

**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

counterintuitive for many of us, they are supported by the scientific community.

Mr. President, the merging of scientific analysis and the political process sometimes is not a pretty picture, and this one has not been either. But I suggest there have been a lot of people asleep on the job and very negligent if this gentleman is not qualified and has really adhered to some of the views attributed to him.

Leaders of public policy in this country: scientists, academics, Democrats and Republicans, the last two Democrats who have held this position, support this man. I suggest a strong vote for him is merited, and I sincerely urge that. I yield the floor.

Mr. DURBIN. Mr. President, if my colleagues followed the debate this evening, they know John Graham's views on science really are not in the mainstream by any stretch. He has made statements that pesticide residues on fruits and vegetables are not a public hazard. He has some theory described as irresponsible and inaccurate: Dioxin somehow cures cancer and does not cause cancer.

He questions whether or not DDT should have been banned, and this is the man who will be in charge of the agency which has the last word on rules and regulations for public health and safety and environmental protection.

We can do better in America. President Bush can do better. I urge my colleagues to join Senators LIEBERMAN, KERRY, and myself in opposing this nomination.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of John D. Graham, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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 (Mr. CARRIER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 242 Ex.]

YEAS—61

Allard	Collins	Hutchinson
Allen	Craig	Hutchison
Bayh	Crapo	Inhofe
Bennett	DeWine	Jeffords
Bond	Domenici	Johnson
Breaux	Ensign	Kyl
Brownback	Enzi	Landrieu
Bunning	Feingold	Levin
Burns	Fitzgerald	Lincoln
Byrd	Graham	Lott
Campbell	Gramm	Lugar
Carnahan	Grassley	McCain
Carper	Gregg	McConnell
Chafee	Hagel	Miller
Cochran	Hatch	Murkowski

Nelson (NE)	Smith (NH)	Thompson
Nickles	Smith (OR)	Thurmond
Roberts	Snowe	Voinovich
Santorum	Specter	Warner
Sessions	Stevens	
Shelby	Thomas	

NAYS—37

Akaka	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Biden	Edwards	Reed
Bingaman	Feinstein	Reid
Boxer	Harkin	Rockefeller
Cantwell	Hollings	Sarbanes
Cleland	Inouye	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kerry	Torricelli
Corzine	Kohl	Wellstone
Daschle	Leahy	Wyden
Dayton	Lieberman	
Dodd	Mikulski	

NOT VOTING—2

Frist	Helms
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The nomination was confirmed.

Mr. DASCHLE. Mr. President, for the information of our colleagues, the next vote will be the last vote. There will be three votes on judicial nominations at 9:45 tomorrow morning. Those will be the last votes of the day. The next vote will occur, then, on Monday, at 5:45. This is the last vote for the day.

NOMINATION OF ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of Roger Walton Ferguson, Jr., of Massachusetts, to be a Member of the Board of Governors.

The PRESIDING OFFICER. There are 2 minutes equally divided on the nomination.

Mr. SARBANES. Mr. President, I urge Members to approve the nomination. Mr. Ferguson has been serving on the Federal Reserve Board and was nominated by President Clinton. His nomination was resubmitted by President Bush. The committee reported out overwhelmingly in favor of his nomination. I urge his approval.

I yield back the remainder of my time.

Mr. BUNNING. Mr. President, unfortunately I must rise today to oppose the nomination of Roger Ferguson to be a member of the Board of Governors of the Federal Reserve.

I usually don't vote against presidential nominees. I believe, in most cases, that we should defer to the president and allow him to appoint his own people.

However, there are times when I am forced to stand up and to vote against the president. I do not enjoy doing this, but I have no doubt that I will be making the right vote for Kentucky and the nation.

Roger Ferguson is a very accomplished man. He is quite qualified to be a Federal Reserve Governor.

He is currently vice chairman. But I cannot, in good conscience, support his nomination for a 14-year term.

It is not Dr. Ferguson's qualifications that concern me; it is his judgment that does.

Right now we are in an economic slowdown. The evidence was there last September. But Chairman Greenspan and the Federal Reserve did not act in September.

They did not act in October.

They did not act in November.

They did not act in December.

They did finally act in January.

Since then, the Fed, to its credit, has continued to move the federal funds rate, cutting it 6 times. But the damage has already been done.

What concerns me about Dr. Ferguson is the response he gave to me in the Banking Committee when I asked him this question: "Hindsight being 20/20, do you think the Fed waited too long to reduce the target federal funds rate?"

Dr. Ferguson's response was: "No, sir. Even with 20/20 hindsight, I do not believe that to be the case."

Mr. President, I simply can't understand that answer. Knowing what we know now, it just doesn't make sense.

During that time last year, practically every single economic indicator was headed straight down.

The markets, especially the NASDAQ were dropping, causing wealth to be taken out of the economy. Corporations were announcing layoffs, not just dot-coms, but companies like GE.

The index of leading economic indicators started to fall. And consumer confidence started dropping. And GDP slowed markedly.

Anyone I've talked to since then, now says that, looking back, it's pretty clear that the Fed was slow at the switch in recognizing and reacting to the warning signs.

Six rate cuts this year is clear evidence of this. That's the most in such a short period of time in decades, and shows just how precarious a position our economy was in.

We're still having trouble turning the corner, and even now there are warning signs that our economic slowdown is causing a ripple effect around the globe.

Who knows what would have happened if the Fed had cut rates sooner. If Dr. Ferguson is confirmed, I'm afraid we probably never will.

That truly worries me.

I am afraid that he is looking over his shoulder already, and is concerned about how the Fed Chairman is going to react to his remarks.

I think Dr. Ferguson was afraid to criticize the chairman and to upset the apple cart.

But I believe that we need strong, independent Fed Governors who are willing to challenge the status quo and to make the hard call.

I am afraid that Dr. Ferguson does not fit this bill.

We do not need Alan Greenspan clones who will never question the chairman, who will never take the contrary view.