

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.

That is why the second part of our amendment is so crucial because it is the community's right to know. When you go to your mailbox under this part of the amendment, you will find out once a year how much arsenic is in your water.

Here is another scientific study, done in Taiwan, very well respected, it appeared in the American Journal of Epidemiology. This is what they found: Compared to the general population, people who drink water with arsenic levels between 10.1 parts per billion and 50 parts per billion are twice as likely to get certain urinary cancers. It doesn't say "maybe" they are twice as likely. What does this mean? The U.S. drinking water standard for arsenic must be immediately set at the lowest possible level.

That is what the Boxer-Nelson-Biden-Corzine amendment et al does.

Let's look at the countries and the different levels they have of arsenic in their water. This is very instructive.

This is an important chart because it shows where the countries of the world are in terms of arsenic levels in their water. What we find is the one with the least arsenic allowed happens to be Australia. That is 7 parts per billion. Then we go to the European Union where it is 10 parts per billion. Japan is 10 parts per billion. The World Health Organization is 10 parts per billion. Then you get up to where President Bush put us when he suspended the Clinton standard of 10. The Clinton standard of 10 was with the European Union and Japan and the WHO. But now we are with Bangladesh, Bolivia, China, India, and Indonesia. This is not where we want to be, I say to my friends. This is an amazing place for us to be as a nation that is the leader in science and technology and health care. So this is wrong on its face.

Let's look at the cancer numbers pretty specifically. I have saved time for all my friends who are here. I said before that there is no safe level of arsenic in drinking water. We know that to be the case. But what we are trying to do is at least get a level that is achievable that we can accomplish and we can take credit for and get it done.

If you look at this chart, it is kind of chilling. If you look at where we are on the Bush standard—50 parts per billion—1 in 100 of us will get cancer if we drink out of that water supply at 50 parts per billion. That is the Bush law right now. At 20 parts per billion, the cancer risk goes down to 1 in 250 people. At 10 parts per billion, it is 1 in 500. You are not altogether safe there either, but it is a lot better than the 50 parts per billion, which is 1 in 100. If you go to 3 parts per billion, the risk goes down more. I think this is very important.

Let me tell you what one of the water districts is saying about this. It is the American Waterworks Association, the California-Nevada section. These are people who, you would think, would be fighting us, would not want to

invest in getting the arsenic out of the water. They say:

While the standard is in limbo—

By that they mean the Clinton standard was suspended and we have no new standard; it went back to the old standard of 50.

They say:

the enforcement deadlines are not. Now the systems affected are facing an unrealistic time line for compliance, which creates a handicap in meeting this critical health goal.

They are upset that they have no number, they have no goal they have to reach. It makes it harder and harder for them to take action. By the way, they did endorse the 10 parts per billion level.

In closing this part before I save a little time at the end, let me again say what happened when George Bush became President. A lot happened, but on this issue this is what happened. He took this little "suspended" stamp and suspended the 10 parts per billion standard that President Clinton had put in place after lots of scientific study. He also suspended—in some ways, to me, this is even worse. He suspended the community right to know. So not only did he suspend the Clinton standard at 10 parts per billion, but he suspended the Clinton community right-to-know provision that said if you live in a community—a rural community, an urban community, a farm community—you have the right to know if you have arsenic in your water, because if you have a baby in the house and that arsenic is up there at 30, 40, 50 parts per billion, watch out. If someone is sick with cancer, or AIDS, or has any type of heart condition, watch out. So he suspended everything good when it came to these rules.

It is time we do something very good tonight. I have some good feelings about the response we are getting to this amendment. I am hoping for an overwhelming vote.

I ask the Chair how much time I have remaining on my side.

The PRESIDING OFFICER. The Senator has 18½ minutes.

Mrs. BOXER. May I ask the Senator, would he like to take some time or are my colleagues under a rush?

Mr. NELSON of Florida. Yes.

Mrs. BOXER. If I might propose that we hear from Senator NELSON of Florida for 3 minutes, and then we will go over to Senator DOMENICI for as much time as he wants to use. Is that fair?

Mr. DOMENICI. Madam President, we have 30 minutes. The way I look at it, we don't need the entire 30 minutes. If you can do with less, we can vote sooner.

Mrs. BOXER. I doubt it. I will try. Everybody here wishes to speak.

Mr. DOMENICI. That is fine. I thank the Senator.

Mrs. BOXER. I yield to Senator NELSON for 3 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I may need another couple of minutes.

I thank you for this opportunity to support the Boxer amendment. This is just a lot of common sense. You have seen all of the technical and scientific statements that have been made about why it is important to reduce the level of arsenic in drinking water.

We have recently, in Florida, encountered another aspect of arsenic poisoning which has brought this particular element to the forefront of Floridians' minds. It is the fact of arsenic-treated wood—the wood being used for playground equipment. And now we are having so many of our cities and our counties closing the playgrounds because when the rains come, it leeches through the arsenic-treated wood onto the playground soil, and in many cases local health departments have determined that that is unsafe for children. Yet everyone is really in confusion as to what is safe and what is unsafe. The EPA was not even going to complete that study until 2003. We urged them to speed it up. They promised that by this June they would have their study done, and now they have delayed it on into the fall.

In the meantime, local governments have closed playgrounds. Some of them have reopened the playgrounds, not knowing whether this poison, known as arsenic, used in treating the wood—and it was never known that it would be a problem—whether or not this is a hazard to our children's health in the soil of those playgrounds.

I tell you this story because this is on the minds of a lot of Floridians right now. As we come to a question of what is the safe level of arsenic in drinking water, as Senator BOXER has said over and over, EPA has stated that arsenic is dangerous. They have classified it as a known carcinogen. They have said over a long period of time that we ought to be studying this. As a matter of fact, in 1962 the U.S. Public Health Service recommended decreasing the 50 parts per billion standard to 10 parts per billion.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. NELSON of Florida. May I have an additional minute?

Mrs. BOXER. Absolutely. I yield an additional minute.

Mr. NELSON of Florida. I can't say everything I want to say in 1 minute. Let me conclude by saying that if ever there was something having to do with common sense, and you have all of this scientific evidence behind you that says we ought to reduce the standard from 50 to 10 parts per billion, then we as stewards of the public trust ought to act on that. So, Madam President, that is why I stand and strongly advocate that our colleagues vote for this amendment. I am pleased to join Senator BOXER as a sponsor of the amendment.

Mrs. BOXER. Madam President, I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Senator from California. I will try not to take the whole 3 minutes.

If there is one thing that got the attention of the American people, of everything that has happened in the last 7 months, it is this issue. Why? The only thing I have ever seen that every Conservative, Liberal, Democrat, Republican, Socialist, Communist, Fascist—anybody who has a water tap in America—agrees upon, it is they fully expect, above all else, when they turn on their water tap, the water they are about to consume or give to their children is healthful, not harmful.

We can argue about 50 parts per billion, 10 parts per billion. This has been a revelation to the vast majority of the American people who do not already have water that is being held to the highest standard. We do not have to say anything back to folks in Delaware other than that our standards are the same as Bangladesh, lower than Europe.

This is not complicated. The science sustains the position that was taken. This was not arrived at. We are not even dictating 10 parts per billion in this amendment. We both wish we were, but we are not even doing that.

I conclude my very brief comments by saying my State of Delaware is not known as some liberal bastion. We are the corporate State of America. The legislature in my State of Delaware passed a law which says water coming out of the taps in Delaware can be no less than 10 parts per billion.

To those who do not like this amendment, get ready to explain it at home.

I compliment the Senator. She is dead on. This is one issue that every single constituent I know, unless they own a mining company, supports.

Mrs. FEINSTEIN. Madam President, I rise in support of Senator Boxer's amendment to establish once and for all a protective standard for arsenic in our Nation's drinking water.

As most of my colleagues know, I have had a longstanding interest in cancer. For me this fight is a personal one.

I lost my father and my husband to cancer. My current husband, Richard, lost both his parents to cancer. And I have lost a host of dear friends to this terrible disease.

With cancer, you're never the same after experiencing this with a loved one. You're determined to do something about it.

This is the major reason I was extremely disappointed when the current administration, soon after taking office, postponed the implementation of Environmental Protection Agency's (EPA) new drinking water standard for arsenic earlier this year.

Arsenic has long been known as a carcinogen, a substance that produces cancer, and yet the current administration shelved the new rule in 58 days flat.

Administration officials explained that the reason for this postponement

was to allow for additional scientific review. I find this position difficult to comprehend when one considers how much scientific review has gone into this ruling.

The Federal Government has studied arsenic for almost 40 years.

In fact, few government environmental decisions have been more thoroughly researched, over so many years, than the EPA's move to lower the allowable level of arsenic in drinking water from 50 parts per billion (ppb) to 10 ppb.

This standard was first proposed by the U.S. Public Health Service back in 1962. Over the next three decades, regulators weighed dozens of studies on the issue as they struggled to balance the health risks, which mostly include increased risk of cancer, with the costs of extracting the metal from drinking water.

We should take note of a recent report by the National Academy of Sciences. In this report the Academy concluded that the arsenic standard for drinking water of 50 ppb, set in 1942 before arsenic was known to cause cancer, "does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible."

In fact, the Academy reported that drinking water at the current EPA standard of 50 ppb "could easily" result in a total fatal cancer risk of 1 in 100 about 10,000 times higher than the cancer risk EPA allows for carcinogens in food.

And we should remember that children's increased exposures to environmental carcinogens, such as arsenic, are potentially even more serious.

Children's higher risk results from the fact that they breathe more air, drink more water and eat more food per pound than do adults; for example, a child in the first six months of life consumes seven times as much water per pound of body weight as does the average American adult.

Therefore, a carcinogen has a much more significant impact on a child.

There are over 70,000 chemicals in common use today in the United States and several dozen known carcinogens, according to the Environmental Protection Agency.

Rachel Carson warned us in 1962, "For the first time in the history of the world, every human being is now subjected to contact with dangerous chemicals, from the moment of conception until death."

For those dangerous chemicals which we have the ability to limit from human exposure, such as arsenic in drinking water, we should absolutely take the necessary steps to do so.

Mr. DORGAN. Madam President, I rise today in support of this amendment. The current standard for acceptable arsenic levels in drinking water was established in 1942 and, as early as 1962, recommendations were made by the U.S. Public Health Service that the 50 parts per billion standard should be

changed. The science indicates that at 50 parts per billion (ppb), the cancer risk from arsenic is 1-in-100. EPA regulations are supposed to regulate to a 1-in-10,000 arsenic risk.

Today's amendment simply directs the administration to put a new standard into effect immediately and gives communities the right to know the arsenic levels in their drinking water.

However, I am concerned about the potential impacts that reducing the level of arsenic in drinking water might have on small or rural communities, like many in my home State of North Dakota. North Dakota has approximately 35 communities that might be especially hard hit by a more stringent arsenic in drinking water standard. That is why I am a cosponsor of legislation sponsored by Senator REID that would increase funding for small communities to help treat drinking water systems for arsenic and other contaminants. I am pleased that Senator JEFFORDS has committed to examine these critical funding issues in conjunction with providing his support for today's amendment.

The World Health Organization and the European Union have adopted a 10 parts per billion standard. Even if the United States does not adopt a 10 parts per billion, at 50 parts per billion, the United States' arsenic standard is on par with that of Bahrain, Bolivia, Egypt, Indonesia, Oman, China, and India.

Countries who have adopted a 10 parts per billion standard include: the entire European Union (in 1998), Laos (in 1999), Syria (in 1994), Namibia, Mongolia (in 1998), and Japan (in 1993). Australia has had a 7 parts per billion standard since 1996. As I said, it is time to move in the direction of a safer, more protective, standard.

While arsenic levels may fluctuate over time, what is most significant from the standpoint of cancer risk is long-term exposure. Studies have linked long-term exposure to arsenic in drinking water to cancer of the bladder, lungs, skin, kidney, nasal passages, liver, and prostate. Noncancer effects of ingesting arsenic include cardiovascular, pulmonary, immunological, neurological, and endocrine (e.g., diabetes) effects. Short-term exposure to high doses of arsenic can cause other adverse health effects, but such effects are unlikely to occur from U.S. public water supplies that are in compliance with the existing arsenic standard of 50 ppb.

A March 1999 report by the National Academy of Sciences concluded that the current standard does not achieve EPA's goal of protecting public health and should be lowered as soon as possible, according to the EPA.

So, we should act immediately to adopt a new standard, as this amendment would require. We also must provide funding that is critical to accomplishing this goal.

Mr. BAUCUS. Madam President, I want to state for the record that I fully

recognize the importance of ensuring that all Americans have safe and clean drinking water. As the ranking member of the Environment and Public Works Committee, I helped author the 1996 Safe Drinking Water Act. I also understand the health hazards posed by unsafe levels of arsenic in our drinking water supplies.

However, I also understand the difficulties faced by small water systems as they struggle to pay for the infrastructure they need to make sure their systems are in compliance with federal regulations. A lot of Montanans get their water from rural water systems. A lot of rural Montanans are struggling to make ends meet with low incomes. The last thing we want is to put small systems in a position where they have to charge their customers rates they just can't afford. We have a responsibility to these people, to make sure that not only do they have clean, safe water, but that they can afford it.

I am glad that Senator BOXER and others have stated they recognize this problem and that they are willing to help make sure the Federal Government steps up to the plate with the necessary funding. I am pleased to hear that Senator JEFFORDS will take up in September Senator REID's bill to help small community drinking water systems pay for infrastructure improvements. I pledge to do whatever I can to support Senator REID's bill in the Environment and Public Works Committee and I will become a cosponsor of that bill.

Mr. CRAIG. Mr. President, I ask unanimous consent to provide some additional materials to be printed in the RECORD regarding the debate over the drinking water standard for arsenic. These materials will inform our understanding of issues associated with the process used in developing a new arsenic drinking water standard and the science behind that process.

The first item is a letter sent by me, along with Senators DOMENICI, KYL, HATCH and BENNETT, to Administrator Whitman, dated June 21, 2001.

I also ask unanimous consent to print in the RECORD a statement from the National Rural Water Users Association on this same matter.

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

U.S. SENATE,

Washington, DC, June 21, 2001.

Hon. CHRISTINE TODD WHITMAN,

Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR WHITMAN: We are writing to reiterate our strong interest in the development of a new arsenic drinking water standard and to commend you for your decision to pull back for further study the standard promulgated in the final days of the Clinton Administration. Ensuring the safety of our nation's water supply is essential, but it is also important that decisions be based upon sound science and consideration of the health benefits and costs that will accrue to the American public. We applaud your pronouncement that you are committed to such a principle, and as you

proceed, we encourage you to work closely with the states and municipalities that will be most impacted by a new standard. We are concerned, however, that you will be limiting your review to a standard of between 3 parts per billion (ppb) to 20 ppb. This does appear to predetermine the outcome of your scientific review and we would like to suggest that a more appropriate approach would be to expand the review to anything below the current standard of 50 ppb.

We are extremely troubled by the way the past Administration developed the 10 ppb standard. Agency staff ignored recommendations from the National Research Council (NRC), the General Accounting Office (GAO) and its own Science Advisory Board (SAB). The NRC suggested that the Agency consider a non-linear or sublinear dose-response model as it examined arsenic at low levels, rather than relying solely on a linear model. The National Research Council also suggested that the Agency factor in the known shortcomings of a thirty-year old Taiwanese study, which the Agency was using extensively.

In October, a GAO report questioned EPA's conservative assumptions, its reliance on a conservative linear model and its heavy reliance on the Taiwan study. The SAB added its voice in December by criticizing the Agency for failing to take the advice of the NRC and for not taking into account the deficiencies in the Taiwan data in predicting U.S. risk. Further, the Agency chose to ignore a study conducted in Utah that found no bladder or lung cancer in individuals exposed to arsenic at levels greater than 100 ppb because in order for the linear model to determine a dose response relationship, only studies that have documented cancer cases can be incorporated.

The controversy surrounding the appropriate standard extends beyond the health effects evaluation. EPA has seriously underestimated the cost to community water systems and ultimately, to private households. In fact, a recent report published by the AIE-Brookings Joint Center for Regulatory Studies finds that the costs of the final rule will exceed the benefits by about \$190 million annually and may actually result in a net loss of about ten lives annually by diverting scarce resources away from meeting other health care needs. In addition, the SAB expressed concerns about assumptions made in EPA's analysis about the disposal of arsenic residuals. For example, removing arsenic from drinking water will generate wastes that will in many cases be considered hazardous under applicable regulations, e.g. RCRA. Further, water systems will face considerable costs and liabilities for on-site storage, transport to an approved facility, and suitable disposal. EPA has not considered these costs. The SAB also raised concern over treatment options EPA set forth as best available treatment technologies, some of which have not been applied to arsenic removal on such a large scale.

The geological configurations in the West, combined with dispersed population centers served by multiple, small water systems, result in the Rocky Mountain States being significantly impacted by imposition of any new arsenic standard. For example, the State of New Mexico estimates the cost of compliance with a 10 ppb standard to be approximately \$400 million in initial outlays, with a recurring annual cost of \$15 to \$16 million. The State of Arizona's estimate is \$983 million in initial capital outlays, with a recurring annual cost in excess of \$26 million. Other western states will be similarly impacted. Our states will be particularly affected because the final rule includes non-community/non-transient water systems under the standard, a departure from the

proposed standard. Because these systems were not part of the proposed rule, compliance costs—which would be significant—were not included in the cost-benefit analysis. Further, according to the preamble of the final rule, EPA did not even consider compliance costs for the State of Arizona. It is our belief, therefore, that the Agency's cost estimates are vastly underestimated.

In closing, let us again commend you for your commitment to the use of the best science in establishing a new arsenic drinking water standard and encourage you to continue to stand above the attempts to politicize this important health issue.

Sincerely,

PETE V. DOMENICI.

JON KYL.

LARRY E. CRAIG.

ORRIN G. HATCH.

ROBERT F. BENNETT.

NATIONAL RURAL WATER ASSOCIATION,

Washington, DC, August 1, 2001.

STATEMENT ON VA, HUD APPROPRIATIONS AMENDMENT TO LIMIT EPA'S REVIEW OF THE ARSENIC DRINKING WATER RULE

The National Rural Water Association (NRWA), representing over 20,000 rural and small community members, urges Members of the Senate not to legislatively limit EPA's review of the arsenic drinking water rule in light of the rule's impact in thousands of rural communities, especially their low income populations.

In 1996, with the passage of the Safe Drinking Water Act, we welcomed a new law with provisions to assist small communities as described by Senator Baucus on the Senate Floor, "The bill provides special help to small systems that cannot afford to comply with the drinking water regulations and can benefit from technologies geared specifically to the needs of small systems. Here is how it would work. Any system serving 10,000 people or fewer may request a variance to install special small system technology identified by EPA. What this means is that if a small system cannot afford to comply with current regulations through conventional treatment, the system can comply with the act by installing affordable small system technology."

Since the 1996 amendments, the only variance we have seen granted by EPA was for the City of Columbus, Ohio. We don't feel that the 1996 Act is working the way it was intended and this needs to be fixed if small communities are to comply with EPA rules. The arsenic rule is a case in point. In the January 22, 2001 rule, EPA chose not to allow small communities to utilize the affordable variance authority by finding it was not needed because the rule was "affordable." What has surfaced in the current EPA review of the rule, by a panel which includes representatives from the environmental groups, is that EPA did not adequately consider the ability of low-income and rural communities to afford the rule.

Currently, under the EPA review we are working with EPA to correct this and enhance the small community provisions in the rule. Also, the National Research Council is reviewing new research that will allow a better evaluation of arsenic health effects. New evidence suggests that these risks are lower than indicated in the 199 NRC report. The NEW reviews are almost complete. Why would we want to stop this progress?

The January 22, 2001 rule would likely require many small towns to spend hundreds of thousands to millions of dollars to make insignificant reductions in arsenic concentrations in their drinking water. It would have more than tripled water rates in many small communities. Such precipitous rate increases can threaten consumers' and communities' ability to pay for water service and

other public health necessities. The unintended consequence of over-regulating is that it takes away money that people need to buy food, pay for a doctor, and keep the house warm. Whenever we do anything to increase the price of water, we are forcing millions of families to make yet another trade-off, which will directly affect their health.

Please don't finalize a rule today (that directs EPA to fine small communities who can't afford to comply) with the intent of providing funds in the future. While we appreciate the potential for future funding, our experience is that this does not slow EPA enforcement.

We urge you to allow EPA to continue to review the rule with the hope they will be more sensitive to our concerns. We feel it is imperative that the final rule process is deliberative and convincing to ensure that communities forced to comply feel it is necessary. We feel all scientific perspectives need to be thoroughly weighed in an overt public process that convincingly explains the health risks of arsenic.

Thank you for your consideration and please consider the exceptional circumstances of small communities. Every community wants to provide safe water and meet all drinking water standards. After all, local water systems are operated by people whose families drink the water every day and who are locally elected by their community.

Mr. LIEBERMAN. Madam President, I rise in strong support of the amendment to the pending measure offered by my distinguished colleague, Senator BOXER, that would prevent the administration from delaying implementation of the EPA arsenic standards issued on January 22, or from weakening those standards in any fashion. I am pleased that a similar amendment was adopted by the House last week by a vote of 218 to 189.

One of the most important responsibilities of government is to protect our citizens from threats to their health, safety or to their environment. Over the past two decades, the American public has reached agreement that government cannot and should not be the answer to every problem that arises. But the public also agrees it is our duty to defend the citizenry when it cannot defend itself and to protect America's environment when it is threatened, because we are its stewards and trustees for all who will follow us as Americans.

The fact is, environmental protection has been one of the most effective government programs of recent decades. Although the public wholeheartedly supports a sensible, balanced approach to the environment, it is becoming increasingly clear that the Bush administration does not.

As you know, last January, the Environmental Protection Agency issued a new regulation that would reduce the acceptable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion. The announcement was greeted with relief and appreciation by those of us who thought the regulation long overdue. However, acting with seeming disregard for science and regulatory procedure, the Bush administration almost immediately announced that implementation of the

regulation would be delayed, citing the need for further review.

Like many of my colleagues, and I would venture to say most Americans, I was puzzled and dismayed by the decision. What disturbed me about the decision was the administration's willingness to ignore 25 years of comment, study, and debate, including a scientific review by our premier science organization, the National Academy of Sciences. For this regulation was not feverishly put together in some back room at EPA or the White House in the closing days of the outgoing administration, as some have charged. To the contrary, it was the product of a quarter century of public and scientific input, involving stakeholder consultations, peer review, and basic scientific research.

The chronology of this regulation is clear and illustrates the legitimacy of the process by which the arsenic standard was developed. As early as 1962, the Public Health Service had recognized the toxicity of arsenic and recommended a 10 ppb standard. In 1986 Congress directed EPA to update the arsenic standard, but EPA delayed action pending further study. Ten years later, as part of the 1996 Safe Drinking Water Act, Congress again directed EPA to take action, giving EPA a more than generous 6 years to develop an arsenic standard. In June of 2000, after exhaustive review, EPA proposed an arsenic rule—a standard of 5 parts per billion. And finally, last January, the agency issued its long-awaited final regulation—ultimately settling on a standard of 10 ppb.

EPA's regulation was clearly based on a National Academy of Sciences report that found that drinking water containing 50 parts per billion of arsenic "could easily" cause a 1 percent risk of cancer. The NAS also found that children are particularly susceptible to arsenic poisoning and recommended that the standard should be reduced "as promptly as possible." This administration's decision to delay implementation runs counter to the best scientific judgement available to us.

To put things in context, the current U.S. arsenic standard is equivalent to the standard employed by developing countries like Bangladesh and China, which may not have the financial and technical resources to adopt stronger standards. In contrast, industrialized countries like Australia or the European Union nations have adopted a 7 ppb and 10 ppb standard, respectively. As the richest, most technologically advanced nation in the world, I would expect that we would lead the world in clean water standards.

Beyond this decision to reconsider the new arsenic standards, I share the concerns of many citizens about what appears to be a disturbing pattern on the part of the Administration's regulatory policies. President Bush and his team have presided over the repeal, delay, or weakening of rules and regu-

lations that would otherwise benefit the American people, ranging from rules to protect wilderness areas in our national forests from roadbuilding to regulations governing the toxic effects of mining on federal lands.

I have spoken out against this emerging pattern of "government by repeal." And I have questioned the process by which the decisions to rollback, weaken or delay these regulations, including the arsenic regulation, were reached. As Chairman of the Governmental Affairs Committee, I have been conducting an in-depth examination of the decisionmaking process on several rules. I want to know who the agencies consulted or relied on in making their decisions and what process the agencies went through to make their hasty decisions. Despite initial resistance, I am pleased that we have made progress in protecting Congress's right to oversee the activities of the Executive Branch.

I commend Senator BOXER for her leadership on this matter. I join her in urging our colleagues to support this measure.

Mrs. BOXER. Madam President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 11½ minutes remaining.

Mrs. BOXER. I yield 3 minutes to Senator CORZINE and 3 minutes to Senator CLINTON.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I will be shorter than 3 minutes.

Supporting Senator BOXER's amendment, on our side, is a statement to common sense. In the world I come from, people look at the facts; they analyze them; and then they try to take actions consistent with them.

In science, if the people who provide water to us, as indicated by the Senator from California and the Administrator of EPA, who comes from my home State, fought for a 10 parts per billion standard, one has a hard time understanding why we don't think this is something in the best safety interest and the stewardship interest which we are responsible to represent in the Senate. This is one of those issues where I cannot understand why we cannot get together and make sure we have 100-percent support because we are really protecting women and children and future generations of our society. This is as clear an issue, on a commonsense basis, as I have seen since coming to the Senate. I am happy to rise in support of this amendment.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. I thank Senator BOXER for bringing this amendment up for debate and vote, and I want to add my words of strong support because it is clear we have a public health issue with respect to the level of arsenic in too many of our water supplies, particularly in the West but not exclusively.

Unfortunately, the Bush administration has taken steps to delay rather

than enforce new rules requiring less arsenic in America's drinking water. That is a step in the wrong direction. It is wrong from a legal perspective since the new standard was required to be in place as of June 22 of this year, and that was a statutory requirement put into place by the Congress.

Perhaps most important, it is wrong from a public health perspective. The administration says it needs to examine further arsenic in drinking water, but while they continue to study arsenic, the American people continue to be exposed to this carcinogen.

Senator BOXER has already talked about the studies that have been done affirming over and over again the public health issues relating to arsenic in our drinking water. The National Academy of Sciences found chronic ingestion of arsenic causes bladder, lung, and skin cancer.

Another study released this past March, by researchers at Dartmouth University, shows low concentrations of arsenic in drinking water can have hormone-disrupting effects. In March, a report in the American Journal of Epidemiology revealed that compared to the general population, people who drink water with arsenic levels between 10.1 and 50 parts per billion are twice as likely to get certain urinary tract cancers.

The science is clear, and do not take our word for it. I went and looked on the EPA's Web site. On its Web site, right beside an April 18 news release stating the Administrator wants to review the arsenic standard, there is another report issued the very next day with this headline: "Arsenic Compounds May Cause Genetic Damage."

Clearly, the EPA's own scientists have discovered a possible link between genetic damage and arsenic compounds. The science is not in question, but the safety and health of the American public have been put into question because of the delay this administration has brought about.

The amendment being offered by Senator BOXER, which I strongly support, requires the EPA to immediately put a new standard in place that will adequately protect public health, and it gives the American people the right to know how much arsenic is in their water. The House of Representatives passed a similar amendment this last week.

I say to my good friend, the distinguished Senator from New Mexico, who has done so much on so many issues that affect the quality of life of the people he represents, I understand Albuquerque is one of the largest cities in our country that has this kind of arsenic issue.

I ask Senator BOXER for 1 more minute.

Mrs. BOXER. I yield an additional minute.

Mrs. CLINTON. I want to make very clear to the Senator, and to everyone who represents large and small water systems, we need to give more help to

communities to comply with water standards. This is one of those issues where the Federal Government must help our communities.

I certainly will work with the Senator from New Mexico and everyone on both sides of the aisle to make sure a standard is put into place, to protect the public health and well-being of our people, that is matched by funds from the revolving fund aimed at cleaning up drinking water and any other resource available, so we do not leave people hanging on their own, not knowing what to do once the standard is set. I appreciate the financial challenge confronting some of our communities in meeting this standard.

I went to Fallon, NV, with my good friends Senator REID and Senator ENSIGN, a community that has 100 parts per billion of arsenic in the water. We know we have to deal with this. This amendment puts us on record to enforce a statutory requirement and does the right thing for the public health, but then we have to come back and make sure we have the resources to clean up the water supply so people can meet the standard.

Mrs. BOXER. Madam President, I thank my friend from New York for bringing up a good point.

I yield time to the Senator from Nevada.

Mr. REID. Madam President, I rise today to speak in support of the Boxer amendment. Senator BOXER's amendment would prevent the administration from discarding the drinking water arsenic standard published in the FEDERAL REGISTER on January 22 of this year. This rule was designed by the Environment Protection Agency to protect Americans from dangerously high levels of arsenic—a known carcinogen—in their drinking water. The arsenic standard we are debating today was not dreamed up by the EPA. In fact, Congress required EPA to set a new arsenic standard when it passed the Safe Drinking Water Act Amendments in 1996.

Congress asked EPA to set a new arsenic standard no later than January 1, 2000. We extended that original deadline to June 22, 2001. Clearly there is no rush to judgment in this case as some opponents want the American people to believe. I did not advocate for a particular arsenic standard during EPA's formal rulemaking on this issue. I believe that setting an arsenic drinking water standard is EPA's job. They did their job when they published the new standard in January.

The administration has not convinced me that they have a good reason or really any reason, to spend taxpayer dollars restudying an issue that has been studied to death. Instead of delaying our response to arsenic danger, we should begin investing resources to improve America's water infrastructure. We need to begin making this investment now because the job is a big job, which will grow much more costly if we wait to start. Americans expect and deserve safe tap water.

Due to high levels of naturally occurring arsenic in many of Nevada's groundwater basins, the Silver State will be challenged by any new arsenic drinking water standard. It will cost money to meet the challenge. The Federal Government has a responsibility to help pay for the necessary infrastructure improvements.

Earlier this year, Senator ENSIGN and I introduced the Small Community Drinking Water Funding Act, S. 503. We introduced this bill to help address the costs of providing safe drinking water to customers in small communities. This bill does not address the issue of arsenic contamination directly because arsenic is only one of many impurities that municipal water systems must control. However, S. 503 would address the costs of 97 percent of the communities that would have to upgrade their water systems to meet the new arsenic standard.

I believe that every Nevadan, and all Americans for that matter, should have access to clean, safe drinking water protected by a 21st Century safety standard. The old U.S. drinking water arsenic standard was established in 1942. That antique standard is still in China, Bangladesh, India, and yes, the United States. On the other hand, the U.S. National Academy of Sciences concluded in a 1999 report that the old 50 ppb standard "does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible."

Citizens of the European Union, Japan, and the World Health Organization all enjoy 10 ppb drinking water arsenic standard. If our new standard is allowed to stand, Americans will finally benefit from a level of protection from arsenic on par with the rest of the developed world. I urge my colleagues to support the Boxer amendment because it will help protect America's drinking water from arsenic.

Mrs. BOXER. I say to the Senator from Nevada, Senator CLINTON raised a crucial point addressing her remarks to the Senator from New Mexico. Both Senators from New Mexico really worried about getting the funding to the local areas to do this infrastructure work. It is the Senator from Nevada who is pushing very hard, in a bipartisan way, for more funding to clean up these water supplies.

When we take everything into consideration, I hope we will pass the Boxer amendment tonight. I know Senator JEFFORDS has spoken with Senator REID about this, and we will be moving on this bill so we do authorize, I say to the Senator from New York, more funding for water company infrastructure repairs.

I yield as much time as he would consume to the Senator from Nevada, retain the remainder of my time, and then I know the Senator from New Mexico wants to speak.

The PRESIDING OFFICER. The Senator from California has 4 minutes remaining.

Mrs. BOXER. I yield 3 minutes to the Senator from Nevada.

Mr. REID. Madam President, I will not take all that time. I will take a minute and say the Senator from California and the Senator from New York understand clearly when people pick up a glass of water, whether they live in Fallon, NV, or New York City, it should be clean, pure water.

What Senator ENSIGN and I have done is introduce the Small Community Drinking Water Funding Act, S. 503, to allow communities such as Fallon and others around America that cannot afford the money to build these very important water systems so the water they drink is pure.

Fallon cannot do it. Other small communities around America cannot do it. So Senator ENSIGN and I introduced this act to make sure we addressed the cost of providing safe drinking water to customers in small communities.

I appreciate very much the Senator from California focusing attention on one of the real needs in America today: safe, pure drinking water.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I do not believe I will use the 30 minutes I have.

I thank Senator CLINTON for the kind remarks with reference to this Senator.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1299 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Madam President, I want to take the time of the Senate to explain the situation. Arsenic is a poison, but arsenic appears in the western part of the United States in abundance in the geological structure of the rocks and stones in New Mexico. When the Spaniards came to that part of America 400 years ago, they obviously started drinking water. They dug holes, drilled wells, they used the river water, and guess what? They were drinking water that was not polluted, as some of the advertisements running today suggest.

If one goes out there now and checks the water, one will find there is arsenic in the water because there is arsenic in the rocks and the geological formations.

Interestingly enough, and I do not want to argue about the proposition that arsenic is serious and arsenic can hurt you, but there is no evidence from those early Spanish days—absolutely no evidence that any of the diseases we are talking about existed in that population. There is no evidence there was an increase in the ailments about which we are now talking.

I would have liked to argue today or sometime that Southwestern America deserves an opportunity to prove the people there are not harmed by the naturally occurring arsenic in the water. Tonight I choose to say thank

you to the Senator from California for the amendment she offered. I will ask those Senators from the West on our side to vote for it because essentially it will give the Environmental Protection Agency an opportunity to take into consideration, as I read the amendment, what I am talking about tonight. They will set a standard, yes. It does not say precisely what, and clearly they are going to take some facts into consideration that are real and that should be taken into consideration by a National Government imposing a standard on a western part of America, be it Idaho, Arizona, Utah, Alaska, New Mexico, or Colorado.

Nobody is putting the arsenic in their water, as some of the environmental ads talk about. The arsenic is there because arsenic is in the ground, in the rocks, in the mountains, and therefore comes into our streams. When we drill wells, we get it, and in Albuquerque, they pump hundreds of millions of gallons of water a day from the water under the Rio Grande, and there is more arsenic than some think we ought to have.

The bill I just introduced and the one Senator REID introduced recognizes that in some parts of America—I am sure it will be my State, Idaho, and some others, that if we have to fix up our water plants, some in villages of 100 people where they have a small water system and no other water, it will create a significant financial burden. Their water is going to cost, in one case, \$91 a month for everybody on that system.

Obviously, we have to move in the direction of correcting the problem. The Government should help us correct it. The VA-HUD appropriations bill is, in many respects, as far as this Senator is concerned, a wonderful bill. EPA is treated in great fashion. There are a number of things in New Mexico we have asked for that have been treated wonderfully. When it comes to whether we should force a lower standard on our cities and villages in the West, and if we do, when, and what should the standard really be, there is plenty of room for serious discussion among fair-minded people who are not bent on politics.

If one wants to make a big political issue out of the fact that perhaps somebody in the White House could have handled this a little differently—frankly, I wish they would have talked to me before they handled it because they would not have had anybody mad at them and they would have fixed it. Essentially, the Clinton regulation did not come into effect until 2006. Does that surprise people? That is when it would have been effective if we had not had all this commotion.

It is serious. We cannot put this into effect quickly in our part of the country. Originally, the implementation was to occur in the year 2006.

Tonight I urge everyone to vote for the amendment because it is a clear indication that something ought to be

done. I do believe it is different than the amendment the House passed. I thank the Senator from California because her amendment is different. It gives us an opportunity to go to conference, work with the Environmental Protection Agency and others, and do precisely what the Senator from California wants.

She wants the United States to move in harmony to get safe drinking water with the lowest amount of arsenic possible and still have affordable drinking water. After all, we need drinking water. We cannot pay \$200 or \$300 a month for it in New Mexico. One city is going to spend over \$250 million to improve its water system because it has this naturally occurring arsenic and yet, nobody has proven this arsenic is harmful to anybody.

That part of New Mexico and the areas around it have been inhabited by indigenous Indians longer than any of us know. The Spanish inhabited the area for 450 years, and Albuquerqueans—made up from all kinds of Americans—have been there for over 150 years. We want to give them a chance. We do not want the people to spend more than is necessary on this problem.

Certainly, nobody is putting poison in the water. We are trying to purify natural water. The streams of New Mexico contain arsenic. No fish are dying that I have heard of and yet, there is arsenic in those rivers. In terms of its chemical makeup, it is the same arsenic as the poison and the arsenic used in mining activities.

For those who are interested in history, it is the same arsenic that somebody gave to Napoleon. Those who dug up Napoleon's corpse found that perhaps somebody gave him regular doses of arsenic. They believe that is what happened to him. They think one of his best friends put arsenic into his system slowly over a period of about 20 years.

I thank the Senator from California for the way we accomplished things tonight. I am sure she is going to get a unanimous vote from the Senate saying: Let's move ahead and resolve this issue.

If there is no other Senator on our side who desires to speak—

Mr. BOND. I desire to speak.

Mr. DOMENICI. How much time does the Senator want of my 30 minutes? Five minutes of my time? I only have 30 minutes.

Mrs. BOXER. I just need 1 minute of the remaining time. We have a couple minutes left.

Mr. BOND. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from California still has 2 minutes 40 seconds.

Ms. MIKULSKI. And the Senator from New Mexico?

The PRESIDING OFFICER. The Senator from New Mexico has 20 minutes 45 seconds.

Mr. DOMENICI. What is the pleasure of the Senator?

Ms. MIKULSKI. Five minutes.

Mr. DOMENICI. The Senator from Montana?

Mr. BURNS. If I could have 5 minutes.

Mr. DOMENICI. I ask that be the order of my remaining time, and if any time remains beyond that, I reserve the remainder.

Mrs. BOXER. I would ask for a minute or two after Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I rise in support of Senator BOXER's amendment. I ask also to be an original cosponsor of the Domenici amendment.

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

Ms. MIKULSKI. The Boxer amendment is an excellent amendment. I acknowledge the validity of the concerns raised by the Senator from New Mexico. When we arrive at this standard, and in southern Maryland on our Eastern Shore we face many of the same problems that the Senator from New Mexico faces, and the need to modernize infrastructure and to come up with environmental regulations is almost teetering to a national crisis. Each region of the country will have difficulty in complying, but we believe it will be a public investment with an incredible public health dividend.

I support Senator BOXER's amendment for three reasons. First, I was a member of the conference on the VA-HUD bill last year when we required the administration to develop a new standard by June 22 of this year to protect our children and the elderly who are most at risk for high levels of arsenic, and the administration did miss the deadline. It was a congressionally mandated deadline, and the American people deserve a protective standard.

The current standard for arsenic was developed in 1942. We know much more today about the negative health effects of arsenic. We have the benefit of five studies by the National Academy of Sciences that say the current standard is not protective enough. Right now our current standard is the same as Bangladesh and China. Nothing against those countries, but I think we can do better than Bangladesh.

Third, many American communities are very concerned about how much it will cost. Again, I acknowledge the cost of compliance is a factor to be considered. I believe the Domenici bill we have all cosponsored will address this. This is a national crisis. It deserves a national response. It deserves national responsibility sharing. This is why we will need an authorizing bill.

The VA-HUD bill includes \$850 million for the drinking water State revolving loan fund. This should help, but it certainly is not enough to meet the enormous needs of our community to keep drinking water safe from arsenic and other issues. We could not address all of the issues in VA-HUD this year, but I believe the Boxer amendment is very important to estab-

lish a standard and the Domenici authorization will be a very important way to move forward.

I note the Senator from Nevada is on the floor. I know he and the junior Senator from Nevada have introduced legislation to deal with our incredible shrinking water infrastructure, which is deteriorating by the minute. We hope in the second session of the 107th Congress to make a major initiative to hold hearings on the infrastructure needs facing our communities. We will be able to protect public health, generate jobs, and modernize our country's water infrastructure the way we did at the turn of the century. We need a new turn of the wheel.

I am happy to support the Boxer amendment, and I look forward to working with the Senator from New Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, most people who were raised in the smaller towns around this country and have experienced arsenic in their water, probably much less than the 50 parts, are kind of used to it. There is no scientific evidence that water ever hurt anybody in our country. We have it naturally. But I tell you something we don't have naturally, and that is enough money to build an infrastructure for a small town of, maybe, 300 people, some of them 200 people and some 100—real people with real faces who are faced with bills that you can't believe who have to live on the land and pry a living from the land, and then be told they have to spend everything they make to redo a water system when there is no scientific evidence at all that their water is bad in the first place and it has ever hurt them. That is what this is about.

We should be sensitive to public health. We should be sensitive to water systems. But don't take at issue a water system that is not that harmful or has any harm at all with the levels of arsenic we find naturally in the waters of the West. I oppose this amendment on the grounds that we do not have the money and the cost it would bring to those small towns.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank my colleagues for their very thoughtful debate. I believe tonight if people are listening they understand some of the difficulties we face. Nobody wants to see arsenic in drinking water. It has been so eloquently stated by the Senator from New Mexico and the Senator from Montana. There are parts of our country where arsenic occurs naturally. One of the actions we need to take is to make sure we improve the quality of our drinking water and lessen exposure to arsenic but do so in a way that does not cause greater dangers.

One of the greatest dangers that we face as we listen to our colleagues from

the States where there are small water systems which have naturally occurring arsenic from geological formations in their drinking water, we need to make sure the burdens of meeting a very low standard are not so significant that a lack of resources forces those public water systems to shut down. The result of imposing too great a financial burden on those small water systems could be they shut down and people have to go back to drinking well water or other untreated water with potentially even higher levels of arsenic. That is a part of this debate in the past that has not been fully set out.

I call the attention of my colleagues to an amendment offered last year to strike the provision in the bill that delayed until June 22 of this year the deadline for finalizing the rule on arsenic in drinking water. I supported the inclusion of that measure in the VA-HUD bill because we noted in 1996 Congress set a schedule under which EPA was to update the arsenic standard for drinking water. At the time EPA told us they were behind schedule and they would not be fully prepared. Last fall the EPA told us they would not be ready until April or May and they had not had time to evaluate the concerns expressed about the proposed rule that had been issued on the delayed basis. Many small communities expressed their concern about the proposed rule because if it were implemented it would prove prohibitively expensive for their customers and they set out lots of specific examples.

For example, in Utah, the Heartland Mobile Home Park would have to charge \$230 per month per customer under the rule. So they said let us delay the rule.

In the bill last year we said: Delay the implementation of the EPA standard until you have had a chance to look at it.

I am pleased to say that 63 Members of this body agreed with us and tabled the amendment that would have stricken that provision. Therefore, 63 Members—45 Republicans, 18 Democrats—said: Yes, it makes sense to delay the final issuance of this arsenic rule. It is not to be effective until 2006, not until 2006. So we said: EPA, get the job done right before you issue the regulation.

There has been so much misinformation about this rule that I thought we ought to take a moment to set out what it does and does not do. We know it will be 5 years, 2006, before the new standard is implemented. Whether the new standard was set last January or June or November or February, the current year will not matter because we will still hit the same implementation time deadline.

There is no greater danger for people living in areas with high naturally occurring amounts of arsenic. I think the concerns of the communities in New Mexico, Michigan, Montana, and other States need to be addressed. But I express my sincere thanks to the Senator

from California for having offered an amendment which says, in essence, what EPA needs to do, what they are committed to do, and what they are on track to do, and that is to establish a new national primary drinking water regulation that establishes a standard providing for the protection of the population in general, taking fully into account the special needs population.

That is what this amendment does, and I think that is a happy resolution of this situation. We need to realize that the standard goes into effect in 2006. Last year, 63 Members of this body said we ought to delay the issuance of that standard until June. When the new EPA came in and delayed the standard, people said many things that were not true. They overlooked the fact that 18 Democrats had voted with 45 Republicans to say it is time to delay it.

By the time this bill is enacted into law, the National Academy of Sciences will tell us the standards necessary to protect our health, the administration will complete the standard in a way that protects our health and does not impose unnecessary costs on our small towns or force the closure of water systems in small towns whose absence would lead to a much higher level of arsenic in well water or other sources of drinking water for the inhabitants, and we will meet the original implementation deadline.

I believe we have reached an appropriate accommodation. I thank the Senator from New Mexico particularly, who has been a very thoughtful participant in all of these discussions and has articulated well the serious problems faced in these small communities, for his agreement that this amendment is appropriate and will allow the EPA flexibility to develop a safe, common-sense arsenic standard. It is my understanding, although I do not have a written copy of any approval, that the administration believes this is an appropriate way to deal with this question of arsenic in drinking water, particularly the naturally occurring arsenic.

I thank all of my colleagues. I urge an overwhelming support of this requirement that the EPA set a drinking water standard for arsenic.

I yield the floor. I thank the Senator from New Mexico.

Mr. DOMENICI. I yield 2 minutes of my time to Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I appreciate my colleague yielding me time to speak, both on the amendment the Senator from California has offered and also on the bill he has just introduced. I support what the Senator from California is trying to do with her amendment. I think it is a good resolution. It calls attention to the fact that we need this issue resolved.

I also support what my colleague, Senator DOMENICI, is trying to do in the bill he has introduced, which I am

pleased to cosponsor. It is similar to the bill that Senator REID has earlier introduced. This makes the case clearly that the Federal Government needs to help these communities meet whatever standard we establish as a safe standard. I am not persuaded, as is the Senator from Montana, that we know the extent of the health risks. I think we still are learning precisely what the health risks are and we need to continue studying that.

But in the meantime, we need to set a standard and we need to assist these communities in meeting that standard. I am persuaded that the technology is being developed which will allow these communities to meet that standard at a much lower cost than they have traditionally had to consider for meeting this type of standard. But I think we need to support that research as well. I know some of it is going on in the National Laboratories in our State, and I am encouraged that they are finding new ways to eliminate arsenic entirely from drinking water for a relatively small cost.

Again, I compliment my colleague and look forward to supporting this amendment and also supporting his bill once it is called for a vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent Senator BINGAMAN be added as an original cosponsor of S. 1299, and I thank the Senator for his kind comments with reference to me.

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

Mrs. HUTCHISON. Madam President, I understand that Senator DOMENICI has just introduced legislation providing grant funding for communities to improve their water systems and adhere to the new arsenic regulations. This program will be very important for communities across America and also in my home State of Texas.

I ask unanimous consent to be added as an original cosponsor of S. 1299.

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

Mrs. BOXER. Madam President, do I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 40 seconds.

Mrs. BOXER. I thank my colleagues. I thank Senator REID, Senator DASCHLE, my cosponsor, Senator NELSON, my other cosponsor, Senator DOMENICI, for his remarks, Senator BINGAMAN, and Senator BOND.

I want to make a point, building on what Senator BOND said when he pointed out 63 Members voted to slip the date for the new standard until June 22, 2001. That is true. The problem is there was not a new standard. That is why we have this amendment, which is not a sense of the Senate. I want to express that point. I hope I do not jeopardize my vote, but it is a real law. It says the administration shall act immediately, and that is a term of art. They must act immediately to set the new standard and take into consider-

ation the vulnerability of kids and the rest.

This is real. It also says the community must have a right to know how much arsenic is in their drinking water. That will happen immediately.

So this is real, and I hope it will survive the conference. I say to my friend, Senator BURNS, who has left the floor, that I know it is much easier to say if it is naturally occurring it does not hurt us. Radiation from the Sun is naturally occurring and it hurts us. Arsenic hurts us. We have the latest, most prestigious Journal, the American Journal of Epidemiology, March 1, 2001. Based on a study in Taiwan following real people, it says:

Compared to the general population, people who drink water with arsenic levels between 10.1 ppb and 50 ppb are twice as likely to get certain urinary cancers.

We have the science. We know the science. I have talked to Christie Todd Whitman about this many times. When she was Governor of New Jersey, she suggested a 10-part-per-billion standard. Why would she do that? Because she wants to be with those countries that have a 10-part-per-billion standard. I think we need to look at these countries one more time.

We are at 50 parts per billion. That is where George Bush has put us. We share that 50-parts-per-billion standard with Indonesia, India, China, Bolivia, and that great leader of public health, Bangladesh.

We don't belong here. We belong in this tier: Australia, the European Union, Japan, and the World Health Organization. They are 10 parts per billion or less.

This is a debate that I think has been good. I am very pleased that we have won some fine support from the other side of the aisle. I hope we will send a rip-roaring message to the President: Set the standard, set it low, set it fast.

I yield the floor.

Mr. DASCHLE. Madam President, I compliment the distinguished Senator from California for the eloquent summary of this issue that she just made, as well as for offering this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Madam President, I will propound a unanimous consent request. If we get this agreement at this time—in consultation with the Republican leader and the two managers, and I compliment them—we will make this the last vote of the evening.

I ask unanimous consent that the list I will send to the desk be the only first-degree amendments in order to H.R. 2620, that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments, the substitute amendment be agreed to, if not previously ordered; that the bill be read three times, and the Senate vote on passage of the bill;

that upon passage of the bill, the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees, with the above occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Madam President, it is acceptable on this side.

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

ORDER FOR RECESS

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

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

Mr. DASCHLE. Madam President, I especially thank our manager and the ranking member, as well as our distinguished colleague from Nevada, who works so ably on both sides of the aisle, for reaching this agreement.

We have a lot of work to do. But we know what the work is. I hope we can work expeditiously tomorrow morning.

This will be the last vote of the evening.

I yield the floor.

The PRESIDING OFFICER. Will the Senator from New Mexico yield back all his time?

Mr. BOND. What is the time remaining of the Senator from New Mexico?

The PRESIDING OFFICER. Three minutes forty seconds.

Mr. DOMENICI. I yield that time to Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I will yield that back. I only want to correct the RECORD. The administration has indicated they will promulgate, or intends to promulgate a new regulation based on science. There was no intention of staying at the 50 parts per billion, which had been the standard throughout the previous administration. They have said they needed to review the science and listen to the communities that would be affected, and also take into account, as the Senator from New Mexico has proposed, the extraordinary hardships that meeting this standard would impose upon many small communities, with the possibility that the shutdown of those small community water systems would impose a far greater danger on the inhabitants.

Madam President, having corrected the RECORD and thanking all of our participants for helping shed some light on and remove some of the political misinterpretations that have been placed on this issue, I thank my colleagues and I urge a favorable vote on the amendment before us.

I yield such time as may be remaining on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1219. The yeas and nays have been ordered, and the clerk will call roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—97

Akaka	Dorgan	McCain
Allard	Dubin	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Gramm	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Sarbanes
Campbell	Hatch	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	Thomas
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lugar	

NAYS—1

Stevens

NOT VOTING—2

Helms Lott

The amendment (No. 1219) was agreed to.

Mrs. BOXER. Madam President, 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.

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

The PRESIDING OFFICER. Will the Senator withhold the suggestion?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I rise tonight to speak in support of the international space station in this VA-HUD appropriations bill. I urge my colleagues to pause and reflect on America's great accomplishments in space and the great successes that lie ahead with the space station.

The House of Representatives has fully funded the President's request and has taken important steps to fund the space station's future needs such as a crew rescue vehicle and a six-person crew habitation module. The Senate bill cuts the space station by \$150 million.

I hope to work with my colleagues, Senators MIKULSKI and BOND, to re-

store some of this into the program. It should be restored with strict controls and standards to assure the station will be safe and productive and on budget.

I am concerned, as I know many others are, about the recently projected cost growth for the international space station. I do want it to be fully functioning. In order to achieve that goal, NASA must work within the budget that Congress has given it.

At the same time, I understand the difficulty in estimating the cost of such an amazing engineering feat. We are now within a year of the station being "core complete," and I believe Congress must adequately fund the station so we can begin to see the benefits of its unique scientific research.

NASA's projected 5-year cost growth of over \$4 billion includes many program liens that reflect 2 years of actual operational experience for the station. That on-orbit experience has eliminated many unknowns and has significantly enhanced NASA's awareness of what it takes to operate a space station. Unfortunately, the greater awareness has come with a pricetag that threatens reaching the full capability of the space station as originally planned in terms of research, a permanent crew of six, and a crew rescue vehicle.

I believe NASA is dealing with the budgetary challenges and has proposed a "core complete" plan for the station to stay within budget constraints. Importantly, NASA and OMB have put into place an independent external review board to assess the space station's budget and to assure the station will provide maximum benefit to the U.S. taxpayer. This external review board will evaluate the cost and benefits for enhancing research, a habitation module for a crew of six, and a crew rescue vehicle.

It will be my goal in conference that we not preclude the full review of these potential enhancements by the independent external review board and not obstruct the ability of NASA to undertake these enhancements in order to ensure the originally planned capability for the space station.

I want to work with Senator MIKULSKI and Senator BOND to make sure we do not cut off capabilities of the space station and thereby never see the scientific contributions for which we have already made a significant investment.

The international space station is the greatest peaceful scientific project ever undertaken. Since 1993, the United States has worked with our international allies, including Russia, forging relationships of mutual respect, on the space station.

The efforts and resources of 16 nations are involved in the construction and operation of the orbiting lab. Assembly of the space station is nearing "core complete" and within a year we expect new and exciting scientific experiments to begin. Its successes will be felt by all of us here on Earth.

A project of this magnitude is certain to face a multitude of unknowns, and NASA has confronted many of them. As always in its courageous history, NASA has and will continue to overcome these obstacles and we will reap the rewards. Simply, the space station will maintain U.S. global leadership in space science and technology.

The unparalleled scientific research opportunities aboard the space station will enable advances in medicine and engineering. Most important are the health benefits that we have in the microgravity conditions in the space station. You cannot—no matter what technology you have—reproduce on Earth the gravity conditions that are in space. We know those microgravity conditions will allow us to watch the development of breast cancer cells and osteoporosis in a weightless environment. Perhaps this will help us find the cure for breast cancer, or we will learn how to combat osteoporosis.

The absence of gravity in the space station will allow new insights into human health and disease prevention and treatment, including heart, lung, and kidney function, cardiovascular disease, and immune system functions. The cool suit for Apollo missions now helps improve the quality of life of patients with multiple sclerosis. In recent years, NASA has obtained scientific data from space experiments that is five times more accurate than that on Earth. None of these benefits will be available in the future unless we have a space station on which we can perform adequate research.

Some will say that similar research can be conducted on the space shuttle. Although I believe valuable research should continue to be performed on the shuttle, the fact is, a longer period of time that can only occur on the space station is absolutely necessary for many important experiments.

During his last year in the Senate, Senator John Glenn spoke passionately in defense of the space station. He quoted a friend of mine, Dr. Michael DeBakey, chancellor and chairman of the surgery department at Baylor College of Medicine in Houston, TX, who said:

The Space Station is not a luxury any more than a medical research center at Baylor College of Medicine is a luxury. Present technology on the Shuttle allows for stays of space of only about 2 weeks. We do not limit medical researchers to only a few hours in the laboratory and expect cures for cancer. We need much longer missions in space—in months to years—to obtain research results that may lead to the development of new knowledge and breakthroughs.

So you take all these scientific wonders and ask: How does it make my life better? It does make our lives better. It makes our health better. It gives patients who have multiple sclerosis, osteoporosis, or cancer a better chance for a quality of life. I reject the idea that we would walk away from the space station and from the possibilities for the future for better health and better quality of life.

The international space station, along with the space shuttle program, is our future in one of the last unexplored regions of our universe. It will discover untold knowledge and could catapult us into a greater understanding of our world and, yet, undiscovered worlds. The space station will provide us with fantastic science, but that is only one of the known successes. The unknown successes are limitless.

Madam President, if we do not continue funding of the international space station at the anticipated cost levels, valuable experiments and progress will be abandoned. The project is long underway and, for the sake of future generations, we should not leave it unfinished. I look forward to working with the chairman and ranking member of this subcommittee to make sure we do fully fund the space station, but with strict requirements for budgetary control and making sure we do everything to keep our costs in line. But let's not walk away from this important research for our future.

Thank you, Madam President. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

NOMINATION OF JOHN NEGROPONTE TO BE THE AMERICAN AMBASSADOR TO THE UNITED NATIONS

Mr. MCCAIN. Madam President, I will speak for a few minutes about a problem that is hamstringing American foreign policy today, and that is the stalled nomination of John Negroponte to be the American Ambassador to the United Nations.

Even the critics of American foreign policy would agree that America, and the world, are best served by having an outstanding, experienced, professional diplomat at our U.N. mission in New York. Indeed, such a personal representative of the President would provide enlightened perspective to our friends and allies on occasions when we cannot support particular U.N. initiatives. He would also symbolize America's robust commitment to international engagement, and work with like-minded nations whenever possible

to advance our mutual interests and values, in the spirit of cooperation the United Nations was created to foster.

Regrettably, the Senate has stalled ambassador Negroponte's nomination process. The President announced his intention to nominate this 37-year veteran of the Foreign Service in March and sent his nomination to the Senate Foreign Relations Committee in May. But his nomination has been held up due to concerns about human rights abuses in Honduras during his tenure as Ambassador there.

It is worth pointing out that Ambassador Negroponte has been confirmed by the Senate five times—as recently as 1993, well after his assignment to Honduras, as President Clinton's Ambassador to the Philippines. He did not then undergo anything like the ordeal he has been subjected to this year.

In the midst of the debate over Ambassador Negroponte's qualifications for the U.N. assignment, the United States got booted off the U.N. Human Rights Commission for the first time in its history—a defeat that raises credible doubts about the integrity of that institution and its commitment to the very values it exists to promote. Sudan, Libya, Syria, Cuba, and China are now members of this body, forged by the vision of Eleanor Roosevelt in the early post-World War II era—and we are not.

Victims of persecution around the world, and advocates for their cause in our country, shall long rue the day the Commission was tarnished by this unfortunate vote. Many professionals agree that had we had an ambassador in place early in this administration, we would now be a member in good standing of the Human Rights Commission. We also recently lost our seat on the International Narcotics Control Board, another avoidable consequence of our vacant U.N. ambassadorship.

Ambassador Negroponte has the strong support of Ambassador Richard Holbrooke, his predecessor at the United Nations. Upon hearing the first reports of the President's intent to nominate Ambassador Negroponte, Ambassador Holbrooke said: The United States is lucky, the U.N. is lucky. . . . He is a real professional. . . . I would be thrilled.

Secretary of State Colin Powell recently called John Negroponte: one of the most distinguished foreign service officers and American public servants I have ever known.

The U.N. General Assembly convenes in mind-September for its annual session. The Senate Foreign Relations Committee should immediately schedule a confirmation hearing for Ambassador Negroponte, to take place in early September when the Senate reconvenes, in order to have him confirmed and in place to represent our Nation in New York this fall.

Ambassador Negroponte has served Democratic and Republican Presidents with distinction over the course of his diplomatic career. In the spirit of bipartisanship and the proud tradition of