my state of Delaware. We live in a region that is in non-attainment with the Federal ozone standard. Bottom line, we don't meet the current health-based standards. But not all of our air pollution comes from industry in Delaware. We could do everything right and still not be in compliance. What our neighbors do and what industries do in other parts of the country affects us and our ability to breathe clean air. If power plants in Pennsylvania, Maryland or even West Virginia and Ohio aren't required to do all they can to reduce harmful emissions, we pay the price in higher respiratory illnesses and premature deaths, particularly among children and the elderly. To me, that is all the more reason that we should be tightening the rules, reducing emissions from coal-fired power plants, instead of making it easier for the utility companies.

But you know what is so surprising to me, what I just can't understand—the administration has no data to even suggest that these changes will improve air quality, nor have they conducted any analysis, studies, anything. Show me that the changes will not cause a deterioration in the quality of our air. Show me that children and the elderly will not have to worry about being outside in the summer. Show me that states like Delaware will benefit. And we, my colleagues in the Senate and I, have asked . . . repeatedly!

That is why this amendment is so important. This amendment does two things. First, it would prevent the implementation of the rule changes prior to September 15, 2003. Second, it simply asks for a rigorous analysis of the air pollution and public health impacts of the proposed rule changes. The National Academy of Sciences would be tasked with completing this study by August 15, 2003. Sure, it would have made sense to do the analysis before the changes were published in the Federal Register, but it is not too late.

I want to share briefly a success story from my state of Delaware where we helped pioneer the Plantwide Applicability Limit, or so-called PAL permit. PAL is an innovative approach where separate process permitting requirements are consolidated in exchange for greater pollution reductions. This allows flexibility for plant process expansion and modification while saving businesses time and money. And it works.

One permit Delaware helped pioneer was at DaimlerChrysler's Newark Delaware Assembly Plant, where the Dodge Durango is manufactured. The plant focuses primarily on vehicle coating—painting—and assembly of parts produced at other DaimierChrysler facilities to produce finished vehicles. Years ago, when it wanted to start producing the Durango, the plant had to build a new state-of-the-art paint shop in a new building. Permit applications for this new process triggered New Source Review requirements for non-attainment areas. Working with the EPA, one of the first ever PAL permits was issued to the plant in 1996. And, the permit, the first of its kind for the automotive industry, was issued in 99 days. The plant continues to operate under this flexible permit and, as an added benefit, has saved Chrysler $13 million in increased productivity and pollution prevention. This was a win-win situation. Chrysler won with a permit that gave them flexibility to meet production needs and Delaware citizens won through reduced air pollution. Not surprising, Delaware does not believe it could repeat the pollution prevention performance of the PAL permit it issued under the new rule and is opposing the reform proposal.

I urge my colleagues to support this amendment. Give us 6 months to find out. Send the right message. Let's not forget that these rules are designed to protect public health, not to protect industry from fulfilling its civic duty. Let's not reverse the progress we have made over the past three decades.

Mr. BYRD. Mr. President, today I voted in favor of the Edwards amendment requiring a 6-month delay in four New Source Review, NSR, rules so that a study by the National Academy of Sciences, NAS, could be carried out. I support a commonsense approach to making air quality improvements while also increasing our economic growth. I have long been a supporter of the steel, coal, chemical, forestry, and other interests in my State. Still, the Edwards amendment, requiring a short 6-month delay with a study regarding the health and environmental impacts of these four rules, was imperative in my mind. Evidence of this administration's intransigence is ubiquitous across the many agencies. Congress has the right and responsibility to get important information in order to make more informed decisions. A better understanding of the health and environmental impacts of these new rules is an important part of that decisionmaking process.

When the Clean Air Act was amended in 1977, Congress established the NSR program to prevent serious deterioration in the Nation's air quality. The intention of this program was to strike a delicate balance between making important improvements in the Nation's air quality while also allowing existing factories, powerplants, and other facilities to meet our changing energy, economic, and social needs.

Over the years, it has become evident that these NSR regulations are very complicated requiring many thousands of pages of guidance. This red tape has led to much industry uncertainty and litigation. For a number of years, the EPA has been examining and documenting these problems, and the NSR program is in need of reform. Even as we must maintain our air quality, NSR should not be an impediment to making commonsense improvements at industrial facilities.

However, Members of Congress have made numerous requests of the administration regarding its justifications for promulgating these new rules. Unfortunately, the Environmental Protection Agency has not adequately responded to these congressional requests for information on the potential impacts of these NSR reforms. While I do not support efforts to halt this important reform effort, I believe that this administration must be more responsive to the interests of Congress so that the public has a more complete understanding of these issues and their effect on our Nation.

Mr. DASCHLE. Mr. President, I joined Senators EDWARDS and LIEBERMAN as a cosponsor of their amendment to delay implementation of the Bush administration's proposed weakening of the Clean Air Act. This amendment would delay implementation of the regulations for 6 months while the National Academy of Sciences conducts an analysis on the effects of the rules on public health and the environment.

On December 31, 2002, the Bush administration finalized the most significant weakening of the clean air protections since the Clean Air Act was adopted 30 years ago. These changes would allow increased levels of pollution at 17,000 industrial facilities across the Nation. More than 170 million Americans live in areas with unhealthy air quality. Air pollution is a serious public health problem, particularly among children and senior citizens.

Mounting medical evidence shows that air pollution causes asthma attacks, heart and lung disease, and premature death. More than 1,000 physicians from across the Nation urged the administration to halt its proposed weakening of the Clean Air Act. In a September 27, 2002 letter to the administration, the physicians said, ''It is irresponsible for the Environmental Protection Agency to move forward and finalize new regulations that could have a negative impact on human health.''

For 2 years, the Environment and Public Works Committee, Judiciary Committee and the Health, Education, Labor and Pensions Committee have issued more than a dozen requests for documents and an analysis from the administration on the public health impacts of the clean air changes. The administration ignored these requests.

Many states have objected to the clean air changes. The State and Territorial Air Pollution Program administrators have asked for a 1-year delay to assess the new regulations. Twelve States, including my State of South Dakota, face a March 3 deadline to comply with the new regulations. We hear so much from the administration about working with states but in this case the administration turned its back on South Dakota and 11 other States, that are simply asking for more time to understand these regulations. In a January 16, 2003 letter to EPA Administrator Christine Whitman, the State and local air administrators said, ''State and local air pollution control agencies have been working vigorously to study the new rule. However, gaining full command of the many intricacies of the regulation, as well as complete understanding of the impacts and implications, will take time and, we firmly believe, cannot be accomplished in the next 45 days.''

This amendment makes a very simple requirement: before these sweeping regulations are put into place, the National Academy of Sciences should conduct an objective study of the effects these rules would have on public health and the environment. I strongly urge my colleagues to vote for this amendment.

Mrs. CLINTON. Mr. President, I was pleased today to vote in support of the Edwards-Lieberman amendment, which I was proud to cosponsor with my colleague Senator JEFFORDS and others. Unfortunately, this effort to temporarily halt the Bush administration's weakening of the Clean Air Act was narrowly defeated. Although we were simply trying to obtain an independent, scientific analysis of the impact of these Clean Air Act changes before they went into effect, rather than after, the amendment was opposed by half of the Senate.

Just shy of passage, this vote was a very strong showing of bipartisan support of protecting clean air and ensuring healthy communities, and against

any backsliding on the Clean Air Act. And it was not by any means the end of this debate. We will not give up this fight to stop any weakening of existing Clean Air Act protections and to ensure that all Americans have clean, healthy air to breathe.

Many believe that the Clean Air Act changes the Bush administration has made, and which go into effect in less than 6 weeks, will allow more pollution into our air, not less. More pollution that is known, scientifically and medically proven, to cause or contribute to asthma attacks, heart attacks, cardiopulmonary disease, cancer, and even premature death. More pollution that is making people sick, especially children and the elderly.

That is why my colleagues and I were seeking 6 months for the National Academy of Sciences to conduct an independent, scientific analysis of the Bush administration's changes to the New Source Review, NSR, provisions of the Clean Air Act before they went into effect, to ensure that they would not negatively impact air quality or public health. The reason we are seeking such a study is simple, it's a matter of public health and, in some cases, life and death.

Just last week, The New York Times reported the findings of a study by scientists at Columbia University's Mailman School of Public Health. The study, to be published next month in the journal Environmental Health Perspectives, finds that ''pollutants in the air in Upper Manhattan and the South Bronx have been linked to lower birth weights and smaller skulls in African-American babies.'' The study's findings are particularly troubling because lower birth weights and smaller skulls have been linked to poor physical and mental health later in life, including lower IQs and poor cognitive function.

This particular study is being conducted at the Center for Children's Environmental Health, which is currently being funded by the U.S. Environmental Protection Agency, EPA, and the National Institute of Environmental Health Sciences. Unfortunately, the EPA wants to reduce funding for these Children's Environmental Health Centers around the country. But that is another matter.

The point is that air pollution is scientifically proven to have negative health impacts—particularly on children. Other studies show that children who play sports in communities with high average air pollution levels have a higher risk of developing respiratory illness, and that children who live in polluted areas have a 10 percent lower lung function growth rate compared to those who live in less polluted areas.

Pound for pound, children breathe more air than adults, which makes them more susceptible to air pollution. But we are all at risk.

That is why we need to be doing more—not less—to clean up our air, protect children's health, and provide for safe and health communities. Today, about 175 million Americans live in areas violating health standards for smog or soot. That is unacceptable. And that is why we need to be applying the Clean Air Act to its utmost and keeping it as strong an environmental statute as possible.

We offered this amendment today because we are concerned that the changes the Administration has made to the NSR provisions of the Clean Air Act will do the exact opposite. We believe, as do many others, that these changes will allow more pollution into our air, not less.

That is why 1,000 doctors, nurses, and public health professional from all over the country wrote to John Graham, Director of the Office of Information and Regulatory Affairs at the White House, last September to ask him to block these changes that they believed would weaken the Clean Air Act. In their letter, these health professionals said, ''Pollution . . . regulated under NSR touches the lives of millions of Americans across the Nation. This pollution is harmful to human health and sends thousands of individuals to hospital emergency rooms each month. Study after study shows a link between exposure to air pollution and health conditions such as respiratory diseases, asthma attacks, cardiopulmanory disease, cancer, and even death. No changes to NSR should occur without the public being provided with a comprehensive analysis demonstrating that the proposed changes to NSR will improve air quality and human health.''

That is essentially what this amendment called for—an independent, scientific study by the National Academy of Sciences to determine whether the Administration's changes to NSR could result in any increase in air pollution or any adverse effect on human health. By waiting just a few months, we could make certain that these rule changes would not increase pollution or negatively impact human health.

We are saying, ''Don't take us at our word. Don't take the words of these thousand health care providers. Let's let the scientists tell us what the impacts of these changes will be.'' Unfortunately, some of our colleagues would rather allow the Bush Administration changes to go forward, and then do the study after the fact to see what impacts we experience on air quality and human health. If there are negative impacts, which we think there will be, we may be able to pull back the rule at a later date. But we will not be able to pull back any air pollution that is released, or any hospitalizations, asthma attacks, heart attacks, or other health impacts that occur as a result.

This is not the way the process is supposed to work. We are supposed to know, before we go forward with any rulemaking, what the impacts of that rulemaking will be. And we have asked, repeatedly, for such information from the administration, to no avail. Which is why we offered this amendment today.

When the Congress passed the Clean Air Act and President Nixon signed the Act into law back in 1970, the intent was to reduce air pollution and protect public health. As section 101(b) of the Clean Air Act states, one of the purposes of the Act is ''to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare.''

All we were trying to do today, and what we will be continuing to fight for, is to ensure that the purpose of the Clean Air Act is upheld. I don't think this is too much to ask.

Especially when in testimony before the Senate, former EPA Administrator Carol Browner stated, ''There is no guarantee, and more importantly, no evidence or disclosure demonstrating that the administration's announced final or proposed changes will make the air cleaner. In fact they will allow the air to become dirtier.''

Especially when EPA, in its own Supplemental Analysis of the Environmental Impact of the 2002 Final NSR Improvement Rules, dated November 21, 2002, states ''. . . the EPA cannot quantify with specificity the emissions changes for a given pollutant or pollutants, if any, that result from the NSR rule changes now being adopted, nor can we reliably determine the anticipated locations of any emissions changes.''

Especially when, despite numerous requests from the Environment and Public Works Committee, and from more than 40 of our colleagues in the Senate, the EPA has failed to provide us with definitive evidence that shows that these final changes to the NSR provisions of the Clean Air Act will not have a negative impact on air quality or on human health.

A few months for independent, scientific certainty that these rule changes will improve air quality and not adversely effect human health. It is not too much to ask.

In fact, just last week, the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials wrote to EPA Administrator Whitman and asked that the effective date of the final NSR rule revision be delayed by a whole year. Their letter reads, ''As you are aware, the State and Territorial Air Pollution Program Administrators, STAPPA, and the Association of Local Air Pollution Control Officials, ALAPCO, have serious concerns with the U.S. Environmental Protection Agency's, EPA's, recently promulgated final rule affecting changes to the New Source Review, NSR, program, 67 Federal Register 80186, and with the adverse impact these changes would likely have on the ability of States and localities to achieve and sustain clean, healthful air. These concerns are further compounded by the fact that, for a number of States across the country, the revised NSR program is scheduled to take effect on March 3, 2003. Accordingly, we write to you today, on behalf

of STAPPA and ALAPCO, to request that EPA extend by 1 year the effective date of the final NSR rule revisions.''

These same State, territorial, and local air officials, which have gone on record in support of changes to NSR, believe that ''the administration has gone too far in revamping the program'' and that ''because the reforms are mandatory, they will impede, or even preclude, the ability of States and localities all across the country to retain or adopt programs that are more protective than the Federal requirements.''

That is in part why the Attorneys General from nine States are suing the Federal Government over these changes. Whereas the existing NSR program was the foundation for a series of lawsuits brought by the States, the Federal Government and environment groups against dozens of old, coal-fired powerplants and other industrial sources, the tables are now turned.

Now, the Attorneys General from nine States, New York, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, have had to file a lawsuit against the Federal Government, challenging these new regulations. The very regulations that the States had been using in conjunction with the Federal Government to go after bad actors and improve air quality.

Some of us will join in that lawsuit, because we, too, are convinced that the Bush administration is violating the Clean Air Act and going against the intent of Congress. But again, that is a separate matter.

Again, as I already stated, this vote was a very strong showing of bipartisan support for protecting clean air and ensuring healthy communities, and against any backsliding on the Clean Air Act. And it was by no means the end of this debate. We will not give up this fight to stop any weakening of existing Clean Air Act protections and to ensure that all Americans have clean, healthy air to breathe.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, to clear up a couple things, first, this does not apply to coal-fired plants. The Senator from North Carolina has been talking about that. I have a letter from the administrator saying that. Second, this is not something that came out of the Bush administration. It is something that came out of the Clinton administration. In listening to some of the comments made by some of the Senators on the other side, I think they have lost sight of that fact.

Third, it is hard to find anyone who is not supporting this. People want these plants to be able to go ahead, make the improvements, clean up the air, and do a better job for the environment. We have the National Conference of State Legislators, Governors, the environmental councils of the States, the National Black Chamber of Commerce, virtually every labor union; they are all listed. The list is on the desks. I would encourage Members not to delay this effort. All this amendment would do is delay it for 6 more months. It has already been delayed for 10 years. It is time to go ahead. I urge Members to vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. EDWARDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Indiana (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) are necessary absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—46

Akaka	Dodd	McCain
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Graham (FL)	Reed
Byrd	Gregg	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kerry	Snowe
Collins	Kohl	Stabenow
Conrad	Lautenberg	Sununu
Corzine	Leahy	Wyden
Daschle	Levin	
Dayton	Lieberman	

NAYS—50

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith
Chambliss	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	

NOT VOTING—4

Feinstein	Hollings
Harkin	Inouye

The amendment (No. 67) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF THOMAS J. RIDGE OF PENNSYLVANIA TO BE SECRETARY OF HOMELAND SECURITY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to proceed to the consideration of Executive Calendar No. 1, which the clerk will report.

The legislative clerk read the nomination of Thomas J. Ridge, of Pennsylvania, to be Secretary of Homeland Security.

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

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

The majority whip.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 2:20 today, the Senate proceed to a vote in relation to the motion to waive the Budget Act with respect to the Reed amendment No. 40; provided that immediately following that vote, Senator DASCHLE be recognized in order to offer an amendment relating to drought assistance; provided further that following the reporting of the amendment, Senator COCHRAN be immediately recognized in order to offer another first-degree amendment relating to the same subject. I further ask unanimous consent that there then be a total of 70 minutes of debate on both amendments, to be divided equally between the two sponsors of the amendments.

Finally, I ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote in relation to the Cochran amendment, to be followed immediately by a vote in relation to the Daschle amendment, with no further intervening action or debate and no amendments in order to either amendment prior to the votes.

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

Ms. COLLINS. Mr. President, it is my understanding that we are now turning to consideration of the nomination of Thomas Ridge; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator will control 1 hour 40 minutes.

Ms. COLLINS. Under the previous order, I yield myself such time as I may consume.

For the information of my colleagues, I expect my initial statement will not exceed 12 minutes.

Mr. President, I rise today in strong support of the nomination of Gov. Tom Ridge to be the first Secretary of the Department of Homeland Security. As