and would go through the proper legislative process. But for now, for the reasons I have stated, I must vote not to suspend the rules.

Mr. BURNS. Nobody can sum this argument better than the Senator from Florida and the Senator from Nevada. I would say this: This is a change in policy and regulation, and we should consider that.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. COBURN). Mr. President, on this vote, the Senator from Florida, Mr. MARTINEZ, is absent and would have voted nay. If I were permitted to vote, I would vote yea. Therefore, I withhold my vote.

RECESS

The PRESIDING OFFICER. The Senate stands in recess subject to the call of the Chair. Standby for further instructions from Capitol Police.

Thereupon, the Senate, at 6:26 p.m., recessed until 7 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

The PRESIDING OFFICER. The clerk will resume the rollcall.

The assistant legislative clerk continued with the call of the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The yeas and nays resulted—yeas 60, nays 35, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—60

Akaka	Dodd	Lugar
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Obama
Bond	Feinstein	Pryor
Boxer	Hagel	Reed
Burr	Harkin	Roberts
Byrd	Hutchison	Rockefeller
Cantwell	Inouye	Salazar
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Clinton	Kennedy	Stabenow
Collins	Kerry	Sununu
Conrad	Kohl	Talent
Craig	Kyl	Thomas
Crapo	Landrieu	Thune
Dayton	Leahy	Voinovich
DeMint	Levin	Warner
DeWine	Lincoln	Wyden

NAYS—35

Alexander	Domenici	Murkowski
Allard	Ensign	Nelson (FL)
Allen	Frist	Reid
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Chambliss	Hatch	Smith
Cochran	Inhofe	Snowe
Coleman	Isakson	Specter
Cornyn	Lautenberg	Stevens
Corzine	Lott	Vitter
Dole	McConnell	

PRESENT AND GIVING A LIVE PAIR—1

Coburn

NOT VOTING—4

Bennett	Martinez
Lieberman	McCain

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 35. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

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

Mr. COLEMAN. 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 Montana.

Mr. BURNS. Mr. President, this about winds up our work.

Mr. President, I raise a point of order on the pending amendment.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

GRANTS MANAGEMENT

Mr. INHOFE. Mr. President, amendment number 1051 concerns the manner in which the Environmental Protection Agency awards direct assistance grants. Over the past 10 years, regardless of Presidential administration, the U.S. Government Accountability Office and EPA Inspector General have been extremely critical of the way EPA awards and administers grants programs. As chairman of the Senate Environment and Public Works Committee, I have made oversight of EPA grants management a Committee priority. Each year, the EPA awards half its budget in grants amounting to over $4 billion. This amount is comprised of non-discretionary grants awarded pursuant to regulatory or statutory formula for expenditures such as capitalization funding for State and local programs and comprised of discretionary grants awarded to a variety of recipients. In a hearing before the Environment and Public Works Committee early last year, the Government Accountability Office and EPA inspector general offered testimony critical of the lack of competition in awarding discretionary funds, the lack of measurable environmental results, and an overall lack of accountability of EPA personnel and grant recipients. More specifically, the GAO testified that due to a lack of competition in grants, EPA can't ensure the most qualified applicants receive grant awards. The EPA inspector general even testified that due to a lack of competition, there is an appearance of preferential treatment in grant awards. On March 31, 2005, the inspector general released an audit concluding that EPA needs to compete more grants and recommended that EPA eliminate noncompetitive justifications for national organizations that represent the interests of State, tribal, and local governments. My amendment reflects the inspector general's recommendation and would simply require open competition to ensure the value of those awards. However, the EPA inspector general's recommendation may be too broad of an approach. Perhaps the most important question that can be raised concerning EPA grants is the question, ''What is the benefit to the environment?'' The EPA has an obligation to ensure taxpayers that it is accomplishing its mission of protecting human health and the environment with the funds it awards each year. My interest is ensuring that EPA direct assistance grants demonstrate environmental value and EPA enacts necessary measures to reach that aim. Can I get the commitment from the chairman of the Interior Appropriations subcommittee to work with me to sufficiently address this issue?

Mr. BURNS. I appreciate the concerns raised by the chairman of the Environment and Public Works Committee and commit to working with him to address this issue of importance to him and the Environment and Public Works Committee.

Mr. INHOFE. I thank the Senator from Montana and chairman of the Interior Appropriations subcommittee for his commitment to work with me on this matter of great importance to me, and I congratulate him on a job well done with respect to this appropriations bill. With his commitment I will withdraw my amendment 1051 to H.R. 2361.

TRIBAL ASSISTANCE GRANTS

Mr. SMITH. Mr. President, in the Senate Report for the FY 2006 Interior and Related Agencies Appropriations bill, S. Rpt. 109–80, under State and Tribal Assistance Grants programs within the Environmental Protection Agency accounts, one of the line items gives a grant to a town in Oregon called Winchester. It is my understanding that the intended town which is seeking the grant of Federal assistance for water improvements is actually Winchester Bay, OR.

Mr. WYDEN. I concur with my colleague and ask through the chair that the managers of this bill fix this small but important typographical error in conference on this bill with the House of Representatives.

Mr. BURNS. Yes, we will certainly do that.

Mr. DORGAN. I concur with my colleague that we will indeed try to fix this conference.

REPLACEMENT OF THE FILENE CENTER MAIN GATE

Mr. WARNER. I would like to engage the chairman in a colloquy on the facility needs at Wolf Trap National

Park for the Performing Arts. The President's budget request includes $4,285,000 to replace the main gate facility at the Filene Center. This project also includes the replacement of three temporary trailers. The purpose of this project is to vastly improve visitor services and security at the main gate entrance. These facility improvements are seriously needed to replace outdated and inadequate space for park employees, volunteers, park police and visitors. The current facilities, which have been considered ''temporary'' for over 20 years are functionally obsolete leaving visitors to wait in long lines for restrooms, and ticketing services.

I recognize that the Park Service's construction budget is under significant financial constraints, but I must emphasize the financial contributions made by the Wolf Trap Foundation to begin the conception design work of this long-awaited project. I respectfully request that the chairman keep these facts in mind, and ask if he could share with the Senate his views on this important project.

Mr. BURNS. I thank the Senator from Virginia, Mr. WARNER, for his support for this unique Park Service asset. As the Senator from Virginia has indicated, the facilities at the Filene Center's main gate are in serious need of replacement to improve employee space and visitor services. The Senator from Virginia has my commitment to ensure that the needs of this facility are fully evaluated as we work with our colleagues in the House of Representatives on the FY 2006 Interior and Related Agencies Appropriations bill.

Mrs. MURRAY. Mr. President, I engage the Senator from Montana, the distinguished subcommittee Chairman, and the Senator from North Dakota, the distinguished subcommittee ranking member, in a brief colloquy to clarify the location of the Forest Service land acquisition project listed as the ''I–90 Corridor'' on page 87 of the committee report.

Mr. BURNS. The subcommittee would be happy to assist the Senator in this matter.

Mrs. MURRAY. The project called ''I–90 Corridor'' is listed in the committee report as being in the Okanogan-Wenatchee National Forest. The parcels that are designated for acquisition by the Forest Service in FY 2006 are actually located in the Mt. Baker-Snoqualmie National Forest. I ask the Chairman and Senator DORGAN if that is their understanding as well?

Mr. BURNS. It is my understanding.

Mr. DORGAN. I concur and suggest we address this error through the conference report.

Mrs. MURRAY. I thank the chairman and ranking member, and appreciate the suggestion that we clarify this in the conference report accompanying H.R. 2361, so that the report will read ''Mt Baker-Snoqualmie National Forest—I–90 Corridor'' in the State of Washington.

Mr. BURNS. We will see that the change is made.

Mrs. MURRAY. I thank Chairman BURNS and Senator DORGAN for their assistance in clarifying this matter.

BIA WATER TECHNICIAN TRAINING PROGRAM

Mr. DOMENICI. Mr. President, I speak on the pending Interior and Related Agencies Appropriations bill for FY 2006. I would to discuss the Committee recommendation for the Bureau of Indian Affairs, BIA, Water Management and Planning program.

I thank the distinguished Chairman of the Interior Appropriations Subcommittee, Senator BURNS, and the distinguished ranking member, Senator DORGAN, for restoring $2 million to the President's budget request for BIA Water Management and Planning. These funds are very important to the Indian Tribes and Pueblos in the State of New Mexico.

I am particularly interested in the Water Technician Training program that is funded within this BIA program. The BIA Water Technician Training program trains Native Americans to manage water resources on their reservation lands. The program trains tribal members in a broad range of water-related fields, including hydrology, fish and wildlife biology, irrigation, soil surveys, dam operation, surface and ground water pollution, and forest management. Training is offered at university campuses, including New Mexico State University.

The program curriculum is developed with Federal agency partners, including the Bureau of Reclamation, Army Corps of Engineers, Department of Interior agencies, the Environmental Protection Agency, and the Forest Service. With this technical training, tribal members work to manage and preserve water and other natural resources for the benefit of the tribe. The program provides educational and employment opportunities and economic benefits.

May I inquire of the distinguished Chairman if it is the intention of the Subcommittee in restoring $2 million to the BIA Water Management and Planning Program to continue the Water Technician Training program, which is currently receiving $400,000?

Mr. BURNS. The Senator from New Mexico is correct. The committee restored $2 million to the BIA budget request for Water Management and Planning activities and continues funding for the BIA Water Technician Training program, which the administration proposed to eliminate.

Mr. DORGAN. I agree with the distinguished Senator from Montana that this is the intent of the committee bill, and the Senate expects the administration to fund the BIA Water Technician Training program at the current level of $400,000.

Mr. DOMENICI. I thank my colleagues for this assurance. I appreciate their confirmation as to continuation of funding for the BIA Water Technician Training program.

GRAND TETON NATIONAL PARK VISITORS CENTER

Mr. THOMAS. Mr. President, I would like to ask the distinguished chairman for his assistance in solving a problem that I hope he, too, would agree needs fixing.

In the fiscal year 04 and fiscal year 05 appropriations, Congress provided a total of $8 million in the NPS construction account to build a visitors center at Grand Teton National Park. Private partners will contribute $10 million.

The Park Service has asked the private partners to deposit their share in an escrowed Treasury account prior to the start of construction. To meet that requirement, the private partners will borrow the funds from a commercial bank and therefore begin accruing interest expense immediately even though the majority of the funds may not be needed for 12 to 18 months.

The private partners would prefer to meet their commitment by giving the NPS an irrevocable letter of credit due and payable from a bank or financial institution organized and authorized to transact business in the United State. It would save them upwards to $800,000 in interest payments over the construction period—funds that could be used for other park projects.

The National Park Service believes they don't have the authority to accept a letter or credit unless specifically authorized by Congress, Anti-Deficiency Act, 31 U.S.C. 1341(a)(1).

As chairman of the National Parks Subcommittee of the Energy and Natural Resources Committee, it is my goal to encourage partnerships that benefit our parks while at the same time insuring that the Government's interest is protected.

I ask that we work together between now and conference to evaluate ways these two goals can be accomplished. Specifically, I would like to grant the NPS the authority to accept an irrevocable letter of credit if we can be convinced the government's interest would be protected.

Mr. BURNS. Mr. President, the role of partnerships is rapidly changing and our subcommittee has encouraged the Park Service to develop guidelines and standards for their partners. I am encouraged by the progress. It also seems appropriate that we not hobble partners with unnecessary and expensive requirements. I will be glad to look at ways to do that.

RAHWAY VALLEY SEWERAGE AUTHORITY

Mr. LAUTENBERG. Mr. President, I would like to bring to the Senator's attention a very important project in my home State of New Jersey that I believe should be given strong consideration for funding. The Rahway Valley Sewerage Authority is currently undertaking a project on a grand scale. In 1998, the Environmental Protection Agency directed the authority to expand its wastewater treatment capacity in order to meet wet weather sanitary sewage overflow requirements by 2008. The estimated cost of this large project was $68 million at the time.

That estimate proved to be optimistic. The present day cost estimate for the project is $235 million.

Mr. CORZINE. Mr. President, I thank my colleague, Senator LAUTENBERG, for bringing this project to the attention of the ranking member of the Interior Appropriations Subcommittee. This project is quite costly for the authority and the State of New Jersey and will lead to the tripling of sewer rates for residents in 12 communities in the area. I believe that any funding assistance that the federal government can provide would be put to very good use.

Mr. DORGAN. Mr. President, I thank the Senators from the State of New Jersey. This program sounds very important but how does the Rahway Valley Sewerage Authority plan to tackle this large task?

Mr. LAUTENBERG. The authority, as required by the consent order, has developed a comprehensive strategic plan to comply with the order. A critical component of the plan is the construction of a new gravity relief sewer that will convey combined sanitary sewage overflows for enhanced treatment at the upgraded plant. The authority has focused its request for Federal funding exclusively on this gravity relief sewer facility. The gravity relief sewer facility is estimated to cost $10.9 million in its entirety. Federal funding can play an important role in financing this cost and in facilitating the early construction of this much needed project.

Mr. DORGAN. I thank my colleagues from New Jersey and I thank them for bringing this project to my attention. This does sound like a good project and as this bill moves to conference we will try and do what we can for it.

Mr. BURNS. I concur with the ranking member. I believe this project does have merit, and we will see what we can do for this project as this bill moves to conference.

COMPETITIVE SOURCING PROCESS

Mr. FEINGOLD. Mr. President, it is no secret that there have long been concerns about the competitive sourcing process at the Forest Service. I commend the chairman and ranking member for their attention to this issue in the underlying bill, which reflects those concerns by limiting the amount of funding that the Forest Service may use during fiscal year 2006 for competitive sourcing studies and related activities. The underlying bill also requires agencies funded by this bill to ''include the incremental costs directly attributable to conducting the competitive sourcing competitions'' in any reports to the Appropriations Committee about such studies and stipulates that such costs should be reported ''in accordance with full cost accounting principles.'' The fiscal year 2006 Interior appropriations bill that the other body passed last month contains similar language, and also directs the Forest Service to provide quarterly reports on its related business process reengineering efforts.

The American people deserve to know how their tax dollars are being spent and if the Forest Service's competitive sourcing process is resulting in true savings, which should include a full cost accounting of all of the related savings and losses associated with this process.

An amendment I proposed to the bill would have required the General Accountability Office to conduct an audit of existing Forest Service competitive sourcing procedures and to make recommendations on how these procedures can be improved, including recommendations on what accounting practices should be adopted, by the Forest Service to improve accountability.

It is my understanding that the chairman and the ranking member have agreed to work with me to request such an audit.

Mr. BURNS. The Senator is correct. I am willing to work with the Senator from Wisconsin, Mr. FEINGOLD, and the ranking member of the subcommittee, Mr. DORGAN to request in writing this audit by the Government Accountability Office.

Mr. DORGAN. I would be happy to assist with such a request for a GAO audit of the Forest Service's competitive sourcing initiative.

Mr. FEINGOLD. I thank the chairman and the ranking member for their assistance on this important issue. I look forward to reviewing GAO's findings.

NORTHEAST STATES FORESTRY RESEARCH COOPERATIVE

Mrs. CLINTON. Mr. President, I rise today to discuss an important matter with the Chairman and ranking member of the Interior Appropriations Subcommittee regarding a provision in the Senate bill which provides funding for the Northeast States Forestry Research Cooperative.

Congress authorized the creation of the Northeast States Forestry Research Cooperative in the 1998 Agricultural Research Act. The authorization directed the Secretary of Agriculture to provide funding to land grant colleges and universities and natural resources and forestry schools in the States of New York, Maine, New Hampshire, and Vermont for research, technology transfer and other activities related to ecosystem health, forest management, development of forest products and alternative renewable energy.

While I certainly support funding for Maine, Vermont and New Hampshire, I believe that New York, and our lead institution, the SUNY College of Environmental Science and Forestry, has been left out of the funding pool and ought to be included in this year's Interior Appropriations bill.

Mr. BURNS. I thank the Senator from New York for her comments about the Northeast States Forestry Research Cooperative. We did provide additional funding to allow Maine to become integrated into the cooperative and I appreciate the Senator's position with respect to her State of New York. I will consider additional funding as the bill moves to conference.

Mr. DORGAN. Mr. President, I thank the Senator from New York. I know the Senator has advocated for including New York in the account that funds the Northeast States Forestry Research Cooperative. This is a great program that provides significant research, economic development, and technology transfers related to our Nation's forests. I applaud the Senator for her continued advocacy and I want to assure her that I will work with the Chairman to consider additional funding as the Interior bill moves to conference with the House.

Mrs. CLINTON. I thank the Chairman and ranking member of the Interior Appropriations Subcommittee. When one considers that New York's northern forests are more than three times the size of those in New Hampshire and Vermont combined, I believe that adding New York for funding is the right thing to do.

The forest products industry is a major contributor to the New York State and national economy. New York's forest products industry is the fifth largest manufacturing sector employing more than 60,000 people. It is estimated that forest-based manufacturing and forest-related tourism and recreation contribute more than $9 billion to New York State's economy each year. Jobs in these areas must be sustained to ensure our forest communities remain strong. These forests must be managed wisely through sustainable development that recognizes the needs of these communities, but also values the benefits derived from America's forests. This is particularly true when considering that these forests cover 75 percent of the critical New York City watershed.

This investment will provide economic benefits that contribute to ''smart energy'' demonstrations and commercialization of wood-based biorefining technology which will advance biofuels, and other natural industries in New York State.

I thank the chairman and ranking member for their willingness to consider additional funding to include New York as part of the Northeast States Forestry Research Cooperative.

LAKE MEAD NATIONAL RECREATION AREA WATER SYSTEMS

Mr. REID. I am proud to represent a State with so many natural treasures. Of particular importance to me is the Lake Mead Natural Recreation Area, which is managed by the National Park Service. Because of its amazing natural beauty and its proximity to the residents of both southern Nevada and northern Arizona, Lake Mead receives nearly 10 million visitors a year. I rise today to bring attention to a water and wastewater maintenance project at Lake Mead that is need of serious attention. Is the distinguished ranking member familiar with the beautiful Lake Mead National Recreation Area?

Mr. DORGAN. I am indeed. The Senator should be proud to have such a jewel in his State. Lake Mead is not only a great recreation site within Nevada's borders, but is known worldwide for its clean waters and the unforgettable Hoover Dam that was a vital public works project during the Great Depression. I understand that the project that the distinguished minority leader is concerned with was included in the President's budget as one of the Park Service's main priorities. Is that correct?

Mr. REID. The Senator from North Dakota is correct. Because Lake Mead's water and wastewater facilities were constructed in the 1950s, and some as long ago as the 1930s, the National Park Service and the President put these projects forward as priorities. Failure of the water systems—including force mains, gravity mains and manholes—would cause significant risks to public health and the environment due to discharges of raw sewage from these systems. Sewage is generated at the lowest point in these systems due to waste-generating activities occurring close to the lake, so the pristine water quality of Lake Mead and Lake Mohave could be jeopardized if there were a major spill caused by catastrophic failure of one of these mains. Failure of any force main would also virtually shut down all commercial, residential, and recreational use within the development and could expose visitors and employees and their families to the risk of disease transmission via direct physical contact with raw sewage, as well as undermining roads, buildings, utility lines, or other structures due to high-pressure spray. In short, this is no little problem.

Mr. BURNS. It is my understanding, Mr. President, that the administration's budget requested $9.4 million to deal with phase-1 improvements to the water and wastewater systems at Lake Mead.

Mr. REID. The Senator is exactly right.

Mr. BURNS. Well, let me assure the minority leader that we will look for ways to help fund this long overdue maintenance of Lake Mead's water and wastewater systems. One option we can consider is to find funding for the failing wastewater system this year—I am told this is roughly $2.7 million—since it seems to pose the greatest threat to Lake Mead and its visitors. And we will certainly give the rest of the project the attention it deserves.

Mr. REID. The chairman and ranking member are very kind to share my interest in this project. I greatly appreciate their assistance on this important issue.

INDIAN HEALTH FACILITIES IN NEVADA

Mr. REID. The Indian Health Service which is funded by this bill, is the agency charged with providing health care services to Native American people. We in this body must work to ensure that the Indian Health Service is meeting the needs of all Native Americans. My State is home to 22 Indian tribes, all of which are served by the Phoenix area office of the IHS. That same office also provides health services to the Indians of Arizona and Utah, except for the Navajo Nation. Am I correct that this year's appropriations bill contains $8 million in funding for the construction of one of the ambulatory care clinics in the Phoenix area of the IHS?

Mr. BURNS. The Senator is correct. The Phoenix Indian Medical Center Hospital System is at the top of the priority list for replacement of its inpatient facility. As part of this replacement, three ambulatory clinics will be constructed in the region to provide better health care services to the tribes in the area, including those in Nevada. The amount of $4 million in planning funds for design of two of the center's clinics was provided last year. This year, an additional $8 million for the construction of one of the clinics that is part of that project is recommended in the Senate bill.

Mr. REID. I thank the Senator. The tribes in my State are supportive of efforts to improve health care for tribes in Phoenix. They have told me that—of all the challenges that confront tribes today—health care is by far the most urgent, and perhaps the most daunting. I thank the Senator and the members of his subcommittee for realizing the importance of Indian health care and providing resources for it.

However, the tribes in my State face another challenge in terms of the replacement of this medical center system. The current plans call for the replacement of three out-patient clinics in the Phoenix metropolitan area, and will provide for the eventual renovation of the in-patient medical center. These are important projects. However, tribes in Nevada cannot realistically make use of these centers. Tribes in Northern Nevada, for instance, are more than a day's drive from Phoenix.

I am told that the Indian Health Services' plans to replace the Phoenix Indian Medical Center system were developed without adequately accounting for the health care needs of eligible beneficiaries in outlying areas, like Nevada, Utah or rural Arizona. I am also told that should those plans move ahead, the resulting health care delivery system will disadvantage eligible beneficiaries that reside a distance away from the Medical Center.

In order to address these concerns, it is especially important to me that the IHS meet and discuss with Nevada tribes ways to improve health care services in Nevada, including facility needs and the Contract Health Services Program. In addition, I expect that these meetings will result in a report to the committe, with recommendations, to assist the committee in its ongoing efforts to improve the quality of health care for Nevada's Native Americans.

Mr. DORGAN. I thank the Senator. My State has several Indian tribes as well, and I am aware of the challenges that they face. I assure the minority leader that the committee is aware of the Indian health needs in Nevada and expects that IHS will, No. 1, continue to meet and discuss with the 22 tribes in Nevada, as well as the Intertribal Health Board of Nevada and the Intertribal Health Board of Nevada, in an effort to find ways to improve the delivery and quality of health services to Native Americans in Nevada, and, No. 2, will report back to the committee in writing, with recommendations, on how to improve secondary and tertiary care in Nevada.

Mr. BURNS. My State of Montana is home to tens of thousands of Native Americans, and I am familiar with the health care challenges that they and other Native Americans around the Nation face. I understand that the minority leader expects IHS to meet with all Nevada tribes to discuss ways to improve their health care services.

Mr. REID. Mr. President, I look forward to working with the Senators to ensure that Indian beneficiaries in Nevada receive the critical health care funding that they need. I thank the Senators for their work on behalf of Native Americans throughout Nevada and the Nation, and I thank them for engaging in this colloquy.

AMENDMENT NO. 1030

Mr. BINGAMAN. Mr. President, on May 24, 1999, the Bureau of Indian Affairs produced an agreement regarding the funding formula for the two BIA postsecondary schools Southwestern Indian Polytechnic Institute, known as SIPI, and Haskell Indian Nations University. SIPI and Haskell agreed that while base funding for each institution would not be impacted, all new funds would be proportionately distributed to each school based on unmet student need. In accordance with the agreement, BIA developed a formula for unmet need.

In the conference report to Public Law 106–113, the Interior Appropriations bill, Congress then directed BIA to allocate funds for SIPI and Haskell for fiscal year 2000 as determined by such formula. Since then, however, BIA has not used the formula agreed upon by all parties, but should have, as Congress directed.

Mr. BURNS. The Senator from New Mexico is correct.

Mr. DORGAN. I agree with the chair and the Senator from New Mexico.

Mr. BINGAMAN. I ask if the chair and ranking member would work with me, should funding become available, to find $178,730 in conference for SIPI, which is the amount of funds I believe is needed to correct this situation for the period that the formula should have been used according to Congressional direction, up to and including fiscal year 2006.

Mr. BURNS. I will be happy to consider the Senator's request should funding become available.

Mr. DORGAN. I, too, will do my best to help solve this problem.

HIGHLANDS CONSERVATION ACT

Mr. CORZINE. Mr. President, on November 30, 2004, President Bush signed the bipartisan Highlands Conservation Act into law to authorize up to $11 million per year over the next 10 years for land conservation partnership projects and open space purchases from willing sellers in the four-state Highlands Region.

This law recognizes the national significance of land and water resources in the 3.5 million acre Highlands Region which stretches from northwestern Connecticut, across the lower Hudson River Valley in New York, through New Jersey and into east-central Pennsylvania. It will safeguard these critical resources to protect the pristine wilderness and wildlife of the Highlands.

The value of the natural, recreational and scenic resources of the Highlands cannot be overstated. In a study of the New York–New Jersey Highlands region alone, the Forest Service found that 170 million gallons are drawn from the Highlands aquifers daily, providing quality drinking water for over 11 million people; 247 threatened or endangered species live in the New Jersey–New York Highlands region, including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, and great blue heron. According to the U.S. Forest Service, over 14 million people visit the New York–New Jersey Highlands for outdoor recreation, more than Yellowstone National Park and our most heavily visited natural treasures.

Mr. LAUTENBERG. According to the Forest Service, more than 5,000 acres of forest and farm land in the New York and New Jersey sections of the Highlands have been lost annually to development between 1995 and 2000, and nearly 300,000 acres of land critical to future water supplies remain unprotected. As the demand for new housing and other types of development continues to alter the vast areas of forest and open space in our region, it is important that Congress acts now to provide funding to preserve the high priority open space that remains. I appreciate the consideration by my colleagues from North Dakota and Montana of the importance of protecting the Highlands Region.

Mr. CORZINE. I was proud to work with my colleagues in the Senate, Senators LAUTENBERG, CLINTON, SCHUMER, SPECTER, SANTORUM, LIEBERMAN and DODD, and my colleague in the House of Representatives, Congressman FRELINGHUYSEN to enact the Highlands Conservation Act into law. To secure appropriations to match the authorization, we requested from the Interior Appropriations Committee $11 million to support open space protection in the four Highlands States for fiscal year 2006. Unfortunately, that funding was not included in the bill. This vital funding is needed to protect the Wyanokie Highlands, Scotts Mountain and Musconetcong Ridge in New Jersey, as well as to protect threatened areas in New York, Connecticut and Pennsylvania. It would also allow the USDA Forest Service to update its 1992 study of the Highlands Region to include the States of Connecticut and Pennsylvania. We would like to work with the chairman and ranking member to ensure they are protected. Will the Senators agree that should funding become available during the conference proceedings that they will work with us to secure funds to meet the goals of the Highlands Conservation Act and protect the Highlands, especially the New Jersey Region?

Mr. DORGAN. I agree with the Senators from New Jersey that the Highlands Region is a vital national resource. If there are funds available in the conference report, I will work with the Senators to see if we can secure the funding needed to protect this region.

Mr. BURNS. I understand the importance of the Highlands Region. Should funding become available during conference proceedings, I will work with my colleagues to seek funds to support land conservation partnership projects and open space purchases from willing sellers in the Highlands region.

AMENDMENT NO. 1031

Mr. BINGAMAN. Mr. President, my amendment provides more opportunities for Youth Conservation Corps to partner with the land management agencies funded through this bill. In addition, according to agency information, it would save the taxpayers money.

For decades, we have included a provision in this bill requiring the land management agencies to carry out some of their projects in partnership with the Youth Conservation Corps. In the mid-1970s, we funded the YCC program at $60 million each year. Unfortunately, Congress has more or less forgotten the YCC for the last 5 years, which is how long it has been since we increased the modest setaside for the programs to about $7 million.

YCC projects range from building trails and campsites, to restoring watersheds and monuments, to eradicating exotic pests and weeds. The Youth Corps bring to the agencies enthusiastic young adults that are ready to work hard to improve our public lands. The youth corps members come away with a good job and invaluable experiences.

In New Mexico, for example, the Rocky Mountain Youth Corps has partnered with all of these agencies to carry our many projects over the years. One project was to create a scenic lakeside trail with an interpretive nature component in the Carson National Forest. Recently, the site was listed as one of the top 15 camping sites in New Mexico, and the lakeside trail is an integral component of that camping experience.

We held a hearing on the YCC program in the Committee on Energy and Natural Resources a few years ago, and the Park Service Director testified that his agency received $1.70 in benefits for every $1.00 it invested in YCC projects. The Fish and Wildlife Service estimated that it received $2.00 dollars for every $1.00 it invested. Supporting this program is good fiscal policy.

My amendment would provide a modest increase of almost $2 million in the YCC setaside, to be spread among the four agencies. This does little more than prevent the program from shrinking from where it was 5 years ago, but it would result in tangible benefits to our youth, our public lands, and our budget.

This amendment is good education policy, good public lands policy, good economic policy, good government policy, and good fiscal policy. I am gratified that this amendment was adopted.

AMENDMENT NO. 1050

Mr. KYL. Mr. President, I rise today to speak to the withdrawal of my amendment No. 1050 to H.R. 2361, the pending Interior Appropriations bill. Although the amendment was withdrawn, I remain committed to addressing the funding inequities in the EPA-administered Clean Water Act State Revolving Fund—CWA SRF—the primary Federal mechanism for financing clean water and wastewater infrastructure projects nationwide.

I applaud both Senator BURNS and Senator DORGAN, the chairman and ranking member respectively, for recognizing the importance of this program and funding it at the fiscal year 2005 level of $1.09 billion in this tight budget year.

Our States do depend on CWA SRF to provide much needed financial assistance in the form of low interest loans to towns and cities to help defray the costs of maintaining and upgrading their water treatment systems. It is especially beneficial for small rural water companies that serve so much of the Western and Midwestern States.

However, providing level funding for the CWA SRF is not enough. We have a more fundamental problem that needs to be addressed with regard to the CWA SRF. That is, the inequities built into the current CWA SRF formula which will determine how much of the $1.09 billion each State gets. Senator BURNS recognizes that too, and has agreed to work with me to correct it.

Congress adopted the current allocation formula in the 1987 amendments to the Clean Water Act. The formula was developed behind closed doors during the conference.

Nowhere in the legislative history of Congress' final action on the 1987 amendments is there a clear statement about how it came up with the final allocation formula—it is even difficult to guess. The conference report on the final legislation merely states: ''The Conference substitute adopts a new formula for distributing construction grant funds and the state revolving loan fund capitalization grant funds and the state revolving loan fund capitalization grants among the states for

fiscal years 1987 through 1990.'' The allocations are fixed, statutory percentages. That is to say, once the Act was signed into law, each would receive the same share of available funds in perpetuity, unless the Act itself is amended.

This is not the first time I have come to the floor to persuade my colleagues to act to change this formula, and I doubt it will be the last. Some of you may remember that we had a very good debate on August 2, 2001, during the Senate's consideration of the VA–HUD appropriations bill on this very issue that resulted in the Senate expressing its sense about the need to report authorizing legislation that included an equitable, needs-based formula.

As my constituents remind me, we have yet to either amend or reauthorize the portion of the Clean Water Act pertaining to the CWA SRF or the faulty formula. Year after year promises are made but nothing happens. The authorizing committee has had years to change the formula and has not done so. There is a reason nothing happens—because the States that benefit from the current formula do not want it to change. There is nothing wrong with that. I do not blame them, but there comes a time when one's patience wears thin. I think we have an obligation to say enough is enough. We must change the formula.

After all, let's look at the current situation we face in the bill before us. We are appropriating dollars to an unauthorized program—it expired in 1990—using a statutory formula set 19 years ago that bears no relationship to the actual needs reported by the states. That is sad, and it needs to change.

It is interesting to note that, when Congress enacted the 1996 Safe Drinking Water Act, we ensured that no such inequity would haunt the newly created Drinking Water State Revolving Fund. From its inception, the Drinking Water Fund was allocated on the basis of a quadrennial infrastructure needs survey conducted by the various States under EPA supervision and guidance. The survey involves the States in determining their own needs for drinking water infrastructure to ensure compliance with EPA regulations. The EPA, in turn, validates the state submissions and compiles them in a report to Congress. The EPA then allocates Drinking Water Fund appropriations on the basis of each State's proportional share of the total need.

There is a fundamental fairness associated with allocating the funds on the basis of the survey. The States themselves participate in the survey. The EPA has oversight, but in the end, valid needs are simply compiled into the aggregate, and the resulting State share of the total national need determine Drinking Water Fund allocations among the States.

Unfortunately, as we all know, the same is not true for the much larger CWA SRF. A Clean Water Needs Survey is performed by the States every 4 years called the ''Clean Watershed Needs Survey'' and the EPA in fashion similar to the compilation of the Drinking Water Needs Survey validates the State's submissions and compiles them in a report to Congress. The Clean Watershed Needs Survey, however, has no impact on CWA SRF allocations.

I believe, as I am sure do most of my fair-minded colleagues, that we must work together to right this wrong. There is no reason for the Drinking Water Fund to be allocated fairly on the basis of actual need, while the CWA SRF is allocated on an arcane set of fixed percentages that were established before most of us were elected to Congress.

So what does my amendment do? What my amendment would do is update the funding formula using the Drinking Water Fund formula as precedent. Under my amendment, each State would receive funds based on its share of the total 20 year-clean watershed infrastructure needs, as documented in the most recent Clean Watershed Needs Survey, with no State receiving less than 1 percent of the total appropriated for the CWA SRF. There would be up to 1.5 percent set aside for Indian Tribes and 0.25 percent for all the U.S. territories.

What I am saying is, let's even out the playing field and make sure that everybody gets at least a share closer to what the EPA says they deserve to have. That is what we are trying to do, make it fair for everybody.

Let me cite some examples that demonstrate the fundamental unfairness of the current formula in contrast to my amendment. There are 12 States that are receiving more funding than the minimum allocation and more than they documented in needs in the survey. These States would lose the windfall they are currently receiving under my amendment.

But there are some States, like New Jersey and Florida, that are receiving significantly less than their share. My amendment would correct this inequity. New Jersey, for example, would receive about $45 million under the current formula. It would receive almost $61 million under my amendment—about a $16 million increase. Florida would receive about $37 million under the current formula but would receive almost $48 million under my amendment—about a $10 million increase. The increases these States receive demonstrate the fact that they have been significantly shortchanged in the past. My home State falls into this category. Arizona ranks 10th in need according to the latest EPA Clean Watershed Needs Survey. However, Arizona ranks dead last, behind all the States and Puerto Rico in the percentage of needs met under the current formula. In terms of dollars, Arizona would receive about $7 million under the current formula, but would receive almost $31 million under my amendment. I am sure now it is clear why I am standing here.

My amendment also helps small States. Those States would receive the minimum allotment, which is actually a greater percentage than they should based on the needs they documented in the needs survey. There are five other States that will see a reduction in what they receive, but these States have had a larger percentage of their total needs funded under the current formula since it was enacted. The state of New York is an example. New York is No. 1 in need and No. 1 in total dollars received out of the CWA SRF. I should point out that although New York's total allocation would go down under my amendment it would continue to rank No. 1 in terms of dollars allocated. New York would receive approximately $95 million.

The formula that I proposed in my amendment assures that each State could meet the clean water needs of its citizens by bringing fundamental fairness to the allocation of the appropriated dollars. It ensures that all States receive a fair share, and recognizes that needs change over time. By changing the formula to comport with the needs survey, it will adjust to changing circumstances and, thus, will protect all states.

If my colleagues have a better formula I urge them to come forward with it. This issue is not going away. Senator BURNS recognizes that. In return for my withdrawal of this amendment, he has agreed to work with me to persuade the authorizing committee to get this done. I thank him for that.

Mr. CHAFEE. Mr. President, I wish to register my opposition to the Kyl amendment No. 1050 to H.R. 2361, the Senate Interior Appropriations bill.

The Clean Water State Revolving Fund Program is essential for protecting public health, watersheds, and the natural environment by providing critical federal seed money for the maintenance and improvement of water infrastructure. Despite important progress in protecting and enhancing water quality since the enactment of the Clean Water Act in 1972, serious water pollution problems persist throughout the Nation.

The need for continued Federal investment in the Nation's water infrastructure is undeniable. The Environmental Protection Agency's September 30, 2002 Clean Water and Drinking Water Infrastructure Gap Analysis found that there will be a $535 billion gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made. In November 2002, the Congressional Budget Office estimated that the annual investment in clean water infrastructure needs to be at least $13 billion for capital construction and $20.3 billion for operation and maintenance.

The Kyl amendment would restructure the current formula for distributing federal funding to the states under the Clean Water State Revolving Fund, SRF, Program. As chairman of

the Subcommittee on Fisheries, Wildlife, and Water, with authorizing jurisdiction over the Clean Water Act and the SRF Program, I thank Senator KYL for his interest in the clean water formula.

However, I believe the Interior appropriations bill is the wrong forum for discussion of any statutory changes to the Clean Water SRF formula. Members of the subcommittee and the Environment and Public Works Committee are working closely to craft water infrastructure legislation that would authorize new funding for the Clean Water and Drinking Water SRFs, as well as address the antiquated Clean Water SRF formula.

Senator KYL is correct, the Clean Water SRF formula is in need of revision. Arizona is one of many States that have seen their needs grow since the last time the formula was updated in 1987. The Environment and Public Works Committee is working on the necessary changes to the SRF, and hope to move water infrastructure legislation by the end of the summer.

I encourage my fellow colleagues to oppose the Kyl amendment and support the ongoing process of updating the Clean Water formula by the Environment and Public Works Committee.

Mr. INHOFE. Mr. President, to begin, let me assure my colleague that as chairman of the Environmental and Public Works Committee, I am fully aware of how important this issue is to his State of Arizona. His State's current allocation under the Clean Water Act is well below the State's proportional need.

As my colleague knows, the EPW Committee has for the past two Congresses passed legislation to reauthorize the Clean Water and Drinking Water SRFs. In those bills, the committee also rewrote the clean water formula. My colleagues Senators JEFFORDS, CHAFEE and CLINTON and I are working on a new proposal and feel confident that unlike our previous efforts, this bill will be enacted into law.

My State of Oklahoma would get more money under the Kyl formula than under the current allocation. I would like to support your amendment because it brings more dollars home to Oklahoma. However, all States need more water infrastructure money as their systems age and struggle to meet the ever-growing list of Federal regulations. There is a significant nationwide shortage of funds that is affecting all States.

Given current Federal appropriations, there is simply no way to rewrite the formula so that all States win. If we change the formula, without reauthorizing the State Revolving Loan Funds, some States will have to lose money. In order to assure that each State receives sufficient funds to run an effective program, we need to enact water infrastructure legislation which raises the authorization level for this important program while also addressing the formula. The committee's long-term goal is to keep everyone whole because all States need more money not less. I hope all of my colleagues who care strongly about the Kyl amendment will rally around the bill that we hope to pass out of committee next month.

The committee will do as the Senate promised Senator KYL during the 107th Congress and pass another formula. We will put forth a proposal that minimizes the pain to those States that will see their clean water funding cut while providing modest increases to other States. We will continue to work to increase the authorization to this important program so that the needs of all States can be met.

I appreciate my colleague's willingness to withdraw his amendment and allow the committee to do its work.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Kyl amendment No. 1050.

This amendment seeks to change the distribution formula for the Clean Water State Revolving Fund which sends money to the states for water infrastructure projects.

The Clean Water Act is within the jurisdiction of the Environment and Public Works Committee, of which I am the ranking member. We are aware of the issues raised by Senator KYL in this amendment—the distribution formula is outdated. It was adopted in 1987 and has not changed.

Arizona receives a very small percentage of the total through this formula. However, an appropriations bill is not the right place for this change in authorizing legislation. A change of this magnitude needs to be worked through the authorizing committee.

There are serious consequences to this type of action. For example, under the Kyl formula, the State of Ohio loses 30 percent of its current allocation. Tennessee would lose 32 percent. Michigan would lose 57 percent. Massachusetts would lose 38 percent of its current allocation.

In the last two Congresses, the EPW Committee has acted to update the formula and increase funding levels for the Clean Water State Revolving Fund. This Congress, we are again planning to move this legislation through the committee in just a few weeks.

I cannot support an amendment making a change of this significance on an appropriations bill. There are also some problems with the language in the Kyl amendment.

It calls for States to receive at least 1 percent of the total if their need is less than 1 percent and it simultaneously calls for all other States to receive their need. This is simply impossible to do.

With a finite pot of money, in order to establish a 1 percent floor, it is necessary to take some funds away from nonfloor States. The Kyl amendment fails to include this step in the process.

In addition, the Kyl amendment includes a provision dealing with unallocated balances. Again, there are no unallocated balances in a formula that distributes 100 percent of the available money.

The Senate should not act on an authorizing change of this magnitude on an appropriations bill. The Environment and Public Works Committee is on the verge of marking up legislation dealing with this exact issue.

In addition, there are technical problems with the Kyl amendment that would make it impossible to implement. Therefore, I urge my colleagues to vote ''no'' on the Kyl amendment.

Mr. DODD. Mr. President, I was necessarily absent from the Senate yesterday and missed rollcall votes 158 through 160. There were two reasons for my absence. First, I attended a memorial service for Mrs. Marcia Lieberman, the mother of our colleague, JOSEPH LIEBERMAN. Second, I attended memorial services for Robert Killian Sr., the former Lieutenant Governor of Connecticut, a close friend to me and my family. Had I been present for these votes, I would have voted as follows:

Rollcall vote No. 158: ''Yea''; rollcall vote No. 159: ''Nay''; rollcall vote No. 160: ''yea''.

Mr. JEFFORDS. Mr. President, I would like to spend a moment talking about the funding of critical programs under the jurisdiction of the Environmental Protection Agency, EPA. While I am pleased with the Appropriations Committee's efforts to fund the State Revolving Fund for Wastewater Treatment and for Drinking Water at the highest possible levels, I am gravely concerned about the overall cut in environmental spending contained in the bill before us today.

A clean and healthy environment may be our most important legacy for our children. It saddens me to think that under the guise of fiscal responsibility, the bill before us today cuts spending at the Environmental Protection Agency, EPA, to levels not seen since fiscal year 2001. This bill funds the EPA at $7.88 billion. As recently as fiscal year 2004, the EPA received $8.365 billion. This is a cut of almost $500 million in just 2 years.

Because of the administration's fiscal policies and priorities, which have led to record deficits, we are now going to underfund many programs that are important to the protection of public health and the environment. While I appreciate the dire straits that the Interior Subcommittee members found themselves in, particularly relative to other subcommittee's allocations, I am very concerned with some of the proposed cuts. In addition, I am very concerned that these levels will drop further in conference with the House, which is significantly more hostile to such programs under its current leadership.

I want to highlight a few of the funding reductions in air protection programs that I am concerned about and hope will be increased in conference.

The bill includes a reduction for the Clean Air Allowance Trading program.

This reduction will impede the implementation of the administration's recently and much-touted clean air interstate rule.

The bill recommends a large reduction in EPA's Federal Vehicle and Fuels Standards and Certification Program. Such a cut from the budget request appears designed to harm the Agency's ability to proceed on a number of fronts that would otherwise produce cleaner vehicles and air sooner. Specifically, the cuts will make it harder for EPA to propose and finalize, as promised in regulation and, in some cases, directed by Congress, a rule on mobile source air toxics, on locomotive and marine diesel engine emissions performance, and on small engine emissions standards.

This bill would cut by 10 percent EPA's research on national air quality standards. Such a cut goes against continuing scientific revelations about the significant harm that air pollution at all levels causes to public health. In addition, this cut could further delay the already late implementation rules for PM–2.5 and the second phase on the ozone standard. At a time when EPA should be focusing heavily on revisions to the PM–2.5 and ozone standards, and the necessary scientific research to support those reviews, as well as providing critical advice to the States and local governments on the most effective methods of control and monitoring, these reductions cause me great concern.

The bill would reduce the budget request for Federal Support for Air Quality Management by $22.7 million. This will cut back on plans for the national clean diesel initiative and substantially delay the EPA's efforts to improve the reliability and availability of Air Quality Index forecasts around the Nation. As Senators may know, this is a particularly important tool for the growing population of asthmatic children. Parents need to know ahead of time if the day will be code red, orange or otherwise dangerous to vulnerable populations. Related cuts in the Clean Schoolbus program request also need to be restored.

Finally, while I appreciate that this bill rejects the administration's proposed cuts in the domestic stratospheric ozone program, we seem to be headed again toward underfunding our commitment to the Montreal Protocol. This international treaty has been a resounding success in helping to protect the ozone layer from CFCs. I do not know of a good reason for the United States not to contribute its ratified share of the costs of phasing out ozone depleting substances and developing alternatives on a global basis.

This bill would cut spending at the EPA by $144 million from last year's level, and this does not take into account inflation or the mandatory cost of pay increases. I will vote for this bill in the hopes that it will become better in conference, and with the recognition that the appropriators have done a good job with limited resources.

Mr. OBAMA. Mr. President, I speak about the plight of children afflicted by elevated levels of lead in their blood. Although it has been three decades since lead was a component of paint, the effects of lead paint continue to linger in homes across the country. As the lead paint flakes off, the dust is inhaled, and some kids eat the chips.

Lead is a highly toxic substance that can produce a range of health problems in young children, including damage to the kidneys, the brain, and bone marrow. Even low levels of lead in pregnant women, infants, and children can affect cognitive abilities and fetal organ development and lead to behavioral problems.

Over 430,000 children in America have dangerously high blood lead levels. This is a particularly serious problem for Illinois, which has the highest number of lead-poisoned children in the nation. In Chicago alone, 6,000 children have elevated blood lead levels.

In 1992 Congress passed the Residential Lead-Based Paint Hazard Reduction Act. The law required the Environmental Protection Agency, EPA, to promulgate regulations by October 1996 regarding contractors engaged in home renovation and remodeling activities that create lead-based paint hazards. Renovation and repair of older residences is the principal source of lead-paint exposure to U.S. children. According to Federal studies, a large majority of the approximately 20 to 30 million renovations done on older homes each year are done without lead-safe cleanup and contamination practices.

The EPA analysis has found that a lead paint regulation would protect 1.4 million children and prevent 28,000 lead-related illnesses every year. Such a regulation would also lead to a net economic benefit of between $2.7 billion and $4.2 billion each year.

Despite the clear health and economic benefits, these regulations are now 9 years overdue, and there is no sign that EPA is moving any closer to issuing the required rules. Last month, I joined with Senator BOXER and Representatives WAXMAN, LYNCH, and TOWNS to express our concern about EPA's complete disregard of the statutory mandate to issue lead paint regulations.

To address the problem, I have introduced an amendment that would stop EPA from spending money on any actions that are contrary to Congress' 1992 mandate to issue lead paint regulations, including any delaying of the regulations. I thank the managers of this bill, Senator BURNS and Senator DORGAN, for their support of this amendment and for including it in the bill.

I hope EPA will read this amendment and understand that the time for these common-sense lead regulations is long overdue.

Mr. MCCAIN. Mr. President, today the Senate is considering the Interior, Environment, and Related Agencies Appropriations bill for Fiscal Year 2006. This bill provides approximately $26.2 billion in discretionary spending—approximately $542 million over the President's request—for the Forest Service, the Environmental Protection Agency, the Indian Health Service, most agencies of the Interior Department—except the Bureau of Reclamation, and the National Foundation on the Arts and the Humanities. I commend the members of the Senate Appropriations Committee, and in particular, the efforts of the Interior Appropriations Subcommittee, for completing this appropriation bill in a timely manner.

Unfortunately, as is the case with many of the appropriations bills that come to the floor, this bill and its accompanying report contains earmarks and pork projects which have not been authorized or requested. The bill provides funding for critical programs like forest health and restoration, superfund cleanup, the Land and Water Conservation Fund, and PILT, but all too often, many of these accounts are eroded by unnecessary, unrequested earmarks.

This is especially frustrating given the $600 million annual maintenance backlog that is crippling the National Park system. There is not a single member of this body who does not have a National Park or monument, or other Park Service unit in his or her State that is not in need of attention. And while curbing the use of earmarks might not solve our Nation's enormous deficit or save our National Parks from long-term dilapidation, doing so would be a good step in repairing our broken appropriations process.

Let's take a look at some of the earmarks that are in this bill or its accompanying report: $875,000 for a new water storage tank in the Town of Westerly, RI; $1,000,000 for water treatment projects in the Town of Waitsfield, VT; $2,465,000 for sudden oak death research; $200,000 for a poultry science project at Stephen F. Austin State University, Texas; $1,000,000 for statewide cesspool replacement in the County of Maui, HI; $1,800,000 for eider and sea otter recovery work at the Alaska SeaLife Center; $1,114,000 for a research laboratory in Sitka, AK; $500,000 for the University of Northern Iowa to develop new environmental technologies for small business outreach; $250,000 for paper industry by-product waste reduction research in Wisconsin; $500,000 to continue research on pallid sturgeon spawning in the Missouri River; $400,000 to complete a bear DNA sampling study in Montana—the fourth consecutive year this earmark has been added to an appropriations vehicle; $450,000 for a well monitoring project in Hawaii; $5,100,000 to complete the visitor center at the Little Rock Central High School National Historic Site, Arkansas; $6,059,000 to rehab bathhouses at Hot Springs National Park, AR; $160,000 for soil survey mapping in Wyoming;

$400,000 for studies on the impact of lead mining in the Mark Twain National Forest; $500,000 for restoration at the Mark Twain Boyhood Home National Historic Landmark in Missouri.

In what has become perhaps one of the greatest examples of pork barrel politics, the Forest Service has lost more than $850 million since 1982 on timber sales and the construction of access roads for commercial logging in Alaska's Tongass National Forest. More than 4,000 miles of these roads criss-cross the Tongass and have accrued at least $100 million in deferred maintenance while serving little public purpose. And every year, Congress continues to appropriate funds to build new roads without accounting for the encumbrance imposed by existing roads. I support commercial logging, but not when it requires Federal subsidies that offer no return to the taxpayer. These federally funded roads are meant to stabilize the price of timber logged from the Tongass, but the program actually costs the Federal treasury tens of millions of dollars each year—nearly $48 million in fiscal year 2004 alone—because the value of Tongass lumber is not competitive and so the Forest Service takes a loss on almost every timber contract it manages. To clarify, Mr. President, that is hundreds of millions in Federal subsidies just to lose hundreds of millions in unprofitable logging.

Mark Twain, a cynic of politicians and government, once wrote: ''One of the first achievements of the legislature was to institute a ten-thousand-dollar agricultural fair to show off forty dollars worth of pumpkins.'' I can only speculate what Mark Twain would say about the egregious waste of taxpayer money allocated to continue the timber subsidy program in the Tongass National Forest.

I am pleased to have joined with Senator SUNUNU and others in offering an amendment which would prohibit funding for road building in the Tongas National Forest. I hope my colleagues' will support this amendment.

Many of my colleagues may have forgotten, but it is a violation of Senate rules to legislate on an appropriation bill. Directing or authorizing policy is a function reserved for the authorizing committees, not the appropriations committee. As is done far to frequently, this appropriations bill includes a variety of policy changes. Examples include: Language that authorizes the construction of a replacement IHS facility in Nome, AK, on land owned by the Sound Health Corporation; Language that allows the Secretary of the Interior to collect parking fees at the U.S.S. Arizona Memorial; Language that restricts the use of Forest Service answering machines during business hours unless the answering machine includes an option that enables callers to reach an individual. Why is this appearing in an appropriation bill? Perhaps the appropriators could exert jurisdiction over the waiting lines at the DMV?

Also, language that requires National Recreation Reservation Service call centers to be located within the United States and language that extends Abandoned Mine Land program until June 30, 2006. This is the third time the AML program has been extended via the appropriations process.

I may not have qualms with many of these particular expenditures and policy items. Some of them may be truly needed and deserving of swift passage. However, it is the casual disregard for Senate procedure that concerns me deeply. We need to be protecting the American taxpayer, not waving rules and passing appropriation bills with wasteful spending. We need to be thinking about the future generations who are going to be paying the tab for our continued spending, not delivering pork projects to special interests and their lobbyists. Surely, my colleagues are aware of the fiscal challenges facing this Nation. The national debate is consumed by questions like: How will we pay for rising Medicare and Medicaid costs? Will we be protected from rising energy costs? Will Social Security be there for our children? The answers to those questions fall to the Congress my friends.

Mr. BURNS. Mr. President, I want to thank a lot of folks for their work on this bill we have considered today and over the last few days. This has been a bill we have worked our way through. I wish we could have sped it up. I thank the minority staff, Peter Kiefhaber and Rachael Taylor and Brooke Thomas. Of course, I thank my good friend from North Dakota who has really been good to work with. Also, over on our side, I thank Bruce Evans, Rebecca Benn, Leif Fonnesbeck, Ginny James, Ryan Thomas, Michele Gordon, and Ellis Fisher. I thank that staff because they have done yeomen's work. They have worked very long hours in order to pass this bill.

I ask the Senator, do you have any closing remarks?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague, Senator BURNS, who I think has done a wonderful job. I appreciate working with him and his staff. I think this is a good bill, produced under difficult circumstances. This bill is actually substantially below the current fiscal year's spending.

The professional staff on the majority side—Virginia James, Leif Fonnesbeck, Ryan Thomas, Rebecca Benn, and Michele Gordon—have done a great job. Also, I thank Rachael Taylor on the minority side. And Bruce Evans and Peter Kiefhaber, the two clerks, both have done a lot of work to get us to this point. I want them to know how much we appreciate their work.

Mr. BURNS. Mr. President, I ask for third reading.

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

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

The bill was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The minority leader.

SENATOR FRANK R. LAUTENBERG CASTS HIS 7,000TH ROLLCALL VOTE

Mr. REID. Mr. President, the next vote that will be cast by my friend from New Jersey, Senator LAUTENBERG, the junior Senator from New Jersey, will be his 7,000th vote.

Senator LAUTENBERG was elected in 1982 to the Senate, and served three terms before taking a ''sabbatical'' in 2000. I repeat, he was not defeated, he took a ''sabbatical.'' He decided to take leave of the Senate for a while. He ran again in 2002, when Senator Torricelli retired, and the Democrats were desperate for someone who could win in New Jersey. He stepped forward because he is always a sure winner. Senator LAUTENBERG has the rare distinction of having held both of New Jersey's Senate seats.

Senator LAUTENBERG may be a ''freshman'' of sorts, but the only other two Senators from New Jersey who have cast more rollcall votes than the junior Senator from New Jersey, my friend Senator LAUTENBERG, are Harrison Williams, who cast 8,349 votes over the course of his career, and Clifford Case, who cast 7,684 votes. Senator LAUTENBERG is third, having cast more votes than Senator Bradley, for example.

Senator LAUTENBERG's parents were poor but hard-working immigrants who came to America through Ellis Island. Senator LAUTENBERG joined the Army when he was 18 and served in the European Theater during World War II. When he returned from the war, he went to Columbia University on the GI bill. Then he and two friends started a payroll company. It was very small. They started from scratch. But they did not just start a company, they started an entire industry: computer services.

Today, that company—that little startup company, ADP—has annual sales of almost $8 billion a year, and employs 42,000 people worldwide. It issues the paycheck of one out of every six private sector workers in America, and it processes over 850 million investor transactions and communications every year.

After establishing and running one of the most successful businesses in America, Senator LAUTENBERG decided to ''give something back,'' so he became a commissioner at the Port Authority of New York and New Jersey. Then after serving as a commissioner at the Port Authority of New York and

New Jersey, FRANK LAUTENBERG became Senator FRANK LAUTENBERG. Senator LAUTENBERG's motto is ''Only in America.''

He has done many great things legislatively. They are too many to list here tonight. But one thing I will always look back at, as to what this great Senator did, is what he did for my children. Years ago, when we traveled back and forth across the country, my children were allergic to cigarette smoke, literally allergic. They did not like it, and the little ones cried. Children in America no longer have to worry about that because of the Senator from New Jersey. He did a favor for me—because it made it so much easier on my children—and the rest of America.

Senator LAUTENBERG is a great Senator. The people of New Jersey are so fortunate this good man, who was financially set, would take public service as his life's work. I so admire him. I know the rest of my colleagues join me in congratulating the ''junior'' Senator from New Jersey on this significant milestone in an already accomplished career.

(Applause, Senators rising.)

Mr. LAUTENBERG. Thank you very much.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Democratic leader for those kind comments. I had hoped he would go on a little longer.

(Laughter.)

But, in any event, I thank you and all of my colleagues.

There are 7,000 votes. If I were asked to recite which of those I liked the best or which of those I disliked the most, I would be hard pressed to remember them. But the fact is, even though we have disagreements on some issues and agreements on others, I speak sincerely when I say I am proud to serve with all of you.

I know each of us has a responsibility that carries way outside this Chamber. We make the decisions here. But the desire to be of service and the obligation originates in places that we are all too familiar with. So we have differences.

I am going to stick up for my views, and I know others will stick up for theirs. The fact is, we are here to serve. I am proud to serve with each and every one of you. I am grateful for the commentary and thank you all very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, being the junior Senator from New Jersey, I must say that of all of the people I have watched live the American dream and then believe that it is their obligation to give back—the distinguished minority leader itemized the life of FRANK LAUTENBERG—no one cares more about that American dream and making sure it is available for his children and all the children of America. I have to say as a colleague but, more importantly, as a friend, I am honored to serve with you every day, and I appreciate very much what you have done for the State of New Jersey. I know the people of the State of New Jersey care very deeply about FRANK LAUTENBERG.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, a number of people have asked about the schedule. We will have two more votes tonight. We will have a vote on final passage and then on a motion to proceed to the CAFTA bill. We will be addressing CAFTA tonight, and we will be on it—there are 20 hours—tonight and through tomorrow. We will be completing two appropriations bills before we leave this week, which means tonight will be busy. We will have no rollcall votes after the two which will be back to back shortly. We will be debating CAFTA through tomorrow, and then we will do two other appropriations bills sometime before we leave. It means that we may well be here Friday to vote, which we talked about earlier this morning.

In addition, as we said this morning, both the Democratic leader and I, when we come back after our recess, it is going to be important for people to recognize the huge amount that we have to do. We are competing with people going back to their States, people who are saying we need to work Tuesdays, Wednesdays, and Thursdays, but not Fridays and Mondays because we have other things to do. We are going to have to have people here voting on Mondays when we announce that and also on Fridays. But with that, we have two votes tonight. They will be back to back, and no more rollcall votes after those two.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I am wondering if we could have unanimous consent that these next two votes be 10 minutes each. Everybody is here—10 minutes on the first one, 10 minutes on the second one. Then we can move on to the CAFTA bill at that time. I ask unanimous consent that be the case.

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

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—94

Akaka	Dole	Mikulski
Alexander	Domenici	Murkowski
Allard	Dorgan	Murray
Allen	Durbin	Nelson (FL)
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Obama
Biden	Feingold	Pryor
Bingaman	Feinstein	Reed
Bond	Frist	Reid
Boxer	Graham	Roberts
Brownback	Grassley	Rockefeller
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Inouye	Shelby
Chafee	Isakson	Smith
Chambliss	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Coleman	Kerry	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Landrieu	Thomas
Corzine	Lautenberg	Thune
Craig	Leahy	Vitter
Crapo	Levin	Voinovich
Dayton	Lincoln	Warner
DeMint	Lott	Wyden
DeWine	Lugar	
Dodd	McConnell	

NOT VOTING—6

Bennett	Gregg	Martinez
Coburn	Lieberman	McCain

The bill (H.R. 2361), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. CRAIG. Mr. President, 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.

DOMINICAN REPUBLIC-CENTRAL AMERICA UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate begin consideration of S. 1307, the CAFTA legislation.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, I move to proceed to S. 1307.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT REQUEST—LEGISLATIVE APPROPRIATIONS BILL

Mr. FRIST. Mr. President, I ask unanimous consent that following the vote, Senator ALLARD be recognized for