

Mr. BYRD. Mr. President, I rise today to speak in opposition to the motion to waive the Budget Act with regard to the Wellstone amendment to provide additional resources for veterans health care. We all recognize that the limits on discretionary spending contained in the budget resolution are totally inadequate. However, the Senate Appropriations Committee is doing its best to produce responsible bills that meet the needs of the American people. Senator MIKULSKI and Senator BOND have done an excellent job in bringing the VA/HUD bill to the floor.

The pending bill provides \$21,379,742,000 for Veterans Health Care, an increase of \$1.1 billion or nearly 6 percent over fiscal year 2001 and \$400 million over the President's request. Given the tight spending limits in the budget resolution, this is a responsible level of funding.

I voted against the budget resolution because it provided for an irresponsible tax cut and inadequate discretionary spending limits; but now is not the time to break the budget. This bill meets the needs of America's veterans. I urge Senators to oppose the motion to waive the Budget Act.

Mr. WELLSTONE. Mr. President, I move to waive the relevant section of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 25, nays 75, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—25

Bingaman	Harkin	Rockefeller
Boxer	Hutchinson	Smith (NH)
Carnahan	Jeffords	Snowe
Cleland	Johnson	Specter
Collins	Kennedy	Stabenow
Dayton	Landrieu	Warner
Dodd	McCain	Wellstone
Durbin	Nelson (FL)	
Grassley	Reid	

NAYS—75

Akaka	Domenici	Lincoln
Allard	Dorgan	Lott
Allen	Edwards	Lugar
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bond	Fitzgerald	Murray
Breaux	Frist	Nelson (NE)
Brownback	Graham	Nickles
Bunning	Gramm	Reed
Burns	Gregg	Roberts
Byrd	Hagel	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carper	Hollings	Sessions
Chafee	Hutchinson	Shelby
Clinton	Inhofe	Smith (OR)
Cochran	Inouye	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
DeWine	Lieberman	Wydén

The PRESIDING OFFICER (Ms. STABENOW). On this vote, the yeas are 25, the nays are 75. Three-fifths of the Senators duly chosen and sworn not having

voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, what is the regular order? I understand we are to move temporarily off VA-HUD for the Hutchinson nomination.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. I ask for the regular order.

EXECUTIVE SESSION

NOMINATION OF ASA HUTCHINSON TO BE ADMINISTRATOR OF DRUG ENFORCEMENT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of ASA HUTCHINSON, of Arkansas, to be Administrator of Drug Enforcement.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. LEAHY. Madam President, is there a time agreement entered on this nomination?

The PRESIDING OFFICER. There are three Senators controlling 10 minutes each.

Mr. LEAHY. Normally as chairman of the authorizing committee I would go first, but I see the distinguished Senator from Arkansas. I yield first to him as a matter of courtesy, and then I will speak.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I will be very brief. I have risen with great pride to speak in favor of the nomination of my brother, ASA, to head the Drug Enforcement Administration. I thank all of my colleagues.

I express my appreciation today to all my colleagues who have treated ASA with such courtesy, such respect, through the confirmation process. I especially express my appreciation to Senator LEAHY, the chairman of the Judiciary Committee, and to Senator HATCH, for their willingness to be prompt in the hearings and, more than that, their kind comments about ASA and their support. I also express my appreciation to the leaders of the Senate: To Senator DASCHLE, for his support and for his willingness to move the nomination before the August recess, and for his cooperation, as well as Senator LOTT and his support.

I know ASA would express great appreciation to the Judiciary Committee. They voted 19-0, a unanimous vote. I have great pride in my brother and in his accomplishments, the service he

has rendered in the House of Representatives, his willingness to take on the greatest challenge of his life in leading this effort in the war on drugs, and leading this very large and very important agency. He has gained great respect for this institution, the Senate. He has gained great respect for the Members of this institution, and in the cases of so many who know him personally, he holds great affection and values those friendships.

I have been asked many times the question, Why? Why does he want this job? Why would he leave what is regarded by many as a safe seat in the House of Representatives? I don't have all the answers to that, but I know he has always wanted to take on a challenge. You could not have a greater challenge than this. More than a challenge, I know ASA has a very deep conviction on this issue. It goes back to his days as a U.S. attorney, and certainly it has been something in which he has been deeply involved, the issue in the House of Representatives serving on the Speaker's task force on the war on drugs.

I have great confidence that ASA will bring his abilities to bear with tremendous focus on this new challenge and this new job. He is going to be able to inspire, he will be able to manage, and he will be able to motivate this agency in a new way. I know he will bring greater energy to the task and a great vision for a drug-free America.

I thank my colleagues for their support for my brother and look forward to this vote.

Mr. LEAHY. I thank the Senator from Arkansas for his gracious comments. I am pleased to vote in favor of the nomination of ASA HUTCHINSON. As chairman of the Judiciary Committee, I noticed a hearing for Representative HUTCHINSON only a very few days after the Senate was reorganized. I then held a hearing the following Tuesday, and scheduled a committee vote for the first Thursday that it was possible to do so. We were able to move so quickly because Representative HUTCHINSON has substantial bipartisan support, and because those of us on both sides of the aisle view our efforts to reduce drug abuse as a matter of great importance.

Mr. HUTCHINSON was not only recommended by the Bush Administration, and, of course, by his Republican colleagues in the House, but also by 14 of the Democrats whom he serves with on the House Judiciary Committee, who wrote to me in his favor. The ranking member, a Democrat, Representative CONYERS from the home State of the Presiding Officer, came and testified in favor of him.

Mr. HUTCHINSON's background is well-suited to his new position as DEA Administrator. He has been deeply involved in drug issues as both a United States Attorney in Arkansas in the 1980s and as a House member. In addition to serving on the House Judiciary Committee, he is a member of the Committee on Government Reform's

Subcommittee for Criminal Justice, Drug Policy, and Human Resources, has served on the Speaker's Task Force for a Drug Free America, and has reviewed Plan Colombia as a member of the Permanent Select Committee on Intelligence.

The Senator from Arkansas mentioned that his brother learned a great deal about the Senate during the number of days he spent on the Senate floor on another matter, the impeachment trial of President Clinton. He and I were on opposite sides on that issue, but we spent a lot of time together during that process, including during the deposition phase of the trial.

I heard a number of people say the Democratic Senators on the Judiciary Committee and this chairman would not approve a House manager from that impeachment trial, or that we might delay him for months and months and months, as was done over the last administration. Nothing could be further from the truth. I had a great deal of respect for him every time I dealt with him. He was absolutely truthful with me. He never broke his word to me, never broke a commitment to me, or vice versa, I might say. It was the way Congress used to be and always should be. Members always kept their word and a commitment with each other and were honest with each other. He was that way with me.

I was grateful for Representative HUTCHINSON's words at the hearing:

Chairman Leahy, if I might, it would have been easy for you to yield to some of those who expected a critical view of my nomination because of previous controversies, which found us on different sides. But I want to thank you personally for taking a different approach and for seeing my nomination as an opportunity to demonstrate to the American people that, despite any differences that might exist, we can be in harmony on one of the most critical problems that faces our nation.

Representative HUTCHINSON and I have similar views about some of the drug issues facing the United States, and I am sure we will occasionally have differing views about others. But I appreciated the candor with which he answered the questions of committee members at both his hearing and in subsequent written questions. I know that he will take to heart the matters that committee members raised, especially the need to revisit our current use of mandatory minimum sentences for criminal drug offenses. A 1997 study by the RAND Corporation of mandatory minimum drug sentences found that "mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime." Despite this study and the mounting evidence of prison overcrowding we have seen in the ensuing years, legislators continue to propose additional mandatory minimums. I know that Representative HUTCHINSON has expressed some hesitancy about expanding mandatory minimums, and I hope we can work together on this issue.

I was happy to hear the nominee offer his support in his oral and written testimony for drug treatment and prevention efforts. He and I agree that although law enforcement plays a vital role in stopping drug abuse, law enforcement alone cannot do the job. Both the Congress and the Administration need to do more to reduce demand, and I hope that Mr. HUTCHINSON will be a partner in that effort.

The nominee has also expressed concerns about the sentencing disparity between those convicted of offenses involving crack and powder cocaine. Current Federal sentencing guidelines treat one gram of crack cocaine and 100 grams of powder cocaine equally for purposes of determining sentences. The U.S. Sentencing Commission has previously recommended equalizing these penalties by reducing the mandatory minimum penalties that currently apply to crack offenses. Unfortunately, Congress has not followed that recommendation. Finding a fair solution to this problem has been stalled by concerns that addressing this issue is too politically perilous—this Congress should overcome those fears and solve this discrepancy.

In conclusion, ASA HUTCHINSON is an excellent nominee. I am glad that the Judiciary Committee was able to work with him and with the Administration to expedite his nomination, and I look forward to working with him over the coming years.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am pleased to support ASA HUTCHINSON to this position. It is one of the most important positions in our country. I believe he is the right man for the right job and he will do a job that I think will make everyone proud.

ASA HUTCHINSON is a giant in the House of Representatives. I agree with his brother, I don't know why he is leaving the House of Representatives, but this is a very challenging, important job and he is up to that job. I have every confidence he will do a terrific job and have the support of Congress in doing so.

I was so impressed with ASA HUTCHINSON during the impeachment matter. He always acted fairly, he acted in a measured, considered way, he was decent throughout, and of course he was extremely talented as a lawyer, somebody for whom I have the utmost respect, and I am very pleased to support him today.

I commend the Senate Democratic leadership for calling up the nomination of Congressman ASA HUTCHINSON, who will be the next Administrator of the Drug Enforcement Administration. DEA needs a dynamic, innovative, and experienced leader, and I am confident that Congressman HUTCHINSON's past experiences prosecuting drug crimes as a United States Attorney and formulated drug policy as a Congressman have prepared him well to take the helm of the DEA. I applaud President

Bush for focusing intently on this crucial issue and for his excellent choice of nominees to head America's two most important anti-drug offices, the DEA and the White House Office of National Drug Control Policy (ONDCP).

The epidemic of illegal drug use in this country remains one of our most urgent priorities. There is a growing consensus that we need a comprehensive strategy embracing both demand and supply reduction in our struggle against drug abuse. I have said repeatedly that the time has come to increase the resources we devote to preventing people from using drugs in the first place and to breaking the cycle of addiction for those whose lives are devastated by these substances. This is a bipartisan view, which I am pleased to say is shared by our President, Congressman HUTCHINSON, and by many of my Senate colleagues.

While we need to shore up the resources dedicated to prevention and treatment, we must remain committed to the necessary and integral role law enforcement plays in combating drug use. The DEA has a long, distinguished history of protecting America's citizens from the destructive drugs sold by traffickers and the attendant violence. Particularly in today's world, where drug trafficking is an international, multibillion dollar business, DEA's cooperative working agreements with foreign source and transit countries are essential in preventing illegal drugs from being smuggled into the United States.

While I commend the Senate Democratic leadership for scheduling the vote on Congressman HUTCHINSON, I also urge them to schedule promptly a hearing and confirm John Walters, whose nomination to be Director of ONDCP is being stalled. Almost three months have passed since the President announced his intent to nominate Mr. Walters to be the country's next drug czar, and yet he remains the only cabinet level nominee who has not been confirmed, much less granted a hearing.

There are many good reasons why we need a drug czar, but the most important one is that we owe it to our youth. Tragically, drug use by teens is again rising, particularly use of so-called "club drugs" such as Ecstasy and GHB. Over the past two years, use of ecstasy among 12th graders increased dramatically by 140 percent. Predictably, during this same period the number of emergency room visits associated with the use of ecstasy also increased a shocking 295 percent. By the time they graduate from high school, over 50 percent of our youth have used an illicit drug.

We cannot play politics with the drug czar position. We need to act immediately to reverse these soaring numbers and to prevent our youth from endangering their lives. Mr. Walters is well-qualified to lead this effort, and he has the support of law enforcement, prevention groups, and public policy

organizations. I urge the Chairman of the Judiciary Committee, my good friend Senator LEAHY, to schedule a hearing soon for Mr. Walters. Once the top positions at both the DEA and ONDCP have been filled, we can all begin to work together to effect real change that will benefit all Americans.

Mr. SESSIONS. Madam President, I rise to make some remarks about ASA HUTCHINSON. I had the pleasure of serving with him as U.S. attorney. We met at a conference. I remember having breakfast with him. We had never met before. I learned something about him, his character and his commitment to public service.

He is going to be one of the finest DEA leaders we have ever had. He served on the House Judiciary Committee. I worked with him on that committee, since I have been on the Senate Judiciary Committee. During that time, I came to respect him terrifically.

During the impeachment hearings, he had the burden of stating the case, basically the factual allegations involved, as one of the House managers. In my view, as a prosecutor of over 16 years, his was the most comprehensive, most intelligent, most valuable statement that occurred during that entire hearing. If anybody would like to know what the facts were and what the allegations were in that impeachment hearing, they should read his summary of the facts. It did exactly what he was required to do: faithfully and fairly and honestly state the allegations that were there and the facts that backed them up. It was comprehensive, honest, and complete. I respected him for it.

His brother TIM, of course, serves in this body. I serve with him on two committees. I respect TIM terrifically. They are both men of integrity, deep personal faith, and a commitment to public service that is remarkable.

ASA HUTCHINSON will reflect well on President Bush as his nominee. I think he will do an outstanding job. I look forward to working with him, and I know he will effectively turn the tide against increasing drug use in America.

Finally, let me say, with regard to the FBI and the DEA, now we have seen two of the finest nominees you can expect to have in Bob Mueller, a professional's professional, a man who has received prominence in both Democrat and Republican administrations, as the head of the FBI, and ASA HUTCHINSON at DEA, a man of commitment and integrity and ability to head that important organization.

I am excited for both of them. I believe the President has done a good job. I think America will be served well by their efforts.

Mr. LEAHY. I yield back the remainder of my time.

Mr. HATCH. I yield back the remainder of my time.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 264 Ex.]

YEAS—98

Akaka	Durbin	Lugar
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	

NAYS—1

Dayton

NOT VOTING—1

McCain

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE EXPLANATION

Mr. McCAIN. Madam President, I ask unanimous consent that on the vote regarding the nomination of ASA HUTCHINSON to be the Administrator of the Drug Enforcement Agency, that if I were present, I be recorded as having voted "yea."

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the Boxer amendment—which will be immediately—regarding arsenic, that there be 60 minutes for debate, with the time equally divided and controlled between Senators Boxer

and Bond or their designees, with no second-degree amendments in order thereto, that upon the use or yielding back of time, the Senate, without intervening action or debate, proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, and I will not object, would the distinguished leader be willing to amend that to allow me to speak before that for 4 minutes on judicial nominations?

Mr. REID. I will be happy to amend that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, the majority leader has asked me to announce to everyone that he wants to finish this bill tonight. We have exchanged lists with the minority. Hopefully, by the time we finish this next debate, we will be in a posture to lock in whatever amendments are in order and move forward on this bill.

As everyone knows, there are a lot of people interested in the Agriculture bill. That has been around for a day or two. So Senator DASCHLE wanted me to state that he wants to do everything he can to finish this bill tonight. We hope people will understand there will be some votes throughout the evening.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Senate for moving expeditiously on the Hutchinson nomination. I note that on Monday and Tuesday of this week the Judiciary Committee followed through on its confirmation hearing for Robert Mueller III, the President's nominee to be Director of the Federal Bureau of Investigation. I mention this because this was the fifth confirmation hearing the Judiciary Committee held in July for judicial and executive branch nominees, which is pretty good because we were not allowed, under the reorganization, to have Members assigned to our committee until July 10.

In fact, I cannot think of any time in the last 6 years where the Judiciary Committee held five confirmation hearings in 3 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals.

I appreciate the fact that the Senator from Montana, Mr. Baucus, noted that we held the hearing on the two district court nominees for Montana "in a very expeditious fashion." It was gracious of Senator HUTCHINSON to offer his thanks for our scheduling the confirmation hearing of ASA HUTCHINSON to be head of the DEA "so expeditiously" after Senate reorganization. I appreciate William Riley, the nominee to the Eighth Circuit Court of Appeals, thanking the Judiciary Committee for "holding a prompt hearing." It was gratifying when Senator COCHRAN noted that he was "very pleased with the dispatch" with which we held a

hearing on the nomination of Jim Ziglar to head the INS. And this week, Mr. Mueller thanked us for holding his hearing as quickly as we did.

With respect to executive branch nominees, considering the fact that the committee has only been able to hold hearings for 3 weeks, our work period has been outstanding. We held back-to-back days of hearings for the President's nominees to head the Drug Enforcement Administration and the Immigration and Naturalization Service 2 weeks ago, and 2 days of hearings on the nominee to head the FBI this week. In addition, we have held hearings on the Assistant Attorney General to head the Tax Division, the Assistant Attorney General to head the Office of Justice Programs, and the Director of the National Institute of Justice—all in July.

We would have done more if we had been allowed to do this, of course, during the month of June. So the Senate has considered and confirmed the Attorney General, the Deputy Attorney General, the Solicitor General, the Assistant Attorney General in charge of the Criminal Division, the Assistant Attorney General in charge of the Civil Rights Division, the Assistant Attorney General in charge of the Antitrust Division, the Assistant Attorney General in charge of the Office of Legislative Affairs, the Assistant Attorney General in charge of Policy Development, and other key officials within the Department of Justice, as well as the Commissioner of the INS and, today, the Administrator of the Drug Enforcement Administration.

I hope we can move very quickly on the Director of the FBI.

We have not received the nomination yet for the No. 3 job at the Department of Justice, the Associate Attorney General. We have not yet received the nomination of someone to head the U.S. Marshals Service. Even though we are about to go into an August recess, we have not received a single nomination for any of the 94 U.S. marshals who serve in districts within our States. We have only received a handful of nominations for the 93 U.S. attorney positions that are in districts within our States.

So there is a lot to be done. And it will be done if we work together, and not if we have people come and give statements on the floor, or elsewhere, that are not factual because, unfortunately, as somebody once said, those pesky little facts get in the way. And these are the facts. There is no time, in the 25 years I have been in the Senate Judiciary Committee, that I have seen so many nominees move in a 3-week period in the middle of the year.

Madam President, I yield the floor.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. There is an order for the recognition of the Senator from California at this time.

The Senator from California.

AMENDMENT NO. 1219 TO AMENDMENT NO. 1214

Mrs. BOXER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. NELSON of Florida, and Mr. BIDEN, proposes an amendment numbered 1219 to amendment No. 1214.

At the appropriate place, add the following:

SEC. . The Administrator of the Environmental Protection Agency, pursuant to the Safe Drinking Water Act, shall immediately put into effect a new national primary drinking water regulation for arsenic that—

(1) establishes a standard for arsenic at a level providing for the protection of the population in general, fully taking into account those at greater risk, such as infants, children, pregnant women, the elderly and those with a history of serious illness; and

(2) lifts the suspension on the effective date for the community right to know requirements included in the national primary drinking water regulation for arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. 6976).

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I have an amendment now pending before the Senate. I am very proud of this amendment. I have offered it on behalf of myself and Senator NELSON of Florida, and Senator BIDEN, and many other Senators who are very supportive of this amendment.

The reason I had the clerk read the amendment in its entirety is because it is written in plain English and is very straightforward.

Essentially it says that the Administrator for the Environmental Protection Agency shall immediately put into effect a new standard, a new primary drinking water regulation for arsenic that will, in essence, protect our people from arsenic in their drinking water. The second part says that we will lift the suspension on the effective date for the community right-to-know mailers that were supposed to go out, letting people know how much arsenic is in their water.

I hope all of us will agree, people have a right to know that.

I want to talk a little bit about how this amendment came to be today, how we got on this road. Frankly, we should not be here. In the last administration, they set a new level for arsenic in water at 10 parts per billion. It was going to go into effect, and then this administration suspended it.

What we are doing in our amendment today is not even saying go back to 10. I certainly hope they go to 5. But not-

withstanding that, we just say: Put a new standard in place because the standard that is in place, as I talk to you tonight, is 50 parts per billion. We need to move this forward.

Let me explain why this happened. I know I have 30 minutes. Will the Chair let me know when I have gone on for 15?

I thank the Chair.

What we see on this green chart is what this Senate passed last year in this very same bill. It said: The Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001. What happened? It didn't happen. They repealed the Clinton standard and went back to the 50 parts per billion standard which everyone agrees is way too high to drink our water in a safe fashion. This date slipped.

In essence, we have a situation where the Congress said to the President: You shall do this. The President signed this. This was President Clinton. This was the law of the land. And yet the date slipped.

I want to get into the reasons why this is so important, beyond the fact that we have gone back to the old standard and the President, in my view, did not have the right to do that.

This is a chart I actually got from the House side where the House has passed a very strong arsenic amendment, even stronger than what we have before us. What you see on this chart is, the darker the red dot, the more arsenic in the water. You can see that there is virtually arsenic in almost all our States. There are some that are fortunate. They don't have it. But there is a huge amount of arsenic around the country.

Why is this important? I know intuitively people would say arsenic is bad. We know that intuitively. But it is more than intuition. It is science. It is lots and lots of science. I want to put that on the record tonight.

There is a Dartmouth study that came out in March of 2001: Arsenic Disrupts Critical Hormone Functions. That is what this study showed. It doesn't say "it may." It doesn't say "it might." It says it does. It disrupts critical hormone functions. What does this mean to us? It means increased risk of diabetes, increased risk of cardiovascular disease, increased risk of cancer.

When we throw up our hands and we say, did you ever believe how much diabetes there is, how much cancer there is, what are the answers? We are starting to get the answers. Science is giving us the answers. This is one of the answers.

Here is another one, another study, Chemical Research in Toxicology, an EPA study completed April 2001. They say: There is a direct link between arsenic and DNA damage. They didn't say there "may be." They didn't say "perhaps." They said there is. What does this mean to us? Increased risk of cancer, and no level of arsenic is completely safe.