

I haven't had any experience dealing with the arsenic issue, neither the scientific level nor the cost-effectiveness level of control.

You have an open mind, my friend. Give him this job and he will have an open mind about arsenic in drinking water. He has an open mind about pesticides on fruits and vegetables. He has an open mind about dioxin and its medicinal purposes. He has an open mind about the future of DDT in comparison with other chemicals. And this is the man we want to put in control, the gatekeeper on rules and regulations about public health and safety and the environment?

That is why I have risen this evening to oppose this nomination. I thank my colleagues and all those who participated in this debate. I appreciate their patience. I know we have gone on for some time, but this much I will tell you. If Mr. Graham is confirmed, and it is likely he will be, he can rest assured that many of us in this Senate will be watching his office with renewed vigilance. To put this man in charge of this responsibility requires all of us who care about public health and safety and environmental protection to stay up late at night and read every word, to watch what is going on.

We don't need any more arsenic in drinking water regulations. We don't need to move away from environmental protection. We don't need to second-guess the medical experts on the dangers of pesticide residues on fruits and vegetables and the danger of dioxin. We need sound science and objectivity, and, sadly, John Graham cannot bring them to this position, and that is why I will vote no on his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee has 3 minutes.

Mr. THOMPSON. Mr. President, let's listen to the scientists on the Science Advisory Board to which the Senator referred.

Dr. Dennis Passionback:

I think John's point [meaning John Graham] is what you thought his point was, Mort, and that is in several studies and hypotheses over the years that there are some hormonic beneficial effects associated with dioxin and related chemicals for certain disease influences. Of course that is at very low dose of course.

These are scientists. It is easy for the rhetoric to get out of hand here, and I want to try to do my part to not engage in escalating, but I find some of the statements attributed to this man amazing. I think our colleagues know better. I think the letters of endorsement and the public endorsements belie this. I think the reflection on Harvard University is unfair. It is not uncommon for centers doing work similar to Harvard's center to receive 40 to 60 percent of their funding from the private sector.

I think what we have here is just a back and forth with regard to a man whose opponents are desperately trying to undermine this nomination. I think we have here a question concerning public service and whether or not we

are going to get decent people to come into these thankless jobs to do them if we are going to see the confluence of scientific work on the one hand and the political process on the other produce such an ugly result.

I think we need to ask ourselves that question. I think we need to ask ourselves also whether or not we want to have these decisions based upon sound scientific analysis, one that is endorsed by all of the people who endorsed Dr. Graham, and say that analysis, that sound analysis that will work to our benefit.

I have a chart of all the areas where lead and gasoline, sludge, drinking water—where Dr. Richard Morganstern, economic analyst at the EPA, has shown where cost-benefit analysis, the kind that Dr. Graham proposes, has been beneficial both from a cost standpoint and increasing benefits. Let's not get into an anti-intellectual no-nothing kind of mode here and try to label these fine scientists and this fine institution with labels that do not fit and are not deserved.

I sincerely hope my colleagues will vote for this nomination.

Mr. REID. Is all time yielded back?

The PRESIDING OFFICER (Mr. BAYH). All time has expired.

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the legislative branch appropriations bill, S. 1172; that the only amendments in order be a managers' amendment and an amendment by Senator SPECTER; that there be 10 minutes for debate on the bill and the managers' amendment, equally divided between the two managers, Senators DURBIN and BENNETT; that there

be 5 minutes for debate for Senator SPECTER; that upon the disposition of these two amendments, the Senate proceed to third reading and vote on final passage of S. 1172; that when the Senate receives from the House of Representatives their legislative branch appropriations bill, the Senate proceed to its immediate consideration; that the text of the bill relating solely to the House remain; that all other text be stricken and the text of the Senate bill be inserted; provided that if the

House inserts matters relating to the Senate under areas under the heading of "House of Representatives" then that text will be stricken; that the bill be read the third time and passed, and the motion to reconsider be laid on the table; that following the vote tonight on the Senate legislative branch appropriations bill, the Senate return to executive session and vote on the

Graham nomination, followed by a vote on the Ferguson nomination, with 2 minutes for debate equally divided between these two votes; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action; the Senate then return to legislative session, that S. 1172 remain at the desk and that once the Senate acts on the House bill, passage of the Senate bill be vitiated and it be returned to the calendar.

I further ask unanimous consent that after the first vote, the subsequent two votes be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Tennessee.

Mr. THOMPSON. At the appropriate time I will ask for the yeas and nays on the Graham nomination.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1172) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

Mr. DURBIN. Mr. President, pursuant to the unanimous consent request which was just allowed regarding procedures for the remainder of the evening, I will give a brief summary of this bill.

I am pleased to present to the Senate the fiscal year 2002 legislative branch appropriations bill, as reported by the full committee.

I thank Chairman BYRD for his support and the high priority he has placed on this bill. He has provided an allocation which has ensured we could meet the highest priorities in the bill. In addition, I wish to thank the ranking member of the full Committee Senator STEVENS who has been actively involved in and very supportive of this bill.

I am grateful to my ranking member, Senator BENNETT, for his important role in this process and his excellent stewardship of this subcommittee for the past 4½ years.

The fact is that this bill bears the imprint of Senator BENNETT and his hard work in keeping an eye on this particular appropriations bill. I was happy to join him in bringing this bill to the floor. I couldn't have done it without him. I appreciate all of his assistance.

The bill before you today totals \$1.94 billion in budget authority and \$2.03 billion in outlays. This is \$103 million—5.6 percent—over the fiscal year 2001 enacted level and \$104 million or 5 percent below the request level.

The bill includes \$1.1 billion in title I, Congressional Operations, which is \$88 million below the request and \$123 million above the enacted level.

For title II, other agencies, a total of \$848 million is included, \$15 million below the request and \$20 million below the enacted level.

The support agencies under this subcommittee perform critical functions enabling Congress to operate effectively. We have sought to provide adequate funding levels for these agencies—particularly the Library of Congress, the General Accounting Office, the Capitol Police, and the Congressional Budget Office.

For the Library of Congress and the Congressional Research Service, the bill includes \$443 million. While this is \$66 million below the enacted level, the decrease is attributable to last year's one-time appropriation for the digital preservation project.

The recommendation for the Library will enable the Congressional Research Service to hire staff in some critical areas—particularly technology policy.

In addition, a significant increase is provided for the National Digital Library within the Library of Congress, including information technology infrastructure and support to protect the investment that has been made in digital information.

Also in the Library's budget is additional funding to reduce the Law Library arrearage, funding for the newly-authorized Veterans Oral History Project, and funds to support the preservation of and access to the American Folklife Center's collection.

For the General Accounting Office, a total of \$419 million is included. This level will enable GAO to reach their full authorized staffing level. The total number of employees funded in this recommendation is 3,275 which would put GAO at their fiscal year 1999 level and is well below their fiscal year 1995 staffing level of 4,342 FTE.

A total of \$125 million is provided for the Capitol Police. This is an increase of \$19 million over the enacted level. This will provide for 79 additional officers above the current level, which conforms with security recommendations, as well as related recruitment and training efforts.

It will also provide comparability for the Capitol Police in the pay scales of the Park Police and the Secret Service-Uniformed Division so the Capitol Police are able to retain their officers.

The Architect of the Capitol's budget totals \$177 million, approximately \$8 million above the enacted level, primarily for additional worker-safety and financial management-related activities.

We have sought to trim budget requests wherever appropriate and where we have identified problem areas. The most significant difference from the budget request is a reduction of \$67 million from the Architect of the Capitol—\$42 million of which is attributable to postponement of the Capitol Dome project pursuant to the request of the Architect.

We have appropriated money for the painting of the Dome to preserve it. We

believe that we can get into this important building project in another year or so.

We have also recommended some very strong report language within the Architect's budget, directing them to improve their management with particular attention to worker safety, financial management, and strategic planning. I am very troubled by the Architect's operation and intend to work to make much-needed changes. I hope this language sends a strong message to the Architect that we expect major overhauls of this agency—especially in the areas of worker safety and financial management.

We have made it clear to the Architect of the Capitol that the rate of worker injury is absolutely unacceptable in the Architect of the Capitol, which is four times the average rate of the Federal Government. This must end, and we will work to make it end.

Also included is approximately \$6 million for the Botanic Garden, which is to open in November 2001.

For the Government Printing Office, a total of \$110 million is included, of which \$81 million is for Congressional printing and binding. The amount recommended will provide for normal pay and inflation-related increases.

For the Senate a total of \$603.7 million is included. This represents an increase of \$81.7 million above the current level and \$14 million below the request.

Of the increase, \$24 million is needed to meet the Senate funding resolution, another \$24 million is associated with information technology-related activities such as the digital upgrade and studio digitization of the Senate recording studio, and the balance is attributable primarily to anticipated increases for agency contributions and cost-of-living adjustments.

This is a straight-forward recommendation and I urge my colleagues to support it.

With respect to the manager's amendment, it includes a provision on behalf of Senator BINGAMAN, adding \$1 million to GAO's budget for a technology assessment pilot project, offset by a \$1 million reduction in the Architect of the Capitol's budget. It also includes authority for the Architect to lease a particular property for the Capitol Police, for a vehicle maintenance facility, and technical corrections.

I thank two staffers who worked tirelessly on this bill. I thank Carolyn Apostolou with the Appropriations Committee. I thank her very much for the continuity which she has shown working first for Senator BENNETT, and now for myself; and Pat Souters on my personal staff. I thank Chip Yost for his contribution to this as well.

I yield the floor to my colleague, Senator BENNETT.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the Senator from Illinois has been very generous in his comments. I thank him

for his generosity. He is being a bit modest because he took over the subcommittee with great vigor and has moved ahead on those portions of this bill in which he has a particular interest. That was demonstrated in both the report language and the priorities of the bill.

I congratulate him for the way he handled his stewardship of this particular assignment.

This is not the most glamorous subcommittee on the Appropriations Committee. But in some cases, it may be the most fun because we get to deal with people who interact with the Senate all of the time.

The Senator from Illinois has my thanks and congratulations on the work he has done. I will not review the specifics of the bill that he has gone over. I will point out that I think the increases he has cited are appropriate.

This bill has my full support. One of the items that is in the bill that the press has expressed great interest about is the million dollars that we put in for the Visitors Center. The million dollars is obviously not adequate to begin the Visitors Center. But since the House didn't put in anything, this becomes a placeholder for us to discuss an appropriation for the Visitors Center when we get to conference. I think the Congress needs the Visitors Center. The current schedule calls for it to be done prior to the inauguration of the next President, whether it be a reelection or a new election in January of 2005. That is the tight time schedule, and it will not yield. We will have an inauguration in the Capitol in January of 2005, whether the Visitors Center is done or not.

We had conversations with the Architect of the Capitol about that during his hearing. We need to get on with that as quickly as we can.

I look forward to working with Senator DURBIN as he leads us in the effort to see to it that we get the proper funding and the proper direction to see that the Visitors Center comes to pass in a timely fashion.

I am grateful to Senator DURBIN for addressing the requirement of GAO to make an updated evaluation of the feasibility of consolidating all of the Capitol Hill Police forces. They are the Capitol Police that protects us. They are the Library police. They are the Government Printing Office police. Then there is the Supreme Court Police Force.

The question is, what kind of efficiency could be gained by having all of them coordinated to produce some cost savings? That is a question that I have been addressing for some time. I appreciate Senator DURBIN's willingness to support the GAO study to look in that direction.

All in all, it has been a pleasure to work with Senator DURBIN and a delight to help put this bill together with him.

I thank the staff that have toiled late into many nights to put this before us today.

I urge the Senate to adopt it. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1027

Mr. SPECTER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1027.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for Members of the Senate which may be used by a Member for mailings to provide notice of town meetings)

At the appropriate place, insert the following:

MAILINGS FOR TOWN MEETINGS

For mailings of postal patron postcards by Members for the purpose of providing notice of a town meeting by a Member in a county (or equivalent unit of local government) with a population of less than 50,000 that the Member will personally attend to be allotted as requested, \$3,000,000, subject to authorization: *Provided* That any amount allocated to a Member for such mailing under this paragraph shall not exceed 50 percent of the cost of the mailing and the remaining costs shall be paid by the Member from other funds available to the Member.”.

On page 33, line 6, strike “\$419,843,000” and insert “\$416,843,000”.

Mr. SPECTER. Mr. President, only 5 minutes has been allotted for my presentation. I have asked for that limited time only realizing the lateness of the hour.

This amendment would establish a relatively small fund of \$3 million to pay for notices sent to residents of small counties when a Senator comes to that county to have a town meeting.

Town meetings are in the greatest tradition of American democracy. But they have fallen into disuse in the Senate for a number of reasons. One reason is that it is very tough for Senators to go out and face constituents and listen to a variety of complaints and defend a Senator’s voting record. It is more comfortable to stay inside the beltway.

But there is another reason; that is, the mail accounts are inadequate to provide for all of the funds necessary.

For my State alone, it would cost about three-quarters of a million dollars. My total budget is a little over \$2 million for all of my office expenses. This is an effort to start on what I think could be a very important project.

It provides only for notices in small counties under 50,000 population. It is possible in Pennsylvania, illustratively, to cover the big cities and the suburban counties for television and newspapers. But if you take the northern tier of Pennsylvania, or the southern tier, or some of the counties, you simply can’t get there unless you go there.

If a Senator is to go there, the only way you could tell people that you are coming is if you send them a simple postal paper notice—not even a name or address—just to every resident.

I had anticipated that perhaps a lively debate on this subject might have taken an hour or two.

But when I saw that the legislative appropriations bill was going to be listed this evening at about 9:30, I added three magic words to this amendment, and they are, “subject to authorization.” I know the Senator from Illinois is opposed to the amendment; the Senator from Utah is in favor of the amendment. We will present this matter, on another occasion, to the Rules Committee. But it is my understanding that pursuant to practice, if it passes the Senate, it is not subject to conference. I do not want to have an amendment accepted and then dropped in conference. That frequently happens.

Mr. President, how much time remains of my 5 minutes?

The PRESIDING OFFICER. The Senator retains 2 minutes 10 seconds.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. Mr. President, the Chair has advised me, through staff, I have 32 seconds remaining of my initial 5 minutes. I ask unanimous consent for an additional 60 seconds, for a total of 92 seconds to reply to the Senator from Pennsylvania.

Mr. SPECTER. I am not going to object to that.

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

Mr. DURBIN. Mr. President, I will accept this amendment this evening, but as I made it clear to the Senator from Pennsylvania, I do not believe this is necessary. We appropriated about \$8 million a year for Senate mailing, and the Senators did not use it. They returned \$4 million.

The Senator from Pennsylvania has suggested that we need an additional \$3 million when we are returning \$4 million. I do not quite understand it.

I think there is adequate money to send out town meeting notices for any Senator who wishes to do so. Many Senators, including some who are in this Chamber, who will go unnamed, did not even use their mailing account last year. They left almost \$100,000 in the account. And they are suggesting we need to put more money on the table for mailing.

I believe in townhall meetings. I had over 400 as a Congressman, and I support them as a Senator.

I am going to, of course, allow this amendment to go forward without objection. I will tell you, as a member of the Rules Committee, the Senator from Pennsylvania has a job to do to convince me to support it there.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I am prepared to undertake that job. And if the Senator from Illinois does not understand why I am offering this amendment, let me explain it to him.

It would cost, to circulate in Pennsylvania, \$735,000, which will be about a third of my budget. We have a grave crisis in America where people think that Members of Congress are up for sale.

Campaign finance reform has been a heated subject in this Chamber and in the House Chamber. It is necessary to have fundraisers, and you cannot deny that the people who come to fundraisers have access. But I find that the best answer to that is to tell my constituents that I go to all the counties in Pennsylvania—67 counties. It is onerous. It is very worthwhile in many respects.

It is very refreshing to get outside the beltway, to find out what people are thinking about in upstate Pennsylvania; and to say that people will get a notice that ARLEN SPECTER is coming to town, and you can come there, you do not have to buy a ticket. You can listen to a short speech, about 5 minutes on an hour, and the balance of the hour is for questions and answers. That way you have participatory democracy.

So it is a partial answer to the problem of fundraisers which we hold. I think it would be great if this sort of financing would encourage Senators to go out and do town meetings, and I intend to pursue this in the Rules Committee. This is just a start. Let’s see how it works. My instinct is that most of the \$3 million will not be used. And while it is first-come-first-serve, you cannot spend a lot of money for the postal patron postcards going to people in counties with a population of under 50,000.

I thank the managers for accepting this amendment. I think it can prove very beneficial to the Senators and, more importantly, to America.

Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty seconds.

Mr. SPECTER. If that is all the debate, I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1027.

The amendment (No. 1027) was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1026

Mr. DURBIN. Mr. President, I call up the managers’ amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. BENNETT, proposes an amendment numbered 1026.

Mr. DURBIN. I ask unanimous consent reading of the amendment be dispensed with.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Architect of the Capitol to secure certain property, to fund a technology assessment pilot project, and for other purposes)

On page 8, insert between lines 9 and 10 the following:

(e) **EFFECTIVE DATE.**—This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 9, lines 13 and 14, strike “as increased by section 2 of Public Law 106-57” and insert “as adjusted by law and in effect on September 30, 2001”.

On page 15, insert between lines 9 and 10 the following:

(d) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 16, add after line 21 the following:

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 17, line 21, strike “\$55,000,000” and insert “\$54,000,000”.

On page 17, line 25, insert “after the date” after “days”.

On page 17, line 25, insert before the period the following: “: *Provided further*, That notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: *Provided further*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose”.

On page 33, line 6, strike “\$419,843,000” and insert “\$420,843,000”.

On page 34, line 4, insert before the period the following: “*Provided further*, That \$1,000,000 from funds made available under this heading shall be available for a pilot program in technology assessment: *Provided further*, That not later than June 15, 2002, a report on the pilot program referred to under the preceding proviso shall be submitted to Congress”.

On page 38, line 15, strike “to read”.

On page 39, line 2, insert “pay” before “periods”.

**MR. DURBIN.** Unless the Senator from Utah wants to speak to it, I urge adoption of the amendment.

**THE PRESIDING OFFICER.** The question is on agreeing to amendment No. 1026.

The amendment (No. 1026) was agreed to.

**MR. DURBIN.** Mr. President, I ask for the yeas and nays on the bill.

**THE PRESIDING OFFICER.** Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

#### INFORMATION TECHNOLOGY

**MR. NICKLES.** Mr. President, I want to express my concerns to the chairman and ranking member of the Legislative Branch appropriations subcommittee about the information technology capabilities of the Senate.

I am particularly concerned that the e-mail and networking systems of the

Senate do not allow Senators and their staffs to take advantage of the latest in technology innovations. For example, the cc:mail e-mail system employed by the offices of every Senator is no longer even supported by the company that developed it. It is an antiquated system that makes remote access slow and cumbersome, and does not allow for the use of wireless e-mail.

At this time, the Sergeant of Arms is looking at a January 2002 rollout of a modernized system that will bring the Senate into the 21st Century. This bill contains substantial increases in spending for the IT Support Services Division of the Sergeant of Arms. It is my understanding that some of this increase will be used for other purposes. Therefore, I ask the chairman and ranking member what portion of these increases will be used for the upgrade of the e-mail system?

**MR. DURBIN.** The bill includes \$1.8 million for the maintenance and support of the new e-mail system that is to be implemented beginning in January 2002. In addition, there is \$6 million available in the current fiscal year that will be used for the rollout of the new system, including the necessary hardware and software.

**MR. BENNETT.** The Senator from Illinois is correct, and I support the funding for the replacement of the cc:mail system.

**MR. NICKLES.** I thank the Chairman and Ranking Member for their commitment to the upgrade. After two years of delays, I urge them to monitor the Sergeant of Arms to see that the system is upgraded as expeditiously as possible.

**THE PRESIDING OFFICER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

**THE PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

**MR. REID.** I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

**MR. NICKLES.** I announce that the Senator from Tennessee (Mr. FRIST) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

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

The result was announced—yeas 88, nays 9, as follows:

[Rollcall Vote No. 241 Leg.]

#### YEAS—88

Akaka	Burns	Conrad
Allard	Byrd	Corzine
Allen	Campbell	Craig
Baucus	Cantwell	Crapo
Bennett	Carnahan	Daschle
Bingaman	Carper	Dayton
Bond	Chafee	DeWine
Boxer	Clinton	Dodd
Breaux	Cochran	Domenici
Bunning	Collins	Dorgan

Durbin	Kohl	Roberts
Edwards	Kyl	Rockefeller
Enzi	Landrieu	Santorum
Feingold	Leahy	Sarbanes
Feinstein	Levin	Schumer
Fitzgerald	Lieberman	Sessions
Graham	Lincoln	Shelby
Grassley	Lott	Smith (OR)
Gregg	Lugar	Snowe
Hagel	McCain	Specter
Harkin	McConnell	Stabenow
Hatch	Mikulski	Stevens
Hollings	Miller	Thompson
Hutchinson	Murkowski	Thurmond
Hutchison	Murray	Torricelli
Inouye	Nelson (FL)	Warner
Jeffords	Nelson (NE)	Wellstone
Johnson	Nickles	Wyden
Kennedy	Reed	
Kerry	Reid	

#### NAYS—9

Bayh	Ensign	Smith (NH)
Brownback	Gramm	Thomas
Cleland	Inhofe	Voinovich

#### NOT VOTING—3

Biden	Frist	Helms
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The bill (S. 1172), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

**MR. REID.** Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

#### EXECUTIVE SESSION

#### NOMINATION OF JOHN D. GRAHAM, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS

**THE PRESIDING OFFICER.** The Senate will now proceed to executive session. Under the previous order, the question occurs on agreeing to the nomination of John D. Graham of Massachusetts to be Administrator of the Office of Information and Regulatory Affairs.

**MR. THOMPSON.** Mr. President, I ask for the yeas and nays.

**THE PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

**MR. DURBIN.** Mr. President, point of clarification. Under the unanimous consent request, Senator THOMPSON and I each have a minute before the vote; is that correct?

**THE PRESIDING OFFICER.** The Senator is correct.

The Senator from Tennessee is recognized.

**MR. THOMPSON.** Mr. President, John Graham has had a distinguished career. He has been head of the Harvard Center for Risk Analysis for the last 15 years and has been called the “best-qualified person” who has come down the road for this position by Bob Leiken of the Brookings Institution.

Some people don’t like scientific facts that don’t comport with their ideology, even if it is supported in the scientific community. He has been criticized, he has had selected excerpts taken from his works, and he has been unfairly characterized.

They have taken complex scientific issues and even though they might be