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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

We praise You, dear God. You have promised never to leave or forsake us. Our confidence is in You and not ourselves. We come to You in prayer, not trusting our own goodness but solely in Your grace. You are our joy when we get down, our strength when we are weak, our courage when we vacillate. You are our security in a world of change and turmoil. Even when we forget You in the rush of life, You never forget us. Thank You for Your faithfulness.

At this moment we claim that faithfulness for our friend, Senator PAUL COVERDELL, as he undergoes surgery. Bless him, care for him, and heal him.

And now dear God, filled with wonder, love, and gratitude, we commit this week to live and work for You, inviting the indwelling power of Your spirit. Bless the Senators. Control their minds and give them Your discernment. Give them boldness to take stands for what You have revealed is the application of Your righteousness and justice for our Nation.

Thank You for the privilege of living this week for You. In Your all powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PETER G. FITZGERALD, a Senator from the State of Illinois, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. FITZGERALD). The majority leader.

Mr. LOTT. I thank the Chair.

PRAYERS AND REFLECTIONS

Mr. LOTT. Mr. President, I express my appreciation also once again to our Chaplain of the Senate, Lloyd John Ogilvie, and for his remembering our friend and my most trusted confidante, most reliable lieutenant, the Senator from Georgia, PAUL COVERDELL. I don't know of a Senator who works any harder or has a more indomitable spirit. I noticed particularly Friday afternoon how happy he was as he took leave of this Chamber because of the vote that we had just taken and realizing that he would have the opportunity to be home in Georgia on Friday afternoon and on Saturday. Our thoughts and our prayers are with him as he apparently undergoes a surgical procedure at this hour. I thank the Chaplain for his prayer.

Coincidentally, this weekend I also had a little more time than I anticipated and was able to spend some time thinking about our country and reading some books. One of those that I read was ''Going For The Max,'' by Senator MAX CLELAND, also of Georgia. It is a really inspirational book about his life and his experience as a Vietnam veteran and the recovery period he had to go through and the inspiration from things he had learned in his life—12 principles of life that he had learned and on which he relies. I talked to him this morning to tell him how much I enjoyed his book; that I was inspired by it. And he said he was at that very moment standing there looking at Piedmont Hospital where our friend, Senator COVERDELL, is, and he was saying a prayer for him. He offered to cover any meetings or appointments that needed to be done today or this week by Senator COVERDELL.

That is the kind of real love and appreciation and bipartisanship we need more of in this institution and in our lives. So I encourage my colleagues in the Senate, if you have not read it, get a copy of ''Going For The Max,'' and it will be an inspiration to you.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 3 p.m. with Senators BYRD and THOMAS in control of the time.

Following morning business, the Senate will resume consideration of the Interior appropriations bill, and hopefully we will be able to complete our deliberations on that bill and get to final passage on all amendments and the bill itself tomorrow morning.

Under the previous agreement, there are up to 10 amendments remaining to the Interior bill that must be offered and debated during today's session. Hopefully, some of those amendments will be withdrawn, others will be accepted, and maybe we will not need to have more than a couple of them actually voted on, and then go to final passage tomorrow morning. I believe those votes will be stacked in the morning at 9:45 a.m.

At 6:15 this evening, the Senate will begin the final votes on the reconciliation bill which provides for the elimination of the marriage penalty tax. Senators should be aware that during the remainder of the afternoon on Friday, when all amendments were offered and/or debated, almost 40 potential votes could occur in regard to this legislation.

Again, I hope and I think that several of those amendments were just filed as a precaution and that not nearly that many will actually require a vote; some of them can be accepted. But I do expect there will be somewhere between 10 and 15, at least, that will require a recorded vote. We will try to do a major portion of those tonight, if not all of them. We may try to get a consent to finish the remainder of the votes on amendments and final passage tomorrow morning after we take a

look at exactly how many we are going to have to do, look at how many we would have to vote on tonight, how many we would have to vote on in the morning, and try to be reasonable in how we schedule those votes. But we do need to get both of them completed not later than tomorrow morning. So votes are expected into the night. We could have, I guess, conceivably 10, 15, or more votes tonight beginning at 6:15. Of course, we have stacked them and the votes will be limited to 10 minutes in length after the first vote. Senators will be encouraged to remain in the Chamber again during the votes.

We were able to record 10 votes in about 1½ hours I think on Friday, which probably is some kind of new record. A lot of the credit for that goes to Senator HARRY REID, the assistant minority leader, because he stayed in the Chamber and helped me make sure that we wrapped those votes up as quickly as was possible.

This will be an important week. After we complete those two very important issues, we will need to go to the Agriculture appropriations bill which has been awaiting action in the Senate now for probably a month. Senator COCHRAN has indicated he will be ready to go tomorrow morning or right after lunch, whichever is available to him, to begin debate on this very important legislation.

We also would like to have the opportunity to consider the energy and water appropriations bill this week also. It is ready and should not take a lot of time. But that will depend on how long it takes on the Agriculture appropriations bill.

I see smiles throughout the Chamber, the idea that we would complete these two bills I have already mentioned and then take up two appropriations bills, but with determination we can get it done.

We achieved more last week than most people thought we would be able to do. It took work and it took some time and it took cooperation between leaders on both sides of the aisle. We were able to get that. I hope we can do it this week. I thank my colleagues for their participation and their cooperation.

With that, I will yield the floor and I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONSERVATION REINVESTMENT ACT

Mr. BURNS. Mr. President, on the eve of marking up the Conservation Reinvestment Act—an act that can only be described as great politics but very bad policy—to enact a law that gives the Federal Government a blank check to buy land for the purpose of conservation, preservation, or any other so called environmental cause is ill-advised and ill-conceived, it appears, on the surface, the idea of putting land under Federal control for conservation purposes is a good idea and good policy for the nation. However, under the surface, hidden in the dark side of government ownership of lands, it is very bad policy.

Nobody has hunted or fished and appreciated it more than this Senator. Nobody enjoys the outdoors as much as I do—the cold crisp mornings in a hunting camp or a fishing camp is unequaled and one would not need a fishing rod or a rifle.

I would say that nobody in this body has fought harder for habitat and policies that promote the enjoyment of the outdoors, hunting, and fishing. As former cochairman of the sportman's caucus and still active in the foundation, we guard this privilege.

There is no way, Mr. President, this piece of legislation can be made to reflect or fulfill our role in the protection and improvement of our public lands. Just adding acres to the Federal estate does not get it done. Just no way. The supporters of this legislation has been blinded by the prospects of dollars, free dollars coming to their respective States. The money comes from royalties from off-shore drilling. I have no problem with that and, in fact, support such a scheme. It is the purchasing of land for the Federal estate that I cannot support.

I ask your patience to bear with me but I feel some facts should be made part of this record and my colleagues need reminding of some startling facts.

The Federal Government now controls one-third of the land in the United States. That is wrong and was never intended to be as envisioned by the Founders of our Nation nor the Framers of our Constitution.

However, the Federal Government has from its first day, a healthy appetite for land ownership and has never stopped acquiring more and more land. Some for good and solid reasons. In the last 40 years, however, land acquisition has been under the guise of conservation and preservation.

Do we have enough surplus of money to squander on the idea that the Federal Government needs more land.

Since 1960, major Federal land agencies have added 33.6 million acres of land. That is the area the size of Florida.

These agencies control more than 612 million acres or just over one-fourth of the land area of the United States.

True, the majority of Americans support land conservation and some acquisition, but few know or understand what it entails.

Most of those demanding public ownership of lands have come from groups who have little regard for private land ownership or property rights as provided by our Constitution. Land ownership is the cornerstone to individual freedom which most Americans hold very dear. Have you not seen the movie, ''The Patriot''?

> . . . A major increase in Federal funding for land acquisition has long been needed. There is a tremendous backlog in land purchases. . . .

So says Carl Pope, Ex. Director of the Sierra Club.

Ron Tipton, a vice president of the National Park Conservation Association echoes the same line.

I would suggest that both organizations have the money and the political will to buy land for conservation, preservation, or to heal some real or perceived environmental ill. The problem arises that they also would be responsible for the operation and management of the lands.

That being the case, why in the world does the Federal Government need more land? That is why I started to do some research some 3 or 4 years ago and using some information gathered by very credible organizations, I was startled what I found.

The Congressional Budget Office has gone so far as to suggest a freeze on Federal acquisitions. A 1999 report asserts:

> Land management agencies should improve their stewardship of the lands they already own before taking on additional acreage and management responsibilities.
>
> Environmental objectives might be best met by improving that they already own.

There is one glaring fact that throughout our history, private individuals and groups have offered the best and most sound resource conservation. Several organizations such as the Sierra Club has the funds and expertise to do and I suggest they proceed.

Here is CBO's concern. BLM, USF&W, and NPS have added 840,000 acres per year since 1960. That is the area the size of Rhode Island.

In the 1990's, 3.4 million acres and 25 new units for NPS; 2.7 million acres and 24 new units for USF&W; plus 18 million acres in military installations, 8.5 million acres in BOR, and 11.7 million acres in the Corps of Engineers. Even the conservation reserve ''CRP'' controls 33 million acres.

SPIRALING COSTS AND BALLOONING BUDGETS

Here are the reasons the Congressional Budget Office suggested a freeze in land acquisition:

Annual costs for land management have far outpaced the rate at which the Federal estate was expanding.

For the past 40 years, government's appetite for land ownership grew the total acres just over 6 percent, yet operating budgets have risen 262 percent above inflation.

From 1962 to 1998, land acquisition cost $10.5 billion. At that same timeframe, managing Federal lands cost $176 billion, $6.6 billion in 1999 alone.

It is a little easier to grasp when one looks at the cost of management in 1962 at $3 per acre. In 1997 the cost has grown to $10 per acre adjusted for inflation.

The NPS operating expenses have risen 2.6 percent per year above inflation since 1980. During the same time, the system grew only 1 percent per year in acreage and units. The system has always gotten more money to operate. Park visits, nationally, only grew 2.3 percent per year.

BLM generated .50 cents for every $1.00 invested and the NPS .08 cents for every $1.00. While operating budgets for day-to-day upkeep and services have grown faster than acreage, provisions for infrastructure and major maintenance have not followed a similar pattern.

In some instances, these capital budgets that provide for long-term facility maintenance have shrunk. Between 1980 and 1995, NPS declined to an annual rate of 1.5 percent when adjusted for inflation. As a result, the NPS has a $5.6 billion deficit for construction and maintenance and a $2 billion deficit for resource management.

The USFS has a $5 billion maintenance backlog. Throwing more money into the Federal trough is not getting us what we want. Eroding forest roads, deteriorating water quality, disappearing wildlife habitat, and loss of priceless artifacts are just the most obvious indicators that current policies are not providing quality management.

Buying more land only contributes to a situation that is not achieving the environmental objectives that we want.

Billions of dollars are spent each year to manage our Federal lands, and the public is not getting the benefits of multiple-use fiscal responsibility, or good resource stewardship.

A number of ecologists have also questioned the ability to fulfill its mission of resource protection. Biologist Charles Kay of Utah State University has documented the destruction of the Crown Jewel of national parks, Yellowstone. Overpopulation of elk and buffalo has taken its toll. The result is starvation of thousands of elk, and overgrazed range, the destruction of plant communities, the elimination of critical habitat, and a serious decline in biodiversity. Karl Hess reported the same in Rocky Mountain National Park.

Some 39 million acres of Federal forest land are, as we speak, at risk of catastrophic wildfire and disease according to a GAO report of last year.

BETTER TOOLS—BETTER RESULTS—SATISFIED CONSERVATIONISTS

It is clear that merely dipping into the Federal Treasury does not ensure land conservation for the future. Under the current system of command and control, politics plays a major role in Federal land management. Some pragmatic changes in our Federal land agencies, however, could help us get the incentives right.

RECREATIONAL LAND

Lands historically used for recreation, should pay or attempt to pay their own way and not rely entirely upon congressional appropriations.

There is no doubt that park managers can better care for the land that Federal overseers in Congress who fail to allocate funds for necessary maintenance. The Fee Demonstration Program is a step in the right direction.

As land managers generate revenues and decide how the money will be spent, they are allowed to be more responsive to visitors, more expedient with maintenance, and more protective of natural resources.

COMMODITY LANDS

Not all Federal lands are equally deserving of preservation. In a world of limited resources, it makes sense to sell lands with lesser conservation values to ensure adequate protection for those worthy of conservation.

HABITAT SET-ASIDES

There are some lands under Federal management that are not likely to ever pay their own way, but have ecological or cultural value. The land might be critical wildlife habitat, watershed for large, diversified users, or the site of some historical event. These should be placed under a trust or endowment board. A portion of revenues derived from user fees at more popular sites or the sale of other lands could be used as endowment funds to manage these valuable areas. I am very supportive of this idea.

NEW ACQUISITIONS

Current Federal land management permits land acquisitions without regard to operating and maintenance costs. Before adding more land to the Federal estate and obligating the American taxpayer, a detailed accounting of annual operating and maintenance costs should be prepared and, like private conservators, laws should require that funding for proper management be part of the appropriation. No O&M money, no deal. I will insist on it.

LAND EXCHANGES

There is no doubt in my mind that land exchanges are necessary. Small units of range should be either traded or sold to block up large units for management purposes. The funds derived from the sales should be placed in the trust or endowment for management of other public holdings.

PRIVATE SOLUTIONS

As an alternative to Federal land conservation, private conservation by individuals and groups is a viable option with a long history in the United States. The growing demand to protect land resources has created a new impetus for private conservation through ownership and other legal mechanisms. Whether the land is managed for profit or to fulfill a mission, these private conservators have the right incentives. They face the opportunity costs for alternative uses of the resources. The result is often better land management than that provided by our Federal land managers.

FEE SIMPLE

Private landownership is the oldest and simplest form of land conservation. It will continue to exist as long as property rights are well-defined and owners can profit from their investment in conservation or achieve their conservation goals.

LAND TRUSTS, CONSERVATION EASEMENTS

Tax benefits.

Perpetual easements.

Restructuring easements.

CONCLUSION

Changes that would improve land conservation and mitigate environmental damage without adding more land to the Federal estate include:

Lands for recreational use should pay their own way or generate some revenue to cover costs;

Land use rights on commodity producing lands should be sold for the highest value use. The winning bid could be commercial timber harvest, selective harvest to enhance wildlife habitat, wilderness, recreation, or some combination of uses;

Income from the sale of land and land use rights should be put into endowment funds to buy or manage lands with higher conservation values, such as those with critical wildlife habitat, scenic value, or historical significance; and

Barriers should be lowered to encourage private conservation and good stewardship.

At present our Federal land agencies are poor land stewards. Many times through no fault of their own, their budgets reach into the billions, yet damage to roads, sewers, buildings, forest, and rangelands remain and continue to worsen.

Only the lands that are under long-term lease arrangements with individuals or groups continue to improve.

Given the right incentives, we can protect areas like Yellowstone and Yosemite, preserve the Bob Marshall Wilderness of Montana, and the east front. But forests such as Clinch Valley, VA, are better left in private hands.

Again, I must iterate that the Conservation Reinvestment Act as written and presented this day, is ill-conceived and ill-advised. We can and must invest those dollars where the environmental objectives are clearly achievable.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business not to extend beyond the hour of 3 o'clock with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions: The Senator from

West Virginia, Mr. BYRD, from 12 p.m. to 2 p.m.; and the Senator from Wyoming, Mr. THOMAS, or his designee from 2 p.m. until 3 p.m.

The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, Alexander Hamilton spoke 6 hours at the Constitutional Convention. So I think I am in rather good company.

THE PLIGHT OF OUR NATION

Mr. BYRD. Mr. President, the great English novelist, Charles Dickens, began his epic novel, ''A Tale of Two Cities,'' with these words, ''It was the best of times, it was the worst of times. . . .''

Well over a century later, and a continent away from the writing of Dickens' story, those words could well describe the plight of our nation in the last year of the 20th century.

That is this century—the last year of the 20th century.

The United States has never been more affluent, in terms of material wealth and creature comforts, or more impoverished in terms of spiritual well-being. It is the best of times materially. It is the worst of times spiritually. Millions are made daily on Wall Street, American consumerism fuels booming international economic and trade markets, and our Nation's living standard is the envy of the world. We have eliminated our staggering deficits at home, at least on paper, and jobs are available for our people in abundance.

Yet, America is, in many ways, a hollow nation. We are a people on the edge of a precipice. Despite all of our economic prosperity, despite all of our fascination with the glittery toys that money can buy us, despite all of the accouterments of success and prosperity, so envied by the rest of the world, all of the material comforts we so enthusiastically chase, can never pacify the hunger beginning to emerge in our collective souls, nor even start to solve the endemic problems which crowd the dark corners of our national psyche.

Our children randomly slaughter each other in our schools, clothes are torn off of innocent women in a public park, smut crowds the airwaves, the traditional family structure continues to deteriorate, advertising reflects little but sexual innuendo and the desire for a mad rush to some materialistic nirvana, song lyrics are not fit for polite company, and even the barest mention of the existence of a Creator is castigated as inappropriate or viewed as the unbalanced ravings of the lunatic fringe.

We are a people seemingly in deep denial of our own humanity—in deep denial of our own unquenched inner need for meaning and purpose and direction in our lives. We have succumbed to the glossy promise of more, and more, and more, in a vain and pointless effort to deny the one essential element which is so glaringly missing from our aimless, restless pursuit of prosperity.

Religion has all but vanished from our national life. Worse than that, religion is discouraged; religion is frowned upon. Religion is suppressed, spurred by what I believe is a misguided attempt to ensure a completely secular society and a gross misreading of constitutional intent. Oh, what ills are born when we forget our history! What ills are born when we forget our history!

This Nation was founded, in part, so that religion could freely flourish. The Constitution was written and ratified by men who possessed a strong spiritual awareness. These were not Godless men who wrote the Constitution of the United States. They had a spiritual awareness. The universal principles espoused in the Declaration of Independence in 1776, and other early American documents reflect aspirations, which are, at their core, based on a belief in a Supreme Being and on the existence of a human soul. What are these if not religious principles? Such lofty and spiritual beliefs as the bedrock equality of all humans,—as the bedrock equality of all humans—and the endowment by a Creator of basic rights cannot be secularized out of existence in a nation so rooted in a deep spiritual consciousness as is ours. Every single value upon which this country was so painstakingly built—individual sacrifice for the greater good, fairness, charity, truthfulness, morality, personal responsibility, honesty—all of these are, at root, qualities derived from Judeo-Christian teachings. To try to separate this nation from the religious grounding which it so obviously exhibits in every aspect of its history, is like trying to bifurcate muscle from bone. Dysfunction is the result—sterile bone which cannot move, and useless tissue with no support. That is what happens when spiritual values become separated from our national life.

Nowhere are the results of such an unfortunate rending more obvious, more destructive or more heartbreaking than in the evident damage we have done to our most precious commodity, our children. Millions of our innocents are lost in a maze of drugs, cheap sex, violence, and materialism. They are starving—starving—for lessons by which to live their lives, and what do we offer them? We offer them only hedonistic baubles. Love of pleasure, greed, gratification of sex, deification of the crude and the outrageous, and the selfish culture of Me, me, me, and More, more, more, are no guidelines on which to build a life or a character whether it be a nation or the individual. These are only empty distractions that lead down roads previously reserved for misfits and criminals. We must look hard at ourselves in the mirror each morning and ask what in the name of God we are coming to if we continue on this course? We are all at fault, all of us—the clergy for not speaking out, the Church doesn't speak out like it used to when I was a boy.

The church took a strong stand on the great national issues. But the church, as so many of us, has been driven into a closet; so the clergy for not speaking out; the leaders of business in this country for looking only at profits; the leaders of both political parties for pandering—pandering. Most of the issues that plague us nationally—such as violence in our schools, inadequate health care for the weakest in our society, crime, greed in politics, all of these issues, all of them, are at their root—are issues of right and wrong, issues of morality.

Yet in order to avoid offending anyone—don't offend anyone; that is why so many of the colleges and schools have taken history out of the required courses, because history might offend somebody. It might offend some group—in order to avoid offending anyone or any group, we try to totally secularize our politics on the left and overly polarize our politics, with too much false piety, on the right. So both are in the wrong. The result is only endless power struggle and pandering to the various groups which keep us in power. As such, political power has become an end, not a means, and the leadership of this nation too often winds up pursuing solutions to the effects of our ills and ignoring their causes.

A prejudice against the influence of religious commitment and moral values upon political issues now characterizes almost every sector of American society from the media to law to academia. We have seen the Supreme Court rule, again and again, against allowing voluntary prayer in public school in this country. I believe that this ingrained predisposition against expressions of religious or spiritual beliefs is wrongheaded, destructive, and completely contrary to the intent of the Founders of this great nation. Instead of ensuring freedom of religion in a nation founded in part to guarantee that basic liberty, a literal suffocation of that freedom has been the result. The rights of those who do not believe in a Supreme Being have been zealously guarded, to the denigration, I repeat, denigration, of the rights of those who do so believe.

The American doctrine of separation of church and state—and you don't find that in the Constitution; it says nothing about separation of Church and State in the Constitution—forbids the establishment of any one religion by the state, but not, I repeat, not the influence of religious values in the life of the nation. Religious faith has always been an underpinning of American life.

One of the most perceptive of observers of the early American scene was Alexis de Tocqueville. Writing in the 1830's on his observations while traveling in America, de Tocqueville grasped the moral content of America. Coming from France where abuse of power by the clergy had made

anticlericalism endemic, he was amazed to find it virtually unknown in America.

De Tocqueville writes:

In France, I had almost always seen the spirit of religion and the spirit of freedom marching in opposite directions, but in America, I found they were intimately united, and that they reigned in common over the same country. . . . Religion . . . must be regarded as the first of their political institutions . . . .

He is talking about Americans in the 1830s. Let me say that again—DeTocqueville:

Religion . . . must be regarded as the first of their political institutions; for if it does not impart a taste for freedom, it facilitates the use of it.

He concluded that most Americans held religion,

to be indispensable to the maintenance of Republican institutions.

John Adams was the second President of the United States. He served as Vice President for 8 years under George Washington. He was a member of the Continental Congress, and a signer of the Declaration of Independence. He greatly influenced the States to ratify the new Constitution by writing a three-volume work, entitled, ''A Defense of the Constitutions of the Government of the United States.''

I like to go back to John Adams' work from time to time and just read it again. I recommend it to our people who are listening in this Chamber. One might say that, when it came to building the governmental structure of these United States, John Adams was in on the ground floor. In his diary entry dated February 22, 1756, John Adams wrote—listen to John Adams now:

Suppose a nation in some distant region should take the Bible for their only law book, and every member should regulate his conduct by the precepts there exhibited! Every member would be obliged in conscience to temperance, frugality, and industry; to justice, kindness, and charity towards his fellow men; and to piety, love, and reverence toward Almighty God . . . . What a Utopia, what a Paradise would this region be.

That was John Adams. Obviously, John Adams believed that moral precepts and Biblical teachings would be an ideal foundation on which to lay the government of a great nation.

On July 8, 1776, the Declaration of Independence was read publicly at the Continental Congress while the famous ''Liberty Bell'' was rung. Wouldn't you have liked to have been there? Congress then established a three-man Committee consisting of Thomas Jefferson, John Adams, and Benjamin Franklin, for the purpose of designing a great seal for the United States. What were Franklin's suggestions? Franklin's suggestions for a seal and motto characterizing the spirit of this new nation were—this is Franklin talking, not ROBERT C. BYRD:

Moses lifting up his wand, and dividing the red sea, and pharaoh in his chariot overwhelmed with the waters. This motto: ''Rebellion to tyrants is obedience to God.''

What did Thomas Jefferson propose? This is Thomas Jefferson talking, not ROBERT C. BYRD. Thomas Jefferson proposed:

The children of Israel in the wilderness, led by a cloud by day, and a pillar of fire by night.

Try as I may, I sense no hypersensitivity about absolute separation of religion and the government of the new country in these suggestions for symbols of our new nation. Would such men as Jefferson and Franklin have suggested such symbols if they intended for an absolute wall of separation to be erected between government and any sort of religious expression? I think not.

When it comes to current attitudes about the proper role of religion in America, the apple has fallen very far from the tree. In fact, our greatest leaders have shown no trepidation about God's proper place in the American panorama. I am talking about our greatest leaders. Every session of the U.S. House of Representatives and the United States Senate begins with a prayer. I heard the Chaplin pray today, and so did you. And each House, from the Nation's beginning, has had its Chaplain paid with Federal tax dollars. The Supreme Court of the United States begins each session only after a solemn pronouncement that concludes with ''God save the United States and this Honorable Court.''

So it is then, with almost total incredulity, that I read the continued pronouncements on the subject of prayer in school by our Supreme Court, which since 1962, has steadily chipped away at any connection between religion and the governmental sphere. How could such rulings be handed down time after time by learned men and women who are obviously familiar with the history of this nation, and with the faith-based grounding of our entire governmental structure? And recently we have this latest decision by the Supreme Court, involving voluntary student-led prayer at a Texas high school football game.

I don't attend football games. I have attended one in the 48 years that I have been in Washington, and I attended that only at halftime to crown the Queen; West Virginia and Maryland were playing. But even if I don't attend football games, there are people who do attend. And if it is their wish to have prayers, if the students in the band or on the football teams want to have prayer, more power to them.

On June 19, the highest court in our land ruled in a 6–3 decision that somehow this voluntary student-led prayer violated the Constitution's establishment clause.

Justice Stevens, writing for the majority opinion, said that even when attendance was voluntary and the decision to pray was made by students:

the delivery of a pregame prayer has the improper effect of coercing those present to participate in an act of religious worship.

What nonsense—nonsense. Such a pronouncement ignores a separate First Amendment problem, in that it amounts to the censorship of religious speech in a governmental forum. What about the rights of those students who wish to pray, perhaps for the safety of their classmates? Such a ruling tramples on the Constitutional rights of those students in favor of some mythical possibility that coercement might be felt by someone.

In a dissenting opinion, Chief Justice William H. Rehnquist summed up the matter pretty nicely, I think, when he stated that the majority opinion ''bristles''—bristles—''with hostility to all things religious in public life.''

Mr. Chief Justice Rehnquist said it right: The majority opinion ''bristles with hostility to all things religious in public life.''

For that statement, the Chief Justice will always have my gratitude. He is eminently correct, and, of course, it took courage to say what he did. As everyone knows, I am no fan of amending the U.S. Constitution, and I believe it should be done only rarely and with great care. Certainly this year, an election year, is no year to try to pass a constitutional amendment on school prayer.

But I intend to implore the two major party candidates—and I do implore the two major party candidates—to seriously consider including a constitutional amendment in the nature of clarifying the intent of the framers in the area of prayer in school as part of both party platforms.

I have yet to read a party platform. Never read one. I have never read a Democratic Party platform or any other party platform, but there are many who do, and it is only natural the parties should have platforms. People expect them to have a platform to indicate where they stand on the great issues of the day. So I urge Mr. Bush and Mr. GORE to work to put the words in the party platforms urging that there be an amendment to clarify the intent of the framers in the area of prayer in school.

The intent of the framers was clearly only to keep the new government from endorsing or favoring one religion over another, but not from favoring a free exercise of religion over nonreligion. Certainly, it was never to prohibit voluntary expressions of a religious nature by our citizens.

Just what do we teach our children? Upon what do we base the most fundamental codes of society if we are not to base them on moral precepts and spiritual precepts? How can we lead our own people, how can we grapple with issues of right and wrong, or how can we continue to inspire downtrodden peoples from around the globe if we continue to deny and to sever our basic ties to faith-based principles?

Alarmingly, we are crafting a political secularism which does not reflect the views or practices of most Americans, the overwhelming majority of Americans. Consider these facts:

Nine Americans in 10 say they have never doubted the existence of God. Eight Americans in 10 say they believe they will be called

before God on Judgment Day to answer for their actions, their words, their deeds. Eight Americans in 10 say they believe God still works miracles, and he does.

One sits right over there in the chair. Here sits some up here. These are miracles. There are literally millions of things that could have happened to each of us, and we would never have been born or in being born we would have been confronted with many health problems. There are miracles every day.

Seven Americans in 10 believe in life after death. I do, and I daresay most, if not all, of the people in this Chamber do believe there is a life after death. What would there be to live for otherwise? Oh, you may laugh now, but wait until you are 82, as I am, and well on your way to 83. To what do you have to look forward to each day of your life which is fast ebbing? Yes, you will change your mind then.

How can the beliefs of such sizable sections of the American population totally escape the attention of politicians and educators? They are all going to die, too. Every one of them, and they are going to have to go out and meet God in eternity, which is a long, long, long time.

How could these statistics escape the nine members of the Supreme Court of the United States? Does the answer lie in the elitism that so permeates this arrogant capital city? Does theology tend to thin out as one gravitates toward the top of the socioeconomic scale, rather like the thinner air at the top of some elevated peak? Are we, indeed, witnessing the writing of a new ''Tale of Two Cities'' as we watch public policy diverge ever more dramatically from the views of the people and the plain-as-day record of our own documented history?

Power unchecked by moral insight, teaching untempered by spiritual values, government unenlightened by faith in a Creator—no city and no nation can sustain such a course. While we may distract ourselves for a time with the affluence that a booming economy provides, eventually there is a kind of nihilism in a society whose God is materialism—whose only God is materialism.

Look carefully around you at the culture of America today. Just stop and think for a moment. You do not even have to look around you. Stop and think for a moment about the culture of this country today. Note the banality of most public discourse, the lack of respect for authority, the absence of common civility, the crudeness of popular entertainment, the glorification of violence.

There is no map, there is no compass, there is no vision, and ''Where there is no vision, the people perish.''

Mr. President, the very first sentence of the first amendment to the Constitution of the United States—here is the Constitution; so small that it fits into a shirt pocket—the very first sentence of the first amendment to the Constitution of the United States reads as follows: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .'' It seems to me that the U.S. Supreme Court, over the years, in its rulings on school prayer over the last 40 years has bent over backwards to enforce the first clause in that amendment dealing with an establishment of religion, but the Court has seemingly exhibited a strong bias against the equally important—the equally important—second part of the sentence. That sentence has two parts. And the second part is, I quote: ''. . . or prohibiting the free exercise thereof; . . .''

In ruling after ruling, over the past 40 years the Court seems to be going farther and farther in the direction of prohibiting the free exercise of religion. In precedent after precedent, the Court, often by slim majorities, has seemed bent upon totally eradicating any semblance whatsoever of religious speech in our public schools, even when such speech is not in any way, shape, or form connected with an ''establishment'' of religion.

When I read the first amendment clause dealing with freedom of religion, the words of the amendment seem to strike a balance between an establishment of religion, on the one hand, and the free exercise of religion, on the other. But the Court seems determined to completely ignore, and thus obliterate, any right to a free exercise of religion in the public schools. No wonder many people take their children out of the public schools. I believe that the framers of the United States Constitution—yea, the founders of this Republic itself—would be appalled. Can you imagine what the founders—the framers, the people who framed the Constitution, the people who voted on the ratification of the Constitution—how they would feel? I believe they would be appalled at the Court's apparent drift over the last 40 years toward total secularism and away from any modicum of voluntary religious expression in the public schools of this country.

Now let us briefly reflect upon the impact of religion on the development of American constitutionalism. Let's go back. Let's go back over the decades, yea, even over the centuries, and reflect upon the impact of religion on the development of American constitutionalism. We will find that the roots of religion run deep. As one scholar, Donald S. Lutz, has noted—this is what he says—''The political covenants written by English colonists in America lead us to the church covenants written by Protestants in the late 1500's and early 1600's and these, in turn, lead us back to the Covenant tradition of the Old Testament.'' That is what he said. The American constitutional tradition derives in much of its form and content from the Judeo-Christian tradition—we can't avoid it; it is there; nothing can erase it; you can take all the history books out of the schools that you want, but the fact remains that it is still there—the Judeo-Christian tradition as interpreted by the radical Protestant sects to which belonged so many of the original European settlers in British North America.

Lutz, in his work, entitled, ''The Origins of American Constitutionalism,'' says this: ''The tribes of Israel shared a covenant that made them a nation. American federalism originated at least in part in the dissenting Protestants' familiarity with the Bible''.

The early Calvinist settlers who came to this country from the Old World brought with them a familiarity with the Old Testament Covenants that made them especially apt in the formation of colonial documents and State constitutions.

Now, let me refer to Winton U. Solberg. He tells us that in 17th century colonial thought, divine law—a fusion of the law of nature in the Old and New Testaments—usually stood as fundamental law. The Mayflower Compact—how many of us like to claim that our forebearers were on the Mayflower? ''Oh, they were there. They were on the Mayflower.'' Well, there was such a thing written as the Mayflower Compact.

The Mayflower Compact exemplifies the doctrine of covenant or contract. Puritanism exalted the biblical component and drew on certain scriptural passages for a theological outlook. Called the Covenant or Federal Theology, this was a theory of contract regarding man's relations with God and the nature of church and state.

If we examine the public political literature written between 1760 and 1805, the book most frequently cited in that literature is the Bible.

Let me say that again. If we examine the public political literature written between 1760 and 1805, the book most frequently cited in that literature is the Bible.

Saint Paul, the great apostle, is cited about as frequently as Montesquieu and Blackstone, the two most cited secular authors. Deuteronomy is cited almost twice as often as all of Locke's writings put together.

Many of the references to the Bible came from reprinted sermons, while other citations came from secular works. Saint Paul was the favorite in the New Testament, especially his Epistle to the Romans, in which he discusses the basis for, and limits on, obedience to political authorities. From the Old Testament, Deuteronomy was the most cited book, followed by Isaiah, Genesis, Exodus, and Leviticus. The authors most frequently referred to the sections about covenants and God's promises to Israel.

The movement towards independence found the clergy out in front—the movement toward independence in this country found the clergy out in front, not back in the closet; out in front—and the clergy were also most vigorous in maintaining morale during the Revolutionary War. When reading comprehensively in the political literature

of the war years, one cannot but be struck by the extent to which biblical sources used by ministers and traditional Whigs undergirded the justification for the break with Great Britain, the rationale for continuing the war, and the basic principles of Americans writing their own Constitutions at the State level.

Let us look at the Mayflower Compact, of November 11, 1620. Here is what they wrote:

In the name of God, Amen. We, whose names are underwritten, the loyal subjects of our dread sovereign Lord, King James, by the grace of God, . . . having undertaken, for the glory of God, and advancement of the Christian faith, . . . by these presents solemnly and mutually in the presence of God, and of one another, covenant and combine ourselves together into a civil body politick, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, Constitutions, and offices, from time to time, as shall be thought most . . . convenient for the general good of the colony unto which we promise all due submission and obedience. . . .

That was the Mayflower Compact. The authors of the Mayflower Compact had no hesitation about mentioning God, no hesitation about placing their lives in his hands and saying so. Now let us examine briefly ''The Fundamental Orders of Connecticut.'' Here we will find many references to the Deity, in these orders which were adopted by a popular Convention of the three towns of Windsor, Hartford, and Wethersfield, on January 14, 1639, 361 years ago. The form, according to historians, was ''the first written Constitution, in the modern sense of the term, as a permanent limitation on governmental power, known in history, and certainly the first American Constitution of government to embody the Democratic idea.''

I shall quote the following references to the Deity from The Fundamental Orders of Connecticut: Forasmuch as it hath pleased the Almighty God by the wise disposition of his divine providence . . .''; ''and well knowing where a people are gathered together the word of God requires that to maintain the peace and union of such a people, there should be an orderly and decent government established according to God, . . .''; ''. . . to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus which we now profess, . . .''; ''. . . do swear by the great and dreadful name of the everlasting God, . . .''; ''. . . so help me God, in the name of the Lord Jesus Christ . . .''; ''. . . according to the righteous rule of God's word; so help me God, and so forth.''

Now let us look at the opening words of the treaty with Great Britain in 1783, 217 years ago, providing for the complete independence of the American states and acknowledgment by Great Britain: ''In the name of the Most Holy and Undivided Trinity. It having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George III, by the grace of God. . . .''

The foregoing extracts, and others, from American historical documents are sufficient to impress us with the fact that religious conviction permeated the blood stream of American Constitutionalism and American statecraft as far back as 200 years prior to the writing of the Constitution in 1787.

Now let us examine the first inaugural address of George Washington, 1789, who had been chairman of the convention which framed the Constitution. Here is the greatest President we have ever had. A few extracts therefrom will leave no doubt as to where the Nation's first President stood when it came to religious expression in matters pertaining to Government: ''. . . it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the Universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to His charge. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow citizens at large less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency.''

That is George Washington, the father of our country, the commander in chief at Valley Forge, the presiding officer of the Constitutional Convention, first President of the United States and the best by any measure, by any standard. He had no hesitancy in speaking of that invisible hand that guides the Nation. If he were alive today and a Member of this Senate or a Member of the Supreme Court or President of the United States again. How clear, how incisive, and how powerful were these allusions to God by our first and greatest President!

Further expressions by George Washington in that same inaugural address were indicative of an unabashed religious faith:

Since we ought to be no less persuaded that the propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right, which heaven itself has ordained; . . .; I shall take my present leave, but not without resorting once more to the benign Parent of the human race, in humble supplication, that, since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquility . . . .; . . . so His divine blessing may be equally conspicuous in the enlarged views, the temperament consultations and the wise measures, on which the success of this government must depend.

There you have it.

Having quoted from Washington's first inaugural address, now let me quote briefly from Lincoln's first inaugural address—no hesitation here about calling upon—no hesitancy here about calling upon the Creator: ''If the Almighty Ruler of Nations—he is not talking about King George III—with His eternal truth and justice, be on your side of the North, or on yours of the South, that truth and that justice will surely prevail by the judgment of this great tribunal of the American people . . . .; Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty.''

Issuing the Emancipation Proclamation in 1863, Lincoln closed his remarks with these words: ''And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.'' That is Abraham Lincoln.

Lincoln, in his second inaugural address, rises to a rare pitch of eloquence, marked by a singular combination of tenderness and determination:

If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's 250 years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with a sword, as was said three thousand years ago, so still it must be said: ''The judgments of the Lord are true and righteous altogether.''

Now hear that, Supreme Court of the United States. Hear those words by Abraham Lincoln.

Lincoln then went on to say those words with which we all are so familiar: ''With malice towards none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish just and lasting peace among ourselves and with all nations.''

How can one read and reflect upon these clear and unrestrained references to Almighty God expressed by our nation's two greatest Presidents—Washington and Lincoln—and hold any doubt whatsoever as to the impact of religion upon the thoughts, the character, and the lives of the two greatest statesmen America has ever produced?

And yet, the Supreme Court in recent years, in majority opinions, has not scrupled to bow to materialism in the Court's rulings concerning voluntary prayer in public school settings!

A further examination of the inaugural addresses of the Presidents finds John Adams, the second President, closing his inaugural address with the following invocation:

And may that Being who is supreme over all, the Patron of Order, the Fountain of Justice, and the Protector in all ages of the world of virtuous liberty, continue His blessing upon this nation and its government and give it all possible success and duration consistent with the ends of His providence.

Thomas Jefferson's closing words in his second inaugural address were these:

I shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with His providence and our riper years with His wisdom and power, and to whose goodness I ask you to join in supplications with me that He will so enlighten the minds of your servants, guide their councils, and prosper their measures that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.

James Madison, the chief author of our Constitution, showed no hesitancy in expressing his dependence upon Providence:

My confidence will under every difficulty be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

Having quoted from the inaugural addresses of our country's first four Presidents, I shall now recall to my fellow Senators references to God in the inaugural addresses of four Presidents in the current 20th century. I begin with William Howard Taft who, subsequent to having served as President, fulfilled a lifelong dream in 1921 when he was sworn in as Chief Justice of the United States. He ended his inaugural address with these words:

I invoke the considerate sympathy and support of my fellow citizens and the aid of the Almighty God in the discharge of my responsible duties.

Franklin D. Roosevelt refers to the Supreme Being in each of his inaugural addresses, but I shall quote only from the fourth and last:

The Almighty God has blessed our land in many ways. He has given our people stout hearts and strong arms with which to strike mighty blows for freedom and truth. He has given to our country a faith which has become the hope of all peoples in an anguished world.

So we pray to Him now for the vision to see our way clearly—to see the way that leads to a better life for ourselves and for all our fellow men—to the achievement of His will, to peace on earth.

Dwight D. Eisenhower, who had been Supreme Commander of Allied Forces in Europe during World War II, and had served as Supreme Commander of NATO, took the oath of office as President using both George Washington's Bible and one given to him by his mother at his graduation from the Military Academy at West Point.

Many of us remember his prayer at the beginning of his first inaugural address:

Almighty God, as we stand here at this moment my future associates in the executive branch of government join me in beseeching that Thou will make full and complete our dedication to the service of the people in this throng, and their fellow citizens everywhere.

Give us, we pray, the power to discern clearly right from wrong, and allow all our words and actions to be governed thereby, and by the laws of this land. Especially we pray that our concern shall be for all the people regardless of station, race, or calling.

May cooperation be permitted and be the mutual aim of those who, under the concepts of our Constitution, hold to differing political faiths; so that all may work for the good of our beloved country and Thy glory. Amen.

Dwight D. Eisenhower led the Nation in prayer himself.

Eisenhower's was the first prayer to be uttered by a President in his inaugural address to the nation, but it was not to be the last. President Reagan, in his second inaugural address, began his inaugural address with a silent prayer:

I wonder if we could all join in a moment of silent prayer. [Moment of silent prayer.] Amen.

George Bush, after taking the oath with his hand placed on George Washington's Bible, began his presidency with a prayer:

And my first act as President is a prayer. I ask you to bow your heads:

Heavenly father, we bow our heads and thank You for Your love. Accept our thanks for the peace that yields this day and the shared faith that makes its continuance likely. Make us strong to do Your work, willing to heed and hear Your will, and write on our hearts these words: 'Use power to help people.' For we are given power not to advance our own purposes, nor to make a great show in the world, nor a name. There is but one just use of power, and it is to serve people. Help us to remember it, Lord. Amen.

That was George Bush.

I have a reason for quoting from these great American documents and for these inaugural and other addresses by some of our Presidents. There have been other Presidents whom I could have quoted.

All of these references to religious faith that I have quoted from early American documents and from inaugural addresses by Presidents bear witness to the fact that a strong spiritual consciousness has pervaded the fabric of American statecraft and American Constitutionalism for two centuries prior to the writing of the U.S. Constitution and for these two centuries following that event.

Mr. President, the Framers of the Constitution, the voters who ratified that Constitution, the members of the First Congress who supported the first amendment to the Constitution, and the people in the states who ratified the First Amendment, would be aghast at the interpretations of the First Amendment clause by U.S. Supreme Court rulings concerning prayer in the public schools of America. I say that those rulings are having the effect of ''prohibiting the free exercise'' of religion. The court has drifted too far from the shore.

I lauded the six members of the Supreme Court whose votes declared the Line Item Veto Act of 1995 to be unconstitutional. But the Court's majority has adopted a dangerous trend in case after case concerning the free exercise of religion in the public schools. The situation has become so bad that most school boards frown upon the use of God's name by teachers or students for fear of being hit with a costly law suit. I have had that happen right in West Virginia, and just within the last year. Consequently, God is being driven out of the public schools completely. I shudder to think that what we put into the schools will, in a generation, dominate the nation, and what we drop from the schools will, in a generation, leave the nation. Can it be said, therefore, that the U.S. Supreme Court is heading us down the road to becoming a godless nation?

The opponents of voluntary prayer in schools are quick to say that the place for prayer is in the home—and it is—and not in the schoolroom. This argument portrays an amazing ignorance of the religious awareness that has been the underpinning of our Republic from its earliest beginnings. Prayer in the public schools was prevalent in our country until the courts began to whittle away at this tradition in recent years. So, we are told that there is no place for God in the schoolroom.

It must be confusing to the child who is taught by parents at bedtime to repeat the words: ''Now I lay me down to sleep, I pray the Lord my soul to keep; if I should die before I wake, I pray the Lord my soul to take'', but if the same child mentions the Lord's name in school, the teacher feels it necessary to say ''shuh, we must not mention the Lord's name in school.''

At home and at the breakfast table, America's children are taught to say: ''God is great, God is good, and we thank Him for this food; by His goodness all are fed, give us Lord our daily bread,'' but in the schoolroom at lunchtime, the children must not say grace over the food. That might offend someone. Hence, the home and the school are at war with each other today.

I wonder if the high court is aware of the chaos that it is creating in the schools of the country? School administrators are caught in a bind. I wonder if the court is aware of the harm that it is doing to the nation when it strongly enforces the first half of the religious clause while it shows a dangerous bias against the second half of the same clause? Isn't it about time that the Supreme Court demonstrates an equal balance in its interpretation of the first sentence of the First

Amendment to the Constitution? It seems to me that the court is drifting farther and farther to the left of center in its drift towards materialism and radical secularism as its opinions serve more and more to inhibit any display of religious belief by the nation's school children. In an effort to ensure a tolerance for all beliefs, the courts are bending too far, in effect, establishing an environment of intolerance rather than tolerance.

Mr. President, we rail, and moan, and gnash our teeth, and wring our hands as we see more and more violence in our schools and a general decline in morals throughout the nation. Is it any wonder? Our nation's leaders are no longer paragons of rectitude. Don't point to them as being the idols of our youth. The institution of marriage is crumbling; the church, more and more, refrains from speaking out boldly on the great moral issues of the day; and God is being driven from the classrooms of our nation's schools by the U.S. Supreme Court's decisions that favor secularism, materialism, and the stifling of any voluntary and free exercise of religion in the public schools. Is it any wonder that more and more parents are determined to send their children to private schools and to religious schools?

Mr. President, George Washington, the Father of our country, our first President, bequeathed to us a clear vision of the importance of religion to morality in our national life, when he said, in his farewell address to the nation in September, 1796: ''Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, George Washington said, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigations in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. It can't be done. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.'' I hope the Supreme Court will review those words by our first president, the man who presided over the Constitutional Convention in 1787.

Mr. President, it is not an idle reflection if, while discussing the issue of prayer in the public schools, we contemplate the profundity of Benjamin Franklin's words to the Constitutional Convention on June 28, 1787, when he made a sobering suggestion that brought the assembly of doubting minds ''to a realization that destiny herself sat as guest and witness in this room.'' The weather had been hot, and the delegates to the Convention were tired and edgy. The debates were seemingly getting nowhere and a melancholy cloud seemed to hover over the Convention. Little progress was being made, and the prevailing winds were those of discouragement, dissension, and despair, when old Dr. Franklin, sitting with the famous double spectacles low on his nose, broke silence; he had said little during these past days. Addressing himself to George Washington in the chair, Franklin, according to Catherine Drinker Bowen, in her book, ''Miracle at Philadelphia,'' reminded the Convention how, at the beginning of the war with England, the Continental Congress had had prayers for Divine protection, and in this very room. ''Our prayers, Sir, were heard,'' said Franklin, ''and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men.''

Bowen, in her magnificent story of the Constitutional Convention, goes on to say that on Dr. Franklin's manuscript of his little speech, ''the word God is twice underscored, perhaps as indication to the printer. But whether or no Franklin looked upon the Deity as worthy of three capital letters, his speech was timely.'' You will read this same speech in Madison's notes.

''If a sparrow cannot fall to the ground unseen by Him,'' Franklin continued, ''was it probable that an empire could arise without his aid? 'I firmly believe this, and I also believe that without his concurring aid we shall succeed in this political building no better than the builders of Babel.''' Franklin proposed that ''henceforth prayers imploring the assistance of heaven and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service.''

Roger Sherman at once seconded Franklin's motion. Incidentally, on yesterday, July 16, 1787, the convention adopted the great compromise, without which none of us would be here today. That compromise established two bodies in the legislative branch and provided that each State would be equal in this branch, that we would have votes in this branch. I won't go further, but you might recall it was only yesterday.

But Hamilton and several others, wrote Madison, feared that calling in a clergymen at so late a stage might lead the public to suspect dissensions in the Convention. Williamson of North Carolina made the frank statement that everyone knew the real reason for not engaging a chaplain: the Convention had no funds. Franklin's motion failed, though Randolph proposed that on the approaching Fourth of July, a sermon be preached at the request of the Convention and that thenceforth prayers be used. In any event, we can all learn a lesson from this episode: God was very much a part of national life at a time when the greatest document of its kind—the Constitution of the United States—was ever written, a time when it was being formed.

Mr. President, I close with words from the Bible, which Franklin aptly used in his speech: ''Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain.''

It would be well, Mr. President, if this Biblical admonition were kept in mind as future cases concerning school prayer come before the courts of the land.

As a matter of fact, this admonition is one on which all three branches of government should reflect. We here in the legislative branch bear some responsibility. Here is where laws are made, and here is where some positive steps could originate on a path toward correcting a court imposed imbalance. The executive branch, too, could play some useful role in that regard. This being an election year, I urge that the Democratic and Republican political Conventions adopt planks—why not—in their respective platforms advocating a Constitutional amendment concerning prayer in schools. Both the Democratic and Republican nominees for President should be urged to support such an amendment.

Both nominees should be urged to speak out on this subject during the campaigns. I intend to urge that both nominees do that.

I thank all Senators and I yield the floor.

Mr. HOLLINGS. I see the distinguished Senator from Colorado is supposed to take over the time. I ask unanimous consent to be yielded 5 minutes.

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the Senator from Wyoming, Mr. THOMAS, or his designee, has from 2 o'clock until 3 p.m.

Does the Senator from Colorado wish to respond to the Senator from South Carolina?

Mr. ALLARD. I am willing to grant the Senator from South Carolina 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

THE DEBT AND TAX CUTS

Mr. HOLLINGS. Mr. President, in response to my amendment relative to eliminating the tax cut, I ask unanimous consent that my comments of

February 10, this year, in the CONGRESSIONAL RECORD, be printed in the RECORD.

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

FRAUD

Mr. HOLLINGS. Mr. President, if people back home only knew. This whole town is engaged in the biggest fraud. Tom Brokaw has written that the greatest generation suffered the Depression, won the war, and then came back to lead. They not only won the war but were conscientious about paying for that war and Korea and Vietnam. Lyndon Johnson balanced the budget in 1969.

I ask unanimous consent to print in the RECORD the record of all the Presidents, since President Truman down through President Clinton, of the deficit and debt, the national debt, and interest costs.

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

HOLLING'S BUDGET REALITIES

President and year	U.S. budget (outlays) (In billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1946	55.2	−5.0	−15.9	−10.9	271.0	
1947	34.5	−9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
1953	76.1	0.4	−6.5	−6.9	266.0	
1954	70.9	3.6	−1.2	−4.8	270.8	
Eisenhower:						
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
1961	97.7	−1.2	−3.3	−2.1	292.6	
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
Kennedy:						
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
Johnson:						
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
Nixon:						
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
Ford:						
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
Carter:						
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	503.5	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
Reagan:						
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.8	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.3	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,003.9	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−155.2	−255.2	2,601.3	214.1
1989	1,143.2	114.2	−152.5	−266.7	2,868.3	240.9
Bush:						
1990	1,252.7	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,323.8	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−290.4	−403.6	4,002.1	292.3
1993	1,408.2	94.3	−255.0	−349.3	4,351.4	292.5
Clinton:						
1994	1,460.6	89.2	−203.1	−292.3	4,643.7	296.3
1995	1,514.6	113.4	−163.9	−277.3	4,921.0	332.4
1996	1,453.1	153.5	−107.4	−260.9	5,181.9	344.0
1997	1,601.2	165.9	−21.9	−187.8	5,369.7	355.8
1998	1,651.4	179.0	70.0	−109.0	5,478.7	363.8
1999	1,704.5	250.5	122.7	−127.8	5,606.5	353.5
2000	1,769.0	234.5	176.0	−58.5	5,665.0	362.0
2001	1,839.0	262.0	177.0	−85.0	5,750.0	371.0

*Historical Tables, Budget of the US Government FY 1998; Beginning in 1962 CBO'S 2001 Economic and Budget Outlook.

Mr. HOLLINGS. Mr. President, Lyndon Johnson balanced the budget in 1969. At that time, the national debt was $365 billion with an interest cost of only $16 billion. Now, under a new generation without the cost of a war, the debt has soared to $5.6 trillion with annual interest costs of $365 billion. That is right. We spend $1 billion a day for nothing. It does not buy any defense, any education, any health care, or highways. Astoundingly, since President Johnson balanced the budget, we have increased spending $349 billion for nothing.

Early each morning, the Federal Government goes down to the bank and borrows $1 billion and adds it to the national debt. We have not had a surplus for 30 years. Senator TRENT LOTT, commenting on President Clinton's State of the Union Address, said the talk cost $1 billion a minute. For an hour-and-a-half talk, that would be $90 billion a year. Governor George W. Bush's tax cut costs $90 billion a year. Together, that is $180 billion. Just think, we can pay for both the Democratic and Republican programs with the money we are spending on interest and still have $185 billion to pay down the national debt. Instead, the debt increases, interest costs increase, while all in town, all in the Congress, shout: Surplus, surplus, surplus.

Understand the game. Ever since President Johnson's balanced budget, the Government has spent more each year than it has taken in—a deficit. The average deficit for the past 30 years was $175 billion a year. This is with both Democratic and Republican Presidents and Democratic and Republican Congresses. Somebody wants to know why the economy is good? If you infuse $175 billion a year for some 30 years and do not pay for it, it ought to be good.

The trick to calling a deficit a surplus is to have the Government borrow from itself. The Federal Government, like an insurance company, has various funds held in reserve to pay benefits of the program—Social Security, Medicare, military retirement, civilian retirement, unemployment compensation,

highway funds, airport funds, railroad retirement funds.

Mr. President, I ask unanimous consent to print in the RECORD a list of trust funds looted to balance this budget.

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

	1998	1999	2000
Social Security	730	855	1,009
Medicare:			
HI	118	154	176
SMI	40	27	34
Military Retirement	134	141	149
Civilian Retirement	461	492	522
Unemployment	71	77	85
Highway	18	28	31
Airport	9	12	13
Railroad Retirement	22	24	25
Other	53	59	62
Total	1,656	1,869	2,106

Mr. HOLLINGS. Mr. President, these funds are held in trust for the specific purpose for which the taxes are collected.

Under corporate law, it is a felony to pay off the company debt with the pension fund. But in Washington we pay down the public debt with trust funds, call it a surplus, and they give us the ''Good Government'' award.

To make it sound correct, we divide the debt in two: The public debt and the private debt. Of course, our Government is public, and the law treats the debt as public without separation. The separation allows Washington politicians to say: We have paid down the public debt and have a surplus. There is no mention, of course, that the Government debt is increased by the same amount that the public debt is decreased. It is like paying off your MasterCard with your Visa card and saying you do not owe anything. Dr. Dan Crippen, the Director of the Congressional Budget Office, describes this as ''taking from one pocket and putting it in the other.''

For years we have been using the trust funds to report a unified budget and a unified deficit. This has led people to believe the Government was reporting net figures. It sounded authentic. But as the unified deficit appeared less and less, the national debt continued to increase. While the unified deficit in 1997 was $21.9 billion, the actual deficit was $187.8 billion. In 1998 the unified budget reported a surplus of $70 billion, but actually there was a deficit of $109 billion. In 1999 the ''unified surplus'' was $124 billion, but the actual deficit was $127.8 billion.

Now comes the Presidential campaign. Social Security is a hot topic. Both parties are shouting: Save Social Security. Social Security lockbox. The economy is humming, booming. With high employment, the Social Security revenues have increased. It appears that, separate from Social Security, there will be enough trust fund money to compute a surplus. We have reached the millennium—Utopia—enough money to report a surplus without spending Social Security.

Washington jargon now changes. Instead of a ''unified budget,'' the Government now reports an ''on-budget'' and an ''off-budget.'' This is so we can all call it an on-budget surplus, meaning without Social Security. But to call it an on-budget surplus, the Government spends $96 billion from the other trust funds.

We ended last year with a deficit of $128 billion—not a surplus. The President's budget just submitted shows an actual deficit each year for the next 5 years. Instead of paying down the debt, the President shows, on page 420 of his budget, the debt increasing from the year 2000 to the year 2013—$5.686 trillion to $6.815 trillion, an increase of $1.129 trillion.

They are all talking about paying off the debt by 2013, and the actual document they submit shows the debt increasing each year, and over that period an increase of over $1 trillion.

Each year, Congress spends more than the President's budgets. There is no chance of a surplus with both sides proposing to reduce revenues with a tax cut. But we have a sweetheart deal: The Republicans will call a deficit a surplus, so they can buy the vote with tax cuts; the Democrats will call the deficit a surplus, so they can buy the vote with increased spending. The worst abuse of campaign finance is using the Federal budget to buy votes.

Alan Greenspan could stop this. He could call a deficit a deficit. Instead, appearing before Congress in his confirmation hearing, Greenspan, talking of the Federal budget, stated: ''I would fear very much that these huge surpluses . . .'' and on and on. We are in real trouble when Greenspan calls huge deficits ''huge surpluses.'' Greenspan thinks his sole role is to protect the financial markets. He does not want the U.S. Government coming into the market borrowing billions to pay its deficit, crowding out private capital, and running up interest costs.

But Congress' job is to not only protect the financial markets but the overall economy. Our job, as the board of directors for the Federal Government, is to make sure the Government pays its bills. In short, our responsibility is to eliminate waste.

The biggest waste of all is to continue to run up the debt with devastating interest costs for nothing. In good times, the least we can do is put this Government on a pay-as-you-go basis. Greenspan's limp admonition to ''pay down the debt'' is just to cover his backside. He knows better. He should issue a clarion call to stop increasing the debt. While he is raising interest rates to cool the economy, he should categorically oppose tax cuts to stimulate it.

Our only hope is the free press. In the earliest days, Thomas Jefferson observed, given a choice between a free government and a free press, he would choose the latter. Jefferson believed strongly that with the press reporting the truth to the American people, the Government would stay free.

Our problem is that the press and media have joined the conspiracy to defraud. They complain lamely that the Federal budget process is too complicated, so they report ''surplus.'' Complicated it is. But as to being a deficit or a surplus is clear cut; it is not complicated at all. All you need to do is go to the Department of the Treasury's report on public debt. They report the growth in the national debt every day, every minute, on the Internet at ''www.publicdebt.treas.gov.''

In fact, there is a big illuminated billboard on Sixth Avenue in New York that reports the increase in the debt by the minute. At present, it shows that we are increasing the debt every minute by $894,000. Think of that—$894,000 a minute. Of course, increase the debt, and interest costs rise. Already, interest costs exceed the defense budget. Interest costs, like taxes, must be paid. Worse, while regular taxes support defense, and other programs, interest taxes support waste. Running a deficit of over $100 billion today, any tax cut amounts to an interest tax increase—an increase in waste.

If the American people realized what was going on, they would run us all out of town.

Mr. HOLLINGS. I ask unanimous consent the Public Debt to the Penny, issued by the Secretary of the Treasury, dated as of last Friday, July 14, be printed in the RECORD.

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

THE PUBLIC DEBT TO THE PENNY

Current:	
07/14/2000	$5,666,749,557,909.16
Current month:	Amount
07/13/2000	$5,666,740,403,750.26
07/12/2000	5,664,141,886,637.91
07/11/2000	5,665,065,032,353.04
07/10/2000	5,662,949,608,628.38
07/07/2000	5,664,950,120,488.65
07/06/2000	5,665,885,115,450.41
07/05/2000	5,663,895,163,292.22
07/03/2000	5,656,715,920,235.71
Prior months:	
06/30/2000	5,685,938,087,296.66
05/31/2000	5,647,169,888,532.25
04/28/2000	5,685,108,228,594.76
03/31/2000	5,773,391,634,682.91
02/29/2000	5,735,333,348,132.58
01/31/2000	5,711,285,168,951.46
12/31/1999	5,776,091,314,225.33
11/30/1999	5,693,600,157,029.08
10/29/1999	5,679,726,662,904.06
Prior fiscal years:	
09/30/1999	5,656,270,901,615.43
09/30/1998	5,526,193,008,897.62
09/30/1997	5,413,146,011,397.34
09/30/1996	5,224,810,939,135.73
09/29/1995	4,973,982,900,709.39
09/30/1994	4,692,749,910,013.32
09/30/1993	4,411,488,883,139.38
09/30/1992	4,064,620,655,521.66
09/30/1991	3,665,303,351,697.03
09/28/1990	3,233,313,451,777.25
09/29/1989	2,857,430,960,187.32
09/30/1988	2,602,337,712,041.16
09/30/1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. HOLLINGS. I also ask unanimous consent that the public Interest Expense on the Public Debt Outstanding, issued by the Secretary of the Treasury, be printed in the RECORD.

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

INTEREST EXPENSE ON THE PUBLIC DEBT OUTSTANDING

The monthly Interest Expense represents the interest expense on the *Public Debt Outstanding* as of each month end. The interest expense on the Public Debt includes interest for *Treasury notes and bonds*; foreign and domestic series certificates of indebtedness, notes and bonds; *Savings Bonds*; as well as Government Account Series (GAS), *State and Local Government series (SLGs)*, and other special purpose securities. Amortized discount or premium on bills, notes and bonds is also included in interest expense.

The fiscal year Interest Expense represents the total interest expense on the Public Debt Outstanding for a given fiscal year. This includes the months of October through September.

Fiscal year 2000:	Interest expense
June	$75,884,057,388.85
May	26,802,350,934.54
April	19,878,902,328.72
March	20,889,017,596.95
February	20,778,646,308.19
January	19,689,955,250.71
December	73,267,794,917.58
November	25,690,033,589.51
October	19,373,192,333.69
Fiscal year total	302,253,950,648.74
Available historical data—fiscal year end:	
1999	353,511,471,722.87
1998	363,823,722,920.26
1997	355,795,834,214.66
1996	343,955,076,695.15

1995	332,413,555,030.62
1994	296,277,764,246.26
1993	292,502,219,484.25
1992	292,361,073,070.74
1991	286,021,921,181.04
1990	264,852,544,615.90
1989	240,863,231,535.71
1988	214,145,028,847.73

E-mail your questions and comments about this page.

Mr. HOLLINGS. I ask unanimous consent that table 23 of the midsession review by the President of the United States, dated June 26, be printed in the RECORD.

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

TABLE 23.—FEDERAL GOVERNMENT FINANCING AND DEBT

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Financing:													
Unified surplus or deficit (−)	211	228	224	236	255	268	286	304	332	364	416	500	547
Off-budget surplus:													
Social Security solvency lock-box:													
Social Security solvency transfers												123	147
Other Social Security surplus (including Postal)	148	160	176	191	204	226	239	256	273	288	306	316	335
Medicare HI solvency lock-box:													
Medicare solvency transfers		31	14						9	21	40	2	4
Other Medicare HI surplus	24	29	33	39	40	41	47	46	48	51	57	58	60
On-budget surplus	39	9	1	6	10	1	1	1	2	4	14	1	1
Means of financing other than borrowing from the public:													
Premiums paid (−) on buybacks of Treasury securities	−5	−2											
Changes in:													
Treasury operating cash balance	6	10											
Checks outstanding, deposit funds, etc.	−4												
Seigniorage on coins	2	2	2	2	2	2	2	2	2	2	2	2	2
Less: Equity purchases by Social Security trust fund												−63	−82
Less: Net financing disbursements:													
Direct loan financing accounts	−27	−14	−18	−17	−16	−15	−15	−15	−15	−15	−15	−15	−15
Guaranteed loan financing accounts		1	1	1	2	2	2	2	2	2	2	3	3
Total, means of financing other than borrowing from the public	−27	−3	−14	−14	−12	−11	−12	−11	−11	−11	−11	−74	−93
Total, repayment of debt held by the public	185	225	210	222	243	257	274	293	321	353	406	426	454
Change in debt held by the public	−184	−225	−210	−222	−243	−257	−274	−293	−321	−353	−406	−426	−454
Debt Subject to Statutory Limitation, End of Year:													
Debt issued by Treasury	5,529	5,683	5,748	5,809	5,861	5,921	5,982	6,040	6,094	6,146	6,189	6,240	6,525
Adjustment for Treasury debt not subject to limitation and agency debt subject to limitation	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15
Adjustment for discount and premium	5	5	5	5	4	4	4	4	3	3	2	2	2
Total, debt subject to statutory limitation	5,519	5,673	5,737	5,798	5,850	5,910	5,971	6,028	6,082	6,134	6,176	6,227	6,511
Debt Outstanding, End of Year:													
Gross Federal debt:													
Debt issued by Treasury	5,529	5,683	5,748	5,809	5,861	5,921	5,982	6,040	6,094	6,146	6,189	6,240	6,525
Debt issued by other agencies	28	28	27	26	24	22	21	19	19	19	18	18	18
Total, gross Federal debt	5,557	5,711	5,774	5,834	5,885	5,943	6,003	6,060	6,113	6,165	6,208	6,259	6,543
Held by:													
Debt securities held as assets by Government accounts	2,108	2,487	2,760	3,042	3,335	3,651	3,985	4,334	4,708	5,113	5,561	6,038	6,543
Social Security	1,005	1,165	1,341	1,532	1,737	1,963	2,201	2,457	2,729	3,014	3,318	3,692	4,090
Federal employee retirement	681	718	756	792	828	864	899	932	965	997	1,027	1,056	1,085
Other	422	604	663	718	770	823	885	944	1,014	1,102	1,216	1,290	1,368
Debt securities held as assets by the public	3,449	3,224	3,014	2,792	2,550	2,293	2,018	1,726	1,405	1,052	646	220	

Mr. HOLLINGS. Mr. President, right to the point. Surplus, surplus, everywhere man cries surplus—paraphrasing Patrick Henry. But there is no surplus.

I know not, of course, what others may say, but as for me, I want to pay down the debt rather than engage in this shabby charade. As a result, the only way to do that and pay down the debt is stop this sweetheart deal of giving a little on spending increases and giving a little again, of course, on tax cuts. We do not have a surplus to divide. That is the point of my particular amendment.

I appreciate the distinguished Senator from Colorado giving me these few moments, and I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Colorado.

ELIMINATING THE MARRIAGE PENALTY

Mr. ALLARD. Mr. President, I have come to the floor to support eliminating the marriage penalty. I think it is timely that we have some votes scheduled this evening, I understand about 6:15 p.m. By eliminating the marriage penalty, we eliminate one of the most egregious examples of unfairness and complexity in the Tax Code to date. Another example of that would be the death tax or the inheritance tax. We dealt with that issue last week. I am extremely excited that it has passed the House, passed the Senate, and is now going on to the President for his signature.

Both these taxes are prominent concerns of my constituents, at a time when the tax burden is at record high levels in this country. When we are talking about eliminating the death tax, we are talking about the family business and what happens to a family business after an unexpected death without any estate planning, and how much the Government takes of that estate, forcing the sale. Many times it is a farm or a ranch that has been in the family for many, many generations.

When we talk about the marriage penalty—we are eliminating that unfair burden—we are talking about the family. We are talking about reducing the tax burden. We are talking about fairness and Tax Code simplification.

Just a brief description needs to be made of the marriage penalty. The marriage penalty exists when a married couple, filing a joint tax return, pays higher taxes than if the same couple were not married and were filing as individuals. The penalty varies, depending on the tax bracket in which the couple may find themselves. The example that has been used before is based on an assumption that both spouses are each holding down separate jobs, each earning about $30,000, in 1999. It is determined they would pay about $7,655 in Federal income taxes. If these two individuals were not married and both earned the same amount of money, and had each filed a single tax return, they would pay only $6,892 in combined tax liability. There is a $763 difference in tax liability. This is what we refer to when we talk about the marriage tax penalty.

According to the Congressional Budget Office, almost half of all married couples—it figures out to about 22 million—suffered from the marriage tax penalty last year. The average penalty paid by these couples was around $1,500. In the previous example, the marriage penalty was the result of a higher combined standard deduction for two workers filing as singles than for married couples, and the income tax bracket thresholds for married couples are less than twice the threshold for single taxpayers. We are trying to eliminate this problem.

The best illustration of the real tax burden faced by families is to compare today's tax burden of an average family with the tax burden of a family with average income of four decades ago. The total tax burden for the family today is 39 percent of its income. That is up from 18 percent in 1955. The Federal payroll taxes and State and local taxes have literally doubled the total tax burden faced by families. As a result, the middle-income family today has 25 percent less disposable income than a similar family in 1955.

The bill we have been working on in the Senate, and which many of us support, addresses the standard deduction problem I alluded to, and it increases the standard deduction for married couples filing jointly to twice the standard deduction for single taxpayers. According to the Subcommittee on Taxation, this provision provides tax relief to approximately 25 million couples filing joint returns. Hopefully, it can be made effective after December 31, 2000. That is what we are talking about in this particular marriage penalty relief bill.

It also raises the tax brackets. The bill expands, over a 6-year period—this is not happening all at once, it is gradually happening over a 6-year period—the 15-percent and 28-percent income tax brackets for a married couple filing a joint return to twice the size of the corresponding brackets for an individual filing a single return. This is a phase-in provision, ultimately providing relief to 21 million married couples, including 3 million senior citizens.

We also try to address the earned-income credit. This bill increases the beginning and the end of the phase out of the earned-income credit for couples filing a joint return. Currently, for a couple with two or more children, the earned-income credit begins phasing out at $12,690 and is eliminated for couples earning more than $31,152. Under this bill, the new range would be $2,500 higher. The maximum increase in the earned-income tax credit in this provision for an eligible couple is $526. As you recall, the earned-income tax credit was put in place to try to help low-income individuals so they would be encouraged to go out and get a job and to stay off welfare. Also, there is a provision preserving the family tax credits.

The bill permanently extends the current temporary exemption from the individual alternative minimum tax for family-related tax credits. This is so that, once you grant tax deductions and credits, the alternative minimum tax doesn't come in and take that all away.

One of the complaints I hear from my constituents is it seems as if Congress has been working on tax cuts, they pass tax cuts, they get signed by the President, but we don't seem to feel it when we are paying our taxes on April 15. One of the reasons that you do not feel it is because, in some cases, the alternative minimum tax kicks in, it takes effect, and that means the previous tax cuts that were applied to a particular taxpayer did not take effect because of the alternative minimum tax.

Members of the Democratic Party have thwarted passage of any kind of relief for marriage, as far as the Tax Code is concerned, since 1995. In 1995, we had the marriage tax penalty bill passed by the Congress, sent to the President, a Democratic President. He vetoed it. In 1999, we sent a bill to the Democratic President and he vetoed it. Earlier this year, in April, there was a Democratic filibuster that prevented a marriage penalty bill from moving forward. We need to pass and the President needs to sign a marriage tax penalty provision to give relief to married couples.

This year I have held town meetings in all 63 of Colorado's counties. At those meetings I heard from many of my constituents about how strongly they feel about tax relief. In Colorado, over 400,000 couples incur an additional tax burden simply because they are married.

I have some numbers here, numbers from the Congressional Budget Office. I find them very disturbing. Almost half of all married couples, the 22 million couples I mentioned earlier, suffered from the marriage penalty provisions last year.

Again, as in the rest of the country, many of these couples on average have suffered a $1,500 penalty where, if they had not been married, they would not have had to pay this amount.

Cumulatively, the marriage tax penalty increases the taxes on affected couples throughout the United States by about $32 billion per year. That is money that families could use toward their own needs, rather than Washington trying to set the priorities for American families.

This penalty is not a tax on the rich. The marriage tax penalty exists because of multiple tax brackets and the fact that the standard deductions for married couples are not twice those given to single people. This tax can be incurred by folks in every tax bracket. In fact, families with two wage earners are the hardest hit by the marriage penalty. There are more and more of these families in today's workforce. Many of these folks are in the lower to middle class—people working hard to provide for their children. Taxing these folks for being married is plain wrong.

Another one of the groups implicitly taxed under the marriage penalty is the working poor. The earned-income tax credit is an effective tool in helping these low-income workers, but the EITC is phased out more quickly for married couples than for individuals. So the families incur a greater tax burden simply for being married.

Some colleagues of mine call for more Government spending for education, health care, and housing. I believe if we simply allow the American family to keep more of their money, we permit them to better afford the things they need.

In this time of a historic budget surplus, we still have nearly record high taxation. Hard-working American families deserve to keep some of this money. It is theirs in the first place, and I see it as the responsibility of Congress to return some of this money to the people.

To permit the marriage tax penalty to continue is wrong. Allowing American families to keep this money is the right thing to do, and I believe it is time to do away with the marriage tax penalty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to express my strong support for the Marriage Tax Penalty Relief Act of 2000. This much-needed bill has had a long and difficult journey in getting to this point where we can pass it in the Senate. Passage will occur today; and, as we did in 1999, the Congress will send legislation to help married couples being hurt by marriage tax penalties to the President.

I congratulate my colleague, the chairman of the Finance Committee, Senator ROTH, for his very effective leadership on this issue. I realize that this matter has not been an easy one for Chairman ROTH this year, because he has been unfairly criticized by our colleagues on the other side of the aisle for taking the approach on marriage tax penalty relief that is reflected in this bill. Let me explain.

The Senate last year, led by Chairman ROTH, passed a marriage penalty relief provision in the Taxpayer Refund Act, which used a different solution to the marriage penalty problem than the one included in the bill before us today. Last year's bill would have solved the marriage penalty problem by allowing married couples the option of filing as single taxpayers on a combined joint return. I supported that bill as did a majority of our colleagues. It was a good approach to solving a major tax problem for American families.

Last year's bill was effective in relieving the marriage penalty. However, it left untouched another glaring family tax problem that I will call the single-earner penalty. I would like to illustrate this with a hypothetical example of three Utah families.

Let's suppose we have three families, all neighbors living on the same street in Ogden, UT. These families are nearly identical, in that they each have three children and household incomes of $80,000 per year. The only differences in these three families are in the marital status of the parents and in who earns the income. In the first family, the Allen family, the parents are married and both work outside the home and earn $40,000 each for a total of $80,000. The second family, the Brown family, are also married but only the husband works outside the home, earning $80,000 per year. The third family, the Campbell-Clark family, are unmarried parents and each of them earns $40,000 per year for a total of $80,000.

As you can see from this chart, under current law, the Allen and the Brown families each pay about $9,200 in income tax each year. The Campbell-Clark family, however, because they can file as single taxpayers, pay only a combined $7,900. Because the Allens each earn one-half the family income, if they were to divorce and file as singles, they could reduce their combined

tax bill down to $7,900, the same as the Campbell-Clarks. Therefore, the Allens suffer a marriage penalty of about $1,300 each year.

The marriage penalty relief provision included in last year's tax bill would have eliminated this marriage penalty and reduced the tax bill of the Allen family down to the same level paid by the Campbell-Clarks. However, by doing so it would have left behind the Brown family, who would still be paying income taxes of $9,200 per year.

This is not fair. We must not, in the name of fairness, fix the marriage tax problems of one category of families, but not another category. It is true that the Browns do not suffer a marriage penalty, but why should they pay higher taxes simply because their family income is earned by one spouse and not two?

There are approximately 210,000 couples in my home state of Utah, who, like the Allens, suffer a marriage penalty. However, there are also about 108,000 couples in Utah who are like the Browns, and would be left behind by marriage tax relief like we passed in 1999.

This is why this year's marriage penalty bill is superior to last year's. The bill before us today lowers the tax burden of both the Allen family and the Brown family. It alleviates the marriage penalty and the one-earner penalty. It does not leave any family behind.

In essence, the Internal Revenue Code results in marriage tax penalties and bonuses because it pursues three conflicting ideals or principles—marriage neutrality, equal treatment of married couples with the same household income, and progressive taxation.

The ideal of marriage neutrality states that a couple's tax liability should not be determined based on their marital status. In other words, there should not be a tax incentive either to marry, to remain single, or to divorce. Under our example, current law does penalize the Allen family, because they would pay about $1,300 per year less if they were to divorce and live together. That is ridiculous. We want to encourage people to live together in marriage.

The equally important principle of equal treatment holds that married couples with equal incomes should pay the same amount in taxes without regard to how much each spouse contributes to the couple's income. Under this principle, the Allens and the Browns should pay the same tax since they are both married with identical family incomes. Currently, they do pay the same, but this principle would be violated if we did not also lower the Browns' tax while fixing the Allens' marriage penalty.

Progressive taxation is the principle that those with higher incomes should pay a higher percentage of their incomes in taxes than is required of those with lower incomes.

It is mathematically impossible for the Tax Code to achieve all three of these tax policy ideals simultaneously.

One of the three objectives must be sacrificed. If we continue to insist on a progressive tax system, we cannot solve both the marriage penalty and the one-earner penalty. Simply put, last year's marriage penalty relief provision did solve the marriage penalty, but it violated the one-earner penalty. The bill before us today does not totally solve the marriage penalty, but it greatly alleviates it for most families. And, it does not create a one-earner penalty. All in all, it represents the fairest approach for the most families in our country.

As long as we have a progressive tax system, we will never achieve total family tax fairness. Therefore, no marriage tax penalty bill will be perfect. While making tremendous progress toward marriage penalty relief for most families, the bill before us leaves some serious marriage penalties in place.

For example, the current-law student loan interest deduction provision penalizes married couples struggling to pay off student loans. In February, the Senate passed an amendment to the education tax bill that Senator MACK and I offered that would have eliminated this problem. I had hoped to add that provision to this bill, but it would not be germane under the reconciliation rules. I hope we can take care of that problem in another tax bill later this year.

President Clinton has given strong indications he will veto this bill because it gives tax relief to families who do not suffer from marriage penalties. This is a shortsighted point of view that ignores the structure of our tax system and the needs of American families.

In fact, it kind of makes me wonder whether President Clinton's real concern is the idea of cutting taxes. He has made no secret of his opposition to tax cuts. He has fought us every step of the way in our efforts to return a portion of the budget surplus to those hard-working Americans who produced it.

But, I will be very sorry if a Presidential veto denies American families even this tax cut which is not being made for its own sake, but rather to correct a longstanding inequity in the Tax Code.

I implore the President to reconsider that all American families need fair and substantial tax relief—those where both spouses work outside the home as well as those where one parent stays home. I hope he will sign this bill into law.

And, allow me to say just a word about parents who forego outside income to remain at home. Everyone in this body knows that I believe we must have adequate child care for those families who need it. I have worked with my Republican colleagues and my Democratic colleagues across the aisle on child care legislation. But, I cannot say emphatically enough that the best child care is still provided by a parent. I have yet to hear a single Senator disagree with that. Yet, our Tax Code penalizes a family in which one parent makes this choice to stay at home with their children.

I am glad that my wife stayed home with our children. She did work in the early years of our marriage as a grade school teacher, but she stayed home virtually all of the time our children were growing up, and I think it shows.

It is high time we fix this problem. It is high time we correct the marriage penalty for both the Allens and the Browns in Utah, and families like them all over the country. Today, we have the means to do it. I say to my colleagues on the other side of the aisle: There are no more excuses.

Again, I thank Chairman ROTH for his insight and leadership on this important issue, and I urge my colleagues to support final passage of this bill. I urge President Clinton to sign it.

One last thing, and that is, when you have a $4.3 trillion surplus in the budget, you know darn well somebody is being taxed too much. Why can't we at least solve these inequities that are literally calling out to us for a solution? Why can't we make it clear that being married should not be a disadvantage to couples? Why don't we make it clear that we are going to treat married couples just as well as those who live together and are not married, who don't pay as much in taxes today?

These three families illustrate this as well as I think we can illustrate it. Why should the Allen family and the Brown family pay $9,222, while the Campbell-Clark family, just because they live together—each of them single, and each of them earning $40,000—why should they get a tax bill of $1,300 less than the other two families?

I urge the President to sign this bill. I think it is the right thing to do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

PRAYERS AND THOUGHTS FOR SENATOR PAUL COVERDELL

Mr. CRAIG. Mr. President, before I deliver my remarks on the marriage tax penalty, for just a moment, let me say that our colleague, PAUL COVERDELL, is struggling at this moment. Our prayers and thoughts are with him and his wife Nancy as he struggles with his health in an Atlanta hospital. He is a champion of the issue of the marriage penalty tax relief.

MARRIAGE PENALTY TAX RELIEF

Mr. CRAIG. Mr. President, certainly, KAY BAILEY HUTCHISON, our colleague from Texas, has led us on the issue of the marriage penalty tax. I think probably she has sensitized all of us to it as only a woman can. I mean that in the sense of understanding the true balance that ought to be in this Tax Code that isn't in the Tax Code. She has

been persistent with the Congress and with this Senate to assure that we develop a sense of equity and balance in the Tax Code that our marriage penalty tax relief legislation will offer.

Who pays the marriage penalty? In our country, about 22 million married couples do. They are not wealthy. They are modest- and middle-income families. In my State of Idaho, that is 129,710 families.

To really bring this home, if, from the time a couple marries, they were to put away, with interest, the difference in the disparity of taxes between $1,000 and $1,400 per year, on the average, for their first child, they could afford to pay 3 years of his or her education at a State institution in my State of Idaho. So it is significant. It is important. There is no question it would help, and can help, the American family.

The usual suspects out there who are opposed to this, I think, are using the most tired and sad arguments against tax relief. They simply are arguing from a position of the wrong facts. We have heard them whining about tax cuts and saying the tax cuts are for the rich and somehow you ought not give the rich any opportunity. Of course, in this instance they have simply missed the mark, and they know it. They know they are on the wrong side of this issue.

Tax relief, in the area of the marriage penalty tax, helps working families. It ends discrimination against married couples. It reduces the Tax Code's antifamily bias that no tax code should have in it. We have always said that the very foundation of our culture and our country is the family, and yet we take advantage of that union in the Tax Code by causing them to pay more in taxes.

Low- and middle-income married couples are the ones who truly are hurt by this penalty. On average, a married couple hit by the marriage penalty will pay about $1,400 more a year in taxes than two single persons at the same combined income. That is where the penalty rests.

In total, the marriage penalty overcharges couples in this country $32 billion a year, according to the Congressional Budget Office—that is right, $32 billion a year—that could stay out there with those young couples.

I use the example in my State of Idaho that if they simply put it in a bank, with interest, by the time their first child is old enough to go to college, they can afford his first or her first 3 years at a State institution in my State.

I think those who oppose marriage tax penalty relief oppose, frankly, all tax relief. The more they can get to spend on Government programs and Government solutions—and go home to their constituents and talk about what wonderful things Government is doing for them—somehow they think that most of our citizens are either undertaxed, and not giving enough to Government for all those wonderful solutions to their problems, or the current Tax Code is fair.

They are not worried about a Tax Code that charges a family an extra $1,400 or more, when a family certainly needs that additional income as they become a family unit. They are opposed to all tax relief. If you pay taxes, somehow, in this argument, you are rich; and the rich do not need the relief.

How many times have we heard that? At least I have heard it in the good number of years I have been in the Senate. Every time we talk about tax relief, somebody over there on the other side of the aisle says: Gee, those darn Republicans want to give that money back to the rich, and the rich don't need tax relief.

Low- and middle-income families do need tax relief. So the opposition on the other side always ponies up some kind of what I call tax-relief ''lite'' amendments to offer, so they can show some degree of compassion. Yet at the same time they offer nothing except a new Government program.

Let me break it down into the three most significant ways that the Tax Code extracts the marriage penalty for us to understand.

First of all, it is discrimination in the standard deduction area. About two-thirds of the taxpayers take the standard deduction. For a married couple, the standard deduction this year is $7,200. For two single taxpayers with the same combined income, it is $8,600. This is the first $392 of the marriage penalty. Lower and middle-income taxpayers are more likely to take the standard deduction than upper-income persons. Many middle-income families who itemize are still hurt by standard deduction discrimination because the amount of the standard deduction determines whether they itemize. In other words, one element triggers the other element in our Tax Code.

The Senate bill would provide relief to 25 million couples by making the standard deduction for married couples filing jointly equal to the standard deduction for two singles with the same combined income. That is a little complicated, but it is easy to understand that for those who take the standard deduction—and those tend to be the lower and middle-income families—the benefit is immediate and, as we have said, is approximately $1,400 a year.

The second area deals with discrimination in the earned-income tax credit area, the EITC. We are all familiar with the EITC. It is supposed to reward work, ease income tax and other tax burdens, and supplement incomes for low-income working families with children. It is astonishing, in a program designed to help lower income families, the phaseout schedule for EITC benefits again imposes an antimarriage, antifamily penalty. This is the very program Congress designed to help low-income families. Yet when we look inside the code, the way the IRS has interpreted it and administers it, there is an antimarriage, antifamily penalty. The Senate bill would begin addressing marriage penalty inequity in the EITC by first increasing the maximum credit by $526, starting the phaseout range $2,500 higher than it was at an income level just above $15,000.

The third area of discrimination is in the tax brackets. For the average couple paying a marriage penalty, bracket discrimination charges them another $1,000. Bracket discrimination usually takes the lower income earned by one spouse, which would be taxed in the 15-percent bracket if he or she were single, and taxes it at the other spouse's 28-percent rate. This devalues the spouse and the spouse's work that provides the second income for the family. Of course, in some instances, both spouses are professional and choose to seek their profession in the marketplace. In other marriages, one spouse simply wants to supplement the overall family income to broaden the ability of that family to earn, to save, to invest, and to provide for its children. In this instance, this particular structure of the Tax Code actually devalues the value of the income of that spouse who goes into the marketplace to earn additional income for the family.

For folks with modest means, this adds what we could easily call insult to the very injury that the Tax Code levees to the taxpayer. Time after time on this floor, we hear how many families are forced to earn a second income to make ends meet. Currently, the heavy hand of Government has the first claim on the second income. For anybody who would choose to vote against this particular provision, shame on them. Especially shame on them if they then turn around and argue that circumstances are so tough out there that every family needs two incomes. Let us work today to lessen that burden, to make it less tough, to give that family unit greater choices as to whether they both want to work in the marketplace or one would choose to stay home.

The Senate bill provides help for 21 million couples, including 3 million senior citizens, by expanding the 15-to-28 percent bracket for one couple to a range equal to that for two singles. In addition, this bill preserves the full effect of the family tax credits enacted in the 1997 Taxpayers Relief Act. We now find that particular provision taking effect. More and more middle-income families are slipping into the alternative minimum tax or the AMT. In fact, even some EITC families are now being affected by this. The AMT is already a dubious tax. It requires thousands of taxpayers to figure their returns according to two different tax systems. I don't think anyone really intended the AMT to apply and wipe out the family tax credits we enacted in 1997, including the $500-per-child tax credit, the HOPE education credit, the lifetime earnings credit, and the ongoing dependency care credit. It is time to cut back on the antifamily AMT, and that is exactly what this provision will do.

In conclusion, we want a Government that is truly profamily. Certainly all of us—and in a sincere way—want to make sure our laws are profamily. Yet those who will vote against the marriage tax penalty are talking about two different systems. They are being very inconsistent with honesty and integrity in debating this kind of an issue. You cannot talk profamily on one side of the issue and turn around and vote against this provision that we will be voting on on the floor this evening.

Our Tax Code says, unless we change it tonight, don't get married. And if you do, you are going to pay higher taxes. We say it is time we create equity in this equation. Our Tax Code says you will pay a penalty if both spouses work and you will be the most heavily taxed if your incomes are about equal. We say the best antipoverty program is a family and a job in America, or two jobs in America taxable at a lower rate, leaving more money inside the family unit to provide for that family and those portions of the American dream they seek to secure. We encourage our citizens to dream a better dream, of a fairer and freer society. Our Tax Code has a great deal to say about the size and the scope of their dreams.

I hope we will vote tonight to strike a blow for a profamily, pro-American, American-dream approach, not have the Tax Code constantly confusing the message and sending a negative signal. We are going to pass it, I do believe, and seize the opportunity.

In closing, I say to the President: Come on. Quit playing the political games you are playing right now. You have to have this new spending program and this new spending program with a multitrillion-dollar surplus. Give the highest taxed generation in history just a little break. When this bill gets to your desk, sign it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent that the Democratic side be permitted to reclaim the 15 minutes accorded to the other side of the aisle earlier today so that I may speak at this particular moment.

Mr. CRAIG. Reserving the right to object, and I will not, I ask unanimous consent that Senator COLLINS retain 15 minutes in morning business prior to the Interior bill following the comments of the Senator from Virginia.

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

PRESCRIPTION DRUG AMENDMENT ON THE MARRIAGE PENALTY RECONCILIATION BILL

Mr. ROBB. Mr. President, I rise today to speak about an amendment that I submitted on Friday to the marriage penalty bill, which the Senate will take up and vote on later today. My amendment, which is cosponsored by Senators KENNEDY, GRAHAM and BRYAN, follows up on a similar proposal I offered in April to the Senate budget resolution that would have required Congress to enact a new Medicare prescription drug benefit before considering any massive tax cuts. While a procedural hurdle prevented that amendment from passing, fifty-one senators voted to waive a budget point of order, indicating they favored it, and sending the American people a strong signal that a majority of the U.S. Senate thought we should put the needs of our nation's seniors before excessive tax cuts.

The majority, however, has moved in the opposite direction since then. This past Friday, we passed a large tax bill that would phase out the tax on the estates of those seniors who die, but did nothing to provide needed prescription drugs that can preserve the lives of those seniors who are living. Because I had cosponsored earlier legislation to ease the estate tax burden in order to preserve family farms and small businesses, I voted for this bill. Even though all of our Democratic amendments were defeated—and look forward to crafting more equitable legislation to address these same concerns after the President vetoes the bill we passed Friday.

The bill before the Senate now, however, is very different. Under the guise of eliminating the ''marriage penalty,'' the majority has brought a bill to the floor that would devote over half of its benefits to people who either aren't married, or who are actually receiving right now a tax benefit, or ''bonus,'' for being married. As I have stated previously, Mr. President, this takes a lot of chutzpah.

Mr. President, I believe we ought to eliminate the marriage penalty for those who actually suffer the marriage penalty and need the relief most. With all the rhetoric from the other side of the aisle about eliminating the marriage penalty, one might think that they'd share my view, and want to pass a bill that would actually focus on the penalty.

But a closer examination of the Republican bill reveals that it isn't quite what it's described to be. Mr. President, there are in fact 65 provisions in the current tax code that contain a marriage penalty, including Social Security. The bill reported from the Finance Committee on a straight party-line vote takes care of one marriage penalty provision completely and two others partially, and leaves the other 62 marriage penalties untouched. The Democratic bill addresses all 65 provisions, and takes care of the entire penalty for almost everyone.

Mr. President, it's time that we set our priorities straight. We ought not to be devoting billions of dollars of the surplus to individuals who currently suffer no marriage penalty whatever when we've done nothing to help those that suffer from the ''senior citizens' drug penalty''—the high prices our nation's seniors are forced to pay for prescription drugs.

The amendment that I've offered would force Congress to address these priorities. It simply says that the tax bill before the Senate today won't take effect until Congress has also fulfilled its responsibility to enact a meaningful Medicare prescription drug benefit. My amendment won't prevent Congress from enacting marriage penalty relief this year, nor will it keep a single married couple from enjoying the tax benefits in this bill. What it will do is ensure that we don't backtrack from the Senate's vote to enact a prescription drug benefit before we do major tax cuts.

Let me say, Mr. President, that this isn't just rhetoric. The problems faced by our nation's seniors in affording prescription drugs are immediate and real. I'd like to remind the Senate of a story I heard from a physician in my state recently about a patient who was splitting her doses of Tamoxifin—a breast cancer drug—with two of her friends who also had breast cancer, but couldn't afford the medication. As a result, all three women had inadequate doses of the medication.

Or consider the story of a disabled father of three from Pennington Gap, Virginia, who broke his neck several years ago, and went from making $50,000 a year to $800 a month in disability benefits. While he qualifies for Medicare, he's forced to choose each month between spending nearly half of his disability benefit on prescription drugs, or helping out his family, because Medicare offers no coverage for his medications.

These Virginians are not alone in their troubles. The average Medicare beneficiary will spend $1100 on prescription drugs this year. Most of them won't have adequate prescription drug coverage to help them cover these crushing costs. And the numbers of those that do have coverage are dropping rapidly.

Despite the suggestions of some of my colleagues, this problem isn't limited solely to the poor. One in four Medicare beneficiaries with a high income—defined as $45,000 a year for a couple—has no coverage for prescription drugs. And while some seniors do have coverage, nearly half of them lack coverage for the entire year, making them extremely vulnerable to catastrophic drug costs.

Complicating this matter for the elderly is the ''senior citizens' drug penalty'' that seniors without drug coverage are forced to pay. Most working Americans who are insured through the private sector pay less than the full retail price for prescription drugs. This is because insurers generally contract with private sector entities that negotiate better prices for drugs, and pass on the power of group purchasing to their customers.

Seniors lack this option, however, and must still pay full price for their drugs. One recent study showed that seniors without drug coverage typically pay 15 percent more than people

with coverage. And the percentage of Medicare beneficiaries without drug coverage who report not being able to afford a needed drug is about 5 times higher than those with coverage.

This ''senior citizens' drug penalty,'' in my view, is unconscionable. Senior citizens are more reliant on drugs, and have higher drug costs, than any other segment of the population. They deserve to have the same bargaining power that benefits other Americans.

Mr. President, in April, the other side spoke against my budget amendment, claiming that there was already adequate language in the Republican budget resolution to ensure that we pass a prescription drug benefit this year. At the time, they pointed to the $40 billion reserve fund which was included in the budget resolution that the Committee had reported, arguing that this would provide ample money to enact a prescription drug benefit and offer tax relief.

Republicans asked, in essence, that we trust them that the Senate won't put tax cuts before our nation's seniors. Let me say that I do trust my good friends on the other side of the aisle. But to borrow a line from Ronald Reagan, I believe we should trust—but verify. That requires deeds as well as words.

Mr. President, our nation's seniors deserve better than this. In April, at least fifty-one senators felt the same way. I urge every one of them, as well as senators who opposed my amendment then because they thought the $40 billion reserve fund would guarantee a prescription drug benefit, to support my amendment now. With its passage, we'll be able to eliminate both the true ''marriage penalty'' and the ''senior citizens' drug penalty.''

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. I believe under the previous order I will be recognized to speak.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

CONCERN FOR SENATOR PAUL COVERDELL

Ms. COLLINS. Mr. President, I want to express the sorrow that is in my heart, and I know in the hearts of all of my colleagues and, indeed, everybody who works in the Senate, about the sad news of the unexpected ill health of our friend and colleague, Senator PAUL COVERDELL of Georgia. My heart and my prayers go out to him, his family, his staff, his constituents, and all of the many people who care so much about our good friend. He will be in our hearts and in our prayers. I know I speak for all of my colleagues when I wish him a speedy recovery.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Ms. COLLINS and Mr. CRAIG pertaining to the introduction of S. 2879 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will now resume consideration of H.R. 4578, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we are now back for the final 3 and one-quarter hours of debate on amendments to the Interior appropriations bill. Any Member who reserved an amendment to that bill may present it between now and 6:15 this evening, at which time, by unanimous consent, we go to the marriage penalty bill for what may be an extended series of votes. Any of the amendments reserved on the Interior bill will be voted on, if, in fact, the vote is necessary, tomorrow morning.

I list 12 amendments that were reserved for debate during this period of time. I am informed by staff that we have settled 4 of them. That leaves eight amendments: two by the Senator from New Mexico, Mr. BINGAMAN; one by the Senator from California, Mrs. BOXER; one by the Senator from Nevada, Mr. BRYAN; one by the Senator from Connecticut, Mr. LIEBERMAN; one by the Senator from Oklahoma, Mr. NICKLES; one by the Senator from Rhode Island, Mr. REED; one by the Senator from Wyoming, Mr. THOMAS.

Curiously enough, most of these Senators who have said they will be here from between 5 o'clock and 6 o'clock p.m., which takes a considerable portion of the debate time, are away. I think some of those eight amendments I have listed will themselves be settled without debate or by agreement. If any of the seven Senators whose names I have just mentioned are within hearing and sight of this debate, I urge that Senator to reach the Senate floor promptly. At this point they have a real opportunity to present their amendments. Later on, they are likely to be very constricted as to time.

Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THOMPSON. Madam President, as we debate this bill to provide funding for the Department of the Interior in the next fiscal year, I would like to discuss an issue that is of increasing concern to me: our underinvestment in our national parks.

There are 379 national parks in the United States and U.S. territories, covering over 80 million acres. These parks provide Americans with an opportunity to enjoy activities such as hiking, camping, white water rafting, or horseback riding in some of the most beautiful sites in the world. The Great Smoky Mountains National Park in my home State of Tennessee is often referred to as the crown jewel of the national park system, and for good reason.

But one can't help but be concerned about what is happening in our parks today. I have seen first hand the problems associated with air pollution, traffic congestion, and invasive species in our parks. Folks come to the Smokies to escape the big city and breathe the clean mountain air. Unfortunately, there are too many days now when the air quality in the Smokies is worse than in major cities. Already this year, the park has recorded 13 days with unhealthy ozone levels. Who would believe that visiting a national park could be hazardous to your health?

Air pollution is also diminishing the experience of visitors in the park. People visit the Smokies for the magnificent mountain vistas. Unfortunately, the pollution reduces their visibility not only by affecting how far they can see from a scenic overlook, but also how well they can see. Ground level ozone washes out the bright colors of the leaves in the fall and the flowers in the spring. These air quality problems have landed the Great Smoky Mountains National Park on the list of 10 most endangered national parks compiled by the National Parks and Conservation Association.

Another major threat facing many of our national parks, including the Smokies, is damage from invasive species. Organisms that are not native to parks are finding their way in and are killing wildlife. Virtually all of the frasier firs on top of Klingman's Dome in the Smokies are dead. At first glance, it would appear that they were killed by fire, but that is not the case. These trees were killed by the balsam woolly adelgid which is not native to the Smokies and has no natural predator there.

These and similar problems afflict our entire national park system. That is why I'm pleased that the appropriations bill before us today recognizes these serious threats by providing $11 million for the National Park Service's Natural Resource Challenge. This money will help fund air and water quality studies in our parks. It will also fund efforts to address the problems caused by non-native invasive

species. I thank the Senators from Washington and West Virginia for their attention to these needs. I especially thank Senator GORTON for his leadership as chairman of this very important subcommittee.

I am also growing increasingly concerned that our national parks are showing the wear and tear of neglect. Each year our parks are host to more and more visitors. In 1998, almost 300 million people visited our national parks. Ten million of those visitors went to the Smokies, making it the most visited national park in the country. That is more visitors than the Grand Canyon and Yosemite combined—which rank second and third in terms of park visitation.

We in Tennessee and North Carolina welcome these visitors to our beautiful mountains. National parks are here to be used and enjoyed. But our parks are laboring under their popularity. One might say our parks are being loved to death. We must face up to the stresses to infrastructure that result from increased visitation. More visitors cause more wear and tear on the trails, campgrounds, and roads. Growing visitation also requires higher staffing levels in the parks since more visitors mean more stranded hikers that need to be rescued, more comfort stations that need to be cleaned, and more trash that needs to be picked up.

Unfortuantely, park budgets have not kept pace with increases in visitation. The National Park Service estimates that there is currently a $4.3 million maintenance backlog. Park Service staff are struggling to do more with fewer resources.

Fortunately, they have been able to rely on a number of organizations for help such as friends groups, the National Park Foundation and other cooperating associations. These organizations raise money to fund maintenance and educational projects within the parks.

I am proud that the Friends of the Great Smoky Mountains National Park is held up as the model friends group for the country. Over the last 7 years, the Friends of the Smokies has raised $6 million—$1.5 million last year alone. This money has come from donation boxes in the park, license plate sales, telethons and direct contributions. And, it is used for a variety of projects. For example, the Friends just produced a new orientation film to welcome park visitors. The Friends funded the restoration of the historic Mount Cammerer Fire Tower. And, the Friends help organize and manage volunteer projects in the park. When a team of volunteers goes out to work on a trail, it's the Friends of the Smokies that buys the materials needed to do the job. The hard work and generosity on the part of the Friends of the Smokies is critical to assisting the Park Service officials maintain our valuable natural resource.

Just as important as the financial contributions to our national parks are the generous donations of time. This year alone, volunteers will donate almost 75,000 hours valued at $1.1 million to run the visitor centers and help maintain trails and campgrounds in the Great Smoky Mountains National Park. Because the Smokies was a gift from the residents of Tennessee and North Carolina to the Federal Government, citizens living near the park have a strong sense of ownership. They want to volunteer to take care of their park.

Several years ago, Congress also recognized the need to increase resources to our national park system, and we passed legislation to provide the Park Service with new sources of funding for maintenance projects. This new law allows national parks to retain most of the entrance and other fees they may charge, and use that money for visitor services. Fee revenue can be used to fund maintenance projects or to pay seasonal employees, but it cannot be used to fund basic operations. This year, Smokies' fees will generate $1.9 million over and above the park's $13.2 million annual appropriated budget.

Fee revenue, volunteer hours, and donations are critical to keeping our parks running, but they are just not enough. Without an adequate operations budget and enough permanent full-time staff, the Park Service lacks the capability to handle the generosity of groups like the Friends of the Smokies.

Again, I compliment my colleagues from Washington and West Virginia for recognizing the most pressing needs of our national park system by providing a substantial increase in the Park Service's basic operations budget in this bill. The bill before us includes over $1.4 billion for the National Park Service. That's an increase of more than $80 million over FY 2000.

But as impressive a job as the managers have done here today, I'm sure they would both agree with me when I say that Congress still must do better for our national parks. I believe that the Federal Government has a fundamental responsibility to ensure the protection of these natural resources for the enjoyment of both the current and future generations. But we are not meeting that responsibility fully. We must provide our park officials with adequate resources to maintain the trails and campgrounds. We must give them better tools to combat threats like air pollution.

As Congress debates what to do with the projected budget surplus, I think we should start by determining whether government is meeting its fundamental responsibilities now. If we see that we are neglecting certain responsibilities, then we need to make fulfilling those obligations a priority.

I believe that increasing our investment in our national parks is a priority. I intend to work closely with my colleagues in the years to come to ensure that Congress provides the funding necessary to protect our precious natural resources for the enjoyment of my grandchildren and their grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, before my friend leaves the floor, I want to tell him how very much I appreciate his statement. In years past, I offered amendments when we did not have a budget surplus to increase funding for our park system. I hope next year we can work together in a bipartisan fashion to increase significantly the funding for our National Park System.

I have not had the good fortune to be in the park to which the Senator referred, the Great Smoky Mountain National Park, but I have been to a number of national parks. For example, the living conditions our park rangers have to put up with in our national parks is a disgrace. My colleague should see what park rangers live in at the Grand Canyon National Park. They are from World War II. They look like icehouses; they are square. It is disgraceful.

We only have one national park in Nevada. It is one of the newer ones, so I really do not have the right to complain as many do, but we have so many things that need to be done there. We do not have a visitors center. Interpretive trails have not been built. There are parts of our great National Park System that we have closed as a result of dangerous conditions. The Park Service simply does not have the resources to keep up.

I commend and applaud my friend from Tennessee. He has given a great statement. I look forward to next year. Perhaps we can work together to come up with a funding formula that would be permanent in nature to take care of the $5 billion backlog in our National Park System.

Mr. THOMPSON. Madam President, I thank my friend from Nevada for those comments. This is something upon which I believe we can all agree. Even those who view the role of Government to be a limited one must agree that there are certain basic obligations and functions the Federal Government has. Of course, national defense is one of them; infrastructure is one of them. Our national parks are a precious resource that we must all protect.

They are, as the Senator indicates, being attacked from so many different directions right now. We are taking them for granted and slowly, but surely, they are falling into disrepair, and they are being damaged environmentally. We in the Smokies have a particular problem with the weather patterns, for example. Not only do we have some old coal-fired plants in the area, but we have a weather pattern that brings the pollution in from other parts of the country that just seems to hover over that particular area. We have days where there is more pollution on top of the Smoky Mountains than there is in downtown New York City. It is an increasing problem. Hopefully, as my colleague suggests, we can

join together and do even more next year.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, first, I thank our distinguished assistant Democratic leader for his graciousness once again in providing me the opportunity to say a couple of words this evening.

MARRIAGE TAX PENALTY RELIEF

Mr. DASCHLE. Madam President, the Senate will be voting on two competing marriage penalty relief proposals. The choice really could not be more clear. I want to talk a little bit about that choice this afternoon. The Republican bill has very little to do with the marriage penalty.

In fact, I was just commenting that if the Republicans were trying to treat an illness, they would be sued for malpractice—given the bill they are proposing this afternoon—malpractice because they are not curing the disease. In fact, in some ways they are causing the disease, this marriage penalty disease, to be even more problematic, more difficult. They are actually creating another disease—a singles penalty. We need to be aware of the repercussions of what the Republicans are attempting to do with their legislation this afternoon. The singles penalty is something I will talk a little bit more about.

To begin, I don't think there is any doubt that if you asked all 100 Senators: should we fix the marriage penalty, the answer would be emphatically yes. The question is, How do we fix it, and are we really intent on fixing it?

Our Republican colleagues only deal with three of the marriage penalty provisions incorporated in the law today. If you were going to completely eliminate the entire marriage penalty, you would have to deal not with 3 but with 65 of the provisions incorporated in the tax law that have caused the imbalance or the inequity to exist today. The Republicans have only dealt with three. Yet the cost to the Treasury of their plan—the one we will vote on today—is $248 billion overall.

I don't know what it would cost if you were going to try to fix all 65 under the Republican plan. Republican amendments were filed addressing six additional provisions, totaling $81 billion, in the Finance Committee. The remaining 56 provisions, untouched in the Republican bill, not addressed at all, have yet to be calculated in terms of what the cost might be with regard to the approach our Republican colleagues use.

The second chart spells out what that means. If you only deal with 3 of the 65 provisions, this is what happens. Take a married couple with a joint income of $70,000. Under current law, if the couple were single and they each paid their share of the tax, their tax total would be $8,407, depicted on the chart. Yet because they are kicked into a higher tax bracket when they reach that $70,000 joint income level, their tax is not $8,407; their tax is $9,532. So the marriage penalty is $1,125 under current tax law.

Here is what the Republicans do. The Republicans will provide, under their bill, 39-percent relief. That is all you get. Here they are, spending $248 billion, and they can't even do it right. They can't even fix all 65 provisions. They fix three. So you leave the balance, under the Republican bill, for another day, apparently.

We don't believe that ought to be the way to fix the marriage penalty. We think you ought to fix the marriage penalty, if you are saying you are going to fix it. We provide 100-percent relief, $1,125 in relief for that couple making $70,000 a year. That is what we do. That is why we believe it is important for people to know there is a clear choice tonight when we vote on those plans: You can vote for the $248 billion Republican plan that fixes 3 or you can vote for the Democratic plan that provides for 100-percent relief and fixes all 65.

I think it is very important for us to understand that not only is there a choice in trying to address the marriage penalty, but there is also another problem.

We know how doctors try to fix one disease and sometimes create another side effect they had not anticipated because they prescribed the wrong medicine. We have a true illustration of prescription drugs as we know it in this country today, with a $248 billion fix when you could do it for a fraction of the cost. Not only that, their prescription doesn't cure the disease. Not only does it not cure the disease, it actually creates a new one.

I guarantee my colleagues, within the next few years, you will have somebody come to the floor and say: Now we have to fix the singles penalty. It is broken. We may need another $248 billion tax plan to fix the singles penalty.

This is what happens under the Republican plan. You have a joint income for that couple of $70,000. Current law requires their tax liability of $10,274. The Republican plan would provide $8,743, leaving the $443 relief I mentioned a moment ago.

Let's take a widow, a widow who is making that $70,000 income—not a couple but a widow. She has a tax liability under current law of $14,172. Yet her penalty, a singles penalty, would go from $3,898 under current law to $5,429 under the Republican plan.

What happens with this tax plan for a single person under certain circumstances—take a widow, a widow who is already probably faced with all kinds of serious financial pressures. Her tax burden goes up by $1,531, a new singles penalty created—I assume inadvertently—because our Republican colleagues are rushing to try to fix a marriage penalty, and they can't do it right. That is why this vote this afternoon is so important.

The Democrats will be offering a plan that recognizes another inequity in the Republican plan. I have already talked about two: First, the importance of recognizing that out of the 65 provisions, the Republican plan only deals with 3; and then secondly, how we now have created—I assume inadvertently—this singles penalty.

Look at the third problem with the Republican plan that has caused us to want to come to the floor to offer the alternative we will tonight. If you are making $20,000, the amount of tax relief you get under the Republican plan is $567. That is all you get. But if you are making $20,000, under the Democratic plan, your tax reduction, the amount of relief, is $2,164. If you are making $30,000 a year, according to the Joint Committee on Taxation, which has analyzed this, under the Republican plan you get $800. Under the Democratic plan, you get $4,191. Why? Because we fix the marriage penalty. We provide entire relief, all 65 provisions.

Look at what happens if you are making $50,000. I don't know what the Republicans have as a problem with those who are making $50,000, but they are sure penalizing them here. You only get $240 under the Republican plan in relief. Why you would want to penalize somebody making $50,000, I don't know. Under the Democratic plan, you get $1,913 in relief.

Let us skip all the way over to the other end of the spectrum. This probably tells it best.

If you are providing real relief, you are going to go to those people who need the relief the most, those people in the $30,000 to $50,000 category. Under the Republican plan, if you are making more than $200,000, that is when you start kicking in to real money. You get $1,335 in relief there. But if you make $50,000 in income, you get $240. That is the third reason we are so concerned about this Republican plan.

Under the Republican plan, you get $1,335 in relief if you are making tons of money. If you are making $50,000, as are most people in the country—couples—you are going to get $240.

We are concerned for those three problems. That is why we are offering our alternative tonight. The Democratic marriage penalty relief plan allows married couples to file separately or jointly—another very important aspect: Give them the flexibility. Let them decide what is most helpful to them.

That is how we avoid the so-called singles penalty, not the Republican plan. It eliminates all marriage tax penalties for taxpayers earning $100,000 or less, 100 percent. It reduces all marriage tax penalties for those taxpayers earning up to $150,000 and does not expand the so-called marriage bonus or the singles penalty that we are actually creating inadvertently today.

I want to show one last chart that probably makes the case as well as I can. The marriage penalty bill proposed by the Republican plan deals

with three. The Democratic alternative deals with the standard deduction and the problem we have with the marriage penalty and the standard deduction; earned income tax credits; child tax credits; Social Security benefits; rate brackets; IRA deductions, student loan interest deductions, and the 56 other marriage penalty provisions that exacerbate the marriage penalty today. We do them all. The Republican's do three.

There is one other nonsubstantive but procedural concern I have, which I am compelled to bring up. The regular order in the Senate right now is the marriage penalty. We ought to be taking this bill up under the regular order, but we are not doing that. I think everyone here in the Chamber knows why. We are not doing that because the Republicans don't want to vote on tax amendments. That is why we are not doing it. They are using the brick wall they built around their marriage penalty, this impenetrable wall. So this is an up-or-down vote, a take-it-or-leave-it vote. You either like it or don't; you either take it or leave it. That is the way it is going to be. We are not going to give the Democrats an amendable vehicle. We are going to give them a vehicle they can't amend, a vehicle that will allow the one alternative; and we are not going to debate tax policy, even though this goes to the heart of tax policy.

So for the second time in less than a week we are going to be voting on a bill that I think deserves to be defeated. We should have defeated the estate tax bill. I will offer to Senator LOTT that I am willing to sit down today and negotiate with him and the Finance Committee Democrats and Republicans to come up with a bill the President will sign. That isn't going to happen with the bill they passed last week. This bill is going to get vetoed, too. This bill will be vetoed, and it will be vetoed for good reason. It doesn't fix the marriage penalty. It costs $248 billion. It helps those at the high end and leaves everyone else in the lurch. It creates a singles penalty. That isn't the way to legislate. That is why we normally have amendments—to try to fix problems that were caused on purpose or inadvertently.

I am hopeful the majority will take great care before they pass the bill that they are going to be pressing this evening. I hope they will work with us to come up with an alternative that the President will sign. We can do things the right way and we can enact them into law and provide meaningful accomplishment and meaningful relief and meaningful help to victims of the marriage penalty. Or we can simply make more statements about how some in this Senate prefer simply to help those at the very top of the income scale, once again, whether they need it or not. That is our choice. I hope Senators will take great care in making their choice, and I look forward to the debate and vote later this evening. Again, I thank the Senator from Nevada for yielding the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

A SMASHING SUCCESS

Mr. HELMS. Madam President, a noted sports figure in American sports history once commented that ''Bragging ain't bragging if you can prove it.''

On that basis, I want to brag a little bit about North Carolina which has had its share of top sports figures—perhaps more than our share when you consider such outstanding sports figures, past and present, as Arnold Palmer, Catfish Hunter, Charlie ''Choo-Choo'' Justice, Michael Jordan, Richard Petty, David Thompson, Sonny Jurgensen, Dean Smith, Everett Case, Joe Gibbs, Enos Slaughter, and Wallace Wade, who by the way took two teams from Duke University to the Rose Bowl. But he didn't have to go very far for the second one because it was held in Durham, NC, right after Pearl Harbor. It was feared that the Japanese might try to bomb the stadium out in California, so they moved the whole thing across the country to North Carolina—the only time the Rose Bowl was not played in Pasadena.

But I don't recall any previous teenager—from anywhere—who has been described as a ''tennis phenomenon who walks in Chris Evert's footsteps''. But that's the accolade handed 14-year-old Alli Baker of Raleigh my hometown—in the May edition of Metromagazine in a sparkling and detailed piece by Patrik Jonsson, writing from Boca Raton, Florida.

As I read the tribute to Alli Baker, I was reminded that this young lady is a great granddaughter of the late Lenox Dial Baker, one of America's leading orthopedic surgeons. Dr. Baker almost single-handedly founded a children's hospital, later named for him, at Duke University Medical Center in Durham, where hundreds of crippled children's lives have brightened and their lives improved because of Dr. Baker's selfless and loving interest in them.

I am going to let the article about Alli Baker speak for itself. Therefore, I ask unanimous consent that the tribute to the amazing 14-year-old Alli Baker by Patrik Jonsson be printed in the RECORD.

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

TEENAGE TENNIS PHENOMENON WALKS IN CHRIS EVERT'S FOOTSTEPS

[From Metro Magazine, May 2000]

BOCA RATON, FLA.—Alli Baker is fuming. Frustrated during a drill at the Evert Tennis Academy, the 14-year-old tennis phenomenon from Raleigh huffs and puffs as if she's about to blow somebody's house down. Then a few easy ground strokes go into the net. That's it. Baker's Volkl racket goes flying into a patch of grass. Conversations hush. Eyes glance sideways at the lithe, freckled Southern girl whom everybody knows as the number one ranked 14-year-old in the country, and the highest-ranked female player yet to come out of North Carolina. The court mood tenses the way it used to when John McEnroe yelled at refs, or when the young German Boris Becker pumped his fists in defiance. This is just practice. Still, being Alli Baker's rival right now seems like a very, very bad idea.

''It's true, I get very competitive,'' says Baker, who is also the seventh-ranked 16-and-under player in the country, an hour before the brief blow-up on the court. ''I love to win. It's my greatest strength.''

Tennis my not be a gritty contact sport, but it is, above all, a game of mind over body. Anger and other unchecked emotions are widely known top scatter the concentrations of even the most experienced players in clutch situations. But the coaches here already know that North Carolina's newest sports star hones her on-court emotions, polishes them like treasure, and beams them into that fuzzy yellow ball, straight back at her opponents on the other side of the net at center court. Indeed, she's beaten some of the world's best tennis players in her age group by funneling her competitive angst into devastating trickery.

''She's a very mature player,'' says her coach, John Evert, the brother of Wimbledon champ Chris Evert, and a 17-year coach in his own right. ''Her strength is that she figures out how to play exactly to her opponents' weaknesses, and she doesn't let herself get into the dumps.''

Last year, Baker won five tournament tie breakers in a row, an almost unheard of feat that epitomizes her unwillingness to lose. ''I've yet to see her play in a tournament,'' one of the other Evert Academy coaches confides. ''But they say she is very, very hungry.''

Don't get the wrong idea, though. Off the court, Alli Baker is about as sweet as strawberry pie, as humble as corn pone. Freckled, tan and every bit the exuberant teenager, she talks about fashion, missing home, seeing the world (Paris is her favorite city), bonding with tennis stars Monica Seles and Martina Hingis, how she loves her mentor, Chris Evert, and the life-affirming step she's getting ready to take into professional tennis. She's making ''a million new friends'' while coaxing her Raleigh confidantes to hurry down to where it's nice and warm and where the beaches stretch on and on.

So far, it's been a whirlwind tour from the halls of Raleigh's Daniels Middle School to the star-studded tennis courts of SoFla.

HANGING IN WEST BOCA

It's here—to the Evert Tennis Academy, near some of the world's largest country clubs, where the average annual income is $65,000 and where the warm prevailing winds collect tall afternoon thunder clouds over the coast—that Alli decided to come this spring after it became clear that to follow her dream, she had to follow it right out of North Carolina.

Although the family will stay in Raleigh, where dad Bill Baker is a vice president for a major construction firm, the family just bought a house across Glades Avenue in west

Boca as a permanent base here. Baker and her family made the decision after acknowledging the lack of a steady stream of crack practice partners and full-time coaches in Raleigh. While Bill works and helps shuttle their second daughter, 11-year-old Lenox, to her soccer games, mom Leigh Baker has found a permanent seat on the red-eye to Boca.

Of course, there were some questions among family friends: How could the Bakers send a 13-year-old (her birthday is in April) off to fend for herself in such a competitive, cutthroat world? Bill Baker has an easy answer: ''She called yesterday from a hotel room overlooking Key Biscayne. She said, 'Dad, I'm here looking our over the bay and the blue water. It's so beautiful here.' I think she's going to be all right.''

If Baker has what it takes to be an international tennis star, Evert Academy is where the transformation from sharpshooting local kid to Grand Slam winning hardball player will likely take place. It's a place where the phrase, ''Yeah, Agassi decided not to come down today,'' seems rote. Don't be surprised to see top-ranked players such as France's Sebastian Grosjean and Vince Spadea sweating through a four-hour practice. Tiny, but fiery Amanda Coetzer shows up here from time to time to practice—and to show the reverent young ones how it's done.

On these finely groomed courts nestled amidst swaying coconut palms is also where Chris Evert practices with students three times a week, and where there's a lyrical constant of English, French, Spanish and even Czech spoken over the grunts of determined players returning smashes. Bordered by dozens of clay and hard courts, flanked by a beige dormitory hall, this tucked-away facility is what the doorstep to the big time now looks like for Alli Baker.

''Her dream is to be the top-ranked tennis player in the world,'' says Bill Baker at his Raleigh office overlooking Falls of the Neuse Road. ''We knew that wouldn't happen if she stayed here. She's doing all this herself. All that we're doing is making the sacrifices to provide her with the opportunities to pursue this dream. Sometimes it's hard as a parent to not get emotionally involved. But in the end, the fire to do it has to come from within her.''

STYLE POINTS

Naturally athletic, Baker picked tennis over other sports for reasons perhaps girls can best understand. First, it's not so—she searches for the word—''tomboy-ish.'' The outfits, in other words, look great. Plus, there's no physical contact, only the physicality of pressurized felt ball against tight catgut, the action crashing back and forth across the net in an elaborate joust. It is a game you can win by using your mind to imbue the body with the power of wit, intensity and strategy.

''I think it's the best game out there for girls,'' she says. ''You can play hard and be super-competitive—and you can look good doing it.''

Indeed, Baker already has the fresh, jaunty look that has potential sponsors swooning. With the exception of Adidas (clothes) and Volkl (racket), Baker has so far turned down major sponsorships. In April, she unofficially entered the pro circuit at a minor qualifying event. This spring, she will play pro tourneys in Little Rock and Hilton Head. But she's still an amateur, meaning she can't take any winnings home yet. Still, it's at those tournaments, as well as at her new home base here in Boca, where she's getting the first real taste of her new life and where she is, as Bill Baker says, ''meeting a lot of people who have been where she wants to go—including some who made it and some who didn't.''

Impressed with Baker's natural talent, intense competitiveness and impressive number of wins against tough players, the United States Tennis Association and John Evert, now Baker's development coach, ''recruited'' her into the program.

''She has shown great skill and promise, but this is the time for her to get on the court and work hard, because this is where it's going to get tougher now,'' says Ricardo Acuna, USTA's Southeast region coach, who oversees Baker's overall training program.

For coaches like Evert and Acuna, right now is when the ball meets the clay for the great-granddaughter of the late Sports Hall of Famer Lenox Baker, the famed Duke orthopedic surgeon and sports medicine pioneer, and the granddaughter of single-handicappers Robert F. Baker and Robert M. Hines of Raleigh, the five-time Carolina Country Club Senior Championship winner. Wedged between childhood and the muscular 16- and 17-year-olds playing above her, this is when this next generation Baker has to concentrate more on fundamentals than winning—a difficult task for someone who has gotten used to eating victories for lunch. She says she still lags behind some of her key competitors as far as skills go. ''Ground strokes are about the only part of my game I'm really good at,'' she admits.

''She's had a pretty easy time with practices up to this point, where she's been able to turn it up and win matches,'' says Evert. ''But now I'm trying to figure out how she can match that intensity during practice. At this point, I'm even ready to cut back on her practice time to foster that intensity. For Alli right now, quality is more important than quantity.''

THE CHRISSIE FACTOR

Although other tennis academies offer similarly competitive programs, here Baker is becoming a member of the Famed Evert family tennis tradition, which began with legendary tennis coach Jim Evert's longtime directorship of Fort Lauderdale's public Holiday Park tennis program from which Chris Evert emanated. Indeed, it may have been the ''Chrissie presence'' that finally convinced the Bakers to make the move.

Having a role model like Chris Evert, who won 18 grand slams and 159 tournaments before retiring in 1989, rifling balls at you from the other side of the net is unbelievable, Baker says. ''I just love her. She comes out here to practice, and she still plays really hard. My mom says she would love to have her body.''

But Baker and Evert are not two peas in a pod as far as playing style. Evert was known for staring her opponents down from the baseline, playing a cool-headed volley game. Fans recall her ''icy stare'' that unnerved some opponents enough to immobilize them. On the other hand, Baker loves to explode to the net with a tenacity that dad Bill Baker says has also yielded success in her doubles game.

Indeed, as Baker has served, sliced and backhanded her way to the top of the rankings, from playing in tourneys from Rio de Janeiro to Paris, comparisons run more to former teenage phenomenon Monica Seles than to Evert or today's young superstars like Serena and Venus Williams. ''She has to play smarter because she's not as big as some of the other players.'' says her dad.

Still, Baker's skinny frame is mentioned as a potential liability, especially when matched against the new breed of power players such as the Williams sisters, who tower above their competitors.

But don't dismiss a growth spurt yet, says, Acuno, the USTA coach. ''I've seen her increase in size by a lot just this year,'' he adds confidently, While Baker sometimes has trouble getting fired up for practice, she loves the weight room and working out. As part of her routine at Evert Tennis Academy, she endures a strenuous regimen along with nearly four hours of court time a day against some of the best young players in the world.

Despite her early success, it's still not advantage Baker. Most of her competitors were already enrolled in tennis academies when then 8-year-old Alli Baker started playing with her mom at Carolina Country Club, drawn more to the sport for the ''cute outfits'' than the competition. Other tennis kids get started way before that, as evidenced by a muffin-sized front-court player, perhaps 5 years old, who spent two hours cranking backhands at her dad-slash-coach on a recent day at the academy. The girl rode her pink Barbie bike with training wheels off the court after the practice. In Baker's case, however, her natural talents shone through right away, and she quickly made up for lost time. She started beating her mom as a 9-year-old—showing right off the bat a natural inclination toward not just good tennis, but winning tennis.

''It was a little bit later when I started to really like the feeling of winning,'' she says. ''Before that, it was just about the outfits and having fun with my friends.''

That love for the game and the big win is now starting to pay off.

* * * * *

Interest in Baker began to percolate two years ago, when USTA began sniffing around Raleigh, following rumors of a phenom-in-the-making. After attending a few national camps and doing well in a number of regional tournaments, Baker bloomed for real last year.

Locally, North Hills Tennis Club coach Nancy Arndt, Raleigh Racquet Club's Mike Leonard and Rali Bakita, and a handful of other top-notch coaches worked on Baker's fundamentals, knowing they had a potential star on their hands. But it was at the Ace Tennis Academy in Atlanta, where Leigh Baker would shuttle her daughter on weekends, that Baker culled those extra pointers that propelled last year's successes.

Before last summer, Baker had already won both singles and doubles at the coveted Easter Bowl, a triumph that sent her like a projectile to the top ranking in the USTA under-14 category. Against older girls up to age 16, Baker is still ranked number seven. Impressed with the wily Raleigh youngster, CBS included Baker in a segment called ''Top Spin'' last summer, along with Pete Sampras and Serena Williams.

The Easter Bowl victory led to Baker's USTA National Champion ribbon. She finished third in the World Cup held in the Czech Republic last year. She was also a runner-up in the Banana Bowl in Brazil, and a semi-finalist in the Acunsion Bowl in Paraguay, and the Windmill Cup in the Netherlands. This year she is again on the U.S. National Team and this spring worked her way into the doubles finals tourneys in London and France. Right now is when competitive circuits around the world are really starting to heat up.

On top of the thrill of competition another boon to her meteoric rise into international tennis is the gang of cool friends. Baker is building around her. Currently, she e-mails a dozen friends in Russia and France, as well as her clan of pals and fans in Raleigh.

CHALLENGER FROM QUEENS

But Ally's best friend on the ground in Boca right now is a gritty, 15-year-old power player from the blue-collar sky-line of Queens, Shadisha Robinson. The two squared off against each other last year where Baker came back from a deep deficit, unwound

Robinson in a 7–6 second set and thrashed her 6–1 in the third. They've been best friends ever since. Evert uses the friendship to boost both players' performance on the court: While Baker leans how to defend against pure power, Robinson gets a lesson in wiliness from the freckle-cheeked Southerner.

''John doesn't really play us together competitively,'' Baker says. ''He knows we are good for each other as training partners, but he doesn't want us to get too much of a rivalry going.''

A straight-A student through primary and middle school, Baker is also managing to keep up with her academic work through it all. While vacationing at the beach last year. Retired Daniels Middle School teacher Lynn Reynolds heard about Baker's decision to go to Florida. She immediately called up the family and volunteered to come out of retirement and ''sign up for the team'' as a home schoolteacher. Reynolds and her young charge have since become close friends, constantly in touch via e-mail and fax—the methods they also use to exchange homework assignments and tests. Daily, the teacher and student log onto the College Boards web site to work out a daily test question posted there—just to make sure Baker is ready for the SAT's when that time comes.

''This high-tech teacher and student relationship has really been fun for both of us,'' Reynolds say. ''She's a quick study and a very smart girl. We've become great friends. This is one of the best teaching assignments of my whole career.''

In two short years, Baker has traveled from Prague to Paris, from Palm Springs to Rio. She says she's enamored with this lifestyle that a simple game has already given her. She misses her friends, but they'll come visit, they promise. Everyone says they will.

If the ''tennis thing'' doesn't work out, Baker says, ''with all the agents I've already met, I've got a chance with my singing''—country, that is, her backburner passion. Already the world has opened its doors to a talented Raleigh kid with enough sense to know that dreams are out there for the getting. ''I mean, if this were to give me a leg up to go to a school like Stanford or Duke, then it's already worth it,'' she says. ''Plus, just look at this place,'' she adds, holding out her hands as if to weigh the fresh, precious Florida air. ''This is prefect.''

Mr. HELMS. I thank the Chair. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TAX BREAKS

Mr. KENNEDY. Madam President, between last Friday and today, in the span of just 4 days, Republican Senators will pass tax breaks, overwhelmingly targeted for the wealthy, that will cost the Treasury one and a half trillion dollars over the next 20 years. You would think that careful attention would be paid to the merits of these astronomical tax giveaways before they are passed. Instead, they are being rammed through by a right-wing Republican majority in Congress bent on rewarding the wealthy and ignoring the country's true priorities that have a far greater claim on these enormous resources.

What about prescription drug coverage for millions of senior citizens under Medicare? I have just returned from Massachusetts where I met with the elderly people. They are asking, Will the Senate of the United States, will Congress, take action to provide some relief to the elderly people in my State and across the country? Really, the unfinished business of Medicare is the prescription drug program. We did not debate that last Thursday and last Friday. We are not debating that issue today. We have basically said, let's find out how we can give the one and a half trillion dollars away over the next 20 years, instead of dealing with the Medicare issue on prescription drugs.

What about greater Federal aid to education to help schools and colleges across the country and the students who attend them? We put into the RECORD last Friday the most recent studies of the Congressional Research Service that showed that by moving to smaller class sizes, there was an enhancement of academic achievement and accomplishment by students in California. That supports the STARS Program of Tennessee. Senator MURRAY of the State of Washington has been our leader championing for smaller class sizes, because we believe that that can be enormously important in enhancing academic achievement. If we do that, plus ensure that teachers get training and professional advancement in their classrooms, working to enhance their professionalism, we will see a very important, significant gain in academic achievement and accomplishment.

We also know the value of afterschool programs, tutorials, and accountability, as Senator BINGAMAN has talked about; the newer digital divide that Senator MIKULSKI has talked about; construction, the need to make sure our schools will be safe and secure and not crumbling, as so many of them are. But, no, we have set that aside. We are not going to have the resources to do that. Make no mistake about it, I say to American families, we have made enhancing academic achievement for our teachers, smaller class sizes, afterschool programs, a lesser priority than providing $1.5 trillion from the Federal Treasury to the wealthiest individuals.

What about health insurance for the millions of hard-working Americans who have no coverage today? We made a downpayment in terms of the children in the CHIP program in a bipartisan way. We reach out to try to get coverage for their hard-working parents, an increasing number of Americans, who do not have health insurance. But we have not put that on the agenda. We are not debating that here on the floor of the Senate. There will not be the resources to try to do that. We are saying we want $1.5 trillion for the wealthiest individuals. Health insurance for hard-working Americans is put aside.

What about raising the minimum wage for millions of low-income Americans, the 13 million Americans, the majority of whom are women who have children? It is a women's issue, it is a children's issue, and it is a civil rights issue because so many of these men and women are men and women of color. It is a fairness issue. People who work 40 hours a week, 52 weeks a year, should not have to live in poverty. No, we cannot debate that up here in the Senate. We can get tax breaks for the wealthiest individuals in this country, but we will not debate an increase in the minimum wage. We will not do it.

I hope we are not going to hear long lectures from the other side about how we ought to be funding, now, the special needs programs. We had great statements from the other side: We have failed in meeting our responsibility to special needs children, to help local communities in the area of education. We have heard that time in and time out, while we have been trying to do some of these other actions for children in this country. We had an opportunity to pay for all those special needs children, but I did not hear from the other side that this is a priority. We did not hear it when they had the $780 billion tax cut 2 years ago, and we could have taken a fifth of that tax cut and funded special needs education for every child in this country for 10 years. No, no, that is not enough of a priority. We are not going to do it. Our tax cut is too important. We are going to give $1.5 trillion away without spending a single nickel on special needs children.

The list goes on about protecting Social Security and Medicare. Right now, I am sure there are scores of Members of the Congress and the Senate going on about how we ought to protect Medicare and Social Security. It is very clear what the priority has been in the Senate: $1.5 trillion, not to protect Medicare, not to protect Social Security, but to provide it to the wealthiest individuals in this country.

That is what has happened over the period of these last 4 days, including a Sunday when we were not even here. All of these priorities and many more are being blatantly ignored by this Republican Congress in their unseemly stampede to enact these tax breaks for the wealthy. Never, in the entire history of our country, has so much been given away so quickly to so few with so little semblance of fairness or even thoughtful consideration.

I make that statement. I wait to be challenged on that. Never, never in the history of this body has so much been given away to so few, in such a short period of time, with such little semblance of fairness and even thoughtful consideration.

I hope we are not going to hear from the other side: We need to study these

issues more carefully in our committee; this hasn't been carefully considered by the committee—when they come out with that $1.5 trillion tax cut, that never even saw the light of day in committee, on the estate tax. Think of having a committee report, think of having a committee discussion, think of having some debate about what the implications of this might be in terms of a wide range of different issues? Absolutely not. We just took it, faced it, and passed it.

So it goes on. Plums for the rich and crumbs for everyone else will be the epitaph of this Republican Congress. It's a dream Congress for the superwealthy and their special interest friends, and a nightmare Congress for hard-working families across America.

The Republican's trillion-dollar tax breaks will eminently deserve the veto that President Clinton is about to give them. The Republicans fail to honestly weigh the nation's priorities, and I believe that this is an irresponsible and reckless way to legislate. Some may view it as good political theater, red meat for the Republican right wing on the eve of the Republican convention. But it is a disservice to all Americans because it prevents action on the many true priorities facing this Nation.

I suspect that Americans who see and understand what is happening here this week in Washington will ask a single question: What if George W. Bush were in the White House? He would sign these irresponsible tax break monstrosities, and the nation would suffer for years to come.

I suspect that millions of Americans who see what is happening here would say: No thanks, we don't need a Congress that would pass such irresponsible legislation—and we certainly don't need a President who would sign it.

Last Friday's estate tax bill gave $250 billion to America's 400 wealthiest families, yet this same $250 billion would buy 10 years of prescription drug coverage for 11 million senior citizens who don't have access to coverage now. Our senior citizens face a crisis today. The extraordinary promise of fuller and healthier lives offered by new discoveries in medicine is often beyond their reach. They need help to afford the life-saving, life-changing miracle drugs that are increasingly available. Cutting a trillion dollars from the federal budget clearly jeopardizes our ability to add a prescription drug benefit to Medicare.

Today, in schools across the country, students face over-crowded classrooms, teachers go without adequate training, school buildings are crumbling, and violence is a constant threat. One would think that at some opportunity over these past few days we would have debated what most families are concerned about, as well as insuring academic achievement for their children in a safe and secure area.

No, we are denied that opportunity. We cannot debate that. We are told somehow that it is not relevant. It is relevant to what parents care about, which is their children in school. I daresay it is a lot more relevant than the fact that we will be giving $1.5 trillion, $250 billion of which will go to the 400 wealthiest families. It is a lot more relevant to their lives than that other factor, the giveaway.

Yet, Republicans are rushing through a trillion dollars in tax cuts without serious consideration of what it means for the nation's unmet education needs. Today, the booming economy is helping many Americans, but those who work day after day at the minimum wage are falling farther and farther behind. A recent study by the probusiness Conference Board finds that the number of working poor is actually rising, in spite of the record prosperity. The number of working poor families who seek emergency help in soup kitchens and food pantries across the nation is far ahead of the ability of agencies to meet their needs.

Read the reports from last week about what is happening to children in our society. The total number of poor children has gone down by about a percentage point, a point and a half, maybe, in the last 2 years. But the ones who are living in poverty are living in deeper poverty than they have ever experienced.

We are finding an increased number of children who are not being immunized against basic diseases, and here we are cutting $1.5 trillion, when we are not immunizing our children and cannot find ways to make those programs workable and effective. We are not debating that and trying to find ways to improve it.

The cost of rental housing is skyrocketing in most cities because of the economic boom, but the wages of millions of families who need that housing has failed to keep pace.

My colleague and friend from Massachusetts, JOHN KERRY, made this case so well last week to, effectively, a deaf audience in the Senate. Cutting tax revenues by a trillion and half dollars jeopardizes our ability to respond to these needs.

The American people cry out for action on many other basic priorities, but the tax breaks being passed by the Republican Congress would make fair action on all those priorities virtually impossible. Republicans are well aware that their tax-cutting extravaganza would not survive if it were honestly weighed against the nation's real priorities. That is why Republicans resort to gross distortion of the facts.

They apply the phony label ''death tax'' of trying to deal with family farms and small businesses. Republicans told story after story about how the estate tax hurts owners of small businesses and family farms. Our Democratic alternative would grant them protection, but it wasn't enough for Republicans. Their position was to basically hold small business owners and small farmers hostage until they could get the larger breaks for the largest estates and the wealthiest individuals in the country.

They know this President is going to veto this measure, and instead of truly doing something that would benefit those small family farms and small businesses, they say: Oh, we would rather have it vetoed. We will serve those small family farms up rather than deal with them. They know this is true in the marriage tax penalty as well.

Listen to this: They apply the phony label ''marriage tax penalty'' to the current bill even though 58 percent of the tax cuts go to couples who pay no marriage penalty at all. Do my colleagues hear that? Fifty-eight percent of the benefits of this measure, according to the Joint Tax Committee, a measure which we will start voting at 6:30 this evening, will go to couples who pay no marriage tax penalty at all.

The Democrats have a simple alternative to address the marriage penalty: Let them file as a single person if it will mean it lowers their taxes. What in the world could be simpler than that? If one is paying more because of their marriage situation as a result of commingling of the funds, Democrats say: OK, file as single individuals. That will solve it. There is no red tape and no administrative bureaucracy. It is simple. It meets a particular challenge.

The Republicans: Oh, no. We want our program which will provide this extraordinary windfall to the wealthiest individuals.

Our Democratic alternative would cost $11 billion a year less than the Republican bill—but it would provide greater marriage tax penalty relief to families with incomes below $150,000 a year. But, our sensible Democratic approach does not overwhelmingly benefit the wealthy so the Republicans reject it. Republicans intentionally designed their bill to give 78 percent of the total tax savings to the wealthiest 20 percent of taxpayers.

Ending the marriage tax penalty is a thinly veiled pretext to their latest installment of massive tax breaks for the wealthy. We saw the same tactics during the debate on the estate tax. We heard story after story of how the estate tax will hurt owners of small businesses and family farms.

I found Senator CONRAD's presentation of our Democratic alternative compelling and effective, virtually unchallenged on the floor of the Senate. Oh, yes, there was a challenge saying: Look, why are we supporting that because all of the various groups evidently support the Republican position?

I thought that was very interesting coming after our debate on HMO reform where we had 330 organizations support our HMO reform, and this particular Senate voted against it when they did not have a single one supporting their proposal and the responses by Senator CONRAD were responsive to this challenge.

They are holding small businesses and farmers hostage to their flagrant scheme to help the super-rich even while they talk piously of helping the middle class.

This Republican Congress is the trillion-dollar-travesty Congress. Fortunately, President Clinton and AL GORE are here—in this case, President Clinton—with a veto pen to burst their bubble. But thank goodness that working families, middle-income families, have a President who really cares about the economic and financial situation in this country.

I take pride that I was one of 11 Members of the Senate who voted against the Reagan tax cut that took us from $400 billion to $4 trillion in debt. That is why I am always interested in listening to those on the other side talk about what wonderful economic programs we have had over the recent times.

Let me finally use these charts to demonstrate, once again, what this repeal of the estate tax will cost. It is $55 billion per year that we are effectively giving the wealthiest individuals by the year 2010. This could fund every program in the Department of Education.

We are not saying that just throwing money at it answers all the problems. But it is a pretty clear indication about what a nation's priorities are, about how we are going to allocate resources. We could have fully done that, funded all of education, on this. We could have funded the total cost of prescription drug medicines for every beneficiary and had $15 billion left over. We could have had funding for all the beneficiaries, for all of our senor citizens. We could have provided the funding for the $20 billion which takes care of all the medical research in the National Institutes of Health, and you would still have $35 billion left.

This is an indication of priorities. This is another indication.

This chart depicts that from the Republican estate tax, those who are going to benefit from it, benefit from it to the average of $268,000. All we are trying to get is a Medicare prescription drug benefit that will be valued for our senior citizens at $900.

Here it is: $268,000, by 2010, for those who will benefit under the Republican tax cut. All we are trying to do is get $900 for our senior citizens, our 40 million senior citizens we will have at that time. Or to put it another way, the beneficiaries will have the estates worth $2.3 million. The people we are trying to help average $13,000 a year. They are the people we are trying to look out for.

This is the contrast. I believe, as I have said, never has so much been given to so few in such a short period of time—without, I think, the fair, adequate national debate or discussion in terms of what is really necessary, in terms of meeting the human needs of families in this country, the educational needs, the health needs, of what is needed in terms of housing for working families and what is necessary in terms of prescription drugs.

How are we going to have clean air? How are we going to have clean water? How are we going to clean up the brownfields? How are we going to make sure people are going to continue to have an opportunity to work in employment and have the training and the skills in order to be able to compete in the new economy?

All of those priorities have been washed away. With $1.3 trillion, we would be able to provide the investments for the American people. We have given that away. We have given that away without adequate and fair consideration of these priorities. I welcome the fact that we have a President who is going to veto those measures.

I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Rhode Island.

AMENDMENT NO. 3798

Mr. REED. Mr. President, I have amendment No. 3798 at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 3798.

Mr. REED. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment 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 ''$769,937,000, 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 $8,000,000 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 $172,000,000 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: $146,000,000''.

Mr. REED. Mr. President, I ask unanimous consent that Senator KENNEDY and Senator SCHUMER be added as cosponsors of this amendment.

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

Mr. REED. Mr. President, this amendment would provide an additional $8 million for the Department of Energy's Weatherization Assistance Program.

Across the country this summer, Americans have faced unacceptably high gasoline prices. Last winter, our constituents, particularly in the Northeast, saw extraordinary increases in home heating oil prices.

Members of this body have offered various proposals to address this issue, ranging from urging OPEC to increase production; increasing domestic crude oil production, by drilling in new areas; building up our refining capacity; and expanding our use of ethanol and alternative fuels. Essentially, all of these proposals are supply side proposals, increasing the supply of energy.

In fact, we are reaching a point now where the proposal to encourage OPEC might be running out of time. I note that the Saudi Arabians are asking for a meeting of OPEC in the next few days, because if there is not a meeting immediately, even if there is an increase in production, it will be insufficient in terms of reaching our markets for the winter heating season.

All of these supply side proposals are interesting, but we are neglecting an important aspect of the overall composition of the heating market—and that is demand.

The weatherization program goes right to this critical issue of demand. By weatherizing homes, by making them more energy efficient, we are literally cutting down the demand for energy, and typically foreign energy.

As Congress debates these proposals for supply relief, we should also start thinking seriously about demand reduction. That is critically involved in the whole issue of energy efficiency and weatherization. At the same time, our weatherization program protects the most vulnerable people in our society because they are aimed at the elderly, individuals with disabilities, children, all of them being subject to huge increases in heating costs, not only in the wintertime—that is the case in the Northeast—but in the Southeast and Southwest and the very hot parts of this country in the summertime.

In fact, it was not too long ago—several years ago—in Chicago where there was an extraordinary heat spell. People literally died because they could not afford to keep their air-conditioners running, if they had air-conditioning. Or they could not afford to keep paying exorbitant energy costs because their homes were inefficient in terms of retaining the cool air from air-conditioning. So this is a program that cuts across the entire country.

The Weatherization Assistance Program supports the weatherization of over 70,000 low-income homes each year. To date, over 5 million American homes have been weatherized with Federal funds, and also local funds, which must be part of the formula in order to provide this type of assistance for American homes.

Last December, I had a chance to witness this program in action. I was in Providence, RI, with Secretary of Energy Bill Richardson. We went to a low-income home in Providence. In just a few hours, a contractor was able

to blow in insulation between the walls; they were able to caulk windows and doorways; they were able to conduct tests to ensure that the energy efficiency of the structure had increased dramatically.

This was a home of a family of first-generation Americans. They had come from Southeast Asia in the turmoil of the war in Southeast Asia. The father was in his late 40s, early 50s, and had several children—all of them American success stories. The children were in college. His mother was living with them. She was disabled, suffering from Alzheimer's.

This is typically the type of families—low-income families, struggling, working hard with jobs, trying to get kids through college—who are the beneficiaries of this program. It is an excellent program. It is a program that is terribly needed by these low-income families.

Typically, low-income families will spend about 15 percent of their income on heat—or in the summer, air-conditioning—more than four times the average of more affluent families. Over 90 percent of the households that are served by this weatherization program have annual incomes of less than $15,000. This is a program that works. It works for these individual families.

Not only that, it also works for us. It creates jobs. About 8,000 jobs throughout the country have been created because of this weatherization program. It also saves us from consuming and wasting energy.

I argue, as I have initially, one should look at the supply side complications of the energy crisis. One should implore OPEC to increase production. One should have sensible problems to ensure supply. But if we neglect the demand part of the equation, we are not only missing the boat, but I think we are deficient in our responsibility to formulate a comprehensive approach to energy efficiency in this country.

In 1996, the budget was $214 million, but because of cuts generated by the Contract With America, and other proposals, it dipped down to about $111 million—a significant cut. This was one of those programs that was devastated by the budget policies of the mid-1990s.

Since that time, we have added money back because, again, I believe this body particularly recognizes both the fairness and the efficiency of this program. But still we are at about $135 million in fiscal year 2000.

That is still 37 percent below the 1996 figure.

If we can afford, as Senator KENNEDY said, at length and eloquently, to engage in trillion-dollar tax cuts, multi-billion-dollar benefits that go to the very wealthiest Americans, we should be able to at least increase our weatherization funding by $8 million to cover additional families, low-income families, families who have disabled members, families who are working hard trying to get by and need this type of assistance.

Again, as we look over the last several weeks, and even this week, talking about relief for the marriage penalty, estate tax relief, it reminds me of a play on Winston Churchill's famous line about the RAF, ''never have so many owed so much to so few.'' We seem to be in a position of saying, never have so few gotten so much from so many.

I want to ensure that at least when it comes to weatherization we are responding to the critical needs of families across this country. I had hoped we could move towards the President's request of $154 million. That would be about a 14-percent increase over our present level of $135 million. My amendment does not seek that full increase. It simply seeks an additional $8 million. I think the money will be well spent. The program works. It puts people to work. It helps low-income families. It helps us address a problem which is growing with increasing importance, and that is to control our insatiable demand for energy, particularly petroleum.

For all these reasons, I urge my colleagues to support this amendment. I hope, perhaps, we can even work out a way in which this amendment can be accepted by the chairman and his colleagues.

If it is appropriate, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, just under 2 hours ago, at the outset of this debate, the distinguished Senator from Tennessee, Mr. THOMPSON, came to the floor with an eloquent plea about the lack of money to properly manage Great Smokey National Park and pointed out the tremendous challenges to that major national park in our system. The Senator from Nevada, the other Mr. REID, spoke in agreement with that proposition. The Senator from Tennessee did not have an amendment to increase the appropriations for Great Smokey National Park or for any other.

I have found it curious that in the several years I have managed this bill and written this bill, almost without exception the amendments that are brought to the floor are amendments to increase the amount of money we donate to other units of Government for their primary purposes and almost never do they express a concern for increasing the amount of money to support the functions of the Government of the United States itself.

I have gone a long way—my committee has gone a long way—in drafting this bill at least to begin to make up for the deferred maintenance in our national parks and in our national forests and with respect to our Indian reservations and our Indian programs and the management of the Bureau of Public Lands. I think we have at least turned the corner. As I said in my opening remarks on the bill, this is our primary function and our primary goal; that is, to see to it that we manage the public lands of the United States and the other functions in this bill that are exclusively Federal functions first and deal with other matters later.

I sympathize with the eloquent statement of the Senator from Rhode Island. In fact, I have supported that case in this bill for several years. When one compares this appropriation with that in the first year during which I managed this bill, it is increased by a good 20 percent. But here we have a proposal to add another $8 million, which will come out of every program for which the U.S. Government has exclusive responsibility. It will mean there will be less—not much less, but there will be less —for Great Smokey National Park. There will be less for the Fish and Wildlife Service and its multitude of obligations. There will be less for the Smithsonian Institution. There will be less for research and development of the very programs for energy efficiency which are the key to providing both energy independence and the proper and efficient use of energy.

With all respect to the Senator from Rhode Island, this has nothing to do with the tax debate. We have a budget resolution and a set of allocations that have given this committee a fixed number of dollars with which to work. I repeat that: a fixed number of dollars with which to work. It is all spent in this bill. So we can't just add this $8 million or $18 million to the bill and say, well, let's take it out of a tax cut or out of a budget surplus or the like. The Senator from Rhode Island recognizes that. He has a match for this $8 million. But I simply have to repeat: The match is from the primary functions of the Federal Government, the management of our national parks and forests, the energy research we undertake, the cultural institutions of the United States. That is from where this match comes.

A year ago, we said: If this program is so important to the States, let's require them to match what we come up with by 25 percent. Let them come up with 25 percent. Some States do provide some money for this. We had to postpone that for a year. In this bill we have had to have a way to grant State waivers, when States regard this program evidently as so lacking in importance that they are not willing to put up 25 percent of the money for their own citizens for something that is primarily their responsibility.

As I said, we are $3 million above the level for the current year. The House is $5 million above the level for the current year. If we end up with a larger allocation—and, personally, I hope for a larger allocation—by the time the conference committee has completed its

work, we will have a modestly larger amount of money for this program in a final conference committee report. But it is not responsible to take it out of our National Park System. It is not responsible to take it out of our existing energy research. It is not responsible to take it out of the cultural institutions of the United States. That is precisely what this does.

Mr. REED. Will the Senator yield?

Mr. GORTON. Certainly.

Mr. REED. Mr. President, I do applaud the Senator's efforts over many years to increase this account. He has done that. I think it makes a great deal of sense to provide a local match, which he has, and we would encourage more local participation. It is true we have provided an offset because I recognize that we do not have unlimited free money to put back into the budget.

We have taken money from every Federal agency. But I am told that our cut represents .05 percent per agency coming out of travel pay, coming out of administrative overhead. I think that is probably something they could well absorb. I daresay it would not require them to either turn down the heat or turn off the air-conditioning, whereas we are talking about a situation of homes throughout this country where they don't have that luxury.

So I agree in principle that we are taking it from agencies, but we are taking such a minute fraction that I think it would be readily absorbed. And we are putting it into a program that is both worthwhile and necessary in so many cases, and also going to the heart of ensuring that people can go into this heating season —particularly in the Northeast—with a little more confidence. I am concerned we are going to see tremendous oil heating price hikes which will force people into very difficult choices between heating or eating. This is a way, I believe, in which we can begin to start addressing this point.

Again, I recognize that the chairman has very diligently and sincerely tried to increase these funds. I hope we can do better. I don't think we are penalizing the agencies, and I don't anticipate a park being shut down by the loss of .5 percent of their travel expenses and other overhead.

Mr. GORTON. Mr. President, first, there is another far more important program and far more expensive program that goes to these very issues. The appropriations bill for military construction included many other matters. There was $600 million more for the direct assistance to people with their heating oil bills. In some respects, this is every bit as important a program because it tries to lower the bills in the first place.

The Senator from Rhode Island is correct; this is a small percentage of the budgets for the national parks. It is also the subject of match for several other amendments here because it is so easy. We don't say this program is much more important than another program, so let's cut the other program; we just say, in effect, cut them all across the board. But it is $8 million more in deferred maintenance for our national parks, or for our other national lands. And since this is a program that, over the course of the last 5 years, has increased more rapidly, bluntly, than the amount of money we have for these primary responsibilities, that is the reason we came up with the amount that we did.

Would I have liked to come up with more? Yes. If I have a larger allocation later, I will. Will there be more? There will be. I don't think at this point, for a State program, that many States aren't matching—and the requirement for match is only 25 percent—that this is as important as the national priorities that are the subject of the rest of this bill.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

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

AMENDMENT NO. 3800

Mr. THOMAS. 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 Wyoming [Mr. THOMAS], for himself, Mr. CRAIG, Mr. GRAMS, Mr. CRAPO, and Mr. ENZI, proposes an amendment numbered 3800.

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

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

The amendment is as follows:

(Purpose: To provide authority for the Secretary of the Interior to conduct a study on the management of conflicting activities and uses)

On page 125, line 25 strike ''$58,209,000'' through page 126, line 2 and insert in lieu thereof ''$57,809,000, of which $2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

SEC. . MANAGEMENT STUDY OF CONFLICTING USES.

(a) SNOW MACHINE STUDY.—Of funds made available to the Secretary of the Interior for the operation of National Recreation and Preservation Programs of the National Park Service $400,000 shall be available to conduct a study to determine how the National Park Service can:

(1) minimize the potential impact of snow machines and properly manage competing recreational activities in the National Park System; and

(2) properly manage competing recreational activities in units of the National Park System.

(b) LIMITATION OF FUNDS PENDING STUDY COMPLETION.—No funds appropriated under this Act may be expended to prohibit, ban or reduce the number of snow machines from units of the National Park System that allowed the use of snow machines during any one of the last three winter seasons until the study referred to in subsection (a) is completed and submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

Mr. THOMAS. Mr. President, I come to the floor today to talk about an issue that is very important to many people. It is certainly important to me as chairman of the parks subcommittee in the Senate and as a supporter of parks. Having grown up right outside of Yellowstone Park, the parks there are very much a part of our lives.

Let me quickly summarize what this amendment does. I can do it very quickly because it is quite simple. It deals with the idea and the concept of having access to national parks, when it is appropriate, for the use of individual snow machines—something we have done for some 20 years—frankly, without any particular objection until this last year, and without any real evidence that we can't make some changes that would allow us to continue to do that.

Unfortunately, rather than looking for an opportunity to bring about some changes in the machines, or some changes in the way they are used, or to manage the way they are used, this administration has simply said: We are going to bring about a regulation unilaterally that will eliminate the use of snow machines in the parks of the United States.

What this amendment does, simply, is provide some money—$400,000; and we have found a place to get that money—to conduct a study to determine how the national parks can do a couple of things: One, minimize the potential impact of snow machines and properly manage competing recreational activities in the National Park System. That is pretty logical stuff. In fact, you can almost ask yourself, haven't they done this? The answer is that they have not. Two, properly manage competing recreational activities in units of the national park. Again, that is pretty easy to do. In Yellowstone Park, where there is a great demand for using snow machines, on the one hand, and cross-country skiing, on the other, with management you can separate these two so that they are not conflicting uses. Of course, that requires some management.

So then the second part of it is that no funds may be appropriated until such time, basically, as the Park Service has completed their study and submitted it back to the Committee on Appropriations in the House of Representatives and the Committee on Appropriations in the Senate. So this doesn't put any long-time restriction on what can be done. It simply says: Here is some money; take a look at where we are, what the problems are, and what we can do about them, and bring that back and make some management decisions. It is fairly simple and, I think, fairly reasonable. That is what this amendment is all about.

I guess the real issue comes about due to the fact that we have had a considerable amount of activity. What really brings it about is a winter use study that is going on now in Yellowstone and the Teton Parks. It has to do with the broad aspect of winter use and with buffalo moving out of the park and what kinds of things can be done there; and how people can get in and out of the parks and utilize them in the wintertime, which really brought about this whole thing. The Assistant Secretary of the Interior went out to look and came back with an idea—I think mostly of his own—that we ought to do away with snowmobile use. He did this without having any facts, science, or looking at what could be done so that you could be consistent with the purpose of the park.

The purpose of a park is basically to maintain the resource and to maintain it in such a way that its owners can enjoy the use of it. Those things are not inconsistent. Those things are not inconsistent with snowmobiles, in my judgment. But whether it is my judgment or not, more importantly, the idea to come to the conclusion that they are inconsistent without any facts is something we ought not to accept.

I am a little surprised that someone in this Congress would rise to defend the authority of the executive branch to go around the Congress and to do something without even including the Congress or the people. That is not the way this place is set up. That is not what we are here for. That is why we have a division between the executive and the legislative and the judicial—a very important division. It is, frankly, being ignored by this administration not only on this issue but on many of them. They are overtly saying: If we don't get approval, we will just do it. That is not the way things are supposed to happen.

I am also a little surprised, frankly, that a representative of a public lands State would be interested in having the agencies that manage—in the case of Nevada—nearly 90 percent of the land and, in Wyoming, over half, making decisions without involving some of the people who should be involved, who are involved with living in these areas.

I think we are really talking about a system of rulemaking—a system of regulation—and one that needs to be based on facts and based on the idea that you take a look at issues. Frankly, the substantial amount of evidence about what has been said about snowmobiles in west Yellowstone and other places simply isn't factual. I could go through all of that stuff, but I will not. But it is terribly important that we try to do things based on real facts.

The Department of Interior has announced that it intends to ban snowmobiles in all but 12 of about 30 parks—not all in the West, as a matter of fact. We sent a letter to the Secretary of the Interior some time ago with 12 signatures on it. They quickly came to the Senate from Maine, from Minnesota, from the west coast, and some from the Rocky Mountains. It is not only in the area that has limited interest; it has interest from all over the whole country.

The Department claims that only a complete ban to curb snowmobiles on issues and noise will protect the wildlife. That simply isn't the only alternative that is available.

I want to make it very clear that it is not my position, nor would I defend the notion that snowmobiles ought to continue to be used as they are currently being used. They can be changed substantially. We have had meetings with the manufacturers, which, by the way, have a very strong presence in Minnesota. Lots of jobs and lots of issues are involved. Jobs isn't really the issue. The issue is access to the land that belongs to the people of this country, but they can be changed.

One of the things that has not happened and that should happen is there ought to have been some standard established for snowmobiles, saying here is the level of emissions that is acceptable, and here is the level of noise that is acceptable. If you want to use your machine in the park, you have to have one that complies with these regulations. There have been none.

The same thing could be said about where you use the machine. If you are going to be in the same track as deer, it doesn't need to be that way.

We have had failure on the part of management of the Park Service to do something to make these kinds of uses compatible with the purposes of the parks. Rather than do that, or rather than making efforts to do that, they simply say, no. They are just going to cut it out; they aren't going to do that.

I object to that process. I don't think that is the kind of process that we ought to look forward to in this country—whether it is snowmobiles, or water, or whether it is automobiles, or whether it is food regulations, or whatever. We have to have something better. Interior has never considered a single management scheme to be able to make it better.

Certainly I hear all the time: Well, the snow machine people should have done something better. Maybe so. I don't argue with that. However, if you were a developer of snow machines, if you were a manufacturer and you were going to invest a good deal of money to make changes in them, I think it would be important to you to know what the standard is going to be so you are able to meet those requirements and continue to be able to put out the machine that would comply.

We have had hearings. We have met with those manufacturers. They testified they can and will produce and market the machine, if EPA will set the standard.

It is kind of interesting that most of the parks, such as Yellowstone, are full of cars, buses, and all kinds of things in the summertime which do not seem to have an impact here. But in the wintertime, it seems that something much less in terms of numbers is what we are going to cut off.

I want to deal largely with the concept that we ought to really pay attention to the purpose of these resources—to make them available, to have access to them, that we need to have a system that is based on findings of fact and science, and be able to come up with alternatives rather than simply making the bureaucrat decision downtown that we are going to do away with this or we are going to do away with that.

We ought to put into effect a time that this agency can study this issue, look at the alternatives, provide some money to do that, have them bring their findings back, and then certainly make some choices.

This amendment is simple and straightforward. I think that is better than the bureaucratic approach of just deciding somewhere in the bowels of the Interior Department we are going to do something.

I find a great deal of reaction to it in my State, of course, and the surrounding States which are very much impacted.

This is not a partisan issue. I have worked with the majority leader and the Senator from Montana to try to find a solution. We are looking for solutions. That is really what we need some time to be able to do.

Mr. GRAMS. Mr. President, I rise in support of the amendment to reverse the snowmobile ban in our national parks and provide funding for a study to determine how the National Park Service can minimize the impact of snow machines and properly manage competing recreational activities in the National Park System. I want to thank Senators THOMAS and CRAIG for their efforts to bring this important amendment before the Senate for consideration.

While the Interior Department's ill-conceived ban will not immediately affect snowmobiling in Minnesota's Voyageurs National Park, it will impact snowmobiling in at least two units of the Park System in my home state—Grand Portage National Monument and the St. Croix National Scenic Riverway. In addition, this decision will greatly impact Minnesotans who enjoy snowmobiling, not only in Minnesota, but in many of our National Parks, particularly in the western part of our country.

When I think of snowmobiling in Minnesota, I think of families and friends. I think of people who come together on their free time to enjoy the wonders of Minnesota in a way no other form of transportation allows them. I also think of the fact that in many instances snowmobiles in Minnesota are used for much more than just recreation. For some, they're a mode of transportation when snow blankets our state. For others, snowmobiles provide a mode of search and rescue activity. Whatever the reason,

snowmobiles are an extremely important aspect of commerce, travel, recreation, and safety in my home state.

Minnesota, right now, is home to over 280,000 registered snowmobiles and 20,000 miles of snowmobile trails. According to the Minnesota United Snowmobilers Association, an association with over 51,000 individual members, Minnesota's 311 snowmobile riding clubs raised $264,000 for charity in 1998 alone. Snowmobiling creates over 6,600 jobs and $645 million of economic activity in Minnesota. Minnesota is home to two major snowmobile manufacturers—Arctic Cat and Polaris. And yes, I enjoy my own snowmobiles.

People who enjoy snowmobiling come from all walks of life. They're farmers, lawyers, nurses, construction workers, loggers, and miners. They're men, women, and young adults. They're people who enjoy the outdoors, time with their families, and the recreational opportunities our diverse climate offers. These are people who not only enjoy the natural resources through which they ride, but understand the important balance between enjoying and conserving our natural resources.

Just three years ago, I took part in a snowmobile ride through a number of cities and trails in northern Minnesota. While our ride didn't take us through a unit of the National Park Service, it did take us through parks, forests, and trails that sustain a diverse amount of plant and animal species. I talked with my fellow riders and I learned a great deal about the work their snowmobile clubs undertake to conserve natural resources, respect the integrity of the land upon which the ride, and educate their members about the need to ride responsibly.

The time I spent with these individuals and the time I've spent on my own snowmobiles have given me a great respect for both the quality and enjoyment of the recreational experience and the need to ride responsibly and safely. It has also given me reason to strongly disagree with the approach the Park Service has chosen in banning snowmobiles from our National Parks.

I was stunned to read of the severity of the Park Service's ban and the rhetoric used by Assistant Secretary Donald J. Barry in announcing the ban. In the announcement, Assistant Secretary Barry said, ''The time has come for the National Park Service to pull in its welcome mat for recreational snowmobiling.'' He went on to say that snowmobiles were, ''machines that are no longer welcome in our national parks.'' These are the words of a bureaucrat whose agenda has been handwritten for him by those opposed to snowmobiling.

The last time I checked, Congress is supposed to be setting the agenda of the federal agencies. The last time I checked, Congress should be determining who is and is not welcome on our federal lands. And the last time I checked, the American people own our public-lands—not the Clinton administration and certainly not Donald J. Barry.

I can't begin to count the rules, regulations, and executive orders this Administration has undertaken without even the most minimal consideration for Congress or local officials. It has happened in state after state, to Democrats and Republicans, and with little or no regard for the rule or the intent of law. I want to quote Interior Secretary Bruce Babbitt from an article in the National Journal, dated May 22, 1999. In the article, Secretary Babbitt was quoted as saying:

> When I got to town, what I didn't know was that we didn't need more legislation. But we looked around and saw we had authority to regulate grazing policies. It took 18 months to draft new grazing regulations. On mining, we have also found that we already had authority over, well, probably two-thirds of the issues in contention. We've switched the rules of the game. We're not trying to do anything legislative.

As further evidence of this Administration's abuse of Congress—and therefore of the American people—Environmental Protection Agency Administrator Carol Browner was quoted in the same article as saying:

> We completely understand all of the executive tools that are available to us—And boy do we use them.

While Ms. Browner's words strongly imply an intent to work around Congress, at least she did not join Secretary Babbitt in coming right out and admitting it.

Well, Mr. President, I for one am getting a little sick and tried of watching this Administration force park users out of their parks, steal land from our states and counties, impose costly new regulations on farmers and businesses without scientific justification, and force Congress to become a spectator on many of the most controversial and important issues before the American people. Quite frankly, I'm getting a little sick and tired of this Administration's positions of zero-cut, zero-access, and zero-fun on public lands.

When forging public policy, those of us in Congress often have to consider the opinions of the state and local officials who are most impacted. If I'm going to support an action on public land, I usually contact the state and local official who represent the area to see what they have to say. I know that if I don't get their perspective, I might miss a detail that could improve my efforts are necessary or if they're misplaced. They can alert me to areas where I need to forge a broader consensus and of ways in which my efforts might actually hurt the people I represent. I think that is a prudent way to forge public policy and a fair way to deal with state and local officials.

I know, however, that no one from the Park Service ever contacted me to see how I felt about banning snowmobiling in Park Service units In Minnesota. I was never consulted on snowmobile usage in Minnesota or on any complaints that I might have received from my constituents. While I've not checked with every local official in Minnesota, not one local official has called me to say that the Park Service contacted them. In fact, while I knew the Park Service was considering taking action to curb snowmobile usage in some parks, I had no idea the Park Service was considering an action so broad, and so extreme, nor did I think they would issue it this quickly.

This quick, overreaching action by the Park Service, I believe, was unwarranted. It did not allow time for federal, state, or local officials to work together on the issue. It didn't bring snowmobile users to the table to discuss the impact of the decision. It didn't allow time for Congress and the Administration to look at all of the available options or to differentiate between parks with heavy snowmobile usage and those with occasional usage. This decision stands as a dramatic example of how not to conduct policy formulation and is an affront to the consideration American citizens deserve from their elected officials.

That is why this amendment is so important. It reverses the dark of night, back room tactics used by this Administration to arrive at this decision. We cannot simply stand by and watch as the administration continues its quest for even greater power at the expense of the deliberative legislative processes envisioned by the founders of our country. Secretary Babbitt, Administrator Browner, and Donald J. Barry may believe they're above working with Congress, but only we can make sure they're reminded, in the strongest possible terms, that when they neglect Congress they're neglecting the American people. This amendment does just that.

Mr. ENZI. Mr. President, I rise in support of the amendment introduced by the Senator from Wyoming, Senator CRAIG THOMAS, regarding a study on snowmobile use within our National Parks.

The development of the Yellowstone and Grand Tetons National Parks winter use plan draft environmental impact statement has been a landmark exercise for inclusion and cooperation between state, local and Federal Agencies involved in the land management planning process. While this endeavor has not progressed without flaws, it has established that local and state governments possess the expertise and ability to respond in a timely and educated manner to address issues critical to the development of a comprehensive land-use document.

In spite of these efforts, however, the United States Department of the Interior has announced a decision to usurp this process and has chosen to implement an outright ban on all snowmobiles, in virtually all national parks, including Yellowstone.

I must admit I am not surprised at the over-reaching nature of this action. In fact, several months ago I predicted that the Park Service would ban snowmobiles in Yellowstone Park and would

extend its ban on snowmobiles to all national parks. I am further concerned that this action will spread to include other public land including the national forests. In fact, discussions with National Forest supervisors surrounding Yellowstone indicate that all it will take is an adverse opinion by the U.S. Fish and Wildlife Service to ban snowmobiles altogether.

The United States Forest Service could claim that increased snowmobile use on our national forests will impact the Canadian lynx, or some other threatened or endangered species, without proof or documentation to put such a ban in place.

After a ban in the forests, we can expect action on BLM lands. After snowmobiles, what next? A ban on automobiles and then even on bicycles? If that sounds farfetched, think back just three years ago when we were assured that snowmobiles would not be banned in Yellowstone Park. Soon, we may even expect that bans on other types of recreation will follow and our public lands will no longer be available to the public.

As one of the Senators representing the bulk of Yellowstone, I feel it is my duty to correct some of the misconceptions that surround this proposal by the federal government to prohibit access to our nation's oldest and dearest of national parks.

Millions of visitors come to Yellowstone National Park each year to experience first hand the park's unique and awesome beauty. They come from all over the world to see Earth's largest collection of geothermal features and to witness some of the largest free-roaming bison and elk herds in the United States.

In a proposal announced March 24, 2000 the U.S. Department of the Interior declared its plan to permanently ban snowmobiles from the park beginning in 2002. This announcement was followed by a later statement, on April 27, 2000, where the Department of Interior expanded a proposed ban to dozens of other national parks across the country. If federal officials and national special interest groups have their way, however, a visit to Yellowstone National Park may become as rare and endangered as the trumpeter swan or black footed ferret.

There is little evidence to support claims that this proposal was made to protect the environment or to reduce the impact on Park animals. In fact, later statements by park personnel indicate that the main reason for this ban was to comply with changing Park Service policy which was developed to supersede ongoing efforts to reach a reasonable compromise on national park winter use.

As I stated earlier, the decision to ban snowmobiles was announced before the Park Service had completed its review of comments on a draft environmental impact statement created by the park and adjacent states and counties to address concerns over winter use in Yellowstone and its neighbor, Grand Teton National Park. The announcement also came before officials could incorporate revisions and amendments to major studies that the Park Service relied on in drafting the draft environmental impact statement.

The Park Service admits these initial studies were seriously flawed and exaggerated snowmobile pollution estimates. The original draft study on snowmobile emissions erroneously computed emissions amounts using pounds instead of grams as is used to compute all standard emission amounts.

So what is the real reason for banning snowmobiles from Yellowstone and all other national parks? The Park Service's proposal to ban snowmobiles is all about deciding who will have the privilege of experiencing the Park up close and in person, and who will be forced to stay home. Unfortunately, this will leave an even larger segment of the United States ignorant of how vast and wonderful our parks really are.

It is vitally important, therefore, that a true picture be painted for the American public to understand what is really being taken away from them.

One poll touted by national environmental organizations claims most Americans favor banning snowmobiles, partially based on an image of snowmobiles as heinous, smog producing, noisy devices used to run down poor, defenseless animals and lacking a conception of the size of the park and the limited number of snowmobiles accessing the park on any given day.

The administration failed to inform the public of other alternatives to an outright ban that were in the works. For example: snowmobile manufacturers are interested in cleaner, quieter machines. There was also discussion about reducing the number of snowmobiles that could access the park every winter. Not many people realize that local leaders were very involved in trying to resolve the situation to avoid implementing a full fledged ban.

In addition, the snowmobile industry has been working for several years to develop air and noise standards with the Environmental Protection Agency so there is a clear target for cleaner, quieter machines. Industry has stated time and time again that once they have clearly defined standards they will develop the technology to meet those standards (assuming some reasonableness to the standard) One company even gave the Park Service some advanced model snowmobiles to test.

Right now, snowmobiles are only allowed on groomed roads, the same roads used by cars in the summer and average less than two-thousand snowmobiles a day. A speed limit of 45 miles per hour is strictly enforced. Any driver who puts one ski off the designated trails is subject to fines and possible arrest. The same goes for speeding.

This is a significant point to make by the way, because the Executive order this ban is based on regulates off-road vehicle use on our national parks, and as I just noted, snowmobiles are not off-road vehicles in national parks.

What a snowmobile ban really does is deny access for old and young riders with physical limitations that preclude them from snowshoeing or cross country skiing into the park. The only alternative left for those visitors unable to snowshoe or ski into the park will only be able to access the park via a mass transit vehicle known as a snow coach.

Because of its size, and the type of terrain, it is incredibly impractical to limit access to Yellowstone to just snow coaches or cross country skis and snowshoes. Yellowstone is made up of approximately 2.2 million acres, most of which is already closed to public access other than by foot, snow shoe or skis, and has less than 2,000 snowmobiles inside the park on any given day.

By comparison, the State of Connecticut is slightly larger than Yellowstone Park with more than 3.3 million people, many of which drive a car every day. Perspective is important.

On its face, and in the safety of your own living room, the idea of riding a van-sized, over snow vehicle may sound like a romantic mode of travel, but in reality, snow coaches are large, cumbersome vehicles that grind, scrape, and shake their way across high mountain passes. It is impossible to ride in a snow coach for long periods of time.

As a result, the proposal to only access the park by means of mass transit further restricts time and access to the park by virtually eliminating all entrances to Yellowstone except for the gate at West Yellowstone, Montana. The terrain and elevation at Wyoming's East Gate is so rugged and high that it is impractical for snow coaches to travel in that area of the park. Sylvan Pass reaches an elevation of 8,530 feet and is surrounded by mountains that rise well over 10,000 feet on one side, and gorges with sheet drops of several thousand feet on the other. This is definitely not a place for a snow coach.

Furthermore, by moving the southern access point from Flag Ranch to Colter Bay, the Park Service makes any southern day trip into Yellowstone an impossible 113 miles round trip. This also creates a serious safety problem for Idaho snow groomers who, in the past, filled up their gas tanks at Flag Ranch. Under the current proposal, these facilities will be closed and the groomers will not have enough gas to make one complete round trip. This creates a serious safety problem and shuts off access to more than 60 miles of non-Park Service trails.

Once again, I would like to reiterate that the complete banning of snowmobiles is not the only available alternative for national park recreational winter use. For the past three years, I have worked with the communities surrounding Yellowstone to develop a more practical and more inclusive approach to Yellowstone winter use.

After holding dozens of meetings with residents and business owners, we have been able to create a proposal that preserves the park's environmental health while at the same time ensuring future access—for everyone. This amendment will enable the Park Service to rethink its actions and hopefully incorporate a more positive approach to winter management.

I grew up spending time in Yellowstone where grandparents camped inside the park all summer. I have been back many times since, sometimes on a snowmobile. In fact, I get there every year. Over the years the park has improved, not been overrun or run down as efforts mostly to get additional funds imply. Anyone who knows and loves Yellowstone like I do can attest to the fact that there is room enough for wildlife, snowmobiles, snowshoers, cross country skiers and snow coaches in Yellowstone, and a reasonable compromise can be reached to include all of these uses, that is unless federal officials don't step in first and ensure everyone is excluded. Wildlife and human enjoyment of the wildlife are not mutually exclusive. Good administration would accommodate both.

The study outlined in this amendment would establish a necessary first step in restoring access, not just to the park, but to the land planning process, for those people who will bear the brunt of the Park Service's decision to ban snowmobiles. Clearly, the Park Service's decision in this matter is an arbitrary decision that bypassed local communities, counties, states and even Congress. The Park Service needs the direction provided for in this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I stand in support of my colleague from Wyoming on his amendment.

I was quite surprised when Senator REID of Nevada spoke on the floor about this issue because I heard what he was saying before. It was given in testimony before the Subcommittee on Parks, chaired by the Senator from Wyoming, by the national environmental groups. He was following their script. Their script says: Get all of the snowmobiles out of the park. For some reason that impacts the parks. I have ridden snowmobiles in Yellowstone. I am not sure the Senator from Nevada has. I am not sure many Senators have. I don't dispute the need to manage the number of snowmobiles and the entry of snowmobiles where they travel.

But arbitrarily and without justification, Assistant Secretary Barry—who has now fled to the Wilderness Society once he tried to accomplish his damage here in this administration with the Park Service—came before the committee and emphatically said they had to go. In a press conference a few days prior to that hearing in almost a defiant, arrogant way, he said he was going to take all of them out of the parks, finish the rulemaking in Yellowstone, and so be it—failing to recognize the industries that have built up around snowmobiling at both entrances to Yellowstone Park; failing to deal with them in a responsible, cooperative way—so that he could ensure the mantra of the Clinton administration, and that public lands generate economies in recreation and tourism.

Here quite the opposite was going on—no economy, everything for the environment, even though the facts bear out that you can still have an economy, meaning people on snowmobiles in Yellowstone in the wintertime, and still protect the environment.

How do you accomplish that? You work with the industry. What do you do with the industry? You ask them to redesign their sleds so they make little to no noise and very little pollution—if there is any of consequence that would damage the environment to begin with.

What does the industry say? They can do it. In fact, last winter they were operating in Yellowstone with a prototype put out by one of the snowmobile manufacturers. It was a four-cycle instead of a two-cycle engine. The Senator from Nevada was bemoaning the pollution of the two-cycle. We now know they can produce a four-cycle that will be certainly less environmentally damaging. They are willing to do that.

The moment the industry said to the Park Service we can supply you with a new sled that meets these standards, the Park Service says: Oh, well, it wasn't air pollution, it wasn't noise pollution, it was wildlife harassment.

Somehow the wildlife of Yellowstone is going through some emotional problem as a result of snowmobiles trafficking by recreationists on a daily basis. I am not quite sure they have had any examples of these wildlife species in therapy. But somehow they seem to know a great deal about it.

The bottom line is simply this: The environmentalists have told this administration they want snowmobiles out of the parks.

I suggest to the National Park Service that they have a real problem on their hands in management. In other words, they are denying public access to parks that were designed to protect the environment and also allow public access. They have a crisis in management.

They don't have an environmental problem in Yellowstone, they have a management problem, a failure on the part of this administration, and certainly this President, to recognize the cooperative balance between the environment and the public and how one benefits from creating this kind of balance for all to benefit from.

Mr. GORTON. Will the Senator yield?

Mr. CRAIG. I am happy to yield to the Senator.

Mr. GORTON. Mr. President, I note another Senator interested in the subject. I note there are 55 minutes between now and 6:15. I have a minimum of 3 amendments that I know are going to be debated and will require votes, and perhaps five. While there are no limitations on this, I appreciate it being concluded relatively quickly so we can go to the Senator from Nevada. His amendment will be contested, and there will be more after that. We are scheduled to go off this bill, for good, except for votes, at 6:15.

Mr. CRAIG. I thank the chairman of the subcommittee for giving an evaluation of the time remaining on the amendments that must be dealt with. I know the chairman has been struggling since around 3:15 to get Senators to debate the amendments, and now all of a sudden they appear on the floor in the last minutes.

I conclude my debate. The Senator from Montana, I know, wants to speak to this issue. It impacts his State and the economy of his State. Once again I say to the administration, shame on you for taking people out of the environment, all in the name of the environment. It doesn't seem a very good solution to me, if you are going to tout tourism and recreation to us western States as an alternative to the elimination of the extractive resource industries that have provided economies to our States for the last 100-plus years.

The PRESIDING OFFICER. The distinguished Senator from Montana is recognized.

Mr. BURNS. It will not take long to make the point. I will facilitate everything, as the chairman of the subcommittee wants.

If Members want to talk about wildlife in Yellowstone, you will see very little variety in wildlife in Yellowstone in the wintertime. If you have been there, you know that about the only thing you will see is bison. Let me tell you, you don't bother them with a little old snowmobile. They are just walking around, and they go wherever they want to, whenever they want to. So let's not be worried about the bison. Whether you agree with it or not, there are too many bison in the park. We have grazed that country right into the ground.

I remind Members that those who operate the snowmobiles out of West Yellowstone have gone to the Park Service and said: We will make arrangements to prevent line-ups at the gate, we will get new, cleaner, quieter machines, we will work with you in order to protect the environment of Yellowstone Park.

There will be more people in a week this summer through the park than all of next winter. You cannot even get through that park for traffic right now. One of these days, you will have to go to a gate and pick a number and they call your number and you get to go to the park. The impact is in the summer, not in the winter, no matter what you are riding. It could be an old gray horse or a snowmobile, it doesn't make any difference. And are we concerned about that?

Let's not be shocked. The Senator from Wyoming has a good idea. It is time we take a realistic look at this, do the study, and go forward with the recommendations that are made.

Mr. REID. Mr. President, the Environmental Protection Agency has issued proposed regulations governing the emissions of snowmobiles in our National Park System. It is very clear that these vehicles cause big problems. Why do I say that? A single snowmobile belches out the same pollution that 20 automobiles do. One snowmobile equals the pollution of 20 passenger cars.

Also, my friend from Tennessee earlier talked about the air pollution in the Great Smoky Mountains because of coal-fired generating plants in that area. There isn't much that can be done, at this stage at least, to stop those longstanding power producers from generating the emissions they do. But there is something we can do to stop air pollution from developing as it has in our National Park System.

It is a national disgrace that the levels of toxic pollution, such as carbon monoxide—in Yellowstone National Park, to pick just one—rival major urban centers such as Los Angeles and Denver. I repeat, it is a national disgrace that levels of toxic pollutants such as carbon monoxide, in our national parks—especially Yellowstone—at times, rival major urban centers such as Los Angeles and Denver. That is significant.

But what is being proposed by the Environmental Protection Agency is nothing that is going to eliminate snowmobiling in our country.

For example, of the more than 130,000 miles of designated snowmobile trails in the United States, less than 1,000 of those miles are in national parks—to be exact, there are 600 miles. So this furor, and the offering of this amendment, to eliminate this proposal to stop the air pollution of snowmobiles in national parks is really a red herring. There are other places you can ride snowmobiles. In fact, you can ride them over 129,000 miles in the United States alone. We need not ride them this 600 miles in national parks.

Appropriate access to national parks is important, but such access does not include all forms of transportation at all times. Protecting parks from air, water, and noise pollution, for the enjoyment of all Americans, should be our No. 1 goal.

I am very happy that the Senator from Tennessee spoke earlier about how important national parks are. I agree with him. We are the envy of the rest of the world with our national parks.

Yosemite, Great Basin National Park, Yellowstone National Park—these wonderful gems of nature, that we are attempting to preserve, need to be preserved.

The amendment would prohibit the Park Service from doing its job to protect some of America's most awe-inspiring national treasures. The landscape of our national parks should reflect the wonders of our Creator, which I think we have an obligation to protect. National parks do not need to serve as racetracks for noisy, high-polluting snow machines.

The State of Nevada shares Lake Tahoe with California. We wish we had all of Lake Tahoe, but we do not mind sharing it with California. It is a wonderful, beautiful lake. There is only one other lake like it in the world, and that is Lake Bakal in the former Soviet Union, now Russia, an alpine glacial lake. Lake Tahoe it is very deep—not as deep as Lake Bakal, which is over 5,000 feet deep, but very deep. It was only 35 years ago they found the bottom of Lake Tahoe. It is extremely cold. It is beautiful. It is emerald colored.

But one of the things contributing to the ruination of Lake Tahoe is two-stroke engines. They were outlawed last year. I am glad they were outlawed. People may complain: What are we going to do for recreation?

There are plenty of things to do for recreation without these two-stroke engines. They are gone now. The lake is less polluted. It sounds better. Two-stroke engines are also the engines that snowmobiles use. They have been outlawed at Lake Tahoe. Why? Because they are inefficient, highly polluting, and contribute disproportionately to the decline of the lake's legendary clarity and degradation of its water quality.

Our national parks deserve similar protection from the pollution produced by these snow machines.

In sum, the use of snowmobiles currently prevents adequate protection of air and water quality for wildlife. Damage is being done to national parks not some time in the future but right now. The unnecessary delay caused by this amendment would allow further damage to our parks.

Congress should allow individual parks that currently allow snowmobiling to go through a public comment process to determine what course of action is appropriate. This amendment would eliminate that.

EPA agrees that the Park Service has the primary and immediate duty to take action to protect parks from snowmobile impacts. In comments on the draft EIS for winter use at Yellowstone, EPA said:

> We encourage the National Park Service to take the steps necessary to protect human health and the environment immediately rather than to depend on future regulations of off-highway vehicle engines from EPA.

They are saying let's not wait for us to do it. The Park Service has an obligation to do it right now. Postponing Park Service action on the snowmobile issue is a delay tactic, pure and simple.

The amendment we are debating assumes there is an inherent right of snowmobiles to run wild in the national parks, irrespective of their impact on other users and the environment. This is a very flawed assumption. They have no inherent right to run wild in national parks.

All Americans have the right to enjoy our national parks but only in ways that do not damage the parks. Prohibiting snowmobiles in national parks will have an insignificant impact on recreational opportunities available to snowmobilers. Again, there are more than 130,000 miles of designated trails in the United States, and less than 1,000 of those miles are in national parks. That is less than 1 percent.

Because millions of acres of public lands are already open to public snowmobiling, banning snow machines in national parks does not prevent recreationists from using their vehicles. It just prevents them from using the most sensitive and heavily visited public lands.

Arguing that every form of recreational access should be allowed in national parks is silly. Visitors do not need to jet boat in Crater Lake National Park. Visitors do not need to ride dirt bikes in the Grand Canyon. Visitors do not need to bungee jump from the Washington Monument.

Prohibitions against such activities do not restrict Americans' access to our parks; rather, they indicate a willingness to protect parks for the enjoyment of all visitors.

Great Basin National Park in Nevada already prohibits snowmobile use. Glacier and Yosemite Parks do not allow snowmobile use.

What are some of the environmental problems caused by snowmobiles in national parks?

Environmental analyses done at Yellowstone and elsewhere have shown that snowmobiles can seriously damage park resources. According to the Environmental Protection Agency, existing scientific evidence ''clearly and convincingly demonstrates [that] current snowmobile use is adversely affecting the natural . . . aesthetic . . . and scenic values'' in Yellowstone.

Air pollution: Yellowstone and several other national parks are recognized as Class I airsheds under the Clean Air Act. The Park Service is required by law to protect these areas from any degradation. The presence of snowmobiles in the park makes that task virtually impossible.

Air quality monitors at Yellowstone's west entrance have found carbon monoxide levels that rival or exceed those found in major urban areas such as Denver and Los Angeles.

Snowmobiles account for up to 68 percent of Yellowstone's annual carbon monoxide emissions and up to 90 percent of hydrocarbon emissions, even through automobiles out number them 16 to 1.

Water pollution: Every winter, snowmobiles spew unburned fuel into the snow in national parks and ultimately into their rivers and lakes.

Contaminants released by snowmobiles two-stroke engines include polycyclic aromatic hydrocarbons (PAH) and methyl tertiary butyl ether.

PAHs in water are toxic to aquatic life, and MTBE is an identified human health hazard

Noise pollution: The preservation of natural sounds is a major national park management objective,

A study of snowmobile noise interfered with visitors' ability to hear natural sounds at 12 out of 13 popular locations, including Morning Glory Pool, Grand Prismatic Spring, and other destinations. At Old Faithful, the world's most famous geyser, snowmobile engines were the dominant sound 100 percent of the time.

Wildlife impacts: The NPS Biological Resources Division found that ''snowmobile usage adversely affects wildlife.''

Noise and the physical presence of snowmobiles cause animals to alter their activity patterns, This behavioral response is of concern because snowmobile use occurs when food supplies are low and an animal's ability to conserve energy may be critical to its survival.

Heavily used snowmobile routes can cut off winter migration paths used by park wildlife.

Conflicts with other park visitors: Snowmobiles detract from other people's experience in the national parks. A 1996 visitor use study conducted in Yellowstone found many people who reported that encounters with snowmobiles were the least enjoyable part of their park visit because of the noise, pollution, and impact on wildlife viewing.

How will restrictions on national parks affect other recreational snowmobiling opportunities?

According to the International Snowmobile Manufacturers Association there are approximately 230,000 miles of groomed and marked snowmobile trails in North America, and about 130,000 miles in the United States. This does not include areas such as national forest roads that are open to snowmobiles but not explicitly designated for snowmobiles. In contrast, there are only about 600 miles of roads and waterways open to snowmobile in national parks in the continental United States, and 300 of those miles are excluded from the NPS April 26 announcement. Closing national parks will not diminish recreation opportunities for snowmobiles, but it will help reduce noise, pollution, and congestion in Yellowstone and other parks.

Many states have thousands of miles of designated trails for snowmobilers to enjoy. Promotional material from the state of Wyoming does not even mention Yellowstone National Park, but does promise that ''with over 2,200 miles of snowmobile trails, you can access some of the most scenic backcountry in the world.'' (See attachment #8)

Snowmobile opportunities in other States include: Colorado, over 3,000 miles of trails; Idaho, over 7,200 miles of trails; Maine, over 12,000 miles of trails; Michigan, 5,800 miles of trails; Minnesota, 14,000 miles of trails; and Montana, over 2,500 miles of trails.

How much snowmobile use is there in the national parks?

There are 42 units of the National Park System that allow snowmobiles, 28 of these parks are in the continental U.S. Over 175,000 snowmobiles use these 28 parks annually. The five parks with the most annual use are: Yellowstone, 65,000 are 1.5 million registered snowmobiles in the United States.

How will this affect individual national parks?

The National Park Service action DOES NOT immediately ban snowmobile use in all national parks. Late this summer, the Park Service plans to release a proposed rule that will amend its overall snowmobile regulation, 36 CFR 2.18 and address each of the parks that currently allow snowmobiles. This proposed rule would modify or amend those special regulations to bring parks into compliance with the Executive Orders, statutes, and regulations. Public comments will be incorporated before the rule is made final.

For example, approximately 80 percent of existing snowmobile use at Pictured Rocks National Lakeshore is expected to continue. and at St. Croix National Scenic Riverway, an annual ''Winterfest'' celebration that includes snowmobiles is expected to continue under a special use permit.

There are arguments by opponents of Park Service regulations.

Argument: A snowcoach system in Yellowstone would deny visitors access to the park.

Response: The snowcoach system proposed by the Park Service for Yellowstone and Grand Teton national parks will provide park visitors access to all of the areas currently open to snowmobile visitors.

The only access proposed to be limited is that of backcountry ski and snowshoe visitors in off-trail areas of critical winter wildlife habitat.

The snowcoach system will allow the same number, if not more, of visitors to enter the park each winter, while reducing the number of vehicles by 90% (assuming average capacities of one person per snowmobile and the ten per snowcoach).

There is a tendency to confuse access with recreational use. Snowmobiles as currently used are a form of recreation. The parks have a duty to determine the means of access to park attractions that cause the least damage to resources. In no way is public access being eroded, rather a recreational pursuit is being eliminated due to its negative impacts on park resources. A less damaging mode of transportation will be substituted to allow visitor access to the parks.

Proposals to allow snowmobiles but to cap their numbers would essentially limit the numbers of winter visitors to the park. People are not the problem in the parks. Noisy, polluting machines are what's needed to be limited.

In relation to economic impacts—argument: The Yellowstone gateway communities are uniformly opposed to the removal of snowmobiles because it will destroy their winter economies.

Response: Scores of businesspeople in West Yellowstone, MT, the main winter gateway to Yellowstone, have raised their voices in support of removal of snowmobiles from the park. Several representatives of the community/business owner organization West Yellowstone Citizens for a Healthy Park traveled to Washington, D.C. this spring to tell Congress that the health of their local economy depends on the health of Yellowstone National Park.

Current snowmobile use in Yellowstone creates numerous problems of safety, noise and air pollution in gateway communities. A change in winter park transportation will allow for much-desired diversification of gateway economies.

In relation to improved technology—Argument: The regulation of snowmobiles in national parks should be delayed until new snowmobile technologies are available.

Response: The EPA has explicitly told the Park Service not to wait for upcoming EPA regulations: ''This DEIS includes extensive analysis of the effects from current winter use and that analysis demonstrates significant environmental and human health impacts. We encourage NPS to take the steps necessary to protect human health and the environment immediately rather than to depend on future regulation of OHV engines from EPA.'' EPA comments on Draft EIS for Winter Use Plans, Yellowstone and Grand Teton National Parks and John D. Rockefeller Jr. Memorial Parkway, Region 8 EPA, Denver, CO.

EPA regulations will not address noise emissions from snowmobiles and may not require air emissions stringent enough to protect park air quality.

Compliance with park regulations and laws regarding wildlife, noise and visitor conflict will not be addressed by the development of snowmobiles with less air pollution.

Less polluting snowmobiles would not address the mass transit needs of the parks. Many parks are adopting mass transit using the cleanest, quietest technologies available; this is also the case in Yellowstone. Transportation alternatives to the one-person, one vehicle model have been implemented in Acadia and Denali, and will soon be in place in Grand Canyon, Zion and Yosemite National Parks. The NPS should be a leader in promoting clean, quiet and affordable modes of group transportation that are protective of the natural qualities of the parks.

Recognizing that it is the vehicles, not the people at the root of the problem, Yellowstone in winter is a natural place to look next for expansion of the alternative transportation program already taking place in the Park System.

In relation to the history of Snowmobiling in Yellowstone National Park, in 1963, the first snowmobile enters Yellowstone. In 1973–1974, 30,000

snowmobiles enter Yellowstone. In 1972 the National Park Service Regional Director asked all parks to devise winter use plans. Glacier National Park undertook such a review and noted the variety of problems caused by snowmobiling in the park including air and noise pollution, wildlife disturbance and conflicts with other park users. For these reasons and because of strong public sentiment against disrupting the quiet and beauty of Glacier National Park with snowmobiles, the park decided to ban them. Yosemite, Sequoia/Kings Canyon, Lassen and others followed suit.

Yellowstone, however, did not follow the directive to assess the impact of snowmobiles on park resources. Complaints from visitors and park rangers concerning air and noise pollution grew commonplace and the first studies documenting adverse impacts to wildlife from snowmobile use were completed. Future superintendents of Yellowstone allowed further expansion of snowmobiling in the park despite ongoing concerns about air and noise pollution and wildlife impacts. Finally, in the 1990s conditions in Yellowstone and Grand Teton grew so bad that the parks were forced to take action.

Mr. DASCHLE. Mr. President, I wanted to take a few minutes to discuss the rulemaking that has been proposed by the National Park Service to limit the use of snowmobiles in national parks.

National parks are the crown jewels of our nation's system of public lands. They harbor diverse wildlife, rare and beautiful species of plants and spectacular geological formations. In my home state of South Dakota, the Badlands National Park is home to a rich trove of ancient fossils and it provides important habitat for the black-tailed prairie dog and black-footed ferret.

I support the efforts of the National Park Service to ensure that these lands remain pristine so that future generations of Americans can enjoy them. I also understand the strong desire of many snowmobilers to continue to have wintertime access to these lands, where the activity has been enjoyed for many years.

While snowmobiling does not currently take place in national parks in South Dakota, there is a great deal of interest in this issue in the state and support for appropriately managed access to national parks. By carefully managing the parks, I believe that we can provide this access in a manner that is sensitive to the needs of the environment and to those who go to public lands in search of solitude and quiet.

Today, Secretary Bruce Babbitt wrote me to describe in greater detail how the National Park Service intends to proceed in coming months. I believe that it is critical for the agency to review a variety of options for managing snowmobiles and to ensure a full opportunity for public comment. According to the Secretary's letter, the agency does not intend to ban snowmobiles, but will proceed with a rulemaking and public comment period that will allow a full analysis of this issue and provide options for the controlled use of snowmobiles in national parks. I look forward to continuing to discuss this issue with my colleagues, the administration, representatives of environmental groups and snowmobiling enthusiasts.

I ask unanimous consent that a letter from Secretary Babbitt be included in the RECORD at this time.

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

THE SECRETARY OF THE INTERIOR,
Washington, July 17, 2000.

Hon. THOMAS A. DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: I am responding to your recent request for clarification of the status of National Park Service actions on the use of snowmobiles in national parks. Since there have been some misperceptions about what the Service has done, I appreciate the opportunity to provide this clarification.

In response to a petition for a rulemaking, the National Park Service has reviewed the snowmobile use that is now allowed in 42 of the 379 units of the national park system. That review, including a review by the Office of the Solicitor of the Department, had led us to conclude that much of the snowmobile use that is now occurring is not consistent with the requirements of Executive Orders 11644 and 11898, issued by Presidents Nixon and Carter, and other legal requirements. Accordingly, in April the Department and the Service announced that we would undertake a new rulemaking to modify the existing system-wide general rule (36 CFR 2.18), and additional park-specific special rules, to bring them into compliance with the applicable legal requirements. We did not announce that any decision had been made, but instead that we intend to initiate a rulemaking process. In that process, we will comply with all established requirements for rulemaking, including the requirements for seeking and considering public comments. It is our current intent to publish by mid-September a proposed rule, for public comment, to begin the formal process of making these changes.

Until a new rulemaking is completed, the existing rules on snowmobile use in the national parks remain in effect.

We will seek public comment on a proposed rule generally following the format of the existing rule, which prohibits snowmobile use in national parks except in certain instances. The draft rule has not yet been completed, but, when finalized, it would not affect snowmobile use opportunities in national park system areas for the following purposes: For access to private, or other nonfederal property; for access across national parks to reach private or other public lands that are open to snowmobiles use; where the roads through national parks are not under federal jurisdiction; and as authorized in specific national park enabling statutes (i.e., with respect to national parks in Alaska and Voyaguers National Park).

In addition, as a result of settlement of litigation, the National Park Service is in the final stages of preparing a Winter Use Management Plan and EIS for Yellowstone and Grand Teton National Parks. The final decisions on winter use have not been made there, but those decisions will determine future winter use management in these two parks, including the use of snowmobiles.

If we do propose a rule containing these elements, and if, following public comment, we finalize a rule along these lines, the net effect would be that some level of snowmobile use would continue in about 30 of the 42 national parks where it is now allowed. Of course, since the proposed rule will be subject to public review and comment, we are likely to consider additional alternatives during this process and a different outcome could result.

To summarize, the National Park Service has not made any final decisions on what changes to make in the snowmobile use that is allowed in national parks, and any decisions we make will be made following public comment and in compliance with other requirements for agency rulemaking. I appreciate the opportunity to clarify this.

Sincerely,

BRUCE BABBITT.

Mr. BAUCUS. Mr. President, I would like to take a moment to comment on the issue of snowmobiling in Yellowstone.

It is pretty clear to anyone who has visited Yellowstone during the winter that changes need to be made to protect the park. I have met with folks on all sides of this issue, and I think that most people agree that the noise, air pollution and wildlife impacts are unacceptable and have to be addressed.

Yellowstone is the engine for local economies and is part of our national heritage. We owe it to our children and grandchildren to make sure that we don't harm the park and its wildlife.

That having been said, I don't think we need an outright ban. I believe that we can protect the park and its wildlife in other ways. Already, people have put forth a number of creative alternatives to meet these goals, including limiting the number of snowmobiles allowed in the park, requiring clean and quiet machines, and using guided tours.

I think we need to explore all these alternatives and work together to strike a common-sense balance that best serves Yellowstone and Montana. A balance that protects the Park, the local economies and involves people on all sides of this issue.

As my colleagues in this body know, I am not in favor of legislating on appropriations bills. I am pleased that the Senate has decided to not pursue that route for the time being. It is my hope that the current administrative process that is underway for Yellowstone will produce an administrative compromise that protects Yellowstone National Park and provides for a broad range of visitor uses of the Park.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 3800, WITHDRAWN

Mr. THOMAS. I thank the Senator from Montana and the other Members who have joined.

There is no one in this place who is a stronger supporter of national parks than I. I continue to support the national parks. Here is a chance to find some alternative ways to do that.

I thank the chairman of the subcommittee for giving time.

I do not intend to ask for a vote.

Mr. GORTON. Is the Senator withdrawing the amendment?

Mr. THOMAS. I will withdraw the amendment. I intend to withdraw the amendment to try to find a mutual resolution.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. GORTON. I thank the Senator from Wyoming for that gesture. I support the cause to which he has spoken. If there is a way to get at least part of that adopted, I will try to find it.

I express my appreciation to my friend from Nevada to whom I made a promise about debating this amendment earlier that I could not keep. He has been most understanding.

Mr. BRYAN. I appreciate the distinguished leader's comments. The Senator from Washington has honored his commitment because, as the Senator knows, I had a previous commitment earlier in the day. I thank the Senator for his accommodation.

As I understand the parliamentary status, I will need to seek unanimous consent to set aside the pending amendment for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BRYAN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

AMENDMENT NO. 3883

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, and Mr. FITZGERALD, proposes an amendment numbered 3883.

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

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

The amendment is as follows:

(Purpose: To reduce the Forest Service timber sale budget by $30,000,000 and increase the wildland fire management budget by $15,000,000)

On page 164, line 19, strike ''$1,233,824,000,'' and insert ''$1,203,824,000,''.

On page 164, line 23, strike ''(16 U.S.C. 460*l*6a(i)):'' and insert ''(16 U.S.C. 460*l*6a(i)), of which $220,844,000 shall be available for forest products:''.

On page 165, beginning on line 6, strike ''*Provided*'' and all that follows through ''accomplishment:'' on lines 11 and 12.

On page 165, line 25, strike ''$618,500,000, to remain available until expended:'' and insert ''$633,500,000, to remain available until expended, of which $419,593,000 shall be available for preparedness and fire use functions:''.

Mr. BRYAN. Mr. President, today I am offering an amendment with my colleague from Illinois that is a win-win for the American taxpayer and for those communities that reside near our National Forests.

The Bryan-Fitzgerald amendment will cut $30 million from the Forest Service's money losing timber program and shift $15 million to needed fire planning and preparedness activities.

Thee is a crucial need for increased fire planning on our National Forests.

Our amendment responds to the findings of a recent internal Forest Service report that found that the agency was violating its own National Fire Management Policy due to the lack of ''Fire Management Plans'' for each national forest.

The report indicated that fire management planning has not been a priority within the Forest Service, with less than 5 percent of the National Forests having current, approved fire plans.

The Federal Wildland Fire Management Policy calls for ''every area with burnable vegetation [to] have an approved Fire Management Plan.''

The Wildland Fire program protects life, property, and natural resources on the 192 million acres of National Forest System lands as well as an additional 20 million acres of adjacent State and private lands that are protected through fee or reciprocal protection agreements.

In my home state of Nevada, we have a multi-jurisdictional firefighting organization known as the Sierra Front, which is comprised of federal, state, and local fire management agencies. I might say, parenthetically, in my experience both as a former Governor and as a member of this body, the Sierra Front has done an extraordinary job in terms of coordinating and preparing its own activities and is relied upon by local, State, as well as national forest administrators for a coordinated effort.

There are similar organizations in other States, and all of these organizations depend heavily on Federal fire preparedness funds for necessary training and organizational planning activities.

The amendment we offer will provide an additional $15 million for the Forest Service to enhance its capability to prevent, detect, or take prompt, effective, official suppression action on wildlife fires.

There is a financial benefit, a cost-benefit analysis that needs to be considered. I bring my colleagues' attention to an internal Forest Service report issued earlier this year entitled ''Policy implications of large fire management, the strategic assessment of factors influencing the cost.'' I think our colleagues will be interested to know that this report concludes that estimates have shown that for every dollar of appropriated preparedness dollars received, there is a savings of $5 to $7 in fire suppression and emergency rehabilitation funds spent.

The point that needs to be made is, a little fire management planning goes a long way to reduce and to minimize the overall impact when fire comes because of the training, the planning, and the preparedness activities that go on as a result of that. That is a dollar savings to the American taxpayer and, in my judgment, is a very prudent expenditure of Federal dollars.

Unfortunately, notwithstanding this assessment, the myth that commercial logging is the best method of fuels reduction is driving some of my colleagues to appropriate more funds for the timber program at the expense of needed fire plans for national forests, increased education for residents on wildland boundaries, and on fire preparedness activities. In fact, to the contrary, it is widely recognized in the scientific community that past commercial logging and associated road-building activities are the prime culprits for the severity of many of our wildfires.

Commercial logging removes the least flammable portion of trees—their main stems or trunks, while leaving behind their most flammable portions—their needles and limbs, directly on the ground. Untreated logging slash can adversely affect fire behavior for up to 30 years following the logging operations.

According to the Sierra Nevada Ecosystem Project report, issued in 1996 by the Federal Government,

timber harvest, through its effects on forest structure, local microclimate and fuel accumulation, has increased fire severity more than any other recent human activity.

In addition, a recent GAO report stated that:

Mechanically removing fuels through commercial timber harvesting and other means can also have adverse effects on wildlife habitat and water quality in many areas. Officials told GAO that, because of these effects, a large-scale expansion of commercial timber harvesting alone for removing materials would not be feasible. However, because the Forest Service relies on the timber program for funding many of its other activities, including reducing fuels, it has often used this program to address the wildfire problem. The difficulty with such an approach, however, is that the lands with commercially valuable timber are often not those with the greatest wildfire hazards.

Logging causes adverse changes in forest composition—intensive thinning and clearcutting dry out soils and leave behind debris that becomes tinder dry in open clearcuts.

Congress should invest in proactive fire planning and non-commercial hazardous fuels reduction projects as the best means of avoiding the high costs to taxpayers, damage to ecosystems, and risk to firefighters from reactive, unplanned, emergency fire suppression actions.

This bill contains $250 million for the administration of the timber sale program, which is more than $30 million above the Administration's budget request.

These expenditures for a money losing timber program are an enormous drain on the Treasury.

In their most recent Forest Management Program Annual Report, July, 1998, the Forest Service admits to losing $88.6 million from their timber program in FY97.

This was the second consecutive year that the Forest Service reported a loss.

In addition to the reported loss, the $88.6 million figure excludes a full accounting of all costs associated with logging.

In past fiscal years, independent analyses estimate the loss from below-cost timber sales are far greater than those reported by the Forest Service.

The General Accounting Office estimated that the timber program cost taxpayers at least $2 billion from 1922 to 1997, and in recent testimony they indicated that ''[t]he Forest Service is still years away from providing the Congress and the public with a clear understanding of what is being accomplished with taxpayer dollars.''

Our amendment would reduce funding for the Forest Service's timber program by $30 million to the level requested by the Administration.

In spite of the fact that our National Forest supply a mere 4% of our nation's annual timber harvest, this bill continues to reflect the dominance of the timber program at the expense of other programs designed to improve forest health and enhance the public's enjoyment of our national forest.

Over 380,000 miles of roads criss-cross the national forests—that is over eight times the distance of the Federal Interstate Highway System—and, in addition, there are an additional 40,000 miles of univentoried roads.

The Forest Service estimates that over 80% of these roads are not maintained to public safety and environmental standards.

As a matter of public policy, I would argue that it makes more sense to maintain the roads we already have than to spend money building new roads we don't need for a logging program that costs taxpayers millions of dollars each year.

I urge my colleagues to support the Bryan-Fitzgerald amendment to cut wasteful subsidies for the commercial timber industry and to enhance the Forest Service's ability to combat the devastating wildfires confronting many of our communities in the West.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I have been listening with great interest for the last several minutes as the Senator from Nevada made his presentation in relation to an amendment to take $30 million out of the timber program. He has given the reason that we have a catastrophic situation in the West today—some 39 million acres of our public timbered lands are in a critical situation as it relates to stand-altering fires, and we ought to do better planning. Therefore, we ought to take the money out to do better planning so we could circumvent this situation. And, oh, by the way, logging exacerbates that problem by leaving some slash on the ground.

The argument of the Senator might have some modicum of validity if we had not done what we did last week. Last week, we passed Senator PETE DOMENICI's bill for which the Senator from Nevada voted. We put $240 million, not $30 million—$240 million in a fuel reduction program. In fact, the Forest Service says it funds entirely, Senator BRYAN, all that they can do. It even provides additional money for planning. So, really, the fire issue should be set aside in your debate, based on the actions of the Senate last week. I think what the Senate did last week is responsible, to put that kind of money into fuel reduction, especially in the urban interface and in those areas of the kind we saw at Los Alamos, in New Mexico, where we saw hundreds of homes go up in smoke as a result of bad policy and bad management on the part of this administration coming together.

What are we talking about, then, if the fire issue has been dealt with appropriately by this Senate? If what we are talking about is the existing timber program that obviously the Senator from Nevada opposes, as do many environmental groups that he finds himself here on the floor today representing, then the fire issue I think is relatively moot. So let's talk about the timber sale program.

What the Senator from Nevada is doing when he talks about it being a money loser is he is taking money out of a program from a portion of the program that really is the money maker. So he is fulfilling a prophesy of argument that somehow this will continue to be a money loser, and most assuredly it will be if you take money from that kind of program.

Let me talk about the program for a few moments, where it is as a part of an overall forest policy in our Nation, and why it is important we keep some approach to a timber program, whether it is for green sales to supply dimensional timber to the housing industry of our Nation, or whether it is for the purpose of thinning and reducing the overall burden of the number of trees within a stand of timber, therefore increasing the viability of forest health in our Nation's forests.

Those 39 million acres of timberland that are in critical condition today across our Nation are, in fact, a result of the overstocking of these acreages. Some 400-plus trees per acre now exist on land that 100 years ago, long before man was out there logging them, had only 60 trees per acre.

As a result, we need a concentrated program of management for fuels reduction for fire, but I also think we can reasonably argue that we can take some of those trees out for timber, logging, home building, purposes for the Nation's economy.

Let me give an example of where we are with the industry at this moment and why I think it is important we discuss it.

On this first chart, it shows in 1989 there were about 150,000 jobs in the timber industry nationwide. In 1997, that had been reduced to about 55,000 timber jobs, almost a two-thirds reduction in overall employment that is in direct correspondence, in part, to the amount of logging that goes on.

Since the Clinton administration has come to Washington, its timber policies have reduced logging on our national forests by over 80 percent nationwide—an 80-percent reduction nationwide in overall logging.

What does that mean on a State-by-State basis? Let me give an example of what it means in at least three States. It does not mean much in the State of Nevada. They do not have trees to log, except in very limited ways. This is what it means in the State of Washington from 1989 to present: It means 55 mills closed and 3,285 primary mill jobs. That is what that kind of policy means. In my State of Idaho, 13 mills closed, 1,083 people. In the State of Oregon, 111 mills closed and 11,600 people. That is even after the President's new plan.

Remember, when he came to office, he held a big timber summit in Oregon: Save the trees and save the jobs. They have not been able to produce the jobs. In fact, they had to backtrack and even back away from their own policy because of the pressure from environmental groups. They were unwilling to support their own policy. The Senator from Nevada is now on the floor trying to argue for a major reduction in that policy.

In the State of California, 46 mills and 4,427 jobs. It will not affect Nevada. They do not cut trees there, or cut very few.

I have worked with the Senator from Nevada on an area that I think is tremendously important. The Committee on Energy and Natural Resources just reported out S. 1925, the Lake Tahoe Restoration Act. The Senator from Nevada and his colleague have been extremely concerned about the health of the forest in the Greater Tahoe Basin, and he should be. That forest is an overmature, climax forest. In other words, it is beyond the point of healthy adulthood. Trees are dying; trees are too thick. There is an urban interface with beautiful big recreational homes built amongst the stands of timber. They have a silviculture problem with the potential of massive wildfires in the Tahoe Basin, losing those beautiful homes, and creating a catastrophic environmental situation that could badly damage the beautiful Lake Tahoe itself.

The Senator from Nevada has a problem. He has a bill that authorizes work to be done in the basin, but he has no money. What he is doing tonight is cutting out of one of the budgets of the Forest Service, some of the very money that will go to restore Lake Tahoe and the Tahoe Basin. I am not quite sure he can get it both ways.

I have worked with the Senator from Nevada to try to assure the Tahoe Basin restoration program will go forward and that we will have adequate moneys to begin to do the kinds of

silviculture programs, the thinnings and the necessary efforts, that will create a higher level of forest health in the Tahoe Basin. We cannot do it tonight because the Senator from Nevada is cutting $30 million to the detriment of his own program.

I suggest when he was approached by the environmental groups to do this amendment that was not a factor, but what is a factor is that the Senator from Nevada has not had money appropriated for his project. He will hand it over to the Forest Service at large. It is a bill that will authorize the Forest Service to move in that area, and he is even cutting the budgets of the Forest Service, or attempting to as we speak.

That is frustrating. It is extremely frustrating to this Senator who has worked very closely with the Senator from Nevada to assure that his Tahoe Basin project is authorized because it is necessary and it is appropriate.

Last week, the Senator from Nevada joined with us to put over $240 million into a fire reduction program and a program to allow the Forest Service to study even greater amounts of fire suppression by reduction of the fuel loading on our national forest floors.

Yet today he comes back with that argument. Let me suggest this argument is for one purpose and one purpose only, and his amendment will serve for one purpose and one purpose only. We find it right here in a letter from the United Brotherhood of Carpenters and Joiners of America. This labor union—men and women who work for the forest products industries—says:

> The Bryan amendment places thousands of forest product jobs at risk and jeopardizes the social and economic stability of rural communities.

You are darned right it does. In the rural communities of Idaho, Oregon, and Washington that still have mill jobs, that still ought to be cutting trees. We have 13 and 14 percent unemployment, and this will drive the unemployment up even further.

No, those communities are not reaping the benefit of the current full employment economy. The mills on the eastern side of Washington are not reaping the benefit of the high-tech jobs of western Washington. The mills in north Idaho are not reaping the benefits of the high-tech jobs of south Idaho, and so on.

What we have attempted to do with reasonably consistent and environmentally sound policy is to ensure a balance. The Senator from Nevada denies us that balance by refusing to allow the Forest Service to have the very tools necessary to properly manage the current timber program.

This is not about new roads. There is a road moratorium. The Senator from Nevada knows that. The environmental community last week claimed a major victory with the President's new roadless area initiative. The Senator knows there is not going to be any new roads built. So roads are not the argument, not now and not for the near future.

What is at stake is the very jobs that produce the dimensional lumber that comes to the markets that builds the homes of America. It is right and reasonable to assume that some of it ought to come from the forests of Idaho, Oregon, Washington, and California.

I hope the Senator, recognizing that this whole issue has shifted pretty dramatically in the last 72 hours, will recognize that his amendment no longer has carrying with it the validity that his argument might have had just last week.

Mr. President, $240 million later, this Congress, in a responsible fashion, has addressed the catastrophic fire situation that might now exist in our public lands and are willing to deal with it. Those are the issues at hand that are so very important to all of us.

Lastly, the very money the Senator will eliminate from the projects and from the programs—here is a letter from the Society of American Foresters saying that the fire in Los Alamos that cost us 235 homes clearly demonstrates that if we had been allowed to have used the stewardship timber sales programs that, in part, the Senator's amendment will now deny us, we could have reduced the fuel loading and, in many instances, we might have saved those homes. That is exactly what we are trying to deal with here.

I hope my colleagues will vote with me in voting down the Bryan amendment. There is no basis for the arguments that are placed today that relate to the amendment itself. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I will be very brief. I must say I have difficulty following the arguments of my friend from Idaho. First, I have no objection to—in fact, I am very supportive of it—the amendment offered by Senator DOMENICI last week. That has to do with hazardous fuels reduction, $120 million going to the Forest Service, $120 million going to BLM. I am for that.

As the Senator knows, that is a separate budget category entirely than the issue of the Bryan-Fitzgerald amendment. That is a subcategory of fire operations. What we are talking about is preparedness money, a totally different concept.

The issue is not whether Lake Tahoe could be harmed. Lake Tahoe does not have a commercial harvest timber program as such. It is minimal. We are talking about the money that is necessary to do the hazardous fuels reduction. The Senator from Nevada is very supportive of that. The Senator from Nevada wants to see more money set aside for preparedness and planning which is cost effective.

Let me, by way of an additional comment, point out that the program which the Senator from Nevada supports is cost effective; that is, it saves taxpayers dollars. It is a savings. The argument that the Senator from Idaho made refers to a program that has cost taxpayers, between 1992 and 1997, $2 billion. We are subsidizing them. I do not think that is a particularly good value.

But even though I might not think it is a particularly good value, I have not sought to eliminate that program. That program would be funded, if the Bryan-Fitzgerald amendment were offered, for $220 million. That is what the President recommended.

So what we are simply trying to do is to reprogram some of that money into an area that would be cost effective, in terms of planning and preparedness—something that all of the agencies that interface with the urban, forest, local, State, and Federal support and favor—and simply reduce, by the amount of $30 million, the amount that would go into a timber harvest program that has been found, by the GAO, and other internal reports, to be cost ineffective in a substantial subsidy.

So the issue is not, as my colleague from Idaho suggested, whether you favor timber harvest in the national forests—that is not the issue we are debating today; maybe he wants to make that the issue—but the question of where you allocate the funds.

Mr. CRAIG. Will the Senator yield?

Mr. BRYAN. I will yield.

Mr. CRAIG. We checked with the Forest Service when we prepared the Forest Service budget, and their preparedness program has been fully budgeted for the year. They told us that it was adequate to meet their needs, and the current needs.

Does the Senator know otherwise?

Mr. BRYAN. The Senator from Nevada believes it is not adequate. Indeed, I think the amount of money that has been——

Mr. CRAIG. Even though the chief and his budget people say it is? I see. That is what we understood. Does the Senator now have information from the Forest Service that says otherwise?

Mr. BRYAN. If the Senator follows that line of reasoning, would he not agree the same managers will tell you that $220 million is adequate for the timber harvest program, would the Senator agree with that?

Mr. CRAIG. No, not at all, because what we did with the $220 million——

Mr. BRYAN. Did they argue for more?

Mr. CRAIG. Are you talking about timber harvest or the fuel reduction program?

Mr. BRYAN. The program that is called timber harvest.

Mr. CRAIG. I am quite sure they would say that it is funded adequately because this administration does not want to cut trees commercially.

Mr. BRYAN. You can't have it both ways.

Mr. CRAIG. Yes, we can, because I am giving categorical facts that the President's chief of the Forest Service

said the preparedness program was fully funded. That is all I am saying.

Mr. BRYAN. I would say to the Senator from Idaho, I thought we were all Americans, and these positions did not represent a particular party; they represent the entire country. The national forests belong not to Democrats or Republicans.

Mr. CRAIG. Now, the chief is a political appointee.

Will the Senator yield for another question?

Mr. BRYAN. I would yield for one more question.

Mr. CRAIG. In the Tahoe Basin Restoration Program, that is near and dear to the Senator—and it is to me; it is a beautiful part of our country.

Mr. BRYAN. It is indeed.

Mr. CRAIG. Where trees must be removed—merchantable timber—there are areas where thinning is clearly necessary and so proscribed under the act.

Mr. BRYAN. The Senator from Nevada would agree with that.

Mr. CRAIG. Those would be under the commercial logging program because they could be done for less money and more efficiently. And that is the point of my argument, I say to the Senator. That is the program you are cutting.

Mr. BRYAN. I am not sure I would agree with the Senator from Idaho. Clearly, the hazardous fuels reduction program, in which we have provided, as you pointed out, 120 million additional dollars, would be the program that would address that issue, in my judgment.

I know other colleagues need to speak.

Mr. CRAIG. We yield the floor.

Mr. NICKLES. Mr. President, I know my colleague from Connecticut has an amendment, so I will defer to him.

The PRESIDING OFFICER. The distinguished Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the extremely distinguished occupant of the chair. I also thank my friend from Oklahoma. I will try to respond to his graciousness by being brief.

AMENDMENT NO. 3811

Mr. LIEBERMAN. Mr. President, I call up amendment No. 3811, which I filed at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 3811.

Mr. LIEBERMAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for maintenance of a Northeast Home Heating Oil Reserve, with an offset)

On page 183, strike line 15 and insert ''$165,000,000, to remain available until expended, of which $8,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading ''NAVAL PETROLEUM AND OIL SHALE RESERVES'', and of which $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.''.

On page 225, between lines 11 and 12, insert the following:

SEC. 3. STRATEGIC PETROLEUM RESERVE PLAN.

(a) IN GENERAL.—For purposes of Amendment No. 6 to the Strategic Petroleum Reserve Plan transmitted by the Secretary of Energy on July 10, 2000, under section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6234), the Secretary may draw down product from the Regional Distillate Reserve only on a finding by the President that there is a severe energy supply interruption.

(b) SEVERE ENERGY SUPPLY INTERRUPTION.—

(1) IN GENERAL.—For the purposes of subsection (a), a severe energy supply interruption shall be deemed to exist if the President determines that—

(A) a severe increase in the price of middle distillate oil has resulted from an energy supply interruption; or

(B)(i) a circumstance other than that described in subparagraph (A) exists that constitutes a regional supply shortage of significant scope or duration; and

(ii) action taken under this section would assist directly and significantly in reducing the adverse impact of the supply shortage.

(2) SEVERE INCREASE IN THE PRICE OF MIDDLE DISTILLATE OIL.—For the purposes of paragraph (1)(A), a severe increase in the price of middle distillate oil'' shall be deemed to have occurred if—

(A) the price differential between crude oil and residential No. 2 heating oil in the Northeast, as determined by the Energy Information Administration, increases by—

(i) more than 15 percent over a 2-week period;

(ii) more than 25 percent over a 4-week period; or

(iii) more than 60 percent over its 5-year seasonally adjusted rolling average; and

(B) the price differential continues to increase during the most recent week for which price information is available.

Mr. LIEBERMAN. Mr. President, I rise to offer an amendment along with my colleague from Connecticut, Senator DODD, and Senator LEAHY of Vermont. I ask unanimous consent Senators DODD and LEAHY be added as cosponsors to the amendment.

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

Mr. LIEBERMAN. Mr. President, we think this amendment is critical for the energy security of the Northeastern United States. Last winter, in the Northeast, we were really whacked by oil market whims, as we saw the prices of home heating oil soar, and we hovered dangerously close to heating oil supply shortages.

In New England, the price of home heating oil rose from an average of $1.18 a gallon to about $1.79 a gallon in just 3 weeks' time.

Some residents of my State were actually paying over $2 for a gallon of heating oil, which meant they were spending almost $500—some of them—to fill their tanks. Of course, lower income residents and fixed-income residents, including thousands of elderly, were faced with the tough choice of buying heating oil for their homes or food for their tables.

This burdensome situation was caused by high crude oil prices, resulting from low crude oil supplies and low stocks of home heating oil converging with a downward turn in the weather that led to these price shocks that so disrupted the Northeast.

There were a series of meetings and much concern last winter. I think one of the best ideas that emerged was to build on the strategic crude oil reserve that we have and to create a regional Northeast home heating oil reserve in which the Government would possess home heating oil, which at times of crisis could be moved out into the market to increase supply and therefore reduce price.

I recall that one of the places that this idea was discussed was at a bipartisan meeting of Members of Congress from the Northeast with the President at the White House. He said he would take this under advisement. In fact, President Clinton did act to create a Northeast home heating oil reserve earlier this month, pursuant to his congressionally authorized authority under the Energy Policy and Conservation Act.

This amendment, which Senators DODD and LEAHY and I offer, would appropriate $4 million to maintain the Northeast heating oil reserve that the President has now created. The President has directed that the reserve be filled with home heating oil by conducting oil exchanges with the Strategic Petroleum Reserve. Therefore, there is no initial cost of filling the reserve.

However, the funding that is made possible by this amendment is critical for maintaining the reserve. The reserve itself is an integral piece of ensuring that if we do encounter exorbitant prices and short supplies again this winter, we will be able to count on our own publicly owned reserves of heating oil to get us through the crisis.

In fact, the following Energy Information Agency report, unfortunately, indicates that the industry at the current time is way below the desirable level of building up inventories of home heating oil, which means that if this continues as we head toward the winter and the weather turns cold, people in our region of the country are going to be suffering economically and physically. So that is the intention of offering this amendment.

I do want to indicate that I am exercising my prerogative as sponsor of the amendment to modify the amendment by striking the section of the amendment that begins on line 8 on the first page, and ends at the end of the document. This section describes an appropriate trigger mechanism for releasing the home heating oil reserve. In addition, I want to change the amount of funding requested from $8 million to $4 million. Finally, I would like to specify that the offset for these funds would come from unobligated funds from the

Strategic Petroleum Reserve petroleum account in the amount of $3 million, and $1 million from the Naval Petroleum Reserve and oil shale reserves.

AMENDMENT NO. 3811, AS MODIFIED

Mr. President, I send to the desk, therefore, a copy of the amendment as it emerges after the modifications that I have just announced, which is effectively a $4 million appropriation for this regional reserve the President has created.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so modified.

The amendment, as modified, is as follows:

On page 183, strike line 15 and insert ''$165,000,000, to remain available until expended, of which $3,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading ''STRATEGIC PETROLEUM RESERVES PETROLEUM ACCOUNT'', and of which $1,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading ''NAVAL PETROLEUM AND OIL SHALE RESERVES'', and of which $4,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.''.

Mr. LIEBERMAN. Mr. President, I rise today to offer an amendment to the Interior appropriations bill that I think is critical for the energy security of the Northeastern United States. My amendment would fund the Northeast Home Heating Oil Reserve, which was created by the President on Monday, July 10. The President created this reserve under his Congressionally authorized authority under the Energy Policy and Conservation Act.

The Northeast region of the country is heavily dependent upon home heating oil—instead of natural gas, as is the case in much of the rest of the country—for heating homes and other buildings during cold months of the year. As heating oil is refined from crude oil that is produced both domestically and abroad, the price of heating oil is subject to the same market whims that we have seen and continue to see in gasoline and other petroleum products. The difference, however, is that when a family runs out of heating oil, they literally run out of heat. This is a dangerous situation in the Northeast, where people may face days at a time of icy-cold weather.

This part winter in the Northeast, we got a taste of market whims as we saw the prices of home heating oil soar, and as we hovered dangerously close to heating oil supply shortages. The price of home heating oil rose from an average in New England of $1.18 per gallon to about $1.79 per gallon in three weeks. Some residents were paying over $2.00 for a gallon of heating oil. Lower-income residents were faced with buying heat for their homes versus food for their tables. In this instance, we saw high crude oil prices and low stocks of heating oil converge with extremely cold weather, leading to the price shocks that so disrupted the Northeast. We saw a similar situation in 1996, when prices of heating oil soared.

I want to offer my amendment to ensure that this type of problem does not happen again. My amendment would appropriate four million dollars to maintain the Northeast heating oil reserve that the President has created. The President has directed that the reserve be filled with home heating oil by conducting oil exchanges with the Strategic Petroleum Reserve. Therefore, there is no initial cost to filling the reserve. However, this funding is critical for maintaining the reserve. The reserve itself is an integral piece to ensuring that if we do encounter exorbitant prices and short supplies again, we will be able to count on our own reserves of heating oil to get us through the crisis.

I would like to exercise my prerogative to modify my amendment by striking the section of the amendment that begins on line 8 on the first page and ends at the end of the document—this section describes an appropriate trigger mechanism for releasing home heating oil from the regional reserve. In addition, I would like to change the amount of funding requested from eight million dollars to four million dollars. Finally, I would like to specify that the offset for these funds will come from unobligated funds from the Strategic Petroleum Reserve Petroleum Account in the amount of three million dollars and from the Naval Petroleum and Oil Shale Reserves in the amount of one million dollars.

Senator DODD joins me in offering this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Washington.

Mr. GORTON. Mr. President, I thank the Senator from Connecticut for his explanation and for the modifications which have at least brought this amendment within the parameters of the bill itself. I must say, without going into it, I think there are several serious policy questions about this amendment, but more than that I think it needs to be resolved in the context of a reauthorization of the Energy Policy and Conservation Act. I understand the Senator from Connecticut is working with the chairman of the committee on that, and so we can defer our final decision until tomorrow.

Mr. CRAPO. Mr. President, I rise today in opposition to an amendment that would make drastic cuts to the timber program.

While we have heard a lot of rhetoric regarding the timber program, it is important to understand the context within which these cuts to the timber sale and road construction programs are being considered. Federal timber sales are in a steep and devastating decline. Forest health is increasingly at risk from fire, insects and disease.

Both the economic and ecological contexts created by this reduction are undesirable.

More than 80,000 jobs have been lost and a 1999 General Accounting Office study reported that over forty million acres of National Forest system lands are at risk of catastrophic wildfire. Another twenty-six million acres are at risk from insects and disease. The recent fires in New Mexico and in other states provide alarming evidence of the impact of increased fuel loads in our forests. Already this year, more than four-and-a-half million acres have burned. Active management is vital to forest health, and it is irresponsible for the federal government to reduce the management options available to local forest managers who best know how to deal with their specific situations.

It is confounding that additional cuts in the federal timber sale program are being considered at a time when the industry and those working men and women who depend on it has already been crippled by deep cuts and our forests are suffering from lack of active management that includes responsible timber harvest. Since the early 1990s, the timber program has been reduced by 70 percent and more than 75 percent of the National Forest system is off-limits to timber harvest. The federal timber supply has dropped from twelve billion board-feet harvested to three billion board-feet harvested annually. This amendment would jeopardize 55,000 jobs and $2 billion in employment income, mostly in rural areas. In addition, national forests have 50 percent of our nation's softwood growing stock, which is used for home construction. New reductions in the availability of this supply will hurt housing prices.

In my home State of Idaho, small, rural communities continue to suffer devastating reductions in Forest Service Payments-to-states funds from timber sales. In rural Idaho and America, schools are going without needed renovation, county governments are struggling, and basic services are already being jeopardized by steep reductions in federal timber harvest in recent years. This amendment would further reduce payments to rural counties by $7 million and returns to the treasury by $30 million.

While some will claim that recreation receipts can replace timber receipts, this simply is not true in Idaho. Eight counties in Idaho derive more than 20 percent of their employment activity from the primary timber industry. There are only two counties in Idaho that have more than a 5 percent dependence on the recreation industry.

This amendment is also counterintuitive from an environmental perspective. Active forest management, including thinning and other timber harvest, has widely acknowledge benefits. In fact, most timber sales are currently designed to attain other stewardship objectives. Interestingly enough, it is the sales that have been planned to focus on stewardship objectives that have been criticized as below cost. Timber sales are the most economical, efficient, and effective

method available to local resource managers to treat and control many insect epidemics. These harvests contribute greatly to reducing the risk of catastrophic wildfire and promoting diverse stands.

Each year, the National Forest system grows 23 billion board-feet. Six billion board-feet die naturally. Only 3 billion board-feet are harvested annually. Tree growth in the National Forest system exceeds harvest by 600 percent. There is no need, environmental or otherwise, to further cripple this important program. I urge my colleagues to vote against this amendment and for the health of rural economies and the forests within the National Forest system.

Mr. ENZI. Mr. President, I rise in opposition to the amendment introduced by the Senator from Nevada, Senator BRYAN, that would cut funding for the United States Forest Service's Timber Sale program. Our Nation is experiencing a renaissance in Forest Health initiatives. The terrible tragedies suffered in New Mexico earlier this summer have awakened our understanding of the current state of our forests.

These forests, that traditionally housed wildlife and produced valuable resources used in building our Nation, have become deadly fire time bombs. The Forest Service itself has reported that more than 40 million acres of our National Forest System are at high risk of destruction by catastrophic wildfire and an additional 23 million acres are at risk from insects and disease. And yet, at a time when national awareness is up, and we have an increased commitment to improve forest health, there are still those critics who would remove the Forest Service's single most effective tool for restoring forest health.

The use of modern silviculture practices in regards to Federal timber sales are designed to accomplish a number of goals and objectives in regards to forest management. And they do so in a way that provides jobs for local communities, and money for rural schools and counties. We have also just begun to realize the value that a well-designed and carefully conducted timber sale can have on things like water quality and the future of a healthy water table.

The city of Denver had to learn this the hard way. Several years ago a fire swept through the city's watershed and turned the surrounding ecosystem into ashes. Since then, the city has had to pay millions of dollars to dredge and remove silt and other particles carried into its water supply. What the city learned is that fires, not timber sales are the biggest threat to watershed health. The city now actively manages its watershed and conducts regular assessment and thinnings to maintain a healthy, fire resilient forest.

Notice I said fire resilient, not fire resistant. Fire can be an invaluable management tool when conducted under the proper circumstances. Those conditions, however, do not exist in Western forests, nor will they exist until our forest managers are allowed to thin out the forests and remove the dense undergrowth and some of the increasingly taller layers of trees that create the deadly fuel ladders that feed catastrophic fires.

I am also deeply concerned about the impact this amendment could have on rural economies. The United States is importing more and more wood every year as a result of declines in federal timber sales. This means that the American lumber market is being fed by highly-subsidized timber that was produced under conditions that do not meet our Nation's high environmental standards. As a result, not only do we loose the environmental benefits that federal timber sales can produce, but we are feeling negative social and economic effects as America jobs are lost and moved offshore. The brunt of these losses are felt most keenly in rural areas, where forest products jobs are concentrated.

In closing, Mr. President, I would like to add that the Federal Timber Sale Program is not a subsidy for the forest products industry. Federal timber contractors do not receive any special benefit, nor do they pay less money for the timber they harvest on federal lands. Federal timber is sold by means of a competitive bid system. As a result, these auction sales are the most likely of any type of commercial transaction to generate the returns that meet or exceed market value. Because timber sales are designed to generate market value prices, we therefore must conclude that there is no subsidy.

Furthermore, the forest products industry has consistently demonstrated that the benefits gained by the public through the Federal timber sale program far outweigh the costs to the Federal treasury. I therefore urge my colleagues to oppose Senator BRYAN's amendment and to support our National Forest and rural communities.

AMENDMENT NO. 3884

Mr. NICKLES. Mr. President, I ask unanimous consent to set aside the pending amendment, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 3884.

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

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

The amendment is as follows:

(Purpose: To defend the Constitutional system of checks and balances between the Legislative and Executive branches)

At the appropriate place, add the following:

SEC. . FUNDING FOR NATIONAL MONUMENTS.

Notwithstanding any other provision of law, no funds shall be used to establish or expand a national monument under the Act of June 8, 1906 (16 U.S.C. 431 et seq.) after July 17, 2000, except by Act of Congress.

Mr. NICKLES. Mr. President, this amendment basically says: Notwithstanding any other provision of law, no funds shall be used to establish or expand a national monument under the act of June 8, 1906, the Antiquities Act, after July 17, 2000, except by an Act of Congress.

What I am trying to do is to make sure we don't have additional national monuments declared by this administration without some congressional input.

I will insert a copy of the Antiquities Act for the RECORD. It was passed in 1906. The Antiquities Act states:

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

That is the Antiquities Act.

This administration, particularly this year, has added millions of acres under the designation of national monuments without congressional authorization or approval, without consent of Governors, without consent of local entities. I am saying there is another process. I happen to serve on the Energy Committee with Chairman MURKOWSKI and others. We pass land bills all the time. I urge the President, if he wants to pass or declare something a national monument, send it to Congress. We are happy to look at it. We are happy to pass it. This is a committee that works in a bipartisan fashion. We pass land bills all the time. This week we are supposed to mark up 17. We do that in a bipartisan fashion.

I also will include for the RECORD a comparison of lands that have been added as national monuments during all the Presidents.

This Antiquities Act passed under Theodore Roosevelt in 1906. It is interesting to note, Theodore Roosevelt, who was quite the conservationist, made some very significant additions to the national monuments, the total acreage of which was 1.5 million acres. President Clinton has done more than that this year alone. As a matter of fact, President Clinton has already designated 3.7 million acres. He has done more than any other President of the United States, with the exception of President Carter, who added a lot of land in the State of Alaska.

It is also interesting to note that the State of Alaska Senators had amended the Antiquities Act to say no lands should be made into a national monument that exceeds 5,000 acres unless there is an act of Congress. That doesn't apply to the rest of the country.

This administration, while they had designated 1.7 million acres in the first

7 years, in this year, since January, has already declared 2 million acres a national monument. There is some talk that there are additional monuments in the works. If there are, great. If this amendment passes—I hope and expect that it will—I am sure Congress will be happy to receive the request from the President. We will review it. We will consider it. We will have hearings. We will go through the legislative process. We will hear from the Governors. We will hear from local entities. We will make a decision, as the process should be.

I believe the President's actions, particularly this year, have greatly exceeded what is called for in the Antiquities Act. Again, in the Antiquities Act, it says, that the area:

> . . . in all cases should be confined to the smallest area compatible with the proper care and management of the objects to be protected.

We should abide by this law. When the President has added 2 million acres this year alone, I don't believe he is in compliance with it. I think Congress has a legitimate role. If not, are we going to allow the President to declare wilderness areas, millions of acres?

My point is, I may well agree with the President on every single designation he has made, but the process needs congressional authorization. It needs congressional input; it needs congressional hearings. It needs input from local officials and people who are directly impacted.

I hope our colleagues will support this amendment. I appreciate the leadership of my friend and colleague, Senator GORTON of Washington, and also Senator BYRD. I used to chair the subcommittee. It is a challenging subcommittee, one which the Senator from Washington and the Senator from West Virginia have handled with a great deal of professionalism and expertise. I compliment them on their efforts. I urge our colleagues to supports this amendment.

I ask unanimous consent to print in the RECORD a list of Presidents and what they have added to the national monuments under the Antiquities Act.

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

PRESIDENTS AND THE ANTIQUITIES ACT

The following lists units and approximate acreage affected by each President. Where acreage figures are not given they are not available.

	Acreage
Theodore Roosevelt (1906 (Antiquities Act enacted)-1909)	
Chaco Canyon National Monument	10,643.13
Cinder Cone National Monument	5,120
Devil's Tower National Monument	1,152.91
El Morro National Monument	160
Gila Cliff Dwellings National Monuments	160
Grand Canyon I National Monuments	808,120
Lassen Peak National Monument	1,280
Lewis & Clark National Monument	160
Montezuma Castle National Monument	161.39
Mount Olympus National Monument	639,000
Muir Woods National Monument	295
Natural Bridges National Monument	120
Petrified Forest National Monument	60,776.02
Pinnacles National Monument	1,320
Tonto National Monument	640
Tumacacori National Monument	10
Wheeler National Monument	300
Total	1,529,418.45
William H. Taft (1909–1913)	
Big Hole National Monument	655.61
Colorado National Monument	13,466.21
Devils Postpile National Monument	798.46
Gran Quivara National Monument	183.77
Lewis & Clark National Monument	160
Mount Olympus National Monument	
Mukuntuweap (Zion) National Monument	16,000
Natural Bridges National Monument	120
Navajo National Monument	360
Oregon Caves National Monument	465.80
Petrified Forest National Monument	
Rainbow Bridges National Monument	160
Shoshone Cavern National Monument	210
Sitka National Monument	51.25
Total	32,631.10
Woodrow Wilson (1913–1921)	
Bandelier National Monument	23,352
Cabrillo National Monument	.50
Capulin Mountain National Monument	640.42
Casa Grande National Monument	480
Dinosaur National Monument	80
Gran Quivira National Monument	
Katmai National Monument	1,088,000
Mount Olympus National Monument	
Mukuntuweap (Zion) National Monument	76,800
Natural Bridges National Monument	2,740
Old Kasaan National Monument	43
Papago Saguaro National Monument	2,050.43
Scotts Bluff National Monument	2,503.83
Sieur de Monts National Monument	5,000
Walnut Canyon National Monument	960
Verendrye National Monument	253.04
Yucca House National Monument	10
Total	1,202,913.22
W.G. Harding (1921–1923)	
Bryce Canyon National Monument	7,440
Carlsbad Cave National Monument	719.22
Fossil Cycad National Monument	320
Hovenweep National Monument	285.80
Lehman Caves National Monument	593.03
Mound City Group National Monument	57
Papago Saguaro	−110
Pinnacles National Monument	
Pipe Spring National Monument	0
Timpanogos Cave National Monument	250
Total	9,555.05
Calvin Coolidge (1923–1929)	
Castale Pinckney National Monument	3.50
Chaco Canyon National Monument	
Chiricahua National Monument	3,655.12
Craters of the Moon National Monument	22,651.80
Dinosaur National Monument	
Father Millet Cross National Monument	.0074
Fort Marion (Castillo de San Marcos) National Monument	18.51
Fort Matanzas National Monument	1
Fort Pulaski National Monument	20
Glacier Bay National Monument	2,560,000
Lava Beds National Monument	45,589.92
Meriwether Lewis National Monument	50
Pinnacles National Monument	
Statue of Liberty National Monument	2.50
Wupatki National Monument	2,234.10
Total	2,634,226.4574
Herbert Hoover (1929–1933)	
Arched National Monument	4,520
Bandelier National Monument	
Black Canyon of the Gunnison National Monument	10,287.95
Colorado National Monument	
Crater of the Moon National Monument	
Death Valley National Monument	1,601,800
Grand Canyon II National Monument	273,145
Geat Sand Dunes National Monument	35,528.36
Holy Cross National Monument	1,392

	Acreage
Katmai National Monument	
Mount Olympus National Monument	
Petrified Forest National Monument	11,010
Pinnacles National Monument	
Saguaro National Monument	53,510.08
Scotts Bluff National Monument	
Sunset Crater National Monument	3,040
White Sands National Monument	131,486.84
Total	2,125,720.23

Franklin Delano Roosevelt (1933–1945)	
Arches National Monument	29,160
Big Hole Battlefield National Monument	195
Black Canyon of the Gunnison National Monument	2,860
Capitol Reef National Monument	37,060
Ceder Breaks National Monument	5,701.39
Channel Island National Monument	1,119.98
Crater of the Moon (Deletion of unknown size)	
Death Valley National Monument	305,920
Fort Jefferson National Monument	47,125
Fort Laramie National Monument	214.41
Fort Matanzas National Monument	
Glacier Bay National Monument	904,960
Grand Canyon II	−71,854
Jackson Hole National Monument	210,950
Joshua Tree National Monument	825,340
Katmai National Monument	
Meriwether Lewis National Monument	33,631.20
Montezuma Castle National Monument	
Mukuntuweap (Zion) National Monument	49,150
Organ Pipe Cactus National Monument	330,690
Pinnacles National Monument	4,589.26
Scotts Bluff National Monument	46.17
Santa Rosa Island National Monument	5,500.00
Statute of Liberty National Monument	
Tonto National Monument	
Tuzigoot National Monument	42.67
Walnut Canyon National Monument	
White Sands National Monument	158.91
Total	2,626,559.7

Harry S. Truman (1953–1961)	
Aztec Ruins National Monument	1
Channel Island National Monument	25,600
Death Valley National Monument	40
Effigy Mounds National Monument	1,204
Fort Matanzas National Monument	179
Great Sand Dunes National Monument	
Hovenweep National Monument	80
Hovenweep National Monument	81
Lava Beds National Monument	211
Muir Woods National Monument	504
Sitka National Monument	54,30
Total	27,954.30

Dwight D. Eisenhower (1953–1961)	
Arches National Monument	−240
Bandelier National Monument	3,600
Black Canyon of the Gunnison National Monument	−470
Cabrillo National Monument	80
Capitol Reef National Monument	3,040
Chesapeake and Ohio Canal National Monument	4,800
Colorado National Monument	−91
Edison Laboratory National Monument	1
Fort Pulaski National Monument	
Glacier Bay National Monument	−24,925
Great Sand Dunes National Monument	−8,805
Hovenweep National Monument	
White Sands National Monument	478
Total	−22,530

John F. Kennedy (1961–1963)	
Bandelier National Monument	−1,043
Buck Island Reef National Monument	850
Crater of the Moon National Monument	5,360
Gila Cliff Dwelling National Monument	375
Natural Bridges National Monument	4,916
Russell Cave National Monument	310
Saguaro National Monument	5,360
Timpanogos Cave National Monument	
Total	26,128

Lyndon B. Johnson (1963–1969	
Arches National Monument	48,943
Capitol Reef National Monument	215,056
Katmai National Monument	54,547
Marble Canyon National Monument	26,080
Statue of Liberty National Monument	48
Total	344,674

Richard M. Nixon (1969–1973)	0

Gerald R. Ford (1973–1977)	
Buck Island National Monument	30
Cabrillo National Monument	56
Total	86

Jimmy Carter (1977–1981)	
Admiralty Island National Monument	1,100,000
Aniakchak National Monument	350,000
Becharof National Monument	1,200,000
Bering Land Bridge National Monument	2,590,000
Cape Krusenstern National Monument	560,000
Denali National Monument	3,890,000
Gates of the Arctic National Monument	8,220,000
Glacier Bay National Monument	550,000
Katmai National Monument	1,370,000
Kenai Fjords National Monument	570,000
Kobuk Valley National Monument	1,710,000
Lake Clark National Monument	2,500,000
Misty Fiords National Monument	2,285,000
Noatak National Monument	5,800,000
Wrangell-St. Elias National Mlonument	10,950,000
Yukon-Charley National Monument	1,730,000
Yukon Flats National Monument	10,600,000
Total	55,975,000

Ronald W. Reagan (1981–1989)	0

George Herbert Walker Bush (1989–1993)	0

William Jefferson Clinton (1993–Present)	
Aquafria National Monument—established January 11, 2000	71,100
California Coastal National Monument (acreage unspecified) established January 11, 2000	
Canyon of the Ancients—established June 9, 2000	164,000
Cascade-Siskiyou National Monument—established June 9, 2000	52,000
Grand Canyon-Parashant National Monument—established January 11, 2000	1,014,000
Giant Sequoia National Monument—established April 15, 2000	327,769
Grand Staircase-Escalante National Monument—established September 18, 1996	1,700,000

	Acreage
Hanford Reach National Monument—established June 9, 2000	195,000
Ironwood Forest National Monument—established June 9, 2000 ..	129,000
Pinnacles National Monument—established January 11, 2000	7,900
Total	3,789,669

Mr. NICKLES. I mentioned all of the Presidents. President Clinton has greatly exceeded the amount of new additions compared to any President, with the one exception of President Carter. To give a comparison, President Ford added 86 acres in national monuments in his tenure as President. President Reagan and President Bush added zero. Teddy Roosevelt added 1.5 million acres; William Taft, 32,000 acres. I could go on down the list. My point is, the amount President Clinton has added this year alone exceeds what almost any other President has done.

I ask unanimous consent to print in the RECORD a copy of the Antiquities Act.

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

ANTIQUITIES ACT

TITLE 16—CONSERVATION

CHAPTER 1—NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES

Subchapter LXI—National and International Monuments and Memorials

SEC. 431. NATIONAL MONUMENTS; RESERVATION OF LANDS; RELINQUISHMENT OF PRIVATE CLAIMS.

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmark, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

(June 8, 1906, ch. 3060, Sec. 2, 34 Stat. 225.)

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. CRAIG. I thank the Senator for the leadership he has taken in this area. It is so critically important.

About a month and a half ago, I got a call from the Secretary of the Interior, Bruce Babbitt, who said: I am headed to Idaho. I am going to look at the Craters of the Moon National Monument. I might want to expand it.

''I might want to expand it,'' was what he said. It is currently 54,000 acres. He has recommended that it be expanded to 754,000 acres. He doesn't take into consideration grazing. He wants to overlay Park Service and BLM management into a confusing new kind of configuration.

Most importantly—this is the point the Senator from Oklahoma has just made—there have been no public hearings, no local input. He went around and held some meetings with some affected or potentially affected parties.

If the Congress were handling this, we would have the full NEPA process. We would have an EIS. We would incorporate our county governments. We would look at the kind of impact this designation would have. The Senator is right, he and I might ultimately agree with it, but what about the county roads that go through it and some of the private roads that go through it and the elimination or the blockage of those roads. Those are the kinds of issues this President and this Secretary have totally ignored in the name of the Clinton legacy.

I hope this amendment will pass. It is time we halt this action and bring this through the Congress to an appropriate public process to sort out all these difficulties. That is what the committee on which the Senator from Oklahoma and I serve has the responsibility of doing: refining and crafting public policy.

I thank the Senator.

Mr. NICKLES. I thank my colleague, Mr. President.

I know the chairman of the subcommittee wants to address this and perhaps other issues.

One other comment: The President did this first in September of 1996 prior to the election. I know my colleague from Nevada might remember this because he did it with a press conference overlooking the Grand Canyon, talking about the addition of a new national monument, except the monument he was talking about was not in Arizona, not in the Grand Canyon; it was actually in Utah. It was the Grand Staircase National Monument, 1.7 million acres. It happened to have billions of dollars of raw materials.

Interestingly enough, the Utah Governor was not consulted. The Utah congressional delegation was not consulted. People in the community were not consulted. We had a massive land grab, power mineral grab—you name it—by the President of the United States for a photo op for election purposes that, in my opinion, may have been granted but needed congressional input and authorization. That is the purpose of the amendment, to make sure this type of thing does not continue without at least some input from other local officials.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we have about 5 minutes remaining. The Senator from Nevada is going to introduce two additional amendments, quite appropriately, before that.

In connection with this amendment, however, I need to say that this amendment causes a conflict on my part more than any other here. I agree with the amendment. I think the power has been misused. I am not sure it can be reversed by another President. The Senator from Idaho seems to feel that it can be. But I believe we have had a number of actions that have raised far more questions than they have actually settled.

By the same token, I know perfectly well if this amendment is in the bill that goes to the President, the President will veto the bill. I simply say, since I know my friend from Nevada will be on the conference committee, I don't intend to send a bill to the President that we don't believe he ought to sign, at the very least. I just have to leave that notice at this point.

We have 4 more minutes. I will say one other thing. At least in theory, amendments can be brought up and discussed to this bill—the amendments that are listed in the unanimous consent agreement—and they could be further discussed after the end of the many votes that we have tonight.

I yield the floor to the Senator from Nevada so he can introduce the remaining amendments.

The PRESIDING OFFICER. Without objection, the pending amendment will be temporarily set aside.

AMENDMENT NO. 3885

Mr. REID. 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 Nevada [Mr. REID], for Mrs. BOXER, proposes an amendment numbered 3885.

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

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

The amendment is as follows:

At the appropriate place insert 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 may be present.

AMENDMENT NO. 3886 TO AMENDMENT NO. 3885

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BOND, proposes an amendment numbered 3886 to amendment No. 3885.

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

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

The amendment is as follows:

(Purpose: To prohibit use of funds for application of unapproved pesticides in certain areas that may be used by children)

In lieu of the matter proposed to be inserted, insert the following:

SEC. . PROHIBITION ON USE OF FUNDS FOR APPLICATION OF UNAPPROVED PESTICIDES IN CERTAIN AREAS THAT MAY BE USED BY CHILDREN.

(a) DEFINITION OF PESTICIDE.—In this section, the term ''pesticide'' has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated under this Act may be used for the application of a pesticide that is not approved for use by the Environmental Protection Agency in any area owned or managed by the Department of the Interior that may be used by children, including any national park.

(c) COORDINATION.—The Secretary of the Interior shall coordinate with the Administrator of the Environmental Protection Agency to ensure that the methods of pest control used by the Department of the Interior do not lead to unacceptable exposure of children to pesticides.

Mr. BOND. Mr. President, my bipartisan amendment, cosponsored by Senators LINCOLN, KERREY of Nebraska, and ROBERTS, prevents funds from being used for the application of any pesticide that is not approved for use by the Environmental Protection Agency in any area managed by the U.S. Park Service that may be used by children. Further, it directs the Secretary of the Interior to coordinate with EPA to ensure that pest control methods do not lead to unacceptable exposure of children to pesticides.

Let there be no mistake that every member of this Senate supports the protection of children. It is the mandate of the EPA to do so. They are already required by law to do so.

The strict standard that mandates EPA on product approval is: ''reasonable certainty of no harm.'' That is a tall hurdle.

The shocking thing about this underlying amendment by the Senator from California is that its premise holds that the EPA, is not, I repeat, not, doing its job protecting children. Let me repeat, this is a referendum on whether EPA is protecting children. Now, I think, that if the EPA were paying attention, it would be news to the EPA Administrator that her agency is not protecting children. As Chairman of the Appropriations Subcommittee on VA/HUD, I have listened to countless hours of testimony about the Administrator's devotion to protecting children. I would think, that if we had a Sense of the Senate that Administrator Browner is not doing her job protecting children, we would defeat that.

I asked the nominee (James V. Aidala) to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency if the EPA already protects children on military bases from harmful pesticides and we got the following response:

The protection of children is one of our highest priorities. When we register, re-register, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children.

He continued on to say that,

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.

Let the record also show that the reason that many pesticides are used is to protect children from bacteria and disease including asthma, encephalitis, malaria, lyme disease, Legionnaires' disease, and other diseases all of which that occur here in the U.S.

Mr. President, what is a pesticide? According to EPA,

. . . all of these common products are considered pesticides. Cockroach sprays and baits; insect repellents for personal use; rat and other rodent poisons; flea and tick sprays, powders, and pet collars; kitchen, laundry, and bath disinfectants and sanitizer; products that kill mold and mildew; some lawn and garden products, such as week killers; and, some swimming pool chemicals.

Pesticides eradicate a wide variety of pests, including cockroaches, biting insects, algae, bacteria, poisonous Brown Recluse Spiders—as found in the U.S. Capitol buildings—and infectious microbes which result in unsanitary and unhealthy conditions at food and medical care facilities.

Many common cleaners, disinfectants and sanitizer are used to eradicate infectious microbes, bacteria, and algae in bathroom and kitchens and nursing homes, hospitals and other health care facilities. Cooling systems and water supplies are treated. Chlorine, which is registered as a pesticide by EPA could be affected by the underlying amendment. Products that sterilize medical equipment are carcinogenic and would thus also be affected.

Used according to EPA—label instructions, pesticides not only prevent property damage from termites, but also protect our children. West Nile virus and encephalitis, which have been detected throughout the mid-Atlantic, are carried by mosquitoes. Deer ticks carry lyme disease, and cockroaches have been linked to the worsening of asthma symptoms.

According to the New York Times, asthma is now the most common cause of hospitalization among American children affecting a total of five million. Deaths among children with the condition rose 78 percent from 1980 to 1993.

Again, these pesticides are approved by the EPA following a rigorous and science-based process to determine what is safe and what is not safe. With our concern for the safety of our children in mind, this body passed the Food Quality Protection Act (FQPA) unanimously in 1996. FQPA was designed to update the safety standards of pesticides especially with respect to children and other vulnerable sub-populations. The Environmental Protection Agency has been implementing this law for the past four years. In the regulatory review process EPA reviews data from up to 120 tests conducted on pesticides prior to registration.

When registration decisions are made, the EPA includes additional safety factors for children. According to EPA, ''. . . these specific requirements in the statute will help EPA in its efforts to implement the NAS report and ensure that risks to infants and children are always considered. . . .'' And, under FIFRA, EPA has the authority to immediately cancel the use of any pest control product that it believes poses an imminent risk to public health.

Obviously, EPA has the authority to protect children. Obviously, EPA believes that the law protects children. Obviously, EPA believes they are protecting children.

Since the new law in 1996, EPA has re-reviewed thousands of products. We are spending about $50 million in taxpayer money to pay full-time experts at the EPA to Administer the FQPA and to re-review the products. They tell us what is safe and what is not safe.

Contrary to what was mistakenly represented in previous debate, EPA does NOT support this amendment. According to EPA in answers in response to questions I submitted for the RECORD on June 30, 2000, ''. . . the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.''

With this extensive regulatory process in place and recently updated, I cannot support the Senator's proposal to regulate further pesticides by completely ignoring and circumventing EPA's aggressive implementation of FQPA, as well as the Clinton Administration's entire regulatory process. The Senator from California's proposal will effectively regulate pesticides from the Senate floor on an appropriations bill, which is not only bad science, but bad public policy as well, and a process we all should want to avoid. I think if we are going to have a referendum on whether the EPA protect's children, we should have some cursory review of the subject first.

I am also not an expert on asthma or encephalitis or lyme's disease or salmonella, or e. Coli or Legionnaires' disease or the West Nile virus.

If the Senator from California has some information that says that the EPA is not doing their job, then I think the information should be reviewed and the EPA should have the opportunity to respond and comment and defend itself. If there is an emergency that the Senator from California is aware of, EPA has the regulatory authority to deal with it and they should. If EPA is not appropriately dealing with an emergency, perhaps we should ask the Administrator to tell us why that is

the case. Absent that, it is not a very good idea for us to be substituting our scientific judgment for the judgment of Administrator Browner's scientists as to what is and is not safe.

We also know that according to industry and EPA, there is no legal or regulatory or industry ''term of art'' for a ''category I or category II acute nerve toxin.'' If we are going to tell EPA to prohibit something, EPA should understand what we want them to prohibit. If we are going to tell industry that they cannot use a product, they should know what product they are forbidden to use.

One organophosphate, for example, is Raid. Organochlorides, I am told, are products that contain carbon and chlorine which wipes out all hard surface disinfectants. One such hard surface disinfectant which is used daily to clean our bathrooms is Lysol disinfectant. Some of the same products are used to clean our cafeteria. Some carcinogens are used to sterilize medical equipment.

The chairman of the House Committee on Appropriations has just received a bipartisan letter from the Chairmen and Ranking Members of the House committee of jurisdiction stating that this is an issue under their jurisdiction which should be dealt with solely through the authorization process. The bipartisan letter was signed by Congressmen COMBEST, STENHOLM, GOODLATTE and CLAYTON.

Mr. President, I am continuously amazed at the knowledge and dedication of my Senate colleagues but I will admit that I am not an expert on organophosphates or nerve toxins. I fear that this issue about nerve toxins and organophosphates and ''probable carcinogens'' may be a mystery to a good number of my colleagues and it is a horrible precedent for regulation, which will impact not only the urban uses of pest control products, but also the agricultural uses for our Nation's farmers.

We know that the EPA does not support this amendment. It has not reviewed it and I don't expect them to review it during an election year.

My amendment protects children by allowing Carol Browner and her cops on the beat to do their job.

We have a dreadful picture of a bite from a Brown recluse spider. This spider is bad news as the picture indicates. This poisonous spider was found in the Capitol on more than one occasion and it is called a recluse spider because it is hard to discover. In the last three weeks, a Senate appropriations staffer was bitten by this spider.

Used according to EPA-label instructions, pesticides protect our children by controlling harmful pests like disease carrying insects, infectious bacteria, poison ivy, and other noxious weeds.

This underlying Boxer amendment would prohibit the use of products that have been scientifically tested and approved for use by the EPA to help prevent disease and improve the quality of life for all Americans, especially children. The EPA has a sound regulatory process in place that protects children and provides safe, effective pest control tools for use in the farmer's field, the cafeteria, hospitals, playgrounds, and the home. To undermine the process of the strictest pesticide regulations in the world would not only set a misguided precedent, but would indeed threaten the health of our children. It would also send a shocking message that our EPA is not following its legal mandate and its perpetually-articulated mission of protecting children.

In summary, the underlying amendment it is unnecessary, it is overly-broad, it is a horrible precedent and it is encumbered with far-reaching unintended negative consequences that are harmful to children.

I just do not believe the U.S. Senate should take an action which makes the visitor's centers of our national parks the largest cockroach hotels on the planet.

My amendment prohibits the use of any pesticide not approved by Administrator Browner's team and ensures consultation to ensure that pest control methods do not lead to unacceptable exposure of children to pesticides. I urge my colleagues to support my amendment and preserve the effectiveness and the integrity of the science-based regulatory system.

I ask unanimous consent to print in the RECORD a letter from the Farm Bureau opposing the underlying amendment.

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

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, July 17, 2000.

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: On behalf of the American Farm Bureau Federation, I am writing to express our deep concern and opposition to the Boxer amendment to the Interior Appropriations bill. The amendment as proposed would stop the use of pesticides on public lands, pesticides use to prevent and control noxious weeds, invasive species and other pests that threaten the health and long-term sustainability of those lands. The amendment is without merit or scientific basis and should be defeated.

This amendment is misguided and would be harmful to the public interest. The current federal laws governing pesticide use, specifically the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Food Quality Protection Act (FQPA) require scores of tests and large amounts of scientific data to be submitted to the Environmental Protection Agency (EPA) before a pesticide is approved for public use. Products used in accordance with the label are safe. It is essential for public confidence that pesticide decisions be based on sound science and objective regulatory review. This amendment arbitrarily circumvents the regulatory process and creates confusion in the public mind.

Agricultural producers who farm and ranch on or adjacent to public land face increased threats to their economic viability. The spread of pests, noxious weeds and invasive species represents a real economic burden to farming and ranching operations in many areas, particularly where they are near public lands. Additionally, they pose a substantial environmental and public health risk if left uncontrolled. For example, efforts to control mosquitoes carrying the deadly West Nile encephalitis virus could be threatened by this amendment, as could efforts to control pests such as the Gypsy Moth Caterpillar and Asian Longhorned Beetle that have devastated hardwoods in both our urban and rural areas.

Please oppose the Boxer amendment to the Interior Appropriations bill.

Sincerely,

BOB STALLMAN,
President.

Mr. REID. Mr. President, the amendment I offered on behalf of Senator BOXER would limit the use of dangerous pesticides in our national parks. In particular, it prohibits the routine use of highly toxic pesticides—those containing known or probable carcinogens, acute nerve toxins, organophosphates, carbamates, or organochlorines—in our national parks, where children may be present.

Such pesticides could be used in the case of an emergency. This is already the policy of the National Park Service. This amendment would codify this important policy.

Mr. GORTON. Mr. President, the Bond second-degree amendment prevents funds from being used for the application of any pesticide that is not approved for use by the Environmental Protection Agency in any area managed by the Park Service that may be used by children, and directs the Secretary of Interior to coordinate with EPA to assure pest control methods do not lead to unacceptable exposure of children to pesticides.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside.

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

AMENDMENT NO. 3887

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BINGAMAN, proposes an amendment numbered 3887.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate 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 (ISDEA), 25 U.S.C. et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of Interior and others seeking redress for failure to fully pay for indirect contract support costs (Ramah Navajo

Chapter v. Babbitt, 112 F.3d 1455 (10th Cir. 1997));

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

(3) the partial settlement was paid by the United States on September 14, 1999, in the amount of $82,000,000;

(4) the Judgment Fund, 31 U.S.C. 1304, 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) because the potential exists that Indian program funds in the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) would be used in Fiscal Year 2001 to reimburse the Judgment Fund, resulting in significant financial and administrative disruptions in the BIA, the IHS, and the Indian tribes who rely on such funds;

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

(1) the Secretary of the Interior and the Secretary of the Department of Health and Human Services should declare Indian program funds unavailable for purposes of reimbursing the judgment fund; and

(2) if the Secretary of the Interior and the Secretary of the Department of Health and Human Services determines that there are no other available funds, the agencies through the Administration should seek an appropriation of funds from Congress to provide for reimbursement of the judgment fund.

KYOTO PROTOCOL RESTRICTIONS

Mr. LEAHY. Mr. President, as the Senate debates the FY 2001 Interior and Related Appropriations Act, I would like to take a moment to ask the distinguished subcommittee Chairman and Ranking Member a clarifying question concerning Section 329 of the bill. That section, as my colleagues know, contains language concerning the implementation of the Kyoto Protocol.

Mr. President, the Senate has clearly expressed its views regarding the Kyoto Protocol in S. Res. 98, the Byrd-Hagel resolution adopted unanimously by the Senate on July 25, 1997. That resolution calls on the Administration to support an approach to climate change that protects the economic interests of the United States and seeks commitments from developing countries to reduce greenhouse gas emissions. The Administration is aggressively engaging developing countries to reduce greenhouse gas emissions through international projects and activities emphasizing market-based mechanisms and environmental technology. Furthermore, the U.S. is currently engaged in climate change negotiations to ensure meaningful participation of developing countries and to ensure that greenhouse gas emissions reductions are achieved in the most cost-effective manner.

Mr. President, I ask my friend from West Virginia if my understanding is correct that Section 329 of the FY 2001 Interior bill is not intended to restrict the Administration from engaging in these international negotiations related to both the Framework Convention on Climate Change, which was ratified by the Senate in 1992, and the Kyoto Protocol to that Convention? Am I also correct in my understanding that Section 329 is not intended to restrict international programs or activities to encourage commitments by developing countries to reduce greenhouse gas emissions?

Mr. BYRD. Mr. President, I appreciate the question from my distinguished colleague from Vermont, whose background in international affairs is well known and impressive, indeed. In response, I say to my friend that his understanding is correct, Section 329 is not intended to restrict U.S. negotiations or the other activities such as he has described. On the contrary, the section is intended to prevent the Administration from implementing the Kyoto Protocol prior to itss ratification by the Senate.

Mr. GORTON. Mr. President, I concur with the statement just provided by the Senator from West Virginia.

SEA TURTLE CONSERVATION

Mr. BREAUX. Mr. President, will the distinguished Chairman of the Interior Appropriations Subcommittee yield for a question?

Mr. GORTON. Mr. President, I will gladly yield to a question from my good friend from Louisiana.

Mr. BREAUX. Mr. President, I thank the distinguished Chairman. I want to commend the gentleman from Washington and the distinguished ranking member for the great leadership they have demonstrated in crafting the FY2001 Interior Appropriations bill. Gentlemen, last year you were both instrumental in securing funds for a project of great personal interest to Senator LOTT and myself, the Kemp's ridley sea turtle project. The project, funded in part through the U.S. Fish and Wildlife Service is a twenty-year-old on-going success story in the recovery of a highly endangered species. Since 1978, the United States Fish and Wildlife Service has spearheaded the sea turtle conservation work at Rancho Nuevo, Mexico. This collaborative conservation project with the Mexican government and the U.S. shrimp industry, through the National Fisheries Institute, protects Kemp's ridley sea turtle nests and females from predation and other hazards, and ensures that young turtles make it into the sea. I am pleased to report that this Spring, the project has reached an all time success level with some 750 turtles laying eggs in over 5,000 nests, a record in the past 40 years. However, this year, despite the demonstrable success of the project, the Fish and Wildlife Service did not request funds for the Kemp's ridley sea turtle project. I am extremely concerned and want to express my strong support for continued funding for this valuable conservation effort.

Mr. GORTON. It is clear from my friend's statement that he knows much about the sea turtle conservation protect, and I share his enthusiasm for these important efforts to project the Kemp's ridley sea turtle. While I am keenly aware of the fiscal constraints on the Fish and Wildlife Service, I once again encourage the Service to consider providing whatever support it can within these existing budget constraints.

Mr. BYRD. I agree with my colleagues from Washington and Louisiana. The Fish and Wildlife Service should make every effort to support this project in order to uphold a scientifically justified success in endangered species management.

REGARDING THE NEED FOR EMERGENCY FUNDING FOR THE WASHAKIE DAM IN WYOMING'S WIND RIVER RESERVATION

Mr. ENZI. Mr. President, I would like to thank my colleague, Senator GORTON, for helping me address the need for emergency funding for the Shoshone and Arapaho Tribes of Central Wyoming. On June 1, 2000, Gary Collins, Director of Tribal Water Engineers Office for the Shoshone and Arapaho Tribes on the Wind River Indian Reservation in central Wyoming announced the need to evacuate homes down river from the Washakie Dam. The evacuation was the result of a ''first fill'' test being conducted by the tribe for the newly refurbished Washakie Dam. In accordance with first fill protocol and criteria, the dam was filled to the first of two target levels and then held at that first level for a specified number of days to allow inspection of the dam's operation. Because of unusually high seepage at a key structural point—50 gallons per minute at the toe of the dam, however, the tribe implemented its Emergency Action Plan, ordered the down stream evacuation and conducted temporary repairs to stop the flow. The repairs were successful and the immediate danger temporarily abated.

While the seep is now under control, the first fill protocol is still to be completed. Under normal conditions, the tribe would have restarted the first fill protocol and would have refilled the dam to test it again for additional seepage or any other problems. There is not enough water, however, to complete the first fill on the Washakie Dam. Wyoming, along with the rest of the west is suffering from a serious drought situation. The first fill test will not be completed until next spring when, hopefully, we will have enough snowfall to generate the water needed to fill the reservoir.

As with the first fill of any dam, there is always a concern that some unanticipated event will occur which requires immediate action to protect life and property. The reconstruction project was finished ahead of time, and under budget, but the remaining funds will be inadequate to respond to any catastrophic incident. It makes much more sense to set aside funds up front to mitigate a possible catastrophe, than to spend millions of additional dollars, and possibly lose human life, for a disaster that could have been averted.

The decision by Congress to provide emergency funding for incidents before they occur is not without precedent. For example, in 1997 the U.S. Congress provided funds to prevent flooding in and around Devil's Lake in North Dakota. No actual disaster had occurred, but impending weather conditions threatened surrounding communities and we provided the means to avert disaster.

I am therefore asking my colleague for his thoughts on what we can do to help out the Eastern Shoshone and Northern Arapaho Tribes and ensure the safety of the residents living around the Washakie Dam.

Mr. GORTON. Mr. President, I appreciate the comments of my colleague and recognize the potential severity of the situation at the Washakie Dam.

I would like to assure my colleague that I will work with him to ensure that adequate funding is available to make any necessary repairs to the dam or to conduct other activities necessary to ensure the safety of people living in the vicinity of the dam.

HAZARDOUS FUEL REMOVAL

Mr. KYL. Mr. President, I'm pleased to sponsor Senator DOMENICI's amendment, number 3782, to the fiscal year 2001 Interior and Related Agencies Appropriations bill which adds critical funding to the budgets of the Bureau of Land Management and the Forest Service for hazardous fuel removal. These funds are necessary to address the immediate threats to wildland/urban interface areas across the country which are surrounded by public lands choking with natural fuels buildup from a half-century of fire suppression. The Los Alamos fire was a tragic reminder of the threat that exists today around many communities. In my own state of Arizona, which has the largest ponderosa pine forest in the world, the communities of Flagstaff, Tucson, Summer Haven, Pinetop-Lakeside, Showlow, and countless others are virtually surrounded by the national forest.

The work being done by the Ecological Restoration Institute at Northern Arizona University to address forest ecosystem restoration is world-class. I believe my colleagues are aware of the forest treatment and public education programs there. I understand that an agreement was reached to provide $8.8 million directly to the Ecological Restoration Institute for its ongoing efforts from within the funds made available to the Bureau of Land Management. Is this correct?

Mr. DOMENICI. I'm glad to have the Senator from Arizona as a sponsor of my amendment, which does provide additional necessary funding to the BLM and the Forest Service for fuels reduction. And I am aware of the work being done by the Ecological Restoration Institute. My staff met with the director of the program. It is my understanding that, from within funds provided for the Bureau of Land Management in this amendment, $8.8 million is provided for the Ecological Restoration Institute.

Mr. GORTON. That is what we have agreed to, with the concurrence of Senator BYRD.

Mr. BYRD. I am in agreement with that understanding.

HISTORICAL SITES IN NEW JERSEY

Mr. TORRICELLI. Mr. President, I rise to ask the distinguished managers of the bill if they would consider a request I have concerning the conference.

Mr. GORTON; I would be happy to consider a request from my colleague from New Jersey.

Mr. TORRICELLI. I rise to talk about two sites in New Jersey which are worthy of federal funding for their protection. I would hope that should additional funding become available, the Senate would consider providing federal funding to contribute to the acquisition of these sites.

The first is The Historic New Bridge Landing, located in Bergen County, New Jersey. I am concerned that this site will be lost unless federal protection is afforded to it. In November 1776, reeling from a series of devastating defeats in Brooklyn and Manhattan, the Continental Army fled across the Hudson River to New Jersey. The Red Coats, in hot pursuit, continually forced Washington to retreat.

After crossing New Bridge, Washington instructed a contingent of troops to dismantle the bridge and protect the army's rear. Though unable to destroy the bridge, Washington's troops held off the British long enough to allow the Army to escape.

This bridge called ''The Bridge that Saved a Nation,'' was strategically situated at the narrows of the Hackensack River. The bridge and surrounding area were a hotly contested battleground, encampment ground, military intelligence post and headquarters. In 1780, when the Continental army regained control of the area surrounding the New Bridge, Washington used the Steuben house as a headquarters and stayed in a second floor bedroom.

This property has been the object of attention for historians and preservationists for many years. The historical significance of this has been confirmed; the site is listed on both the New Jersey and National Registers of Historic Places. In addition, in 1999, the site was named among the 10 Most Endangered Historic Sites in New Jersey by Preservation New Jersey, a private state-wide historic preservation organization. Finally, this site is included in the National Park Service's Revolutionary War and War of 1812 Battlefield study, which aims to catalog important sites in need of protection.

New Bridge Landing encompasses 18 acres on both sides of the Hackensack River in Central Bergen County, New Jersey. Commercial development, neglect and time, have combined to erode and threaten to destroy this historically significant site. Since 1995, the Historic New Bridge Landing Commission has been working toward the establishment of a major new historic and cultural park at Historic New Bridge Landing, in Central Bergen County, NJ. The Commission has established a General Management Plan which outlines the objectives of the proposed park.

Today, this site remains a hotly contested battleground, and while the nature of the battle is different, the importance of prevailing is no less important. New Jersey has undergone a revolution from ''Garden State'' to ''Suburban State,'' More than 40 percent of New Jersey is developed. New Jersey is by far the most built-over state in the nation and it is number 1 in the rate at which it is losing its open space. Since 1961, New Jersey has lost over half a million acres to sprawl. The area adjacent to New Bridge Landing have not been spared. Virtually all of the land adjacent to the site has been developed. This development is visible from the site, altering its character and diminishing the visitor's experience of the park's historic landscape.

Mr. President, I would like to introduce this letter from the National Park Service testifying to the importance of Historic New Bridge Landing, and the need for federal efforts to preserve and protect it. Historic New Bridge Landing is worthy of our protection, and I would hope that the Senate would consider providing funding for the protection of this important site.

The second site which I rise today to speak in support of, is the Glen Gray Boy Scout Camp, located in the heart of the Ramapo Mountains, in New Jersey.

Much like the rest of my state, this 850 acre tract is threatened with development. Sprawl threatens to eat away at this pristine site, and the remainder of the Highlands. New Jersey knows all too well the peril of sprawl and has paid a terrible price at the hands of developers of shopping malls and subdivisions.

An average of 10,000 acres of rural/agricultural land is being developed piecemeal every year in New Jersey. The NY–NJ Highlands has seen a 60 percent increase in urbanization in the last 25 years, and is expected to absorb a 14 percent increase in population by 2010. Years ago, we made an important step in the preservation of the Highlands with the effort to protect Sterling Forest. This effort was aided by a study of the New York-New Jersey Highlands Region, conducted by the Forest Service.

That study also found the Highlands to be of national significance due to the diversity and quality of its natural resources and landscape. In addition, the study confirmed threats from development to water quality, critical open space, and recreational resources.

The Highlands regional study has shown us that this region is deserving of federal funding to allow for its protection. I am hopeful that the Committee will share my concern for this region, and commit funding for its protection.

I realize that the Committee faces many demands when putting this bill together. While these requests were not included in the bill, I would ask the Committee to consider funding for these worthy projects in the Conference.

Mr. GORTON. I thank the Senator from New Jersey and assure him that the Committee recognizes the importance of protecting threatened lands throughout the country.

IDAHO PROGRAMS

Mr. CRAIG. Mr. President, would the distinguished Chairman of the Subcommittee yield for a colloquy regarding several important, proposed projects under the jurisdiction of the Interior Subcommittee?

Mr. GORTON. I would be pleased to yield to the Senator from Idaho to discuss this important issue.

Mr. CRAIG. First, allow me to thank the Chairman and the Ranking Member for their hard work on the Fiscal year 2001 Interior and Related Agencies Appropriations bill. Despite scarce resources and tough choices, they came up with a fiscally responsible bill that meets important priorities, which I support.

There are some important projects to be funded in this bill that I would like to work with the Chairman on.

We are proud to be the home of Lake Coeur d'Alene in North Idaho. It has become a world-class destination for all sorts of outdoor activities—from golf to water sports to mountain biking. This tourism is important to the local economy and the ability to partake in these activities is vital to the local residents' quality of life. I know the Chairman is very familiar with the area, since it is a short distance from Spokane, Washington and is a popular recreation destination for many of his constituents.

The problem we have encountered is a lack of public boat launching facilities. Most of the lake front land around the lake is privately owned, so land for public launch facilities is scarce. However, the Bureau of Land Management has purchased land for a boat launch facility and has completed all of the appropriate studies and planning; they are simply lacking the funds to build the facility. The local community, including many residents of Washington State, tenaciously support the project and are willing to provide about $700,000 toward the project.

In the same part of the great State of Idaho, mining has been and, hopefully, will continue to be a substantial part of the local economy—providng the minerals we all need. The University of Idaho and Washington State University want to work with the U.S. Geological Survey to develop new high-tech methods of modeling geology, to be tested in North Idaho, but eventually applied world-wide, to provide better exploration and modeling techniques to find groundwater, minerals, etc.

In the Southern part of Idaho, we are very concerned about the proposed listing of the Sage Grouse as an endangered species. The U.S. Fish and Wildlife Service has been petitioned to list the species, which would have a dramatic impact on the lives of the people of Southern Idaho, as well as future BLM and Forest Service operations. It becomes readily apparent when you visit Southern Idaho that the entire region is habitat for Sage Grouse.

Local working groups have been formed across Southern Idaho to find local, collaborative projects to restore Sage Grouse habitat and the species which would make a listing under the Endangered Species Act unnecessary. To be successful, this effort appropriately requires some federal support.

Finally, also in Southern Idaho, there is an urgent need to re-open the BLM's air tanker resupply base at the Twin Falls airport. This base was closed in 1998, after an internal inspection indicated unsafe conditions. This is the only such base within 100 miles of most of the Idaho-Nevada border, which uniquely suits it to provide the fastest possible response and turnaround times in this area during the fire season. In this vast expanse of vulnerable landscape, in the dry season, a small accident rapidly could become a major fire disaster. We've seen that happen in other parts of the country and we should take steps here to prevent it. The community has worked diligently with the local BLM office to re-open the base as soon as possible. However, in the national office, this project has been slipped back from year to year and down the priority list. Everyone agrees this base must be replaced. Our concern is simply that it should be done now, rather than be subject to further postponement.

I hope the chairman will work with me when this bill goes to conference to find funds for all of these important and fiscally responsible projects.

Mr. GORTON. I appreciate the Senator from Idaho's interest in these projects. I am familiar with them and recognize their value.

I would be happy to work with the Senator to make sure appropriate consideration is given to these projects in the Conference Committee.

Mr. CRAIG. I thank the Chairman.

CLEAN COAL TECHNOLOGY

Mr. BYRD. Mr. President, as the Senate considers the Fiscal Year 2001 Interior and Related Agencies appropriations bills, I wish to take a moment to address the Department of Energy's Clean Coal Technology Demonstration program, one of the most successful public-private research ventures ever undertaken, and one of the more important projects funded in this legislation.

Fundamentally, the goal of the Clean Coal program is simple: Encourage the private sector to design and demonstrate advanced technologies which will use coal, our most abundant fossil energy resource, more cleanly and efficiently. To achieve that goal, I initiated the Clean Coal Technology Demonstration program in 1984 with an initial appropriation of $750 million. In subsequent years, I was able to add to those funds for a total amount in excess of $2.0 billion. I am pleased to recall that then-President Ronald Reagan joined with me in endorsing the Clean Coal Technology Demonstration program.

As established, the program calls for the cost of clean coal demonstration projects to be shared equally between the Federal government and the private sector. Forty clean coal projects have been selected through a series of competitive solicitations issued by the Department of Energy. And while Congress required industry to contribute 50 percent of the cost of selected projects, I am proud to say that, in toto, industry has in fact contributed more than 66 percent of the total cost. Moreover, project sponsors are required to repay the Federal government's share of the project cost if and when the technologies are commercialized.

Beyond the successes that have come from the Clean Coal program, though, a few simple facts will also underscore the real necessity of the program as well. Our nation has approximately 274 billion tons of recoverable coal reserves. At current rates of consumption those reserves amount to more than a 200-year supply. Furthermore, more than one half—54 percent to be exact—of the electricity generated in this country last year came from coal. Mr. President, those are staggering statistics which prove that American coal is, and will remain, an abundant and critically important energy source. But those statistics also suggest that our reliance on coal must be carried out in a manner which utilizes the cleanest and most efficient technologies possible. And that is what the Clean Coal program is intended to accomplish.

In furtherance of that objective, the Committee on Appropriations, through its report accompanying this bill, has directed the Department of Energy to issue a report to Congress by March 1, 2001, depicting the nature and content of a potential new round of Clean Coal Technology projects. This information is vital if we in the Congress are to direct the Department to utilize funds already available in the Clean Coal program for the purpose of funding additional demonstration projects.

Indeed, Mr. President, I have heard from a number of companies interested in coal and the development of technologies that will allow this nation to make the best use of this abundant energy resource. These companies, some of which are in my own state of West Virginia, have recommended that any new clean coal solicitation be focused principally upon technologies that will reduce the environmental impacts from existing, as well as new, coal-fired facilities. In addition, I believe that we ought to be encouraging newer technologies that are even more advanced than the clean coal technologies that

have been demonstrated thus far. A new solicitation should therefore encourage technologies capable of reducing emissions of sulfur dioxide (SO_2), nitrogen oxide (NOx), or mercury, as well as increasing the operating efficiency of coal-fired power plants thereby reducing—and through technologies, working to eliminate—carbon dioxide emissions.

Mr. DORGAN. Mr. President, I, too, would like to join my distinguished colleague from West Virginia in addressing the Clean Coal Technology program. I would also like to commend the Chairman of the Interior Subcommittee, Senator GORTON, and of course the Ranking Member, Senator BYRD for their work relating to the Clean Coal Technology Demonstration program.

Mr. President, I share the optimism of the leaders of the Interior Appropriations Subcommittee with respects to the innovations that could be made with further clean coal technology projects. I specifically want to draw attention to one area in which I think that there is great potential—lignite energy development. In my state of North Dakota, the lignite industry provides a low-cost, reliable energy source for more than 2 million people in the upper Midwest. This industry directly employs 3,000 people in North Dakota and has great potential to increase the efficiency of coal-fired power plants while reducing the emissions with the application of new coal technologies.

Mr. President, because of the importance of lignite coal, I would urge the Department of Energy to specifically explore the development of low-rank coals, coals containing high-sodium, and mine-mouth applications and concepts in any new round of Clean Coal Technology projects. I also believe, and I would hope the Department would agree, too, that preference should be given to those states that have lignite research and development programs requiring public and private collaboration. This kind of work should be aspects of the study that the Committee report requires of the Department.

Mr. BYRD. Mr. President, I appreciate the comments of the distinguished Senator from North Dakota and I agree that the lignite energy industry has the potential to develop more environmentally sound and economically efficient technologies. I certainly welcome efforts to ensure that the lignite energy industry is given due consideration by the Energy Department as it develops its criteria for further Clean Coal Technology projects.

Mr. President, does the Chairman of the Interior Subcommittee agree with us about the need to consider the potential of lignite energy technologies in any new round of Clean Coal Technology projects?

Mr. GORTON. Mr. President, I recognize that the Clean Coal Technology program is an important priority for Senator BYRD and Senator DORGAN and I urge the Department of Energy to consider the viability of concepts not fully developed on low-rank coals and coals containing high sodium as it works on the study we have requested.

Mr. BYRD. Mr. President, I thank the Senator for his consideration, and wonder if he would answer a question or two to help clarify the Committee's directive regarding the Clean Coal Technology Demonstration program?

Mr. GORTON. Mr. President, I would be happy to answer the Senator's questions. I know he is a champion of coal and the Clean Coal Technology program, and I am also aware of his abiding interest in the environmentally sound use of coal as a source of power for this nation.

Mr. BYRD. Mr. President, would it be the Senator's thought that the Department should support technologies which control emissions from coal use or increase the operating efficiency of coal-based power plants?

Mr. GORTON. In response, let me say, Mr. President, that those are certainly the types of technologies that the Department should address.

Mr. BYRD. Would the distinguished Senator also agree with me that further demonstrations projects should be at a size that would permit immediate scale up to commercial capacity? And also, in that instance where the technology is to be applied to an existing plant, that the technology should be widely applicable to a very significant number of existing coal-fired generating facilities?

Mr. GORTON. Mr. President, again, I agree with the Senator. Given pending environmental requirements applicable to these coal-fired units, it would be my hope that the Department of Energy would consider larger scale projects able to be commercialized immediately. Also, any program should be aimed at developing technologies that could be applied to the greatest number of existing units possible.

Mr. BYRD. Mr. President, I thank the Senator from Washington for his courtesy in answering my inquiries.

Mr. BENNETT. I would like to ask the Chairman a question about the language concerning the 1994 Desert Tortoise Recovery Plan on page 18 of the report accompanying this legislation. It is the Chairman's understanding that the language refers specifically to certain tasks which the Fish and Wildlife Service committed in the Recovery Plan to complete by 1999 and, to my knowledge, have not even begun?

Mr. GORTON. The Senator is correct.

Mr. BENNETT. As the Chairman knows, I am deeply troubled that the United States Fish and Wildlife Service, Bureau of Land Management, and other federal agencies have moved very quickly to impose the land use controls recommended in the Recovery Plan, but have failed to undertake the basic tasks called for in that document to determine whether those land use controls are truly appropriate and are proving to be effective. I am speaking of three tasks: the desert tortoise monitoring that the Plan called ''crucial to determining if desert tortoise populations are stationary, declining, or increasing''; the desert tortoise population estimations that the Plan stated would be made every three to five years; and the Plan's reassessment that also was to be conducted every three to five years.

Mr. GORTON. The Senator is correct. The Committee fully expects the USFWS to fulfill its commitments in the Recovery Plan to carry out the desert tortoise monitoring, population estimation, and Recovery Plan reassessment. Additionally, the Committee expected the plan called for in the report language will focus solely on those three tasks.

Mr. BENNETT. One last point. To ensure that appropriated funds are spent wisely, I want to voice my concern that any methodology to be employed in conducting the monitoring be designed to permit correlation of the new data with the data gathered between 1980 and 2000. This will ensure that population trends, and the efficacy of programs and mitigation undertaken since 1980, can be determined.

Mr. GORTON. The Senator makes an excellent point. The Committee agrees that the desert tortoise monitoring methodology should be designed as you suggest.

Mr. BENNETT. I thank the Senator.

LAND AND WATER CONSERVATION FUNDS FOR IDAHO

Mr. CRAPO. Mr. President, would the distinguished Chairman of the Subcommittee yield for a colloquy regarding Land and Water Conservation Funds for Idaho?

Mr. GORTON. I would be pleased to yield to the Senator to discuss this important issue.

Mr. CRAPO. First, allow me to commend the Chairman for his leadership and hard work on this bill. He and the Subcommittee have had to make difficult decisions with scarce resources and have worked hard to do so in a fair manner. I appreciate the Chairman's efforts and diligence.

Idaho is a state of spectacular natural beauty and wildlife habitat. As the Chairman knows, an opportunity exists to use Land and Water Conservation Funds (LWCF) to acquire easements in the state to protect these valuable habitats and scenic values.

While I am concerned regarding the level of funding appropriated, I appreciate the Subcommittee's recognition of the importance of funding easements in the Sawtooth National Recreation Area, near the Snake River Birds of Prey National Conservation Area, and on the Lower Salmon River. However, many other LWCF projects in the state were not funded. Protecting deer habitat in the Soda Springs Hills, acquiring inholdings to protect elk range and address historic mining activities in the Silver Spar Land Acquisition, securing easements along the Upper Snake River and South Fork of the Snake River, and acquiring private land, the

Sulfur Creek Ranch, within the Frank Church River of No Return Wilderness area are all important projects. These projects are all locally-driven, with wide-spread support, and anxious willing-sellers.

I recognize that the Subcommittee is operating under significant financial restraints and that, unfortunately, not all worthy projects can be funded. It is my hope that if additional LWCF money becomes available, the Chairman can revisit these important Idaho projects. I would ask the Chairman if he would work with us in conference to evaluate these requests, with an eye toward inclusion in the conference report.

Mr. GORTON. I appreciate Senator CRAPO's interest in these projects. I am familiar with these projects and recognize the value in protecting these lands.

I would be happy to work with the Senator to reevaluate these projects in the conference committee. If additional LWCF funding becomes available, we will consider what can be done to address these needs.

Mr. CRAPO. I thank the Chairman.

Mrs. MURRAY. Mr. President, our Nation is blessed with many natural treasures that hold unique scientific or cultural value.

That's why in 1906 the Congress passed and the President signed the Antiquities Act to give us a way to protect these unique lands.

Since 1906, presidents of all parties have used the act to designate over 100 national monuments—including several which Congress later designated as National Parks including the Grand Canyon, Grand Teton and Olympic National Parks.

Each year, more than 50 million visitors enjoy our country's national monuments. Today, there are other unique areas throughout our country that hold similar value. Unfortunately, some of these remarkable areas are threatened by growth, development, and harvesting.

I believe we have a responsibility to protect these natural treasures. I believe we have a responsibility to be a good steward of these lands and to pass them on—untarnished—to future generations

I'm proud that Washington state is home to the Hanford Reach—which is the last-free flowing stretch of the Columbia River. During World War II and the Cold War, the people of the Tri-Cities made sacrifices that helped our nation end World War II and win the Cold War. Because of the high security around the nuclear facility, for decades this part of the Columbia River and the surrounding land was protected from development. Unfortunately, its future was not certain.

The Hanford Reach is a key salmon spawning ground and as many of my colleagues know we are working in the Pacific Northwest to help recover our once-abundant salmon stocks. I was pleased that the President used his authority—under the Antiquities Act—to designate the Hanford Reach as a National Monument.

Mr. President, it was the right thing to do.

That designation will help us recover salmon stocks, will ensure families can continue to enjoy the Reach, and will share the history of the Tri-Cities with the American public. And of course, the designation will preserve a unique habitat for future generations.

I hope that in the future, the Hanford Reach National Monument receives the attention and recognition that it deserves. The Olympic National Park began as a National Monument—one of the first—designated by President Roosevelt in 1909. Many generations of Americans have enjoyed the natural splendor that the Olympics and the surrounding area offer. I hope that the Hanford Reach will also become a destination for Americans eager to learn more about our past.

Unfortunately, the Nickles' amendment would deny the possibility of such protection to other deserving areas around the country. It is clear that supporters of this amendment are unhappy with the President's use of the Antiquities Act. But in the end, the President has legally exercised the authority vested in him by the Act.

If this Congress is really unhappy with the Antiquities Act, it could amend the Act itself or override particular designations. But we all know that won't happen. The reason it won't happen is because the majority of Americans believe that the lands protected under the Antiquities Act are deserving of such protection.

The Grand Canyon, Devils Tower, Mt. Olympus, Jackson Hole, Death Valley, Joshua Tree—have all been named as national monuments. Few would argue these areas are not worthy of such recognition and protection. The fact is many of these designations have been so popular that Congress later designated them as national parks, often expanding them at the same time. Again, Olympic National Park in my home state is an example of such Congressional action.

In 1906, Congress had the wisdom to grant the President the power to protect important natural and historic areas of our country. The need for such power is not at an end. Threats of development and impacts from other activities will continue and in some cases will lead to the recognition that greater protection for certain federal lands is warranted. At that time, the President, who ever she or he may be, should have the ability to act as every President has since 1906. Indeed, since the Antiquities Act was passed 14 of the 17 Presidents have used its powers.

If it is indeed the will of Congress to limit this historic power of the Presidency, then let us do so after a full and public legislative process. This amendment is simply a back-door attempt to accomplish what the sponsor and supporters know they cannot do through a stand alone bill.

Despite some controversy, the President's designations have had the support of members of Congress and the public. In fact, I—along with many members of my state's delegation in the House—supported the President's recent designation of the Hanford Reach as a national monument. This designation was also supported by many people in the Tri-Cities and across the state.

Before I close I remind my colleagues that a similar amendment was included in the House Interior bill as it was reported by the Committee. Fortunately, thanks to the leadership of Congressman DICKS and Congressman BOEHLERT, that amendment was removed from the House bill. However, before the amendment's removal, the House bill received a veto threat because of this provision. We can certainly expect a similar veto threat from the Administration if this amendment is adopted.

For the first time in years, we have the opportunity to pass a free standing Interior Appropriations bill into law. This amendment would seriously compromise that possibility.

We should stand up for the people and communities who are eager to share in the benefits of these national monuments.

Mr. President, I urge my colleagues to reject this amendment.

Mr. TORRICELLI. Mr. President, I rise in support of the Bryan amendment, which would ensure protection of our nations forests. This amendment would cut $30 million from the National Forest System's forest products program and would redirect $15 million to the Wildland Fire Management's fire preparedness program. The amendment would return the remaining funds to the Treasury to reduce the national debt. There are many reasons why I support this amendment, but let me discuss just two.

First, is the need to end corporate welfare. It is estimated that within the federal budget corporate welfare makes up anywhere from $86 billion (CATO Institute) to $265 billion (Progressive Policy Institute). A recent report by the Green Scissors Coalition estimates that over a five year period the Federal government will spend $36 billion on wasteful and environmentally harmful projects such as the forest products program.

Second, simply, is that by passing this amendment, we enact good environmental policy. The continual construction of new roads required to access our nation's forests removes ground cover and creates a channel for water to run down, accelerates soil erosion, weakens hillsides and fouls steams, destroying the foundation of our recreational and commercial fisheries. Logging roads are a major source of non-point source water pollution. According to the National Forest Service, 922 communities receive their drinking water from streams within the national forests-streams that are polluted from contaminated run-off associated with construction.

The protection of our roadless areas is important because they represent an important legacy for future generations. Areas without roads are becoming scarce in this country and in our national forests. Roadless areas provide significant benefits including: opportunities for dispersed recreation, clean, clear sources of public drinking water; large undisturbed landscapes that provide privacy and seclusion; bulwarks against the spread of invasive species; habitat for fish and game and other rare plant and animal species.

While I would prefer to see this program eliminated completely, at the minimum timber companies should not be subsidized by the taxpayers. The timber industry, like any other business, should bear its own costs. At a time when we are asking all Americans to do more with less, we should have the courage to ask the special interests to at least pay their own way. I support the Bryan amendment, and ask my colleagues to join me by voting for this important initiative.

While I have the floor, I will take a moment to comment on legislation that the Senate will soon consider. The Conservation and Reinvestment Act would guarantee full funding for the Land and Water Conservation Fund, and afford permanent protection to our nation's threatened natural, cultural, and historical treasures.

In 1964, Congress made the decision to reinvest revenue from the development of non-renewable resources into acquisition and permanent protection of key land, water, and open space. In the 30 years since its creation, the Land and Water Conservation Fund (LWCF) has been responsible for the acquisition of nearly seven million acres of parkland-contributing to the creation of the Appalachian Trail, Everglades and Rocky Mountain National Parks. In New Jersey, it helped fund the acquisition of Sterling Forest, and the Cape May and Walkill National Wildlife Refuges.

However, the LWCF is not a true trust fund in the way ''trust fund'' is generally understood by the public. Despite the fact that by law, the revenues are supposed to go to the LWCF, Congress must appropriate the money before it can be spent; if appropriations are not made, the revenues instead go to the General Treasury, to be spent on defense, or roads, or whatever Congress decides. The practical effect is that historically, only a small portion of the funds in the LWCF has actually been used for land preservation.

At no time has full funding of the LWCF been more needed than today, as the demands of development and suburbanization jeopardize land preservation efforts. The United States loses 50 acres an hour to development. In New Jersey, we know all too well the effects of suburban sprawl. Since 1961, New Jersey has lost half a million acres to sprawl. This is not surprising when you consider that New Jersey ranks 9th in terms of population. The reality is that sprawl is settling in over our open space.

In a very exciting development, the House of Representatives recently passed LWCF legislation, and this bill now stands in the Senate. I am hopeful that the Senate will mark up its legislation this week, and I urge the Leadership to schedule floor time for this landmark initiative as soon as possible.

Inscribed in one of the hallways of our nation's Capitol are the words of Theodore Roosevelt. He said: ''The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired in value.'' Let us act on this vision and pass this extraordinary initiative during the 106th Congress.

Mr. GRAMS. Mr. President, every year at this time it seems we're here on the Senate floor debating another attack on the Forest Service's Timber Management Program. Every year those who wish to eliminate logging in our National Forests come up with another angle which they claim helps protect the environment by eliminating ''wasteful'' spending on logging practices. Every year people throughout northern Minnesota and forested regions across the country see their jobs and their livelihoods threatened in the name of preservation or conservation. And every year, those of us who represent the good people of the timber and paper industry in our states have to fight, scratch, and claw our way to a narrow victory that saves those jobs and those families from economic ruin.

I come from a state in which the forest and paper industry is vital to our economy. The reduction in the timber program on National Forests has had a dramatic impact over the past ten years on the number of jobs and the economic vitality of northern Minnesota. According to Minnesota Forest Industries (MFI), jobs provided by the timber program in Minnesota dropped from over 1,900 in 1987 to less than 1,100 last year, and they continue to decline.

The reduction in timber harvests on federal lands has had an equally dramatic effect on unrealized economic impacts. MFI estimates that unrealized economic benefits include over $10 million from timber sales, $25 million in federal taxes, $2.5 million in payments to states, and $116 million in community economic impact in Minnesota alone.

It's important to point out that the timber program in National Forests have a very positive impact on the amount of federal money that goes to rural counties and schools. Nationally, the program contribute $225 million to counties and schools each year through receipts from timber sales in national forests. In Minnesota, the timber program provided roughly $1.7 million to counties and schools in 1998 alone. If the timber program would have met its allowable sale quantity in 1998, that number would have risen to nearly $2.5 million.

I'm fascinated by the claims of some of my colleagues that the timber program is a subsidy to wealthy timber and paper companies and the claims that the timber program loses money because we're giving timber away to these companies. If you truly believe that, I challenge you to visit forested regions and speak with the families who have lost their mills and the loggers who have lost their jobs. Talk to the counties and the private landowners who cannot access to their own property because the Forest Service doesn't have enough money to do the environmental reviews. Or talk directly to the Forest Service personnel and let them tell you how lengthy and costly environmental reviews and the overwhelming number of court challenges to those reviews are making the timber program so costly.

Then go speak with state or county land managers and ask them why their timber programs are so successful. Ask them why their lands are so much more healthy than the federal lands and why they're able to make money with their timber programs. In Minnesota, St. Louis County only has to spend 26 cents in order to generate one dollars of revenue in their timber program and the State of Minnesota spend 75 cents to generate one dollar of revenue. The Superior National Forest, on the other hand, spend one dollar and three cents to get the same results.

I cannot see how my colleagues can stand here on the Senate floor and tell me that the forest and paper industry in our country, and its employees, are the bad guys. The forest and paper industry in America employs over 1.5 million people and ranks among the top ten manufacturing employers in 46 states. These are good, traditional jobs that help a family make a living, allow children to pursue higher education, help keep rural families in rural areas, and provide a legitimate a base from which rural counties can fund basic services. These are jobs that we in Congress should be working diligently not only to protect, but to grow.

Unfortunately, many Members of Congress who advocate these ideas have never taken the time to understand the positive economic and environmental benefits of science-based timber harvests. They've never sat down with a county commissioner who doesn't know where he is going to get the money for some of the most basic services the county provides to its citizens. They've never considered that for every 1 million board feet in timber harvest reductions in Minnesota, 10 people lose their jobs and over $570,000 in economic activity is lost. And they've never taken the time to go into a health forest where prudent logging practices have been essential to ensuring the vitality and diversity of species.

If Members of this body want to make the timber program profitable across the country, then we should have an honest debate about what

works and does not work in the program. We should discuss frankly the ridiculous number of hoops public land managers have to jump through in order to process a timber sale. I think we need to discuss the fact that under the Alaska National Interest Lands Conservation Act the federal government must provide access across federal lands for state, county, and private landowners to access their land. Yet in Minnesota, those landowners either have to wait a number of years or pay for the environmental reviews themselves because the Forest Service claims it doesn't have enough money. We should also discuss openly the dramatic impact court challenges are having on the ability of the Forest Service to do its job and to carry out the timber program in a cost-effective manner. On top of that, it's clear that under this Administration the Forest Service doesn't want a timber program that shows a profit and they've done an effective job of using the powers of the Executive Branch to vilify both the timber program and the men and women of my state who rely upon that program in order to meet their most basic needs.

Virtually everyone in this body, including this Senator, is committed to the protection of our environment and to the conservation of our wildlife species and wildlife habitat. I believe we can expand upon our commitment to wildlife and provide additional resources for habitat protection. But I do not believe we must do so on the backs of timber and paper workers throughout the nation. I am willing to work with anybody in this chamber towards those conservation efforts, but let's not do it by pitting timber and paper workers against conservationists.

We cannot simply stand here and claim that the Bryan amendment is an easy way to throw some money towards planning for the threat of forest fires. Rather, this amendment is going to take jobs from my constituents and hurt the economy of the northern part of my state. The Bryan amendment is just one more step down the road toward eliminating logging on federal land. This amendment is going to reduce the ability of a number of rural counties in my state to make ends meet and to provide necessary services to residents. These are just a few of the realities of the Bryan amendment and just a few of the reasons why I cannot and will not support its passage.

ARCHIE CARR NATIONAL WILDLIFE REFUGE FUNDING

Mr. GRAHAM. Mr. President, I would like to first thank my colleagues, Senators GORTON and BYRD for their support in obtaining $2 million in the Fiscal Year 2001 Interior Appropriations bill for the Archie Carr National Wildlife Refuge.

Archie Carr National Wildlife Refuge was established in 1991. It is 900 acres in Brevard County Florida which makes up the twenty mile section of coastline from Melbourne Beach to Wabasso Beach in Florida. It is the most important nesting area for loggerhead sea turtles in the western hemisphere and the second most important nesting beach in the world.

Mr. MACK. I would like to join my colleague in thanking Senators GORTON and BYRD and the Interior Appropriations Subcommittee for their support for the Archie Carr National Wildlife Refuge. Twenty percent of all loggerhead sea turtle and 35% of all green sea turtle nests in the United States occur in this twenty mile zone. Nesting densities of 1,000 nests per mile have been recorded. Approximately half of this area is available for acquisition. The funds in this legislation will be critical in our ability to move forward on these acquisitions.

Mr. GRAHAM. Despite the importance of this refuge to the loggerhead sea turtle, there is no refuge station at Archie Carr. The result is both a lack of educational opportunities for visitors and a lack of security at the refuge. I join my colleague, Senator MACK, in proposing that $200,000 of the funds provided by the Fiscal Year 2001 Interior Appropriations bill for the Archie Carr National Wildlife Refuge be available for use by the U.S. Fish and Wildlife Service for the purpose of site evaluation for a visitor center/research and education center.

Mr. GORTON. Thank you, Senators MACK and GRAHAM. I share your desire to support the need of our National Wildlife Refuges, in particular the needs of Archie Carr National Wildlife Refuge, and will work with Senators MACK and GRAHAM to see if funds can be identified to support site evaluation for a visitor center/research and education center.

Mr. BYRD. Thank you, Senator GORTON. I, too, share the goal of ensuring that our National Wildlife Refuge System receives the funds it requires to preserve the critical habitat it was designed to protect. I concur with your position on the proposal made by Senators GRAHAM and MACK.

NORTH CAROLINA'S STREAM GAUGES AND MONITORING EQUIPMENT

Mr. EDWARDS. I thank you for including my amendment to provide $1,800,000 in emergency funds for the United States Geological Survey to repair and replace stream monitoring equipment damaged by natural disasters. As you know, your Committee recommended a significant increase in the USGS's Real Time Hazards Initiative, including $3,100,000 for new or upgraded stream gauging stations.

1999 was a devastating year for North Carolina. Hurricanes Floyd, Dennis and Irene did extensive damage across eastern North Carolina. And early indications are that this hurricane season will be just as active for North Carolina as last year. North Carolina's stream gauges and monitoring equipment are in desperate need of upgrade and enhancement. I respectfully request that the Committee recommend that the United States Geological Survey give special consideration to North Carolina's needs and address the need for upgrades and enhancements through this appropriation.

Mr. GORTON. I understand that the USGS is willing to address North Carolina's specific needs for stream gauges and monitoring equipment through the Real Time Hazards Initiative. The Committee recognizes the unique danger in North Carolina and, therefore, strongly encourages the USGS to ensure that North Carolina's stream gauges and monitoring devices are enhanced or upgraded to the degree possible within appropriations provided for these types of activities.

ELECTRO-CATALYTIC OXIDATION (ECO)

Mr. DEWINE. Mr. President, I would like to ask my colleagues, Senator GORTON, Chairman of the Interior Appropriations Subcommittee; and Senator BYRD, the Ranking Member of the Subcommittee, about a new and innovative technology. Mr. Chairman, are you aware of an emerging technology known as electro-catalytic oxidation (ECO), which has the potential to reduce emissions, as well as unusable by-products at coal-fired power plants?

Mr. GORTON. Mr. President, I would inform the Senator from Ohio that I have been made aware of ECO.

Mr. DEWINE. I ask if he concurs that the Secretary of Energy should participate in a full-scale demonstration of this technology that is planned for the near future.

Mr. GORTON. I would certainly encourage the Department to take a close look at this technology within the context of its coal research programs, and consider carefully any related research or demonstration proposal that may be submitted.

Mr. DEWINE. As the senior Senator from West Virginia is aware, the early tests of this technology show a significant reduction of nitrogen oxide (Nox), sulfur dioxide (SO2), mercury, and fine particulate matter. Would the Senator agree that a cost-effective reduction of these emissions is in the best interest of coal-fired power consumers as well as the coal industry?

Mr. BYRD. I would agree with the Senator from Ohio.

Mr. DEWINE. I thank the very distinguished senior Senator from West Virginia and would note that the Senator from New Hampshire, the state were ECO was developed, is optimistic about the potential of the technology. Would the Senator agree?

Mr. SMITH (of New Hampshire). I would agree with my colleague from Ohio and add that I applaud the innovative efforts that have led to the development of this emerging emissions control technology. As many of you know, the Senate Environment and Public Works Committee is currently working to develop a bill that will address the significant problem of the hodge-podge of overlapping Clean Air Act regulation on utilities. Our goal is to draft a comprehensive, multi-pollutant bill to provide a more sensible

emission control regime on utilities while at the same time achieving greater reductions of pollutants than is currently possible under the Clean Air Act. New technologies, much as electro-catalytic oxidation will be critically important to our ability to successfully revise our approach to utility emission control. I would support any efforts to expedite the development of this technology.

Mr. DEWINE. Mr. President, I thank the Chairman of the Environment and Public Works Committee for his support of this important technology, and I would welcome the opportunity to more closely examine his proposals related to Clean Air reauthorization, and comment on them at a future time. I also thank the Chairman of the Interior Subcommittee and the senior Senator from West Virginia and would encourage them to consider the benefits of ECO to consumers of coal-fired power as well as coal producing states when this bill moves to conference with the other body.

FY 2001 INTERIOR APPROPRIATIONS FOR MAINE PROJECTS

Ms. SNOWE. Mr. President, Maine and the nation have an opportunity to accomplish an enormously meaningful level of forest protection in Maine's 10 million acre Northern Forest if significant funding for Forest Service accounts is allocated for Maine projects in fiscal year 2001. In the last two years, an astounding 20 percent of Maine's total forestland acreage has changed ownership, an occurrence that represents a significant shift in the pattern of stable long-term ownership and use that has characterized the Maine woods for at least the last hundred years.

Ms. COLLINS. The Senior Senator for Maine is correct, Mr. Chairman. This tremendous turnover calls into question whether the traditional use of these lands for forestry and for outdoor recreational activities will continue. We are fortunate that the present owners of these valuable lands are offering an opportunity to secure their lasting protection and productivity. I, along with Senator SNOWE, support these efforts through funding from the Forest Legacy Program and the Forest Service's land acquisition program and hope we can work together during this appropriations process to take advantage of the opportunity afforded us at this time.

Ms. SNOWE. Mr. President, I want to thank you for your strong support for Forest Legacy funding in FY 2000 in approving $3 million Title 6 funding for Maine for Phase I of the 656,000 acre West Branch project. This funding, along with the $2 million already allocated from the state grant portion of LWCF, will complement the $4 million being secured through non-federal sources for the conservation and protection of 70,000 acres of undeveloped forestland, including more than 100 miles of undeveloped shoreline along Moosehead Lake, Seboomook Lake, and several smaller lakes.

Ms. COLLINS. Phase II of the West Branch project consists of the remaining acreage of approximately 580,000 acres of what is one of the largest contiguous blocks of forest under single management in the eastern United States and has sustained a flow of timber products for more than 100 years.

Mr. GORTON. I appreciate the Senators' interest in this worthy project and I would be happy to work with the Senators to ensure appropriate consideration is given to these projects in Conference.

Ms. SNOWE. The second Forest Legacy project, Mr. Chairman, known as Mt. Blue/Tumbledown Mountain, is a two-phase project totaling approximately 33,400 acres and will protect some of Maine's most scenic areas—including Tumbledown Mountain, Jackson Mountain, Blueberry Mountain and trailheads leading to these peaks.

Ms. COLLINS. An amount of $1.2 million in Forest Legacy funding will allow the acquisition in fee of 3,600 acres immediately adjacent to Maine's Mt. Blue State Park, and will bring needed protections to Maine's scenic and popular Western Mountain region. I want to express my strong support for the project.

Mr. GORTON. Once again, I appreciate the Senators' interest in this worthy project and I would be pleased to work with the Senators to see that this project is considered fully in Conference.

Ms. SNOWE. I also want to thank you for your appropriations support for funds for the Pingree Forest, which is an excellent example of private sector cooperation and conservation, while at the same time preserving the working forests of our State. The Pingree Family of Maine has been exemplary in the way it has managed its lands for seven generations—160 years. As you are aware, the Pingree Family has entered into the Pingree Forest Partnership with the New England Forestry Foundation, which has committed to raise $30 million for a conservation easement on 754,673 acres of land in Northern and Western Maine.

Ms. COLLINS. The New England Forestry Foundation is within $11.5 million of its goal, which, under the terms of the partnership agreement with the Pingree family, must be met by December 31 of this year. I would note that the Pingree Family has agreed to sell this easement on their land at only $37.10 an acre.

Mr. GORTON. I am very much in support of what the parties are trying to preserve—a way of life through forestry in Maine and the conservation of the magnificent Northeast forests of this nation—and I will carry that support into conference. Funding of this project is certainly a wise use of federal funds for the conservation of outstanding undeveloped lands, and also keeping the Maine woods in sustainable forestry.

Ms. SNOWE. I thank you for your close scrutiny of the merits of this project and your support for what is currently the largest single land conservation project in the world. I would like to point out that, for any appropriation to work under the agreement, I urge you to allocate the funds through the National Fish and Wildlife Foundation to the New England Forestry Foundation, which will hold the easement for the Pingree land.

Ms. COLLINS. I would like to add that, in the past, all of NFWF's federal grants have been appropriated through a designation to the U.S. Fish and Wildlife Service's Land and Water Conservation Fund, and NFWF has received funds from the Forest Service for grants over the past ten years. NFWF's excellent track record gives me confidence that it is the right steward of this important project.

Mr. GORTON. I agree that this clarification is necessary and agree that the funds should be allocated through NFWF.

Ms. SNOWE. Once again, I thank my distinguished colleague from Washington State and praise his continuing efforts for the conservation of our nation's private lands, especially those of great importance to the people of Maine.

Ms. COLLINS. I also thank you for your support, Mr. Chairman, for supporting these appropriations that will enable Pingree land to continue to supply area mills and support the local economy while allowing the public continued recreational access.

Mr. SANTORUM. Mr. President, I would like to engage in a brief colloquy with the distinguished Chairman of the Interior Appropriations Subcommittee, Senator GORTON, concerning future demonstration projects under the Clean Coal Technology program. Mr. President, clarifying the intent of the program will be helpful in my efforts to ensure that a very worthwhile initiative in Pennsylvania received full consideration by the Department of Energy.

The lack of a coherent and consistent energy policy has contributed to the high fuel prices that have hit the working families in Pennsylvania and across the nation very hard. It is the lack of a national energy policy that has led to our nation's reliance on foreign oil. Today, we import 56 percent of our fuel. This is the highest level in the history of our country. For a historical perspective, we only imported 36 percent of our oil during the energy crisis of the 1970s.

Mr. President, we must reduce our reliance on imported oil. We must conserve energy resources, improve energy efficiencies, and increase domestic energy supplies. We also need to aggressively expand our research and development efforts to encourage the use of domestic renewable energy sources.

The Pennsylvania initiative that I referred to would do just that by developing a facility that would convert Anthracite culm to a clean diesel fuel. The project would produce 1.4 million

barrels a year of zero-sulfur, high-energy diesel fuel, at the same time reclaiming land now rendered unusable and environmentally damaging. Additionally, it would create 1,000 construction and 150 permanent jobs.

Would the Senator agree that the establishment of such a facility, whose principal focus is to develop domestic renewable energy sources by transforming coal and coal waste into high quality diesel fuel, is the type of activity that the Clean Coal Technology program should encourage?

Mr. GORTON. I agree with my friend that the Clean Coal Technology program is meant to encourage projects that develop environmentally-friendly technologies, such as coal conversion. I believe that the Department of Energy should use its limited funding resources to expand its efforts to encourage the development of domestic renewable energy sources.

Mr. SANTORUM. As this bill moves forward into conference, is it the Senator's intention to seek adequate funding for the Clean Coal Technology program so that the Department of Energy can begin a new round of demonstration projects, including a project such as the Pennsylvania initiative I have described here today?

Mr. GORTON. As my colleague is aware, the Senate report accompanying the FY 2001 Interior bill directs the Department to report on options for a new solicitation in the Clean Coal program. In the context of preparing this report, and in conducting any future solicitation, I would expect the Department to give full consideration to such worthwhile projects as the one described by my friend from Pennsylvania.

Mr. President, with 1 minute to spare, that concludes the introduction of all amendments pursuant to the unanimous consent agreement of last week.

I repeat, if Members wish to speak to these amendments, they may do so after the conclusion of all of the votes on H.R. 4810, which will begin almost immediately. These amendments, to the extent that they require rollcall votes, will be voted on tomorrow, with the exception of the Bingaman amendment. It has 15 minutes for debate tomorrow.

Mr. REID. If the Senator will yield, I think we agree that we have heard adequate explanation previous times about these amendments. The Senator is not soliciting more comments, is he?

Mr. GORTON. The Senator from Nevada states my position perfectly.

MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the hour of 6:15 p.m. having arrived, the Senate will resume consideration of H.R. 4810.

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.

AMENDMENT NO. 3876, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent, on behalf of Senator DODD, that his amendment No. 3876 be withdrawn from consideration with respect to H.R. 4810.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. President, what is the regular order?

The PRESIDING OFFICER. The question is on the motion to waive by the Senator from Delaware.

AMENDMENTS NOS. 3868 THROUGH 3873, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent to withdraw all six of my pending amendments.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. I second the motion.

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

There are 2 minutes of debate equally divided on the motion of the Senator from Delaware to waive.

Mr. REID. I couldn't hear the Chair. What did the Chair say?

The PRESIDING OFFICER. There are 2 minutes of debate equally divided.

Mr. REID. But the amendments of the Senator from Alaska were withdrawn. Is that right?

The PRESIDING OFFICER. Yes.

MODIFICATION OF MOTION

Mr. ROTH. Mr. President, it was my intention when I moved to raise this point of order, the waiver for the Lott wraparound amendment, that it be a comprehensive waiver to this point of order for the different permutations of the earned-income tax proposals contained in both the majority and minority proposals. However, the majority leader subsequently offered an amendment that will be considered later.

I ask unanimous consent that the Lott amendment be included in the original waiver that I raised.

Specifically, the new motion is to waive all points of order under the budget process arising from the earned-income credit component in this pending tax—the amendment by Senator MOYNIHAN, the amendment offered by Senator LOTT, the House companion bill, any amendment between the Houses, and any conference reports thereon.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REID. Reserving the right to object, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Does he yield for a quorum call?

Mr. REID. Isn't his minute up?

Mr. MOYNIHAN. Mr. President, there is no quorum call.

I urge the adoption of the chairman's proposal.

The PRESIDING OFFICER. The chairman has requested a modification of the motion.

Is there objection?

Mr. MOYNIHAN. As modified, sir.

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

Mr. ROTH. Mr. President, I ask that we vitiate the yeas and nays on the motion.

The PRESIDING OFFICER. Is there objection to the substance of the motion, which is now a unanimous consent request?

Without objection, it is so ordered.

The revisions are so adopted.

Mr. MOYNIHAN. That is the spirit. Let's get on with it.

Mr. ROTH. All right.

MOTION TO COMMIT

The PRESIDING OFFICER. The question is now on the motion of the Senator from Wisconsin to commit the bill to the Finance Committee.

Who yields time?

Mr. WARNER. Mr. President, the Senate is again considering legislation that will provide, at long last, relief from the marriage tax penalty.

The marriage tax penalty unfairly affects middle class married working couples. For example, a manufacturing plant worker makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they both file their taxes as singles they would pay 15 percent in income tax. But if they choose to live their lives in holy matrimony and file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28%. The result is a tax penalty of approximately $1,400.

The Republican marriage penalty relief bill eliminates this unfairness without shifting of the tax burden and without increasing taxes on any individual. Middle and low income families would benefit as much as earners with higher incomes.

According to the Congressional Budget Office, almost half of all married couples—21 million—are affected by the marriage penalty. Over 640,000 couples in Virginia are affected, according to one study.

Most of the tax relief under our plan goes to the middle class. The Congressional Joint Committee on Taxation's distribution analysis estimates that couples making under $75,000 annually will be the biggest winners. Additionally, the Joint Tax Committee estimates that couples earning between $20,000 and $30,000 will receive the biggest percentage reduction in their federal taxes out of any income level, with couples making between $30,000–$40,000 fairing almost as well.

This money belongs to the taxpayers. With a surplus of over $2 trillion, not including Social Security, all taxpayers are entitled to a return of their tax overpayment. In addition, the federal government, through tax policy, should not discourage either parent from staying at home with children. The government should not penalize a family simply because it takes both spouses working outside of the home to make ends meet. Being a stay at home parent should be rewarded.

The Congressional Budget Office estimates that taxpayers will send Uncle Sam almost $2 trillion in additional surplus taxes over the next ten years—after Congress has locked up 100% of Social Security surplus and paid down the public debt. This proposal gives back to the middle class families just 10 cents out of every surplus dollar they send to Washington. As I have said before, the Federal government should not put a price tag on the sacrament of marriage.

Mr. MOYNIHAN. Mr. President, are there 2 minutes equally divided for the rest of the evening?

The PRESIDING OFFICER. That is correct.

Mr. MOYNIHAN. Mr. President, I yield 1 minute to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this motion requires we do first things first. It says we should pass marriage penalty relief, but it also says we should substantially extend the solvency of Social Security and Medicare at the same time. By 2037, the Social Security trust fund will have consumed all of its assets. By 2025, the Medicare HI trust fund will have consumed all of its assets.

To fix Social Security and Medicare, we can make small changes now or big changes later. That is why President Clinton was right when he said ''save Social Security first.'' It would be irresponsible to enact tax cuts this size before doing anything about Social Security and Medicare. Before the Senate passes tax cuts this size, the Finance Committee should report a plan to extend Social Security and Medicare. We should do first things first. That is what this motion requires.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROTH. Mr. President, Senator FEINGOLD's motion to commit to the Finance Committee will not accomplish its stated purpose of Social Security and Medicare reform. The bill before the Senate is limited under the budget resolution to tax cuts. As chairman of the Finance Committee, I can tell you we are actively pursuing a real bipartisan Medicare reform package. Our efforts are not a political stunt, like this motion. On Social Security reform, everyone believes that it is a worthy goal but not one where there is currently a bipartisan consensus. I urge my colleagues to reject Senator FEINGOLD's motion.

Mr. FEINGOLD. 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 the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Virginia (Mr. WARNER), are necessarily absent. I further announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE), would vote ''no.''

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 45, nays 49, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—45

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

NAYS—49

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Kyl	Specter
Craig	Landrieu	Stevens
Crapo	Lott	Thomas
DeWine	Lugar	Thompson
Domenici	Mack	Thurmond
Enzi	McCain	
Fitzgerald	McConnell	

NOT VOTING—6

Coverdell	Hutchison	Rockefeller
Hutchinson	Inhofe	Warner

The motion was rejected.

Mr. ROTH. 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.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 3849 WITHDRAWN

Mr. ROTH. Mr. President, I ask unanimous consent to withdraw Senator BROWNBACK's amendment No. 3849.

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

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Democratic alternative, amendment No. 3863, and related amendments and motions be considered next, and that amendment No. 3863 be considered germane.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, what is the pending business?

MOTION TO WAIVE

The PRESIDING OFFICER. The pending business is the Roth motion to waive the Budget Act for the amendments that would strike the sunset provisions in the bill and the Democratic alternative.

Mr. ROTH. Mr. President, the Finance Committee complied with the Byrd rule by terminating or sunsetting the tax cuts in the bill generally on December 31, 2004. I note the Finance Committee Democratic alternative contained a similar sunset provision. The case before us that benefits a simple, broad-based tax policy change that reduces some of the tax burden placed on married couples, outweighs the implications of the Byrd rule.

Frankly, I think there are few more compelling cases for waiving the Byrd rule. Clearly, though, we differ on how to deliver it. Every Senator should place an importance on permanent marriage tax relief. I urge my colleagues to strike a blow for permanent marriage tax relief and support my motion to waive the Byrd rule.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I regret that I have to disagree with my chairman. The Byrd rule has proved such an important measure to maintain budgetary discipline. It has brought about the present happy circumstances; and this is no time, in our view, to move back to earlier practices which were so devastating in their effect during the 1980s.

Mr. ROTH. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. ROTH. 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 the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

I further announce that if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''yes.''

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

The yeas and nays resulted—yeas 48, nays 47, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—48

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

NAYS—47

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

NOT VOTING—5

Coverdell	Hutchison	Warner
Hutchinson	Inhofe	

The PRESIDING OFFICER. On this motion, the yeas are 48, the nays 47. Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

Mr. BURNS. 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 Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent to have 30 seconds to make an announcement.

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

Mr. STEVENS. Mr. President, tomorrow, in S–128, models of the National World War II Memorial will be on display for all Members and staff to see. We encourage you to take a look at the models of this new memorial that will be on The Mall soon, we hope.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield back our time, and I raise a point of order that the Roth amendment No. 3864 to strike would worsen the Nation's fiscal position in years beyond those reconciled in the budget resolution and, thus, violates section 313(b)(1)(e) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The point of order is sustained and the amendment falls.

Mr. ROTH. Mr. President, on amendment No. 3865, I yield back the time and I will make a point of order that it is in violation of the Byrd rule.

The PRESIDING OFFICER. Does the Senator from New York yield back his time?

Mr. MOYNIHAN. Yes.

Mr. ROTH. Again, I make a point of order that this amendment is in violation of the Byrd rule of the Budget Act.

The PRESIDING OFFICER. The point of order is sustained.

AMENDMENT NO. 3863

Mr. MOYNIHAN. Mr. President, I will exercise a brief 1 minute to describe the Democratic alternative, which is now to be offered.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, this amendment can be described in one sentence. There are not many such, and I would hope the body might hear me: We propose that married couples be enabled to file jointly or singly, period, end of subject.

There are, sir, 65 marriage penalties in the Tax Code. This amendment abolishes them all. It would not allow the alternative minimum tax to take away the benefits of marriage penalty relief either. Whereas we have before us as a basic amendment that which would only take care of one marriage penalty and touch two others, here is the opportunity to get rid of them all.

In our tax system, no matter how large or small, whatever we do, we must see that the American public believes the tax system is fair. If there is a considerable judgment anywhere that something is not fair, then it ought to be corrected. Our amendment will do that, sir.

Thank you.

Mr. ROTH. Mr. President, this amendment is the same one we considered in the Finance Committee. Supporters of this amendment claim it is preferable because it is more targeted, that it only benefits certain married families, and that it provides more comprehensive marriage penalty relief.

I do not shy away from the fact that our bill benefits virtually every American family. I welcome it. The Joint Committee on Taxation tells us that our bill will help over 45 million families. They also tell us the Democratic alternative will assist only 24 million.

Our bill also addresses the marriage penalty without creating a new penalty—a so-called homemaker penalty. With our approach, all married couples with the same income will be treated alike. This cannot be said of the alternative.

Finally, the Democratic alternative includes that income cap. If we are serious about addressing the inequity of this tax, we should not make this an issue of rich versus poor. Our bill is fair, it is comprehensive, and it is the right thing to do. I urge my colleagues to oppose this Democratic substitute.

The PRESIDING OFFICER. All time has expired.

Mr. ROTH. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. ROTH. I so request.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. MOYNIHAN. Mr. President, we are now having 10-minute votes, under the previous order; is that right?

The PRESIDING OFFICER. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3863 of the Senator from New York.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Oklahoma (Mr. INHOFE), are necessarily absent.

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

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''no.''

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

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—46

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

NAYS—50

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

NOT VOTING—4

Coverdell	Hutchison	
Hutchinson	Inhofe	

The amendment (No. 3863) was rejected.

Mr. ROTH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, before we proceed, I don't want to delay the proceedings too long, but we are all very

much aware our friend and colleague is undergoing a difficult recovery at this time and I know he has been on our mind. I appreciate the Chaplain including him in the opening prayer this morning. Could I ask my colleagues to join me now in a moment of silence for our colleague, a silent prayer, for his speedy recovery.

(Moment of silence.)

Mr. LOTT. I thank my colleagues.

AMENDMENT NO. 3845

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Wisconsin, Senator FEINGOLD, amendment No. 3845. There are 2 minutes equally divided between each side.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this amendment cuts taxes for 7 of 10 taxpayers who take a standard deduction and ensures that many working Americans would not owe any income taxes at all. It would increase the standard deduction for individuals by $250, and would also increase the standard deduction for heads of households. It would continue to increase the standard deduction for married couples to twice that of an individual. It is paid for by striking the provision in the bill that benefits only taxpayers in the top quarter of the income distribution by expanding tax brackets.

My amendment better targets the marriage penalty relief and would simplify taxes and free many from paying income taxes altogether. The tradeoff is clear. Strike the new benefits for the best off quarter of taxpayers to fund benefits for 7 out of 10 taxpayers.

Mr. ROTH. Mr. President, this amendment would strike the increase in the rate brackets of the underlying bill. As my colleagues may know, in dollar terms, the greatest source of marriage penalty for American families is the rate brackets. Under current law, for instance, the 15 percent rate bracket ends for singles at $26,250; it ends for couples at $43,850. Our bill has remedied that unfairness by phasing in a doubling of the married couples' rate bracket so that it ends at twice the ending point of the single's bracket.

While I agree that a further increase in the standard deduction is a good idea, I do not believe we should do it at the expense of the increase in the rate brackets. Accordingly, I must oppose this amendment.

Mr. FEINGOLD. 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. 3845. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Texas (Mrs. HUTCHISON) are necessarily absent.

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

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''no.''

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

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—40

Akaka	Harkin	Mikulski
Boxer	Hollings	Moynihan
Breaux	Inouye	Murray
Byrd	Johnson	Reed
Chafee, L.	Kennedy	Reid
Cleland	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Lautenberg	Torricelli
Edwards	Leahy	Wellstone
Feingold	Levin	Wyden
Feinstein	Lieberman	
Graham	Lincoln	

NAYS—56

Abraham	DeWine	McConnell
Allard	Domenici	Murkowski
Ashcroft	Enzi	Nickles
Baucus	Fitzgerald	Roberts
Bayh	Frist	Roth
Bennett	Gorton	Santorum
Biden	Gramm	Sessions
Bingaman	Grams	Shelby
Bond	Grassley	Smith (NH)
Brownback	Gregg	Smith (OR)
Bryan	Hagel	Snowe
Bunning	Hatch	Specter
Burns	Helms	Stevens
Campbell	Jeffords	Thomas
Cochran	Kyl	Thompson
Collins	Lott	Thurmond
Conrad	Lugar	Voinovich
Craig	Mack	Warner
Crapo	McCain	

NOT VOTING—4

Coverdell	Hutchison
Hutchinson	Inhofe

The amendment (No. 3845) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3846

The PRESIDING OFFICER (Mr. FITZGERALD). There are now 2 minutes evenly divided on the Feingold amendment No. 3846.

The Senator from Wisconsin.

Mr. FEINGOLD. The vital program known as COBRA helps ensure that people who lose their jobs do not lose their health insurance at the same time.

Mr. BYRD. Mr. President, can we have order in the Senate so we can hear what the Senator is saying?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their conferences off the floor.

The Senator from Wisconsin.

Mr. FEINGOLD. The vital program known as COBRA helps ensure that people who lose their jobs do not lose their health insurance at the same time. My amendment would expand access to affordable health insurance through COBRA in two ways. First, it would expand COBRA to cover retirees whose employer-sponsored coverage is terminated.

Employers who promise retiree coverage and then drop it will have to allow early retirees to have COBRA-continued coverage until they qualify for Medicare.

Second, it would create a 25-percent tax credit for COBRA premiums generally. This credit will improve access to and affordability of health insurance for this very vulnerable group. The amendment pays for this health coverage by eliminating an inequitable tax loophole: the percentage depletion allowance for hard rock minerals mined on Federal public lands.

I thank the Chair.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROTH. I yield such time as the Senator from Nevada may use.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this amendment would be devastating to one of the finest industries in America today: hard rock mining. It is a net exporter of gold especially. Tens of thousands of jobs will be wiped out. These are the highest paid blue-collar jobs in America.

This amendment is bad. We should do everything we can to defeat it. Therefore, Mr. President, I move that the pending amendment is not germane and raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, pursuant to section 904(c) of the Congressional Budget Act, I move to waive the applicable section of that act for consideration of my amendment, and 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 the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) is necessarily absent.

I further 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 yeas and nays resulted—yeas 30, nays 68, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—30

Akaka	Graham	Mikulski
Biden	Harkin	Murray
Boxer	Johnson	Reed
Breaux	Kennedy	Robb
Collins	Kerry	Sarbanes
Daschle	Landrieu	Schumer
Dodd	Lautenberg	Snowe
Durbin	Leahy	Torricelli
Edwards	Levin	Wellstone
Feingold	Lieberman	Wyden

NAYS—68

Abraham	Ashcroft	Bayh
Allard	Baucus	Bennett

Bingaman	Gorton	McConnell
Bond	Gramm	Moynihan
Brownback	Grams	Murkowski
Bryan	Grassley	Nickles
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Hatch	Rockefeller
Campbell	Helms	Roth
Chafee, L.	Hollings	Santorum
Cleland	Hutchison	Sessions
Cochran	Inhofe	Shelby
Conrad	Inouye	Smith (NH)
Craig	Jeffords	Smith (OR)
Crapo	Kerrey	Specter
DeWine	Kohl	Stevens
Domenici	Kyl	Thomas
Dorgan	Lincoln	Thompson
Enzi	Lott	Thurmond
Feinstein	Lugar	Voinovich
Fitzgerald	Mack	Warner
Frist	McCain	

NOT VOTING—2

Coverdell	Hutchinson

The PRESIDING OFFICER. On this vote, the yeas are 30, the nays are 68. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The amendment would add new subject matter to the bill and is therefore not germane. The point of order is sustained. The amendment falls.

The Senator from West Virginia.

EXPLANATION FOR NOT VOTING

Mr. ROCKEFELLER. Mr. President, on vote No. 198, I was unavoidably detained. I apologize for that. I missed the first vote. Had I been present, I would have voted aye.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3847

Mr. HARKIN. Mr. President, I call up my amendment.

The PRESIDING OFFICER. Amendment No. 3847 is pending. The Senator has 1 minute.

Mr. HARKIN. Mr. President, if we are for equal pay for women and men who do the same work, then this is the amendment to do it—the Paycheck Fairness Act, which was introduced under Senator DASCHLE's leadership. It provides stronger remedies in wage discrimination cases and provides resources to educate employers on wage discrimination. It ensures that women cannot be retaliated against for sharing their pay information with fellow employees.

It is time to stop giving America's women lipservice for equal pay for equal work, but to actually do something to make it happen. That is what this amendment does. I urge its adoption.

Mr. DASCHLE. Mr. President, as we discuss the tax code and the issue of fairness for families, Senator HARKIN has offered an important amendment to address an issue of fairness faced by millions of working women and their families. Senator HARKIN and I have worked hard to craft legislation that addresses the wage gap between men and women in this country. This amendment is modeled after my bill, S. 74, the Paycheck Fairness Act. In an era characterized by economic opportunity, it is time for the Senate to consider how America's prosperity can be broadly and fairly shared.

While much has changed over the past 35 years, one thing has remained the same: the wage gap between men and women. When President Kennedy signed the Equal Pay Act in 1963, a woman earned only 59 cents for every dollar earned by a man. This landmark bill reduced the pay gap and helped women make great strides to narrow the pay gap. Nonetheless, 35 years later, women, on average, continue to earn only 73 cents for every dollar earned by a man. This disparity is patently unfair. The time has come to improve and strengthen President Kennedy's landmark law.

Some have suggested that the pay gap is insignificant, but working women know better. Even after accounting for differences in education and the amount of time in the workforce, a woman's pay still lags far behind the pay of a man doing the same work. This persistent wage gap doesn't shortchange just women. It shortchanges families. The wage gap causes the average American working family to lose more than $4000 a year. In fact, it is women's salaries that often bring children and families out of poverty. And families suffer more in South Dakota than in most states because we have the highest percentage in the nation of working mothers with children under the age of 6. These mothers deserve equal pay for equal work.

To address this serious problem, the Paycheck Fairness Act uses a simple approach: we believe that the pay gap will decrease if women and men have more information about it; we believe the pay gap will decrease if we enable women to pursue meaningful suits against employers that have discriminatory practices; and we believe that the pay gap will decrease if employers are educated and rewarded for doing their part to end wage discrimination.

My bill is a modest but needed step in the fight against wage discrimination. The simple fact remains—working families face the problem of wage discrimination every day and lose billions of dollars in wages because of it. Instead of the risky tax scheme the Senate is considering today, we should give women and American families a much needed raise. We should pass the Harkin amendment today and continue to work towards the day when the pay gap is eliminated.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield my time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this amendment that my colleague from Iowa has offered amends the Fair Labor Standards Act but it has never had a hearing before the Labor Committee. It has never been marked up by the Labor Committee. It is legislation that would make the trial lawyers very happy because it authorizes unlimited punitive and compensatory damages for discrimination cases brought under the Equal Pay Act. In fact, it would authorize remedies not available in any title VII discrimination case or Americans with Disabilities Act case because damages under those statutes are capped. It would also make it easier for trial lawyers to create class action lawsuits. It is bad legislation and it does not belong on this bill. I encourage my colleagues to support the point of order and reject the amendment.

Mr. President, I make a point of order that the amendment offered by my colleague from Iowa is not germane to the underlying bill and would, therefore, result in a section 305(b)(2) point of order under the Budget Act. I, therefore, raise a point of order against the amendment pursuant to section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment, and 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 the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) is necessarily absent.

I further 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 yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—45

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

NAYS—53

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

NOT VOTING—2

Coverdell Hutchinson

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The amendment would add new subject matter to the bill and is therefore not germane. The point of order is sustained and the amendment falls.

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

Mr. CRAIG. 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 Nevada is recognized.

Mr. REID. Mr. President, I ask the two managers to yield to the Senator from Louisiana for a unanimous consent request.

AMENDMENT NO. 3888

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the amendment I send to the desk be in order and that it take the place of a Dodd amendment that was removed from the list.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3888

(Purpose: To amend the Internal Revenue Code of 1986 to expand the adoption credit to provide assistance to adoptive parents of special needs children, and for other purposes)

At the appropriate place, insert the following:

SEC. . EXPANSION OF ADOPTION CREDIT.

(a) SPECIAL NEEDS ADOPTION.—

(1) CREDIT AMOUNT.—Paragraph (1) of section 23(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended to read as follows:

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter—

''(A) in the case of a special needs adoption, $10,000, or

''(B) in the case of any other adoption, the amount of the qualified adoption expenses paid or incurred by the taxpayer.''.

(2) YEAR CREDIT ALLOWED.—Section 23(a)(2) of such Code (relating to year credit allowed) is amended by adding at the end the following new flush sentence:

''In the case of a special needs adoption, the credit allowed under paragraph (1) shall be allowed for the taxable year in which the adoption becomes final.''.

(3) DOLLAR LIMITATION.—Section 23(b)(1) of such Code is amended—

(A) by striking ''subsection (a)'' and inserting ''subsection (a)(1)(B)'', and

(B) by striking ''($6,000, in the case of a child with special needs)''.

(4) DEFINITION OF SPECIAL NEEDS ADOPTION.—Section 23(d) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of an individual during the taxable year who is an eligible child and who is a child with special needs.''.

(5) DEFINITION OF CHILD WITH SPECIAL NEEDS.—Section 23(d)(3) of such Code (defining child with special needs) is amended to read as follows:

''(3) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child if a State has determined that the child's ethnic background, age, membership in a minority or sibling groups, medical condition or physical impairment, or emotional handicap makes some form of adoption assistance necessary.''.

(b) INCREASE IN INCOME LIMITATIONS.—Section 23(b)(2) of the Internal Revenue Code of 1986 (relating to income limitation) is amended —

(1) in subparagraph (A)—

(A) by striking ''$75,000'' and inserting ''$63,550 ($105,950 in the case of a joint return)'', and

(B) by striking ''$40,000'' and inserting ''the applicable amount'', and

(2) by adding at the end the following new subparagraph:

''(C) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount, with respect to any taxpayer, for the taxable year shall be an amount equal to the excess of—

''(i) the maximum taxable income amount for the 31 percent bracket under the table contained in section 1 relating to such taxpayer and in effect for the taxable year, over

''(ii) the dollar amount in effect with respect to the taxpayer for the taxable year under subparagraph (A)(i).

''(D) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of a taxable year beginning after 2001, each dollar amount under subparagraph (A)(i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.''.

(c) ADOPTION CREDIT MADE PERMANENT.—Subclauses (A) and (B) of section 23(d)(2) of the Internal Revenue Code of 1986 (defining eligible child) are amended to read as follows:

''(A) who has not attained age 18, or

''(B) who is physically or mentally incapable of caring for himself.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 23(a)(2) of the Internal Revenue Code of 1986 is amended by striking ''(1)'' and inserting ''(1)(B)''.

(2) Section 23(b)(3) of such Code is amended by striking ''(a)'' each place it appears and inserting ''(a)(1)(B)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Mr. REID. Mr. President, if I may have the attention of the Members, these 10-minute votes have been going much closer to 15, 16, or 17 minutes. At this late hour, I ask the Senators to stay in the Chamber or someplace nearby. We are having to vote long periods of time with people coming from offices and other places. We can do better and save a lot of time if we can vote within the 10-minute period.

AMENDMENT NO. 3848

The PRESIDING OFFICER. The question is on the Kennedy amendment No. 3848.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are talking about relief from the so-called marriage penalty in the Tax Code. But low-income married parents face a more serious marriage penalty under Medicaid. Under the current law, parents who are married lose their health coverage under Medicaid in some 14 States. In other States, they lose their health coverage under Medicaid if they work more than 100 hours a month. That is wrong.

Our answer to this problem is to provide States with the resources and authority to expand S-CHIP and Medicaid to the parents of the children who are covered under these programs. It is a sensible system. The President has paid for it in his budget. It provides needed relief from the health marriage and work penalty under Medicaid. I urge my colleagues to support it.

Mr. ROTH. Mr. President, the FamilyCare initiative prematurely doubles the size and scope of the new State Children's Health Insurance Program. S–CHIP has been enrolling children for less than 3 years—and it has not reached its goals in terms of covering eligible children. Let us make sure the S–CHIP model works before we expand it so dramatically.

In fact, Mr. President, it is worth noting that if the states want to extend coverage to parents, they may do so now under Medicaid waivers, or even under S–CHIP, if that coverage is ''cost-effective''.

In addition to program concerns, FamilyCare raises a fundamental question. Should parenthood be the driving factor in terms of eligibility for health insurance coverage? FamilyCare rewards parenthood and disadvantages working poor individuals who decide to postpone having families until they are better able to afford to raise a child.

Finally, this new initiative is extremely costly. We are talking about creating a new program with a cost of $50 billion over ten years—all without holding hearings on the bill and without any discussion of priorities.

Mr. President, I make a point of order that the Kennedy amendment is neither germane nor relevant to the reconciliation bill, it is in violation of 305(b)(2) of the Budget Act.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment, and 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 the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON), is necessarily absent.

I further 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 51, nays 47, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—51

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

NAYS—47

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

NOT VOTING—2

Coverdell	Hutchinson

The PRESIDING OFFICER. On this vote the yeas are 51, and the nays are 47. Three-fifths of the Senators present and voting, not having voted in the affirmative, the motion to waive the Budget Act is not agreed to. The amendment would add new subject matter to the bill and is therefore not germane. The point of order is sustained. The amendment falls.

Mr. ROTH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3851 TO AMENDMENT NO. 3850

The PRESIDING OFFICER. The question is on agreeing to the Bond second-degree amendment to the Durbin amendment.

The Senator from Missouri.

Mr. BOND. Mr. President, it is not fair that a self-employed person cannot deduct 100 percent of health care costs when a large business can. A self-employed person is denied that deductibility, even though we have worked since 1995 when this body accepted my amendment at that time to increase the deductibility of insurance costs for the self-employed. Still, only 60 percent of the health insurance cost is deductible by the self-employed.

I have talked to a lot of these people. They cannot wait until 2003 when they will get 100-percent deductibility. My amendment says there is 100-percent deductibility this year and makes sure that the 5 million Americans in households headed by self-employed can get health care coverage, including 1.3 million children.

It also corrects a disparity in current law which says if a self-employed person is eligible for health coverage from another plan, a second job, or a spouse's plan, they cannot deduct. This says you can deduct so long as you do not participate in another health care plan.

I thank my colleagues on both sides and my colleague from Illinois.

I urge this body to accept the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. The Senator from Missouri has taken a very good amendment and made it even better. I hope Members will join in supporting the second-degree amendment by Senator BOND to my amendment, for the full deductibility of the health insurance premiums for the self-employed. I hope you will resist efforts, if we are successful, to remove this amendment at a later time.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 3851) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3850

The PRESIDING OFFICER. Who yields time on the first-degree amendment?

Mr. DURBIN. Mr. President, I yield back my time and ask for a favorable vote on the Durbin amendment, as amended.

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

The amendment (No. 3850), as amended, was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3852

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I have another amendment at the desk, which if I am not mistaken, is next in order on the list for consideration.

The PRESIDING OFFICER. The question is on amendment 3852.

The Senator from Illinois.

Mr. DURBIN. Mr. President, there are 44 million Americans without health insurance. Among uninsured workers, most of them work for small businesses. This amendment creates a tax credit for small businesses which will offer health insurance for their employees. The tax credits especially favor those businesses which have not offered it in the past. I think it is a good investment to help small businesses take care of their No. 1 concern: health insurance for the owners of the business, health insurance for the employees of the small business.

I urge my colleagues in the Senate to support this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I look at my colleague's amendment, and he says for health care we will make it a tax credit. That means it is more valuable than wages; that means it is more valuable than any other expenditure for an employer.

We passed several tax provisions to encourage employers and individuals to buy health care. We passed that with the Patients' Bill of Rights. We passed it with minimum wage. The amendment of my colleague from Illinois, in my opinion, is misdirected and very expensive. We have not had a hearing in the Finance Committee. I think it happens to be bad policy. It says for this type of expenditure, it is more important than any other that an employer would make.

I make a budget point of order under section 305 that it is in violation of the Budget Act.

Mr. DURBIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for consideration of the pending bill, and I seek the yeas and nays.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Is there a sufficient second?

There is a sufficient second.

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

The legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

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

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

[Rollcall Vote No. 205 Leg.]

YEAS—49

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

NAYS—49

Abraham	Cochran	Gramm
Allard	Craig	Grams
Ashcroft	Crapo	Grassley
Bennett	DeWine	Gregg
Bond	Domenici	Hagel
Brownback	Enzi	Hatch
Bunning	Fitzgerald	Helms
Burns	Frist	Hutchinson
Campbell	Gorton	Hutchison

Inhofe	Nickles	Stevens
Kyl	Roberts	Thomas
Lott	Roth	Thompson
Lugar	Santorum	Thurmond
Mack	Sessions	Voinovich
McCain	Shelby	Warner
McConnell	Smith (NH)	
Murkowski	Smith (OR)	

NOT VOTING—2

Coverdell Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The amendment would add new subject matter to the bill and is, therefore, not germane. The point of order is satisfied. The amendment fails.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3853

The PRESIDING OFFICER. The next amendment is amendment No. 3853 offered by the Senator from Virginia, Mr. ROBB.

Mr. REID. Mr. President, will the Senator withhold for a moment? It is my understanding this is going to be the last vote tonight, is that correct, I ask the Chairman?

Mr. ROTH. Yes, that is correct.

Mr. REID. There are going to be some other votes that do not require rollcalls after this?

Mr. ROTH. Yes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, recognizing this is the last rollcall vote of the evening, I will not take the time of this Chamber. It is a very simple amendment. A majority of this body has already gone on record saying that we will make certain we pass a prescription drug benefit for seniors before we pass all of these other tax cuts. We passed a major tax cut on Friday. We are proposing to pass tomorrow morning another major tax cut.

All this amendment says is, before these tax cuts go into effect, we will have actually delivered on the promise to provide a prescription drug benefit.

I hope it will be the pleasure of this Senate to adopt this amendment and keep the faith with our seniors.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, this is an amendment that undermines, not advances, progress on two important issues. Its only effect will be to stop tax cuts for families while not advancing by a day Medicare reform that should include a prescription drug benefit. If anything, it slows down Medicare reform by politicizing the issue.

Prescription drugs should not be pitted against family tax cuts. We can and should be for both. The budget surplus allows for both. The budget passed by Congress allows for both and both are necessary policies, but they must first each be correctly thought through.

Now is the time to pass marriage tax relief, an issue on which we have been working for years. Now is the time to be working together on Medicare reform, as we are in the Finance Committee. Working together we can succeed on both policies. Seeking division we will fail on each. Notwithstanding any policy objections, the pending amendment offered by the Senator from Virginia is not germane to the underlying bill and would, therefore, result in a section 305(b)(2) point of order under the Budget Act. Therefore, I raise a point of order against the amendment pursuant to section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. ROBB. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment, and 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 the motion. 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 desiring to vote?

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—49

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

NAYS—50

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

NOT VOTING—1

Coverdell

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The amendment makes provisions of this act contingent upon enactment of other legislation. Therefore, it is nongermane. The point of order is sustained and the amendment falls.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3854, 3855, 3859, 3860, 3877, AND 3888

Mr. ROTH. Mr. President, I ask unanimous consent that the following amendments be agreed to en bloc, the motions to reconsider be laid upon the table, and any statements relating to the amendments be printed in the RECORD. The amendments are the following: Nos. 3854, 3855, 3859, 3860, 3877, and 3888.

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

The amendments (Nos. 3854, 3855, 3859, 3860, 3877, and 3888) were agreed to.

AMENDMENT NO. 3859

Mr. CLELAND. Mr. President, The Cleland Savings Bond Tax-Exclusion for Long-Term Care Services Amendment would exclude United States savings bond income from being taxed if used to pay for long-term health care expenses. Current law provides an income exclusion for savings bond income used to pay for qualified higher education expenses. This amendment expands the tax code section 135 to allow the savings bond income exclusion for eligible long-term care expenses as well. This measure will assist individuals struggling to accommodate costs associated with many chronic medical conditions and the aging process. A staggering 5.8 million Americans are afflicted with the financial burdens of long-term care.

This legislation will assist families by:

Providing a tax exclusion for savings bonds used to pay for long-term care;

Allowing families to use their savings bond assets to face the dual challenge of paying for long-term care services and higher education expenses.

Thank you and I urge you to support this proposal to provide tax relief to Americans burdened by the financial constraints of providing long-term care and higher education expenses. I yield the floor.

AMENDMENT NO. 3860

Mr. CLELAND. Mr. President, we have on the books today a special enhanced tax deduction for individuals and corporations which donate computers to our nation's elementary and secondary schools. This deduction—which helps to keep America on the cutting-edge in technology—is scheduled to expire at the end of the year. The amendment I am offering is twofold: it would extend this tax deduction for five years and it would expand it to include computer donations to public libraries and non-profit and governmental community centers as well.

My amendment will help to close the ''digital divide'' which exists in this

country by providing a viable alternative for Americans who are being left behind because they do not have access in their homes to computer and Internet use. We know, for example, that Americans earning less than $20,000 who use the Internet outside the home are twice as likely to get their access through a public library or community center. And Americans who are not in the labor force, such as retirees or homemakers, are twice as likely to use public libraries for on-line access.

I urge my colleagues to support this amendment. It would extend a tax deduction which has proved invaluable in boosting efforts by individuals and companies to donate computer equipment and web access to our Nation's schools. And it will help to keep this Nation a leader in the global economy by helping to close the gap between the technological haves and the have nots.

AMENDMENTS NOS. 3856, 3857, 3861, 3862, 3866, 3867, 3876, 3879, 3880, AND 3882 WITHDRAWN

Mr. ROTH. Mr. President, I further ask unanimous consent that the following amendments be withdrawn: Nos. 3856, 3857, 3861, 3862, 3866, 3867, 3876, 3879, 3880, and 3882.

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

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Senators DASCHLE and JOHNSON be added as cosponsors of the Dorgan amendment No. 3877.

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

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Senator JOHNSON be added as a cosponsor of the Moynihan amendment No. 3863.

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

Mr. GRASSLEY. Mr. President, I want to make a few comments about the reconciliation bill before us containing marriage penalty tax relief.

This is an issue about fairness, Mr. President for around thirty years our Tax Code has been penalizing people just becuase they happen to be married. This is a perfect example of how broken our Tax Code is. Just like the earnings limitation that discriminated against older Americans, this unfiar Tax needs to be dumped. It took a Republican-led Congress to repeal the Social Security earnings limit.

And now, it's the same Republican-led Congress that's talking the lead in repealing the marriage penalty tax. We tried it a couple of months ago, but we were blocked by the Democratic side from passing the bill. Now, we're back under reconciliation instructions that prevent the other side from gridlocking the Senate.

Of course, the minority side wants you to believe they're all for getting rid of the marriage penalty tax. Of course, they had control of the Congress for decades and never once tried to repeal it.

What's worse, now they're using the old bait-and-switch routine. They say they're for this tax relief, but not until Social Security and Medicare are fixed.

We all know neither the administration nor the Democratic side have comprehensive proposals to fix Social Security and Medicare, so this is just a delyaing tactic to kill the bill so, they say they're for marriage penalty relief—but only sometime in the unknown future. That's Washington D.C. double-talk.

Delaying this tax relief really means no tax relief at all.

Mr. President, we've heard other misleading arguments that under the majority bill, married couples would get a tax cut, but single mothers with kids would not get one. However, an important part of our bill repeals the alternative minimum tax for over then million people. Many of those helped will be single mothers. But, guess what's even more interesting? The Democrat alternative bill is the bill that doesn't help single mothers at all.

In addition, it's important to note that the Democrat alternative discriminates against stay-at-home moms. That's right, the Democrat proposal only helps two earner couples. So, it not only doesn't helpt those single mothers the other side was crying crocodile tears over—it hurts those families where one partent decides to stay at home with the children.

I hope all of you stay-at-home parents out there listening understand what the Democratic alternative will do to them.

Mr. President, we're going to pass this tax relief measure anad send it to President Clinton.

This begs the question—where is the Clinton-Gore administration on providing this tax reljief to working Americans? Well, a few weeks ago, the administration offered to accept mariiage penalty tax relief for a Medicare prescription drug benefit. This is the same tax relief bill the Clinton-Gore administration and Democrats have been attacking and deriding for months. Now, they're saying, forget all those bad things we said, we're ready to deal.

This just shows the Clinton-Gore administration either doesn't have any principles, or they're willing to trade them to the highest bidder.

Of course, for years this administration has been saying they would work with Congress to save social security and medicare. But, here we are near the end of this administration, and it has no comprehensive plan to save either program. They're reduced to trying to salvage a legacy by creating a hugely expensive entitlement program that could end up draining the hard-earned surplus. This is a surplus earned bythe American people, not the Government, who wants to spend it all. Interestingly, a recent polly said that 60 percent of Americans credit American workers and businesse for our successful economy. Only 39 percent credit the administration, who would like you to believe they did it all.

I think the American people are finally figuring out the Clinton-Gore charade.

We're going to see more and more of these con-games as sthe Year winds down, and this tired, worn-out administration desperately tries to reshape its disappointing place in history.

Mr. President, the time for delay is over. The time for gridlock is over. Now is the time to pass this important tax relief measure, and I urge the members of this body to come together and do what's right, by passing this legislation.

Ms. SNOWE. Mr. President, I rise in strong support of H.R. 4810—legislation that would dramatically reduce one of the most insidious aspects of the tax code: the marriage penalty.

As my colleagues are aware, there are several primary causes of the ''marriage penalty'' within the tax code, including different tax rate schedules and different standard deductions for joint filers versus single filers.

In terms of the impact of these differing tax provisions, the marriage penalty is most pronounced for two-earner couples in which the husband and wife have nearly equal incomes. While this may not have been as noticeable in society 30 or 40 years ago, the demographic changes that have occurred since the 1960s—with more married women entering the workforce to help support their families—has led to a significant increase in the share of couples who suffer from the marriage penalty.

Make no mistake, the impact of the marriage penalty is severe. According to the Congressional Budget Office (CBO), 42% of married couples incur marriage penalties that average nearly $1,400.

When measured by income category, fully 12% of couples with incomes below $20,000 incurred a marriage penalty in 1996; 44% of couples with incomes of $20,000 to $50,000; and 55% of couples with incomes above $50,000.

In addition, according to CBO, empirical evidence suggests that the marriage penalty may affect work patterns, particularly for a couple's second earner. Specifically, because filing a joint return often imposes a substantially higher tax rate on a couple's second earner, the higher rate reduces the second earner's after-tax wage and may cause that individual to work fewer hours or not at all. As a result, economic efficiency is harmed in the overall economy.

Furthermore, while I would hope that the tax code would not be a factor in a couple's decision to marry or stay single, the simple fact is that a couple's tax status could worsen if married and could, therefore, impact a couple's decision to marry. Therefore, we should eliminate this potential barrier to marriage and ensure that couples make one of life's biggest decisions based on their values and beliefs—not on the federal tax code.

As a strong opponent of the marriage penalty, I am an original cosponsor of S. 15, legislation introduced by Senator

HUTCHISON that eliminates the marriage penalty through a proposal known as ''income splitting.'' Under this approach, a married couple would add up all their income and then split it in half. Each spouse would then file as a single individual and pay taxes on his or her half of the total income, with exemptions, deductions and credits being split evenly between the two spouses.

Last year, to advance this legislation or any other proposal that would provide marriage penalty relief, I offered an amendment during the markup of the FY 2000 budget resolution that ensured a significant reduction in—or the outright elimination of—the marriage penalty would be a central component of any tax cut package adopted during last year's reconciliation process.

Later that summer, in accordance with my budget amendment, the $792 billion tax cut reconciliation package that was passed by the Senate included such relief, as did the final House-Senate conference report. However, just as President Clinton vetoed the tax bill in 1995 that included marriage penalty relief, last year's tax bill was vetoed as well.

In an effort to address this issue outside a broader tax package, the House of Representatives passed legislation earlier this year—by a bipartisan vote of 268 to 158—that would reduce the marriage penalty. The Senate considered its version of the legislation in April, but a Democratic filibuster prevented us from bringing the bill to a final vote. Today, we are considering nearly identical legislation yet again, but—thanks to the budget reconciliation process—we are assured it will come to a final vote.

Mr. President, H.R. 4810 would dramatically reduce the marriage penalty by doubling the standard deduction for married couples relative to single filers; expanding the 15 percent and 28 percent income tax brackets for married couples to twice the size of the corresponding tax brackets for single filers; increasing the phase-out range of the Earned Income Credit for couples filing joint returns; and permanently exempting family tax credits from the individual Alternative Minimum Tax.

I am especially pleased that the legislation does not penalize families in which a spouse foregoes an income to raise children. Unfortunately, the proposal that is being espoused by the minority would do just that.

Specifically, by allowing married couples to file their taxes as if they were single, the substitute proposal would provide relief only to families in which both spouses have taxable incomes. As a result, if a spouse has no earned income by virtue of the fact that he or she is working at home to raise the family's children—but doesn't actually earn a salary for each of the myriad of tasks this profession entails—the couple would receive none of the benefits of the larger tax brackets or standard deduction that a single taxpayer currently receives because only one-half of the couple has an income to report.

I believe a spouse's decision to work outside the home and utilize daycare, or work at home to raise children, should be made with only the best interests of the family in mind—not the tax code. We should not take a significant step to eliminate the marriage penalty only to replace it with a ''homemaker penalty''—and I'm pleased that H.R. 4810 ensures that the benefits it provides can be used by all couples, including those in which a spouse foregoes an income to raise a family.

It is my hope that, by considering this package of marriage penalty relief proposals as a stand-alone bill—and not as part of a broader, and potentially controversial, tax cut package—we will not only pass this legislation with strong bipartisan support, but ultimately send a bill to the President that he will sign for the benefit of all married couples.

The bottom line is that we should not condone or accept a tax code that penalizes married couples or discourages marriage, and this bill provides the Senate with the opportunity to correct this inequity in a straightforward manner.

Ultimately, the bill we are considering is not simply about providing the American people with a reasonable and rational tax cut—rather, it is about correcting a gross discrepancy in the tax code that unfairly impacts married couples. Accordingly, even though individual members of this body disagree on a wide variety of tax cuts policies, I would hope we would all agree that the act of marriage should not be penalized by the Internal Revenue Code—and would support S. 4810 accordingly.

Mr. CRAPO. Mr. President, I rise today to express my strong support for this pro-family, pro-economic growth legislation. It is unfortunate that government continues to burden its citizens with excessive and unfair taxation. Indeed, America's income tax system reduces freedom and economic growth. An embarrassing example of this inequity is the marriage penalty—essentially, a quirk in the income tax code that causes some married couples to be penalized and taxed at higher rates, simply because they marry.

The treatment of marriage provides an important example of why we need to support equity in the tax code. Consider that two couples who are exactly the same—except one is married and the other couple is not. A peculiar feature in our tax code is that these two couples may pay different taxes. Simply put, when a man and woman get married, their tax liability can rise and the federal government can take more of the married couple's money. This is a fundamental problem in the tax code. I believe in fairness and simplicity when it comes to taxes. A married couple should not pay more taxes than an unmarried couple with the same total income. This is poor policy.

Marriage neutrality is the principle that when two people get married, their total bill should not change. Unfortunately, the U.S. income tax is not marriage neutral. According to the Congressional Budget Office, almost half of all married couples—22 million—suffered from the marriage penalty last year. In my home state of Idaho, 129,710 couples were adversely affected because of this system. These married couples on average paid an extra $1,500 in income tax. Moreover, as women are working hard to achieve salary equity, it is unfortunate that as women approach income levels similar to their husbands, the marriage penalty increasingly kicks in and the federal government simply takes their money back.

Under this bill, beginning next year, Congress will restore marriage neutrality to the code. The Marriage Tax Penalty Relief Reconciliation Act will increase the standard deduction for married couples to approximately $8,800. This is twice the basic standard deduction for a single tax filer. The bill will also widen the 15 percent and 28 percent income tax brackets for married couples filing a joint return to twice the size of the corresponding rate brackets of single individuals. This is a commonsense solution to ending any disparity for married couples who find they are paying a penalty. Fortunately for them, the rules under which we are debating the Marriage Tax Penalty Relief Reconciliation Act will also shield senators from excess delay and we will have an up-or-down vote. True to the bill's name, we are here to reconcile an unfair tax provision that is counterproductive to our goal of equity and fairness.

Today, we have finally put an end to expensive entitlements and the reckless fiscal behavior that created large deficits in the 1970s, 1980s, and early 1990s. Indeed, the surging U.S. economy has produced an unprecedented tidal wave of federal tax receipts. This year, the country will see a $76 billion dollar surplus—over the next ten years the non-social security surplus is estimated at $1.9 trillion. This raises the question: when will the government start returning money to the people? With these surpluses there is no doubt that there is room for marriage tax relief and additional debt reduction. Therefore, we should seize this opportunity to return these surplus dollars, before the bureaucrats in town start spending them. If we do not, an opportunity to restore horizontal equity to the tax code will be lost, because surpluses—like we have today—will certainly invite an irresponsible flurry of new spending.

Americans have historically and consistently expressed their discontent for excessive and unfair taxation. I have stacks of letters in my office from honest and hard-working Idahoans who rightfully want to know where their

tax cut is. Let us take this opportunity to return something to those American families who are married and working to support families and loved ones. Let us make good on our constituent promise by voting to eliminate the marriage tax penalty and let us give the President an opportunity to honor his State of the Union promise by signing this bill.

The federal tax code remains intrusive, overly complicated, and excessively burdensome. As part of my effort to bring tax relief to the American people, I have co-sponsored or voted for legislation to reduce the death tax, gas tax, beer tax, and telephone excise tax. Today, we have an opportunity to vote for a bill that I hope will have broad bipartisan support. Senators should be mindful of the opportunity to provide needed relief to married couples. Death and taxes are certainties in life. Let us vote to ensure that fairness is too. I urge my colleagues to support repeal of the marriage tax penalty. It is the right thing to do.

Mr. KYL. Mr. President, it was about two-and-a-half years ago that I came to the Senate floor to call on the Senate to repeal two of the most egregious and unfair taxes imposed by the nation's Tax Code: the steep taxes imposed on people when they get married and when they die. The good news is, for the second time in two years, the Senate has cleared legislation to repeal the death tax. And this week, for the third time, we will clear a measure to repeal the marriage penalty.

In 1995, Congress passed legislation that would have provided a tax credit to married couples to offset this penalty somewhat. President Clinton vetoed that bill.

In 1999, Congress again approved a measure to provide married couples with some relief. Last year's bill would have set the standard deduction for couples at twice the deduction allowed for singles. It would also have set the lowest income-tax bracket for married couples at twice that allowed for single taxpayers. President Clinton vetoed that measure last September.

According to the nonpartisan Tax Foundation, the total tax burden borne by American taxpayers dipped slightly in 1998. That is the good news. The bad news is that Americans still spent more on federal taxes than on any of the other major items in their household budgets. For the median-income, two-earner family, federal taxes still amounted to 39 percent of the family budget—more than what they spent on food, housing, and medical care combined. One of the reasons why they paid so much is the continuation of the marriage penalty that exists in the Nation's tax code.

According to the Congressional Budget Office, nearly half of all married taxpayers—about 21 million couples—filing a joint return paid a higher tax than they would have if each spouse had been allowed to file as a single taxpayer.

The marriage penalty hits the working poor particularly hard. Two-earner families making less than $20,000 often must devote a full eight percent of their income to pay the marriage penalty. Eight percent is an extraordinary amount for couples that count on every dollar to make ends meet.

Let me stop here and give an example of the marriage penalty at work. In this example, the penalty comes about because workers filing as single taxpayers get a higher standard deduction, and because income-tax bracket thresholds for married couples are lower than the threshold for singles. Consider a married couple in which each spouse earns about $30,000 a year. They would have paid $7,655 in federal income taxes last year. By comparison, two individuals earning the same amount, but filing single returns, would have paid only $6,892 between the two of them. That is a marriage penalty of $763.

The average penalty—average penalty—paid by couples is even higher than that—about $1,400 a year, according to the Congressional Budget Office. Think what families could do with an extra $1,400. They could pay for three or four months of day care if they choose to send a child outside the home—or make it easier for one parent to stay at home to take care of the children, if that is what they decide is best for them. They could make four or five payments on their car or minivan. They could pay their utility bill for nine months.

The bill before us is the most comprehensive effort yet to eliminate the marriage penalty. It would expand the standard deduction for married couples filing jointly; widen the tax brackets for such couples; and increase the income phase-outs for the earned income credit.

Unlike President Clinton's so-called relief bill, the plan Chairman ROTH brings to us today does not neglect married couples who choose to have one parent stay at home to raise the children. It gives them relief, and, in so doing, it lets them know we value the choice they have made to stay home and raise a family.

Unlike the Clinton plan, which would preserve the penalty for many couples, our plan would eliminate the marriage penalty in its entirety. Sure, that means the revenue loss associated with this legislation is greater than the President proposed, but the smaller cost of providing relief under the Clinton plan is also indicative of just how little it would do to solve the problem. We should not be stingy when attempting to ensure fairness in the tax code.

Passage of this legislation would continue the good progress we have made this year in making the tax code fairer. First, we passed the measure to repeal the Social Security earnings limitation, a tax that has unfairly penalized seniors for more than 60 years, simply because they wanted to earn some extra income to supplement their monthly retirement checks. That measure is now law.

Last week, we voted to eliminate the death tax, which unfairly taxes people simply because they die. We voted to substitute a capital-gains tax so that inherited assets are taxed at the appropriate time—when they are sold, and when income is actually realized.

Hopefully, the marriage-penalty repeal bill, like the death-tax repeal, will pass with a strong, bipartisan majority, and President Clinton will rethink his opposition and sign it when it reaches his desk.

We can debate the merits of any number of changes in the tax code: whether a flat tax is preferable to a sales tax; whether tax rates should be reduced across the board; or whether we should make the tax code more conducive to savings and investment. There are legitimate points to be made on both sides.

But when it comes to fairness, we need to do what is right. The marriage penalty, like the earnings limit and the death tax, is wrong, it is unfair, and it is time to put it to rest. I urge support for the marriage-penalty repeal bill.

Mr. BYRD. Mr. President, today the Senate will consider legislation to address the anomaly in the tax code known as the marriage penalty. The Senate will consider this legislation in light of recent budget projections that show a windfall in federal budget surpluses over the next ten years, and under expedited rules that will almost guarantee passage of some form of marriage penalty relief.

First, I am, as are many other Senators, concerned about the so-called marriage penalty. I can think of no reason why a married couple should have a higher tax liability simply because they have chosen to make a lifelong commitment together through the sacred bond of marriage. I doubt that any Senator would refute the assertion that the promotion of marriage and family stability benefits the nation at large. Indeed, the marriage bond as recognized in the Judaeo-Christian tradition, as well as in the legal codes of the world's most advanced societies, is a cornerstone on which societies build their morals and values. The Bible tells us in 1 Corinthians 7 to ''. . . let every man have his own wife, and let every woman have her own husband. Let the husband render unto the wife due benevolence: and likewise also the wife unto the husband. The wife hath not power of her own body, but the husband: and likewise also the husband hath not power of his own body, but the wife. Defraud ye not one the other, except it be with consent for a time, that ye may give yourselves to fasting and prayer; and come together again, that Satan tempt you not for your incontinency.'' The institution of marriage was prized in the Bible, and likewise, by the ancient world in Rome, and more particularly, in Greece. ''There is nothing nobler or more admirable than when two people who see

eye to eye keep house as man and wife, confounding their enemies and delighting their friends,'' wrote Homer in The Odyssey (9th Century BC).

Our federal government has no official policy on marriage with respect to taxing or subsidizing the institution. Still, what can only be referred to as a quirk in the tax code causes some married couples to pay higher taxes than they would if they were single. I have always believed that the federal income tax code should, at the very least, be marriage neutral. Unfortunately, marriage neutrality has proven to be an elusive goal. The reason is that marriage neutrality is incompatible with a progressive tax system that allows for joint tax returns. When two single taxpayers are married, their incomes increase and can, in some cases, push the couple into a higher tax bracket than when they filed as separate singles. The opposite can also happen, where married couples find themselves in a lower tax bracket than when they were single.

Both the Republican and Democratic proposals before the Senate today attempt to balance the competing interests of progressive taxation, joint tax returns, and marriage neutrality in the best way possible. The Republican proposal, for example, reduces the marginal tax rates for married couples so that recently married couples would not be bumped up into a higher tax bracket. This would effectively eliminate the marriage penalty relating to marginal tax rates. The trade-off is that marriage bonuses, which occur when a married couple pay less in taxes than they would if they filed as two single taxpayers, would be increased.

While some Senators would argue that the Republican proposal is a tax giveaway to households that already receive favorable tax treatment because of marriage, marriage bonuses provide increased assistance for families who make the difficult choice to forgo a second income or career and for one parent to stay at home with their children. Families in this situation ought to be extended tax incentives just the same as those families with a limited income and a child in the child care system. Raising children to be responsible, caring, law-abiding adults is one of the most important tasks that any of us will ever undertake. As we can see daily from the steady stream of frightening newspaper headlines on schoolyard shootings and gang activities, it is also one of the hardest. The fabric of our society, the warp of family closeness and the woof of community, is torn and frayed. If a family makes the increasingly difficult choice to allow one parent to stay at home and focus on child rearing, then, frankly, I think we ought to make it easier for them to do so. We certainly should not make it harder, or more financially punitive! It is too important for the continued strength of our society. I am pleased that this bill takes this important step of recognizing the role of the stay-at-home parent by providing these families with a small amount of relief to assist with the costs of raising a child.

The Democratic proposal also attempts to balance the goals of joint tax entities and progressive taxation with marriage neutrality. This proposal would allow married couples to calculate their income tax as either a married couple or as two singles, depending on which method would be less costly. The effect of this approach would be the elimination for eligible couples of all sixty-five marriage penalty provisions in the tax code, while maintaining the existing marriage bonuses.

Both proposals provide marriage penalty relief to families of all income levels. In the Republican proposal, lower-income families who receive the earned income tax credit would benefit from marriage penalty relief, while the elimination of the marriage penalty caused by the standard deduction would benefit middle-income households. The Democratic proposal, however, is more targeted to lower- and middle-income households because the marriage penalty relief is phased out for couples with an income above $150,000 per year.

But, make no mistake, both proposals, even in the glow of recent surplus projections, would be extremely expensive. The Republican proposal would cost $248 billion over ten years, and $39 billion per year thereafter. The Democratic proposal is slightly less expensive because of the income cap, but would still cost $54.2 billion over five years. My concern is not so much the cost of these proposals, because I think that the cost would be justified by the marriage incentives provided in each, but that marriage penalty relief could open the floodgates to other, more massive tax cuts. Most Senators are aware that the Office of Management and Budget announced during the week of June 26 that projected budget surpluses would exceed estimates made just four months ago by $1.3 trillion, and the Congressional Budget Office is close to releasing its projections that are likely to predict similar results. These new projections raise the estimate of surpluses that will be collected by the government over the next ten years (excluding Social Security) to $1.9 trillion, and, consequently, have fanned the furor for massive tax cuts.

These surplus projections can have an intoxicating effect, so much so that massive tax cuts seem suddenly affordable. What is forgotten is the fact that these surplus projections are highly volatile, and subject to dramatic change. Just since last year, these ten-year surplus projections have increased by almost $2 trillion. Some of that increase stemmed from an increase in tax revenues from the strong economy, but most resulted from simple changes in expectations about how well the economy would perform five and ten years out into the future. These expectations could easily change in the next few years so that, just as quickly as these surpluses appeared, they could disappear.

I think that it is unfortunate that higher-than-expected surpluses have paved the way for the enactment of massive tax cuts. The repeal of the estate tax, for example, which was recently passed by this body, if enacted into law, would cost $105 billion over ten years, and then $50 billion per year thereafter. No hearings were held on this proposal in the Senate. Little consideration was given to an alternative plan that would have been less costly and would have more expeditiously addressed the plight of farmers and small businesses by eliminating most from estate tax rolls. Little, if any, consideration was given to the negative effect that repealing the estate tax would have on charitable contributions, which are deductible from the gross value of an estate under current law. Yet, this body repealed the estate tax under the guise that it was necessary to protect small family farmers and businesses, when much less costly proposals might have done the job just as well.

Let us disabuse ourselves of the idea that all tax cuts are good policy because they are politically popular. They are not. It is easy to vote for tax cuts. It does not require courage. And, in the end, the American people will not thank us for acting in a fiscally irresponsible manner. As I have said on many occasions, while budget projections look rosy now, the future is fraught with peril as the baby-boomers exit the economy, and the Social Security and Medicare programs become unable, as presently structured, to pay full benefits to recipients. The Social Security and Medicare Board of Trustees projected last March that Social Security payroll taxes by themselves would not be enough to cover benefit payments by 2015, and that the Social Security trust fund would be insolvent by 2037. Likewise, the trustees projected that the Medicare Hospital Insurance trust fund would be insolvent by 2025.

While I support eliminating any marriage penalties that may exist in the tax code, my preference would be to delay enactment of these costly proposals until the long term solvency of Social Security and Medicare have been addressed. However, in order to meet the political deadline of the upcoming Party conventions, the Senate is acting on this legislation today, which is unfortunate.

I support marriage penalty relief, and I believe that both the Republican and Democratic proposals would provide substantial relief. However, I object to the fashion in which these proposals are being considered. As I said before, these proposals are extremely expensive. They should be debated in a way that would allow for many amendments and ample debate time. Unfortunately, they were brought up under

reconciliation protections to avoid such restrictions. While the intent of the legislation may be worthwhile, I object to legislation being pushed through in this manner. The fast-track reconciliation procedures that were enacted in the Congressional Budget Act of 1974 were never intended to be used as a method to enact massive tax cuts that could not be passed without a thorough debate and amendment process. I know, because I helped to write the Congressional Budget Act of 1974, and it was never my contemplation that the reconciliation process would be used in this way and for these purposes—never! I would not have supported it. I would have voted against it.

In fact, I would have left some loopholes in the process that would have saved us from this spectacle every year, where tax legislation with wide-ranging ramifications on domestic and defense spending priorities that should be debated at great length and amended many times is rushed through this Chamber in order to fulfill a political party's agenda. Reconciliation has become a bear trap that cuts off senators from debate and ensures that legislation will be voted upon regardless of whether there has been ample debate. Reconciliation typically allows for only twenty hours of debate, equally divided between the two leaders, which can be yielded back by the leaders under a nondebatable motion. This year, the reconciliation bill will be voted upon after only two hours and twenty-two minutes of debate. Less than two and one-half hours on a measure that would cost $248 billion over ten years. We owe the American people the assurance that their representatives are enacting legislation that will substantively address the marriage penalty problem in the most cost-efficient method possible.

I spoke in April on marriage penalty relief and the majority party's insistence on pushing this particular legislation through the Senate. While I supported marriage penalty relief then, I still opposed cloture to end debate on the underlying bill to allow senators to offer amendments, debate those amendments, and then vote on those amendments. Incidentally, this legislation was withdrawn from the floor after the minority party insisted on these rights, which is why this marriage penalty relief bill is now being considered in this fashion, under reconciliation protection. I made remarks in April on the marriage penalty relief bill, and made reference to James Madison's ideas on popular government, and the irony of how pushing through marriage penalty relief based on the notion that it is politically popular represented Madison's most profound worries about the character of republican politics. A fear of impulsive and dangerous influence that runaway public opinion could exert over legislation lay at the core of his thinking in 1787 and 1788. Indeed, Madison searched for the proper mechanics for the safe expression of public opinion to prevent popular majorities from pursuing their purposes through means that wore away the bonds that might otherwise restrain them. I think it is also fair to say that Madison would have opposed legislating in this fashion, and the enactment of tax legislation under reconciliation instructions because it removes the bonds that ordinarily would prevent the majority party from pushing through legislation which happens to be the hot political issue of the moment. The Senate will learn one day the detrimental cost of legislating in this fashion.

Nonetheless, as I have said before, I will support both marriage penalty relief proposals in order to eliminate what can only be described as an unintended and unfair consequence of the income tax code. However, I do so with a certain degree of reluctance out of concern that my support would, in any way, be considered an endorsement of this style of legislating or that it would indicate my willingness to forsake fiscal responsibility relating to Social Security and Medicare in order to finance massive tax cuts.

Mr. ROTH. Mr. President, I ask unanimous consent that votes occur in relation to the following amendments in the following sequence, beginning immediately after the adoption of the Interior appropriations bill, with 2 minutes prior to each vote for explanation: Burns No. 3872, Hollings No. 3875, Lott No. 3881, final passage.

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

Mr. ROTH. Mr. President, I further ask unanimous consent that following passage, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, with those conferees being ROTH, LOTT, and MOYNIHAN.

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

Mr. ROTH. Therefore, there will be no further votes, as already has been announced, this evening. Up to 11 votes will occur in a stacked sequence beginning at 9:45 a.m. on Tuesday.

ORDER OF PROCEDURE

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate now turn to the Interior appropriations bill and I be recognized to call up the managers' package of amendments which is at the desk, the amendments be reported and agreed to, the motions to reconsider be laid upon the table, and the Senate then turn to H.R. 4516, the legislative appropriations bill, for Senator BOXER to offer her amendment.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENTS NOS. 3778; 3779, AS MODIFIED; 3784, AS MODIFIED; 3786, AS MODIFIED; 3787, AS MODIFIED; 3788; 3789; 3891; 3892; 3893; 3894; 3895; 3896; 3897; 3898; 3899; 3900; 3901; 3902; 3903; 3904; 3905; 3906; 3907; AND 3908

The amendments, en bloc, were agreed to as follows:

AMENDMENT NO. 3778

(Purpose: To designate funds for the United Sioux Tribes of South Dakota Development Corporation for the purpose of employment assistance)

On page 138, line 1, insert ''; and of which not to exceed $108,000 shall be for payment to the United Sioux Tribes of South Dakota Development Corporation for the purpose of providing employment assistance to Indian clients of the Corporation, including employment counseling, follow-up services, housing services, community services, day care services, and subsistence to help Indian clients become fully employed members of society'' before the colon.

AMENDMENT NO. 3779 AS MODIFIED

On page 168, line 13, insert the following before the colon: '', of which $1,000,000 shall be for the acquisition of lands on the Pisgah National Forest and not to exceed $1,000,000 shall be for Forest Holdings''.

AMENDMENT NO. 3784 AS MODIFIED

(Purpose: To provide for the management of the Valles Caldera National Preserve)

On page 165, after line 18, add the following:

For an additional amount to cover necessary expenses for implementation of the Valles Caldera Preservation Act, $990,000, to remain available until expended, which shall be available to the Secretary for the management of the Valles Caldera National Preserve: *Provided*, That any remaining balances be provided to the Valles Caldera Trust upon its assumption of the management of the Preserve: *Provided further*, That the amount available in this bill to the Office of the Solicitor within the Department of the Interior shall not exceed $39,206,000.

AMENDMENT NO. 3786 AS MODIFIED

(Purpose: To direct monies from the federal subsistence account to the State of Alaska to provide effective dual management under the federal subsistence fisheries program)

On page 170, line 3 insert before the period the following: '', *Provided*, That $750,000 shall be transferred to the State of Alaska Department of Fish and Game as a direct payment for administrative and policy coordination and an additional $250,000 shall be transferred to United Fishermen of Alaska as a direct payment''.

AMENDMENT NO. 3787 AS MODIFIED

(Purpose: To authorize the accrual of interest on escrow accounts established under section 1411 of the Alaska National Interest Lands Conservation Act and relating to re-withdrawn lands)

At the end of Title I, insert the following new section:

SEC. (a) All proceeds of Oil and Gas Lease sale 991, held by the Bureau of Land Management on May 5, 1999, or subsequent lease sales in the National Petroleum Reserve—Alaska within the area subject to withdrawal for Kuukpik Corporation's selection under section 22(j)(2) of the Alaska Native Claims Settlement Act, Public Law

92–203 (85 Stat. 688), shall be held in an escrow account administered under the terms of section 1411 of the Alaska National Interest Lands Conservation Act, Public Law 96–487 (94 Stat. 2371), without regard to whether a withdrawal for selection has been made, and paid to Arctic Slope Regional Corporation and the State of Alaska in the amount of their entitlement under law when determined, together with interest at the rate provided in the aforementioned section 1411, from the date of receipt of the proceeds by the United States to the date of payment. There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(b) This section shall be effective as of May 5, 1999.

AMENDMENT NO. 3788

(Purpose: To provide a monies to the City of Craig, Alaska in lieu of municipal land entitlements authorized under the Alaska Statehood Act)

On page 168, line 18 insert before the period the following: ''; *Provided further*, That of the amounts appropriated and available, the Secretary of Agriculture shall transfer as a direct payment to the City of Craig at least $5,000,000 but not to exceed $10,000,000 in lieu of any claims or municipal entitlement to land within the outside boundaries of the Tongass National Forest pursuant to section 6(a) of Public Law 85-508, the Alaska Statehood Act, as amended; Provided further, That should the directive in the preceding proviso conflict with any provision of existing law the preceding proviso shall prevail and take precedence''.

AMENDMENT NO. 3789

(Purpose: To provide for the relief of Harvey R. Redmond)

At the end of Title I insert the following new section:

''SEC. . Notwithstanding any other provision of law, the Secretary of the Interior shall covey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska, consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.''.

AMENDMENT NO. 3891

On page 125, line 25, strike ''58,209,000,'' and insert the following: ''63,249,000, of which $1,000,000 shall be for the Lewes Maritime Historic Park''.

AMENDMENT NO. 3892

(Purpose: To provide funding to carry out exhibitions at and acquire interior furnishings for the Rosa Parks Library and Museum, Alabama, with an offset)

On page 125, line 25, before ''of which'' insert the following: ''of which $1,000,000 shall be available to carry out exhibitions at and acquire interior furnishings for the Rosa Parks Library and Museum, Alabama, and''.

AMENDMENT NO. 3893

(Purpose: To provide funding for acquisition of land around the Bon Secour National Wildlife Refuge, Alabama, with an offset)

On page 122, line 9, before the period, insert the following: '', of which $1,000,000 shall be used for acquisition of land around the Bon Secour National Wildlife Refuge, Alabama, and of which not more than $6,500,000 shall be used for acquisition management''.

AMENDMENT NO. 3894

(Purpose: To set aside funding for the development of a preservation plan for Cane River National Heritage Area, Louisiana)

On page 125, line 25, after ''$58,209,000,'' insert ''of which not less than $500,000 shall be used to develop a preservation plan for the Cane River National Heritage Area, Louisiana, and''.

AMENDMENT NO. 3895

(Purpose: To set aside funding for the National Center for Preservation Technology and Training for the development of a model for heritage education through distance learning)

On page 126, line 2, before the period at the end, insert '', and of which $250,000 shall be available to the National Center for Preservation Technology and Training for the development of a model for heritage education through distance learning''.

AMENDMENT NO. 3896

On page 165, at the end of line 25 before the colon: ''of which not less than $2,4000,000 shall be made available for fuels reduction activities at Sequoia National Monument''.

AMENDMENT NO. 3897

On page 215, line 24, strike ''or'' and insert ''and'', and on page 216, line 1, strike ''at'' and insert ''of''.

AMENDMENT NO. 3898

(Purpose: To create a curriculum for the instruction of Federal Land Managers in Alaska on the contents and legislative history of the Alaska National Interest Lands Conservation Act)

At the end of Title III, add the following: ''SEC. . Of the funds appropriated in Title I of this Act, the Secretary shall provide $300,000 in the form of a grant to the Alaska Pacific University's Institute of the North for the development of a curriculum on the Alaska National Interest Lands Conservation Act (ANILCA). At a minimum this ANILCA curriculum should contain components which explain the law, its legislative history, the subsequent amendments, and the principal case studies on issues that have risen during 20 years of implementation of the Act; examine challenges faced by conservation system managers in implementing the Act; and link ANILCA to other significant land and resource laws governing Alaska's lands and resources. In addition, within the funds provided, Alaska Pacific University's Institute of the North shall gather the oral histories of key Members of Congress in 1980 and before to demonstrate the intent of Congress in fashioning ANILCA, as well as members of President Carter's and Alaska Governor Hammond's Administrations, Congressional staff and stakeholders who were involved in the creation of the Act.''

AMENDMENT NO. 3899

(Purpose: To set aside additional funding for the Roosevelt Campobello International Park Commission)

On page 125, line 25, after ''$58,209,000'', insert '', of which not less than $730,000 shall be available for use by the Roosevelt Campobello International Park Commission, and''.

AMENDMENT NO. 3900

At the end of Title I, add the following:

''SEC. . CLARIFICATION OF TERMS OF CONVEYANCE TO NYE COUNTY, NEVADA.

Section 132 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–165), is amended by striking paragraph (1) and inserting the following:

''(1) CONVEYANCE.—

''(A) IN GENERAL.—The Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

''(B) PRICE.—The conveyance under paragraph (1) shall be made at a price determined to be appropriate for the conveyance of land for educational facilities under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).''.

AMENDMENT NO. 3901

On page 164, line 23 of the bill, immediately preceding the '':'' insert ''and of which not less than an additional $500,000 shall be available for law enforcement purposes on the Pisgah and Nantahala national forests.''.

AMENDMENT NO. 3902

On page 130, add the following after line 24: ''For an additional amount for ''Surveys, Investigations, and Research'', $1,800,000, to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters; *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.''

AMENDMENT NO. 3903

(Purpose: To provide that funding shall be available to complete an updated study of the New York-New Jersey highlands under this Forest Stewardship Act of 1990)

On page 164, line 14, before the period at the end insert '', of which not less than $750,000 shall be available to complete an updated study of the New York-New Jersey highlands under section 1244(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 3547)''.

AMENDMENT NO. 3904

On page 125, line 11, strike ''$1,443,795,000,'' and insert the following: ''$1,443,995,000, of which $200,000 shall be available for the conduct of a wilderness suitability study at Apostle Islands National Lakeshore, Wisconsin, and''.

AMENDMENT NO. 3905

(Purpose: To set aside funding for the design and consideration of educational and informational displays for the Missouri Recreation Rivers Research and Education Center, Nebraska)

On page 126, line 22, before the period at the end, insert '': *Provided further*, That not less than $2,350,000 shall be used for construction at Ponca State Park, Nebraska, including $1,500,000 to be used for the design and construction of educational and informational displays for the Missouri Recreation Rivers Research and Education Center, Nebraska''.

AMENDMENT NO. 3906

On page 159, strike lines 13 through 19 and insert the following:

''SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin unless a plan for such a refuge is consistent with a partnership agreement between the Fish and Wildlife Service and the Army Corps of Engineers entered into on April 16, 1999 and is submitted to the House and Senate Committees on Appropriations thirty (30) days prior to the establishment of the refuge.''

AMENDMENT NO. 3907

(Purpose: To help ensure general aviation aircraft access to Federal land and the airspace over that land)

On page 225, between lines 11 and 12, insert the following:

SEC. 3 . BACKCOUNTRY LANDING STRIP ACCESS.

(a) IN GENERAL.—None of the funds made available by this Act shall be used to take any action to close permanently an aircraft landing strip described in subsection (b).

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land administered by the Secretary of the Interior or the Secretary of Agriculture that is commonly known and has been or is consistently used for aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.

AMENDMENT NO. 3908

On page 130, line 4, strike ''$847,596,000'' and insert ''$846,596,000'';

On page 165, line 25, strike ''$618,500,000'' and insert ''$613,500,000'';

On page 164, line 19, strike ''$1,233,824,000'' and insert ''$1,231,824,000''.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 4516, an act making appropriations for the legislative branch for the fiscal year ending September 30, 2001, and for other purposes.

The text of H.R. 4516 is amended with the text of S. 2603, as follows:

On page 2 after ''Title 1 Congressional Operations'' insert page 2, line 6 of S. 2603 through page 13, line 14

On page 8, line 8 of H.R. 4516, strike through line 12, page 23

Insert line 15, page 13 of S. 2603 through line 11, page 23

In H.R. 4516, strike line 17, page 23 through line 6, page 45

Insert line 12 page 23 of S. 2603 through line 17, page 76.

The amendments were agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from California, Mrs. BOXER, is recognized.

AMENDMENT NO. 3909

Mrs. BOXER. Mr. President, I will take but 2 minutes of the Senate's time, given that it is so late this evening.

I thank the managers of the legislative appropriations bill for accepting this amendment. I think the Chair would be interested in it as well, given the fact that he is the chairman of the Environment Committee on which I proudly serve.

This amendment merely says that we would limit the use of dangerous pesticide spraying here at the Capitol and on the Capitol Grounds where we have so many children and so many families visiting us every year. My amendment prohibits the routine use of highly toxic pesticides. Those are the ones that contain known or probable carcinogens. They are acute nerve toxins and others that contain highly toxic chemicals.

We do permit the spraying of such highly toxic chemicals in the rare case of an emergency. If there were a sudden emergency, if there were an outbreak where we needed to go to those highly toxic pesticides, under my amendment we would be allowed to do that. But for routine spraying, we would go to the mildest forms of these pesticides, the ones which are classified by the EPA as having the greatest risk to public health.

I could cite studies that show how vulnerable children are to these various compounds. Children are not little adults. They are changing; their bodies are changing. They react very badly to these toxic chemicals.

Seven to ten million people visit the Capitol and surrounding buildings every year. A million take guided tours of our historic buildings. We don't know how many of those are children, but just by looking at the crowds, quite a number are. I know in my office alone—and I am sure the Chair has thousands of youngsters visiting in his office—we studied it, and we have visits by over 33,000 school-age children every year. I think by adopting this amendment, we are setting a valuable example here at the Capitol that I hope all the State capitols will follow. We will begin to see that we can in fact control these pests in a way that is much more friendly to our children.

In closing, there is a wonderful organization in California named after a beautiful little child who died of environmental causes several years ago. Her parents founded this organization. It is called CHEC, the Children's Health Environmental Coalition. They are the ones, years ago, who got me interested in this area. What we are trying to do on every bill that we can is to set this example and say we won't be using this highly toxic form of controlling pests. Tomorrow I will have a debate with one of my colleagues on the other side of the aisle. I am trying to offer a similar amendment to the Interior bill, but we may get into a bit of a debate then.

Tonight is the night for me to say thank you to you, Mr. President, for your indulgence, and to the managers who are here late this evening handling this. I will yield back my time, and I expect we will have a voice vote and I would like to be present for that, if we could do that.

I yield back my time and ask that we have a voice vote at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3909) was agreed to, as follows:

AMENDMENT NO. 3909

(Purpose: limit funds for pesticide use)

At the appropriate place, insert the following:

''None of the funds appropriated under this Act may be used for the preventative 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 determined by the U.S. Environmental Protection Agency to U.S. Capitol buildings or grounds maintained or administered by the Architect of the U.S. Capitol.''

PESTICIDES AMENDMENT

Mrs. BOXER. Mr. President, I want to thank the managers of the Legislative Branch Appropriations bill for agreeing to my amendment to limit the use of toxic pesticides on U.S. Capitol buildings and grounds. My amendment prohibits the preventive use of pesticides containing a known or probable carcinogen, a class I or II acute nerve toxin or a pesticide of the organophosphate, carbamate or organocholorine class as identified by the Environmental Protection Agency. Such pesticides could be used, however, in the case of an emergency.

Every year, approximately 7 to 10 million people visit the Capitol, many of them children. The National Academy of Sciences has found that children are particularly vulnerable to the harmful effects of toxic pesticides, that current Environmental Protection Agency pesticide standards are not protective of children and that up to 25% percent of childhood learning disabilities may be attributable to a combination of exposure to toxic chemicals like pesticides and genetic factors. My amendment will help protect young visitors to Washington from the harmful effects of toxic pesticides by limiting the use of such pesticides at the U.S. Capitol.

Mr. President, I thank the managers for their support and I hope that they will work to ensure that this amendment is preserved in conference. May I inquire of the distinguished Ranking Member of the Subcommittee if she will support the amendment in conference with the House?

Mrs. FEINSTEIN. I thank my colleague from California for her question. I assure her that I will work in conference to retain the Senator's amendment on pesticide use at the U.S. Capitol.

Mrs. BOXER. 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.

The PRESIDING OFFICER. The provisions of the unanimous consent agreement are executed.

The bill (H.R. 4516), as amended, was read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4516) entitled ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendments:

(1) Page 2, after line 5, insert:

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate,

$10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $3,000 for each Chairman; in all, $62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $92,321,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,785,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $453,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,742,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,722,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $6,917,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,152,000 for each such committee; in all, $2,304,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $590,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,171,000 for each such committee; in all, $2,342,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $288,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $14,738,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $34,811,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,292,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $22,337,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,046,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,069,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $73,000,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,077,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $71,261,000, of which $2,500,000 shall remain available until September 30, 2003.

MISCELLANEOUS ITEMS

For miscellaneous items, $8,655,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $253,203,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. SEMIANNUAL REPORT. (a) IN GENERAL.—Section 105(a) of the Legislative Branch Appropriations Act, 1965 (2 U.S.C. 104a) is amended by adding at the end the following:

''(5)(A) Notwithstanding the requirements of paragraph (1) relating to the level of detail of statement and itemization, each report by the Secretary of the Senate required under such paragraph shall be compiled at a summary level for each office of the Senate authorized to obligate appropriated funds.

''(B) Subparagraph (A) shall not apply to the reporting of expenditures relating to personnel compensation, travel and transportation of persons, other contractual services, and acquisition of assets.

''(C) In carrying out this paragraph the Secretary of the Senate shall apply the Standard Federal Object Classification of Expenses as the Secretary determines appropriate.''.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by this section shall take effect on the date of enactment of this Act.

(2) FIRST REPORT AFTER ENACTMENT.—The Secretary of the Senate may elect to compile and submit the report for the semiannual period during which the date of enactment of this section occurs, as if the amendment made by this section had not been enacted.

SEC. 2. SENATE EMPLOYEE PAY ADJUSTMENTS. Section 4 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a–1) is amended—

(1) in subsection (a)—

(A) by inserting ''(or section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)'' after ''employees under section 5303 of title 5, United States Code,''; and

(B) by inserting ''(and, as the case may be, section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)'' after ''the President under such section 5303'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) Any percentage used in any statute specifically providing for an adjustment in rates of pay in lieu of an adjustment made under section 5303 of title 5, United States Code, and, as the case may be, section 5304 or 5304a of such title for any calendar year shall be treated as the percentage used in an adjustment made under such section 5303, 5304, or 5304a, as applicable, for purposes of subsection (a).''.

SEC. 3. (a) Section 6(c) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 121b–1(c)) is amended—

(1) by striking ''and agency contributions'' in paragraph (2)(A), and

(2) by adding at the end the following:

''(3) Agency contributions for employees of Senate Hair Care Services shall be paid from the appropriations account for 'SALARIES, OFFICERS AND EMPLOYEES'.''

(b) This section shall apply to pay periods beginning on or after October 1, 2000.

SEC. 4. (a) There is established in the Treasury of the United States a revolving fund to be known as the Senate Health and Fitness Facility Revolving Fund (''the revolving fund'').

(b) The Architect of the Capitol shall deposit in the revolving fund—

(1) any amounts received as dues or other assessments for use of the Senate Health and Fitness Facility, and

(2) any amounts received from the operation of the Senate waste recycling program.

(c) Subject to the approval of the Committee on Appropriations of the Senate, amounts in the revolving fund shall be available to the Architect of the Capitol, without fiscal year limitation, for payment of costs of the Senate Health and Fitness Facility.

(d) The Architect of the Capitol shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Architect determines are in excess of the current and reasonably foreseeable needs of the Senate Health and Fitness Facility.

(e) Subject to the approval of the Committee on Rules and Administration of the Senate, the Architect of the Capitol may issue such regulations as may be necessary to carry out the provisions of this section.

SEC. 5. For each fiscal year (commencing with the fiscal year ending September 30, 2001), there is authorized an expense allowance for the Chairmen of the Majority and Minority Policy Committees which shall not exceed $3,000 each fiscal year for each such Chairman; and amounts from such allowance shall be paid to either of such Chairmen only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses, and amounts so paid shall not be reported as income and shall not be allowed as a deduction under the Internal Revenue Code of 1986.

SEC. 6. (a) The head of the employing office of an employee of the Senate may, upon termination of employment of the employee, authorize payment of a lump sum for the accrued annual leave of that employee if—

(1) the head of the employing office—

(A) has approved a written leave policy authorizing employees to accrue leave and establishing the conditions upon which accrued leave may be paid; and

(B) submits written certification to the Financial Clerk of the Senate of the number of days of annual leave accrued by the employee for which payment is to be made under the written leave policy of the employing office; and

(2) there are sufficient funds to cover the lump sum payment.

(b)(1) A lump sum payment under this section shall not exceed the lesser of—

(A) twice the monthly rate of pay of the employee; or

(B) the product of the daily rate of pay of the employee and the number of days of accrued annual leave of the employee.

(2) The Secretary of the Senate shall determine the rates of pay of an employee under paragraph (1) (A) and (B) on the basis of the annual rate of pay of the employee in effect on the date of termination of employment.

(c) Any payment under this section shall be paid from the appropriation account or fund used to pay the employee.

(d) If an individual who received a lump sum payment under this section is reemployed as an employee of the Senate before the end of the period covered by the lump sum payment, the individual shall refund an amount equal to the applicable pay covering the period between the date of reemployment and the expiration of the lump sum period. Such amount shall be deposited to the appropriation account or fund used to pay the lump sum payment.

(e) The Committee on Rules and Administration of the Senate may prescribe regulations to carry out this section.

(f) In this section, the term—

(1) ''employee of the Senate'' means any employee whose pay is disbursed by the Secretary of the Senate, except that the term does not include a member of the Capitol Police or a civilian employee of the Capitol Police; and

(2) ''head of the employing office'' means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

SEC. 7. (a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account ''JOINT ECONOMIC COMMITTEE'' under the heading ''JOINT ITEMS'' shall be paid from the Senate appropriations account for ''SALARIES, OFFICERS AND EMPLOYEES''.

(b) This section shall apply to pay periods beginning on or after October 1, 2000.

SEC. 8. Section 316(b) of Public Law 101–302 (40 U.S.C. 188b–6(b)) is amended by striking ''shall'' and inserting ''may''.

(2) Page 8, strike out all after line 7, over to and including line 12 on page 23, and insert:

JOINT ITEMS

For Joint Committees, as follows:

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2001

For all construction expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2001, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 89, agreed to March 2, 2000 (One Hundred Sixth Congress), and Senate Concurrent Resolution 90, agreed to March 2, 2000 (One Hundred Sixth Congress), $1,000,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2001. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2000: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service for the Joint Congressional Committee on Inaugural Ceremonies shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,315,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,686,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,159,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,835,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $102,700,000, of which $51,350,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $51,350,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $6,884,000, to be disbursed by the Capitol Police Board or their delegee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2001 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 101. Amounts appropriated for fiscal year 2001 for the Capitol Police Board for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading ''SALARIES'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading ''SALARIES''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 102. APPOINTMENT OF CERTIFYING OFFICERS OF THE CAPITOL POLICE. The Capitol Police Board shall appoint certifying officers to certify all vouchers for payment from Capitol Police appropriations and funds.

SEC. 103. CERTIFYING OFFICERS OF THE CAPITOL POLICE; ACCOUNTABILITY; RELIEF BY COMPTROLLER GENERAL. Each officer or employee of the Capitol Police, who has been duly authorized in writing by the Capitol Police Board to certify vouchers for payment from appropriations and funds, shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved; (2) be held responsible and accountable for the correctness of the computations of certified vouchers; and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved: Provided, That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

SEC. 104. ENFORCEMENT OF LIABILITY OF CERTIFYING OFFICERS OF THE CAPITOL POLICE. The liability of these certifying officers or employees shall be enforced in the same manner and to the same extent as now provided by law with respect to enforcement of the liability of disbursing and other accountable officers; and they shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,371,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 43 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,066,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $27,113,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISION

SEC. 105. Beginning on the date of enactment of this Act and hereafter, the Congressional Budget Office may use available funds to enter into contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year and may enter into multi-year contracts for the acquisition of property and services, to the same extent as executive agencies under the authority of section 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $44,191,000, of which $4,255,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,512,000, of which $225,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $63,974,000, of which $21,669,000 shall remain available until expended.

(3) Page 23, strike out all after line 16, over to and including line 6 on page 45, and insert:

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $39,569,000, of which $523,000 shall remain available until expended: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2001.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $73,374,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $73,297,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code.

This title may be cited as the ''Congressional Operations Appropriations Act, 2001''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,653,000, of which $150,000 shall remain available until expended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $267,330,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2001, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2001 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $10,398,600 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, $2,506,000 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $10,000,000 is to remain available until expended for salaries and expenses to carry out the Russian Leadership Program enacted on May 21, 1999 (113 STAT. 93 et seq.).

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $38,332,000, of which not more than $21,000,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2001 under 17 U.S.C. 708(d): Provided, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,783,000 shall be derived from collections during fiscal year 2001 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $26,783,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $48,711,000, of which $14,154,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $4,892,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $202,300, of which $60,500 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 203. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 204. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 205. (a) For fiscal year 2001, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $92,845,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 206. Section 1 of the Act entitled ''An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes'', approved December 15, 1997 (2 U.S.C. 141 note) is amended by adding at the end the following new subsection:

''(c) TRANSFER PAYMENT BY ARCHITECT.—Notwithstanding the limitation on reimbursement or transfer of funds under subsection (a) of this section, the Architect of the Capitol may, not later than 90 days after acquisition of the property under this section, transfer funds to the entity from which the property was acquired by the Architect of the Capitol. Such transfers may not exceed a total of $16,500,000.''.

SEC. 207. The Librarian of Congress may convert to permanent positions 84 indefinite, time-limited positions in the National Digital Library Program authorized in the Legislative Branch Appropriations Act, 1996 for the Library of Congress under the heading, ''Salaries and Expenses'' (Public Law 104–53). Notwithstanding any other provision of law regarding qualifications and methods of appointment of employees of the Library of Congress, the Librarian may fill these permanent positions through the non-competitive conversion of the incumbents in the ''indefinite-not-to-exceed'' positions to ''permanent'' positions.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $16,347,000, of which $5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $30,255,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: Provided further, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1999 and 2000 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,285 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: Provided further, That expenses for attendance at meetings shall not exceed $75,000.

ADMINISTRATIVE PROVISION

SEC. 208. (a) Section 1708 of title 44, United States Code, is amended to read as follows:

''§1708. Prices for sales copies of Government information products; resale by dealers; sales agents

''(a) Sales prices for Government information products will be established by the Public Printer to cover the costs of production, dissemination, and other appropriate costs associated with this service, including the offering of sales discounts and any other costs associated with the Sales Program.

''(b) The Superintendent of Documents may prescribe terms and conditions under which he authorizes the resale of Government information products by book dealers, and he may designate any Government officer his agent for the sale of Government information products under regulations agreed upon by the Superintendent of Documents and the head of the respective department or establishment of the Government.''.

(b) The table of sections for chapter 17, of title 44, United States Code, is amended by striking the item relating to section 1708 and inserting the following:

''1718. Prices for sales copies of Government information products; resale by dealers; sales agents.''.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $384,867,000: Provided, That not more than $1,900,000 of reimbursements received incident to the operation of the General Accounting Office building shall be available for use in fiscal year 2001: Provided further, That notwithstanding section 9105 of title 31, United States Code, hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $1,100,000 of such funds shall be available for use in fiscal year 2001: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

ADMINISTRATIVE PROVISIONS

SEC. 209. SENIOR LEVEL POSITIONS. (a) Subchapter III of chapter 7 of subtitle I of title 31, United States Code, is amended by inserting after section 732 the following:

''§ 732a. Critical positions

''The Comptroller General may establish senior-level positions to meet critical scientific, technical or professional needs of the Office from the positions authorized under sections 731(d), (e)(1), (e)(2), and 732(c)(4) of this title. An individual serving in such a position shall—

''(1) be subject to the laws and regulations applicable to the General Accounting Office Senior Executive Service established under section 733 of this title, with respect to rates of basic pay, performance awards, ranks, carry over of annual leave, benefits, performance appraisals, removal or suspension, and reduction in force;

''(2) have the same rights of appeal to the General Accounting Office Personnel Appeals Board that are provided to the General Accounting Office Senior Executive Service;

''(3) be exempt from the same provisions of law made inapplicable to the General Accounting Office Senior Executive Service under section 733(d) of this title, except for section 732(e) of this title;

''(4) be entitled to receive a discontinued service retirement under chapter 83 or 84 of title 5 as if a member of the General Accounting Office Senior Executive Service; and

''(5) be subject to reassignment by the Comptroller General to any Senior Executive Service position created under section 733 of this title as the Comptroller General determines necessary and appropriate.''.

(b) The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 732 the following:

''732a. Critical positions.''.

SEC. 210. REASSIGNMENT TO SENIOR LEVEL POSITIONS. Section 733(a) of title 31, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) the Comptroller General may reassign a member of the Senior Executive Service to any senior-level position created under section 732a of this title as the Comptroller determines necessary and appropriate; and''.

SEC. 211. EXPERTS AND CONSULTANTS. Section 731(e) of title 31, United States Code, is amended—

(1) by striking ''not more than 3 years'' in paragraph (1) and inserting ''3-year renewable terms''; and

(2) by striking ''level V'' in paragraph (2) and inserting ''level IV''.

SEC. 212. VOLUNTARY EARLY RETIREMENT AUTHORITY. Section 732 of title 31, United States Code, is amended by adding at the end the following:

''(i)(1) An officer or employee of the General Accounting Office who is separated from the service under conditions described in paragraph (2) of this subsection after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity in accordance with the provisions of chapter 83 or 84 of title 5, as applicable.

''(2) Paragraph (1) of this subsection applies to an officer or employee who—

''(A) has been employed continuously by the General Accounting Office for more than 30 days before the date on which the Comptroller General makes the determination required under subparagraph (D);

''(B) is serving under an appointment that is not limited by time;

''(C) has not received a decision notice of involuntary separation for misconduct or unacceptable performance that is pending decision; and

''(D) is separated from the service voluntarily during a period in which the Comptroller General offers the officer or employee an early retirement for the purpose of realigning the agency workforce in order to meet mission needs, correcting skill imbalances, or reducing high-grade, managerial, or supervisory positions.

''(3) For purposes of chapters 83 and 84 of title 5 (including for purposes of computation of an annuity under such chapters), an officer or employee entitled to an annuity under this subsection shall be treated as an employee entitled to an annuity under section 8336(d) or 8414(b) of such title, as applicable.

''(4) The Comptroller General shall promulgate regulations to implement paragraph (1) that provide for offers of early retirement to any individual employee or groups of employees based on skills, knowledge, performance, or other similar factors or combination of such factors determined by the Comptroller General.

''(5) As used in this subsection, the terms 'employee' and 'annuity' shall have the same meaning as defined in chapters 83 and 84 of title 5, as applicable. The term 'officer' shall have the same meaning as 'employee.'

''(6) The Comptroller General may not utilize the authority granted under this subsection to grant voluntary early retirements to more than 10 percent of the workforce of the General Accounting Office in any fiscal year.''.

SEC. 213. SEPARATION PAY. Section 732 of title 31, United States Code, as amended by section 212 of this Act, is amended by adding at the end the following:

''(j) The Comptroller General may offer separation pay to an officer or employee under this subsection subject to such limitations or conditions as the Comptroller General may require for purposes of realigning the workforce in order to meet mission needs, correcting skill imbalances, or reducing high-grade, managerial, or supervisory positions. Such separation pay—

''(1) shall be paid, at the option of the officer or employee, in a lump sum or equal installment payments;

''(2) shall be equal to the lesser of—

''(A) an amount equal to the amount the officer or employee would be entitled to receive under section 5595(c) of title 5 if the officer or employee were entitled to payment under such section; or

''(B) $25,000;

''(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

''(4) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5 based on any other separation;

''(5) shall only be paid to an officer or employee serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, but does not include—

''(A) a reemployed annuitant under subchapter III of chapter 83 of title 5, chapter 84 of title 5, or another retirement system for employees of the Government; or

''(B) an officer or employee having a disability on the basis of which such officer or employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A);

''(6) shall terminate, upon reemployment in the Federal Government, during receipt of installment payments;

''(7) shall be repaid in its entirety upon reemployment in the Federal Government or working for any agency of the Government through personal services contract within 5 years after the date of the separation on which payment of the separation pay is based, except that—

''(A) if the employment is with an Executive agency, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position;

''(B) if the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position;

''(C) if the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position; or

''(D) if the employment is without compensation, the appointing official may waive the repayment;

''(8) shall be paid under regulations providing that offers of separation pay shall be based on skills, knowledge, performance, or other similar factors or combination of such factors determined by the Comptroller General;

''(9) shall be paid upon the condition that the General Accounting Office remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 45 percent of the final annual basic pay for each employee covered under subchapter III of chapter 83 or chapter 84 of title 5 to whom separation pay has been paid under this section and—

''(A) such remittance shall be in addition to any other payments which the General Accounting Office is required to make under subchapter III of chapter 83 or chapter 84 of title 5; and

''(B) for purposes of this paragraph the term 'final basic pay' with respect to an employee means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefore;

''(10) shall not be paid to more than 5 percent of the workforce of the General Accounting Office in any fiscal year; and

''(11) shall be paid to employees under this section for a period of 5 years following the enactment of this section unless Congress renews the authority for an additional period of time.''.

SEC. 214. REDUCTION IN FORCE. Section 732(h) of title 31, United States Code, is amended to read as follows:

''(h)(1) Notwithstanding the provisions of subchapter I of chapter 35 of title 5, the Comptroller General shall prescribe regulations for the release of officers and employees of the General Accounting Office in a reduction in force which is carried out for downsizing, realigning, or correcting skill imbalances. The regulations shall give effect to military preference and may take into account such other factors as skills, knowledge, and performance in such a manner and to such an extent as the Comptroller General determines necessary and appropriate.

''(2) Except as provided under paragraph (3), an employee may not be released, due to a reduction in force, unless such employee is given written notice at least 60 days before such employee is so released. Such notice shall include—

''(A) the personnel action to be taken with respect to the employee involved;

''(B) the effective date of the action;

''(C) a description of the procedures applicable in identifying employees for release;

''(D) the employee's ranking relative to other competing employees, and how that ranking was determined; and

''(E) a description of any appeal or other rights which may be available.

''(3) The Comptroller General may, in writing, shorten the period of advance notice required under paragraph (2) with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable, except that such period may not be less than 30 days.''.

SEC. 215. ANNUAL REPORT. Section 719 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''and'' after the semicolon;

(B) in paragraph (2) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) appropriate legislative changes to sections 732(h), (i), and (j) of this title.''; and

(2) in subsection (b)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) in subparagraph (C) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) a description of the actions taken under sections 732 (h), (i), and (j) of this title, including information on the number of employees who received voluntary early retirements and separation pay under sections 732(i) and (j) and who were released under a reduction in force action under section 732(h), and an assessment of the effectiveness and usefulness of these human capital initiatives in achieving the agency's mission, meeting its performance goals, and fulfilling its strategic plan.''.

SEC. 216. FIVE-YEAR ASSESSMENT. (a) Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report concerning the implementation and effectiveness of sections 209 through 214 of this Act.

(b) The report under this section shall include—

(1) a summary of the portions of the annual reports required under sections 719(a)(3) and (b)(1)(D) of title 31, United States Code;

(2) recommendations for continuation of or legislative changes to sections 732(h), (i), and (j) of title 31, United States Code; and

(3) any assessments or recommendations of the General Accounting Office Personnel Appeals Board and interested employee groups or associations within the General Accounting Office.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2001 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking ''2000'' and inserting ''2001''.

SEC. 309. RUSSIAN LEADERSHIP PROGRAM. Section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) is amended—

(1) by striking ''fiscal years 1999 and 2000'' in subsections (a)(1), (b)(4)(B), (d)(3), and (h)(1)(A) and inserting ''fiscal years 2000 and 2001''; and

(2) by striking ''2001'' in subsection (a)(2), (e)(1), and (h)(1)(B) and inserting ''2002''.

SEC. 310. CAPITOL SECURITY CONSOLIDATION. (a) SHORT TITLE.—This section may be cited as the ''Capitol Security Consolidation Act of 2000''.

(b) DEFINITIONS.—In this section—

(1) the term ''Act of August 4, 1950'' means the Act entitled ''An Act relating to the policing of the buildings and grounds of the Library of Congress'', approved August 4, 1950 (2 U.S.C. 167 et seq.);

(2) the term ''GPO police employee''—

(A) means an employee of the Government Printing Office designated to serve as a special policeman under section 317 of title 44, United States Code (as in effect immediately before the effective date of this section); and

(B) does not include any civilian employee performing support functions;

(3) the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(4) the term ''LOC police employee''—

(A) means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167) (as in effect immediately before the effective date of this section); and

(B) does not include any civilian employee performing support functions.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS.—There are transferred to the United States Capitol Police—

(1) each LOC police employee and each GPO police employee;

(2) any—

(A) functions performed under section 317 of title 44, United States Code, and the first section and section 9 of the Act August 4, 1950 (2 U.S.C. 167) (as in effect immediately before the effective date of this section); and

(B) related functions designated in the applicable memorandum of understanding under subsection (h); and

(3) any civilian employee of the Library of Congress or the Government Printing Office who—

(A) performs security support functions; and

(B) is designated for transfer by the Chief of the Capitol Police in the applicable memorandum of understanding under subsection (h).

(d) MEMBERS OF CAPITOL POLICE.—Subject to subsection (e), each LOC police employee and GPO police employee transferred under subsection (c) shall be a member of the Capitol Police.

(e) QUALIFICATION DETERMINATIONS.—

(1) IN GENERAL.—Subsection (d) shall not apply to any individual who the Chief of the Capitol Police determines does not meet the qualifications required to be a member of the Capitol Police.

(2) AGE LIMITATION.—For purposes of this subsection, the Chief of the Capitol Police may waive the application to any individual of the maximum age limitation of 37 years for hiring a member of the Capitol Police.

(3) TRAINING.—During the 1-year period beginning on the date of enactment of this Act, the Capitol Police Board may waive any regulation, standard, guideline, or other limitation prescribed by the Capitol Police Board relating to the training of a member of the Capitol Police with respect to any LOC police employee or GPO police employee transferred under this section.

(4) APPLICATION FOR QUALIFICATION DETERMINATION.—Not later than October 1, 2000, any LOC police employee or GPO police employee who is transferred under this section may file an application for a qualification determination under this subsection with the Chief of the Capitol Police.

(f) TRANSITION PROVISIONS.—

(1) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.—The unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section shall be transferred to the appropriations accounts for the Capitol Police under the subheadings ''SALARIES'' and ''GENERAL EXPENSES'' under the heading ''CAPITOL POLICE'' under the heading ''CAPITOL POLICE BOARD'', as applicable. Funds for salaries shall be provided in equal amounts to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate, and the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House of Representatives. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(2) REORGANIZATION.—The Capitol Police Board is authorized to allocate or reallocate any function transferred under this section among members of the Capitol Police, and to establish, consolidate, alter, or discontinue such organizational entities in the Capitol Police as may be necessary or appropriate.

(3) INTERIM ASSIGNMENTS.—During the period beginning on October 1, 2000, through September 30, 2001, each LOC police employee or GPO police employee may perform any function transferred under subsection (c)(2), as applicable, under the direction of the Chief of the Capitol Police. Any such employee performing such functions who is not a member of the Capitol Police at the close of September 30, 2001, shall be separated from service at that time.

(4) HIGH RANKING LOC AND GPO POLICE OFFICERS.—The Capitol Police Board may reduce the rank of any LOC police employee or GPO police employee who holds the rank of lieutenant (or the equivalent of such rank) or higher immediately before the effective date of this section.

(5) NONREDUCTION IN PAY.—Except as provided under paragraph (3), the transfer of any employee under this section shall not cause that employee to be separated or reduced in pay before October 1, 2002.

(6) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or

delegation of authority, or any document of or relating to the Librarian of Congress, the Public Printer, the Library of Congress, or the Government Printing Office with regard to functions transferred under this section, shall be deemed to refer to the Capitol Police Board.

(g) LOC AND GPO POLICE JURISDICTION.—

(1) LIBRARY OF CONGRESS.—

(A) DESIGNATION OF LOC POLICE EMPLOYEES.—The first section of the Act of August 4, 1950 (2 U.S.C. 167) is repealed.

(B) JURISDICTION OF LOC POLICE EMPLOYEES.—Section 9 of the Act of August 4, 1950 (2 U.S.C. 167h) is amended by striking ''The police provided'' through ''Provided, That the'' and inserting ''The''.

(C) REGULATIONS.—Section 7(a) of the Act of August 4, 1950 (2 U.S.C. 167f(a)) is amended by striking ''the Librarian of Congress'' and inserting ''the Capitol Police Board, in consultation with the Librarian of Congress,''.

(2) GOVERNMENT PRINTING OFFICE.—

(A) IN GENERAL.—Section 317 of title 44, United States Code, is amended to read as follows:

''§317. Protection of persons and property

''The Capitol Police shall protect persons and property in premises and adjacent areas occupied by or under the control of the Government Printing Office, in accordance with the Capitol Security Consolidation Act of 2000.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 3 of title 44, United States Code, is amended by striking the item relating to section 317 and inserting the following:

''317. Protection of persons and property.''.

(h) MEMORANDA OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than October 1, 2000, the Chief of the Capitol Police shall enter into—

(A) a memorandum of understanding with the Librarian of Congress; and

(B) a memorandum of understanding with the Public Printer of the Government Printing Office

(2) CONTENT.—Each memorandum under paragraph (1) shall—

(A) provide for the performance of law enforcement functions relating to the Library of Congress or the Government Printing Office, as the case may be, by members of the Capitol Police;

(B) ensure that such members are under the direction of the Chief of the Capitol Police;

(C) designate the related functions transferred under subsection (c)(2);

(D)(i) provide for the interim assignment under subsection (f)(3) of any LOC police employee or GPO police employee, as the case may be;

(ii) coordinate the functions performed by such employees on interim assignments with members of the Capitol Police and civilian employees; and

(iii) ensure that such employees on interim assignments are under the direction of the Capitol Police;

(E) provide for—

(i) the designation of civilian employees of the Library of Congress or the Government Printing Office, as the case may be, for transfer under subsection (c)(3); and

(ii) the assignment of functions of such employees as civilian employees of the Capitol Police;

(F) provide for the coordination of any security-related functions performed by civilian employees of the Library of Congress or the Government Printing Office, as the case may be, with—

(i) law enforcement functions performed by members of the Capitol Police; and

(ii) any support functions performed by civilian employees of the Capitol Police;

(G) provide for procedures for determining rank and pay and providing necessary training for individuals transferred under this section;

(H) maintain or improve the public safety of the Library of Congress or the Government Printing Office, as the case may be; and

(I) provide for the efficient implementation of the transfer of employees and functions under this section.

(3) LIBRARY OF CONGRESS REGULATIONS.—The memorandum of understanding between the Chief of the Capitol Police and the Librarian of Congress shall provide for the enforcement of, and any modifications to, regulations prescribed under section 7 of the Act of August 4, 1950 (2 U.S.C. 167f).

(i) CAPITOL POLICE BOARD.—

(1) IN GENERAL.—Section 9 of the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946 (40 U.S.C. 212a) is amended by adding at the end the following:

''The Librarian of Congress and the Public Printer of the Government Printing Office shall be nonvoting ex officio members of the Capitol Police Board.''.

(2) EFFECTIVE DATE.—This subsection shall take effect with respect to the Librarian of Congress and the Public Printer of the Government Printing Office on the date on which the applicable officer signs the memorandum of understanding described under subsection (h), respectively.

(j) RETIREMENT BENEFITS.—

(1) SERVICE DEEMED TO BE SERVICE AS CAPITOL POLICE.—Any period of service performed by an individual as a LOC police employee or a GPO police employee (including any period of service performed by that individual on interim assignment under subsection (f)(3)) shall be deemed to be service performed as a member of the Capitol Police for purposes of chapters 83 and 84 of title 5, United States Code, if—

(A) the individual becomes a member of the Capitol Police under this section;

(B) not later than 90 days after the date of the qualification determination under subsection (e), the individual makes an election to be covered under this paragraph; and

(C) the individual makes the payment under paragraph (2).

(2) EMPLOYEE CONTRIBUTIONS.—An individual who makes an election under paragraph (1)(A) to be covered under that paragraph shall pay an amount determined by the Office of Personnel Management equal to—

(A) the difference between—

(i) the amount deducted and withheld from basic pay under chapters 83 and 84 of title 5, United States Code, for the period of service described under paragraph (1); and

(ii) the amount that would have been deducted and withheld during that period, if service during that period had been performed as a member of the Capitol Police; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(3) AGENCY CONTRIBUTIONS.—The Capitol Police shall pay an amount for applicable agency contributions based on payments made under paragraph (2).

(4) DEPOSIT OF PAYMENTS.—Payments under paragraphs (2) and (3) shall be deposited in the Civil Service Retirement and Disability Fund.

(5) AGE LIMITATION.—During the period beginning on October 1, 2000, through September 30, 2002, sections 8335(d) and 8425(c) of title 5, United States Code, shall not apply to any individual who becomes a member of the Capitol Police under this section (including an individual who makes an election under paragraph (1)(A) of this subsection to be covered under that paragraph).

(6) REGULATIONS.—After consultation with the Capitol Police Board, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including regulations relating to employee contributions under paragraph (2) that are similar to regulations under section 8334 of title 5, United States Code.

(k) LEAVE.—Any annual or sick leave to the credit of an individual transferred under this section may be transferred to the credit of that individual as a member of the Capitol Police as determined by the Capitol Police Board.

(l) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, this section and the amendments made by this section shall take effect on October 1, 2000.

(2) DATE OF ENACTMENT.—Subsections (e) and (h) shall take effect on the date of enactment of this Act.

SEC. 311. (a)(1) Any State may request the Joint Committee on the Library of Congress to approve the replacement of a statue the State has provided for display in Statuary Hall in the Capitol of the United States under section 1814 of the Revised Statutes (40 U.S.C. 187).

(2) A request shall be considered under paragraph (1) only if—

(A) the request has been approved by a resolution adopted by the legislature of the State and the request has been approved by the Governor of the State, and

(B) the statue to be replaced has been displayed in the Capitol of the United States for at least 25 years as of the time the request is made.

(b) If the Joint Committee on the Library of Congress approves a request under subsection (a), the Architect of the Capitol shall enter into an agreement with the State to carry out the replacement in accordance with the request and any conditions the Joint Committee may require for its approval. Such agreement shall provide that—

(1) the new statue shall be subject to the same conditions and restrictions as apply to any statue provided by a State under section 1814 of the Revised Statutes (40 U.S.C. 187), and

(2) the State shall pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

(c) Nothing in this section shall be interpreted to permit a State to have more than 2 statues on display in the Capitol of the United States.

(d)(1) The Joint Committee on the Library of Congress may approve the transfer to a State of the ownership of any statue being replaced under this section if the State includes a request for the approval of such transfer at the same time a request is made under subsection (a).

(2) If any statue is removed from the Capitol of the United States as part of a transfer of ownership under paragraph (1), then it may not be returned to the Capitol for display unless such display is specifically authorized by Federal law.

ADMINISTRATIVE PROVISION

SEC. 312. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking ''$10,000,000'' each place it appears and inserting ''$14,500,000''.

(b) Section 201 of such Act is amended—

(1) by inserting ''(a)'' before ''Pursuant'', and

(2) by adding at the end the following:

''(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the $14,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)).''.

SEC. 313. CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT. (a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the legislative branch of the Government a center to be known as the ''Center for Russian Leadership Development'' (the ''Center'').

(2) BOARD OF TRUSTEES.—The Center shall be subject to the supervision and direction of a

Board of Trustees which shall be composed of 9 members as follows:

(A) 2 members appointed by the Speaker of the House of Representatives, 1 of whom shall be designated by the Majority Leader of the House of Representatives and 1 of whom shall be designated by the Minority Leader of the House of Representatives.

(B) 2 members appointed by the President pro tempore of the Senate, 1 of whom shall be designated by the Majority Leader of the Senate and 1 of whom shall be designated by the Minority Leader of the Senate.

(C) The Librarian of Congress.

(D) 4 private individuals with interests in improving United States and Russian relations, designated by the Librarian of Congress.

Each member appointed under this paragraph shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term. Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(b) PURPOSE AND AUTHORITY OF THE CENTER.—

(1) PURPOSE.—The purpose of the Center is to establish, in accordance with the provisions of paragraph (2), a program to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(2) GRANT PROGRAM.—Subject to the provisions of paragraphs (3) and (4), the Center shall establish a program under which the Center annually awards grants to government or community organizations in the United States that seek to establish programs under which those organizations will host Russian nationals who are emerging political leaders at any level of government.

(3) RESTRICTIONS.—

(A) DURATION.—The period of stay in the United States for any individual supported with grant funds under the program shall not exceed 30 days.

(B) LIMITATION.—The number of individuals supported with grant funds under the program shall not exceed 3,000 in any fiscal year.

(C) USE OF FUNDS.—Grant funds under the program shall be used to pay—

(i) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(ii) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(iii) such additional administrative expenses incurred by organizations in carrying out the program as the Center may prescribe.

(4) APPLICATION.—

(A) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought;

(ii) include the number of program participants to be supported;

(iii) describe the qualifications of the individuals who will be participating in the program; and

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Russian Leadership Development Center Trust Fund'' (the ''Fund'') which shall consist of amounts which may be appropriated, credited, or transferred to it under this section.

(2) DONATIONS.—Any money or other property donated, bequeathed, or devised to the Center under the authority of this section shall be credited to the Fund.

(3) FUND MANAGEMENT.—

(A) IN GENERAL.—The provisions of subsections (b), (c), and (d) of section 116 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1105 (b), (c), and (d)), and the provisions of section 117(b) of such Act (2 U.S.C. 1106(b)), shall apply to the Fund.

(B) EXPENDITURES.—The Secretary of the Treasury is authorized to pay to the Center from amounts in the Fund such sums as the Board of Trustees of the Center determines are necessary and appropriate to enable the Center to carry out the provisions of this section.

(d) EXECUTIVE DIRECTOR.—The Board shall appoint an Executive Director who shall be the chief executive officer of the Center and who shall carry out the functions of the Center subject to the supervision and direction of the Board of Trustees. The Executive Director of the Center shall be compensated at the annual rate specified by the Board, but in no event shall such rate exceed level III of the Executive Schedule under section 5314 of title 5, United States Code.

(e) ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—The provisions of section 119 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1108) shall apply to the Center.

(2) SUPPORT PROVIDED BY LIBRARY OF CONGRESS.—The Library of Congress may disburse funds appropriated to the Center, compute and disburse the basic pay for all personnel of the Center, provide administrative, legal, financial management, and other appropriate services to the Center, and collect from the Fund the full costs of providing services under this paragraph, as provided under an agreement for services ordered under sections 1535 and 1536 of title 31, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) TRANSFER OF FUNDS.—Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—This section shall take effect on the date of enactment of this Act.

(2) TRANSFER.—Subsection (g) shall only apply to amounts which remain unexpended on and after the date the Board of Trustees of the Center certifies to the Librarian of Congress that grants are ready to be made under the program established under this section.

SEC. 314. SENSE OF SENATE COMMENDING CAPITOL POLICE. (a) The Senate finds that—

(1) the United States Capitol is the people's house, and, as such, it has always been and will remain open to the public;

(2) millions of people visit the Capitol each year to observe and study the workings of the democratic process;

(3) the Capitol is the most recognizable symbol of liberty and democracy throughout the world and those who guard the Capitol guard our freedom;

(4) on July 24, 1998, Officer Jacob Chestnut and Detective John Michael Gibson of the United States Capitol Police sacrificed their lives to protect the lives of hundreds of tourists, Members of Congress, and staff;

(5) the officers of the United States Capitol Police serve their country with commitment, heroism, and great patriotism;

(6) the employees of the United States working in the United States Capitol are essential to the safe and efficient operation of the Capitol building and the Congress;

(7) the operation of the Capitol and the legislative process are dependent on the professionalism and hard work of those who work here, including the United States Capitol Police, congressional staff, and the staff of the Congressional Research Office, the General Accounting Office, the Congressional Budget Office, the Government Printing Office, and the Architect of the Capitol; and

(8) the House of Representatives should restore the cuts in funding for the United States Capitol Police, congressional staff, and congressional support organizations.

(b) It is the sense of the Senate that—

(1) the United States Capitol Police and all legislative employees are to be commended for their commitment, professionalism, and great patriotism; and

(2) the conferees on the legislative branch appropriations legislation should maintain the Senate position on funding for the United States Capitol Police and all legislative branch employees.

(4) Page 45, after line 6, insert:

SEC. 315. None of the funds appropriated under this Act may be used for the preventative 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 determined by the United States Environmental Protection Agency to United States Capitol buildings or grounds maintained or administered by the Architect of the United States Capitol.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House, and the Chair appoints Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD, as conferees on the part of the Senate.

MORNING BUSINESS

Mr. ROTH. Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

VICTIMS OF GUN VIOLENCE

Mr. REID. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 17: Reggie Allen, 20, Miami-Dade County, FL; Brady Ball, 25, New Orleans, LA; Lynn Beck, 16, Dallas, TX;

Sherron Britt, 31, St. Louis, MO; Khary Daley, 24, Boston, MA; Willie Ennett, 23, Detroit, MI; Monroe Gibson, 23, New Orleans, LA; Hemenorio Gonzalez, 45, San Antonio, TX; Wilbert Hooten, 64, Chicago, IL; Fernando Marquez, 32, Chicago, IL; Jim Rest, 58, Minneapolis, MN; Terrence Roberts, Detroit, MI; Paul Trapp, 50, Detroit, MI; Sam Wright, 35, Detroit, MI; Unidentified male, 77, Nashville, TN.

SURFACE TRANSPORTATION BOARD'S RAIL MERGER MORATORIUM

Mr. HOLLINGS. Mr. President, I rise to commend the Surface Transportation Board for issuing its rail merger moratorium, which has just been upheld by the D.C. Circuit Court of Appeals. We on the Commerce Committee have been watching the railroad industry closely these last several years and we believe time is needed to reevaluate where the industry has been and where it should be going. To have moved forward with a new round of mergers now would have been shortsighted and not in the public interest. I am pleased that the Board had the courage to call a time-out on rail mergers to reexamine its rail merger policy before proceeding further at this important crossroads for the rail sector. I am also gratified that the Court shared my view, and the view of many of us in the Senate, that the Board has the authority to do what needs to be done.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

Mr. BURNS. Mr. President, today I rise on behalf of the men and women of this country who value hunting and fishing as an important part of their lives. I am one of them, and I know I am not alone in the Senate. Many of my colleagues have joined me as members of the Sportsmen's Caucus, and I am pleased that we enjoy such strong support. In my home state of Montana, hunting and fishing are incredibly important. These are some of the activities we engage in to enjoy our beautiful outdoors. Hunting and fishing give us the chance to spend time with our families, and to take part in the traditions that generations of Montanans have enjoyed.

It is this strong tradition that brings me here today. There has been a grave injustice dealt to America's sportsmen. I am referring to the abuse of Pittman-Robertson and Dingell-Johnson funds by the U.S. Fish and Wildlife Service. These are funds from the Wildlife and Sport Fish Restoration Programs which impose an excise tax on the equipment hunters and fishermen buy. Then the tax monies from the sporting goods are used for things like wildlife habitat and hunter safety programs. These programs were started in 1937, with the strong support of both the sportsmen who pay the tax and the states who administer the projects.

As years went by, the U.S. Fish and Wildlife Service which manages the programs, started straying further and further from the original intent of Pittman-Robertson funds. After an oversight investigation by House Committee on Resources, chaired by Mr. YOUNG of Alaska, it was found that the Fish and Wildlife Service was using Pittman-Robertson for purposes far outside the intent of the law. Funds were used for everything from foreign travel to grants for anti-hunting groups and programs that work against the interests of hunters. This is just plain wrong, and goes against everything the program was originally intended to accomplish.

In response to the abuse uncovered by his Committee, Mr. YOUNG introduced legislation to fix the problems. Part of the legislation caps the administrative expenses for the program and sets in stone what is an authorized administrative expense. This is a step in the right direction, because it will restore the integrity to this program. His bill, H.R. 3671, passed the House on April 5th with an overwhelming vote of 423–2.

I am proud to be included as a cosponsor of the Senate version of this bill, S. 2609. My colleagues from Idaho, Mr. CRAIG and Mr. CRAPO, have modeled it after H.R. 3671 and included provisions for valuable programs like hunter safety, as well as a multi-state conservation grant program. This bill ensures that the money sportsmen pay for wildlife conservation and hunter safety is actually used for those purposes and restores the accountability that has been missing for too long. It is time we made this right, and earned back the trust of the people we are here to serve.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 14, 2000, the Federal debt stood at $5,666,749,557,909.16 (Five trillion, six hundred sixty-six billion, seven hundred forty-nine million, five hundred fifty-seven thousand, nine hundred nine dollars and sixteen cents).

One year ago, July 14, 1999, the Federal debt stood at $5,624,307,000,000 (Five trillion, six hundred twenty-four billion, three hundred seven million).

Five years ago, July 14, 1995, the Federal debt stood at $4,933,039,000,000 (Four trillion, nine hundred thirty-three billion, thirty-nine million).

Twenty-five years ago, July 14, 1975, the Federal debt stood at $531,818,000,000 (Five hundred thirty-one billion, eight hundred eighteen million) which reflects a debt increase of more than $5 trillion—$5,134,931,557,909.16 (Five trillion, one hundred thirty-four billion, nine hundred thirty-one million, five hundred fifty-seven thousand, nine hundred nine dollars and sixteen cents) during the past 25 years.

ADDITIONAL STATEMENTS

HEALTHY CULTURE INITIATIVE

• Mr. BROWNBACK. Mr. President, I rise to recognize the ground-breaking and encouraging work being performed by the Healthy Culture Initiative, a non-profit group with which I am honored to be associated. The Healthy Culture Initiative (HCI) is an organization committed to strengthening and improving the health of America's culture by recognizing and replicating the many innovative, local initiatives aimed at solving community challenges.

The Healthy Culture Initiative recognizes that there are many challenges we face as a nation—over the last thirty years, we have seen huge increases in family breakdown, out-of-wedlock births, single parent families, teen suicide, drug abuse, violence, and civic disengagement. But for every problem in America, there is already a solution—a solution that is in place in neighborhoods across America. Indeed, many of the most effective solutions to the complex social problems of crime, drug abuse, family breakdown, teen suicide, illegitimacy, and poverty arise from the committed efforts of a small group of individuals working within their own community.

The Healthy Culture Initiative seeks to recognize these exciting efforts, and encourage their replication. HCI has four primary objectives:

First, through a series of Success Summits to be held in cities across America, the Healthy Culture Initiative will recognize, and help replicate, community-based solutions to pressing social challenges.

Second, the Healthy Culture Initiative will jump-start important civic dialogue about ways that ordinary people, working alone or in small groups, can help strengthen families, schools, neighborhoods, and ultimately, our Nation.

Third, HCI will measure the success of new initiatives. In conjunction with the Gallup organization, the Healthy Culture Initiative will work to quantify the actual results of each new initiative launched, so that resources and attention can be concentrated on the most effective efforts.

And finally, HCI will develop a network of information resources, including web links and educational materials, to assist community activists in initiating new programs in their neighborhoods.

I can personally attest to the exciting work undertaken by the Healthy Culture Initiative, in that I and Senator JOE LIEBERMAN, currently serve as honorary co-chairs. I am excited by the caliber and quality of individuals who are leading this initiative—including Don Clifton, President and CEO of the Gallup Corporation; Charles Krulak, former Commandant of the United States Marine Corps, Executive Director Cindy Cobb; Don Eberly, CEO of the

National Fatherhood Initiative, Curt Smith of the Hudson Institute, Jay Speigel of the Reserve Officers Association, and many others.

The plans of the Healthy Culture Initiative are ambitious and wide-ranging. It is my hope that by celebrating the many exciting success stories taking place in our communities across America, we can encourage their replication—and build a healthier culture, and a stronger America.●

225TH ANNIVERSARY OF THE U.S. ARMY

● Mr. SMITH of Oregon. Mr. President, I rise today to commemorate the 225th Anniversary of the United States Army and ask unanimous consent that an article written by the Chief of Staff of the Army, General Eric K. Shinseki, which pays due tribute to the U.S. Army and its contributions to our freedoms be printed in the RECORD.

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

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THE ARMY AT 225: A NEW PATRIOTISM

(By Eric K. Shinseki)

WASHINGTON—In two weeks, Mel Gibson's latest movie, ''The Patriot,'' opens nationwide. Set during the American Revolution, it is the story of a colonist who becomes a militia leader when the sweep of war and the advance of the British endanger his farm and family.

Whether by design or mere coincidence, the release of ''The Patriot'' comes at a particularly fitting time in our nation's history because this month marks the 225th anniversary of the birth of our Army.

The birth of our Nation and the birth of our Army are inseparably linked.

A year before we formally declared our independence, we had already begun fighting for it at Lexington and Concord and the Battle of Bunker Hill, the bloodiest single engagement of the Revolution. On that small piece of ground, over the course of one day, the British lost a staggering 1,054 regulars. The colonists lost about 440.

After Bunker Hill, the British would never again underestimate the tenacity and fighting spirit of the American soldier. These early engagements surprised the British, who saw themselves as professionally trained soldiers and the militiamen as little more than a disorganized rabble.

But let us not forget that we surprised ourselves as well. Despite our dogged determination to confront the foe, we were unproven and uncertain of our abilities. Who could have imagined that our ill-equipped and untrained colonial militia would fare as well as it did? Our success in those early battles was significant.

The victories strengthened national pride, engendered new confidence and bolstered the will to fight. When word spread down the coast that New England farmers had successfully stood up to the well-equipped and well-trained British regulars, colonists everywhere were filled with newfound courage and patriotic fervor. Frustration turned to motivation, and from that point on, the cry for independence simply would not be quelled.

On June 14, 1775, Congress took the first formal step in the march toward independence by voting to establish what was then the Continental Army.

In those days, the term patriot more closely equated to insurgent. A patriot was a revolutionary who promoted the independence of his people from the country or union of countries that controlled them.

From the British perspective, patriots were criminals; to them, the term was an epithet carrying the negative connotation of disloyalty. Thus, in 1775, when George Washington dubbed the original rag-tag band of fighters ''the patriot army,'' he was making a profoundly political and deliberately inflammatory statement; this newborn army would win independence for America.

Over time, the word ''patriot'' evolved to a more heroic meaning—a person who loves his country and who defends and promotes its interests. It is especially applied to soldiers who fight for love of country. Thanks to the success of the American Revolution, the connotation of that simple term changed from one of disloyalty to one of allegiance.

Since the end of the Revolution, American soldiers, imbued with the spirit of the original patriots, have pledged their allegiance to this nation through their sacrifices in uniform. In doing so, hundreds of thousands of them have given their last full measure of devotion in ultimate demonstration of love for country.

Today, thousands of soldiers serve around the globe to maintain our freedom and to provide the promise of a better life to others for whom liberty is but a dream. They are the finest men and women the nation has to offer—active, guard and reserve soldiers doing the heavy lifting so we can enjoy the comforts and freedoms of our way of life.

They are unknown to most of us, but they sacrifice daily in places like Kosovo, Saudi Arabia, Bosnia, East Timor, Kuwait, Korea and Macedonia in order to promote democracy and to preserve peace and stability.

These men and women are our patriots. They are prepared to defend our country, and they are also the best ambassadors for democracy we could have, carrying the same torch of liberty that was lit 225 years ago. In the remotest corners of the globe, American soldiers command respect because they symbolize the traits of our forefathers; a passion for liberty and a willingness to fight to protect freedom.

As we reflect on the Army's 225th birthday, let us remember that with our Army was born a nation; with that nation was born democracy; and with democracy was born the hope that peace and liberty could someday be attained by all oppressed peoples of the world.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the presiding officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Commerce.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 8:22 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3544. An act to authorize a gold medal to be presented on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.

H.R. 3591. An act to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

H.R. 4391. An act to amend title 4 of the Untied States Code to establish souring requirements for State and local taxation of mobile telecommunication services.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3323. An act to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the ''Floyd H. Flake Federal Building.''

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–551. A resolution adopted by the Assembly of the State of Wisconsin relative to the Washington Juneteenth 2000 National Holiday Observance; ordered to lie on the table.

ASSEMBLY RESOLUTION 29

Whereas, more than 130 years old, Juneteenth, National Freedom Day is the oldest and only African-American holiday observance in the United States, which is also known as ''Emancipation Day,'' ''Emancipation Celebration,'' ''Freedom Day,'' ''Jun-Jun'' and ''Juneteenth''; and

Whereas, Juneteenth National Freedom Day commemorates the survival, due to God-given strength and determination, of African-Americans, who were first brought to this country stacked in the bottom of slave ships in a month-long journey across the Atlantic Ocean, known as the ''Middle Passage''; and

Whereas, approximately 11,500,000 African-Americans survived the voyage to the New World (the number that died is likely greater), only to be subjected to whipping, castration, branding, rape, tearing apart of families and forced submission to slavery for more than 200 years after arrival in the United States; and

Whereas, Juneteenth commemorates the day on which freedom was proclaimed to all slaves in the South by Union General Granger, on June 19, 1865, in Galveston, Texas, more than 2.5 years after the signing of the Emancipation Proclamation by President Abraham Lincoln; and

Whereas, for the first time, in over 130 years of the annual celebration, Juneteenth has finally been ''officially recognized'' as Juneteenth Independence Day in America by the President and Congress of the United States; and

Whereas, this reality is particularly underscored by the fact that it was in the 1st Session of the 105th Congress, via the bipartisan cooperation of former Congresswoman Barbara Rose-Collins (D-Michigan, former Senator Carol Mosley-Braun (D-Illinois), Congressman J.C. WATTS (R-Oklahoma), former

House Speaker Newt Gingrich (R-Georgia), Senate Majority Leader TRENT LOTT (R-Mississippi) and Senate Minority Leader TOM DASCHLE (D-South Dakota), that Senate Joint Resolution 11 and House Joint Resolution 56 were successfully shepherded through both houses of Congress, in a successful effort to officially recognize Juneteenth as the Independence Day observance of Americans of African descent in 1997; and

Whereas, Americans of all colors, creeds, cultures, religions and countries-of-origin share in a common love of, and respect for, ''freedom,'' as well as a determination to protect their right to freedom through democratic institutions, by which the ''tenets-of-freedom'' are guaranteed and protected; and

Whereas, the ''19th of June'' or Juneteenth Independence Day, along with the ''4th of July,'' completes the ''cycle of freedom'' for America's Independence Day observances; and

Whereas, ''Until All are Free, None are Free'' is an oft-repeated maxim that can be used to highlight the significance of the end of the era of slavery in the United States; and

Whereas, the National Juneteenth Observance Foundation is sponsoring the premier celebration, concert, worship services and campaign to commemorate America's 2nd Independence Day observance, the ''19th of June,'' as one which completes the cycle of America's 18th century Independence Movement, initiated with the ''4th of July,'' 1776, ''Declaration of Independence'' and to recognize this country's movement towards a ''One America,'' advanced by a sincere dialogue of the realization of what Juneteenth historically means to all Americans, promoting racial healing, restoration and justice: Now, therefore, be it

Resolved by the assembly, That the members of the Wisconsin assembly support this historic recognition and encourage participation of our members, families and communities in the ''officially recognized'' Washington Juneteenth 2000 National Holiday Observance, on the National Mall, Lincoln Memorial and U.S. capital grounds, scheduled for Saturday, June 17, 2000, from 8 a.m. until 5 p.m., which will be followed by a Sunday evening Juneteenth Fathers' Day Benefit Concert honoring African-American Fathers, and a Monday, June 19, 2000, noon rally in support of National Juneteenth Independence Day holiday legislation and a series of evening Juneteenth prayer and praise worship services in churches and houses of worship throughout the Washington, D.C., area and the country; and, be it further

Resolved, That the assembly chief clerk shall provide a copy of this resolution to the president and secretary of the U.S. senate, to the speaker and clerk of the U.S. house of representatives and to each member of the congressional delegation from this state attesting the adoption of this resolution by the 1999 assembly of the state of Wisconsin.

POM–552. A resolution adopted by the General Assembly of the State of New Jersey relative to flood areas and flood victims; to the Committee on Banking, House, and Urban Affairs.

ASSEMBLY RESOLUTION NO. 200

Whereas, Tremendous damage was caused in the State of New Jersey by the high winds, waves, storm surge, severe flooding and fires associated with Hurricane Floyd; and

Whereas, Up to 13 inches of rain fell in portions of the State, causing rivers and other inland waterways to flood streets, homes and businesses, and high winds downed many trees and damaged many structures; and

Whereas, The President of the United States declared certain counties in this State, including Bergen, Essex, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, and Union, to be federal disaster areas, and this federal disaster declaration allows for the federal funding of disaster relief to public entities, businesses and individuals, as well as funding for mitigation against future similar disasters; and

Whereas, The damages in the State resulting from Hurricane Floyd and its associated flooding are estimated by the Federal Emergency Management Agency to be approximately $500,000,000 and this estimate is rising as more assessments are conducted and verified; and

Whereas, The total number of houses, apartments and businesses destroyed, damaged or affected by Hurricane Floyd and its associated flooding exceeds 70,000; and

Whereas, United States Senator Frank Lautenberg and United States Representative Marge Roukema have proposed federal legislation to help small businesses and farmers recover from the damage inflicted by Hurricane Floyd and its associated flooding, which legislation would make available, through the Federal Emergency Management Agency, one-time grants to small businesses and farmers in amounts up to $50,000 or at least 50 percent of the cost to replace non-insured contents and inventory or to carry out repairs, provided that the grant is not used to relocate the business outside of the community and provided that the grant recipient purchases and maintains flood insurance coverage; and

Whereas, Individuals and businesses have suffered extraordinary hardships, and it is in the public interest to assist individuals and businesses recovering from the devastating effects of Hurricane Floyd in the most expeditious manner possible; and

Whereas, It is in the best interest of the residents of the State to urge the President, the Congress of the United States, and the Federal Emergency Management Agency to take all available steps to provide financial assistance in the most expeditious manner possible to New Jersey's flood areas and flood victims; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House urges the President and the Federal Emergency management Agency to provide financial assistance in the most expeditious manner possible to provide relief to New Jersey's flood areas and flood victims. This House also urges the President and the Federal Emergency Management Agency to not deduct any State monies provided for flood relief from the calculation of federal monies allocated to New Jersey to recover from the devastating effects of Hurricane Floyd and its aftermath.

2. This House urges the Congress of the United States to act swiftly on legislation proposed by United States Senator Frank Lautenberg and United States Representative Marge Roukema to help small business and farmers recover from the damage inflicted by Hurricane Floyd and its associated flooding.

3. A duly authorized copy of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, the Director of the Federal Emergency Management Agency, and each member of Congress elected from the State of New Jersey.

POM–553. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to consumer credit reporting agencies; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE JOINT RESOLUTION NO. 310

Whereas, the Fair Credit Reporting Act established a statutory framework for protecting the rights of consumers to fair disclosure of credit information; and

Whereas, the Fair Credit Reporting Act permits credit reporting agencies to report information related to a consumer's credit history; and

Whereas, credit reporting agencies provide an overall rating of the consumer's credit risk on the consumer's credit report; and

Whereas, credit reporting agencies consider the number of inquiries into a consumer's credit report when determining the overall rating; and

Whereas, the number of inquiries requesting a consumer's credit report is not substantially related to a consumer's credit risk and is often outside the consumer's control; and

Whereas, creditors rely on the information reported by credit reporting agencies to evaluate the credit risk of a consumer; and

Whereas, many consumers are denied credit based on a credit reporting agency's rating of that consumer: Now, therefore be it

Resolved by the House of Delegates, the Senate concurring; That the Congress of the United States be urged to amend the Fair Credit Reporting Act to prohibit credit reporting agencies from using information related to the number of inquires in a consumer's credit report to determine the consumer's overall rating; and, be it

Resolved further, That the General Assembly of Virginia most fervently urge and encourage each state legislative body of the United States of America to enact this resolution, or one similar in context and form, as a show of solidarity in petitioning the federal government for greater protection for consumers in obtaining credit; and, be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Department of Labor, each member of the Virginia Congressional Delegation, and to the Chairman of the Council of State Governments, requesting that he distribute copies of this resolution to the presiding officer of each house of each state legislative body in the United States of America in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–554. A concurrent resolution adopted by the Legislature of the State of Hawaii, relative to community goals and outcomes; to the Committee on Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 12

Whereas, the Hawaii State Legislature has recognized the importance of measuring progress towards shared outcomes through the establishment of the Hawaii Performance Partnerships Board by Act 160, Session Laws of Hawaii 1999, and the adoption of House Concurrent Resolution No. 38 by the Legislature in 1998; and

Whereas, a memorandum of agreement has been executed between the federal, state, county, community, and business sectors to encourage and facilitate cooperation to redesign and test an outcomes-oriented approach to intergovernmental service delivery; and

Whereas, the federal government, through the efforts of the National Partnership for Reinventing Government, has empowered federal agencies to provide incentives, such as decreased state matching funds, waived

regulations, or additional federal funds to state agencies in partnership with community-based organizations that measure progress towards shared outcomes through initiatives such as Boost4Kids; and

Whereas, Hawaii's aloha spirit connects its people in a unique manner, by guiding our decisions and actions; and

Whereas, Hawaii's communities have joined together to create outcomes and goals to improve the well-being of Hawaii's people in several different efforts, such as Ke Ala Hoku, Education Goals 2000, Healthy 2010, Hawaii Family Touchstones; and

Whereas, the acceptance of a common set of desired outcomes, compatible with statutory mandates, will enable state, county, and community agencies to focus on achieving positive results that exemplify Hawaii's uniqueness; and

Whereas, achieving results require creation of accountability systems that cross agency boundaries to measure the combined efforts of many partners, both public and private; and

Whereas, the Hawaii Performance Partnerships Board has considered the achievements of many of Hawaii's people in creating outcomes and goals: Now, therefore, be it

Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, the House of Representatives concurring, That the following key community outcomes are hereby endorsed by the Legislature as state policy:

(1) A safe, nurturing social environment;

(2) A healthy, natural environment;

(3) A thriving, diverse, sustainable economy;

(4) Educated people; and

(5) Civic vitality;

Be it further resolved, That public and private agencies committed to improving the well-being of Hawaii's peoples be encouraged to utilize these outcomes as a basis for policy and program development, planning, and for budgeting; and be it further

Resolved, that all public and private agencies are encouraged to form partnerships and measure progress towards the outcomes most appropriate to their individual missions; and be it further

Resolved, That certified copies of this concurrent resolution be transmitted to the Governor, the Vice President of the United States, the United States Secretary of Agriculture, the United States Secretary of Education, the United States Secretary of Health and Human Services, the Hawaii Performance Partnerships Board, the Mayor of the County of Maui, the Mayor of the City and County of Honolulu, the Mayor of the County of Kauai, the Mayor of the County of Hawaii, Aloha United Way, the Hawaii Community Foundation, HMSA Foundation/Hawaii Medical Service Association, The Chamber of Commerce of Hawaii, all state departments, Partnering for Outcomes, State Procurement Office, Good Beginnings Alliance, Interdepartmental Council, Hawaii Primary Care Association, and Covering Kids.

POM–555. A resolution adopted by the Council of the City of Mayfield Heights, Ohio relative to a United Nations Convention, to the Committee on Foreign Relations.

POM–556. A joint resolution adopted by the Legislature of the State of California relative to East Timorese refugees; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 54

Whereas, In 1975, after the former Portuguese colony of East Timor gained its independence, Indonesian forces invaded East Timor and occupied the country despite the call of the United Nations Security Council for Indonesia to withdraw its forces; and

Whereas, In 1976 the Indonesian government admitted that 60,000 East Timorese had been killed since the invasion and President Suharto signed legislation declaring East Timor as Indonesia's 27th province; and

Whereas, In the 1970's and 1980's tens of thousands of East Timorese died of starvations, military bombardment, and executions as thousands of other suffered malnutrition, sterilization, relocation in settlement camps, and arrest and torture at the hands of the Indonesian forces; and

Whereas, Despite continued military attacks on East Timorese civilians during 1999 and fears of widespread violence against voters, a heavy turnout at the polls on August 30, 1999, provided almost an 80 percent vote for the independence of East Timor from Indonesia; and

Whereas, Within hours of the announcement of the election results on September 4, 1999, a systematic campaign of terror was launched against the East Timorese by the Indonesian armed forces and their allied militias during which three-quarters of the population was displaced. In a coordinated manner, the Indonesian military and militias forced hundreds of thousands of East Timorese at gunpoint to board trucks, boats, and airplanes for transportation to West Timor and other parts of Indonesia; and

Whereas, By the end of 1999, United Nations agencies reported that over 125,000 East Timorese had returned home; however, more than 100,000 East Timorese remain unable to return home, many months after the announcement of the referendum results and despite repeated pledges by the Indonesian government to remedy the situation. Thousands of East Timorese taken to other areas of Indonesia remain unaccounted for now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly. That the Legislature of the State of California respectfully requests the President and the Congress of the United States to employ diplomatic and other resources to persuade the Indonesian government to expedite the return of all East Timorese refugees in Indonesia who wish to return home; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to each Senator and Representative from California in the Congress of the United States.

POM–557. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Pearl Harbor Naval Shipyard; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 102

Whereas, Pearl Harbor Naval Shipyard is strategically located in the Pacific Ocean and the Naval Base is in the best interest of the National Security; and

Whereas, Pearl Harbor Naval Shipyard is the largest industrial employer in the State of Hawaii; and

Whereas, Pearl Harbor Naval Shipyard employed 6,900 employees in 1989, and has since experienced a 58% reduction of the workforce, and currently employs 3,200 employees; and

Whereas, Pearl Harbor Naval Shipyard was the Homeport for 41 Navy ships and submarines in 1989, and currently is the Homeport for 31 navy ships and submarines; and

Whereas, Pearl Harbor Naval Shipyard provided Navy contract work for 65 to 75 percent of the private ship repair industry in Hawaii; and

Whereas, Pearl Harbor Naval Shipyard spends in excess of $350 million in material purchases, contracts with local businesses, and payroll costs; and

Whereas, Pearl Harbor Naval Shipyard provides for trade and skills training for the youth of Hawaii through the Apprentice program in partnership with the University of Hawaii; and

Whereas, Pearl Harbor Naval Shipyard resolves a quality of life issue for the military by accomplishing the ship repair overhauls and repairs in Hawaii and the Homeport of the Navy ships; and

Whereas, Pearl Harbor Naval Shipyard has the capacity to accomplish more Navy work in Pearl Harbor with the skilled workforce and the availability of the Homeport ships; and

Whereas, Pearl Harbor Naval Shipyard needs to be ''right sized'' for its current and future workload to allow Pearl Harbor and the Navy to maintain and overhaul ships in Hawaii; and

Whereas, Pearl Harbor Naval Shipyard would require the hiring of 700 to 800 permanent civilian employees over the next two years to obtain the necessary skilled personnel to execute the Navy work; and

Whereas, Pearl Harbor Naval Shipyard has an application list of 1,000 qualified local applicants seeking employment at Pearl Harbor Naval Shipyard: Now, therefore, be it

Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, the House of Representatives concurring, That this body hereby urges the United States Navy to increase the workload and employment in Pearl Harbor Naval Shipyard to utilize the full capacity of the Hawaiian ship repair industry; and be it further

Resolved, That the United States Navy is requested to brief the Legislature and community business leaders on the future work load plans for Pearl Harbor Naval Shipyard; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President and Vice President of the United States, the Hawaii Congressional Delegation, the Governor, and the United States Navy through the chain of command to the Chief of Naval Operations, the Secretary of the Navy, and the Secretary of Defense.

POM–558. A resolution adopted by the House of the Legislature of the State of Hawaii relative to toxic waste; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 124

Whereas, the United States and the people of Hawaii have had long historical, cultural, and economic ties with the people of the Philippines as part of the Pacific-Asia community; and

Whereas, Filipinos all over the world, including the Filipino-American community in Hawaii and the United States and their friends, commemorated the centennial of the birth of the Republic of the Philippines (June 12, 1898), a culmination of the Filipino peoples' struggle for freedom and independence against Spanish colonial rule; and

Whereas, in December 1992, United States military forces withdrew from Clark Air Base and Subic Naval Base, thus ending almost a century of United States military presence in the Philippines; and

Whereas, reports from the United States General Accounting Office, United States Department of Defense, the World Health Organization, United States experts, environmental baseline surveys conducted by American firms, and recent media reports, including those conducted by the Boston Globe and CNN, identified serious contamination at forty-six sites at both Clark and Subic bases; and

Whereas, many of the chemicals identified, such as polychlorinated biphenyls (PCBs) Aldrin, Dieldrin, Benzene, and Heptachlor,

are part of the family chemicals known as persistent organic pollutants (POPs) because of their persistence in the environment and association with health problems like cancer, reproductive failure, and behavior disorders; and

Whereas, a ''Health for All'' survey conducted by internationally-recognized health expert Doctor Rosalie Bertell on behalf of the Canadian Institute for the Concern for Public Health and released in November 1998, found conspicuously high and disparate levels of kidney, urinary, nervous, and female system health problems among 716 families surveyed in the Clark Air Base area alone; and

Whereas, on January 27, 1999, the Philippines House of Representatives Committee on Ecology released a report holding the United States responsible for toxic wastes left behind in the former United States military bases at Clark and Subic, which threaten to make these areas economically devastated, largely uninhabitable, and unusable; and

Whereas, the Filipino-American community, including the National Federation of Filipino American Associations (NFFAA) and various church groups, such as the Church Coalition for Human Rights in the Philippines and the 20th General Synod of the United Church of Christ (United States), have expressed grave concern for the United States government's lack of response and responsibility over its legacy of toxic wastes in the Philippines; and

Whereas, The Filipino Coalition for Solidarity, Inc., a civil rights group based in Hawaii, is spearheading the information campaign in Hawaii regarding this issue: Now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, That the Legislature expresses its strong concern for the serious environmental problems caused by toxic wastes left behind by the United States and the grave threat these wastes pose to public health in the communities adjoining its former bases in Clark and Subic; and be it further

Resolved, That the Legislature calls on the United Sates government to assist the Philippines, which has neither the funds nor the technical capacity to conduct an environmental clean up, as it has already done in cleaning up toxic contamination in overseas United States military bases in Germany, Italy, the United Kingdom, and in other countries; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of State, the Secretary of Defense, the Administrator of the Environmental Protection Agency, the members of Hawaii's congressional delegation, the Governor of Hawaii, the President of the Philippines, the President of the Philippines Senate, and the Speaker of the Philippines Senate, and the Speaker of the Philippines House of Representatives.

POM–559. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the United States Army Museum; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION NO. 207

Whereas, the Department of the Army has been granted approval by Congress to establish a national United States Army Museum; and

Whereas, several sites are being considered by Congress for the location of this museum, including Fort Belvoir in Fairfax County; and

Whereas, Fort Belvoir is located near Mount Vernon, the residence of George Washington, the first President of the United States and Commander-in-Chief; and

Whereas, locating the United States Army Museum in Virginia would enhance Virginia's tourism and economic development efforts; and

Whereas, locating the United States Army-Museum at Fort Belvoir is a logical choice due to its proximity to Washington, D.C., the Pentagon, and Arlington Cemetery: Now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to establish the national United States Army Museum at Fort Belvoir, Virginia; and, be it

Resolved further, That the Clerk of the House of Delegate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–560. A joint resolution adopted by the Legislature of the State of California relative to commercial marketing; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 50

Whereas, The death penalty was originally instituted in California in 1851 under the Criminal Practices Act and reinstated in 1978; and

Whereas, Due to the heinous nature of crimes that are punishable by the death penalty, only 5 percent of murderers reside on death row; and

Whereas, The international retail corporation, the United Colors of Benetton, has glamorized death row inmates through photos and interviews, in order to sell Benetton products; and

Whereas, Such ''shock marketing'' perversely profiles criminals who have committed grossly inhuman acts of murder; and

Whereas, The 26 criminals profiled by Benetton have murdered at least 45 innocent victims; and

Whereas, The advertisement campaign is causing unnecessary pain and distress to the family and friends of the murder victims; and

Whereas, This marketing constitutes a flippant ''style statement'' in what has been, and should remain, a serious issue for responsible public debate; and

Whereas, A good corporate citizen must maintain a good standard of ethics and respect the bounds of responsible discourse concerning matters of policy dealing with the lives of citizens and the values of law-abiding citizens; and

Whereas, The glamorization of death row inmates in Benetton's marketing campaign does not appear to be consistent with being a good corporate citizen: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California Jointly. That Benetton's glorification of criminals for profit is both inappropriate and insensitive to the families of the victims; and be it further

Resolved, That the Members of the Assembly and Senate of the State of California encourage all citizens in California to express to the United Colors of Benetton, in whatever manner they deem most effective, their opinion of the inappropriate and insensitive death row marketing campaign and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Majority Leader of the Senate, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the President of the United States Chamber of Commerce, the President of the California Chamber of Commerce, the Chairman of the New York Stock Exchange, and the Chairman of the Board of the United Colors of Benetton.

POM–561. A joint resolution adopted by the General Assembly of the State of Colorado relative to the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION 00–031

Whereas, According to its comprehensive plan and its duly adopted zoning regulations, the Board of County Commissioners of Jefferson County, Colorado denied an application by Lake Cedar Group, LLC, to rezone land on Lookout Mountain from residential and agricultural zoning to planned development zoning in order to allow construction of an 854-foot telecommunications supertower and a 26,000 square foot support building; and

Whereas, Such decision was a quasi-adjudicative decision based on factual evidence presented to the Jefferson County Board of County Commissioners and application of applicable legal standards and as such can be appealed judicially to Jefferson County District Court, which court is fully empowered to grant full and appropriate relief to the appellant if appropriate under the facts of the case; and

Whereas, Lake Cedar Group filed an appeal of Jefferson County's decision in Jefferson County District Court, which appeal is now pending the filing of briefs by the parties; and

Whereas, Despite the pending judicial appeal, and after Jefferson County spent several months preparing the voluminous record of proceedings for the Jefferson County District Court action, Lake Cedar Group, without notifying the Jefferson County Board of County Commissioners or any other interested party, filed a petition with the Federal Communications Commission (FCC) requesting the FCC to ''preempt'' Jefferson County's decision and to declare Jefferson County's decision ''prohibited and unenforceable''; and

Whereas, By Public Notice dated April 10, 2000, the FCC seeks public comment on Lake Cedar Group's petition; and

Whereas, In the United States, control over individual land use decisions is firmly vested in local governments, through statutory delegation from state governments; and

Whereas, The FCC is barred by the 10th Amendment to the United States Constitution from attempting to preempt decisions made by local governments on individual land use applications because the United States Congress has not directed or authorized the FCC to preempt such local decisions; and

Whereas, The FCC lacks not only the authority, but also the expertise and any adopted standards to second-guess and invalidate local government land use decisions; and

Whereas, Any attempt by the FCC to preempt local government land use decision-making in this manner would represent an illegal, unauthorized, and unjustified attack on state- and local-government land use authority; Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the General Assembly of the State of Colorado hereby encourages the FCC not to preempt local government land use decision-making and state judicial processes, thus overriding local and state government authority; and be it further

Resolved, That copies of this Joint Resolution be sent to the President of the United States Senate; the Speaker of the United States House of Representatives; each member of Colorado's Congressional delegation; each member of the House of Representatives Subcommittee on Telecommunications, Trade and Consumer Protection of the Committee on Commerce; the Governor of Colorado; and the Commissioners of the Federal Communications Commission.

POM–562. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to Internet taxation; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, the Internet is a collection of computer networks that enables people to communicate electronically with people in other states and nations around the world and millions of organizations and consumers are taking advantage of this technological innovation to transact electronic interstate commerce; and

Whereas, business-to-consumer sales transacted through the Internet have increased the interstate commerce of items which have traditionally been sold in intrastate commerce, increasing competition between traditional ''main street'' family businesses and interstate mail order and electronic commerce businesses; and

Whereas, under current federal court decisions, some Internet vendors and other remote sellers cannot be legally compelled to collect sales and use taxes from consumers in other states; and

Whereas, the difficulties in requiring sales and use tax collections from remote sellers place local ''main street'' merchants at an unfair competitive disadvantage and the Internet and Internet vendors should not receive preferential tax treatment at the expense of such merchants; and

Whereas, state sales and use tax collections comprise a substantial percentage of state revenues; and

Whereas, states have the primary responsibility for the delivery of education, public safety, transportation, and health and human services; and

Whereas, the projected growth of electronic commerce transactions will have a substantial negative impact on state sales and use tax collections; and

Whereas, the federal Internet Tax Freedom Act has temporarily limited the states' ability to design new taxing schemes to keep up with today's rapidly transforming technology-drive economy; and

Whereas, prior to the end of the moratorium period imposed by the Internet Tax Freedom Act, the United States Congress will be charged with the responsibility to decide the future course of taxation of the Internet, possibly to the detriment of state and local governments and traditional ''main street'' merchants: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to consider the needs of state and local governments and local ''main street'' retailers when determining a course of action regarding Internet taxation; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–563. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Migratory Bird Treaty Act; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 23

Whereas, the Migratory Bird Treaty Act of 1972 as amended (16 U.S.C. 701 et seq.) was enacted to protect and manage migratory birds in the United States and includes the regulation of taking, possessing, transporting, shipping, exporting, and importing of migratory birds; and

Whereas, the enforcement of those laws and regulations is essential to the goal of the Migratory Bird Treaty Act, enforcement which, in the state of Louisiana, is the responsibility of the enforcement division of the Department of Wildlife and Fisheries; and

Whereas, the hunting of migratory birds is a widespread recreational and tourist activity in the state of Louisiana with an economic impact in the state in excess of $131 million, including an annual harvest of over 3.5 million birds by more than 128,000 hunters participating in over 1.7 million hunting trips; and

Whereas, with that level of activity in the state of Louisiana, the enforcement division of the Department of Wildlife and Fisheries is confronted with the monumental task of enforcement of the provisions of the Migratory Bird Treaty Act, violations of which are estimated to have an annual negative impact on the state's economy of nearly $8.2 million; and

Whereas, the enforcement division of the Department of Wildlife and Fisheries has performed this responsibility through the years and, in fact, has issued more than eighty-nine percent of the citations issued for violations of the Migratory Bird Treaty Act, all without the benefit of federal monetary support for its efforts: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the U.S. Congress to authorize and appropriate sufficient funds to the enforcement division of the Department of Wildlife and Fisheries to enable the enforcement of the Migratory Bird Treaty Act, and to enable efforts for conservation and protection of the migratory birds required by that Act; be it further

Resolved, That a copy of this Resolution be forwarded to the presiding officers of the House of Representatives and the Senate of the U.S. Congress and to each member of the Louisiana congressional delegation.

POM–564. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to highway rest stops; to the Committee on Appropriations.

HOUSE JOINT RESOLUTION NO. 103

Whereas, it is a well-established fact that driver fatigue is a major factor contributing to highway accidents; and

Whereas, federal law prescribes limits on the number of continuous hours truckers may drive and the length of time they must rest before driving again; and

Whereas, one of the most convenient places where long-haul truckers could break their trip and get the rest they need to operate safely is rest stops along interstate highways; and

Whereas, this option is not realistically open to truckers, because the Commonwealth limits vehicle stays at these rest stops to no more than two hours; and

Whereas, the cost of motel rooms and the inability of many motel parking lots to accommodate large tractor-trailer combinations make use of motels an impractical option for truckers seeking to get their required rest as prescribed by federal law; and

Whereas, construction of additional interstate highway rest stops and expansion of existing facilities would enable truckers to comply with federal hours-of-service requirements safely and inexpensively, resulting in fewer highway accidents and improved safety for the motoring public: Now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to provide federal funding for expansion of certain highway rest stops and for construction of additional interstate highway rest stops and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–565. A joint resolution adopted by the Legislature of the State of California relative to hemophilia relief; to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 55

Whereas, The Ricky Ray Hemophilia Relief Fund Act of 1998 (P.L. 105–369) was enacted by Congress to provide for compassionate payments to individuals with blood-clotting disorders, such as hemophilia, who contracted the human immunodeficiency virus due to contaminated blood products; and

Whereas, In its review of the events surrounding the HIV infection of thousands of people with blood-clotting disorders, such as hemophilia, a 1995 study, entitled ''HIV and the Blood Supply,'' of the Institute of Medicine found a failure of leadership and an inadequate institutional decisionmaking process in the system responsible for ensuring blood safety, concluding that a failure of leadership led to less than effective donor screening, weak regulatory actions, and insufficient communication to patients about the risk of AIDS; and

Whereas, It is important for both the federal and state government to halt immediately the funding of a product or program if they become aware of a risk of infection when using the product and have not informed the public; and

Whereas, This legislation, named after a teenage hemophiliac who died from AIDS, was enacted to provide financial relief to the families of hemophiliacs who were devastated by the federal government's policy failure in its handling of the AIDS epidemic; and

Whereas, Although the relief bill has been enacted into law, Congress has been reluctant to fund it: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to fully fund the Ricky Ray Hemophilia Relief Fund, enacted into law under the Ricky Ray Hemophilia Relief Fund Act of 1998, so that there is no delay between the authorization and the timely appropriation of this relief; and be it further

Resolved, That the President and the Congress of the United States are respectfully urged to withhold the appropriation of funds to programs that have not clearly disclosed to the consumer the risks of infection for a product the program manufactures or distributes; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House

of Representatives, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute.

S. 2487: A bill to authorize appropriations for Fiscal year 2001 for certain maritime programs of the Department of Transportation (Rept. No. 106–345).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of New Hampshire :

S. 2878. A bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. BREAUX, Mr. ABRAHAM, Mr. BUNNING, and Mr. CRAIG):

S. 2879. A bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2880. A bill to provide construction assistance for a project for a water transmission line from the Missouri River to the city of Williston, North Dakota; to the Committee on Environment and Public Works.

By Mr. SMITH of Oregon:

S. 2881. A bill to update an existing Bureau of Reclamation program by amending the Small Reclamation Projects Act of 1956, to establish a partnership program in the Bureau of Reclamation for small reclamation projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2882. A bill to authorize Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself, Mr. SMITH of New Hampshire, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. COVERDELL, Mr. ENZI, Mr. GRAMM, and Mr. INHOFE):

S.J. Res. 50. A joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 337. A resolution relative to the death of the Honorable John O. Pastore, formerly a Senator from the State of Rhode Island; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of New Hampshire (for himself, Mr. BAUCUS, Mr. CRAPO, Mr, WARNER, Mr. GRAHAM, Mr. L. CHAFEE, Mr. LIEBERMAN, Mr. REID, Mr. LAUTENBERG, and Mrs. BOXER):

S. 2878: A bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes; to the Committee on Environmental and Public Works.

NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL COMMEMORATION ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I am proud to come before the Senate today to introduce the ''National Wildlife Refuge System Centennial Commemoration Act of 2000''. This landmark bill commemorates the centennial of the first national wildlife refuge in the United States, established on March 14, 1903, by a great man and conservationist, President Theodore Roosevelt. By setting aside land at Indian River Lagoon on Pelican Island, Florida as a haven for birds, President Roosevelt began a conservation legacy known as the National Wildlife Refuge System.

Today, the National Wildlife Refuge System has evolved into the most comprehensive system of lands devoted to wildlife protection and management in the world—spanning nearly 93 million acres across the United States and its territories. By placing special emphasis on conservation, our nation's network of refuges ensures the continued protection of our wildlife resources, including threatened and endangered species, and land areas with significant wildlife-oriented recreational, historical and cultural value.

Currently, there are more than 500 refuges in the United States and its territories, providing important habitat for 700 bird species, 220 mammal species, 250 species of amphibians and reptiles, and over 200 fish species. The Refuge System also hosts some of our country's premiere fisheries, and serves a vital role in the protection of threatened and endangered species by preserving their critical habitats.

Approximately 98 percent of the Refuge System land is open to the public. Each year, the System attracts more than 34 million visitors to participate in a variety of recreational activities that include observing and photographing wildlife, fishing, hunting and taking part in system-sponsored educational programs. By providing the public with an opportunity to participate in these activities, refuges promote a sense of appreciation for the natural wonders of this nation and emphasize our important role as stewards of these lands.

The bill that I introduce today marks a milestone in the history of conservation and celebrates 100-years of the National Wildlife Refuge System on March 14, 2003. The bill commemorates the Refuge System by creating a Commission that will oversee the Centennial anniversary and promote public awareness and understanding of the importance of refuges to our nation. Additionally, the bill directs the Fish and Wildlife Service to prepare a long-term plan for the Refuge System that will enable the Service to look ahead and determine the future needs and priorities of the system network.

This bill celebrates the legacy of our national refuge lands, and recognizes the tireless efforts of numerous dedicated individuals from both the private and public sectors who have worked to preserve this invaluable national heritage. I encourage my colleagues to show your support for the National Wildlife Refuge System by co-sponsoring this legislation. I ask unanimous consent to print the text of the bill in the appropriate place in the RECORD.

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

S. 2878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Wildlife Refuge System Centennial Commemoration Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) President Theodore Roosevelt began an American wildlife conservation legacy by establishing the first national wildlife refuge at Indian River Lagoon on Pelican Island, Florida, on March 14, 1903;

(2) the National Wildlife Refuge System is comprised of more than 93,000,000 acres of Federal land managed by the United States Fish and Wildlife Service in more than 520 individual refuges and thousands of Waterfowl Production Areas located in all 50 States and the territories of the United States;

(3) the System is the only network of Federal land that—

(A) is dedicated singularly to wildlife conservation; and

(B) has wildlife-dependent recreation and environmental education as priority public uses;

(4) the System serves a vital role in the conservation of millions of migratory birds, hundreds of endangered and threatened species, some of the premier fisheries of the United States, marine mammals, and the habitats on which those species depend;

(5)(A) each year the System provides millions of Americans with opportunities to participate in wildlife-dependent recreation, including hunting, fishing, and wildlife observation; and

(B) through those activities, Americans develop an appreciation for the natural wonders and wildlife heritage of the United States;

(6) the occasion of the centennial of the beginning of the System, in 2003, presents a historic opportunity to enhance natural resource stewardship and expand compatible public enjoyment of the national wildlife refuges of the United States; and

(7) the United States Fish and Wildlife Service—

(A) recognizes that the System has a backlog of unmet critical operations and maintenance needs;

(B) has worked to prioritize those needs; and

(C) has made efforts to control the extent of the backlog.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the National Wildlife Refuge System Centennial Commission established by section 4.

(2) SYSTEM.—The term ''System'' means the National Wildlife Refuge System established by the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Wildlife Refuge System Centennial Commission''.

(b) MEMBERSHIP.—The Commission shall be composed of the following members:

(1) The Secretary of the Interior.

(2) The Director of the United States Fish and Wildlife Service.

(3) The Executive Director of the National Fish and Wildlife Foundation established by the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.).

(4) Up to 10 individuals, recommended by the Secretary of the Interior and appointed by the President, who—

(A) are not officers or employees of the Federal Government; and

(B) shall be broadly representative of the diverse beneficiaries of the System and have outstanding knowledge or appreciation of wildlife, fisheries, natural resource management, or wildlife-dependent recreation.

(5) The Chairman and Ranking Member of the Committee on Environment and Public Works of the Senate and the Chairman and Ranking Member of the Committee on Resources of the House of Representatives, who shall be nonvoting members.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) CHAIRPERSON.—The Secretary of the Interior shall serve as Chairperson of the Commission.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) develop and carry out, in cooperation with Federal, State, local, and nongovernmental entities (including public and private associations and educational institutions), a plan to commemorate, on March 14, 2003, the centennial of the beginning of the System;

(2) provide, in cooperation with the entities, host services for conferences on the System and assist in the activities of the conferences;

(3) make recommendations to the Secretary of the Interior concerning the long-term plan for the System required under section 9; and

(4) make recommendations to the Secretary of the Interior concerning measures that can be taken to enhance natural resources stewardship and expand compatible public enjoyment of the System.

(b) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS.—Not later than December 31 of the first calendar year that begins after the date on which the Commission holds its initial meeting, and December 31 of each calendar year thereafter through 2003, the Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report on the activities and plans of the Commission.

(2) FINAL REPORT.—Not later than December 31, 2004, the Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a final report on the activities of the Commission, including an accounting of all funds received and expended by the Commission.

SEC. 6. POWERS.

(a) MEETINGS.—The Commission may hold such meetings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) FINANCIAL AND ADMINISTRATIVE SERVICES.—Subject to subsection (e)(2), the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall provide to the Commission financial and administrative services (including services relating to budgeting, accounting, financial reporting, personnel, and procurement).

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(e) GIFTS.—

(1) ACCEPTANCE.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this Act.

(2) ADMINISTRATION OF FUNDS.—The National Fish and Wildlife Foundation shall administer, on behalf of the Commission, any gifts of funds received under paragraph (1) in accordance with the rules and procedures of the Foundation.

(f) APPLICABLE LAW.—Federal laws (including regulations) governing procurement by Federal agencies shall not apply to the Commission, except for laws (including regulations) concerning working conditions, wage rates, and civil rights.

SEC. 7. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without compensation for the services of the member to the Commission.

(b) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chief of the National Wildlife Refuge System of the United States Fish and Wildlife Service shall serve as the Executive Director of the Commission.

(2) OTHER PERSONNEL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate such personnel as are necessary to enable the Commission to perform the duties of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the personnel appointed under paragraph (2) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the personnel appointed under paragraph (2) shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) TRAVEL EXPENSES.—Each member, the Executive Director, and other personnel of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the individual in the performance of the duties of the Commission.

SEC. 8. TERMINATION OF COMMISSION.

(a) DATE.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under section 5(b)(2).

(b) DISPOSITION OF COMMISSION PROPERTY.—

(1) MEMORABILIA.—On termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Executive Director may—

(A) deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the centennial of the beginning of the System in a Federal, State, or local library or museum; or

(B) make other disposition of such materials.

(2) OTHER PROPERTY.—The Executive Director may—

(A) use property that is acquired by the Commission and remains on termination of the Commission (other than property described in paragraph (1)) for the purposes of the System; or

(B) dispose of such property as excess or surplus property.

SEC. 9. LONG-TERM PLAN FOR SYSTEM.

After taking into consideration the recommendations of the Commission under section 5(a)(3), the Secretary of the Interior shall develop a long-term plan for the System to address—

(1) the priority staffing and operational needs as determined through—

(A) the refuge operating needs system; and

(B) comprehensive conservation plans for refuges required under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

(2) the priority maintenance and construction needs as identified in the maintenance management system, the 5-year deferred maintenance list, and the 5-year construction list, developed by the Secretary of the Interior; and

(3) any transition costs as identified by the Secretary of the Interior in conducting analyses of newly acquired refuge lands.

SEC. 10. DESIGNATION OF YEAR OF THE WILDLIFE REFUGE.

(a) IN GENERAL.—Congress designates 2003 as the ''Year of the Wildlife Refuge''.

(b) PROCLAMATION.—Congress requests the President to issue a proclamation calling on the people of the United States to celebrate the Year of the Wildlife Refuge with appropriate ceremonies and programs.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the activities of the Commission under this Act—

(1) $100,000 for fiscal year 2001; and

(2) $250,000 for each of fiscal years 2002 through 2004.

Mr. BAUCUS. Mr. President, I am pleased to join Chairman SMITH and

others to introduce the ''National Wildlife Refuge System Centennial Commemoration Act of 2000.''

First established by that great conservation leader, President Theodore Roosevelt in 1903, the National Wildlife Refuge System has grown today to be the premier system of reserves for the conservation of wildlife habitat and biological diversity in the world.

There are more than 500 refuges today, supporting over 1500 vertebrate species and thousands of species of plants. Open to the public, these refuges are the focal point of thousands of visitors each year that participate in wildlife viewing, photography, hunting, fishing or biking. They are places where families go to introduce youngsters to nature and to teach them the meaning of stewardship.

In some cases, refuges provide the last habitats for endangered species. In all cases, the nearly 93 million acres in the National Wildlife Refuge system provide special places for wildlife, fish, plants and people. These lands provide a buffer against ever-increasing development and are reserved for future generations to enjoy and learn from.

In Montana, we have seven National Wildlife Refuges including the 2,800 acre Lee Metcalf Refuge, the 15,500 acre Bowdoin National Wildlife Refuge in the Central Flyway, and the National Bison Range, originally set aside to protect the last of the great bison herds.

Mr. President, the bill that we are introducing today will celebrate the last 100 years of the National Wildlife Refuge System on Mary 14, 2003. In addition, the bill establishes a commission to look ahead and plan for the future, including a review of the backlog of maintenance needs at our refuges. It is my hope that this bill will increase public awareness and understanding of these national treasures.

I encourage my colleagues to support this bill.

By Ms. COLLINS (for herself, Mr. BREAUX, Mr. ABRAHAM, Mr. BUNNING, and Mr. CRAIG)

S. 2879. A bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PEDIATRIC DIABETES RESEARCH AND PREVENTION ACT

Ms. COLLINS. Mr. President, today, on behalf of myself, Senator BREAUX, and Senator ABRAHAM, I am pleased to introduce the Pediatric Diabetes Research and Prevention Act. Both Senator BREAUX and Senator ABRAHAM have been leaders in the fight against diabetes.

Our legislation will help us reduce the tremendous toll that diabetes takes on our Nation's children and young people. Diabetes is a devastating, lifelong condition that affects people of every age, race, and nationality.

Sixteen million Americans suffer from diabetes, and about 800,000 new cases are diagnosed each year. It is one of our nation's most costly diseases in both human and economic terms. Diabetes is the leading cause of kidney failure, blindness in adults, and amputations not related to injury. It is a major risk factor for heart disease and stroke and shortens life expectancy up to 15 years. Moreover, diabetes costs our nation more than $105 billion a year in health-related expenditures. More than one out of every ten health care dollars and about one out of four Medicare dollars are spent on people with diabetes.

Unfortunately, there is no method to prevent or cure diabetes, and available treatments have only limited success in controlling its devastating consequences. The burden of diabetes is particularly heavy for children and young adults with type I, or insulin dependent diabetes, also known as juvenile diabetes. In type I diabetes, the immune system attacks the insulin-producing beta cell in the pancreas and destroys them. As a consequence, the pancreas produces little or no insulin. Juvenile diabetes is the second most common chronic disease affecting children. Moreover, it is one that they never outgrow.

As the founder of the Senate Diabetes Caucus, I have met many children with diabetes who face a daily struggle to keep their blood glucose levels under control: kids like nine-year-old Nathan Reynolds, an active young boy from North Yarmouth who was Maine's delegate to the Juvenile Diabetes Foundation's Children's Congress last year. Nathan was diagnosed with diabetes in December of 1997, which forced him to change both his life and his family's life. He has learned how to take his blood—something his four-year-old brother reminds him to do before every meal—check his blood sugar level, and give himself an insulin shot on his own, sometimes with the help of his parents or his school nurse. Nathan told me that his greatest wish was that, just once, he could take a ''day off'' from his diabetes.

The sad fact is that children like Nathan with diabetes can never take a day off from their disease. There is no holiday from dealing with their diabetes. They face a lifetime of multiple daily finger pricks to check their blood sugar levels and daily insulin shots. Moreover, insulin is not a cure for diabetes, and it does not prevent the onset of serious complications. As a consequence, children like Nathan also face the possibility of lifelong disabling complications, such as kidney failure and blindness.

Reducing the health and human burden of diabetes as well as its enormous economic impact depends upon identifying the factors responsible for the disease and developing new methods for prevention, better treatment, and ultimately a cure. The Pediatric Diabetes Research and Prevention Act, which I am introducing today, will do just that.

One of the most important actions we can take is to establish a type I diabetes monitoring system. Currently, there is no way to track the incidence of type I diabetes across the country. As a consequence, the estimates for the number of people with type I diabetes from the American Diabetes Association, the Juvenile Diabetes Foundation, the Centers for Disease Control and Prevention, and the National Institutes of Health vary enormously—from 123,000 to over 1.5 million, a 13-fold variation.

According to noted epidemiologist Alex Languimer, ''Good monitoring does not necessarily ensure the making of right decisions, but it does reduce the risk of wrong ones.'' One of the best ways to define the prevalence and incidence of a disease, as well as to characterize and study populations, is to establish a registry specific to that disease. The bill I am introducing today directs the Secretary of Health and Human Services (HHS), acting through the Centers for Disease Control and Prevention (CDC), to create a National Registry on Juvenile Diabetes so that we can develop a national database on type I diabetes, including information about incidence and prevalence. The Secretary would also be directed to establish an advisory board of epidemiologists, clinicians, ethicists, patients and others to help guide this effort.

Obesity and inadequate physical activity—both major problems in the United States today—are important risk factors for type 2, or non-insulin dependent diabetes. Unfortunately, obesity is a significant and growing problem among children in the United States, which has led to a disturbing increase in the incidence of type 2 diabetes among young people. This is particularly alarming since type 2 diabetes has long been considered an ''adult'' disease. Nearly all of the documented cases of type 2 diabetes in young people have occurred in obese children, who are also at increased risk for the complications associated with the disease. Moreover, these complications will likely develop at an earlier age than if these children had developed type 2 diabetes as adults.

The Pediatric Diabetes Research and Prevention Act will direct the Secretary of HHS to implement a national public health effort to address type 2 diabetes among children, including: 1) enhanced surveillance systems and expanded research to better assess the prevalence of type 2 diabetes in young people and determine the extent to which type 2 diabetes is incorrectly diagnosed as type 1 diabetes among children; 2) assistance to States to establish coordinated school health programs and physical activity and nutrition demonstration projects to control

weight and to increase physical activity among school children; and 3) development and improvement of laboratory methods to assist in diagnosis, treatment, and prevention of diabetes.

In addition, the Collins, Breaux, Abraham legislation calls for long-term studies of persons with type 1 diabetes at the National Institutes of Health (NIH) where these individuals will be followed for 10 years or more. These long-term studies will examine disease manifestations, medical histories, environmental factors, development of complications, and other factors. This long-term analysis of type 1 diabetes will provide an invaluable basis for the identification of potential environmental triggers thought to precipitate the disease. It will also provide for the delineation of clinical characteristics or lab measures associated with the complications of diabetes as well as help to identify a potential study population for clinical trials.

Type 1 diabetes is considered an autoimmune disease, which results when the body's system for fighting infection turns against a part of the body. A variety of promising new approaches to treatment and prevention of autoimmune responses are currently under development. For the most part, however, these studies are conducted in adult populations. Moreover, at present, there is an insufficient infrastructure to conduct the clinical trials necessary to take advantage of new therapeutic approaches.

The Pediatric Diabetes Research and Prevention Act directs the Secretary of HHS, acting through the Director of the NIH, to support regional clinical centers for the cure of type 1 diabetes and through these centers, provides for: (1) a population of children appropriate for study; (2) well-trained clinical scientists able to conduct such trials; (3) appropriate clinical settings to house these studies; and (4) appropriate statistical capability, data, safety and other monitoring capacity.

And finally, the legislation directs the Secretary of HHS to provide for a national effort to develop a vaccine for type 1 diabetes. Animal studies suggest great promise for the development of a new vaccine to prevent type 1 diabetes in humans. The Pediatric Diabetes Research and Prevention Act provides for a combination of increased efforts in research and development of candidate vaccines, coupled with an enhanced ability to conduct large clinical trials in children.

The Pediatric Diabetes Research and Prevention Act will help us to better understand and ultimately conquer this disease which has had such a devastating impact on millions of American children and their families. I urge all of my colleagues to join me in cosponsoring this important legislation.

Mr. CRAIG. Mr. President, will the Senator yield to me?

Ms. COLLINS. I am happy to yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from Maine, and I want to recognize her leadership in this area.

In the last couple of years, I have begun to focus my attention on childhood type 1 diabetes. What the Senator from Maine is offering today is clearly moving us well in advance.

I ask the Senator to allow me to be a sponsor of her legislation.

The Senator's effort struck a particularly loud chord with me, because it was exactly one year ago today that the Senate and I lost a friend and colleague, Ken Foss, related to his diabetes.

This Senate and this Congress should focus on diabetes, as we have cancer and other health areas in our country, to move more quickly toward a cure.

The Senator is so right in recognizing we have already moved a long way and there is a great deal known. My rather limited reading suggests that the great push forward might well break us into those areas of remedy, at least for type 1, and there is a great deal of work going on. My congratulations to the Senator for her leadership in that area. I stand to help in any way I can.

Ms. COLLINS. Mr. President, I very much appreciate the kind, supportive words from my colleague. I am very honored to add him as a cosponsor of my bill.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2880. A bill to provide construction assistance for a project for a water transmission line from the Missouri River to the city of Williston, North Dakota; to the Committee on Environment and Public Works.

CONSTRUCTION ASSISTANCE WATER PROJECT IN WILLISTON, NORTH DAKOTA

THE WILLISTON WATER TRANSMISSION LINE

Mr. CONRAD. Mr. President, I rise today to introduce legislation to authorize the Army Corps of Engineers to construct a new water transmission line from the Missouri River to the city of Williston. This project is very important to the reliability of the water supply for the residents of Williston and is needed to mitigate long-term consequences from construction of the Garrison Dam.

The construction of the Garrison Dam and creation of Lake Sakakawea by the Corps forced the city of Williston to relocate its water intake and treatment plant to its present location approximately five miles upstream of the city. As a requirement of the new location, a large-diameter transmission line was constructed to convey the entire city's water supply from the treatment plant to the city.

All of the water for the city's residents and businesses must flow through this single transmission line. As a result, the existing transmission line is the only link between the water treatment plant and the city's water distribution system.

The existing transmission line has been in service for nearly 40 years with limited maintenance to date in part because the line runs through an area near the river that has become supersaturated due to the rising water table behind the dam. As the transmission line continues to age, it has become susceptible to failures, as demonstrated in April 1998.

On April 8, 1998, maintenance crews discovered a major leak in the transmission line near the water treatment plant. City officials immediately alerted residents of the problem and imposed water restrictions to essential water uses only. Through an emergency declaration, the National Guard was enlisted to install an overland pipeline to help provide temporary water for the city. The high water table from Lake Sakakawea made repairs difficult with extensive pumping and dewatering procedures needed to locate and fix the broken pipeline. It took more than two weeks to make the necessary repairs. If the failure had occurred during the winter, repairs and temporary water service would have been almost impossible to provide. This experience supports the need for Williston to have a second transmission line from the water treatment plant to the city's water distribution system.

The bill I am introducing today will authorize the Corps to construct a new transmission line. The city has identified a new route for the line that provides improved access, avoids unstable site conditions, provides potential service for future industrial sites, while minimizing the length and cost of the new transmission line.

Mr. President, I believe the Federal government has a responsibility to assist communities mitigate the adverse consequences resulting from the construction of the Garrison Dam and creation of Lake Sakakawea. The Corps of Engineers built the Garrison Dam which resulted in the need for this project, and in my view the Corps should be responsible for addressing the unintended consequences of building that dam. This bill will help the Federal government live up to its responsibility and ensure that the residents of Williston have a reliable water supply. I urge my colleagues to review this legislation quickly so we can pass it this year, before there is another disruption to the city's water supply.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2882. A bill to authorize Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes; to the Committee on Energy and Natural Resources.

THE KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000

Mr. SMITH of Oregon. Mr. President, today I am introducing legislation, cosponsored by my colleague Mr. WYDEN, to authorize the Bureau of Reclamation, an agency of the Department of

the Interior, to conduct feasibility studies in the Klamath basin.

The Klamath Project in Oregon and California is one of the earliest federal reclamation projects. The Secretary of the Interior authorized development of the project on May 15, 1905, under provisions of the Reclamation Act of 1902. The project irrigates over 200,000 acres of farmland in south-central Oregon and north-central California. The two main sources of water supply for the project are Upper Klamath Lake and the Klamath River, as well as Clear Lake Reservoir, Gerber Reservoir, and Lost River, which are located in a closed basin. The total drainage area is approximately 5,700 square miles. The Klamath River is subject to an interstate compact between the States of Oregon and California.

There are also several wildlife refuges in the basin that are an important part of the western flyway. There are listed suckers in Upper Klamath Lake that require the lake to be maintained at certain levels throughout the summer. There are also salmon in the Klamath River for which federal agencies are seeking additional flow. It is my understanding that there will be significant additional flow requirements next year.

The Upper Basin has not been adjudicated by the State of Oregon, which is trying to use an alternative process to formal adjudication. The tribes in the basin are also seeking a resolution of their water rights claims.

In recent years, there has been growing concern about meeting the competing needs of various water uses in the Basin, including the needs of the farmers, the fish, the tribes and the wildlife refuges. There is a consensus in the basin about the need to increase overall water supplies in order to meet these growing needs and enhance the environment.

The bill I am introducing today is an effort to build on this consensus. I have discussed the concepts in this bill with a number of the stakeholders in the Upper Basin, and I am committed to a legislative process that will consider the views of the various interest groups in the basin. I know that there will be other issues that stakeholders will want considered, and I will endeavor to do so.

I believe it is vitally important, however, that we take the first step to enable the Department of the Interior to study ways to improve both the water quality and the water quantity in the Upper Klamath basin. There is significant private irrigation in the Upper Basin as well, and I am committed to a process that includes these water users as well.

By Mr. CRAPO (for himself, Mr. SMITH of New Hampshire, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. COVERDELL, Mr. ENZI, Mr. GRAMM, and Mr. INHOFE):

S.J. Res. 50. A joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution; to the Committee on Environment and Public Works.

DISAPPROVING A FINAL RULE PROMULGATED BY THE ENVIRONMENTAL PROTECTION AGENCY CONCERNING WATER POLLUTION

● Mr. CRAPO. Mr. President, I rise today to introduce a joint resolution, co-sponsored by Senators BOB SMITH, HUTCHINSON, CRAIG, SHELBY, COVERDELL, ENZI, GRAMM, and INHOFE, revoking the Environmental Protection Agency's (EPA) rule on Total Maximum Daily Loads under the Clean Water Act.

I strongly support the EPA's goal of cleaning up our nation's water bodies but disagree with its approach. We must accelerate cleanup of our rivers, lakes, and streams; unfortunately, the EPA's rule will not accomplish that goal. In fact, the EPA's hastily completed rule will divert billions of dollars from programs that are working to an unreasonable, prohibitively-expensive, and technically-unworkable program.

Since the EPA's draft TMDL rule was first published in August 1999, many stakeholders including states, industry, environmental organizations, the public, and Congress have all raised serious concerns. The EPA received over 34,000 public comments, most overwhelmingly in opposition to the rule. Twenty public forums were conducted; again, sentiments ran overwhelmingly in opposition to the EPA's rule. Twelve congressional hearings were held, revealing that the proposal is unreasonable and unworkable. The National Governors' Association denounced the rule as an inflexible, unfunded mandate that will eliminate opportunities to reduce overall pollution. In a May 19 letter, six environmental groups urged the EPA to ''withdraw the current version of the proposed rule, which is so fundamentally flawed that it would weaken the existing TMDL program.''

When it became clear that the EPA was ignoring concerns and proceeding to fast-track its rule, even in the fact of such serious opposition, Congress, rightly, exercised its oversight responsibility by including specific language in the Fiscal Year 2001 Military Construction Supplemental Appropriations bill to prevent finalization of the rule. Similar language was also passed by the House in the FY 2001 VA–HUM-Independent Agencies Appropriations bill. In clear defiance of Congress, the EPA promulgated the rule on July 11, 2000.

The Congressional Review Act, 5 U.S.C. 801–808 provides for expedited congressional review of agency rulemaking; specially, Section 802 provides a legislative procedure by which Congress can disapprove an agency's rule. This congressional review statute was approved in the 104th Congress for situations just such as this to reserve to Congress a mechanism for exercising its agency oversight responsibility.

It is important that we work to develop a program that will enhance, not hinder, our cleanup efforts. Repeatedly, the EPA was urged to repropose a rule that will accomplish our goal of more clean water more quickly; revoking the hurriedly completed rule will allow the EPA to focus its efforts on a program that will actually achieve the goals of the Clean Water Act. I urge my colleagues to join me in opposing the EPA's efforts to circumvent Congress and encouraging it to develop an effective proposal in collaboration with the public.●

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 85

At the request of Mr. BUNNING, the names of the Senator from Arizona (Mr. KYL) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 555

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 555, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Washington

(Mrs. MURRAY) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1592

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2288

At the request of Mr. ABRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2288, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations and the disbursement of such support and to require the Internal Revenue service to collect and disburse such support through wage withholding and other means.

S. 2358

At the request of Mr. INHOFE, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. REID), the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2591

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2591, a bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2690

At the request of Mr. LEAHY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2690, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2709

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2709, to establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2743

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2743, a bill to amend the Public Heath Service Act to develop an infrastructure for creating a national voluntary reporting system to continually reduce medical errors and improve patient safety to ensure that individuals receive high quality health care.

S. 2829

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2829, a bill to provide of an investigation and audit at the Department of Education.

S. 2842

At the request of Mr. REID, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2842, a bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, for continued use as a cemetery.

S. 2868

At the request of Mr. FRIST, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S.J. RES. 48

At the request of Mr. CAMPBELL, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. DURBIN), the Senator from Ohio (Mr. VOINOVICH), the Senator from Montana (Mr. BAUCUS) , the Senator from Nevada (Mr. REID), the Senator from New York (Mr. MOYNIHAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arizona (Mr. MCCAIN),

the Senator from Indiana (Mr. LUGAR) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S.J.Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S.Res. 294, a resolution designating the month of October 2000 as ''Children's Internet Safety Month.''

S. RES. 301

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 301, a resolution designating August 16, 2000, as ''National Airborne Day.''

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S.Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

AMENDMENT NO. 3457

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3457 intended to be proposed to S. 2536, an original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3798

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3798 proposed to H .R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3811

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of amendment No. 3811 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 3811 proposed to H.R. 4578, supra.

AMENDMENT NO. 3845

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 3845 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3848

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3848 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3849

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 3849 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3853

At the request of Mr. ROBB, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of amendment No. 3853 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3855

At the request of Mr. TORRICELLI, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of amendment No. 3855 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3860

At the request of Mr. CLELAND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3860 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3863

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 3863 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3874

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 3874 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3876

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 3876 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3877

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of amendment No. 3877 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 3877 proposed to H.R. 4810, supra.

SENATE RESOLUTION 337—RELATIVE TO THE DEATH OF THE HONORABLE JOHN O. PASTORE, FORMERLY A SENATOR FROM THE STATE OF RHODE ISLAND

By Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 337

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John O. Pastore, formerly a Senator from the State of Rhode Island.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

Mr. LOTT. Mr. President, tonight, as we adjourn, we do so in memory of John O. Pastore, who served the people of Rhode Island here in the Senate from 1950 to 1976.

Senator Pastore's life was in many ways a realization of the American dream—characterized by humble beginnings, hard work, opportunity, and accomplishment. His father was an immigrant tailor who passed away when John was a young boy. From that time on, he and his four siblings were reared by their mother, who supported the family as a seamstress.

Senator Pastore earned his law degree from Northeastern University, through evening classes the school offered at the Providence YMCA. The family home was his first law office.

Senator Pastore, was initially elected to office in 1934, when he became a Member of the Rhode Island House of Representatives. He subsequently served as assistant state attorney general, lieutenant governor, and in 1945 became governor when his predecessor resigned for another office. Senator Pastore was then elected to two terms in his own right.

In 1950, he was elected to the U.S. Senate to fill a vacant seat. Two years later, he won the first of four full terms in this institution. He never lost an election.

Many individuals have passed through the doors of this great chamber, and each has left a unique imprint. Senators for years to come will think of John Pastore whenever the ''Pastore rule'', relating to germaneness of debate, is invoked.

Senator Pastore will be remembered in the United States Senate as a servant of the people and a man committed to his beliefs.

Today, the thoughts and prayers of the Senate are with his family and his constituents.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

BRYAN (AND FITZGERALD) AMENDMENT NO. 3883

Mr. BRYAN (for himself and Mr. FITZGERALD) proposed an amendment to the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 164, line 19, strike ''$1,233,824,000,'' and insert ''$1,203,824,000,''.

On page 164, line 23, strike ''(16 U.S.C. 460*l*6a(i)):'' and insert ''(16 U.S.C. 460*l*6a(i)), of which $220,844,000'' shall be available for forest products:''.

On page 165, beginning on line 6, strike ''*Provided*'' and all that follows through ''accomplishment:'' on lines 11 and 12.

On page 165, line 25, strike ''$618,500,000, to remain available until expended:'' and insert ''$633,500,000, to remain available until expended, of which $419,593,000 shall be available for preparedness and fire use functions:''.

NICKLES AMENDMENT NO. 3884

Mr. NICKLES proposed an amendment to the bill, H.R. 4578, supra; as follows:

At the appropriate place, add the following:

SEC. . FUNDING FOR NATIONAL MONUMENTS.

Notwithstanding any other provision of law, no funds shall be used to establish or expand a national monument under the Act of June 8, 1906 (16 U.S.C. 431 et seq.) after July 17, 2000, except by Act of Congress.

BOXER AMENDMENT NO. 3885

(Ordered to lie on the table.)

Mr. REID (for Mrs. BOXER) proposed an amendment to the bill, H.R. 4578, supra; as follows:

At the appropriate place insert 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 organophospate, carbamate, or organo- chlorine class as identified by the Environmental Protection Agency in National Parks in any area where children may be present.

BOND AMENDMENT NO. 3886

Mr. GORTON (for Mr. BOND) proposed an amendment to the amendment proposed by Mrs. BOXER to the bill, H.R. 4578, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . PROHIBITION ON USE OF FUNDS FOR APPLICATION OF UNAPPROVED PESTICIDES IN CERTAIN AREAS THAT MAY BE USED BY CHILDREN.

(a) DEFINITION OF PESTICIDE.—In this section, the term ''pesticide'' has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated under this Act may be used for the application of a pesticide that is not approved for use by the Environmental Protection Agency in any area owned or managed by the Department of the Interior that may be used by children, including any national park.

(c) COORDINATION.—The Secretary of the Interior shall coordinate with the Administrator of the Environmental Protection Agency to ensure that the methods of pest control used by the Department of the Interior do not lead to unacceptable exposure of children to pesticides.

BINGAMAN AMENDMENT NO. 3887

Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill, H.R. 4578, supra; as follows:

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 (ISDEA), 25 U.S.C. et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of the Interior and others seeking redress for failure to fully pay for indirect contract support costs (Ramah Navajo Chapter v. Babbitt, 112 F.3d 1455 (10th Cir. 1997));

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

(3) the partial settlement was paid by the United States on September 14, 1999, in the amount of $82,000,000;

(4) the Judgment Fund, 31 U.S.C. 1304, 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) because the potential exists that Indian program funds in the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) would be used in Fiscal Year 2001 to reimburse the Judgment Fund, resulting in significant financial and administrative disruptions in the BIA, the IHS, and the Indian tribes who rely on such funds.

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

(1) the Secretary of the Interior and the Secretary of the Department of Health and Human Services should declare Indian program funds unavailable for purposes of reimbursing the judgment fund; and

(2) if the Secretary of the Interior and the Secretary of the Department of Health and Human Services determines that there are no other available funds, the agencies through the Administration should seek an appropriation of funds from Congress to provide for reimbursement of the judgment fund.

MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000

LANDRIEU AMENDMENT NO. 3888

Ms. LANDRIEU proposed an amendment to the 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; as follows:

At the appropriate place, insert the following:

SEC. . EXPANSION OF ADOPTION CREDIT.

(a) SPECIAL NEEDS ADOPTION.—

(1) CREDIT AMOUNT.—Paragraph (1) of section 23(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended to read as follows:

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter—

''(A) in the case of a special needs adoption, $10,000, or

''(B) in the case of any other adoption, the amount of the qualified adoption expenses paid or incurred by the taxpayer.''.

(2) YEAR CREDIT ALLOWED.—Section 23(a)(2) of such Code (relating to year credit allowed) is amended by adding at the end the following new flush sentence:

''In the case of a special needs adoption, the credit allowed under paragraph (1) shall be allowed for the taxable year in which the adoption becomes final.''.

(3) DOLLAR LIMITATION.—Section 23(b)(1) of such Code is amended—

(A) by striking ''subsection (a)'' and inserting ''subsection (a)(1)(B)'', and

(B) by striking ''($6,000, in the case of a child with special needs)''.

(4) DEFINITION OF SPECIAL NEEDS ADOPTION.—Section 23(d) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of an individual during the taxable year who is an eligible child and who is a child with special needs.''.

(5) DEFINITION OF CHILD WITH SPECIAL NEEDS.—Section 23(d)(3) of such Code (defining child with special needs) is amended to read as follows:

''(3) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child if a State has determined that the child's ethnic background, age, membership in a minority or sibling groups, medical condition or physical impairment, or emotional handicap makes some form of adoption assistance necessary.''.

(b) INCREASE IN INCOME LIMITATIONS.—Section 23(b)(2) of the Internal Revenue Code of 1986 (relating to income limitation) is amended —

(1) in subparagraph (A)—

(A) by striking ''$75,000'' and inserting ''$63,550 ($105,950 in the case of a joint return)'', and

(B) by striking ''$40,000'' and inserting ''the applicable amount'', and

(2) by adding at the end the following new subparagraph:

''(C) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount, with respect to any taxpayer, for the taxable year shall be an amount equal to the excess of—

''(i) the maximum taxable income amount for the 31 percent bracket under the table contained in section 1 relating to such taxpayer and in effect for the taxable year, over

''(ii) the dollar amount in effect with respect to the taxpayer for the taxable year under subparagraph (A)(i).

''(D) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of a taxable year beginning after 2001, each dollar amount under subparagraph (A)(i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000'

for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.''.

(c) ADOPTION CREDIT MADE PERMANENT.—Subclauses (A) and (B) of section 23(d)(2) of the Internal Revenue Code of 1986 (defining eligible child) are amended to read as follows:

''(A) who has not attained age 18, or

''(B) who is physically or mentally incapable of caring for himself.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 23(a)(2) of the Internal Revenue Code of 1986 is amended by striking ''(1)'' and inserting ''(1)(B)''.

(2) Section 23(b)(3) of such Code is amended by striking ''(a)'' each place it appears and inserting ''(a)(1)(B)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

ASHCROFT AMENDMENT NO. 3889

Mr. ROTH (for Mr. ASHCROFT) proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 164, line 23, strike ''6a(i):'' and insert ''6a(i), of which not less than an additional $500,000 shall be available for use for law enforcement purposes in the national forest that, during fiscal year 2000, had both the greatest number of methamphetamine dumps and the greatest number of methamphetamine laboratory law enforcement actions in the national forest system:

HATCH (AND BINGAMAN) AMENDMENT NO. 3890

Mr. ROTH (for Mr. HATCH (for himself and Mr. BINGAMAN)) proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 126, line 2, before the period, insert the following: '', and of which $2,250,000 shall be used to construct and maintain the Four Corners Interpretive Center authorized by Public Law 106–143''.

ROTH AMENDMENT NO. 3891

Mr. ROTH proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 125, line 25, strike ''58,209,000,'' and insert the following: ''63,249,000, of which $1,000,000 shall be for the Lewes Maritime Historic Park,''.

SESSIONS AMENDMENTS NOS 3892–3893

Mr. ROTH (for Mr. SESSIONS) proposed two amendments to the amendments to the bill, H.R. 4578, supra; as follows:

AMENDMENT NO. 3892

On page 125, line 25, before ''of which'' insert the following: ''of which $1,000,000 shall be available to carry out exhibitions at and acquire interior furnishings for the Rosa Parks Library and Museum, Alabama, and''.

AMENDMENT NO. 3893

On page 122, line 9, before the period, insert the following: '', of which $1,000,000 shall be used for acquisition of land around the Bon Secour National Wildlife Refuge, Alabama and of which not more than $6,500,000 shall be used for acquisition management.''

LANDRIEU (AND BREAUX) AMENDMENTS NOS. 3894–3895

Mr. ROTH (for Ms. LANDRIEU (for herself and Mr. BREAUX)) proposed two amendments to the bill, H.R. 4578, supra: as follows:

AMENDMENT NO. 3894

On page 125, line 25, after $58,209,000,'' insert ''of which not less than $500,000 shall be used to develop a preservation plan for the Cane River National Heritage Area, Louisiana, and''.

AMENDMENT NO. 3895

On page 126, line 2, before the period at the end, insert '', and of which $250,000 shall be available to the National Center for Preservation Technology and Training for the development of a model for heritage education through distance learning''.

FEINSTEIN AMENDMENT NO. 3896

Mr. ROTH (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 165, at the end of line 25 colon, insert: ''of which not less than $2,400,000 shall be made available for fuels reduction activities at Sequoia National Monument.

CHAFEE AMENDMENT NO. 3897

Mr. ROTH (for Mr. L. CHAFEE) proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 215, line 24, strike ''or'' and insert ''and'', and on page 216, line 1, strike ''at'' and insert ''of''.

MURKOWSKI AMENDMENT NO. 3898

Mr. ROTH (for Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 4578, surpa; as follows:

''SEC. . Of the funds appropriated in Title I of this Act, The Secretary shall provide $300,000 in the form of a grant to the Alaska Pacific University's Institute of the North for the development of a curriculum on the Alaska National Interest Lands Conservation Act (ANILCA). At a minimum this ANILCA curriculum should contain components which explain the law, its legislative history, the subsequent amendments, and the principal case studies on issues that have risen during 20 years of implementation of the Act; examine challenges faced by conservation system managers in implementing the Act; and link ANILCA to other significant land and resource laws governing Alaska's lands and resources. In addition, within the funds provided, Alaska Pacific University's Institute of the North shall gather the oral histories of key Members of Congress in 1980 and before to demonstrate the intent of Congress in fashioning ANILCA, as well as members of President Carter's and Alaska Governor Hammond's Administrations, Congressional staff and stakeholders who were involved in the creation of the Act.''

SNOWE AMENDMENT NO. 3899

Mr. ROTH (for Ms. SNOWE) proposed an amendment to the bill H.R. 4578, supra; as follows:

On page 125, line 25, after ''$58,209,000'', insert '', of which not less than $730,000 shall be available for use by the Roosevelt Campobello International Park Commission, and''.

REID AMENDMENT NO. 3900

Mr. ROTH (for Mr. REID) proposed an amendment to the bill, H.R. 4578, supra; as follows:

At the end of title I, add the following:

''SEC. . CLARIFICATION OF TERMS OF CONVEYANCE TO NYE COUNTY, NEVADA.

''Section 132 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–165), is amended by striking paragraph (1) and inserting the following:

''(1) CONVEYANCE.—

''(A) IN GENERAL.—The Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

''(B) PRICE.—The conveyance under paragraph (1) shall be made at a price determined to be appropriate for the conveyance of land for educational facilities under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).''.

EDWARDS AMENDMENTS NOS. 3901–3902

Mr. ROTH (for Mr. EDWARDS) proposed two amendments to the bill, H.R. 4578, supra; as follows:

AMENDMENT NO. 3901

On page 164, line 23 of the bill, immediately preceding the '':'' insert ''and of which not less than an additional $500,000 shall be available for law enforcement purposes on the Pisgah and Nantahala national forests''.

AMENDMENT NO. 3902

Intended to be proposed by Mr. EDWARDS On page 130, add the following after line 24:

''For an additional amount for ''Surveys, Investigations, and Research'', $1,800,000, to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.''

TORRICELLI AMENDMENT NO. 3903

Mr. ROTH (for Mr. TORRICELLI) proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 164, line 14, before the period at the end insert '', of which not less than $750,000 shall be available to complete an updated study of the New York-New Jersey highlands under section 1244(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 3547)''.

FEINGOLD (AND KOHL) AMENDMENT NO. 3904

Mr. ROTH (for Mr. FEINGOLD (for himself and Mr. KOHL)) proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 125, line 11, strike ''$1,443,795,000,'' and insert the following: ''$1,443,995,000, of which $200,000 shall be available for the conduct of a wilderness suitability study at Apostle Islands National Lakeshore, Wisconsin, and''.

KERREY (AND HAGEL) AMENDMENT NO. 3905

Mr. ROTH (for Mr. KERREY (for himself and Mr. HAGEL)) proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 126, line 22, before the period at the end, insert '': *Provided further*, That not

less than $2,350,000 shall be used for construction at Ponca State Park, Nebraska, including $1,500,000 to be used for the design and construction of educational and informational displays for the Missouri Recreation Rivers Research and Education Center, Nebraska''.

DURBIN AMENDMENT NO. 3906

Mr. ROTH (for Mr. DURBIN) proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 159, strike lines 13 through 19 and insert the following:

''SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin unless a plan for such a refuge is consistent with a partnership agreement between the Fish and Wildlife Service and the Army Corps of Engineers entered into on April 16, 1999 and is submitted to the House and Senate Committees on Appropriations thirty (30) days prior to the establishment of the refuge.''

CRAPO AMENDMENT NO. 3907

Mr. ROTH (for Mr. CRAPO) proposed an amendment to the bill, H.R. 4578, supra; as follows:

On page 225, between lines 11 and 12, insert the following:

SEC. 3 . BACKCOUNTRY LANDING STRIP ACCESS.

(a) IN GENERAL.—None of the funds made available by this Act shall be used to take any action to close permanently an aircraft landing strip described in subsection (b).

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land administered by the Secretary of the Interior or the Secretary of Agriculture that is commonly known and has been or is consistently used for aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.

GORTON (AND BYRD) AMENDMENT NO. 3908

Mr. ROTH (for Mr. GORTON (for himself and Mr. BYRD)) proposed an amendment to the bill, H.R. 4578, supra; as follow:

On page 130, line 4, strike ''$847,596,000'' and insert ''$846,596,000'';

On page 165, line 25, strike ''$618,500,000'' and insert ''$613,500,000'';

On page 164, line 19, strike ''$1,233,824,000'' and insert ''$1,231,824,000''.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

BOXER AMENDMENT NO. 3909

Mrs. BOXER proposed an amendment to the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place, insert the following:

''None of the funds appropriated under this Act may be used for the preventative 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 determined by the U.S. Environmental Protection Agency to U.S. Capitol buildings or grounds maintained or administered by the Architect of the U.S. Capitol.''

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 27, 2000 in SR–328a at 9:00 a.m. The purpose of this hearing will be to review proposals to establish an international school lunch program.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 26, 2000 in SR–328a at 9:00 a.m. The purpose of this hearing will be to review the federal sugar program.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 20, 2000 in SD–106 at 9:00 a.m. The purpose of this meeting will be to examine the implications of high energy prices on U.S. agriculture.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry subcommittee on Production and Price Competitiveness will meet on July 18, 2000 in SR–328a at 2:30 p.m. The purpose of this hearing will be to review proposals to examine the future of U.S. agricultural export programs.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. GORTON. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, July 17, 2000 from 1:30 p.m.–4:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

RELATIVE TO THE DEATH OF FORMER SENATOR JOHN O. PASTORE

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 337, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 337) relative to the death of the Honorable John O. Pastore, formerly a Senator from the State of Rhode Island.

The Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, tonight, as we adjourn, we do so in memory of John O. Pastore, who served the people of Rhode Island here in the Senate from 1950 to 1976.

Senator Pastore's life was in many ways a realization of the American dream—characterized by humble beginnings, hard work, opportunity, and accomplishment. His father was an immigrant tailor who passed away when John was a young boy. From that time on, he and his four siblings were reared by their mother, who supported the family as a seamstress.

Senator Pastore earned his law degree from Northeastern University, through evening classes the school offered at the Providence YMCA. The family home was his first law office.

Senator Pastore was initially elected to office in 1934, when he became a Member of the Rhode Island House of Representatives. He subsequently served as assistant state attorney general, lieutenant governor, and in 1945 became governor when his predecessor resigned for another office. Senator Pastore was then elected to two terms in his own right.

in 1950, he was elected to the U.S. Senate to fill a vacant seat. Two years later, he won the first of four full terms in this institution. He never lost an election.

Many individuals have passed through the doors of this great chamber, and each has left a unique imprint. Senators for years to come will think of John Pastore whenever the ''Pastore rule'', relating to germaneness of debate, is invoked.

Senator Pastore will be remembered in the United States Senate as a servant of the people and a man committed to his beliefs.

Today, the thoughts and prayers of the Senate are with his family and his constituents.

Mr. ROTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation appear at this point in the RECORD.

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

The resolution (S. Res. 337) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 337

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John O. Pastore, formerly a Senator from the State of Rhode Island.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

ORDERS FOR TUESDAY, JULY 18, 2000

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Tuesday, July 18.

I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Interior appropriations bill under the previous order.

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

Mr. ROTH. Mr. President, further, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. for the weekly party conferences to meet.

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

PROGRAM

Mr. ROTH. Mr. President, upon convening at 9:15 a.m., the Senate will immediately resume debate on the Interior appropriations bill, with Senators FEINGOLD and BINGAMAN in control of 15 minutes each to offer and debate their amendments. Following that debate, at approximately 9:45, the Senate will proceed to rollcall votes on the remaining amendments to the Interior appropriations bill, as well as on final passage. Following the disposition of the Interior appropriations bill, the Senate will begin the final four votes on the reconciliation bill. Therefore, Senators should be prepared to stay in the Chamber for up to 12 votes, with all votes after the first vote limited to 10 minutes each.

For the remainder of the day, it is expected that the Senate will begin consideration of the Agriculture appropriations bill.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. ROTH. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:44 p.m., adjourned until Tuesday, July 18, 2000, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 2000:

DEPARTMENT OF COMMERCE

NORMAN Y. MINETA, OF CALIFORNIA, TO BE SECRETARY OF COMMERCE, VICE WILLIAM M. DALEY.