

challenge we have on each and every one of these executive nominations, as well as all of the judicial nominations. I will continue to look for ways to give the executive nominations their due process—an up-or-down vote on the Senate floor. Again, this is with respect to both executive nominations and judicial nominations.

The list I have just mentioned is lengthy in part, but it is within reason. We can complete these issues, and we will do our very best to complete all these issues, including the appropriations process, including the Energy conference report, including the Medicare prescription drug conference report, before we leave. It is going to require working together. It will require a lot of cooperation on both sides of the aisle to accomplish that.

With that cooperation, with the expectation we can work hand in hand on these issues, we will be able to still adjourn in a timely way this year.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would like to speak for 6 or 7 minutes as in morning business. I ask unanimous consent to do that.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FUNDS FOR NURSING HOMES

Mr. GRASSLEY. Mr. President, today I would like to announce a significant achievement for this Congress, for the nursing home community, and for nursing home residents throughout the United States. I announce that the nursing home community committed itself to spending about \$4 billion over the next decade to direct care and services for all patients in skilled nursing facilities.

This past August, the Centers for Medicare and Medicaid Services corrected for errors in rate calculations and adjusted Medicare payments to nursing homes by 3.26 percent. I approached the nursing home community and asked that they use a substantial portion of those funds for direct, hands-on care to residents. They not only agreed, but they committed their agreement to writing.

The American Health Care Association, the Alliance for Quality Nursing Home Care, the American Association of Homes and Services for the Aging, the American Health Quality Association, and the American Hospital Association all have agreed to spend a large portion of the increase in funding from that 3.26-percent adjustment formula for direct hands-on care to residents, specifically on registered nurses, li-

censed practical nurses, and on certified nursing assistants. These are the people who touch the nursing home residents' lives most directly, and they are the backbone of the nursing home system of quality care if there is going to be quality care.

Moreover, by committing to use these funds for hands-on direct care, these providers are acknowledging that more hands-on direct care will help to continue improving the quality of care provided nursing home residents.

I first got involved in the nursing home quality of care issue in 1997 when I chaired the Special Committee on Aging. There was, at that time, concern about thousands of deaths in the State of California due to dehydration, malnutrition, bed sores, and a lot of other conditions that indicate lack of concern, lack of quality of care. This may have been just in the State of California, but it was probably also true of other States. These were brought to my attention at that particular time.

At that time I seized the opportunity to expose the sad state of affairs in too many nursing homes across the Nation. In 1998, the picture wasn't pretty. The General Accounting Office said there were serious quality care problems in about 30 percent of California's nursing homes. That report inaugurated a new and targeted effort to improve the quality of care in nursing facilities, and the quality of oversight and enforcement by responsible State and Federal agencies.

Since 1998, there have been about 17 General Accounting Office studies on nursing homes, and even more if you count the work done by the Office of Inspector General at the Department of Health and Human Services. Improving the quality of care provided in nursing homes is of paramount concern to all of us. At the same time, we must recognize that not all nursing homes are bad actors. Unfortunately, those who are cast the entire community in a bad light.

Over the years in fighting the battle to improve care in nursing homes I have come to learn two very important realities about providing quality care to one of our most vulnerable populations. The first reality is that there is no quick fix that will cure the problem. There is no law, no penalty, no guidance that will eliminate the problem.

The second reality is that we need the will to direct Federal funds right where they are most needed, to those hands-on professionals who feed, bathe, and turn the residents of a nursing home. That is what we have done here with this agreement among these various professional and trade associations. We worked hand in glove with these associations of the nursing home community, a community that provided me their written commitment to use real money to improve the plight of nursing home residents.

The nursing home community put their money where their mouth is by

committing to use billions for hands-on direct care to their residents. Today I applaud them, I thank them, and I look forward to more such agreements, all in the name of making sure that there is quality of care at the nursing homes of America.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mr. AL-LARD). Under the previous order, the Senate will resume consideration of H.R. 2800, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

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

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

AMENDMENT NO. 1968

Mr. MCCONNELL. Mr. President, I have a series of cleared amendments to the pending measure, the foreign operations bill, which I send to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1968.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MCCONNELL. Mr. President, I urge we adopt these amendments en bloc.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1968) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I wish to take a moment to explain an amendment that was in the package I just sent forward: Conditioning assistance to Malaysia on a determination

by the Secretary of State that the Government of Malaysia supports and promotes religious freedoms, including tolerance for people of the Jewish faith.

On October 16—just very recently—Malaysian Prime Minister Mahathir Mohamed delivered a speech before the Tenth Islamic Summit Conference in Malaysia during which he made incredible anti-Semitic comments.

Let me just give you a direct quote from what the Prime Minister of Malaysia had to say. Incredibly, here is what he said:

The Muslims will be forever oppressed and dominated by the Europeans and the Jews. . . . 1.3 billion Muslims cannot be defeated by a few million Jews.

[Muslims] are actually very strong.

He said:

1.3 billion people cannot be simply wiped out. The Europeans killed 6 million Jews out of 12 million. But today the Jews rule this world by proxy. They get others to fight and die for them.

If that was not bad enough, the Prime Minister of Malaysia went on. He said:

They survived 2000 years of pogroms not by hitting back, but by thinking. They invented and successfully promoted Socialism, Communism, human rights and democracy so that persecuting them would appear to be wrong, so they may enjoy equal rights with others. With these they have so gained control of the most powerful countries and they, this tiny community, have become a world power.

Now, what could be more outrageous in 2003 than for the prime minister of any country to make such unbelievably erroneous statements? They are dangerously wrong, and they play directly into the hands of the radical Islamic extremists throughout the region.

This is not an issue of free speech. His anti-Semitic remarks lend credence and legitimacy to the hateful messages of local terrorists who seek to sow mayhem throughout the region.

As I understand the importance of fighting terrorism in Mahathir's own backyard—and that his comments do not reflect the views of all Malaysians—I include, in the amendment already approved, a national security waiver that will allow the provision of \$1.2 million in IMET assistance—that is the military-to-military assistance—to that country to be eliminated unless the President believes it is in the national security interests of the United States to continue it.

Now, the good news is that Mahathir's words were criticized around the world, as they certainly should have been. The bad news is that the Prime Minister just does not get it. Given an opportunity to clarify his comments a few days later, he said, in an interview with the Bangkok Post, on October 21—this is what he said to the Bangkok Post, having listened to the criticism and having an opportunity to retract his comments—he said: "Well, the reaction of the world [to my comments] shows that [the Jews] control the world" and, "Well,

many newspapers are owned by the Jews. They only see that angle and they have a powerful influence over the thinking of many people."

Mahathir himself has influence over the thinking of many people. My advice is that in the future he should think before he speaks.

Let me close by encouraging Prime Minister Mahathir to unconditionally release former Deputy Prime Minister Anwar Ibrahim before stepping down from office later this month. This injustice has gone on for far too long.

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

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

AMENDMENT NO. 1969

(Purpose: To require that the Administrator of the Coalition Provisional Authority be an officer who is appointed by the President by and with the advice and consent of the Senate)

Mr. BYRD. Mr. President, in considering the President's \$87 billion for Iraq, the House of Representatives adopted a provision that would require the U.S. official responsible for coordinating the reconstruction efforts in Iraq to be appointed by the President by and with the advice of the Senate.

It is almost embarrassing that the House of Representatives had to act on behalf of the Senate to include such a requirement.

The House was responding to the news that the President had appointed National Security Adviser Condoleezza Rice to lead a task force that would assume responsibilities for rebuilding Iraq. Unlike Secretaries Rumsfeld and Powell, who testified before the Congress to explain the actions of Defense and State Department personnel in Iraq, the actions of the task force will likely be shielded from the public by what may be said to be executive privilege.

The National Security Adviser, as a member of the President's staff, traditionally does not testify before the Congress, except under extreme circumstances. It is an unconfirmed position and its actions are hidden from the view of the Congress, the media, and the public.

The House of Representatives has valid concerns that if the National Security Adviser is responsible for the administration's reconstruction efforts in Iraq, her actions could be shielded from the public.

Senators will recall that the White House tried something similar to this last year.

After the September 11 attacks, the White House unilaterally created the Office of Homeland Security inside the White House and used executive privilege to cloak the office and its direc-

tor, Tom Ridge, from the Congress and the public. Senator STEVENS and I at that time wrote to the White House, and we wrote repeatedly, seeking testimony from Mr. Ridge. But he was not allowed to testify before the Appropriations Committee or any other congressional committees.

For 14 months, the actions of our chief homeland security officer, Mr. Tom Ridge, were hidden from the public. Not until the Congress forced the hand of the administration did the President acknowledge the dangers of such a situation. To end the stalemate, the President went so far as to reorganize the entire Federal Government—almost—by creating a new Department of Homeland Security, making its Secretary confirmable by the Senate.

So I certainly hope the present situation won't have to be resolved by creating a new Department of Iraqi Reconstruction.

The American people need to be sure that whoever the President chooses to lead the administration's reconstruction efforts in Iraq will be held accountable for their actions.

The Iraqi war effort, including the recently passed supplemental, has cost the American taxpayers \$118 billion; 351 U.S. soldiers have lost their lives. The administration has wagered the lives, the treasure, and international prestige of the American people on its Iraqi endeavors. With so much at stake, the Congress has a responsibility on behalf of the American people to ensure that whoever is running things in Iraq is answerable for their decisions to the Congress and to the American people.

I am not just referring to the National Security Adviser; I am also referring to the Administrator of the coalition Provisional Authority that now governs Iraq. This is an entity which has not been sanctioned, which has not been approved by the Congress. Its head has not been confirmed by the Senate. It is operating without any mandate from the American public. Yet it claims to be vested by the President with all executive, legislative, and judicial authority necessary to achieve its objective.

Mr. President, we are not even sure what its objectives are supposed to be. The President signed a national security directive earlier this year outlining the Iraqi civil administrator's authorities, but that directive is classified, hidden away from the American public. Yet the Congress is handing over another \$20 billion to this entity without insisting that the administrator be held accountable to the representatives of the people of our country. It is an idea so absurd that even the Republican-controlled House of Representatives has tried to stop it, and with good reason.

Let us look at the way the Marshall plan was crafted to rebuild Europe after World War II. In comparison, the Congress has allowed the administration to assume sweeping unchecked authorities for its efforts in Iraq. From

the first, the Truman administration worked closely with the Congress in the development of a foreign aid plan to rebuild Europe. Congress did not just appropriate funds whenever the administration asked for them. Congress developed a 4-year financial aid plan. It drafted enabling legislation that was debated for months in the House and the Senate. The Congress ensured that U.S. foreign aid commitments did not put its domestic interests in peril.

Unlike the Coalition Provisional Authority in Iraq, the Federal entity responsible for overseeing the implementation of the Marshall plan was authorized by statute. The Congress defined the scope of its powers and its authorities and built a public record of 7 weeks of hearings outlining its objectives and responsibilities. President Truman not only appointed a member of the opposition party, Republican businessman Paul G. Hoffman, to head that organization, but his appointment was subject to confirmation by the Senate. The Senate Foreign Affairs Committee had the opportunity to hold hearings and to ask questions about potential conflicts of interest to determine his qualifications.

On the other hand, the Coalition Provisional Authority and its Administrator can claim none of that.

The Congress has not sanctioned it by law. The Senate has not given its consent to the Administrator chosen to lead it. There is no public record detailing the potential conflicts of interest that may be pertinent to the Administrator's responsibility in administering the reconstruction of Iraq. Once the Congress appropriates its budget, the Administrator of the CPA could very well just begin to decline invitations to testify before the Congress, at least until he needs more money. It could further shield its actions from the public. With so little in statute tying the Congress to the CPA, the Congress needs to assert its authority to ensure that the CPA's Administrator will be held accountable to the Congress and to the American people.

While many Members of Congress may feel comfortable with the decisionmakers in the current administration, there will come a time when a new administration will take office, either Democrat or Republican, when Members of Congress may disagree with the administration officials wielding this power. We need to look beyond the party label of the current administration. We need to take a longer term view of accountability.

The Republican-controlled House of Representatives has taken that longer term view. The Senate would be wise to follow the lead of the House of Representatives. So I have an amendment that would, effective March 1, 2004, prohibit the Coalition Provisional Authority from using funds appropriated until its Administrator is appointed by the President, by and with the advice and consent of the Senate. In that way, the

Congress will have a mechanism to make sure these funds are spent wisely and there be accountability of their expenditure to better protect our troops and ensure their quick return home.

In proposing its \$87 billion supplemental request for Iraq, the administration has urged the Congress not to walk away from our troops. The irony is that in handing this money over to administration officials who are not accountable to the American people or their representatives in the Congress, that is exactly what we would be doing. We would be throwing our hands in the air telling the administration to fix the problem themselves; the Congress will give you more money later when you need it. That is not the way the House of Representatives sees it.

The Congress has more of a responsibility than that. We owe it to the troops to be more meticulous about how Iraqi reconstruction dollars are being spent. We owe it to the troops to ask questions and to ensure that the CPA is making decisions in their best interest. So I urge Senators not to turn away from the troops. The Senate should follow the lead of the House of Representatives and ensure accountability for how taxpayer dollars are spent. I urge the adoption of the amendment which I shall offer.

Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

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

Mr. BYRD. I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1969:

At the appropriate place, add the following:

Sec. . (a) None of the funds made available by this Act or any other Act may be used by the Coalition Provisional Authority (CPA) unless the Administrator of the Coalition Provisional Authority is an officer of the United States Government appointed by the President by and with the advice and consent of the Senate.

(b) This provision shall be effective March 1, 2004.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Byrd amendment, which I believe is the pending amendment, be temporarily laid aside.

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

AMENDMENT NO. 1970

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, and Mr. MCCAIN, proposes an amendment numbered 1970.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate on Burma)

On page 111, after line 12, insert the following:

(c) It is the sense of the Senate that the United Nations Security Council should debate and consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council.

Mr. MCCONNELL. Mr. President, my amendment is rather straightforward. It relates to the current regime in Burma. It simply states that it is the sense of the Senate that the United Nations Security Council should consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council; that is, the military junta that has ruled Burma for the last few decades.

While the United Nations Secretary General and his special envoy to Burma have publicly raised the struggle for freedom in that country, the Security Council itself has not considered the matter, which it should do at the earliest opportunity. The facts are self-evident. Under the SPDC, Burma poses a clear and present danger to itself and to its neighbors. Narcotics, HIV/AIDS, and refugees fleeing gross human rights abuses spill over Burma's borders and create humanitarian and security crises in Thailand, India, and China.

The Secretary General and his special envoy should understand that actions—not words—are required to free Burmese democracy leader Aung San Suu Kyi and all her compatriots who remain oppressed and imprisoned in Rangoon.

While I appreciate the President and the Secretary of State raising the issue of democracy in Burma with Thai Prime Minister Thaksin Sinawatra, I am afraid the message of freedom has again fallen on deaf ears.

As a democratic nation and an ally of the United States, Thailand has a particular obligation to support democracy and justice in Burma. Many of us in Washington are gravely concerned that Thailand inexplicably seems to rush to the defense of the SPDC at every single opportunity, deflating pressure even before it can be effectively applied.

Frankly, I expect—and the community of democracies should demand—the Thai Prime Minister to be more proactive in supporting Suu Kyi and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

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

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

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

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

Who yields time?

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

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

The record of the Environmental Protection Agency under this administration is abysmal. We have watched this administration roll back environmental law and regulations day after

day, week after week, and month after month. They have been dismantling our environmental law and the protections that our citizens have come to expect and, I believe, deserve from their Government.

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

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

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

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

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

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