

**SENATE—Monday, September 10, 2001**

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. BYRD].

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Father, thank You for the privilege to pray to You at the beginning of this work week in the United States Senate. Gratefully, we remember the historic event which made possible one of America's most enduring traditions. On September 7, 1774, the first prayer in Congress was prayed when the Continental Congress convened. We praise You that this declaration of dependence on You led to the Declaration of Independence twenty-two months later. We reflect on the many times throughout our Nation's history that prayer broke deadlocks, opened the way to greater unity, and brought light in our darkest times. As we celebrate the power of prayer in years past, deepen our individual and corporate prayers for this Senate and our Nation. Help us to say those crucial words, "One Nation Under God" with new trust in You this morning.

Dear God, bless America. Guide this Senate to lead this Nation to greater trust in You. We need a profound spiritual awakening once again. Forgive our Nation's humanistic secularism, materialism, and insensitivity to the problems of poverty, racism, and injustice. Lower Your plumb line of righteousness on every facet of our society and reveal what is out of plumb for what You desire for America. May our prayers draw us to Your heart. We want this prayer to begin a continuous conversation with You throughout this day. Help us to listen, discern Your will, and obey with faithfulness. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RESERVATION OF LEADER TIME**

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

**MORNING BUSINESS**

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine

morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 10 minutes each.

Also under the previous order, the time until 11:30 a.m. will be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee. Under the previous order, the time until 12 noon will be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID, is recognized.

**STATUS OF THE COMMERCE, STATE, JUSTICE APPROPRIATIONS BILL**

Mr. REID. Mr. President, I spoke Friday afternoon with Senator HOLLINGS, who will manage the Commerce, State, Justice appropriations bill. He indicated that he and Senator GREGG are ready to go to work. They will be on the floor at noon today. There are a number of amendments, but we don't think there will be a lot of amendments. We need to move this bill very quickly. As soon as we finish, we have seven more appropriations bills to complete as soon as possible, with the fiscal year coming to a close at the end of this month.

The majority leader has indicated that he will have a vote between 5 and 5:30 tonight. Senator HOLLINGS understands that. So Members should expect a vote tonight between 5 and 5:30.

The PRESIDENT pro tempore. The Senator from Wyoming, Mr. THOMAS, is recognized.

Mr. THOMAS. Mr. President, I yield the first 15 minutes to my friend, the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Idaho is recognized for not to exceed 15 minutes.

**THE LAST OF THE "SLUDGE" FROM THE CLINTON ADMINISTRATION**

Mr. CRAIG. Mr. President, I am on the floor of the Senate today to speak to an issue that is right in Washington D.C., in our midst. It is something that I think few of us realize, but it has begun to get the attention of the American public. We have seen several news articles on it in the last month.

Mr. President, the Bush administration inherited an environmental mess

from previous administrations over the past good number of years. As I have said, it is right here in the backyard of Washington, DC. The Washington Aqueduct, which is operated by the Army Corps of Engineers, is in violation of the Endangered Species Act and the Clean Water Act. Millions of pounds of sludge, laced with alum, are created when the Potomac River water is treated for drinking water for the Washington, D.C. and Northern Virginia area.

I have a picture of the release of the aqueduct into the Potomac River. Rather than send the sludge to a landfill, as other cities are required to do, it is dumped back into the Potomac River. Strangely enough, Mr. President, it is dumped into the river at night. Why? I suspect so that the public will not see it or ask the question: What is it? Therefore, it is dumped through the Chesapeake and the Ohio Canal National Historic Park.

The Corps claims that to alter this process so that it functions like other water treatment facilities will take years to plan, to build, and to become operational. The only problem is that they have been saying that now for decades.

The Corps has stated that if it were prohibited from dumping millions of pounds of toxic sludge into the river to protect an endangered species would create a security crisis. What would the crisis be? Well, it would deprive the White House, the Congress, the courts, and the Pentagon of adequate drinking water.

Mr. President, I have to be honest. That kind of an argument and that situation outrages me. I believe that no one should be above the law, including the Nation's Capital. Of all the places that I thought we would never hear the phrase, "not in my backyard," we are hearing it repeatedly said right here in Washington by the Army Corps of Engineers. A situation of this nature would never have occurred in the West because the Endangered Species Act would have trumped all of the other needs first. In fact, a community would be taxed beyond its capacity to finance a new facility and that facility would be ordered to be built by a court. There would be no arbitrary frustration of national security or that we simply can't get there in a timely fashion.

Let me give you an example in McCall, ID. The drinking water source from the community is cleaner than the standards of the Safe Water Drinking Act. However, the community has been struggling for the last decade to finance a new drinking water system in