the National League for Democracy, which I recall for my colleagues was overwhelmingly elected back in 1990 but never allowed to take power.

The comments of the Prime Minister of Thailand, as reported in the press, say the United States does not understand the issue well. That is ridiculous.

I would suggest that the Prime Minister may be the one who is confused as to how best to bring about democratic change in Burma. The Thai policy of engagement with Rangoon has been a predictable complete and total failure—a total failure.

Prime Minister Thaksin should understand that under a democratic Burmese Government, cross border trade would comprise of legitimate goods and services—and not those illicitly purchased or prostituted in back allies of Bangkok.

China, too, would benefit immeasurably from a government in Burma that is rooted in freedom and the rule of law. HIV/AIDS and the narcotics trade are akin to cancers in the Middle Kingdom's underbelly. Under the SPDC's misrule, these malignancies have grown out of control into Burma and affect the neighboring countries.

As Beijing already knows, there is no denying the socioeconomic impact of these security threats. It is time for China to treat the disease and not only the symptoms.

I note that next week China and the European Union will be meeting to discuss issues pertaining to Burma, Iraq, and North Korea. The United States must use its diplomatic prowess to influence China and the EU and move these parties toward engagement with the SPDC that results in the immediate release of Suu Kyi and other political prisoners. Agreeing that Burma is a pariah state, but not acting accordingly, is simply not going to work.

So I commend Secretary Powell for tackling this issue with the ASEAN members during his recent visit to Thailand just a week or two ago. I encourage him and the entire State Department to continue to implement an aggressive and unrelenting full court press to secure freedom and justice for the people of Burma.

To be sure, ASEAN has a critical role to play in promoting freedom and justice in Burma. Now is not the time for Southeast Asian nations to bury their collective heads in the sand, or to make bizarre comments praising ''positive developments'' in Burma—where there have not been any positive developments—as ASEAN members did following the recent summit in Bali, Indonesia.

The unfortunate tendency of ASEAN members to ignore regional threats is precisely why the U.N. Security Council should consider discussing the threats to regional stability and peace posed by a repressive Burmese regime.

Let me close by saying that the only positive development would be if ASEAN members get with the program and implement sanctions against the SPDC. Who better to spur them into action than the United Nations?

So this amendment simply calls on the U.N. to do what it should have done a long time ago, which is to get involved in helping us bring about the needed regime change in Burma, to bring to power the duly elected government of the National League of Democracy headed by Aung San Suu Kyi, the 1991 Nobel Prize winner, who remains under house arrest, which is where she has been for most of the time for the last 15 years—15 years essentially under house arrest. It is time for the U.N. to get interested in this issue and to take action.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The 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.

EXECUTIVE SESSION

NOMINATION OF MICHAEL O. LEAVITT TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the hour of 2 o'clock having arrived, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 shall be divided as follows: 1 hour 15 minutes under the control of the chairman of the committee, Mr. INHOFE or his designee; 2 hours and 15 minutes under the control of the ranking member, Mr. JEFFORDS, or his designee. The last 20 minutes are equally divided between the chairman and ranking member, with the final 10 minutes under the control of the chairman.

Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself 10 minutes.

Mr. President, I rise today in support of Governor Mike Leavitt to be Administrator of the Environmental Protection Agency. I am supporting his confirmation because we need a leader at the Agency. The EPA needs to be represented during Cabinet meetings and be a strong advocate for a budget that will allow the agency to enforce the environmental protections our citizens deserve. I am very concerned about the morale of the employees at the Agency. They are dedicated to environmental protection. Yet the direction the administration has taken on protecting the environment is troubling.

The record of the Environmental Protection Agency under this administration is abysmal. We have watched this administration roll back environmental law and regulations day after day, week after week, and month after month. They have been dismantling our environmental law and the protections that our citizens have come to expect and, I believe, deserve from their Government.

This administration has allowed the sale of properties contaminated with PCBs, exposing our citizens to highly toxic chemicals. The administration has limited a State's decision for allowing offshore oil drilling on its own coastline. This administration has allowed the fund that pays for cleaning up abandoned toxic Superfund sites across this country to go bankrupt. This administration has omitted an entire section on climate change from a White House report on the state of the Nation's environment, despite convincing evidence to the contrary. This administration has decided not to classify carbon dioxide as a pollutant.

This administration has forced the Environmental Protection Agency to ''add reassuring statements and delete cautionary ones'' relating to air quality standards surrounding the Ground Zero site following the September 11 attacks.

This administration has proposed rules that would narrow the waters protected over the last 30 years under the Clean Water Act. This administration has allowed major polluters to avoid installing modern control equipment in the New Source Review rule, devastating years of progress under the Clean Air Act. This is a life-threatening decision.

Many of these decisions have been made with little input from the people who will be most affected by them and must implement them.

As ranking member of the Environment and Public Works Committee, I and other members of our committee have oversight responsibility for the Environmental Protection Agency. Yet I do not believe we can carry out that responsibility without the cooperation of the administration and I, for one, have not received that cooperation. I have made repeated requests of the EPA to provide information and have not received it.

For example, I have asked for the analysis of the effects that the New Source Review rules will have on the environmental and public health. I have not received it, and the EPA will not collect information to answer my questions. The lack of transparency in this administration's decisionmaking and lack of cooperation with Congress troubles me. This is particularly true in the case of the New Source Review. According to a new GAO report, it appears that administration officials have misled Congress and intentionally undermined ongoing enforcement cases. I am hopeful that Governor Leavitt will have much more luck than Governor Whitman did with the White House. EPA needs to be an independent

agency, as Congress and President Nixon intended. It cannot be a rubber stamp for the polluters' lobbyists and should not be a political lapdog for the White House.

I am hopeful Governor Leavitt can make an improvement in White House environmental policies because I find it terribly hard to believe that the President would want to continue diminishing his father's environmental legacy.

However, it is not an auspicious sign that the Senate takes up the Governor's nomination on the very day that the Bush administration has formally committed the single greatest rollback on clean air since there has been a Federal Clean Air Act. I am referring to the final NSR rule being published today that allows the dirtiest, oldest powerplants to continue polluting forever. This is a life-and-death matter, a serious health matter.

I hope against hope that by supporting Governor Leavitt we might bring some accountability and rationality to this White House, and he can improve its environmental record. But more and more, I think an election will be necessary before we can see real and positive change on the environment at 1600 Pennsylvania Avenue.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The distinguished Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I yield myself 10 minutes.

I rise today to speak about an important vote that will take place a little less than 4 hours from now. At 5:30 this evening, the Members of this body will have an opportunity to invoke cloture on the nomination of Governor Mike Leavitt to become the new Administrator of the Environmental Protection Agency and to end the months of delay and Presidential politics that have marred his nomination.

Tonight's vote is more than a mere procedural formality. It is more than a simple motion. It is a vote about leadership and the health of our natural surroundings. It is a vote that will show the American people we are serious about protecting the environment, about providing the much-needed leadership the EPA has been missing since the departure of the former Administrator.

Every ship needs a captain. Every plane needs a pilot. As elected officials representing the greatest people in the greatest Nation, we must provide that captain, that pilot for our Nation's chief environmental department. We can begin by voting tonight to invoke cloture. The politics of delay must end tonight. President Bush has nominated a very worthy candidate to take the helm at the Environmental Protection Agency.

I have learned that experience makes a difference. Perhaps no other qualification that Governor Leavitt possesses is as important to me as his experience in the real world. As president and chief executive officer of the Leavitt Group, he has paid taxes and made payroll. Through his business experience, he learned the impact of government regulations on commerce and industry. Moving beyond his time as a private entrepreneur and into the realm of public service, Governor Leavitt is the country's longest serving Governor and has a long history of experience and accomplishments that make him eminently qualified for the position of Administrator. The confirmation of the Administrator must be a top priority for all who care about the environment.

I challenge my colleagues to focus on the achievements of our national environmental policy and not on penalties and politics. We cannot ignore the fact that the air we breathe today is cleaner than it was 4 years ago and that the water our children drink is more safe today than ever before. But there is a danger lurking in the formulation and implementation of our national environmental policy. Extremist measures that impose strict mandates and demand compliance through arbitrary means and unclear science could undermine the very institutes of our democracy and of our market economy.

Governor Leavitt knows that our system of environmental regulations, environmental mandates and administrative and judicial rulings, work together to protect our most precious resources, and have helped spur environmental recovery in many areas. But he is also aware that these same layers of laws have also created tremendous burdens for municipalities, businesses and the ongoing development and maintenance of our public infrastructure.

The evolution of environmental rules and regulations that control so many aspects of life must be realistic goals that are established through a course of open deliberation and sound science. The impact EPA has on individual lives is real, not fictitious. New laws and enforcement decisions cannot be taken lightly.

I am pleased that President Bush's approach has been one of reform—changing command-and-control mandates to innovative, market-based approaches that utilize cutting edge technology to bolster environmental benefits. I know that this type of strong, principled leadership will continue into the future. We must not simply wipe the slate clean and sweep away basic environmental rules, but we can—we must—develop an environmental agenda that protects private property rights while balancing environmental achievement with the need for continued economic progress.

Governor Leavitt is the one person who has the intellect, the courage, and the right philosophical temperament to get this job done. Governor Leavitt hails from the western United States. Perhaps no other geographic region in the country has felt the heavy hand of environmental regulation more than the public land States of the West—be it in the form of forthcoming EPA mercury standards or the Department of the Interior's Endangered Species Act.

Many Members of this body do not understand the impact that Federal land ownership has on a State and on its people, and that includes the much publicized battle over RS 2477. At some point today, I have no doubt that opponents may try to attack the Governor on his approach to solving this long standing Federal land issue. As a fellow westerner whose State is also affected by the dispute, I want to clear up the scare tactics and half-truths used by the extremist groups in an attempt to undermine the nominee's credibility.

Governor Leavitt has never been involved in secret deals and behind-closed-doors shenanigans to destroy public lands. Instead, Governor Leavitt believes the public is best served through negotiation rather than litigation. His actions to resolve a 30-year dispute over ownership rights of rural county roads resulted in the enactment of a reliable mechanism that will preserve and promote the interests of the public. This is just plain common sense.

Governor Leavitt understands the complicated web of environmental rules and the impact that they have on health and property. As a Governor, he has worked hard to increase the well-being of the people in his State, and he has worked diligently to improve the state of the environment. Governor Leavitt understands the fundamental need to protect the environment from irresponsible actors. Just as important, though, he understands the need to protect the environment through policies and programs that generate results and that create incentives to improve land, water and air quality, not just penalties and fines. He knows that heavy-handed action is not nearly as important as the results that can be achieved through cooperation and collaboration.

The development of such enlibra principles has received a bipartisan endorsement from the National Governor's Association and deserves a great deal of attention. Governor Leavitt, along with the Governor of Oregon, was one of the pioneers of a concept that they dubbed enlibra. This concept, derived from Latin root words and meaning ''to move toward balance,'' promotes the type of balanced environmental stewardship that I have been talking about and includes eight principles that help on this course. Governor Leavitt has done a great deal to clean up both the air and water and to protect thousands of acres of premier public lands in the State of Utah.

In just one example of how he has worked for cleaner air, Governor Leavitt is a co-chair of the Western Regional Air Partnership, also known as WRAP. WRAP is a partnership of 13 States, 13 tribes and 3 Federal agencies. This organization worked to formulate a regulatory commitment to reduce SO_x levels by 50–70 percent by

the year 2040. But, they didn't just formulate regulations. They also put together a plan to help those affected by the regulations, providing guidance on how to reach these aggressive clean air goals. Under Governor Leavitt's leadership, Utah now meets all Federal air quality standards.

But its not just the air that is improved. Seventy-three percent of Utah's streams currently meet Federal water quality standards, compared to 59 percent 10 years ago. This is a remarkable improvement since Governor Leavitt took office.

In what undoubtedly will be a common theme today as other members come to the floor to show their support for Governor Leavitt, I would like to point out that our Nation lives today in a cleaner, healthier environment, far more clean than it was when President Bush first took office. In the last 30 years, water quality has improved and emissions of the six principal air pollutants have been cut 48 percent. This progress comes even as the country has experienced a 164 percent increase in gross domestic product, a 42 percent increase in energy consumption, and a 155 percent increase in vehicle miles traveled. This improvement has occurred over the course of 34 years, 22 of which came under the leadership of Republican administrations.

The environment is not a partisan issue. Success comes through partnership and the desire to take the responsible, common-sense action. As mentioned, the most recent EPA data shows that sulfur dioxide emissions from power plants were 10.2 million tons in 2002, 9 percent lower than in 2000 and 41 percent lower than 1980. NO_x emissions from power plants are also lower, measuring 4.5 million tons in 2002. This is a 13 percent reduction from 2000 and a 33 percent decline from 1990 emissions levels. In Colorado, the Bush administration's efforts to clean-up the Shattuck, Vasquez Boulevard and Rocky Flats sites deserve many thanks. The administration continues to prove its commitment to the people of Colorado through responsible stewardship and active protection.

Governor Leavitt's accomplishments are not just in the environmental field, however. His environmental principles are getting the most attention and, given the current debate, rightfully so. However, I believe that Governor Leavitt has had other accomplishments in the State of Utah that I believe speak to the kind of person and leader that he is. In the area of education, funding for public education has increased by $762 million in 10 years between fiscal years 1994 and 2004. The number of teachers in the classrooms has increased, teacher pay has increased, student-to-teacher ratios have decreased and, perhaps at least in part to the three previous factors, teacher retention has increased. Student SAT scores, and student scores on other national tests, have also increased steadily. Initiatives introduced or promoted by Governor Leavitt have increased the number of school options as well. Students wanting to attend Utah public schools now have more options, such as: charter schools, high-tech schools and an electronic high school, to enable them to find the educational method that fits them best.

Utah schools are also second in the Nation in Internet accessibility. Thanks to an initiative called Technology 2000, 99% of Utah's schools have access to the Internet.

Higher education funding has also increased. Again, between fiscal years 1994 and 2004, higher ed funding increased slightly over 73%, a total of $379 million. Student enrollment has increased, as has the enrollment of students in engineering, math and computer sciences.

Numerous plans to improve the lives and health of families and children have been implemented. Between the years of 1992 and 2001, immunization rates rose by 73 recent, teen smoking rates fell by 32 percent, and teen pregnancy rates fell by 33 percent.

Under HealthPrint, a Leavitt plan to increase the number of State residents who are covered by insurance, the numbers of insured persons increased by 404,000. Of these 72,000 were children. Governor Leavitt was also a leader in the push to get us here in Congress to authorize the Children's Health Insurance plan, or CHIP. The numbers of children covered by CHIP in Utah continue to rise.

These remarkable achievements could only have been accomplished by someone who is thoughtful and deliberative, someone who is able to consider all relevant information and make the decision that will be best for the greatest number of people. The strong mark of success the Governor has built in Utah over the past 11 years bodes well for his success at the helm of EPA—an agency that employs 18,000 people across the country and an agency that needs a leader like Leavitt. The commitment President Bush has made to improving the environment is strong, clear and unquestionable. Mr. Leavitt will ably serve the people of the United States as he fulfills his oath to meet these goals.

I look forward to this evening's vote and to the confirmation of Governor Leavitt. Let's end this hold-up and do just that.

Mr. President, this nomination should move ahead, and I ask my colleagues to join me in voting for cloture.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be divided proportionally between the two sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALLARD. Mr. President, I yield 10 minutes to Senator BENNETT.

The PRESIDING OFFICER. The distinguished Senator from Utah is recognized.

Mr. BENNETT. Mr. President, thank you.

I thank the Senator from Colorado for the opportunity to speak about Utah's Governor. In a way, I hope he will soon not be Utah's Governor because he has been nominated by the President to be the head of the EPA. On the other hand, we will be sorry to lose him as Utah's Governor because he has done a truly outstanding job. Many of his qualifications have already been discussed here. As I did in the hearing, I would like to speak of him a little bit personally so Members of the Senate can get an understanding of who he is and what qualifications he brings to this particular assignment.

Governor Leavitt and I first became well acquainted when we served together on a strategic planning group formulated to come up with a plan for the Utah State Board of Education. At the time, we were both considerably younger. He particularly looked quite young. He has the advantage of looking younger than he really is. As the Presiding Officer can relate, those of us who are bald look like we are 60 regardless of how old we may be. That is a disadvantage when you are 30 or 40. It becomes an advantage when you get beyond 60 because people think you are younger. Governor Leavitt, with a full head of hair, struck me as, frankly, quite a young man when we first got acquainted. I thought, What is somebody so young and, by implication, inexperienced doing on this particular committee? As soon as he opened his mouth and we started having a conversation, it became very clear what he was doing on that committee; he was very bright; he was extremely well informed; he had many exciting ideas about what ought to be done with respect to Utah's schools and Utah's education.

I derived a great sense of respect for him in that situation and said to people: This is a young man who has a great future. This is a young man who will be doing important things for the State.

Then he showed up in my office one day and said he wanted to talk to me. When I asked why, he said, Well, I am planning to run for Governor and I am here to get your support. I said, Well, I am not going to be able to give you my support for Governor because I am planning to run for the Senate, and it is appropriate that I not endorse any candidate for Governor and I understand it is appropriate that you not endorse any candidate for the Senate. But we began our campaigns together in 1992 and went through the gauntlet

of conventions and primaries that is part of the Utah political scene.

I watched him in that situation. I watched him grow. I watched him flourish. I watched him get engaged in the battle of ideas and emerge from a second-place position to the first-place position where he won the nomination, became the candidate, and then in a three-way race for Governor won the governorship.

He started out with those same kinds of ideas and energy and excitement I had seen when we were talking about school issues some years before. He has been very inventive as Governor. He has come up with ideas that, frankly, a lot of people scoffed at that have come to fruition. He is the driving force, for example, behind the creation of the Western Governors University—a virtual university on line where people can and now have received degrees and graduate degrees that have allowed them to improve their economic standing and their professional standing. Not only has he brought the Western Governors University from an idea to fruition in a very short period of time, but he has also seen to it that the caliber of the material offered by the Western Governors University is of sufficiently high status that it is now fully accredited. A degree from the Western Governors University carries the same accreditation as a degree from the University of Utah or the University of Kansas or, for that matter, the private universities such as Harvard, Yale, Stanford, whatever. This is the brainchild and the product of the energy of Michael Leavitt—an idea of taking something that is new in the field and turning it into a final product.

I cite that because I think what we need at the Environmental Protection Agency is someone who has some creative ideas and the drive to try something new and see it through to fruition. That is Michael Leavitt. He is the perfect person for this kind of assignment.

I talked to him when the newspapers first broke the idea that he might receive this position and said, Should I call the White House on your behalf and weigh in to say I think you would be good for this job? He said, No, don't bother. He said, They have talked to me about it and I have told them I don't have any interest. I said, Why don't you have any interest? I was thinking that was probably a good idea on his part, given the difficulties of this position. He suggested the reason he didn't have any interest was because it seemed to him people were looking for a business-as-usual administrator of the EPA, someone who would continue to go through the motions of previous administrators who went through the motions of the administrators who preceded them. No. He said, I told them if you are thinking about doing something else and breaking some new ground, then call me back. But if all you want to do is what you have been doing, I don't have any interest.

That is a very dangerous thing for a nominee to say because it leaves the door open for them to come back after you have refused the position. Obviously, the folks in the White House—particularly the President himself—decided they liked the idea of someone who would attempt to do something a little differently. They liked the idea of someone who would try to break new ground, who would use the experience he had had in breaking new ground in State government to see if there could be some changes for the better at the EPA.

The President himself got hold of Michael Leavitt. It wasn't just someone in the personnel office. These two who had served together as Governors sat down and talked about it. I am not privy to that conversation, but I am sure Governor Leavitt made the same kind of pitch he described to me. If all you want, Mr. President, is business as usual at EPA, I am not your man. But if you are interested in breaking some new ground and doing things a little differently, then I might consider it.

I am assuming that was the conversation which took place between the former Governor of Texas and the then existing Governor of the State of Utah. Whatever the conversation, Michael Leavitt has agreed to take on this assignment.

I have talked to him since he made that agreement. I am delighted with his attitude. He is excited about it. He is determined to view it as a challenge, he is determined to view it as an opportunity, and he is determined to go at it with the same vigor and with the same enthusiasm he went at his new assignment as Governor of the State of Utah.

I can think of no better set of qualifications for someone to have in tackling the position at EPA than the background Governor Leavitt has and the attitude and sense of challenge he possesses. For that reason, I was delighted the EPA committee reported this nomination by a 16–2 margin, indicating that even though there are people who had serious reservations about the past performance of EPA, they were willing to give Governor Leavitt a chance to show us what will happen with respect to the future.

I urge all of my colleagues in the Senate to recognize the background, the enthusiasm, and the attitude this particular nominee has. It would be a great shame if we were to allow this nomination to be derailed because of people's concern about previous administrations at EPA. This nomination, as with all appointments, has to do not so much with the past as with the future.

This nomination has to do with the job Michael Leavitt can do, not with the job that some other Administrator may have done. So I am very hopeful that in this Chamber we will invoke cloture, we will shut off debate and allow Michael Leavitt to have a vote.

If he has a straight up-or-down vote, I think we will see much the same kind of margin we saw in committee with the 16-to-2 vote in favor of reporting him to the Senate. I am hoping for a 70- to 80-, even 90–Member positive vote in the Chamber to give this young man from Utah an opportunity to show the country what he can do in this position.

The people from Utah have seen what he can do. He has maintained an approval rating 70 to 80 percent normally through his entire period of time as our Governor. I believe he can do the same kind of thing for the country.

I urge all of my colleagues to vote for cloture, and then, when it is invoked, to vote for Michael Leavitt.

Mr. ALLARD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Madam President, in looking around, I do not see any other speakers, so I would like to be recognized for whatever time I shall consume.

The PRESIDING OFFICER. The Senator has that right.

Mr. INHOFE. First, Madam President, I do rise in strong support—strong support—of Mike Leavitt to be confirmed as Administrator of the EPA. I think this vote is long overdue. But for those who have watched this nomination closely, we have seen a spectacle that does not reflect favorably on this institution.

Governor Michael Leavitt is a kind, courteous, and decent person. Everyone who knows him loves him. Very rarely do you see that in politicians—other than the Presiding Officer, of course. But everyone seems to love Mike Leavitt. He is that kind of a person. Yet from day one his nomination has been delayed and obstructed by partisanship and Presidential politics.

I watched this play out with real disappointment because the process surrounding these nominations has never succumbed to such pressures. Today, we are going to move beyond this obstacle and show to the American people what everyone in this debate well knows; that is, Governor Leavitt enjoys overwhelming support from both Democrats and Republicans.

This process, which has dragged on now for over 50 days, has been somewhat perplexing to me because my colleagues on the other side of the aisle have nothing but the highest praise for Governor Leavitt.

The other day my good friend, Senator JEFFORDS, the ranking member on this committee, said:

> First of all, it has nothing to do with the qualifications of Mr. Leavitt. I will vote for him and I am hopeful that at the same point I will be able to do so. I look forward to that. I consider him a friend. I have worked with him in the past on matters of education. The issues are not related to his qualifications.

I say to my good friend from Vermont, I appreciate that testament very much.

Senator BEN NELSON, a Democrat Senator from Nebraska, who is a former Governor who served with Mike Leavitt, wrote a strong letter of support for Governor Leavitt. He said in his letter:

But beyond his record of achievement for the citizens of Utah, I have also found Governor Leavitt to be easy to work with, open to new ideas, and willing to make sensible compromises to reach shared goals. I believe nearly everyone—if not everyone—with whom Governor Leavitt [has] worked in the NGA [National Governors Association] would state they had a favorable impression of him. As we know all too well, such a record is important for any federal position, but particularly one such as this, where there needs to be much coordination with our State governments. . . .

Still quoting Democrat Senator BEN NELSON:

I wholeheartedly support Mike Leavitt's nomination to serve as EPA Administrator. He is eminently qualified for the position; but even more than that, he has both the personality and the desire to be successful at the job.

As the preceding quotes show, those who have worked with Governor Leavitt hold him in the highest regard. Those who have seen his dedication and commitment to solving environmental problems all support him.

Last week my committee received a letter from Governor Bill Richardson, with whom I used to serve over in the House, the Governor of New Mexico—another Democrat Governor. This is what he said about Governor Leavitt:

He has worked effectively with other Governors regardless of party. Obviously the same willingness and ability to work collaboratively with other elected and appointed environmental officials is crucial to the effectiveness of any EPA Administrator.

Mike Leavitt is a consensus builder and can bring people together.

Again, these are things that Democrats say about him. Many have heard me recount the details of Governor Leavitt's long distinguished career in public service, but considering the circumstances, I think they are worth recounting again. His resume is absolutely stellar. He was the chairman of the National Governors Association, the Republican Governors Association, the Western Governors Association. His record on environmental accomplishment reflects his experience. Just look at the facts:

Utah meets all Federal air quality requirements. That is very rare. Utah meets all Federal air quality requirements. This was not true when Governor Leavitt was first elected. Visibility in the West has improved dramatically, largely as a result of Governor Leavitt's service as cochairman of the Western Regional Air Partnership and vice chairman of the Grand Canyon Visibility Transport Commission. The Commission has made over 70 recommendations, improving visibility at 16 national parks and wilderness areas in the Colorado plateau.

During his 11-year tenure, Governor Leavitt made great strides in improving Utah's water. The State's watersheds are now among the cleanest in the Nation. Thirty-seven percent of Utah's streams currently meet Federal water quality standards compared to 59 percent 10 years ago, a 24-percent improvement since Governor Leavitt took office 11 years ago. Currently, 60 percent of the Nation's streams meet this standard.

I return briefly to the process behind this nomination, because I hope we won't repeat it at any time in the future since it was unprecedented. Let there be no question that Governor Leavitt was subjected to a double standard. First, prior to Governor Leavitt's hearing, the minority demanded that Governor Leavitt answer nearly 100 prehearing questions. That was unprecedented.

Second, prior to his markup, committee Democrats submitted nearly 400 questions to Governor Leavitt. The Democrats submitted nearly 400 questions to Governor Leavitt. The volume, again, is unprecedented.

Let's compare this to the nomination of Carol Browner. In 1993, she received a mere 67 questions from Republicans. Even Governor Christie Whitman, in 2001, received approximately only 100 questions from the Democrats. Let's look at how long it took to approve previous nominees to head the EPA. In 1989, the first President Bush nominated William Reilly. The Senate received his nomination on January 20. The EPW Committee, the committee I chair, had a hearing on January 31 and then reported him to the floor on February 2, the same day he was confirmed by the Senate. All told, the nomination took just 13 days.

How about Carol Browner? The Senate received her nomination January 20. The EPW Committee actually had a hearing for Ms. Browner on January 11, 9 days before she was officially nominated. She was reported out by the EPW Committee on January 19, 8 days after the hearing. She was confirmed by the Senate on January 21. From the time of her hearing to the day she was confirmed, just 10 days.

Governor Whitman faced a similar path. She was confirmed by the Senate just 13 days after nomination. Let's repeat that: Bill Reilly was 13 days; Carol Browner, 10 days; Whitman, 13 days. Governor Leavitt has now waited 55 days. Some on the other side argue that comparisons of timing with previous nominees is unfair. In their view those nominations were made at the beginning of a new administration, so there is no environmental record to judge. I find this very interesting.

Here the other side is essentially admitting that the nomination is about President Bush, not about Mike Leavitt because they are talking about President Bush's record. I think that is very unfair. It has nothing to do with Mike Leavitt. For weeks we have heard nothing about Governor Leavitt and everything about President Bush. We have heard that under President Bush the air is dirtier, more kids are suffering from asthma attacks, respiratory diseases; precious lakes, rivers, streams, and forests are more polluted, and big oil's campaign contributions are corrupting national environmental policy.

Nothing could be further from the truth. It is all false, empty rhetoric extremist groups use to raise money. They conveniently ignore the fact that President Bush has proposed the most aggressive Presidential initiatives to reduce pollutants, a 70-percent reduction. No President in history has proposed such a thing. They ignore the fact that he introduced the landmark brownfields legislation which my friend from Vermont and I were very active in getting through. They ignore that according to EPA, air quality has improved since President Bush took office.

Let me mention a couple other things since it seems to be that we have President Bush's record in front of us as opposed to Governor Leavitt. First, there couldn't be a better record of any President than the current President Bush.

Greg Easterbrook, senior editor for the very liberal New Republic magazine, not a Republican, writing for a liberal publication, writes that ''most of the charges made against the White House are baloney,'' made for ''purposes of partisan political bashing and fund-raising.'' He also contends that ''Environmental lobbies raise money better in an atmosphere of panic, and so they are exaggerating the case against Bush.'' In his view, President Bush's new rules for diesel engines and diesel fuel ''should lead to the biggest pollution reduction since the 1991 Clean Air Act amendment.'' Air pollution, he writes, continues to decline under President Bush.

That is not a conservative Republican talking. That is not anyone connected with this administration. That is the other side that is normally critical of Republicans and conservatives.

I am very familiar with the Clear Skies Act. I am anxious to get the act before the Senate and hopefully Congress will consider it, too. That is a 70-percent reduction in sulfur dioxide and nitrogen oxides and mercury. It represents the largest pollution reduction initiative ever proposed by any American President.

Clear Skies uses a cap and trade system. This limits the total amount of emissions from the utility industry and allows them to determine how to achieve these reductions. The bill thus far has been held up by environmental extremists who are playing politics with the issue of CO_2. It is unfortunate because this bill will provide immediate health benefits to the American people and reduce acid rain.

Air quality has improved immensely over the last 30 years and has continued since the Bush administration took

office. Clear Skies will continue that trend.

Cleaner fields and engines: This administration is a consistent advocate of tougher controls on harmful air pollution caused by diesel engines. The diesel rule, a rule requiring new heavy duty trucks and buses to run cleaner, will cut harmful pollutions by 95 percent. When fully implemented, the controls proposed in the rule will reduce 2.6 million tons of smog-causing nitrogen oxide emissions each year, and soot or particulate matter will be reduced by 110,000 tons a year.

Diesel retrofit is a voluntary partnership program with State, local, and industry to reduce mobile source emissions by retrofitting diesel engines. Commitments made to retrofit over 130,000 diesel engines in trucks, buses, locomotives, and construction equipment will eliminate more than 200,000 tons of harmful pollution from the air.

The Clean School Bus Act USA: This new program highlights the Bush administration's commitment to reducing environmental health risks to kids. The program ensures that by 2010, every public school bus in America will be cleaner by encouraging the installation of effective emissions control systems on buses, replacing older buses with newer ones and eliminating unnecessary school bus idling. With community, industry and school district commitments, the program would deliver approximately 150,000 retrofit vehicles in more than 20 school bus programs.

Cutting emissions from nonroad, heavy-duty vehicles: This is construction, agricultural equipment, and industrial equipment. On April 5 of 2003, the EPA, under President Bush, issued a proposed rule that will result in dramatic pollution reductions from nonroad, heavy-duty diesel engines.

The nonroad program will prevent over 9,600 premature deaths, 8,300 hospitalizations, 16,000 heart attacks, 5,700 children's asthma-related emergency room visits, 260,000 respiratory problems in children, and nearly a million workdays due to illnesses.

Cleaner air through smart enforcement: The EPA and the Department of Justice recently settled environmental cases by using smart enforcement and compliance tools to address the most significant problems and achieve the best environmental results. Settlements included: Virginia Electric Power Company, they will spend $1.2 billion to reduce air pollutants, along with $13.9 million to offset the impact of past pollution activities.

The settlement with Archer Daniel Midland, which had quite a bit of public attention, will mean installing and implementing sweeping environmental improvements at their plants nationwide, totaling an estimated $335 million. Also, Archer Daniel Midland will spend $6.3 million on supplemental environmental projects, including retrofitting diesel school buses.

The ALCOA settlement commits them to installing pollution controls and will provide $2.5 million to fund environmental projects, including $1.75 million to the Trust for Public Lands.

Lion Oil Company will spend more than $21.5 million to install state-of-the-art pollution control technologies throughout its refinery. Additionally, the company will pay $348,000 in civil penalties and spend more than $450,000 on supplemental environmental projects.

It goes on and on.

These settlements that took place under the enforcement policies of President Bush far exceed those under the Clinton administration, in both numbers of settlements and the amount of money involved.

On the budget, the President's fiscal year 2004 budget proposal continues significant funding for cleaner air:

$617 million to improve air quality by meeting national ambient air quality standards, reducing air toxics, and acid rain—up $2 million from last year;

$326 million for the Coal Research Initiative on cleaner coal technologies, including $150 million for the President's clean coal power initiative. These funds will support public-private partnerships to research efficient clean coal technologies, which we need and can have and must have to keep America machine ready;

$7 million in new EPA funding for States to conduct air toxics monitoring;

$7.2 billion for mass transit, up $479 million from the previous year.

They are all up from the Clinton administration. People say President Bush doesn't have an environmental administration. Nothing could be further from the truth.

Federal energy score cards: Agencies documented their progress in meeting the various requirements on score cards submitted by the Office of Management and Budget in January 2002. The most relevant findings include: In fiscal year 2001, 10 agencies purchased 632 gigawatt-hours of electricity generated from renewable resources—that is what they are always talking about—which is more than 3 times the amount reported in fiscal year 2000.

In other words, the renewable resources reported by this administration are 3 times the last year of the Clinton administration.

Eleven agencies implemented renewable energy projects during fiscal year 2001, including 60 solar projects, 7 wind projects, and 9 geothermal projects.

In fiscal year 2001, agencies invested more than $130 million of direct expenditures in energy efficiency.

The President's fiscal year 2003 budget proposal continues significant funding for cleaner energy: $7.1 billion in tax incentives over 10 years for investments in energy-efficiency and renewable energy sources, including more than $3 billion for consumers to purchase hybrid and fuel cell vehicles.

A lot of criticism has come to this President, but he will push the fuel cell program because he has a commitment to it.

One hundred fifty million dollars is in the budget for a FreedomCAR research initiative, a new Department of Energy partnership with automakers and researchers, with a long-term vision of hydrogen-powered fuel cell vehicles; $1 million for the Department of Transportation to improve fuel economy standards.

That is $940,000 more than under the Clinton administration.

Cleaner water, protecting water supplies: In response to the terrorist acts of September 11, the Bush administration continues to work with States and local communities to protect America's 168,000 public drinking water systems and 16,000 public waste water systems from terrorist attacks.

You know, in the committee that I chair, Environment and Public Works Committee, we have passed out the nuclear security bill and waste water security, and last Thursday the Chemical Security Act. They will be coming to the floor and they will become a reality.

Under the President's leadership, we are doing our job. We can single out one thing the President has done that nobody else has been able to do, which is in the area of brownfields.

Fulfilling a campaign pledge, President Bush worked with us to enact historic, bipartisan brownfields reform legislation, which he signed on January 11, 2002.

The Small Business Liability Relief and Brownfields Revitalization Act enacted vital reforms that had been widely sought for years, giving States and local governments greater flexibility and resources to turn environmental eyesores into productive community assets. It reformed important elements of the law that had discouraged private investment in cleaning up and redeveloping brownfields.

You have brownfields in every American city. They are in the process of being cleaned up now, thanks to the policy of this President.

This legislation will significantly increase the pace of brownfields cleanups. President Bush's fiscal year 2004 budget proposal provides $210.7 million—more than twice the level of funding prior to the passage of this legislation—in support of the brownfields program, $180 million of which is for grants for States, tribes, local communities for cleanup, site assessments, and revolving loan funds.

The U.S. Conference of Mayors, the Trust for Public Land, and others endorsed the administration's brownfields proposal. In fiscal year 2003, the brownfields program has solicited grant applications and is in the process of reviewing more than 1,300 responses. The agency plans to reward these grants by the fall of 2003.

Again, nothing in the previous administration—the Clinton administration—even addressed brownfields. It was all done by this President.

Madam President, it goes on and on. I think the environmental enforcement record has been unprecedented.

The environmental extremists tie enforcement success to the amounts of funds collected, legal actions initiated, and enforcement office staffing positions, and cite a reduction of fines collected, a 40-percent drop in criminal prosecutions, a 25-percent drop in civil cases, and a reduction in enforcement office staff.

The success of the Bush environmental enforcement record can be measured in both the amounts collected in civil penalties and a number of criminal judgments, but also, and more importantly, in smart enforcement achieving actual environmental results through enforcement efforts focusing on significant noncompliers.

The fiscal year 2004 budget request includes $503 million for the EPA enforcement office. This is the largest amount ever requested for environment enforcement, and $21 million more funding than fiscal year 2003.

The EPA's 2004 budget proposes an additional 100 positions in the enforcement program above the administration's 2003 request.

So you can see that none of these accusations are true. It reminds me so much of what Hitler did prior to World War II—called the big lie. If you tell a lie and say it with conviction over and over again, sooner or later people will believe it. I think that is what has been happening.

Smart enforcement: Overall, in the last two fiscal years, EPA and the Department of Justice enforcement has obtained $8 billion in environmental remediation, state-of-the-art controls, and safeguards through enforcement of existing laws. This is the best consecutive 2 years of enforcement of any prior administration on record, including the Clinton administration.

In fiscal 2002, the EPA Compliance Assistance Centers provided environmental technical assistance to more than 673,000 businesses and individuals to help them comply with environmental laws.

Fiscal year 2002 saw a 26-percent increase of company self-disclosures of possible environmental violations.

From fiscal year 2000 to fiscal year 2001, the EPA and the Department of Justice enforcement nearly doubled the amount spent by violators on pollution controls and cleanups from $2.6 billion to $4.4 billion.

The POPS Program—persistent and organic pollutants—was an agreement the President was able to get. There are seven key types of pollutants under this program. The 12 chemicals in the POPS treaty, including DDT, PCBs, and dioxins, are some of the most persistent and dangerous chemicals ever manufactured. They are known to cause cancer, reproductive disorders, and immune system disruptions in both humans and wildlife. We nearly lost the bald eagle because of one of these chemicals. Because they are so mobile and accumulate in the food chain, absent international action, they will continue to be a risk to all.

This agreement will restrict and eliminate these chemicals, including DDT, PCBs, and dioxins, that are some of the most persistent and dangerous chemicals ever manufactured.

Again, President Bush announced his support for the Stockholm Convention on Persistent Organic Pollutants, and legislation has passed the committee. That was never addressed by any previous administration. That is just this administration. Environmental extremists and their liberal friends in the press have you believe this President does not have a good environmental record when he has the best record of any President in history. No President has ever been as good as George W. Bush.

Again, that should not even be a discussion right now, but due to the fact we have the nomination of Mike Leavitt coming up and they refuse to talk about his record and instead talk about the President's record, I thought it was necessary to tell the truth about that record.

It is also interesting, there are six holds—so people understand what we are talking about, a Senator can put a hold on a nomination to keep that person from being confirmed. Of the six holds, four of those people are running for President of the United States. That ought to tell you something about the political motivation.

Madam President, may I inquire as to the time remaining on this side?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. INHOFE. I was going to get into another subject, but I have been informed we have two or more speakers coming down who wish to use that 15 minutes. I was going to talk about what we are going to be dealing with this coming Wednesday—this hoax called global warming. I will not do that now, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Madam President, I would like to inquire as to our time remaining.

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. INHOFE. Madam President, I will yield our 8 minutes to the distinguished junior Senator from Texas, Senator CORNYN, but when Senator JEFFORDS comes in I am going to ask if we can borrow some of his time because we do have one more speaker.

For right now, if the Senator is prepared, I yield the remainder of our time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I want to add a few words of my own to the debate about Governor Leavitt's nomination. I have here a chart that I think reflects my concerns about what we have seen happen with regard to the nomination of this highly qualified individual to be Administrator of the Environmental Protection Agency. It says:

Obstruction, it's not just for judges anymore.

I have the honor of serving on a number of committees in the Senate, one of which is the Judiciary Committee where, unfortunately, I have become somewhat accustomed to controversy and problems relating to unprecedented filibusters which have prevented an up-or-down vote when a bipartisan majority of the Senate actually stands ready to confirm President Bush's judicial nominees. So you can imagine my surprise and my consternation when, in fact, we have seen now the same sort of obstructionist tactics that have become, unfortunately, all too common in judicial nominations leak over into the deliberations of the Environment and Public Works Committee.

Sadly, rather than working with Governor Leavitt to ensure the EPA is doing all it can and should do to protect this Nation's environment, some in this Chamber have chosen this as an opportunity to score political points. They have turned to another good nominee as yet another proxy for personal and political battles. It is clear to me they seek to attack an extremely qualified and honorable man in order to score political points with various special interest groups.

Governor Leavitt's extensive experience and impressive environmental gains in his home State of Utah make him eminently qualified to serve. Indeed, when Governor Leavitt came before the Environment and Public Works Committee, many of my Democratic colleagues noted his qualifications. They said, for example, he was ''a person of principle.'' They held him in ''very high personal regard.'' They called him ''bright,'' and a ''hard worker,'' who is ''very good at building consensus'' and a ''man of integrity.''

Indeed, I agreed with those characterizations. But rather than treating Governor Leavitt as the qualified nominee he is, some on the other side of this aisle have seen fit to give his nomination no respect at all. The reality is obstructing Governor Leavitt's nomination only delays strong leadership where we need it dearly, and that is at the helm of the Environmental Protection Agency. Delaying a vote to confirm him only delays implementation of programs those of us who are in favor of a cleaner environment would like to see served. Unfortunately, many who claim to be pro-environment now find themselves in the very ironic position of being anti-environment, from the standpoint of opposing making sure the EPA has the kind of strong leadership it needs to navigate a very difficult job.

The truth is, political blackmail will not clean our rivers and our streams. Heated rhetoric will not improve our air quality. Jockeying for position during a Presidential primary at the expense of a nominee with a proven record will not protect our children from future environmental threats.

With the exception of greenhouse gases, all air pollutants have been declining for decades. I direct my comments now to the criticism that really seemed to go not so much to Governor Leavitt but at the administration, at the administration of President George W. Bush. In all of the attempts to try to discredit the President and the current administration on environmental issues, you might conclude—or someone who is perhaps not well informed might well conclude—pollution is running rampant in our country. In fact, the opposite is true. The truth, as I said, is, with the exception of greenhouse gases, all air pollutants that are tracked by the Environmental Protection Agency have declined dramatically over the past decades. They have declined under President Reagan. They declined under President George Herbert Walker Bush, and President Clinton, and they declined even more under President George W. Bush.

The EPA has done a study and found that thousands of monitoring stations across the country have shown a tremendous improvement in our environment over the last 20 years. Overall, aggregate emissions of the six principal air pollutants have declined by 48 percent since 1970, despite the fact that the American population has grown by 39 percent during that period.

Most people reading the newspaper and watching television could be excused if they had the impression that our environment was getting dirtier and dirtier, when the truth is it is getting cleaner and cleaner. Unfortunately, too many partisans have found it politically helpful to them to mischaracterize the facts.

Some critics have recently targeted the President's proposed reforms in the New Source Review concerning aging powerplants in the Midwest. But what they neglect to mention is emissions from these very same facilities have been declining at a steady rate, even as electricity production has increased. Emissions have declined by 40 percent since 1980. The old 1977 ideas behind New Source Review assume you get cleaner air if you impose tighter emissions regulations on newer plants rather than old ones. That kind of thinking might work with a car, because when cars get old, people replace them. But powerplants are different. Many old powerplants are still operating, and I believe we need to put common sense back into our environmental policies by reforming New Source Review rules. If your plant wants to reduce emissions and increase productivity, the Government should not stick you in the eye. It should pat you on the back. But it is not just air quality that has improved. All forms of water pollution have declined for decades as well.

In 1970, approximately one-third of lakes and rivers in the United States received the Clean Water Act definition of ''safe for fishing and swimming.'' Today, nearly two-thirds of lakes and rivers meet that standard.

Forested space has also been increasing in acreage—not declining—for more than a decade. Our forests continue to expand under President Bush, and trees continue to be one of our greatest and best managed renewable resources.

Finally, there is this simple fact: No animal species in the United States has fallen extinct since the full implementation of the Endangered Species Act in the late 1970s. Indeed, many important species are now experiencing positive population growth.

In the face of these facts, I find it very hard to believe the unfounded criticism of this President's commitment to environmental protection. The condition of the environment has improved since President Bush took office, and it will continue to improve as a result of his innovative reforms. It will continue to improve if our colleagues across the aisle will end the politics of obstruction and allow the confirmation of this highly qualified nominee who is a wise choice. I have no doubt that he will continue the great progress which this administration has made on environmental issues—seeking the goal of cleaner air and safer water for all of us.

The extremists in this debate are not seeking balance or commonsense solutions or, in fact, what is best for the American people. Instead, they see this as a zero sum game—a proxy for political interests, and they have chosen obstruction as one of their tactics.

Ultimately, this results in political blackmail that just makes victims of us all. Governor Leavitt's reputation falls victim to unwarranted and disrespectful attacks, a responsible Senate falls victim to vicious political blather, and the American people fall victim to politicians who are more attracted to serving special interests than the public interest.

If the President's critics on the environment are truly committed to protecting and preserving it, they should have put aside their political agenda and allowed the Senate to vote on Governor Leavitt's nomination. Obstruction won't clean the air, protect our rivers and streams, or preserve our environment for future generations.

I am sad to say but it is clearly true that when it comes to obstruction, it is not just for judges anymore. I urge my colleagues to reconsider their tactics, vote to invoke cloture, and allow the President's nominees to have an up-or-down vote and ultimately confirm this fine nominee, Governor Leavitt.

I yield the floor.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, I ask that the Senator from Florida be given 15 minutes of my time.

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

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to address the issue of the question of cutting off the filibuster with the motion for cloture which we will be voting on in a couple of hours.

I announce that I think the debate should continue, and I want to state why. I want the manager to know and to hear this directly.

I have just spoken to Governor Leavitt by telephone. He is in his home State. I told him of my policy concerns.

First of all, I clearly have indicated to him I have the utmost personal respect for him as a public servant, as someone who looks at the best interests of his people. I think he has served with distinction. I think the votes are probably here for the motion for cloture to prevail and for him to be confirmed.

But there are certain policy questions that ought to be addressed before the Senate that I think are very important. I am registering my frustration with these policies that are not being enacted; and in particular is the question of funding for the Superfund.

What is the Superfund? When I was in the House of Representatives, in 1980, we passed the Superfund law. It was a recognition that all over America are these toxic waste dumps. The most notorious, and one of the first, was the Love Canal.

Because of toxic waste invading the environment, often people are the victims, people who happen to live in the area. We happen to have today 51 of these toxic waste dumps in my State of Florida. In Florida, the health hazard and the environmental hazard is compounded because it is a State with very low elevation and a high water table. These toxic waste dumps that need to be cleaned up are allowed to continue to fester and invade particularly the source of drinking water in a place such as the State of Florida.

For example, there is a site about 10 miles west of Orlando—and this is a true statement—where a company used to brew DDT in a kind of witches brew, the byproduct of which they used for some chemical reason. The problem was, when they brewed this DDT, they let it overflow into a natural crevice in the ground.

Lo and behold, what did that crevice turn out to be? It turned out to be a sinkhole. And what does the sinkhole do? It goes down into the ground. And what does that do in a State such as Florida? It goes down into the Floridian aquifer.

In addition to spilling over the sides of the sinkhole, it would flow down in the natural contours of the land. And where did that go to? Into a little creek that then flowed into Lake Apopka.

We used to have an estimated 4,000 alligators in Lake Apopka.

Mr. INHOFE. Will the Senator yield?

Mr. NELSON of Florida. I will be happy to yield to the Senator. Let me finish. As you can see, I am really into this, and I want to get this picture painted. I will be glad to get into the questions of the policy, but let me complete my statement, if I may.

So it flowed down into this creek that flowed into Lake Apopka. The estimate of the number of alligators in Lake Apopka today is not 4,000, but 400. Some of those alligators they have captured they find are mutated.

Now did that come from this witches brew? I am not sure scientifically we can actually say that, but it is potentially a cause of environmental damage. For the people who live around that toxic waste dump site, there have been health problems cited for years. We cannot clean it up because we do not have any money. That is what we get back to: the money.

When I was in the House of Representatives, in 1980, we enacted the Superfund law and we said: We are going to provide a fund for these hundreds of toxic waste dumps all over the country that cannot be cleaned up because the owner of the dump has now gone bankrupt or has left town and there is no one financially responsible to clean up the dump.

The trust fund would be there so when we did not have a financially responsible party that could pay for cleaning up the toxic waste site, we would have a fund to which we could go. The fund has dwindled and the taxpayer has to pay more and more of the costs of cleaning up orphan Superfund sites. Congress-requested studies of the future needs of the program indicate that this Administration has not allocated the resources necessary to meet the needs of the Superfund sites and communities throughout the country. In the 1990s, the Superfund fee on petroleum, chemical feedstocks and corporate income lapsed. As a result, the only place we have now to go to replenish the fund is the general revenues of the U.S. Government. You realize how difficult that is to get the money required to address the many orphaned hazardous waste sites across the country, particularly when we are running deficits to the tune of a half a trillion dollars a year; that is, paying $500 billion more than we have coming in tax revenue so we have to go out and borrow the difference. Therefore, the funding of any program is more difficult.

It is that policy difference that I have with this administration and the White House. That is why I came to the floor to register my concern as we debate the nomination of Governor Leavitt as the new EPA Administrator. It has nothing to do with him as a person. I think he is a very fine person. It has nothing to do with the person-to-person meeting I had with him, asking him about setting forth his ideas on the Superfund trust fund I have just discussed. Of course, he can't contradict the White House. He cannot contradict the Vice President and the President who have already set their policy that they do not want to fill the trust fund, that they want to do it by general revenue appropriations. I think that is a serious mistake.

I had asked Governor Leavitt about a number of other issues affecting my State of Florida and I appreciate the response I received from the Acting Administrator as directed by Gov. Leavitt: EPA is moving the right way on arsenic-treated wood also called CCA, chromium copper arsenate, with regard to residential uses and playground uses.

I told Gov. Leavitt about two of the toxic waste sites in Pensacola. I told him about a concern with a phosphate plant and the health conditions people are reporting in East Hillsborough County. They have responded to all of those. But with regard to the main concern of the policy difference on the trust fund, I must register my protest.

Would the Senator from Oklahoma, who is my dear friend and who takes the opposite side on this issue, like to engage in some conversation on this? I would be pleased to yield.

Mr. INHOFE. I would like to ask my good friend from Florida: At the very beginning of his remarks, he said the money isn't there. I wanted to make sure he was aware, which I think he is, that the Bush request for 2004 is the second largest request since the date he mentioned being on the floor in 1980. I was not here until 1984. But right now his request is $1.38 billion. I first ask if the Senator is aware of that.

Secondly, as far as the tax is concerned, we have never left the idea of polluter pays. Right now, polluter pays. In 70 percent of the cases, if there is a polluter who can be identified, the polluter pays. The problem you are coming up with, when you talk about the tax—which expired in 1995 under the Clinton administration, and President Clinton did not ask for its reinstatement or for a tax—is that that is not polluter pays. That takes care of some orphan cases, either general funds or that tax.

Is that fair, to have businesses paying into a fund that pays for pollution cleanup that they didn't cause? That is a bad policy to do that. I wanted to be sure we were talking about the same thing.

Mr. NELSON of Florida. I thank the Senator from Oklahoma. He is my friend, and he knows I love him. We can engage in this kind of dialogue with a smile on our faces because we are personal friends. But I have a significant difference of opinion with the Senator from Oklahoma. This Administration has not devoted the resources necessary to clean up the many orphaned sites in Florida that depend upon the now almost bankrupt Superfund trust fund.

In each one of these cases I have indicated, two in Escambia County, one west of Orlando—I could take you through the other orphan sites in the State of Florida—the only source of revenue we will have to clean up these sites is the American taxpayer, unless we reimpose the fee that was part of the deal that was struck in 1980 with the oil companies.

I would just say in response to my good friend that if the administration is requesting additional general revenue, then I say hooray for the administration. But, that is not going to solve the problem of hundreds of these sites around the country. You have to have that source of revenue, particularly with the dire financial condition this country is facing, where this country is going into bankruptcy by our deficit financing each year to the tune of a half trillion dollars. We are just not going to be able to get the funds to clean up these sites that are so personal to the communities in which they are located.

Mr. INHOFE. I appreciate my friend, because he is my friend, yielding further. The point I want to get across is that according to EPA figures—this was true back in the previous administration also—70 percent of those cleanups are paid for by the polluter. It is inaccurate to imply that they are not doing it. When you let a tax expire, as they did in 1995—again, this is not a partisan thing because that happened during the Clinton administration—that is a tax on businesses that has nothing to do with polluters. These are not polluters who are paying this tax. They could be anyone out there. But the fact is that this administration is making the request for $1.38 billion and the fund is there.

You can talk about Florida all you want. I ask my friend from Florida if he is aware that the most devastating Superfund site in America is in my State of Oklahoma. No one else is even close.

The PRESIDING OFFICER. The time of the Senator from Florida has expired. The time yielded to the Senator from Florida has expired. Does the Senator from Vermont continue to yield?

Mr. JEFFORDS. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator may continue.

Mr. NELSON of Florida. I will continue to yield to my friend. I want to respond to him.

Mr. INHOFE. No one is more concerned about devastating sites than I am. I would say this. We are going to correct it. We are in the process of cleaning it up. A lot of the funding is not going to be coming from the Superfund that is in place right now. Nonetheless, it is going to be cleared up. The point is this. It was a tax that expired during the Clinton administration. The Clinton administration did

not want to renew it and never made an effort to. This administration has never made an effort to renew it because it is wrong. It is bad public policy to pass a tax for people to pay for pollution cleanups that they didn't cause. It is as simple as that.

I thank the Senator for yielding for questions.

Mr. NELSON of Florida. It is my pleasure, of course.

This is what sharpens ideas, when you can throw ideas out and have them discussed in the marketplace of public discussion. I respond to my friend by saying, of course, he has heard of the sites that are known as orphan sites. These are toxic waste sites that do not have a financially responsible party that you can go to in order to get the money to clean it up.

Therefore, the whole idea of the 1980 Superfund law was to provide a source of funding for these orphan sites so that you can get them cleaned up, so that the community as a whole can be protected from a health standpoint. I cited just one site in Florida which was west of Orlando. I can cite another. For example, in Pensacola we have what is known as ''Mount Dioxin.'' It is a former wood-treating plant. The site of that old plant is so toxic that an entire neighborhood subdivision located next to it had to be evacuated. It is deserted; it is fenced off. Only now are we having to go back and appropriate additional moneys to get to the health department as they do an outreach to try to find the people who used to live in that neighborhood, to get them to come in for their health checks.

Believe it or not, in the flatlands of Florida—in this case, Pensacola—this turgid, infested soil called Mount Dioxin is exactly that. They have it piled up to the tune of about 40 feet high, with a tarpaulin strung over it, trying to contain all of this toxic waste. My goodness, can you imagine a major hurricane coming up the mouth of Pensacola Bay, straight for the city of Pensacola, and start tearing up Mount Dioxin, spreading that all over the city and Escambia County? Then you have another health hazard on your hands.

I don't want to wait, as the Acting Administrator of the EPA has done EPA's best in telling me next year they are going to come up with a plan to take down Mount Dioxin, to grade it to ground level, and try to figure out how they are going to dispose of it. It is another hurricane season we are going to have to go through. If we had a source of funding, EPA could so quickly and so much more efficiently go on about the task of cleaning up that site.

As you can see, I feel pretty strongly about this. I tried to register this with Governor Leavitt a few minutes ago in my conversation with him on the telephone. I tried to register it with him a couple months ago in my direct face-to-face conversation with him. But he is shackled because of the policy requirements of the White House; that is, that they not fund this trust fund with the original Superfund fee.

Mr. JEFFORDS. Mr. President, I commend my good friend from Florida for bringing the real world into our discussion here and letting the country and all of us recognize the tremendous problems that exist. His are some of the most astounding problems we have, but they are throughout the country.

If we don't do something, the lives of thousands of people are going to be affected; they are going to end up being dead or very ill. So that is what we are talking about today. It is incredibly important to find a solution, and I thank the Senator for his contribution.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Illinois 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I come to the floor with a genuine concern about this appointment by the Bush administration. When President Bush first appointed Gov. Christine Todd Whitman of New Jersey as the head of the EPA, many of us breathed a sigh of relief, realizing that she had an extraordinarily good record as Governor of New Jersey when it came to environmental issues, understanding that when she came to Washington, she would be up against some massive special interest forces who, frankly, believe that environmental law is too strong, wrong, and that the special interests should have a lot more say in the decisionmaking.

I voted for Christine Todd Whitman because I had hope she would bring balance to an administration that might be pushed too far toward the special interest groups. On many occasions, she lived up to that aspiration and hope on my part. I met with her several times, discussed important issues, publicly and privately. I was encouraged by the things she said.

But it became apparent after a while that, despite her strong credentials on the environment, they were no match to the force of special interests when it came to the Bush administration on environmental policy. Time and again, the EPA came down on the wrong side when it came to protecting the environment. The list is extremely long. I will not go through all of it in detail. But this was the first President—President Bush—to oppose polluter fees to pay for cleaning up toxic waste sites since Superfund became law. In Illinois and across America, Superfund waste sites are there still, today, creating toxic emergencies and public health hazards across America because President Bush doesn't want the polluting industry to pay to clean them up. That is a fact. That happened in the EPA with Christine Todd Whitman. It could have been one of the reasons she left.

This President slashed the EPA enforcement staff by over 100 employees. So there will be fewer men and women keeping an eye on toxic polluters in America. The administration also entered into arrangements crafting an energy plan rich with subsidies for the oil and gas industry and devoid of any fuel efficiency standards for America's cars and trucks. A recent GAO report found that President Bush's OMB is changing environmental regulations, often without disclosing these actions to the public.

The President has refused to act on global warming despite recent reports that ice levels in many parts of the world are low, threatening the polar bear and other species with extinction.

Now we have the successor of Christine Todd Whitman presented, Michael Leavitt of Utah. I have never met him, so I cannot say I have any personal knowledge of who he is or what he stands for. I can only look at his record as Governor of Utah. The record is not encouraging. In fact, with his administration, Utah recently tied for last place in Clean Water Act enforcement and ranked first in the Nation for toxic waste release. Imagine, the nominee for the EPA's top post is coming from a State that ranked No. 1 in the Nation for toxic waste release, and a State that tied for last place in the Clean Water Act enforcement. What does that tell you about his conscience and his concern when it comes to the environment? It doesn't give me a good feeling and hope that he will have any of the strength that Christine Todd Whitman had to stand up against the polluters and against the special interest groups and stand up for the environment in America.

That is a sad commentary on this nominee to this critically important position. At this point, many colleagues on the committee and others in the Senate have raised important questions, and many answers have not been given as to why the decision was made by the Republican leadership to move this through. Some say that timing has to do with a lawsuit on file in Utah. I have no idea why we have to do this today. That, frankly, is a decision made by the Republican leadership.

I will tell you that I think it is a sad commentary that a Republican Party, with distinguished and rich history leaders such as Teddy Roosevelt, who had the foresight to provide Federal protection to almost 230 million acres of land, is considering the appointment of a Governor of Utah to the EPA who has turned his back on the preservation of wilderness areas in his own home State. But that is a fact. That is a matter of record.

I urge my colleagues to consider this very carefully. If you believe the Bush administration's policy on environmental protection is a good one, vote yes for Governor Leavitt. If you believe they have moved forward in making America safer when it comes to clean water and less toxic ways, vote for Governor Leavitt. But if you believe, as I do, that this policy and this approach have been wrong—and, frankly, I believe this nominee has not presented us with evidence that he will

fight to change the Bush administration record on the environment. Sadly, his record as Governor of Utah is pointed in the opposite direction. For that reason, I am forced to oppose his nomination.

Mr. INHOFE. Will the Senator yield for a question?

Mr. DURBIN. Yes.

Mr. INHOFE. I think I probably misunderstood the Senator. Did you say that the polluter pays policy has disappeared, is not in existence now?

Mr. DURBIN. Virtually gone.

Mr. INHOFE. Are you aware that 70 percent of the cleanups are paid for by the polluter today?

Mr. DURBIN. The Senator knows better than that I do that when you stop taxing the polluting industry, you stop creating a fund to clean up the sites. The Superfund toxic sites are, frankly, just sitting there. Nothing is being done because the money is not being collected in the Superfund for enforcement.

The reason is, this administration said we are going to have a hands-off policy when it comes to the polluting industry. Any money going into Superfund has to come from the general tax fund, and then as a consequence of their budget there is no money in the fund. So this Superfund approach is a dream come true for polluting industries. This is the first President, Democrat or Republican, to turn his back on the responsibility of polluting industries to clean up toxic waste and, frankly, it appears that Governor Leavitt wants to continue that policy.

Mr. INHOFE. Will the Senator yield further?

Mr. DURBIN. I would be happy to yield.

Mr. INHOFE. Is the Senator aware that the tax to which he is referring went out in 1995 during the Clinton administration; it was not requested to be renewed at any time during the remainder of the Clinton Presidency, nor has it since that time? Secondly, the reason is that the policy that you should pass a tax on business to pay for pollution cleanup that they had nothing to do with is not a fair policy.

Mr. DURBIN. I say in response, and my time is probably running out, there was an adequate balance in the Superfund to go forward during the Clinton administration because of the collections from these polluting industries. Now that that Superfund is virtually bankrupt and without funds, what the Bush administration has said is we would not dare ask the polluting industries. Instead, we ask every taxpaying family and business in America to pay for Superfund cleanup. That is fundamentally unfair.

Why should ordinary taxpayers face the responsibility of pollution and toxic waste created by an industry? The Superfund, which has been supported by Democratic and Republican Presidents, and rejected by this President, I think was a fair approach. Because this President will not fund it and because he will not come back and ask for the polluting industries to pay, there is no money for the Superfund cleanup.

What do we have left? We have the stern policy from the administration and a new administrator who says he supports it. The result of it? More toxic waste sites in my State, perhaps in the Senator's, that are there to endanger public health. How can that possibly be in the best interest of America?

Mr. INHOFE. If the Senate will yield further?

Mr. DURBIN. I would be happy to yield.

Mr. INHOFE. The policy is what I was trying to get to. First, it is a fact that the tax ran out during a Democratic administration, that of President Clinton. Secondly, the policy to say let's pass a tax on any business out there, or any industry out there, whether or not they pollute anything, and they have to pay for whomever is polluting, when today 70 percent of the cleanup—these are the figures—are being paid for by those who are polluting, it is a polluters' pay policy that is working today.

Mr. DURBIN. I will reclaim my time and say to the Senator, if I am not mistaken, the period of time when the tax was not reinstated was a period of time when the Republicans were in control of Congress.

Stepping aside from that for a moment, the Senator from Oklahoma is gifted in this area, understands it better than most and understands how little is being done today because there is no money in the Superfund to pay for the toxic cleanup. So as a consequence, this administration neither puts the revenue in the budget nor reinstates the tax on polluters and basically says we are going to turn a blind eye to toxic waste sites across America, which endanger the water supply of communities all across the board.

How can that be right for our children or the families who are unwittingly being exposed to this kind of pollution? That is the kind of policy which we need to oppose and, frankly, it is the kind of policy which I am afraid Governor Leavitt supports and that is why I cannot support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator has used 10 minutes.

The Senator from Vermont controls the time.

Mr. JEFFORDS. 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. JEFFORDS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. JEFFORDS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 34 minutes 10 seconds.

Mr. JEFFORDS. Mr. President, I yield to the Senator from New York as much time as she may consume, up to the max.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from New York.

Mrs. CLINTON. Mr. President, I thank the ranking member of the EPW Committee, my friend and colleague, Senator JEFFORDS, for his leadership on these environmental issues that we are considering today. I am also very appreciative of the opportunity to speak to the nomination of Governor Leavitt to be the Administrator of the EPA on a particular issue of grave concern to me and to my constituents.

On August 21, 2003, the inspector general of the EPA issued a report which raised serious questions about the EPA's response to the collapse of the World Trade Center buildings on September 11. In that report—I have a copy here—the EPA IG concluded that the White House had modified several EPA press releases regarding air quality in New York that made them overly reassuring to the public.

Second, the IG raised a number of questions about the adequacy of the EPA's testing and cleanup program to address indoor air quality concerns in New York.

These findings, as my colleagues know, were very disturbing to New Yorkers, the people I represent, who went through so much on September 11 and performed so magnificently, not only in the heroic responses by our firefighters, our police, our EMTs, and others, but also in the resilience and the extraordinary reactions of so many citizens—the construction workers who dropped their tools in one borough in uptown Manhattan to rush down to help, the utility workers, the volunteers, the transit workers, the people who got the stock exchange up and going. It was just an extraordinary demonstration of the spirit and courage of the people of New York and America.

So it was troubling when New Yorkers had to ask themselves: Can we trust our Government? Can we rely on the information we are given when it comes to matters of such critical importance as the air we breathe?

It was especially troubling because we already knew that hundreds and hundreds and hundreds of the first responders who came to the Towers, who stayed at the pile, who worked day after day, were suffering from what was called the World Trade Center cough, which really was asthma or bronchial problems or pulmonary distress or RADS, which is the reactive air disorder syndrome.

Then we began hearing about people who had gone back to work and people who had returned to their homes in the affected area who were similarly suffering. So it was a very troubling report. It raised a number of questions to which I and others sought answers.

So on August 26 I wrote to the President, along with my colleague, Senator

LIEBERMAN, because Senator LIEBERMAN had been the chairman of the appropriate subcommittee of the environment committee that permitted us to hold a hearing in lower Manhattan in February of 2002 to try to begin to get answers to these issues long before the inspector general talked about them. Senator LIEBERMAN and I joined together to write a letter to the President, asking for answers to the questions raised by the IG report. In particular, we wanted more details about what was claimed in the IG report to constitute interference by the White House with the EPA over the public information that was made available to the people of New York and the surrounding area.

We also wanted some reaction about the recommendations the IG made.

For people who are watching at home, IG stands for inspector general. Government departments have these offices. They are independent of whatever political administration is in power at the time, and they are supposed to look after the public interest and keep an eye on the people who are in government positions.

So the EPA Inspector General had raised all of these questions about the adequacy of the cleanup which the EPA had carried out, and, frankly, recommended some additional steps be taken.

On September 5, I received a reply from the EPA acting administrator. Frankly, it did not respond to the concerns we raised. It was quite defensive in tone, which I regretted because I think we are all in this together, trying to figure out how we get the best information to take the most appropriate actions to protect the health of people. The letter on September 5 was basically a recitation of all the positive actions the EPA had taken, many of which I agree were positive actions. But that was not what was at issue.

On September 5 of last month, we got that response. Then we quickly wrote again to the President, reiterating the demand for answers and actions. But still we got no response. I regretted that because I think this is an issue larger than even the horrors of September 11 and the aftermath. It really went to the heart of how we can trust the information and the reliability of the information we receive from our Government, especially in times of crisis.

When Governor Leavitt was nominated for the position of Administrator of the EPA, I made it clear to Governor Leavitt, to my colleagues on the Environment and Public Works Committee, and to the public I would put a hold on Governor Leavitt's nomination. At that moment it was the only means available to a single Senator to get the attention of the White House and to demonstrate the seriousness I believed these issues demanded.

I met privately with Governor Leavitt, whom I have known for quite some time. I have a high regard for him. I have known both the Governor and his wife Jackie for a number of years. I knew from my conversations with him that he listened very carefully and was quite sympathetic with the concerns I was raising. Obviously, as a nominee he had no authority to commit the administration to doing anything. But I did believe he was open to the arguments I was making and the findings of the inspector general.

Because of the hold I placed on Governor Leavitt, and the conversations I had with the Governor and the White House personnel assigned to shepherd his nomination through the Senate, I began negotiations with the White House Council on Environmental Quality. CEQ it is called. CEQ is the office within the White House that tries to ride herd over environmental policies, to advise the President on these issues, and to work with the EPA. We learned because of some documents requested by Senator JEFFORDS that it was the CEQ, the White House Council on Environmental Quality, which had indeed made the recommendations and issued the orders to the EPA to change their press releases in the immediate aftermath of 9/11. That was the entity within the White House that made those determinations.

I appreciate Senator JEFFORDS' efforts to obtain those documents because they answered my questions. I didn't get answers from the EPA or the White House directly, but indirectly because of the excellent work of Senator JEFFORDS and his staff I did get my questions answered.

It is very clear there were some quite tense conversations, including some real shouting matches between the CEQ White House personnel and the EPA personnel over what should or shouldn't be in those press releases.

When I met with the head of the Council on Environmental Quality, a gentleman by the name of Jim Connaughton, I raised my concerns about the process that was underway in the aftermath of 9/11, that we needed to learn some lessons from that process; it didn't work; and I understand very well how there can be competing tensions between the White House and a government agency, but I think we need to learn from that. I was heartened by Mr. Connaughton's openness and his willingness to frankly admit this was unprecedented. We didn't know how we were going to behave in the face of such a horrific attack. Thankfully, it never happened again, and we hope it will never, ever again. But we have to be better prepared.

To the first part of my inquiry about answers I wanted about who in the White House did this and how it all unfolded, we were able to obtain quite a bit of information. Clearly the Council on Environmental Quality, working with the National Security Council and others in the White House, made some calls that may not have been the best judgment calls. But now we can take a look at those in sort of a calmness of some distance and realize we have to change that process. We should not be interfering with information that goes directly to the public and which will enable members of the public to make decisions that are right for them. The answer part of who did what and how this all happened we began to be able to piece together.

We also started discussions with the White House concerning the additional steps that need to be taken. Here we wanted to try to get a process started that would look at the inspector general's recommendations and implement them, and go even further to try to determine what we know, what we don't know, and what actions we should take to get to the bottom of this very thorny question of indoor air contamination. This is a new issue for most of us. We have been focusing on cleaning up the air on the outside. But increasingly what I am hearing from so many people in New York and around the country is we have to do more on indoor air.

What happened after 9/11 is the EPA originally said, This is not within our responsibility. We are not responsible for following up on indoor air. That is the city's responsibility. The city of New York said they did not know what they were supposed to do on indoor air. In fact, before the hearing Senator LIEBERMAN and I held in February of 2002, a witness appeared from the city who was very candid, and said, We were given this responsibility for indoor air. We don't do indoor air.

Through a long process of negotiations, finally in June of 2002 the EPA took responsibility for running the testing to determine if there was continuing contamination of the indoor air in residences and workplaces. Unfortunately, because this had never been done before, there were a lot of holes in the process. There were a lot of missteps in the process.

Again, I think that is something we should learn from. I give great credit to my colleagues who represent Lower Manhattan—Congressman JERRY NADLER, who was just absolutely focused day in and day out in trying to get the EPA first to do this indoor air testing and then to do it right. All along Congressman NADLER said this is not being done right. We are going to find out after they go home and they say they have done what they are supposed to do that there are still all kinds of contamination that have been left and that is going to have an increasing impact on people who live and work in these buildings.

Sure enough, the testing that went on demonstrated the cleanup was not adequate and, unfortunately, because it was sort of haphazard and random, one apartment would be cleaned up but the apartment next door wouldn't be, or the apartments would be cleaned up in the building but the heating and air conditioning wouldn't be. So it never really got the attention and the standardization that it needed. That is why

the inspector general recommended a number of additional steps to be taken.

So we began this process of negotiating with the White House over what would or should be done, and I must say it was a very positive process. My staff, Senator LIEBERMAN's staff, the White House Council on Environmental Quality, the EPA, and others have been working together now for several weeks.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mrs. CLINTON. Yes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As I understand it, the distinguished minority floor manager wants to have a UC.

Mr. REID. Mr. President, we need to advise Senators of what is going to take place at 5:30. There has been a change in the schedule to be announced shortly by the Senator from Oklahoma. It is my understanding that following the statement of the Senator from New York, the Senator from Utah wishes to speak for up to 5 minutes on the Leavitt matter.

Mr. HATCH. Mr. President, if I could have 5 minutes to speak before the vote on the judge this evening.

Mr. REID. Will the Senator from Oklahoma go ahead with the UC?

Mr. HATCH. Could I ask the distinguished Senator from New York if she would finish so I would have at least 5 or 6 minutes before the vote?

Mr. REID. If we have to extend the vote on the judge for a couple minutes, we can do that.

Will the Senator go ahead with the UC? We will make sure everybody is covered.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from Utah reserved the right to object. I ask if he is objecting.

Mr. HATCH. No, I am not objecting, with the understanding that I ask unanimous consent that before the vote on the judge this evening, I be given 6 minutes to speak.

Mr. REID. How long?

Mr. HATCH. Six minutes.

Mr. REID. The Senator from New York has the floor.

I say to the Senator from New York, we are in no way trying to speed up your speech. How much longer do you anticipate speaking?

Mrs. CLINTON. I will end my remarks so that the Senator from Utah will have 6 minutes prior to the 5:30 vote.

Mr. HATCH. That is acceptable. I modify my unanimous consent request.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that the scheduled cloture vote be vitiated and, further, that at 9:30 tomorrow morning the Senate resume consideration of the Leavitt nomination and there then be 60 minutes equally divided between the chairman and the ranking member or their designees, with 20 minutes of the minority time under the control of Senator LAUTENBERG. I further ask consent that following that debate, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate, provided that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

I also ask unanimous consent that this evening at 5:30 the Senate proceed to a vote on the confirmation of Calendar No. 424, the nomination of Dale Fischer to be U.S. District Judge for the Central District of California; further, that following that vote the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Mr. President, I want to make sure this includes Senator HATCH's request for 6 minutes before the vote on the judge. I would also ask, Mr. President, if Senator LEAHY wishes to speak for up to 2 minutes prior to the vote on the judge, that he be allowed to do so, along with 2 minutes for the Senator from Utah, the chairman of the committee.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from New York.

Mrs. CLINTON. Thank you, Mr. President.

Mr. President, over the last several weeks we have been in negotiations with the White House over the serious matters concerning the cleanup and the continuing threat of contamination in residences and workplaces in Lower Manhattan.

Today, we have reached an agreement and I have received a commitment to action from the White House to address these indoor air quality concerns.

Now, this is not everything I would have wished for. It is not exactly what the inspector general has recommended. And I will continue to work with the White House and the EPA to make sure we go wherever the evidence leads us and that we have independent, outside validation of whatever it is the EPA does. But we have reached agreement with the White House for additional testing to verify that residences that have been cleaned have not been recontaminated.

In addition, the White House has committed to forming an expert panel consisting of both Government experts and outside experts to reevaluate a range of issues raised by the inspector general's report.

I believe this is an important step forward in addressing the concerns raised by New Yorkers about the safety of the air we breathe. It is not enough—I want to make that absolutely clear—it is not enough, but it is a step forward, and I believe it will provide a venue in which all of our concerns can be addressed.

In the spirit that led us to this agreement reached by my office with the White House Council on Environmental Quality, I will be voting for Governor Leavitt when his nomination comes before the Senate because I intend to work closely with him as we implement this agreement on which the White House has signed off.

I know there are many who will say: but it is not everything we should have gotten. And I agree with that absolutely. If I could have written it myself, I would have adopted all of the inspector general's recommendations. But on the other hand, we now have a process and a venue in which to discuss these matters and to try to make progress together.

I thank Senator LIEBERMAN for working with me on this effort. I also thank Senator VOINOVICH for being very understanding and sympathetic about this issue and working with me on important legislation that, under our chairman, the Senator from Oklahoma, we have passed out of the committee which I hope will receive favorable floor action sometime in the next several weeks because it will help to avoid these problems in the future.

One of our big problems was nobody was quite sure who was in charge of indoor air. There had been an Executive order signed a couple years before which seemed to suggest the EPA was, but that was not statutorily clear. We needed to figure out where the State and the city fit.

So what Senator VOINOVICH and I have done is to put together, in legislation, the authority for the President to make these decisions, and to be clear about them, so we do not end up with all of these concerns about who is responsible and who have to be the front people and who does the testing. We should put that behind us. I hope we can act on the legislation Senator VOINOVICH and I have put forward.

I also thank Senator REID, who is a long-time friend of the Leavitt family and who shares my hope that Governor Leavitt will be the kind of Administrator of EPA with whom all of us on both sides of the aisle can work, and that we will see the EPA once again being the agency in the Government that sets and implements environmental policy.

Again, I thank Senator JEFFORDS for his leadership and his deep concern about these issues.

I also thank my colleague, Congressman JERRY NADLER, for his vigorous advocacy on behalf of New Yorkers and on making it clear every step of the way what the shortfalls and the inadequacies in the process adopted by the EPA turned out to be. Congressman NADLER has been a very staunch ally in this effort to get to this point.

Just a few minutes before I came to the floor, I received a letter from the Executive Office of the President, Council on Environmental Quality, signed by James L. Connaughton. I ask unanimous consent that the letter be printed in the RECORD, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, DC, October 27, 2003.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATORS CLINTON AND LIEBERMAN: I appreciate the opportunity to respond to your September 9th letter, building on the subsequent constructive discussions that I have had with Senator Clinton and that our respective staffs have had concerning your questions about lower Manhattan air quality in the aftermath of the September 11th attacks and subsequent efforts the government has undertaken to further assure public health and safety. This letter sets out our understanding following those staff discussions.

The tragedy of September 11th was unprecedented in its scope. The complexity of the situation facing the local, state and federal governments in responding to this terrorist attack was immense—the work by all was heroic.

The Environmental Protection Agency working with the Council on Environmental Quality, OSHA and the State and City of New York, did their utmost to communicate the best available information accurately, and in a timely fashion to meet the needs of lower-Manhattan residents, workers and businesses. Their safety, health and well-being were our greatest concerns, and remain so today. The information was communicated through a variety of methods, including press releases, direct communications with residents and media interviews with federal, state and local officials. We continue to stand by the information distributed in press releases regarding potential long-term health risks. The EPA Inspector General reported that the experts her office spoke to generally confirmed that EPA's draft risk evaluation tended to support EPA's statements on long-term health effects.

As we discussed, the federal government's communications in September of 2001 were conveyed real-time in complex and fast-moving circumstances. In all instances, we acted with the best available data at the time, and updated our communications and actions as new data was coming in. We all learned a great deal in the aftermath of September 11th, including how to improve our response and communciations efforts. Given a situation with the uncertainty and emotions such as followed the World Trade Center attacks, we recognize that we can communicate best through a focused, civil, and collaborative effort. After September 11th, EPA conducted a ''lessons learned'' exercise and, in conjunction with the new Department of Homeland Security, improved its emergency response and crisis communications system, improvements that were successfully put to test in the swift and well-coordinated response to the space shuttle Columbia tragedy in February.

In her prior letter to you, Acting Administrator Horinko outlined many actions the EPA is continuing to take in response to this tragedy. Ms. Horinko described the substantial amount of monitoring, cleaning and re-cleaning already conducted, the coordination between EPA, FEMA and OSHA on indoor cleanup, OSHA's commitment to continue to investigate complaints of dust exposure from workers in commercial establishments, and EPA's ongoing focus on residences.

In my meeting with Senator CLINTON, we discussed at length the process of coordination following the attacks, including CEQ's role. We have since shared with your staffs a compilation of federal air quality and related health studies conducted in the vicinity of Ground Zero which the Office of Science and Technology Policy completed in December 2002, as well as asbestos monitoring data for workers OSHA provided to the EPA. As you know, of the more than 4,100 residential units in Lower Manhattan examined as part of EPA's indoor air quality and cleaning program only about 1 percent were found to have asbestos at levels exceeding the health-based standard for long-term risk. We hope this exchange has provided a clearer understanding of the interagency coordination process and a greater knowledge of the breadth of activities undertaken by the federal government immediately following September 11th and since.

To provide greater collaboration in ongoing efforts to monitor the situation for New York residents and workers and assure them of their current safety, we will be undertaking the following activities: (1) extend the health follow-up associated with the Agency for Toxic Substances and Disease Registry's (ATSDR) registry of residents and workers; and (2) convene an expert technical review panel to help guide the agencies' use of the available exposure and health surveillance databases and registries to characterize any remaining exposures and risks, identify unmet public health needs, and recommend any steps to further minimize the risks associated with the aftermath of the World Trade Center attacks. EPA would organize and lead this group of experts, with representation from the federal agencies directly involved in the air quality response and monitoring, the New York City Departments of Health and Environmental Protection, and outside experts. The panel would review the following:

Within 3–6 months:

Post cleaning verification sampling to be done by EPA in the residential areas included in EPA's Indoor Air Cleanup to verify that re-contamination has not occurred from central hearing and air conditioning systems;

The peer reviewed ''World Trade Center Indoor Air Assessment and Selection of Contaminants of Concern and Setting Health-Based Benchmarks,'' which concluded asbestos was an appropriate surrogate in determining risk for other contaminants.

Within 18–24 months:

Identification of any areas where the health registry could be enhanced to allow better tracking of post-exposure risks by workers and residents.

Review and synthesize the ongoing work by the federal, state and local governments and private entities to determine the characteristics of the WTC plume and where it was dispersed, including the geographic extent of EPA and other entities' monitoring and testing, and recommend any additional evaluations for consideration by EPA and other public agencies.

We look forward to working with you. Clearly, we are agreed that the health of New York's residents and workers is paramount. By working together, we can ensure their needs are met.

Sincerely,

JAMES L. CONNAUGHTON.

Mrs. CLINTON. This letter, which does give us the basis for further efforts to try to get to the bottom of these issues concerning indoor air, is a very welcome step forward. Again, although it is not enough, it is not what the inspector general had in mind, it does give us that venue, that process, that opportunity to keep working together to get these answers.

The reason this is so important goes far beyond my constituents in lower Manhattan. It goes to the heart and soul of what we can expect from our Government, how reliable the information is, and whether we are prepared to look at new problems caused by unforeseen, unprecedented events such as what occurred on 9/11.

That is not the only area where we need to be focused on cleaning up indoor air and being conscious of continuing contamination. This morning I was in Endicott, NY, outside of Binghamton, where there was for many years a very large IBM plant, a very successful plant. In 1979, there was a spill, a toxic spill, 4,100 gallons, at least, that went into the aquifer and then went into the ground water. Now what we are finding is that this plume of toxic material in the water underneath this town, 350 acres through which it has spread—that the fumes from this plume are now seeping up through the ground into the residences of the people in Endicott, NY.

So this indoor air issue is not just about post-9/11 and New York City. It is a new issue that we must face in this Congress because the vast majority of people are totally unable to figure out what to do about this issue.

I am pleased that we have come to this point, that we have made this progress with the White House. I look forward to working with Governor Leavitt in trying to resolve these matters. I hope this spirit of cooperation is an indication of a new attitude in the administration toward the environment and toward working with us to try to solve the health and safety problems that affect our constituents.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, in accordance with the UC request, I yield 6 minutes to the distinguished Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Oklahoma. I express my gratitude to the Democrats and, of course, our two leaders on the committee for being willing to vitiate this cloture vote and end what some perceived was a threatened filibuster of Governor Leavitt. I am very appreciative that they will allow a vote up or down tomorrow morning on Governor Leavitt's nomination as Administrator of the Environmental Protection Agency. That is what should be done.

Governor Leavitt is one of the finest public servants in this country. He has served our State long and well, but he has served the whole country in a variety of ways which I will mention.

It goes without saying that this is not a job Governor Leavitt has asked for or aspired to. But he has accepted the President's nomination, first of all because the President has asked him to, and second, because it's a job of critical importance for our Nation.

Other than our people and our values, our Nation's environment and natural resources are our greatest asset. We in Utah understand that better than most.

And in spite of what some critics of President Bush would have us believe, our Nation has been steadily getting cleaner and safer every year of his presidency. Already, President Bush has signed the Persistent Organic Pollutants Treaty. He has proposed and begun implementing ground breaking legislation to greatly accelerate the clean up of our Nation's brownfield sites. He has announced his plan to reduce off-road diesel emissions by 90 percent.

Although his critics refuse to believe it, President Bush's Clear Skies initiative will, in fact, lead to quicker reductions in air pollution across the board than would otherwise be accomplished. Under President Bush, powerplants will be updated and become cleaner than ever before. Under President Bush our forests and other natural resources will become better managed, and the threat of forest fires will be reduced—something that has not been done in the past.

Most important, our President is accomplishing these environmental goals without a dramatic increase in Federal mandates. He is doing it without pitting the environment against human needs. He is doing it without pinning the ''polluter'' label on our industry, as the past administration was so apt to do. President Bush has shifted the environmental debate from one about process and control to one about outcomes and results.

Governor Leavitt has a similar record for improving the environment in Utah. Before Governor Leavitt came to office, Utah often failed to meet national clean air standards. In large part this was because most Utahns live on a valley floor surrounded by mountains. Through hard work and consensus building, though, Governor Leavitt helped Utah to overcome our air quality obstacles, and our State now is in consistent compliance with the EPA's air quality standards.

Governor Leavitt also has been a leader in finding solutions to regional air problems. He helped to begin the Grand Canyon Visibility Transport Commission and the Western Regional Air Partnership, which established a wide sweeping collaborative approach to reducing haze over our national parks and public lands on the Colorado Plateau.

When Governor Leavitt took office, about 60 percent of Utah's streams met Federal water quality standards. This represented the current national average for States. Under his leadership, though, 73 percent of Utah's streams now meet the Federal standards, which is well above the national average. With his oversight, Utah developed a collaborative approach to meeting the Concentrated Animal Feeding Operations regulations. His approach was so successful that the U.S. Department of Agriculture has adopted it as a model.

Governor Leavitt has also led initiatives in our State to preserve our open space, improve fisheries, upgrade sewer systems, and clean up 5,000 underground gas storage tanks, thus preventing their contamination of Utah's water supply. Thanks to Governor Leavitt's careful stewardship, Utah's natural resources have not only survived a period of intense economic and population growth but have been improved across the board.

Is it any wonder that President Bush looks to Governor Leavitt to lead the charge on this very important front, when the Governor has so successfully pursued a collaborative approach to improving the environment?

To anyone who questions Michael Leavitt's commitment, I say: Look at the record; it speaks for itself. We can also look at Utah's budget during his administration.

In his 10 years as Governor, Mike Leavitt won a 41 percent increase in spending on environmental protection, and that's after adjusting for inflation. According to the Environmental Council of States, the average per capita spending on the environment is $51.80. Under Michael Leavitt, however, Utah surpassed that average, spending $62.31 per capita on the environment. The average State spends about 1.4 percent of its budget on the environment. Under Governor Leavitt's leadership, Utah now spends 2 percent of its budget on the environment.

The record proves that Governor Leavitt is a champion of the environment. But the record also informs us that he is one of the finest public managers in the Nation. The Governor has worked tirelessly for our State. Yet, he has found the time to serve as the chair of the Council of State Governors, the Republican Governors' Association, the Western Governors' Association, and the National Governors' Association. You don't get there without being one of the best, if not the best.

In 5 of Mike Leavitt's 10 years as Utah's chief executive, our State has been ranked the best managed State. USA Today recently called Utah the best fiscally managed State in the country. Even after the extremely tough financial times faced by our States in recent years, under Governor Leavitt, Utah has maintained its Triple A bond rating.

How could President Bush have found a better candidate to head up the Environmental Protection Agency? The answer is he couldn't have.

And how does holding up Michael Leavitt's nomination help our environment or our nation? We finally concluded it doesn't. The obvious answer is: it doesn't. Clearly, confirming this nominee is in the best interest of our environment and our Nation.

Finally, let me just say that I have known Mike Leavitt and his wonderful wife Jackie for nearly 30 years. No one I know works harder, is more fair and honest, is more capable, and is more sincere than my good friend, the Governor of Utah. I urge my colleagues to join me in confirming Michael Leavitt to fill one of the most important jobs in government, the Administrator of the Environmental Protection Agency.

I thank all of those who are making this possible with an up-or-down vote tomorrow morning.

The PRESIDING OFFICER. All time has expired.

NOMINATION OF DALE S. FISCHER TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the pending judicial nomination.

The legislative clerk read the nomination of Dale S. Fischer, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to speak in support of the nomination of Dale Susan Fischer for the U.S. District Court for the Central District of California.

Judge Fischer is a Harvard Law graduate. She was a practicing attorney for 17 years before her appointment to the Municipal Court of California, Los Angeles Judicial District, in 1997. Three years later, she became a judge of the Superior Court of California, Los Angeles County, where she currently sits.

Judge Fischer has more than 20 years of legal experience. She will be a fine addition to the Federal bench.

We are proud to support her nomination. I recommend that my colleagues vote in her favor.

Mr. LEAHY. Mr. President, with the judicial confirmation today, in less than 3 years' time, President George W. Bush has exceeded the number of judicial nominees confirmed for President Reagan in all 4 years of his first term in office. Senate Democrats have cooperated so that this President has now exceeded that record. Republicans acknowledge to be the ''all-time champ'' at appointing Federal judges. Since July 2001, despite the fact that the Senate majority has shifted twice, a total of 167 judicial nominations have been confirmed, including 29 circuit court appointments. One hundred judges were confirmed in the 17 months of the Democratic Senate majority and now 67 have been confirmed during the comparative time of the Republican majority.

One would think that the White House and the Republicans in the Senate would be heralding this landmark. One would think they would be congratulating themselves for putting more lifetime appointed judges on the Federal bench than President Reagan did in his entire first term and doing it in three-quarters of the time. But Republicans have a different partisan