

need to be a productive society in the 21st century. The fact is that this Republican-controlled Congress does not even view education as a high enough priority; they would rather put our time and our effort into tax breaks for people who are doing very well under our economy.

I will be happy to yield again to the Senator from Iowa.

Mr. HARKIN. Mr. President, the Senator knows that next week we celebrate the 10th anniversary of the Americans with Disabilities Act. A recent court decision upheld the ADA, trying to get people with disabilities the right to live independently in their own communities. That is going to require us to make some changes in this country. It is going to require us to invest in making sure people with disabilities have the kind of support they need so they can get education and jobs and independent living and transportation. If we do that, they are going to be wage earners and taxpayers and not living in institutions.

I say to the Senator from Illinois, as we celebrate the ADA next week, we ought to think about that, where all the money is now going, because the Republicans are giving it all to the top 1 percent and there will not be anything left to help make our country more fair and just, and to make sure we live up to our obligation to people with disabilities so they are fully integrated into our society.

Mr. DURBIN. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Just before the Senator leaves that thought about the need for support for special education, this is something the Senator from Iowa has been particularly interested in and in which he is strongly supported by the Senator from Illinois and myself.

We have heard a lot of lectures out here about the importance of helping local communities who have these extraordinary challenges of families who have children with these special needs, and it places a very special burden on local communities. I think the Senators from Iowa and Illinois and others understand the importance of giving help and relief to these communities all across this country. We hear about the need out there.

I am wondering whether the Senator shares my belief that after giving \$1.3 trillion away, whether we should not have used some of those resources to try to help local communities and help families who have these kinds of special needs for their children?

We are going to be hard pressed to find the resources to do that. Perhaps the Senator would also tell me why it is now that we have gone all of this last year, all of this year, and we still can't get a minimum wage up to look out for the interests of 13 million Americans who are working 40 hours a week, 52 weeks a year, who take pride and have a sense of dignity, that we can't have an opportunity to address

it, when in the last 5 days we have given \$1.3 trillion away to the wealthiest individuals.

Mr. DURBIN. I say to the Senator from Massachusetts, if you take a look at this chart, this is what the Republicans want to do for those who are working for the minimum wage, for less than \$13,000 a year. They want to give them a tax cut of \$24. Two dollars a month is their response. We are trying to give them a dollar an hour increase under Senator KENNEDY's leadership in the minimum wage. Yet those at the highest level, those making over \$300,000 a year, under the Republican proposal, will see a tax break of \$23,000 a year. That is almost double what people making minimum wage are receiving in income. We are going to give that much in a tax break to those making over \$300,000.

So instead of raising the minimum wage for the millions that the Senator refers to—and the 350,000 people who get up and go to work every day in Illinois at minimum-wage jobs—we are, instead, giving a tax break to the wealthiest among us.

Mr. KENNEDY. Will the Senator respond to another question?

Is it the Senator's position—and we have been joined by the Senators from California and New York—that there is a greater priority to provide a prescription drug program for the 40 million Americans who need prescription drugs than there is to grant the \$1.3 trillion to the wealthiest individuals, that the Senator from Illinois shares the belief that we ought to be addressing that particular issue prior to the time that we give away all of these funds to some of the wealthiest individuals?

Mr. DURBIN. I agree completely.

When Senator FEINGOLD offered his amendment that said anyone with an estate over \$100 million a year will have to pay estate taxes, it was rejected by the Republicans. To think people that wealthy should not pay their taxes, while many seniors have to choose between filling their prescription drug prescriptions or filling their refrigerators with food, I think tells the difference between the two parties when it comes to helping America.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I do not know if the Senator has mentioned this, but it seems to me this Republican Congress wants to take care of the top 2 percent of income earners in this country; and as far as the other 98 percent, they don't seem to care.

Why do I say that? Because you have to look at the action. I ask the Senator to again hold up that chart. What is happening here? If you asked the average person in the higher income brackets, who is doing so well in this particular time—thanks to the policies, I would say, of the Clinton-Gore team, supported by those of us in Congress—they don't need to get back \$23,000 a year. They are doing extremely well.

Does my friend think it is time to take a little of this emotion—I watched

the debate when Senator FEINGOLD offered his amendment to exempt estates of any taxes up to \$100 million. I thought at least on that point our friends on the other side could join hands with us. But no, the emotion on the other side of the aisle, defending the people, the "poor" people who are worth more than \$100 million, was so powerful that I only wished we could take a tenth of that emotion and address it to the minimum wage and prescription drugs and good public education.

I wonder if my friend noted the strong emotion and feeling on the other side of the aisle when it came to defending and protecting the wealthiest in this country, rather than the 98 percent of the people who need it. Did he take note of that?

Mr. DURBIN. I say to the Senator from California, time and again, the Republican Senators here have felt the "pain" of being wealthy in America. They can feel the "pain" of those who make over \$1 million each year, over \$300,000. They don't seem to feel any pain or any sense of emotion when it comes to the working families.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPRO- PRIATIONS ACT, 2001—Resumed

AMENDMENT NO. 3798

The PRESIDING OFFICER. The hour of 9:45 a.m. having arrived, the question now occurs on the Reed amendment No. 3798.

The Senator from Rhode Island.

Mr. REED. Mr. President, I believe my colleague, Senator GORTON, has a modification to my amendment, which I will accept. He is prepared to offer the modification to my amendment.

Mr. GORTON. Mr. President, what is the order of business? It is 9:45.

The PRESIDING OFFICER. There are 2 minutes evenly divided for explanation on the Reed amendment No. 3798.

Mr. GORTON. Mr. President, Senator REED and I have come to an accommodation, and we have a modification to his amendment.

First, I ask unanimous consent that the yeas and nays on the Reed amendment be vitiated.

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

AMENDMENT NO. 3798, AS MODIFIED

Mr. GORTON. Mr. President, I send a modification to the Reed amendment to the desk, and ask unanimous consent that it be immediately considered.

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

The amendment, as modified, is as follows:

(Purpose: To increase funding for weatherization assistance grants, with an offset)

On page 182, beginning on line 9, strike "\$761,937,000" and all that follows through "\$138,000,000" on line 17 and insert "\$763,937,000, to remain available until expended, of which \$2,000,000 shall be derived by

transfer from unobligated balances in the Biomass Energy Development account and \$2,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses: *Provided*, That \$174,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: \$140,000,000."

Mr. GORTON. Mr. President, this modification does make an increase in the appropriation to the amount in the House bill.

It has been a pleasure to work with Mr. REED toward a cause in which he believes and in a way which is fiscally responsible.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator for his gracious cooperation. This would increase the money we are committing to the weatherization program so that we could, in fact, provide more assistance to low-income homes to weatherize their homes, both to protect themselves in the cold of winter and the heat of summer. It would also make, we hope, the Nation less dependent on foreign sources of energy. It is an excellent proposal and program.

I thank the Senator for his cooperation.

Mr. President, I yield back my time and ask for a voice vote on the measure.

Mr. GORTON. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3798, as modified.

The amendment (No. 3798), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENTS NOS. 3910 AND 3911, EN BLOC

Mr. GORTON. Mr. President, I ask unanimous consent that two amendments that were inadvertently omitted from the managers' package last night be adopted at this time.

I send them to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRASSLEY, for himself and Mr. HARKIN, proposes an amendment numbered 3910.

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 3911.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments, en bloc, are as follows:

#### AMENDMENT NO. 3910

(Purpose: To direct the Secretary of the Interior to enter into a land exchange with Dubuque Barge & Fleeting Services, Inc., of Dubuque, Iowa)

On page 163, after line 23, insert the following:

#### SEC. 1. MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE.

(a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the "Secretary"), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as "Dubuque"), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of the parcel of land comprising the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILD LIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wild Life and Fish Refuge.

(c) EXCHANGE.—Not later than 30 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting in the Mississippi River island, Tract JO-4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

#### AMENDMENT NO. 3911

On page 126, line 16, strike "\$207,079,000" and insert "\$208,579,000".

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3910 and 3911), en bloc, were agreed to.

#### AMENDMENT NO. 3883

The PRESIDING OFFICER. Under the previous order, there are 2 minutes of debate on the Bryan amendment.

The Senator from Nevada.

Mr. BRYAN. Mr. President, this amendment would reduce the amount of money in a program that loses the American taxpayers a great deal of money—some \$2 billion over the period of 1992 to 1997—and transfers \$15 million into a program to help prevent forest fires in those areas which interface with the urban base. So we have State and local governments and the Forest Service all needing more money for planting.

This is totally different from the amendment the distinguished Senator from New Mexico offered which deals with reducing fuels that cause fires—a totally separate issue. This one is a winner for the American taxpayer, and it is a winner for the other people who live in those areas that can be affected by forest fires.

I urge the adoption of the amendment.

Mr. SMITH of Oregon. Mr. President, I rise today in strong opposition to the Bryan amendment which proposes to

cut funding for the Forest Service's timber sale program. Unfortunately, this amendment continues to assault on the statutory principle of multiple use of public lands.

While I don't take issue with the Senator from Nevada on the question of increasing funds for fire preparedness under the U.S. Forest Service, I must vehemently disagree with the proposal that the federal timber program should be slashed by thirty million dollars. As we all know, we are dealing with finite resources under the Interior appropriations bill, and I believe the managers of the bill have achieved a proper balance under these circumstances. In addition, I must remind my colleagues that just last week we all voted to dramatically increase funds for hazardous fuels reduction with the adoption of the Domenici amendment.

Year after year, opponents of logging on public lands allege that the Forest Service timber program is a subsidy for timber companies. The fact is, however, public timber is sold at competitive auctions at market prices. This is no subsidy for timber companies. Year after year, opponents of logging on public lands also claim that the Forest Service timber program is a money loser. Of course, their figures never seem to take into account the bureaucratic and statutory requirements created by a myriad of federal land regulations or recent accounting changes that front-load certain expenses, making more sales appear below cost. Unlike many private lands, National Forest System lands are managed for multiple uses—recreation, wildlife habitat, and forest products. If anything, the fiscal arguments used by proponents of this amendment only prove that, indeed, federal regulatory mandates are quite expensive.

Ironically, this amendment is actually counterproductive for the environment as well. We have well over sixty-five million acres of the National Forest System at risk of catastrophic wildlife, disease, and insect infestation. The high fuel loads created by a century of fire suppression, and eight years of passive forest management have set up our national forests for catastrophic wildlifes that threaten homes, wildlife, and watersheds. Mechanical removal through timber sales can be an efficient and economical tool to reduce these wildfire risks, and it should be available to the professional foresters of the Forest Service.

Despite its strong backing from environmental groups, the Bryan amendment will do nothing for global environmental stewardship as long as we, in the United States, continue to consume more wood products. During the assault on public lands industries under this administration, the amount of timber sold from our federal forests has dropped by nearly eighty percent. Predictably, our lumber imports have jumped by fifty percent over the same time. In other words, further cutting

our domestic federal timber program may be a feel-good move for some, but it will merely serve to encourage the shift of U.S. timber consumption to forests in foreign countries. Many of these source countries do not have the rigorous environmental standards we have in the U.S.—so we should ask ourselves whose environment we are really saving with this amendment, and at what cost.

What is particularly troubling for me about this kind of attack on the timber sale program is that Oregon has some of the best forests for timber production in the world. Certainly, Oregon forests are able to regenerate this renewable resource in a much more environmentally sound way than some of the foreign forests on which we have come to depend for our wood products needs. Yet in Oregon we have seen an even steeper decline in federal timber harvests than the nation as a whole during the Clinton-Gore years—more than ninety percent. Over a hundred mills have closed in my state and thousands of family-wage jobs in rural counties have been lost. Just last month, two more wood products facilities closed—one in Dallas, Oregon and one in Wallowa, Oregon. The Bryan amendment will just exacerbate the transfer of these jobs to foreign timber producers.

Mr. President, I'm not saying that there isn't a place for environment and recreational purposes on our federal lands—there certainly is. However, I believe strongly that we must manage our federal lands in a balanced way, so that we are good stewards of the land and meet some of our human needs for timber and recreation at the same time. Unfortunately, the amendment before us is just another attempt to export jobs and timber harvests overseas at the expense of rural America. I urge my colleagues to reject the Bryan amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this is another attempt to do away with the timber program and the salvage program, and all those associated with them. If you want to do something about fires, or the safety of the forests, or the health of the forests, what you do is maintain a healthy harvest situation. In other words, it just makes a lot of sense. It is the old idea of the Government having to own all the land. You have to harvest those trees. To take the money away from it does not get to the environmental objective that a lot of us want to get to.

I hope my colleagues will reject this amendment.

Mr. BRYAN. Might I inquire, is there any more time remaining on my side?

The PRESIDING OFFICER. There is not. The question is on agreeing to amendment No. 3883. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—45

Akaka	Edwards	Levin
Bayh	Feingold	Lieberman
Biden	Feinstein	Mikulski
Bingaman	Fitzgerald	Moynihan
Boxer	Graham	Reed
Breaux	Harkin	Reid
Brownback	Hollings	Robb
Bryan	Inouye	Rockefeller
Chafee, L.	Jeffords	Roth
Cleland	Kennedy	Sarbanes
Conrad	Kerrey	Schumer
DeWine	Kerry	Specter
Dodd	Kohl	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—54

Abraham	Gorton	McCain
Allard	Gramm	McConnell
Ashcroft	Grams	Murkowski
Baucus	Grassley	Murray
Bennett	Gregg	Nickles
Bond	Hagel	Roberts
Bunning	Hatch	Santorum
Burns	Helms	Sessions
Byrd	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Cochran	Inhofe	Smith (OR)
Collins	Johnson	Snowe
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lincoln	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Voinovich
Frist	Mack	Warner

NOT VOTING—1

Coverdell

The amendment (No. 3883) was rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the votes in the next series be limited to 10 minutes each.

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

Mr. GORTON. I ask unanimous consent that the Lieberman amendment be postponed and be put last on the list.

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

AMENDMENT NO. 3884

Under the previous order, there are 2 minutes equally divided on the Nickles amendment numbered 3884.

Mr. NICKLES. Mr. President, this amendment would basically say there would be no new national monuments unless authorized by an act of Congress.

Under the Antiquities Act, this administration just this year declared 2 million acres to be national monuments.

I happen to be a fan of national monuments, but I think we should have local input. We should have the Governors say whether or not they are for it. We should have local communities testify before Congress. We should have some input. Right now, that is not happening.

Prior to the last election, the President stood at the Grand Canyon and declared 1.7 million acres in Utah a national monument. This year, he declared 2 million acres. In contrast, that compares to 86,000 acres by Presidents Nixon, Ford, Reagan, and Bush. President Johnson declared 344,000. This President has already declared 2 million acres this year.

I think Congress should have some input. We should authorize it by an act of Congress.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Illinois.

Mr. DURBIN. Mr. President, the Nickles amendment is a historic vote. Since 1906, virtually every President of the United States has used the Antiquities Act to protect valuable, irreplaceable national treasures, such as the Grand Tetons and Olympic National Park.

With this Nickles amendment, the party of Teddy Roosevelt officially abandons its commitment to his environmental legacy. Without as much of a minute of hearings on this issue, the Nickles amendment strips the President of the authority he has had for generations to protect America's natural and national treasures. The Grand Old Party works overtime to protect the legacy of the wealthy from taxation but refuses to protect the legacies of meadows, rivers, mountains, and forests for our children.

Vote "no" on the Nickles amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask for a rollcall on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3884. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—49

Abraham	Gorton	Nickles
Allard	Gramm	Roberts
Ashcroft	Grams	Santorum
Bennett	Grassley	Sessions
Bond	Gregg	Shelby
Brownback	Hagel	Smith (NH)
Bunning	Hatch	Smith (OR)
Burns	Helms	Snowe
Byrd	Hutchinson	Specter
Campbell	Hutchison	Stevens
Cochran	Inhofe	Thomas
Collins	Kyl	Thompson
Craig	Lott	Thurmond
Crapo	Mack	Voinovich
Domenici	McCain	Warner
Enzi	McConnell	
Frist	Murkowski	

## NAYS—50

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Fitzgerald	Lugar
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Chafee, L.	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Roth
Daschle	Kerry	Sarbanes
DeWine	Kohl	Schumer
Dodd	Landrieu	Schumer
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden

## NOT VOTING—1

Coverdell

The amendment (No. 3884) was rejected.

Mr. DURBIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in a very short period of time now, we can adopt two amendments that have now been agreed to.

## AMENDMENT NO. 3811

Mr. GORTON. Mr. President, I ask unanimous consent we now proceed to consider the Lieberman amendment No. 3811.

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

Mr. GORTON. Mr. President, the amendment has now been agreed to by all sides.

We yield back all time.

The PRESIDING OFFICER. All time being yielded back, the question is on agreeing to the amendment.

The amendment (No. 3811) was agreed to.

## AMENDMENT NO. 3887

Mr. GORTON. Mr. President, I ask unanimous consent that we now proceed to the Bingaman amendment No. 3887.

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

## AMENDMENT NO. 3887, AS MODIFIED

Mr. GORTON. Mr. President, an agreement has been reached on this amendment, which requires a modification. I send the modification to the Bingaman amendment to the desk and ask unanimous consent that it be so modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To express the sense of the Senate regarding the protection of Indian program monies from judgment fund claims)

On page 163, after line 23, add the following:

SEC. . (a) FINDINGS.—The Senate makes the following findings:

(1) in 1990, pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 450 et seq., a class action lawsuit was filed by Indian tribal contrac-

tors and tribal consortia against the United States, the Secretary of the Interior and others seeking money damages, injunctive relief, and declaratory relief for alleged violations of the ISDEAA (*Ramah Navajo Chapter v. Lujan*, 112 F.3d 1455 (10th Cir. 1997));

(2) the parties negotiated a partial settlement of the claim totaling \$76,200,000, plus applicable interest, which was approved by the court on May 14, 1999;

(3) the partial settlement was paid by the United States in September 1999, in the amount of \$82,000,000;

(4) the Judgment Fund was established to pay for legal judgments awarded to plaintiffs who have filed suit against the United States;

(5) the Contract Disputes Act of 1978 requires that the Judgment Fund be reimbursed by the responsible agency following the payment of an award from the Fund;

(6) the shortfall in contract support payments found by the Court of Appeals for the 10th Circuit in *Ramah* resulted primarily from the non-payment or underpayment of indirect costs by agencies other than the Bureau of Indian Affairs and the Indian Health Service;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) repayment of the judgment fund for the partial settlement in *Ramah* from the accounts of the Bureau of Indian Affairs and Indian Health Service would significantly reduce funds appropriated to benefit Tribes and individual Native Americans; and

(2) the Secretary of the Interior should work with the Director of the Office of Management and Budget to secure funding for repayment of the judgment in *Ramah* within the budgets of the agencies that did not pay indirect costs to plaintiffs during the period 1988 to 1993 or paid indirect costs at less than rates provided under the Indian Self-Determination Act during such period.

Mr. BINGAMAN. Mr. President, this amendment is intended to express the sense of the Senate that repayment of the judgment fund for the partial settlement in the *Ramah Navajo Chapter v. Lujan* case from Indian program funds within BIA and IHS would significantly reduce the funds appropriated to benefit Tribes and individual Native Americans across the country.

This unprecedented partial settlement was the result of a lawsuit filed in 1990, pursuant to the Indian Self-Determination and Education Assistance Act against the United States, the Secretary of Interior Manuel Lujan, and others.

The *Ramah* Chapter of the Navajo Nation in northwest New Mexico initiated the lawsuit to recover damages for the alleged non-payment or underpayment of indirect costs, related to 638 contracts it entered into with several federal agencies.

This suit became a class action suit and currently involves over 326 class members made up of tribal contractors and tribal consortia from across the country.

In 1997, the Tenth Circuit Court of Appeals found that the tribes involved were underpaid and that several federal agencies were involved in the non-payment and underpayment of indirect costs.

Last year, the federal agencies and the plaintiffs negotiated a partial settlement totaling \$76,200,000, plus applicable interest.

This partial settlement was paid by the United States in September 1999.

Many people do not realize that Congress established a Judgment Fund to pay for legal judgments awarded to plaintiffs who sue the United States. This enables plaintiffs to be paid the amount of their judgment without having to wait for Congress to appropriate funds for each case.

Years later, in 1978, Congress passed the Contract Disputes Act and required that the Judgment Fund be reimbursed by the responsible agency after an award is paid from the judgment fund.

The problem we have today is the Department of Interior, namely the Bureau of Indian Affairs, has been billed for the entire amount of the partial settlement in the *Ramah* case. With interest, this totals approximately \$83 million.

Many tribes are concerned that if BIA has to pay back the judgment fund from available funds, Indian programs will be significantly impacted. I share their concern.

I introduced this amendment to shed some light on this issue and to encourage the federal agencies to resolve this matter in a way that does not severely impact Indian programs.

It does not seem appropriate to me that Indian program funds—funds that benefit tribes and individual Indians—should be used to pay for a lawsuit brought by tribes and tribal entities.

Because there were many agencies involved in the underpayment of the contract support costs, I believe the Secretary of Interior should work with the OMB to find the funding from within the budgets of all of the agencies involved.

Any other result would be unjust and unfair to Native Americans across the country.

I encourage my colleagues to support this sense of the Senate and I thank Senator CAMPBELL for his leadership in this area and his support of this amendment.

Mr. CAMPBELL. Mr. President, I am pleased to join Senator BINGAMAN and others in this Sense of the Senate Resolution related to a class action lawsuit that was filed some years ago by several Indian tribes against Secretary Babbitt for failure to fully pay for contract support costs necessary for tribal contractors to carry out Federal programs and services under the Indian Self-Determination and Education Assistance Act of 1975, as amended, 25 U.S.C. 450 et seq.

To fully understand this issue a little background is in order. I was the proud sponsor of S. Res. 277, commemorating the 30th anniversary of President Nixon's "Special Message to Congress on Indian Affairs" in which he laid the foundation for modern Federal Indian policy—Indian Self-Determination. Built on the twin pillars of political self-determination and economic self-sufficiency, this policy continues to be a driving force in the economic progress some tribes are making.

The 1975 ISDEA was enacted to further this policy by authorizing Indian tribes to contract for the performance of Federal programs and services by "stepping into the shoes" of the United States.

Now, 25 years later, nearly one-half of the Bureau of Indian Affairs and Indian Health Service programs and services are subject to tribal contracts and compacts.

To facilitate these contracts, the United States is obligated to provide the administration costs—or "contract support costs"—to those tribes that carry out ISDEA contracts, just as it does to military contractors, research universities and other entities.

The Ramah Navajo Chapter v. Babbitt case resulted in a judgment of \$82 million against the U.S. to be paid from the Judgment Fund for failure to pay these contract support costs. Under the law applicable to this case, the Treasury Department may seek to have the BIA reimburse the Judgment Fund for this amount. The funds for reimbursement would come from the BIA's operating budget, resulting in manifest inequity for not only the plaintiff tribes but for all tribes who depend on BIA funds for core programs such as law enforcement, education, child care, and others.

This sense of the Senate amendment would not prevent the kind of reimbursement that the tribes and I fear, but expresses the consensus of the Senate that the agencies involved—the BIA and the IHS—should declare Indian program funds unavailable for purposes of reimbursement.

I remain hopeful that stronger language can be crafted to protect these funds, and in the interim lend my support to this amendment. I want to commend Senator BINGAMAN for his hard work in finding a solution that does not run afoul of the budget rules and commit to working with him and others as we proceed to conference in this bill.

The PRESIDING OFFICER. Is all time yielded back on the Bingaman amendment, as modified?

Mr. GORTON. All time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3887, as modified.

The amendment (No. 3887), as modified, was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, regular order.

AMENDMENT NO. 3886

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to a vote on the Bond second-degree amendment No. 3886 to the Boxer amendment.

The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that Senators LINCOLN,

KERREY of Nebraska, and ROBERTS be added as cosponsors to my amendment.

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

Mr. BOND. I yield 30 seconds to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I rise in support of this bipartisan amendment which prevents funds from being used for the application of unapproved pesticides in areas that may be used by children and directs the Secretary of the Interior to work with EPA to ensure that pest control methods do not lead to unacceptable exposure to children.

We updated the safety standards for pesticides, with specific safety factors for children, in 1996.

This amendment allows EPA to do its job. The Boxer amendment seeks to regulate pest control products from the Senate floor, thereby ignoring the scientific tests EPA requires for pesticide registrations.

I urge Members to support the Bond second-degree amendment and to let EPA do its job of regulating and ensuring safety for all of us, including our children.

Mr. ROBERTS. Mr. President, I rise today in support of the Bond second-degree amendment to the amendment offered by my colleague from California.

I agree with the intentions of the amendment offered by the Senator from California. All of us want to protect the health of our children. However, I do not believe her amendment does this. In fact, I believe it could actually harm the health of children.

In 1996, Congress approved, nearly unanimously, the Food Quality and Protection Act. The FQPA was intended to reform pesticide tolerance and review processes dating from as far back as the 1950s. Quite simply, prior to the passage of the FQPA the standards being used to evaluate pesticides and chemicals was not in step with today's science.

Under the FQPA we tightened the review standards. Their are specific guidelines for pesticide and tolerance review by EPA. And, EPA has tightened the requirements regarding the effects of the pesticides on children. If EPA believes a chemical or pesticide could be harmful to children, it can pull, or request that a product, be pulled from the market. In fact, this has happened in several instances.

EPA should and will pull a chemical when children's and the public's health are at risk. At the same time, I want my colleagues to understand that without these pesticides we may be submitting our children to health risks associated with roaches, brown recluse spiders, ticks, mosquitoes, and other pests.

By passing the Senator from California's amendment, we may actually be tying the hands of our federal officials and keep them from protecting children from these pests.

The Bond amendment recognizes that we already have a review and approval process in place. It says that if a chemical has not been deemed safe to use around children it cannot be used by the federal agencies funded under this act. Congress has put a product review process in place. It should be followed. The Bond amendment stays the course and I urge my colleagues to support his amendment.

Mr. BOND. Mr. President, the underlying amendment circumvents the science-based process at EPA which includes explicit and stringent protections for children.

Additionally, it places children at risk by prohibiting EPA-approved products that protect our children from diseases such as asthma, encephalitis, malaria, Lyme disease, brown recluse spiders, and others.

EPA does not support this amendment, and the amendment is based on the shockingly false premise that EPA does not care enough about children to protect them as mandated by law.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have no problem with the Bond-Lincoln amendment, but it does nothing. All pesticides that are on the market today are approved by EPA. There are none that are not. This is a sham amendment to kill my underlying amendment, which already passed this Senate 84-14 when I offered it on the Department of Defense Appropriations bill.

Simply put, what we are saying is, for preventive and routine application of pesticides in national parks—where children play—don't use the most toxic pesticides, those that are identified by the EPA as known or probable carcinogens, acute nerve toxins or organophosphates, carbamates or organochlorines. EPA has identified these pesticides as those "which appear to pose the greatest risk to public health." In a June 13, 2000 letter, EPA states that it "strongly supports the goal" of my amendment.

EPA supports what we are trying to do because they have a mission, which is to protect kids. While it's true that the Food Quality Protection Act of 1996 required EPA to ensure that its standards protect children, the fact is, EPA is not implementing this provision consistent with congressional intent. EPA has only applied the "safety factor" referred to by my colleague from Arkansas in nine—just nine—of the thousands of cases it has reviewed. EPA is currently being sued because it is not enforcing this important provision.

So what we are saying is, for the preventive and routine application, do not use these highly toxic pesticides unless there is an emergency, because children are not adults—they are rapidly growing, they are rapidly changing and they are, as a result, uniquely vulnerable to these toxins.

In its report, Pesticides in the Diets of Infants and Children, the National

Academy of Sciences tells us that children are uniquely vulnerable to the exact toxins targeted by my amendment. The NAS also tells us that current EPA standards "could result in the permanent loss of brain function [in children] if it occurred during prenatal or early childhood period of brain development."

I am voting for the Bond amendment. And I am coming right back with my first degree amendment to protect children from these dangerous pesticides.

I suggest the absence of a quorum.

Mr. BOND. I ask unanimous consent—

Mrs. BOXER. 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. REID. 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. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3886 offered by the Senator from Missouri.

Mr. BYRD. Mr. President, what is the question on which we are voting?

The PRESIDING OFFICER. The question is on agreeing to the Bond second-degree amendment No. 3886 to the Boxer amendment.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—99

Abraham	Dodd	Kennedy
Akaka	Domenici	Kerrey
Allard	Dorgan	Kerry
Ashcroft	Durbin	Kohl
Baucus	Edwards	Kyl
Bayh	Enzi	Landrieu
Bennett	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Fitzgerald	Levin
Bond	Frist	Lieberman
Boxer	Gorton	Lincoln
Breaux	Graham	Lott
Brownback	Gramm	Lugar
Bryan	Grams	Mack
Bunning	Grassley	McCain
Burns	Gregg	McConnell
Byrd	Hagel	Mikulski
Campbell	Harkin	Moynihan
Chafee, L.	Hatch	Murkowski
Cleland	Helms	Murray
Cochran	Hollings	Nickles
Collins	Hutchinson	Reed
Conrad	Hutchison	Reid
Craig	Inhofe	Robb
Crapo	Inouye	Roberts
Daschle	Jeffords	Rockefeller
DeWine	Johnson	Roth

Santorum	Smith (OR)	Thurmond
Sarbanes	Snowe	Torricelli
Schumer	Specter	Voinovich
Sessions	Stevens	Warner
Shelby	Thomas	Wellstone
Smith (NH)	Thompson	Wyden

NOT VOTING—1

Coverdell

The amendment (No. 3886) was agreed to.

Mr. STEVENS. Mr. President, 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.

AMENDMENT NO. 3912 TO AMENDMENT NO. 3885

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3912 to amendment No. 3885:

At the end of the amendment, add the following: "None of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children and pregnant women may be present."

Mrs. BOXER. Mr. President, this is an important amendment. What we are saying is, for routine pesticide spraying in our national parks where children play and pregnant women are present, that the Park Service should use the least toxic pesticides. In other words, for routine use, don't use pesticides that are known carcinogens, probable carcinogens, or that are toxic to the nervous system. These pesticides are identified by EPA as "those which pose the greatest risk to public health."

I would like to place into the RECORD a June 30, 2000 letter from EPA to my colleague Senator BOND where EPA states that fact.

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

ENVIRONMENTAL PROTECTION AGENCY,

Washington, DC, June 30, 2000.

Hon. ROBERT SMITH,

Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding follow up questions to the June 13, 2000 nomination hearing of Mr. James Aidalda before the Senate Committee on Environment and Public Works. Enclosed are the questions with the Administration's responses. Should you require any additional information, please contact me, or your staff may contact Ron Bergman at 564-3653.

Sincerely,

DIANE E. THOMPSON,

Associate Administrator.

Enclosures.

ENCLOSURE 1

(1) Is it accurate that EPA supports enactment into law of amendment #3308 as written?

As you are aware, EPA stated in a letter to Senator Boxer dated June 13, 2000, that EPA

supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.

(2) If EPA supports elimination of the products restricted in amendment #3308, please outline and supply the scientific studies and other scientific basis in detail which influenced your judgement.

EPA supports the goal of limiting unnecessary exposure to children of pesticides. EPA is ready to work with the Department of Defense (DoD) and others to craft effective methods of pest control that will minimize exposures to children. In fact, there is already a foundation of success to build on in this regard. In 1996, EPA and DoD entered into a memorandum of understanding to form a partnership to promote environmental stewardship by adopting integrated pest management strategies. This effect has resulted in significant reductions of pesticide use by DoD.

The categories of pesticides included in the amendment correlate with Group 1 of EPA's schedule for tolerance reassessment, consisting of pesticides which appear to pose the greatest risk to public health. A copy of the Federal Register Notice explaining the division of pesticides into groups is enclosed. The Agency is giving priority to the review of these pesticides through its tolerance reassessment process and will take appropriate action upon completion of the review. To date, the Agency has reviewed approximately 3,485 of the 9,721 existing tolerances. When the Agency determines, after extensive scientific review, that the risks posed by a pesticide do not meet the FQPA standards it will move to eliminate the risk. For example, last August, the Agency negotiated agreements with the manufacturers of methyl parathion and azinphos methyl to either eliminate or reduce application rates on foods to address such unacceptable risks. Meanwhile, many of the pesticides included in the amendment are still undergoing reassessment.

(3) If EPA opposes the amendment, supports changes to the amendment, or has concerns with the amendment, why was that not expressed in the letter?

As stated above, the June 13 letter reaffirms EPA's support for the goal of the amendment. Beyond that, the Administration has not taken a position on the amendment.

(4) If the letter is neither supportive or in opposition to the amendment, what was the purpose of the letter?

Immediately after the June 13 confirmation hearing, EPA was asked by Senator Boxer to provide its views in writing on the amendment prior to the scheduled floor consideration of the amendment. As Mr. Aidalda testified, the amendment had not received Administration review. Given the limited time available, the Agency stated its support for the goal of protecting children from unnecessary pesticide exposure and to explain our current activities in that area. We also expressed our willingness to work closely with the DoD on this issue.

(5) Were you aware of this letter at the time of your testimony and if so, why was it not referenced before the Committee?

At the time of Mr. Aidalda's testimony, EPA was not preparing a letter, it was only upon the conclusion of the hearing that a request was received from Senator Boxer for such a letter. At the time of the hearing, Mr. Aidalda was only aware that Senator Boxer was considering introducing such an amendment.

(6) If you were not, were you subsequently consulted?

Mr. Aidala was subsequently informed that EPA's Office of Congressional and Intergovernmental Relations received a request from Senator Boxer to clarify EPA's views.

(7) If you were not consulted, why were you not consulted?

Not applicable.

(8) Please reconcile your testimony with the letter.

The letter and, to the best of our understanding, Mr. Aidala's testimony state that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration.

(9) Does EPA already protect children on military bases from harmful pesticides?

The protection of children is one of our highest priorities. When we register, reregister, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children. FQPA requires special protections for infants and children including: an explicit determination that tolerances are safe for children; an additional safety factor, if necessary, to account for uncertainty in data relative to children; and consideration of children's special sensitivity and exposure to pesticide chemicals.

(10) If not, why not?

Not applicable.

(11) If so, why is this legislation necessary?

EPA supports the goal of limiting unnecessary exposure to children from pesticides and respects the authority of Congress to impose restrictions beyond the current regulatory program.

(12) List the products that would be impacted by this amendment?

As stated earlier, the products correlate with those on Group 1 of EPA's tolerance reassessment schedule. A copy of that schedule of information is enclosed.

(13) Describe the nature of the products in a range from threatening to benign that would be affected by this amendment?

Pesticides which were included in Group 1 were those that EPA identified as appearing to pose the greatest risk to public health. The Agency did not distinguish among products in this group in terms of their potential effects.

(14) Do any of these products have positive benefits to children's health?

When used according to label directions many of these products could be used for pest control, sterilization of medical instruments, or other uses potentially beneficial to children.

(15) If so, is there any risk to children if Congress prevents the availability of these products?

EPA is not sufficiently aware of DoD's pest control needs to make that determination. To make a proper assessment, the Agency would need to know what products are used, and how they are used so that alternatives could be considered. It should be noted that through EPA's Pesticide Environmental Stewardship Program, DoD has committed to moving toward pesticide alternatives and less use of pesticides, or use of less toxic pesticides. DoD has been recognized by EPA for their tremendous progress in this area.

(16) What is the availability and cost of substitute products?

Again, EPA would need to know more about the DoD's pest control needs to make that determination.

(17) Are any of the products affected by this amendment products that were NOT restricted in an equivalent way by the chlorpyrifos agreement announced by EPA last week?

There would be many other products affected that were not part of last week's

agreement, although chlorpyrifos products would be part of the list of affected pesticides.

(18) If so, which products/uses permitted under the chlorpyrifos agreement would not be permitted under this amendment?

This would require detailed knowledge of DoD pest control needs, but might affect any of the pesticides under Group 1, including chlorpyrifos.

(19) Did EPA consult with DoD prior to the 6/13/00 letter to coordinate the Administration's view on the amendment?

EPA did not formally consult with DoD in preparing this specific letter. The letter stated that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted earlier, however, the amendment has not been subject to a full review by the Administration.

(20) Is EPA, in general, supportive of Congress substituting its own judgment in place of that of EPA's by bypassing the existing regulatory system that relies on science and is already in place?

EPA respects the role of Congress to enact laws and conduct oversight on their implementation by the Administration. EPA stands ready to work with Congress to ensure the necessary pest control tools are available while minimizing unnecessary risk.

(21) In general, is EPA supportive of broad new regulatory requirements added as legislative provisions to appropriations bills without the benefit of public hearings and if so why was this amendment not opposed on that basis?

In general, the Administration opposes riders to appropriations bills that weaken environmental protections. As stated above, EPA supports the goal of limiting unnecessary exposure of children to pesticides. This is consistent with the emphasis of FQPA's mandate to protect infants and children.

Mrs. BOXER. I would also like to place into the RECORD a letter from EPA stating that the agency supports the goals of my amendment.

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

ENVIRONMENTAL PROTECTION AGENCY,  
Washington, DC, June 13, 2000.

Hon. BARBARA BOXER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BOXER: Thank you for the opportunity to express the views of the U.S. Environmental Protection Agency on your amendment to the appropriations bill for the Department of Defense. This amendment would prohibit the expenditure of funds for the preventative application of certain categories of hazardous pesticides in areas owned or managed by the Department of Defense, if the area may be used by children. Examples of such areas include: parks, base housing, recreation centers, and day care facilities.

The EPA strongly supports the goal of the proposed amendment to prevent unnecessary exposure of children to highly hazardous pesticides. We consider protection of children from unnecessary exposure to pesticides to be one of our highest priorities. Before EPA registers a new pesticide for any use, we evaluate its potential human health effects, including effects on children, using the best scientific data available. We conduct an extensive scientific evaluation to ensure that pesticides will not cause short-term effects, such as skin and eye irritation, or more persistent effects, such as birth defects, reproductive system disorders, and cancer.

As you know, the Food Quality Protection Act of 1996 (FQPA) directs EPA to bring the

same scientific scrutiny to the review of all pesticides previously approved for food use so that we can be sure that we are providing the full measure of protection for children. Under the FQPA, the Agency has identified the pesticides which appear to pose the greatest risk to public health. These pesticides, which receive the highest priority for reassessment, include the categories identified in the Boxer-Reed amendment: organophosphate, carbamate, and organochlorine pesticides, potential human carcinogens, and neurotoxic compounds.

EPA stands ready to work with the Department of Defense and other federal agencies to design safe, effective methods of pest control that do not lead to unacceptable exposure of children to these hazardous materials.

Sincerely,

MICHAEL MCCABE,  
Acting Deputy Administrator.

Mrs. BOXER. Contrary to statements you have heard today, EPA is not opposed to my amendment.

Now, the Senate is already on record as voting for this before by a vote of 84-14. I hope we will see that type of a vote today. I just have to say this. There are scare tactics being used that say if there is an emergency, they could not use the highly toxic pesticides targeted by my amendment. Untrue. We have drawn up this amendment in such a way that only applies to the routine, preventive use. So please support us.

The children in this country are counting on us to protect them. The National Academy of Sciences has told us that children are vulnerable to the dangers posed by the pesticides targeted by my amendment. Most important, the NAS has told us that current EPA standards don't protect our children from those dangers. At a minimum, we should protect our children. Please vote aye.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I stated before that this approach proceeds on the outrageous assumption that the Clinton-Gore-Browner administration in EPA is not doing its job of regulating pesticides. Children would be placed at risk if we banned these pesticides. And contrary to what was said in the DOD debate, EPA does not support the underlying amendment.

I ask unanimous consent that a June 30 letter from EPA, which states they have not reviewed it, be printed in the RECORD.

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

ENVIRONMENTAL PROTECTION AGENCY,  
Washington, DC, June 30, 2000.

Hon. ROBERT SMITH,  
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding follow up questions to the June 13, 2000 nomination hearing of Mr. James Aidala before the Senate Committee on Environment and Public Works. Enclosed are the questions with the Administration's responses. Should you require any additional

information, please contact me, or your staff may contact Ron Bergman at 564-3653.

Sincerely,

DIANE E. THOMPSON,  
Associate Administrator.

Enclosures.

ENCLOSURE 1

(1) Is it accurate that EPA supports enactment into law of amendment #3308 as written?

As you are aware, EPA stated in a letter to Senator Boxer dated June 13, 2000, that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.

(2) If EPA supports elimination of the products restricted in amendment #3308, please outline and supply the scientific studies and other scientific basis in detail which influenced your judgment.

EPA supports the goal of limiting unnecessary exposure to children of pesticides. EPA is ready to work with the Department of Defense (DoD) and others to craft effective methods of pest control that will minimize exposures to children. In fact, there is already a foundation of success to build on in this regard. In 1996, EPA and DoD entered into a memorandum of understanding to form a partnership to promote environmental stewardship by adopting integrated pest management strategies. This effort has resulted in significant reductions of pesticide use by DoD.

The categories of pesticides included in the amendment correlate with Group 1 of EPA's schedule for tolerance reassessment, consisting of pesticides which appear to pose the greatest risk to public health. A copy of the Federal Register Notice explaining the division of pesticides into groups is enclosed. The Agency is giving priority to the review of these pesticides through its tolerance reassessment process and will take appropriate action upon completion of the review. To date, the Agency has reviewed approximately 3,485 of the 9,721 existing tolerances. When the Agency determines, after extensive scientific review, that the risks posed by a pesticide do not meet the FQPA standards it will move to eliminate the risk. For example, last August, the Agency negotiated agreements with the manufacturers of methyl parathion and azinphos methyl to either eliminate or reduce application rates on foods to address such unacceptable risks. Meanwhile, many of the pesticides included in the amendment are still undergoing reassessment.

(3) If EPA opposes the amendment, supports changes to the amendment, or has concerns with the amendment, why was that not expressed in the letter?

As stated above, the June 13 letter reaffirms EPA's support for the goal of the amendment. Beyond that, the Administration has not taken a position on the amendment.

(4) If the letter is neither supportive or in opposition to the amendment, what was the purpose of the letter?

Immediately after the June 13 confirmation hearing, EPA was asked by Senator Boxer to provide its views in writing on the amendment prior to the secluded floor consideration of the amendment. As Mr. Aidala testified, the amendment had not received Administration review. Given the limited time available, the Agency stated its support for the goal of protecting children from unnecessary pesticide exposure and to explain our current activities in that area. We also expressed our willingness to work closely with the DoD on this issue.

(5) Were you aware of this letter at the time of your testimony and if so, why was it not referenced before the Committee?

At the time of Mr. Aidala's testimony, EPA was not preparing a letter, it was only upon the conclusion of the hearing that a request was received from Senator Boxer for such a letter. At the time of the hearing, Mr. Aidala was only aware that Senator Boxer was considering introducing such an amendment.

(6) If you were not, were you subsequently consulted?

Mr. Aidala was subsequently informed that EPA's Office of Congressional and Intergovernmental Relations received a request from Senator Boxer to clarify EPA's views.

(7) If you were not consulted, why were you not consulted?

Not applicable.

(8) Please reconcile your testimony with the letter.

The letter and, to the best of our understanding, Mr. Aidala's testimony state that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration.

(9) Does EPA already protect children on military bases from harmful pesticides?

The protection of children is one of our highest priorities. When we register, reregister, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children. FQPA requires special protections for infants and children including: an explicit determination that tolerances are safe for children; an additional safety factor, if necessary, to account for uncertainty in data relative to children; and consideration of children's special sensitivity and exposure to pesticide chemicals.

(10) If not, why not?

Not applicable.

(11) If so, why is this legislation necessary?

EPA supports the goal of limiting unnecessary exposure to children from pesticides and respects the authority of Congress to impose restrictions beyond the current regulatory program.

(12) List the products that would be impacted by this amendment?

As stated earlier, the products correlate with those on Group 1 of EPA's tolerance reassessment schedule. A copy of that schedule of information is enclosed.

(13) Describe the nature of the products in a range from threatening to benign that would be affected by this amendment?

Pesticides which were included in Group 1 were those that EPA identified as appearing to pose the greatest risk to public health. The Agency did not distinguish among products in this group in terms of their potential effects.

(14) Do any of these products have positive benefits to children's health?

When used according to label directions many of these products could be used for pest control, sterilization of medical instruments, or other uses potentially beneficial to children.

(15) If so, is there any risk to children if Congress prevents the availability of these products?

EPA is not sufficiently aware of DoD's pest control needs to make that determination. To make a proper assessment, the Agency would need to know what products are used, and how they are used so that alternatives could be considered. It should be noted that through EPA's Pesticide Environmental Stewardship Program, DoD has committed to moving toward pesticide alternatives and less use of pesticides, or use of less toxic pesticides. DoD has been recognized by EPA for their tremendous progress in this area.

(16) What is the availability and cost of substitute products?

Again, EPA would need to know more about the DoD's pest control needs to make that determination.

(17) Are any of the products affected by this amendment products that were NOT restricted in an equivalent way by the chlorpyrifos agreement announced by EPA last week?

There would be many other products affected that were not part of last week's agreement, although chlorpyrifos products would be part of the list of affected pesticides.

(18) If so, which products/uses permitted under the chlorpyrifos agreement would not be permitted under this amendment?

This would require detailed knowledge of DoD pest control needs, but might affect any of the pesticides under Group 1, including chlorpyrifos.

(19) Did EPA consult with DoD prior to the 6/13/00 letter to coordinate the Administration's view on the amendment?

EPA did not formally consult with DoD in preparing this specific letter. The letter stated that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted earlier, however, the amendment has not been subject to a full review by the Administration.

(20) Is EPA, in general, supportive of Congress substituting its own judgement in place of that of EPA's by bypassing the existing regulatory system that relies on science and is already in place?

EPA respects the role of Congress to enact laws and conduct oversight on their implementation by the Administration. EPA stands ready to work with congress to ensure the necessary pest control tools are available while minimizing unnecessary risk.

(21) In general, is EPA supportive of broad new regulatory requirements added as legislative provisions to appropriations bills without the benefit of public hearings and if so why was this amendment not opposed on that basis?

In general, the Administration opposes riders to appropriations bills that weaken environmental protections. As stated above, EPA supports the goal of limiting unnecessary exposure of children to pesticides. This is consistent with the emphasis of FQPA's mandate to protect infants and children.

Mr. BOND. Mr. President, there are great efforts in the EPA to protect children. They have special protections for infants and children. These products are important for sterilization of medical instruments, pest control, and other uses that are potentially beneficial to children.

I yield the remaining time to the Senator from Kansas.

Mr. ROBERTS. Mr. President, I agree with the intentions of the amendment by my distinguished friend and colleague from California.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. All of us should support Senator BOND.

Thank you very much.

The PRESIDING OFFICER. The question is on amendment No. 3912 to amendment No. 3885. The yeas and nays have been ordered. The clerk will call the roll. The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—41

Akaka	Feinstein	Mikulski
Bayh	Fitzgerald	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Bryan	Hollings	Reid
Byrd	Inouye	Robb
Cleland	Kennedy	Rockefeller
Collins	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Lautenberg	Schumer
Dodd	Leahy	Snowe
Dorgan	Levin	Torricelli
Durbin	Lieberman	Wellstone
Feingold	Lugar	Wyden

NAYS—58

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Baucus	Grams	Nickles
Bennett	Grassley	Roberts
Biden	Gregg	Roth
Bond	Hagel	Santorum
Breaux	Hatch	Sessions
Brownback	Helms	Shelby
Bunning	Hutchinson	Smith (NH)
Burns	Hutchison	Smith (OR)
Campbell	Inhofe	Specter
Chafee, L.	Jeffords	Stevens
Cochran	Johnson	Thomas
Craig	Kerrey	Thompson
Crapo	Kyl	Thurmond
DeWine	Landrieu	Voinovich
Domenici	Lincoln	Warner
Edwards	Lott	
Enzi	Mack	

NOT VOTING—1

Coverdell

The amendment (No. 3912) was rejected.

Mr. STEVENS. 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. STEVENS. I ask unanimous consent to address the Senate for 30 seconds.

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

Mr. STEVENS. Mr. President, I remind Senators that the two models of the World War II memorial that will be on The Mall are down in S-128 with people there to explain. It will come before the Fine Arts Commission this week for a final approval. Senator INOUE and I have been to see it. We urge Members to see the memorial and understand it. I think it will become a controversial subject in the near future.

AMENDMENT NO. 3885, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the underlying BOXER amendment, as amended.

The amendment (No. 3885), as amended, was agreed to.

CITY OF CRAIG, ALASKA

Mr. STEVENS. Mr. President, I would like to engage the distinguished manager of the Interior appropriations bill in a short colloquy regarding a provision of interest to me. My amendment provides an appropriation to recompense an Alaskan community for its inability to receive a municipal land entitlement under the Alaska Statehood Act and Alaska state laws.

The city of Craig is a small town located on the southern end of Prince of

Wales Island in southeast Alaska. It is the only community in southeast Alaska which was unable to receive a municipal entitlement under Alaska state law. This is a result of a 20-year process in the 1960s and 1970s by which the U.S. Forest Service and State of Alaska could not agree on the process for State selections under the Alaska Statehood Act at Craig.

In 1971, Congress passed the Alaska Native Claims Settlement Act. ANCSA authorizes the Secretary of Agriculture to work with the State "for the purpose of effecting land consolidations or to facilitate the management or development of the land. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged."

Despite this authority, the implementation of the act in southeast Alaska simply resulted in Alaska Native land selections completely surrounding Craig. Under ANCSA, these selections are not taxable or subject to condemnation unless the land is developed. As a result, Craig and its residents of about 2,500 people live on only 300 acres of privately and municipally owned land. This is insufficient as a tax base to support the community. My colleague and chairman of the Energy and Natural Resources Committee introduced S. 1797 to solve this problem. That bill which I cosponsored and which has passed the Senate unanimously would provide a land grant to Craig of approximately 4,300 acres.

However, I recently have been informed by the administration that it believes a direct monetary grant to Craig is a better way to resolve this situation. The amendment which is to be added to the bill would provide for this payment.

Mr. MURKOWSKI. Mr. President, as chairman of the Energy and Natural Resources Committee, I held a hearing on this issue and on S. 1797—that bill will provide a grant of lands. While I would be happy to have that bill passed into law, I plan to work to that end. However, to assure that Craig is not left with nothing, I would also support this solution. It is my hope that one of these two approaches can be accomplished this year.

My committee's hearing provides a clear record that Craig is in a unique position being the fastest growing city in Alaska and the regional center for Prince of Wales Island. The city fathers are struggling to keep up with the demands for services as people from all over the island move to Craig looking for work. The city submitted its financial records which showed its problems. Our committee responded with S. 1797.

Mr. GORTON. The Senator is correct that this amendment would provide for such a payment. I am happy to accept this amendment from my colleagues from Alaska.

FISH AND WILDLIFE SERVICE

Mr. LEVIN. Mr. President, I congratulate the chairman and ranking

member of the Appropriations Committee for presenting the Senate with an Interior appropriations bill which addresses so many of the Indian, natural resource, and energy issues confronting America today. I also want to reiterate my support for a program of great interest to me and my colleagues from the Great Lakes states.

The Great Lakes Fish and Wildlife Restoration Act authorizes funding for a grants program for the implementation of fish and wildlife restoration projects recommended in the Great Lakes Fishery Resources Restoration Study. Enthusiasm for this program has been high and proposals for grants have exceeded available funds. Nevertheless, the Administration has proposed discontinuation of these grants in its budget request. I thank the chairman and ranking member for recognizing the value of Great Lakes fish and wildlife restoration grants and maintaining funding for these grants at this year's \$398,000 level.

I would like to ask the distinguished ranking member if, should additional funds become available, he would consider increasing the grants funding for the Great Lakes Fish and Wildlife Restoration Program by an additional \$500,000?

Mr. BYRD. Mr. President, I want to thank the distinguished Senator from Michigan and our colleagues from the Great Lakes states for highlighting the importance of Great Lakes Fish and Wildlife Restoration grants to the chairman and myself. We are pleased to recommend continuation of this program which is so vital to the fish and wildlife of the Great Lakes. I assure the Senator that the conferees will keep this program in mind, should additional funds become available for the appropriations in this bill.

Mr. LEVIN. I thank my friend from West Virginia.

FUNDING FOR NATIONAL PARKS

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for the Department of Interior and Related Agencies, I wonder if the distinguished Senator from West Virginia would answer two questions regarding funding for the National Park Service?

Mr. BYRD. I would be pleased to offer my views about this bill to my friend from Michigan.

Mr. LEVIN. I am aware that the bill before us contains funding for Operations of the National Park System in the amount of \$1,443,795,000, which is more than \$80 million above the Fiscal Year 2000 level. I am also aware that approximately \$25.6 million has been provided for increases in the base operating budgets of more than 80 parks and related sites, including increases of \$325,000 for Isle Royale National Park and \$850,000 for Keweenaw National Historic Park. I greatly appreciate that the chairman and ranking member have been able to provide these amounts. I must say to my colleagues, though, that there is also a significant

need for operating increases at other Michigan parks such as the North Country National Scenic Trail and Sleeping Bear Dunes National Lakeshore. I would like to ask the distinguished Senator from West Virginia whether such additional needs, including those above the President's request, will be considered in conference, or, in the event additional resources are not available, whether he would consider a reallocation of operational funds for Michigan parks?

Mr. BYRD. While the increases provided in the bill for base operating increases are essentially spoken for, I will certainly be mindful of the needs identified by the Senator should additional funding become available in conference.

Mr. LEVIN. I thank the Senator from West Virginia for his answer, and if he will indulge me a few moments more, I would like to also inquire about land acquisition funding for the National Park Service.

First let me say that, while the administration did not include the Sleeping Bear Dunes National Lakeshore in its Fiscal Year 2001 land acquisition request, I nevertheless appreciate your support, Senator BYRD, in obtaining \$1.1 million for acquisition of the LaPorte property. I would ask, however, if the Senator would be willing to consider in conference a second request of \$4 million for purchase of the Barratt property at Sleeping Bear Dunes should additional funds become available as the appropriations process continues?

Mr. BYRD. Again, I thank the Senator for his question. As my friend from Michigan may know, the Interior subcommittee received over 2,000 Member requests for funding for particular projects, accounts or activities. It is not an easy task, of course, to strike a satisfactory balance between the thousands of requests on the one hand, and the subcommittee's limited resources on the other. However, I am aware that the Sleeping Bear Dunes National Lakeshore is of great importance to the Senator from Michigan and the people he represents, and I was therefore pleased to be able to secure funding for the LaPorte land acquisition. I can also assure my friend that I will carefully consider his Barratt property request should additional resources become available later in the year.

Mr. LEVIN. As always, I appreciate the courtesy of the distinguished Senator from West Virginia.

#### CAT ISLAND

Mr. COCHRAN. Mr. President, as the distinguished chairman of the subcommittee may be aware, Cat Island is the last remaining private island that lies outside the Gulf Islands National Seashore. Located so close to the mainland, Cat Island has many natural and recreational resources that make it an attractive target for development.

For the past couple of years, the owners of this property have been extremely patient while working with

the Mississippi delegation and the National Park Service to ensure that their property is included in the Gulf Islands National Seashore, while competing development offers have been on the table. H.R. 2541 has passed the House of Representatives, allowing the Park Service to acquire this tract. A companion bill, S. 2638, is now pending here in the Senate, where I hope it will move forward expeditiously and be enacted this year.

Because this process has taken longer than expected, it is now critical that funding for the first phase of this project be provided this year through the Land and Water Conservation Fund should the enabling legislation be enacted. There is \$2,000,000 in the House-passed Interior Appropriations bill which is a good start, but it provides well below the amount needed for Phase I of this project. In fact, the first phase will require \$10 million. Therefore, I request the chairman's assistance in working with me to fund the first phase of Cat Island, providing that additional funding be made available as the Interior appropriations bill moves toward conference.

Mr. GORTON. The report accompanying this bill reflects the willingness of the committee to consider funding for acquisition of Cat Island, Mississippi, should the enabling legislation be enacted this year. I understand the urgency of this project and the need to provide adequate funding this year. With this in mind, should additional allocations be made available for this bill as it moves through the process, I will work with the Senator to ensure that this worthy project receives our full consideration.

Mr. COCHRAN. I appreciate the Chairman's consideration of my request and his willingness to work with me both last year and this year to further this important project. I hope that the enabling legislation will be completed by the time the Interior bill reaches conference and that we can work together to make Cat Island a success this year.

#### BLACK LIQUOR GASIFICATION

Mrs. LINCOLN. Mr. President, I want to thank the distinguished gentlemen from Washington and West Virginia for their leadership in shepherding this bill through Committee and to the floor. I recognize that the Committee was faced with requests that went far beyond the Committee's budget, and I commend the leaders for successfully balancing the myriad of requests with which they were presented.

I want to bring to my colleagues' attention one particular program that I believe is worthy of additional funding in Conference. Would the Senator from West Virginia agree that encouraging the forest and paper products industry to achieve greater energy efficiency is a worthy goal?

Mr. BYRD. Yes, I would agree that is a worthy goal.

Mrs. LINCOLN. Since we agree with that goal, I am sure the Senator shares

my support for a program within the Department of Energy that will encourage the forest and paper products industry to utilize resources that are readily available on site to produce energy. By utilizing wood and bark residues and spent pulping liquor in a process called black liquor gasification, the industry could potentially improve on site electricity generation by 300%-400% over existing cogeneration systems. Given these benefits, would the Senator agree that increasing funding for the black liquor gasification program should be pursued in Conference?

Mr. BYRD. Yes, I share the Senator's support for the program and will support efforts to find additional funding for the program.

Mrs. LINCOLN. I thank the gentleman.

#### INDIAN TRUST SERVICES PROGRAMS

Mr. INOUE. Mr. President, resolving Indian trust management issues should be one of the foremost priorities of this Congress. Ever since the passage of the Dawes Act in 1887, serious problems have plagued the Federal government's trust management efforts. Due to recent congressional interest and support, the Department of the Interior has been able to make significant progress in reforming its trust management systems. Working in collaboration, the Bureau of Indian Affairs and the Office of the Special Trustee are:

Instituting a national, state of the art, trust asset management system;

Implementing a revised Trust Management Improvement Project High Level Implementation Plan; and

Instituting improvements in systems, operations, and policies that will help ensure that the Federal government meets its fiduciary obligations to Indian Tribes and individual American Indians.

The subcommittee's efforts to provide full funding for the Trust Management Improvement Project under the Office of the Special Trustee should be applauded. However, I am very concerned that the Senate mark does not fully fund the Bureau of Indian Affairs' trust services programs. All of our efforts to reform trust management could become meaningless if BIA can't sustain these reforms by providing the funding and staffing to properly manage the trust land that produces trust income, to produce accurate and timely land title information, and provide timely closing of long open estates.

I would like to work with the gentleman from Washington, Senator GORTON, and other concerned members, as the budget process continues, to provide additional resources for BIA's trust programs if funds become available.

Mr. GORTON. Mr. President, I would be pleased to work with the gentleman on that endeavor.

Mr. INOUE. I would like to thank the Chairman from Washington State for his support. I look forward to working with him to secure the resources

necessary to institutionalize and maintain trust management improvements in the future.

## RED MOUNTAIN PROJECT

Mr. CAMPBELL. Mr. President, I take this opportunity to express my support for the acquisition of Red Mountain in my home state of Colorado. This site should be preserved because of its mining history and natural beauty. I look forward to working with the chairman of the Interior Subcommittee to ensure its funding in the future.

Mr. ALLARD. I would like to engage the chairman briefly on an important Land and Water Conservation project in my state of Colorado called the Red Mountain project. Specifically, the first phase of the project owned by Idarado Mining Co.

Mr. GORTON. I would be happy to oblige the Senator.

Mr. ALLARD. The Red Mountain project, located in the communities of Silverton and Ouray Colorado, is a top priority for the U.S. Forest Service this year.

Red Mountain is a 10,500 acre site that is one of the most nationally renowned scenic and historic resources in Southwestern Colorado. Before the Silver Crash in 1893, Red Mountain was a vibrant mining town, home to thousands of miners and their families, living in four communities and working dozens of rich silver mines. Today, the remnants of this community have been designated by Ouray and San Juan Counties as a historical landmark, and just named one of the National Trust for Historic Preservation's 11 most endangered sites in America. In addition, Red Mountain contains extensive habitat for endangered species as well as other sensitive species. The area offers an abundance of recreation opportunities to one million visitors annually—from hiking, biking and four-wheel driving to cross country skiing and mountaineering.

As you may know, this year although the Forest Service recommended \$10 million in its FY01 budget for a Colorado project called Silver Mountain, we have received correspondence from the Forest Service indicating that this project is no longer viable. In addition, the U.S. Forest Service has further indicated that the Red Mountain project is a top priority for funding this year. Therefore, I urge you to consider allocating the \$10 million from the Silver Mountain project to the Red Mountain project as the Interior bill moved toward conference.

Mr. GORTON. Unfortunately, due to our subcommittee's allocation, there was not enough room in the Senate mark to cover many good Land and Water Conservation Fund projects. As the bill moves forward, if there is an opportunity to reconsider this project, I will make every effort to do so especially given the unusual circumstance surrounding the FY01 US Forest Service budget request. With the budget flexibility provided by the Forest Serv-

ice in its recent correspondence, I feel confident that this will help the Red Mountain project as the bill moves forward.

Mr. ALLARD. I sincerely appreciate the Chairman's consideration of my request and understand the predicament he was in with respect to his allocation. Given the immediate needs of this project, I appreciate the Chairman is willing to work with me to find ways to fund the first phase of the Red Mountain project this year.

Mr. GORTON. I will continue to work with you toward that end.

## LINCOLN PRESIDENTIAL LIBRARY

Mr. FITZGERALD. Mr. President, I would like to take this opportunity to ask the Chairman of the Interior Appropriations Subcommittee about the Abraham Lincoln Presidential Library that is planned for construction in Springfield, Illinois.

Currently, the Nation is without an institution that honors the legacy of one of our greatest Presidents, Abraham Lincoln. The Lincoln Library would serve as museum and interpretive center, allowing visitors and scholars to learn about the events that shaped Lincoln's life and the contributions that he made to the history of our country.

Mr. DURBIN. I join my colleague from Illinois in recognizing the need for a Lincoln Library. Twelve Presidents, as well as Confederate leader Jefferson Davis, currently have presidential libraries. Abraham Lincoln, as the man who preserved the Union, truly deserves such an institution where people from around the world can learn about his great achievements.

This project enjoys tremendous support at the federal, state, and local levels. The entire Illinois Congressional Delegation, the Illinois General Assembly, and City of Springfield have all expressed their strong support for this library to be completed. The State of Illinois has contributed \$50 million, and the City of Springfield \$10 million, to begin construction on the interpretive center. In addition, the Lincoln Library received \$3 million from the FY 2000 Interior Appropriations Bill. While these federal funds are greatly appreciated, we need a stronger federal commitment to make sure construction of the Library can get underway. I would like to ask the Senator from Washington if there is any possibility to receive increased funding from the FY 2001 Interior Appropriations Bill for this important endeavor.

Mr. GORTON. I understand the importance of the Abraham Lincoln Presidential Library to my colleagues from Illinois, their constituents, and the nation. While the Lincoln Library is an important project, the Interior Appropriations Subcommittee has received many important requests, for Fiscal Year 2001, that have received precedence, due to the fact that they have been authorized.

The Lincoln Library project is a worthy project, and if the project receives

authorization, the Committee will again review the project and give it strong consideration.

Mr. BYRD. I agree with the Chairman of the Subcommittee.

## SECTION 326 OF HR 4578

Mr. KERRY. Mr. President, I would like to clarify for the record the intent of language included in Section 326 of the Interior Appropriation fiscal year 2001 bill. I want to point out that interagency coordination of Federal resources is desirable and certainly something many of us have been supporting as a way to eliminate wasteful bureaucratic redundancies. We don't want to spend money in Washington duplicating positions and processes. We want money in the field helping local communities. The language in Section 326 refers to the American Heritage Rivers Initiative, which is coordinated by an interagency committee that serves that purpose for communities seeking technical assistance and opportunities for Federal grants. I would like to point out that this initiative has proven to work well for the participating communities in my state and others.

It is my understanding that this language does not prohibit Federal agencies funded through this appropriation from working on or coordinating with each other to support American Heritage Rivers projects. Further, I understand that this language does prohibit the use of resources derived from this bill for funding personnel, training or administration of the activities of the Council on Environmental Quality.

Mr. L. CHAFEE. The Senator is correct. This language does not prohibit coordination by Federal agencies funded in the bill. It also is not intended to penalize or disadvantage communities that seek or apply for grants from agencies funded on the bill. Section 326 is limited to prohibiting funding transfers for the Council on Environmental Quality or the Executive Office of the President. Would the Chairman and the Ranking Member agree with this interpretation?

Mr. GORTON. Yes.

Mr. BYRD. Yes.

## COLLABORATIVE FOREST RESTORATION

Mr. BINGAMAN. Mr. President, I would like to take this opportunity to engage Senator DOMENICI, Senator GORTON, and Senator BYRD in a brief colloquy at this time.

Mr. DOMENICI. Of course.

Mr. BINGAMAN. I would like to clarify that it is your intent that \$5 million of the emergency funds available through amendment 3782 will be used to implement the Collaborative Forest Restoration Program in New Mexico. This program will be authorized by a bill, S. 1288, that Senator DOMENICI and I introduced together. It already passed the Senate last November and will be considered by the full House Resources Committee next week. This program creates a mechanism through which people with varied interests will be able to work cooperatively with the

Forest Service to conduct forest restoration and value-added projects. Improving communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds can assist us in our efforts to address the problem posed by communities at risk from catastrophic wildfire.

Mr. DOMENICI. Yes, that is correct. However, I would note that the emergency needs for on-the-ground work on fuel reduction in New Mexico are very great. I understand that the agencies could use more than \$50 million in emergency dollars for projects ready to go in New Mexico by the end of the year. The Collaborative Forest Restoration Program will help promote additional projects for fuel reduction. Considering the terrible toll fires have taken in the state, I hope our federal land management agencies will use as much as possible in this emergency funding to decrease the risk in New Mexico urban-wildland interface communities.

Mr. GORTON. That is my understanding as well.

Mr. BYRD. Yes, I agree with you that \$5 million of the emergency funds will be used to implement the Collaborative Forest Restoration Program.

Mr. BINGAMAN. Thank you all for the clarification.

#### SAINT CROIX ISLAND

Ms. COLLINS. Mr. President, the year 2004 will mark the 400th anniversary of a small French settlement on Saint Croix Island, located in the Saint Croix River, which forms the boundary between the State of Maine and Canada. The 1604 settlement was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia. Many view the expedition that settled on the Island as the beginning of the Acadian culture in North America.

Mr. GORTON. I am aware of the historical significance of the 1604 settlement of Saint Croix Island and would note that the Island is the only international historic site in the National Park System.

Ms. COLLINS. I want to thank you for your invaluable support of efforts to commemorate the Saint Croix Island site. Last year's Interior Appropriations bill included my sense-of-the-Senate language that the National Park Service should take what steps are necessary to ensure that appropriate exhibits are completed by 2004. This year's Appropriations Committee mark includes \$200,000 in the U.S. Fish and Wildlife Service construction budget to assist with the Downeast Heritage Center. The Center, which we will make every effort to complete in time for the 2004 celebration, will allow state and federal agencies and other partners in the project to interpret the French settlement efforts at Saint Croix Island and other historical, recreational, and cultural aspects of Downeast Maine.

Mr. GORTON. I have been pleased to support your efforts to commemorate the Saint Croix Island settlement, including your work on the Downeast Heritage Center. I would note that the National Park Service is scheduled to undertake major improvements to its site at Red Beach beginning in fiscal year 2002. I support this effort as well.

Ms. COLLINS. A major, international celebration is expected to commemorate the Saint Croix Island settlement's 400th anniversary. Pursuant to a memorandum of understanding signed by the U.S. Department of the Interior and the Canadian Department of the Environment, Parks Canada has worked diligently to prepare for the event. I am concerned that we have not been as enterprising and now face the very real possibility of being less than fully prepared for the 2004 celebration. Indeed, the National Park Service has informed me that it requires planning money in fiscal year 2001 in order to ensure that the Downeast Heritage Center will be completed in time. I have introduced authorizing legislation, S. 2485, that would permit the National Park Service to join with other public and private entities to construct the Center. That bill has been reported out of the Senate Committee on Energy and Natural Resources. I have every hope that the bill will become law this year. Mr. Chairman, as the FY 2001 Interior Appropriations bill goes to conference, I would ask that you do what you can to add \$340,000 to the National Park Service construction budget so that it can assist this year in the planning of the Downeast Heritage Center with an eye to its completion by 2004.

Mr. GORTON. I want to thank the Senator from Maine for again bringing this matter to my attention. I understand the importance of this matter to the State of Maine and to a much broader, international community. I also understand the importance of providing funds soon enough to allow completion of the Downeast Heritage Center in time for the 2004 commemoration. I will be pleased to do what I can to see that your request is considered fully in conference.

Ms. COLLINS. I want to thank my good friend again. I know he, in particular, appreciates the value of preserving our nation's history and its cultural heritage.

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for the Department of Interior and Related Agencies.

I want to express my support for the American Heritage Rivers Initiative. This bill contains a provision that prohibits funds in the Act from being given to or used to provide support for the Executive Office of the President in coordinating the American Heritage Rivers. It also prevents the Council on Environmental Quality from receiving funds and support to coordinate and oversee the initiative.

The American Heritage Rivers Initiative, which redirects federal resources

without new spending, has greatly improved the Detroit River, a designated American Heritage River, through shoreline development and protection of wetlands. In the ten months that the River Navigator for the Greater Detroit American Heritage River has been in operation, over \$1 million has been acquired for Detroit River projects. This program also assists communities in the use of Federal resources to help communities revitalize parks—to help celebrate their history and their heritage.

This initiative needs our support and full participation and I strongly oppose any language which would put this program in jeopardy.

#### NATIONAL PARK SNOWMOBILE BAN

Mr. CRAIG. Mr. President, I rise to express my concern over this egregious and unjustified action by the Department of the Interior that will have severe negative economic consequences on citizens and communities in Idaho and many other states around the country. The Department has announced that it intends to ban recreational snowmobile use in virtually every national park that now allows them, although snowmobiles have been an established use in these parks for more than four decades. This announcement was made by Interior Assistant Secretary Don Barry on April 27th in an orchestrated press conference that amounted to a public lynching of the snowmobile community. This new policy was made without consultation with Congress, the snowmobile manufacturers, the nearly four million snowmobile users, or with the many gateway communities to the national parks that are dependent on business generated by snowmobile visitors. Although Assistant Secretary Barry claimed that this ban is necessary because of air pollution, noise and wildlife disturbance caused by snowmobiles, the truth is that there is simply no evidence that snowmobiles cause such harm. In fact, in a shocking admission before the U.S. Senate Energy and Natural Resources Committee Mr. Barry conceded that snowmobiles had never been found in violation of any environmental standard in any national park. I understand Mr. Barry has since left the Department to be employed by the Wilderness Society, an organization that has actively advocated the exclusion of snowmobiles from national parks.

The major snowmobile manufacturers have made great progress in producing machines that are cleaner and quieter than ever before. The manufacturers, the snowmobile users and the gateway communities are willing to work with the Department of the Interior to develop reasonable plans and programs to achieve agreed to environmental goals. I believe this is the best course for the Department to follow.

I bow to no one in my love for our majestic national parks. I fully support reasonable and reasoned efforts to protect and preserve them. But to ban

snowmobiles completely in the national parks is totally unnecessary. It is an abuse of bureaucratic power, and it is the duty of Congress to uphold the law and prevent this from taking place.

I feel it is important for all to understand that snow machines do not run roughshod over the national parks as has been stated on the floor. Travelways are designated and adhered to. The issue of where snowmachines travel is a matter of management by the park service, not of whether or not they should be in our national parks. I ask unanimous consent that a letter from Dr. Lori Fussell that explains a number of misconceptions on pollution from snowmobiles be printed in the RECORD to clarify several of these issues.

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

ENVIRONMENTAL ENGINEERING &  
RESEARCH,  
Wilson, WY, June 5, 2000.

Hon. JAMES V. HANSEN,  
Chairman, Subcommittee on National Parks and  
Public Lands,  
House of Representatives, Washington, DC.

COMMENTS ON TESTIMONY GIVEN AT THE MAY  
25, 2000 HEARING HELD BY UNITED STATES  
HOUSE OF REPRESENTATIVES SUBCOMMITTEE  
ON NATIONAL PARKS AND PUBLIC LANDS, RE-  
GARDING SNOWMOBILE USE IN NATIONAL  
PARKS

I am writing to you today because I have had the opportunity to read through some of the testimony offered at the May 25, 2000 hearing held by the U.S. House of Representatives' Subcommittee on National Parks and Public Lands regarding snowmobile use in National Parks. And, in my expert opinion, some of the testimony regarding pollution from snowmobiles was incorrect or misleading. I feel a need, in the interest of good science, to providing information to the Subcommittee to correct these errors.

Before I go into details, let me make several points about the information contained in this letter. First, the intent of this letter is simply to correct misinformation that was presented to the Subcommittee. I am not being paid by any organization to submit my opinion to you and I have no personal interest in the outcome of the hearings. I am not a snowmobiler and do not particularly care for snowmobiles as they presently exist. In fact, I was the first person to publish any scientific research on exposure to snowmobile pollution and believe very strongly that actions must be taken to significantly reduce snowmobile emissions in our National Parks. Human exposure to snowmobile pollution in Yellowstone National Park (YNP), in particular, is unacceptable. However, I believe just as strongly that decisions about emissions are reduced (visitor limits, technological improvements, and/or banning snowmobiles) should be based on accurate information.

Second, I do not any way want to imply that the testimony given to the Subcommittee by any individual or organization was intentionally incorrect or misleading. There is a lot of information circulating about pollution from snowmobiles. It is difficult to separate fact from fiction.

Third, I have established myself as an expert in the field of snowmobile emissions. I have attached my Curriculum Vitae to this letter as documentation of my credentials and will be happy to provide further documentation of my experience in this area. My

comments will be limited to the information presented regarding snowmobile pollution. I do not have the expertise necessary to comment as an "expert" on any other issue regarding snowmobile use in the National Parks.

Fourth, I do not have access to all of the testimony given at the hearings. I only have copies of the statements prepared by the following individuals: Michael Scott, Kevin Collins, Sean Smith, Mark Simonich, Donald Barry, Kim Rapp, Michael Forsman, Jerry Johnson, and Teri Manning. Therefore, my comments are limited to the testimony offered by these individuals. While I can not comment on any information presented by any other individual at this time, I would be happy to do so if this information were provided to me.

The rest of this letter will simply outline information related to pollution from snowmobiles contained in the above testimonies that I find requires clarification or correction. In each case, I will list direct quotes from testimonies in italics. I will then reference the specific testimony in parenthesis at the end of the quote. My response and explanation will follow.

#### I. TESTIMONY

*"Carbon monoxide levels in the (Yellowstone) park currently exceed National Ambient Air Quality Standards and will continue to be exceeded unless snowmobiles are removed."* Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition

*"It is their position (the Wyoming Department of Environmental Quality) that there have been no documented violations of the Clean Air Act within Yellowstone National Park. Not Ever."* (Testimony of Kim Raap, Manager, Wyoming State Trails Association)

*"The DEIS issued by the Park Service confuses data collected for personal exposure measurements (50 ppm) to the ambient air quality standards. The Montana Ambient Air Quality Standard (MAAQS) 1 hour-maximum CO standard is 23 ppm as monitored according to the standard. Let me clearly state, air quality standards, both federal and the more stringent Montana standards, have not been exceeded in Yellowstone National Park. The DEIS incorrectly states that this happened. While air quality did reach 90% of the Montana standard last winter, the standard was not exceeded."* (Testimony of Mark Simonich, Director, Montana Department of Environmental Quality)

#### Response

The testimony given by the Greater Yellowstone Coalition (GYC) clearly contradicts the testimony of the Wyoming State Trails Association (WSTA) and the Montana Department of Environmental Quality (MDEQ). Who is correct? WSTA and MDEQ are correct. There is no data to support the claim that ambient air in Yellowstone National Park (YNP) is violating National Ambient Air Quality Standards (NAAQA) for carbon monoxide (CO).

So, if NAAQS have not been violated in YNP, what is the problem with emissions from snowmobiles in YNP? The problem is that research conducted by both the National Park Service (NPS) and me have shown that YNP employees and snowmobilers can be exposed to high levels of CO. And, since the presence of CO indicates a probable presence of hydrocarbon emissions, the potential exists for significant air toxic exposure as well.

NOTE: A comprehensive study of employees and visitor exposure to pollution from snowmobiles is due to be published by Dr. Norm Kado of the University of California at Davis in the upcoming months. The information contained in this report is not currently available to the public.

#### Explanation

The NAAQS for CO is 35 parts per million (ppm) for a one-hour sampling period and 9

ppm for an eight-hour sampling period. (The state of Montana one-hour CO standard is 23 ppm, stricter than the federal standard.) A violation of NAAQS is recorded if the standard is exceeded more than once in a year.

In order for data to be used to determine compliance with NAAQS, it must be collected according to standardized sampling methods outline in The Code of Federal Regulations, Title 40, Parts 53 and 58. Sampling locations must meet proper siting criteria in order to assure that the data is representative of ambient air. The sampling criteria include placing the sampling probe at a height of approximately ten feet and at a distance of at least seven to thirty feet from the edge of the nearest traffic lane. Additionally, the probe must be at least 33 feet from the nearest intersection.

There is currently a properly sited and maintained CO monitor located at the West Entrance to Yellowstone National park, operated by the Montana Department of Environmental Quality (MDEQ). And, while relatively high CO measurements have been recorded by the MDEQ, they have never exceeded the national or Montana standards.

So, why do some organizations believe that NAAQS have been exceeded in Yellowstone National Park? The MDEQ testimony explains this. Many organizations continue to confuse data taken to determine personal exposure to snowmobile pollution with data taken to determine degradation of ambient air.

CO samples have been taken by the park service (on the roadway) at the West entrance to Yellowstone National Park (YNP) and on the road between West Yellowstone and Old Faithful. I have personally taken CO samples on the roadway at Flagg Ranch, the south entrance to YNP. CO concentrations collected on these roadways have reached levels in excess of 35 ppm for a 1-hour time period. However, data collected on a roadway should not and can not be interpreted as indicative of overall ambient air quality. It is only indicative of personal exposure. It can not be used to determine compliance with NAAQS.

#### 2. TESTIMONY

*"The highest carbon monoxide levels in the nation were recorded at Yellowstone's West Entrance during winters in the 1990s."* (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

#### Response

This statement is false.

#### Explanation

As mentioned in the explanation of Testimony #1, the MDEQ operates properly sited and maintained CO monitoring station at the West Entrance of YNP. And, no state or federal standards for CO have ever been exceeded at this location. The location is classified by the Environmental protection agency (EPA) as "in attainment".

As of August 10, 1999 the Environmental Protection Agency lists 20 areas in the United States as Nonattainment areas for CO pollution (this information can be found in the EPA Green Book at <http://www.epa.gov/oar/oaqps/greenbk/csum.html>). These areas of the United States clearly have a larger CO problem than does the West Entrance of Yellowstone National Park.

NOTE: Perhaps this testimony refers to exposure data taken at the West Entrance of Yellowstone. If so, this testimony would still be false. There are instances of CO exposures nationwide that exceed the CO exposure concentrations measured at West Yellowstone and Flagg Ranch. In his text, *Automobiles and Pollution* (Published by the Society of Automotive Engineers, 1995), Paul Degobert states that "up to 250 ppm of CO can be

found inside passenger compartments' of automobiles. Again, I must stress that is not appropriate to compare NAAQS data to exposure data.

### 3. TESTIMONY

"One snowmobile emits 225 times more carbon monoxide than an automobile. One snowmobile emits 1000 times more hydrocarbons than an automobile." (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

#### Response

This statement is false.

#### Explanation

In February of this year, the National Park Service Air Resources Division (NPS ARD) issued a report titled, "Air Quality Concerns Related to Snowmobile Usage in National Parks." Of this report, the Greater Yellowstone Coalition (GYC) writes:

"The final report was checked and validated by scientists involved in the original research. That review, combined with the depth and breadth of the studies (they began in 1995 and covered emissions, ambient levels of pollutants, deposition of pollutants in the snowpack, human exposure and more) make the report the most comprehensive and credible assessment of Yellowstone's air pollution to date." (GYC website, 6/2/00, <http://hosts2.in-tch.com/www.greateryellowstone.org/wintcruse.html>)

I agree with the GYC assessment of the February 2000 NPS ARD report.

The NPS ARD report estimates that "a snowmobile operating for 4 hours, using a conventional 2-stroke engine, can emit between 10 and 70 times more carbon monoxide and between 45 and 250 times more hydrocarbons than an automobile driven 100 miles." These NPS ARD estimates are significantly different than the estimates in the above GYC testimony.

### 4. TESTIMONY

"These (two-stroke) engines create dangerous levels of airborne toxins including nitrogen oxides, carbon monoxide, ozone, particulate matter, aldehydes, 1,3 butadiene, and extremely persistent polycyclic aromatic hydrocarbons (PAHs)." (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

"Nitrogen Oxides (NO<sub>x</sub>) and hydrocarbon emissions from snowmobile two-cycle engines are also a major concern due to their contribution to ground level ozone." (Testimony of Sean Smith, Public Lands Director, Bluewater Network)

#### Response

While most of the pollutants listed above are emitted from two-stroke engines, oxides of nitrogen (NO<sub>x</sub>) and ozone are not pollutants of concern with respect to snowmobile emissions.

#### Explanation

• Two-cycle engines (including those used by snowmobiles) emit less NO<sub>x</sub> than four-stroke engines (including those used by automobiles).

The February 2000 NPS ARD report estimates that only 2% of the NO<sub>x</sub> pollution in YNP comes from snowmobile engines (with the remainder of the NO<sub>x</sub> pollution coming from automobiles, busses, snow coaches, and recreational vehicles). Although the NPS ARD report does not compare the NO<sub>x</sub> emissions from an automobile to the NO<sub>x</sub> emissions from a snowmobile, it does contain the data necessary to make this comparison. I did the calculations (using the same methodology used in the NPS ARD report to compare automobile and snowmobile CO and UHC emissions) and came up with the following: one automobile emits 1.5 to 6.8 times as much NO<sub>x</sub> as one snowmobile.

Low NO<sub>x</sub> emissions from snowmobile engines are confirmed by emission data taken

at the South West Research Institute (summarized in the NPS ARD report) and also by snowpack chemistry analysis performed by George Ingersoll of the United States Geological Survey. Ingersoll's paper titled, "Snowpack Chemistry as an Indicator of Pollutant Emission Levels from Motorized Winter Vehicles in Yellowstone National Park" (published at the Western Snow Conference in 1997) concludes "that regional activities—not local snowmachine traffic—seem to be controlling nitrate deposition."

• Ozone, as the Bluewater Network testimony correctly states, is not emitted by snowmobiles. Ozone is formed via a photochemical reaction between NO<sub>x</sub> and volatile organic compounds (VOCs) are a specific class of unburned hydrocarbons. While snowmobiles do emit a significant amount of VOCs, NO<sub>x</sub> emissions from snowmobiles are minimal (as explained previously).

Even when NO<sub>x</sub> are present in significant amounts in areas frequented by snowmobiles (from regional sources) the cold temperatures in which snowmobiles operate are not conducive to ozone formation. "Strong sunlight and hot weather cause ground-level ozone to form in harmful concentrations in the air" (from *Ozone: Good Up High, Bad Nearby*, EPA/451K-97-002, October 1997). Snowmobiles operate at temperatures near freezing and below.

For the reasons listed above, significant ozone formation due to pollution from snowmobiles is not a potential problem.

### 5. TESTIMONY

"Recent tests conducted by the South West Research Institute confirm that the two stroke engines of snowmobiles emit hundreds of times more pollution than a modern automobile." (Testimony of Sean Smith, Public Lands Director, Bluewater Network)

#### Response

This statement can not be substantiated. The Southwest Research Institute (SwRI) has not published the statistic cited.

#### Explanation

The SwRI reports cited above only contain data on snowmobile engine emissions. They do not contain a comparison of snowmobile and automobile emissions.

In order to make the comparison between snowmobiles and automobiles, one must make a series of assumptions regarding snowmobile and automobile usage. The results of the comparison are highly dependent upon the assumptions made.

The best estimates available that compare snowmobile and automobile emissions are contained in the February 2000 NPS ARD report. The NPS ARD report bases its calculations on the SwRI data. As I stated before, the report estimates "a snowmobile operating for 4 hours, using a conventional 2-stroke engine, can emit between 10 and 70 times more carbon monoxide and between 45 and 250 times more hydrocarbons than an automobile driven 100 miles." Additionally, NO<sub>x</sub> emissions from automobiles are 1.5 to 6.8 times greater than NO<sub>x</sub> emissions from snowmobiles.

### 6. TESTIMONY

"Given current levels of snowmobile use in Yellowstone National Park, this (discharge of 25-30% of the fuel mixture from a snowmobile engine) translates into the equivalent of five tanker truck loads of gasoline being dumped along park roads each winter." (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

"Snowmobile emissions are deposited directly onto the snowpack of the parks. This snowpack pollution translates directly into pollution of the parks' waters as the snow melts. Snowmobiles each year emit the equivalent of five tanker truck loads onto the snowpack of Yellowstone."

(Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

"About 5000 gallons of gasoline and 250 quarts of 2 cycle oil was spilled by National Park Service snowmobiles alone." (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

#### Response

It is ludicrous to compare potential water quality impacts from snowmobile emissions to the catastrophic environmental devastation associated with a tanker spill.

#### Explanation

The fate and transport of pollutants in the environment is a very complex field of study. However, it does not take a scientist to realize that if most of the unburned fuel and oil from snowmobiles is emitted in gaseous form (as air pollution), the total hydrocarbon pollution emitted by snowmobiles in YNP will not be found in the snowpack.

Only a percentage of the total snowmobile hydrocarbon pollution is deposited onto the snowpack. George Ingersoll ("Effects of snowmobile Use on Snowpack Chemistry in Yellowstone National Park", United States Geological Survey, 1998, Water Resources Investigations Report 99-4148) has measured elevated levels of hydrocarbon pollution in snowpacks near snowmobile use. However, he reported that these elevated hydrocarbon levels "were lower, in general, than concentrations at hundreds of locations nationwide representing a full spectrum of watershed settings ranging from subalpine to urban."

In his 1998 investigation, Ingersoll also performed a preliminary analysis of snowmelt runoff in YNP. He concluded that "snowmelt runoff chemistry from five of the snow-sampling sites indicated that elevated emission levels in snow along highway corridors (used by snowmobiles in YNP) are generally dispersed into surrounding watersheds at concentrations below levels likely to threaten human or ecosystem health." He also concluded that "localized, episodic acidification of aquatic ecosystems in these high snowmobile-traffic areas may be possible, but verification will require more detailed chemical analyses of snowmelt runoff."

Bottom line, the data shows some percentage of snowmobile hydrocarbon emissions (the unburned fuel and oil) ends up in snowpack along roadways. And, some percentage of this snowpack pollution will later be found in the snowmelt (most volatile organic compounds will tend to volatilize into the gaseous phase during the spring melt-off). To date, no data has been collected that shows snowmelt pollution from snowmobiles at concentrations likely to threaten human or ecosystem health. Only a potential for localized, episodic acidification has been reported in the scientific literature. Clearly, this potential, localized, episodic acidification does not pose the same environmental risk as that of a tanker spill in Park waters.

NOTE: I am aware that a more detailed investigation of water quality impacts from snowmobiles was undertaken over the winter of 1999-2000 in YNP. The results of this study may provide new information regarding water quality impacts from snowmobiles. However, a report on this research has not yet been published and I do not have access to the raw data.

### 7. TESTIMONY

"The components of snowpack pollution from snowmobile emissions can include toxic compounds such as MTBE (a fuel additive), and polycyclic aromatic hydrocarbons (PAHs) such as benzene, xylene, toluene, and formaldehyde." (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

#### Responses

This is a true statement, but it requires clarification for proper perspective.

*Explanation*

The components of snowpack pollution from snowmobile emissions can include the toxic compounds listed above. However, the mere presence of a pollutant does not indicate environmental degradation. The pollutant must also be present at concentrations that are high enough to be of concern (even oxygen can be considered a toxic compound at high concentrations . . . but it does no harm to us at lower concentrations). As described in the explanation for Testimony #6, George Ingersoll ("Effects of Snowmobile Use on Snowpack Chemistry in Yellowstone National Park", United States Geological Survey, 1998, Water Resources Investigations Report 99-4148) did find elevated levels of hydrocarbon pollution in snowpacks near snowmobile use. However, he reported that these elevated hydrocarbon levels "were lower, in general, than concentration at hundreds of locations nationwide representing a full spectrum of watershed settings ranging from subalpine to urban." And his preliminary research found that "snowmelt runoff chemistry from five of the snow-sampling sites indicated that elevated emission levels in snow along highway corridors (used by snowmobiles in YNP) are generally dispersed into surrounding watersheds at concentrations below levels likely to threaten human or ecosystem health." So, despite the fact that these compounds can appear in the snowpack, they have not yet been found in high enough concentrations to cause concern.

## 8. TESTIMONY

"Unburned fuel (emitted by snowmobiles) contains many toxic compounds including benzene, toluene, xylene, and the extremely persistent suspected human carcinogen MTBE (methyl tertiary butyl ether)." (Testimony of Michael D. Scott, Program Director, the Greater Yellowstone Coalition)

"Contaminants released by two-stroke snowmobile engines include polycyclic aromatic hydrocarbons (PAH) and methyl tertiary butyl ether (MTBE)." (Testimony of Kevin Collins, Legislative Representative, National Parks and Conservation Association)

*Response*

These are true statements, but they require clarification for proper perspective.

*Explanation*

Methyl tertiary butyl ether (MTBE) is a fuel additive that is required in many areas to increase the oxygen content in fuels. This is done in an effort to reduce hydrocarbon and carbon monoxide pollution from automobiles and other mobile sources. MTBE is also added to fuels (in smaller concentrations) by some refineries to boost octane rating. MTBE can only be emitted by snowmobiles if the fuel they are burning contains MTBE as a additive. Snowmobile engines do not "manufacture" MTBE.

The Minnesota Pollution Control Agency issued a press release on January 18, 2000 that states "gasoline in Minnesota does not contain MTBE as an additive". Therefore snowmobiles in Minnesota (the site of Voyageurs National Park) do not emit MTBE as a pollutant.

None of the other states with significant National Park snowmobile usage (Michigan-Pictured Rocks, Montana-Yellowstone, and Wyoming-Grand Tetlon and Yellowstone) require the use of MTBE as an oxygenate in fuel. Fuels in these states are oxygenated with ethanol, if oxygenated fuels are being used to curb air pollution (as in West Yellowstone, Montana). However, the states of Michigan, Wyoming, and Montana do allow the use of MTBE as an octane booster. Therefore, it is probable that some percentage of the fuel sold in these states does contain MTBE.

A fact sheet on MTBE from the Michigan Department of Environmental Quality (available at <http://www/deq.state.mi.us/std.mtbe.html>) reports that a 1998 survey of Michigan fuel revealed that five percent of the fuel sampled in Michigan contained MTBE. I have not located any statistics on the amount of MTBE added as an octane booster to Montana and Wyoming.

NOTE: MTBE has been detected in the snowpack along snowmobile traffic corridors in Yellowstone National Park (George Ingersoll, 1998 study previously cited), indicating that some of the fuel sold in Montana and Wyoming does, in fact, contain MTBE concentrations found in the snowpack were not high enough to cause concern.

## 9. TESTIMONY

"While we are fully supportive of the development of cleaner and quieter (snowmobile) technology, to date, there are no definitive, comprehensive studies which document the degree to which four-stroke engines will mitigate the adverse impact that snowmobiles have on our parks." (Testimony of Donald J. Barry, Assistant Secretary, Fish Wildlife and Parks, Department of the Interior.)

*Response*

This is a true statement. However, in September of this year I will be publishing information about snowmobile emission and noise reductions that were attained with the use of a four-stroke engine. The information is summarized below.

*Explanation*

As the organizer and co-founder of the Society of Automotive Engineers Clean Snowmobile Challenge 2000 (a non-partisan student design competition to improve snowmobile emissions and noise) I offer the following results as a glimpse at what is possible in a short amount of time, using existing technology. In doing so, I do not attempt to define what emissions or noise levels are appropriate in National Parks. I am simply reporting what has been documented as an easily implemented improvement over the status-quo.

The University at Buffalo, State University of New York, won the SAE CSC2000 with a four-stroke snowmobile that was designed and manufactured in less than 5 months by a team of undergraduate engineering students. When compared to a traditional two-stroke snowmobile, the four stroke entry reduced hydrocarbon emissions by more than 99.5% (NOTE: We could not detect the snowmobile's hydrocarbon emissions. The 99.5% reduction cited represents the limit of detectability of the test method). Carbon monoxide emissions were reduced by 46%. Fuel economy was increased to 27.6 miles per gallon (a 226% improvement). The sound level (measured 50 feet from the road at wide open throttle) measured just 66.8 dbA. This sound level reduction corresponds to an 80-90% reduction in the distance snowmobiles can currently be heard in National Parks.

Detailed information on the SAE CSC2000 is currently available on the competition website at: <http://www.sae.org/students/snow.htm>. The results will also be available in a peer-reviewed paper I am writing, scheduled for publication on September 11, 2000.

Thank you, Representative Hansen, for the time you have taken to read this lengthy letter. I will be happy to answer any questions you or other Subcommittee members might have and provide further documentation of the facts contained in this letter.

Sincerely,

LORI M. FUSSELL.

SNOWMOBILING IN NATIONAL PARKS

Mr. JOHNSON. Mr. President, I rise today to join my colleagues in this important discussion concerning the National Park Service's recent proposal

to substantially curb recreational snowmobile use within the national park system.

I believe that virtually everyone can agree that snowmobile use in national parks must be carefully managed in a manner which balances legitimate recreational needs with a concern for public safety and environmental protection. Nobody argues that snowmobiles should be allowed in every area of every park and without regard for noise, speed or numbers. But at the same time, snowmobiling is a recreational option that should not be totally banned or limited in an unreasonable manner.

I appreciate that the National Park Service has now "clarified" its earlier statements which created the impression that an across-the-board ban on snowmobiles in all parts of all parks was about to be established. The Park Service tells us that rather than a ban, it wants to curtail snowmobile use on park lands.

I will follow this new approach carefully. Again, few South Dakotans have objections to reasonable rules designed to protect the environment, protect wildlife habitat and address issues of noise, safety and numbers. But regulations to properly address these matters do not require a total ban or draconian limitations on snowmobile use. I will urge the National Park Service to listen to all segments of the American public in a careful, thoughtful manner and seek to strike a sensible balance that will protect our natural heritage but also allow for reasonable and well-managed winter recreation opportunities for all our citizens. It certainly would be better for the National Park Service to administratively arrive at balanced final rules, than to necessitate legislative action on the part of Congress. If legislation is ultimately required on this matter, I will work with both my House and Senate colleagues in a bipartisan manner to secure a balanced final resolution of this issue.

Mr. DOMENICI. Mr. President, Friday morning, July 12th, the House of Representatives passed the Valles Caldera Preservation Act by a vote of 377-45, and it will soon be signed by the President.

Later this month, the Secretary of Agriculture will take possession of the Baca ranch. He will be charged with the task of managing the Valles Caldera National Preserve for an interim period until the Trust is appointed.

In order for the Preserve to be opened to the public at the earliest possible time, the Secretary and the Trust will have to complete a substantial inventory, put together interim plans, and provide for the immediate requirements of basic public safety and law enforcement.

The Department of Agriculture has provided us with a breakdown of proposed activities over the next year, and estimates that they will need about

\$990,000 to prepare the Preserve for an eager public, over half of which will go into planning and law enforcement activities.

Once the Trust takes over, hopefully in about 6 months, funds will transfer to them, so that they can take over management responsibilities for the Preserve.

The \$990,000 will be taken out of the budget of the Department of the Interior Solicitor's office, the bureaucrat who recently issued an opinion to federalize several reclamation projects in New Mexico.

Mr. McCAIN. Mr. President, each year I carefully review the annual Interior appropriations bill to analyze how the Federal Government is meeting its fiscal obligations and priorities to protect our nation's resources and provide needed funding for Native American programs. I commend the Interior subcommittee chairman, Senator GORTON, and the ranking member, Senator BYRD, for their hard work in completing this year's funding recommendations that will provide critical funding for National Parks, energy programs, the Indian Health Service, and the other resource management responsibilities within the Department of Interior.

Unfortunately, the appropriations committee has also continued the irresponsible practice of loading up an important bill such as this one with unrequested, low-priority earmarks and legislative riders. This Interior appropriations bill has once again become the target for members to tack on parochial spending for their own special interest projects. In this bill, I found nearly \$280 million for porkbarrel spending projects, a level that is unacceptably higher than previous years.

This type of unnecessary and low-priority spending is particularly egregious since each agency within the Department of Interior is struggling to meet its statutory responsibilities to protect our nation's parks, wildlife refuges and trust obligations to Native Americans. These agencies all report exceptionally large, multimillion backlogs for maintenance and repairs. Yet, instead of directing funding to substantially eradicate these backlogs, the appropriations committee instead chooses to divert federal spending toward locale-specific earmarks that either were not included in the budget request, increase funding above the requested level for other specific projects, or fund unauthorized projects.

I recognize that various communities around the country look to the federal government to help protect them against wildfire threats or set aside funding to preserve open space to build parks for their children. Many of the projects in this bill will no doubt address some of these important needs and are deserving of federal investments. However, I fail to understand why it is necessary to load up this bill with erroneous earmarks that appear

to pander more to special interests rather than address our highest resource management needs. I believe that we should abide by our established budget procedures by allocating federal assistance to those projects that undergo a normal, merit-based prioritization process that protects the interests of the American taxpayer, and employs the most cost-effective approach.

While individually, the amounts earmarked for these projects may not seem substantial, collectively they add up to unmitigated pork. Where does some of this pork go?

An increase of \$600,000 is included for the Alaska Sealife Center for an eider recovery research program, a center which already received supplemental funding in the recently passed Military Construction conference agreement. Other locale-specific earmarks include \$200,000 for a direct pass-through grant to Long Live the Lings to coordinate the various hatchery managers and governmental jurisdictions in Washington state; \$500,000 to continue with the retrofit of the research vessel (the R/V Sturgeon) for use by the Great Lakes Science Center; \$5,000,000 for maintenance and snow removal on the Beartooth Highway; and, an increase of \$500,000 above the requested level for the Smithsonian Astrophysical Observatory (SAO) to begin construction of a base facility at Hilo, Hawaii in conjunction with the SAO Submillimeter Array initiative.

These projects may be important to the local communities for which they are targeted, but are they really the highest national priorities? Are these projects fundamental to carrying out the resource management functions of the Interior Department? Unfortunately, it matters little since I, nor the majority of my colleagues, had any input about whether funding these projects is the wisest and best use of Federal dollars.

We further abandon our budget principles by funding projects that have not been authorized by Congress. For example, the proposed Wheeling National Heritage Area in West Virginia has been the recipient of an annual earmark for the past several years, including a recommendation for a \$500,000 earmark in this bill. While this does not appear to be problematic, what is not well known is that this particular heritage area has not yet been authorized by Congress. This flies directly in the face of the statement by the Interior appropriations committee which specifically pointed out that it would not fund projects unless Congress authorized them. Again, this project itself is not necessarily objectionable to me and may have good reason to be funded. But what is appalling is that these funds are specifically earmarked for a project not yet authorized, thereby clearly sidestepping a process that other heritage area projects are expected to adhere to in order to receive federal assistance.

It is also alarming to find, buried in this bill, a specific earmark of two mil-

lion dollars to the Sealaska Corporation to develop an ethanol manufacturing facility in Alaska, the purpose of which is intended to support a declining timber industry in the Alaska region. To further assist these impacted communities in Alaska, an additional five million earmark is provided for a three year timber supply for the Tongass National Forest, language added securing preferential treatment of Alaska's surplus red cedar for sales abroad, and hundreds of thousands more are directed to other forest management activities to benefit the Alaskan region.

I admit that I am not an authority on the matters affecting local communities in Alaska. However, what I take particular exception to is the fact that this earmark benefits the ethanol industry, a fiscal boondoggle industry that already reaps substantial benefits from existing federal subsidies at the expense of taxpayers. It is a blatant insult to taxpayers to ask them to supplement the ethanol industry even more by spending two million to build one ethanol manufacturing facility for a region that is receiving more than adequate fiscal attention.

With the many identified priorities stated by the subcommittee members, such as addressing wildfire emergencies and health care for Native Americans, little to no information is provided as to why certain organizations are deserve of direct earmarks, such as \$176,000 for the Kawerak Reindeer Herders Association, and one million for the National Conservation Training Center. With no information to explain the national importance of these programs, I find it troubling that the subcommittee tends to specifically favor certain organizations for funding when these organizations should also be subjected to a competitive and merit-review process.

As I stated before, there is undoubtedly considerable merit to some of the programs for which funding is earmarked in this bill. However, until Congress ends the typical arbitrary spending which violates the integrity of the federal budget process, I have no choice but to highlight the practice of adding and earmarking funds for programs and activities that appear to serve narrowly tailored interests at the expense of the national interest.

Even in this time of an unprecedented budget surplus, we have a responsibility to the American public to exercise fiscal responsibility and discretion rather than allowing this type of unchecked spending to continue. It is shameful the way we are squandering the public's trust and money, and it will be the burden of the taxpayers to shell out the \$280 million for needless and wasteful spending included in this bill.

The list of objectionable provisions in this bill that I compiled is more than 19 pages long and is unfortunately too lengthy to print in the RECORD.

However, the list is available from my Senate office.

Mr. DODD. Mr. President, I am pleased to join with my colleagues Senators LIEBERMAN, SNOWE, JEFFORDS, LEAHY and TORRICELLI in offering an amendment to the Interior Appropriations for FY 2001. Our amendment would provide \$4 million in funding for the maintenance of a Northeast Home Heating Oil Reserve, with an offset of \$3 million from the Strategic Petroleum Reserve (SPR) Petroleum account and \$1 million from the Naval Petroleum and Oil Shales Account.

This amendment is critically important to the people of Connecticut and throughout the Northeast because most homes and many schools and businesses rely on oil for heating. Last winter, the Northeast region was gripped by cold weather and skyrocketing oil prices.

Last week, the President issued a directive to establish a heating oil reserve in the Northeast by exchanging crude oil from the Strategic Petroleum Reserve for 2 million barrels of heating oil to be stored across the Northeast. In addition, the Secretary of Energy transmitted a permanent plan that must lay before Congress for 60 days. Our amendment would fund the maintenance of that reserve and we will continue to work with the members of the Energy Committee to authorize a trigger that is appropriate to the Northeast situation.

Mr. President, with increased demand for gasoline and refineries at or near capacity, experts agree that heating oil stocks will remain low going into the winter season. Even now, the heating oil stocks are more than 60 percent lower than last year. The writing is on the wall.

This amendment will mean that the heating oil reserve will be maintained. Heating oil will be stored within the Northeast. Residents of my state need not have to choose among filling their oil tanks, putting food on the table, paying for their medication or paying the rent or mortgage.

I thank my colleagues, especially Chairman GORTON and Senator BYRD for their interest in this amendment and I urge its immediate acceptance.

Mrs. FEINSTEIN. Mr. President, Today I want to express my support for the NEA which plays an important role in preserving our culture and is funded in this bill.

The bill before us provides \$105 million for the NEA, an increase of \$7.3 million over FY 2000. This is of vital importance to the survival of the arts in both California and in the United States. National interest in the arts continues to increase. The number of artists in America has more than doubled since 1970. Today, the arts industry supports nearly 1.3 million jobs nationally; 391,200 indirectly, and 908,800 directly.

Despite this growth, the United States still spends nearly 50 times less on the arts than in any other coun-

tries: While the U.S. spends \$6.00 per person on the arts, the United Kingdom spends \$26.00; France spends \$57.00; Finland spends up to \$91.00.

In 1999, NEA funded projects in every county in the state of California, awarding 210 grants totaling \$5.6 million. To date, in FY 2000, the NEA has provided 225 grants in California, totaling \$7.3 million.

Here are three examples of how the National Endowment for the Arts helps preserve our national cultural heritage.

This year, the NEA awarded a grant to the City of San Diego Commission for Arts and Culture to support the Living Traditions Initiative. Living Traditions teaches a wide array of skills in music, dance, language arts, history, folklore, crafts and visual arts through classes, publications, recordings and the broadcast media.

In 1999, the NEA funded a collaborative project of the Brooklyn, New York, Historical Society to increase public access to visual materials documenting Prospect Park, the location of the 1776 Battle of Long Island, the first major conflict between the Continental and British Armies in North America, following the signing of the Declaration of Independence. The project will increase a historic image database, produce a guide for the database and make it Internet accessible.

In 1999, the NEA funded Documentary Arts, Inc. of Dallas, Texas, to support a series of films that explore the complexity of American life through the spoken word and community-based sounds of folk artists across the country.

Preserving national and community culture is one way to encourage patriotism and a sense of community that can help combat the apathy that keeps people from actively involving themselves in the daily life of their community.

The NEA can be a force to engage the imagination. The NEA funds arts education for children, such as these:

The Magic Theater in San Francisco, promotes the Young California Writers Project, an educational program designed to support young playwrights.

Class Act is a music education program in Orange County, California, elementary and middle schools supported by NEA.

Stagebridge in Oakland, California, provides a literacy program for both children and adults.

The National Book Foundation does literary outreach to link leading authors with underserved communities throughout the country. For example, American Voices brings established writers to American Indian reservations nationwide and conducts a summer writing camp for inner-city teens and adults.

The MoveSpeakSpin program in Santa Cruz, California uses dance education activities as a tool in teaching curriculum subjects in math and science, subjects which often are difficult for children to learn.

Given the demands on our school budgets in California, many school districts in California were forced to cut funding for music and art programs from their schools' curriculums. NEA funding in the schools helps assure that our children will still have access to arts education.

Additionally, students who participate in the arts do notably better on standardized testing. Research from the 1995-1997 College Entrance Examination Board shows that students who studied the arts scored an average of 83 points higher than non-art students on the SAT.

Arts can also provide a constructive outlet for young people. A three-year research study of YouthARTS, funded by the NEA and the U.S. Department of Justice in 1999, demonstrated that arts programs help decrease youth delinquency. Several NEA-funded projects have demonstrated this:

NEA awarded a grant to the Richmond Art Center in California to support expansion of the "Art Reach" program for at-risk youths in West Contra Costa County.

Creative Links: Positive Alternatives for Youth funds residency projects across the nation in which young people work with artists after school and during the summer. Programs are supported through arts organizations, community centers, low-income housing projects, tribal communities and juvenile facilities.

By encouraging at-risk teens to express themselves through art instead of antisocial behavior, the NEA can help deter delinquency.

For much of American history, art has been considered to be a "luxury" of the elite. Through traveling programs and other outreach programs, the NEA has made art accessible for Americans in all corners of the nation and to all economic strata. Here are some examples in California:

The Rural Journeys Project, run partially by Independent Eye, Ltd. in Sebastopol provides residencies that offer performances from the repertoire and workshops to rural communities nationally.

A grant to the Humboldt Arts Council in Humboldt supports a consortium of multi disciplinary arts workshops and activities to rural, low-income populations.

A Fresno Arts Council program compiles and assesses data on the state's artistic resources, including identification of traditional artists, and the creation of a database and report on artistic resources and needs.

NEA has opened up the artistic world to the visually and audibly impaired.

Deaf West Theater Company in North Hollywood supports a multi-disciplinary production of "Oliver," the musical, and production workshops in schools that serve deaf and disadvantaged youth.

ARTREACH, Inc. of Philadelphia, Pennsylvania, creates a Cultural Access Guide for the Disabled for the

Greater Philadelphia region. The guide describes architecture and art for the physically disabled, blind, deaf, and hard of hearing populations to cultural venues.

Many private organizations which fund art base their grants on the profitability of an artist or on their organizations' goals. The NEA gives special attention to underrepresented groups. Here are two examples:

The NEA-funded Women's Philharmonic supports women conductors and music directors in leading national orchestras.

The San Francisco group, American Indian Contemporary Arts, with NEA funding, mounts thematic exhibitions of contemporary Native American artists' work.

Art is a "language" which crosses lines of race, ethnicity, culture, age, education, geography, and disability. Many of the projects which the NEA funds promote an understanding of our nation's diverse heritage:

The Hmong Cultural Arts, Crafts, Teaching & Museum project in California provides instruction in Hmong Pa Dao embroidery and instruction in the ancient musical instruments of Kheng and Xee Xo.

The Lake Tahoe Arts Project produces the Ballet Folclorico do Brasil

The American Musical Theater of San Jose produces "Musicals in the Neighborhood," multi-lingual musical performances that focuses on universal themes.

Supporting arts representing different cultures is especially important to my state, the state with the most diverse population in the nation. Currently, California has 12 percent of the total population in the United States, 33 percent of the Hispanic population, 37 percent of the Asian/Pacific Islanders population, 7 percent of the African-American population, and 13 percent of the American Indian population. California is the true melting pot. By funding arts which express many cultures, the NEA helps to foster cultural understanding among these many groups.

The NEA provides Americans with valuable cultural programs, with an impact far beyond art. Through its work, the NEA has made great contributions to preserving American culture, educating American citizens, and assuring equal access to the arts and arts funding. To continue reaping these benefits, we must continue to support the NEA.

Mr. BYRD. Mr. President, with final passage of the Fiscal Year 2001 Interior and Related Agencies Appropriations Act, I wish to take a moment to thank all Senators for their time and effort in helping to make this important measure a better product. As I have frequently noted, crafting the Interior bill is not an easy charge. Weighing the thousands of Member requests that come in to the Interior subcommittee against the limited resources made available to us is an arduous task, indeed.

Yet, this year, as in past years, that job has been handled with great skill by the subcommittee chairman, Senator GORTON. My friend from Washington is, I can say unequivocally, the best subcommittee chairman I have ever had the pleasure of working with. His dedication to duty, his graciousness under fire, and his commitment to working with me in a bipartisan manner are simply unparalleled. Moreover, the fact that this legislation will be adopted by the Senate by an overwhelming vote is testament, I believe, to the incredible job done by the distinguished subcommittee chairman.

Let me also extend my appreciation to all subcommittee staff, in particular, Bruce Evans, who serves Senator GORTON in an efficient and capable manner. And, on the minority side, I wish to offer a special thanks to Peter Kiefhaber. Although this young man has been on my staff for more than eight years, this is his first year working for the Appropriations Committee. In the span of less than 6 months, he has worked hard, distinguishing himself not only to me, but obviously to other Members of the Senate, who have told me personally of his good work.

Finally, let me again thank all Senators and say that I look forward to working with the subcommittee chairman as we proceed to conference with the House of Representatives.

Mr. GORTON. I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—97

Abraham	Chafee, L.	Gorton
Akaka	Cleland	Graham
Allard	Cochran	Gramm
Ashcroft	Collins	Grams
Baucus	Conrad	Grassley
Bayh	Craig	Gregg
Bennett	Crapo	Hagel
Biden	Daschle	Harkin
Bingaman	DeWine	Hatch
Bond	Dodd	Helms
Boxer	Domenici	Hollings
Breaux	Dorgan	Hutchinson
Brownback	Durbin	Hutchison
Bryan	Edwards	Inhofe
Bunning	Enzi	Inouye
Burns	Feinstein	Jeffords
Byrd	Fitzgerald	Johnson
Campbell	Frisk	Kennedy

Kerrey	Mikulski	Shelby
Kerry	Moynihan	Smith (NH)
Kohl	Murkowski	Smith (OR)
Kyl	Murray	Snowe
Landrieu	Nickles	Specter
Lautenberg	Reed	Stevens
Leahy	Reid	Thomas
Levin	Robb	Thompson
Lieberman	Roberts	Thurmond
Lincoln	Rockefeller	Torricelli
Lott	Roth	Voinovich
Lugar	Santorum	Warner
Mack	Sarbanes	Wyden
McCain	Schumer	
McConnell	Sessions	

NAYS—2

Feingold Wellstone

NOT VOTING—1

Coverdell

The bill (H.R. 4578), as amended, was passed.

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, at the closing of this bill, this is one more opportunity for me to thank my colleague, Senator BYRD, for his guidance, cooperation, and many courtesies in moving this bill through to final passage. He has been very complimentary of me. I can simply say that much or most of what I have learned about managing a bill I have learned from the distinguished Senator from West Virginia, and I hope he regards me as an apt pupil.

I also thank his staff for all of their hard work. The minority clerk, Peter Kiefhaber, who is new to this job, has been a tremendous asset to the subcommittee and has been a forceful advocate for Members on his side of the aisle. Peter has been ably assisted by Carole Geagley of the minority staff, and by Scott Dalzell, who has been with us on detail from the U.S. Fish and Wildlife Service.

My own subcommittee staff has also had the benefit of an agency detailee—Sheila Sweeney from the Forest Service. Sheila has kept her good humor even while struggling to track the thousands of Member requests that the subcommittee receives from Members of this body. We have enjoyed having her with us. She has been extremely productive.

The subcommittee professional staff on my side has done yeoman work: Ginny James, Leif Fønnesbeck, Joe

Norrell, and Christine Drager, who is in her first year with the subcommittee. All have contributed to making the passage of this bill a relatively smooth process, something I think speaks well of their dedication, professionalism, and knowledge of the programs and issues in this bill.

Finally, of course, there is my chief subcommittee aide, Bruce Evans, who has guided this bill in each of the years that I have worked on it. I could not possibly have any better staff. I am certain that no Member of the Senate has better, more dedicated, or more effective staff in seeking passage of a particular bill.

I also thank Kari Vander Stoep of my own personal staff for her outstanding work on the issues in this bill that are of particular importance to the people of the State of Washington.

As many hours as we put in here on the floor, each of these individuals has spent that multiplied by 10 in late nights and early mornings, in literally months of putting the bill together. They are likely to do exactly the same as we go through to the conference committee and final adoption of the bill.

I express my gratitude for their good work and the appreciation, I am sure, of Senator BYRD and of the Senate as a whole.

**MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000**

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4810, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

Pending:

Burns Amendment No. 3874, to repeal the modification of the installment method.

Reid (for Hollings) Amendment No. 3875, to pay down the debt by striking the tax cuts.

Nickles (for Lott) Amendment No. 3881, to provide a substitute.

The PRESIDING OFFICER. The Senate will now proceed to vote in relation to the following amendments, with 2 minutes for explanation prior to each vote: BURNS, HOLLINGS, and LOTT.

The Senator from Montana.

AMENDMENT NO. 3874

Mr. BURNS. Mr. President, the amendment that I have offered to this piece of legislation is a freestanding bill, S. 2005, the Installment Tax Collection Act of 2000.

Basically, it allows small businesses or farms that sell their businesses on the installment plan to pay their capital gains taxes as they receive the money. Right now, they are required to pay the capital gains taxes in one lump sum. In other words, in some cases, when properties are sold, they even have to borrow the money to pay the capital gains up front.

It is no cutback in revenue to the Government. We just receive the money whenever the owners receive their payments for their property.

I urge adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Is all time yielded back?

Mr. MOYNIHAN. A voice vote would be very agreeable.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

All time is yielded back.

The question is on agreeing to amendment No. 3874. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.—

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—99

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Craig	Kerry	Specter
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lieberman	Warner
Edwards	Lincoln	Wellstone
Enzi	Lott	Wyden

NOT VOTING—1

Coverdell

The amendment (No. 3874) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3875

The PRESIDING OFFICER. Under the previous order, the next amendment is Senator HOLLINGS' amendment. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, do you want to make \$1 million? Do you want to become a millionaire? All you have to do is find the surplus that is in the headlines.

This morning, USA Today said "surplus doubles."

That crowd knows how to write, but they do not know how to read.

I have the Congressional Budget Office report that they quoted. On page 17, the debt goes from \$5.617 trillion to \$6.370 trillion. The debt is going up. The surplus is going down.

I thought maybe they had gotten it from the President's midyear review just given 2 weeks ago. Of course, you know how they mix these things up. The last page tells the truth. On page 23, President Clinton finds that the debt goes up to \$1 trillion—no surplus. The debt increases.

I then go to the public debt to the penny. Call up Treasury. They give this out every day. You find how the debt goes up.

What they are trying to do is increase the debt with this \$248 billion.

I am for paying down the debt.

Vote for the amendment if you are for paying down the debt, please.

Mr. LEVIN. Mr. President, I will support the Hollings amendment to strike the tax cuts proposed in this legislation and devote those funds to reduction of the national debt.

I supported and would prefer the Democratic proposal to eliminate the marriage penalty in the Tax Code. I voted for the Democratic plan and had it passed would not have supported the Hollings amendment. However, since the Democratic alternative to the pending bill was defeated yesterday by a 46-50 vote, and since the Republican bill would cost a wasteful \$40 billion a year, reflecting the wrong priorities, I will support the Hollings amendment to better use those funds to pay down the national debt.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, evidently the proponent of the amendment does not believe any marriage tax relief is in order.

Let me say that I find this position to be incredible. The Federal Government is taking a record level of the economy in revenue over 20 percent. The Federal take has not been this high since World War II.

Income taxes have doubled since the Clinton administration came to office. Clearly, it is the taxpayers—especially America's hard-working families—who have caused the surplus.

This bill returns less than 3 percent of the non-Social Security surplus to virtually every married couple in the country. Both Republicans and Democrats agree that marriage tax relief is an appropriate use of the non-Social Security surplus. We differ on how the relief is delivered.

I urge my colleagues to reject Senator HOLLINGS' amendment.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3875. The clerk will call the roll.