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House of Representatives

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

INVESTIGATION OF CIVILIANS ON NAVY SHIPS CALLED FOR

Mr. FRANK. Mr. Speaker, the terrible tragedy that led to the loss of Japanese lives when one of our submarines surfaced and crashed into a ship obviously consists of the loss of those lives and the trauma of the other people involved, both on the submarine and on the Japanese trawler. But there is another disturbing aspect of that, although it is, of course, far less disturbing than the loss of life. But we cannot do anything about the loss of life. However, we can do something as a House of Representatives, which we are not doing, about the kind of circumstances that led to that.

It is clear that those lives would not have been lost were it not for the Navy's program of bringing civilians along on military activities for the purposes of lobbying the Congress of the United States. Now, that is true at one level without debate. That submarine would not have left port if it were not for the need to take 16 apparently well-connected, politically influential civilians for a ride. As the New York Times points out, that purpose was to build support among these civilians so they will lobby the Congress for more money.

In addition to the excursion for the 16 civilians being the sole reason for that particular submarine going out, we have questions that the Navy refused to even ask, and certainly to have answered, about the extent to which the 16 civilians on board a very crowded submarine might have contributed to the terrible tragedy.

We have a commander who was ordered to take the submarine out for the purpose of giving the 16 civilians a ride, who has ended his career. That is a sad thing. He appears to have been a very able, very dedicated man. We have other sailors who may be disciplined.

No one appears to be dealing with the policy by which the Navy sent those people into that difficult situation, surfacing the submarine in an area where ships would be around, with 16 civilians present, and the investigation conducted by the Navy which led ultimately to the resignation of the commander appeared designed not to get to the bottom of these questions.

As the New York Times reported on April 22, one of the sailors who had initially indicated that the presence of the civilians was a problem, changed his testimony. Indeed, it appeared that the pressure was on him from the Navy to change his testimony. ''It was very dramatic, recalled Jay Fidell, a lawyer and former Coast Guard judge who followed the proceedings as a commentator for the Public Broadcasting System,'' the New York Times reports. ''There was this long pause, and then he said 'no' '' to the question about whether or not the civilians had interfered. He previously said ''yes.''

What bothers me now is that this House of Representatives, with oversight responsibilities, appears to be ignoring what went on in that situation. The policy of the Navy of scheduling trips solely for the edification of civilians in the hope that they will become political lobbyists appears to be nothing we are going to challenge.

I do not think any other agency in the Federal Government guilty of this practice would be let off so easy. We are told that we do not have enough money in the budget for training missions, but we had enough money in the budget for a mission that had nothing to do with training, was not required for training, but was required to show off for 16 civilians.

We do not know who the 16 civilians were. Were they contributors? I did not think it was a good idea to let contributors sleep in the Lincoln bedroom under President Clinton. But we did not build the Lincoln bedroom solely to let them sleep there. We did not undergo any expenses to let them sleep there.

Letting people sleep in the Lincoln bedroom seems to me to have probably less of a negative impact than sending out a submarine into waters where there are civilian ships, just to make 16 civilians happy. I would rather those 16 civilians have got 16 nights in the Lincoln bedroom than to have a submarine go out there.

Now, it is no one's fault that this led to the loss of life. No one wanted that to happen. Everyone is genuinely sad. A career of a very distinguished officer has, unfortunately, been lost to this. But we did allow a submarine to go out there, knowing that this is a dangerous thing.

So I hope my colleagues in the House with supervisory responsibilities will

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look into this policy. I believe we ought to say to the Navy, look, it is one thing if you let people observe something that is going to be happening anyway; but scheduling complicated military events, potentially dangerous ones, just so you can show off to people who will become political lobbyists? Do not do that anymore.

[From The New York Times, Apr. 23, 2001]

DESPITE SUB INQUIRY, NAVY STILL SEES NEED FOR GUESTS ON SHIPS

(By John Kifner)

HONOLULU, APR. 23, 2001.—The Navy's inquiry into the submarine Greeneville's collision with a Japanese fisheries training vessel has sidestepped one factor in the fatal crash: a program hugely popular with the Navy brass in which thousands of civilians, many wealthy or influential, are invited on excursions aboard warships in hopes of bolstering support for the services and, ultimately, their financing.

Adm. Thomas B. Fargo, the commander of the Pacific Fleet, acting on the report of a three-admiral court of inquiry, is expected to recommend a review of the visitors program and suggest a few rules—some of which were already in place and violated by the Greeneville—but the program is regarded as so vital, not only by the Navy but by all the services that it is likely to continue virtually unchanged, military officials say. ''There is very strong support for this departmentwide,'' a Navy official at the Pentagon said. ''There is no chance that bringing civilians to Navy units is going to stop. By no means.''

The role of the visitors program in the accident that killed nine people aboard the Japanese vessel, the Ehime Maru, on Feb. 9 is still unclear for several reasons:

The court of inquiry was convened specifically because it was one of the few military panels that could compel civilian testimony, but one of the 16 civilians aboard the submarine were called before it.

The chairman of the panel, Vice Adm. John B. Nathman, said that part of his charge from Admiral Fargo was to look into ''implementation of the distinguished visitor embarkation program,'' but there was little testimony about it.

Two targets of the inquiry—the Greeneville's captain and a sailor who failed to manually plot the location of the Japanese ship—have reversed their accounts on whether the presence of civilians in the control room was a factor in the crash.

''In my opinion the investigation is not complete,'' said Eugene R. Fidell, the president of the National Institute of Military Justice, in Washington. ''Never to summon 16 witnesses jammed into that control room is bizarre. ''The Navy, I think, is collectively desperately concerned not to give up the distinguished visitor program,'' Mr. Fidell added. ''They don't even want to talk about this. This is a real big deal to the Navy. ''It absolutely has to do with funding, weapons programs,'' he said. ''They compete like crazy with the other branches.'' Last year, the Pacific Fleet welcomed 7,836 civilian visitors aboard its vessels. There were 21 trips aboard Los Angeles-class nuclear attack submarines like the Greeneville, with 307 civilian guests, and 74 trips to aircraft carriers, with 1,478 visitors.

Defense Secretary Donald H. Rumsfeld, embarrassed by the incident, said at the time that he would order a review of the program. Mr. Rumsfeld made his statement after disclosures that the sole reason for the Greeneville's cruise on the day of the incident was to give a tour to the civilians and that a Texas oil company executive was at the controls when the submarine shot to the surface, striking and sinking the Ehime Maru. Mr. Rumsfeld put a moratorium on civilians' handling controls, but otherwise the programs are continuing in all services. A Navy official said that no review orders had yet been issued by the Pentagon and that the Navy was conducting a review on its own. The submarine's skipper, Cmdr. Scott D. Waddle, is not expected to be court-martialed. Instead, Admiral Fargo, acting on the court of inquiry's report, is expected to announce an administrative punishment on Monday, under which Commander Waddle will resign from the Navy, ending his career at his current rank with an honorable discharge and a full pension.

On March 20, Commander Waddle's civilian lawyer, Charles W. Gittins, seemed to shift direction as he was winding up a rambling closing statement at the end of 12 days of hearings. Mr. Gittins raised the question of the 16 civilians with the retired admiral, Richard C. Macke, who made the arrangements for the submarine tour. Most of the civilians had been planning to take part in a golf tournament, which was later postponed, to raise money for restoration work on the U.S.S. Missouri, the World War II battleship on which the Japanese surrendered in 1945. Among them were oil executives, their wives and a Honolulu couple. Mr. Gittins also wondered aloud about whether there was a business benefit for anyone involved in getting the civilians aboard. Admiral Macke, once a four-star commander in the Pacific, lost his job after he made remarks deemed insensitive, saying that three marines stationed on Okinawa, Japan, who raped a 12-year-old girl in 1995 were stupid because they could have simply hired a prostitute. Although he is retired, Admiral Macke remains active in social affairs related to the Navy, and he is prominent here as an executive of a telecommunications company based in Reston, VA. To some people here, it seemed an implied threat that, if Commander Waddle were to go to a court-martial, Mr. Gittins would raise the presence of civilians as part of his defense and might produce embarrassing material about the visitor program.

Commander Waddle, in his testimony—given voluntarily after he had been denied immunity—said the 16 civilians crowded into the control room did not interfere with operations. Asked twice by different admirals if the civilians were a factor in the accident, Commander Waddle each time replied, ''No, sir.'' But last Monday, the main article on the front page of The Honolulu Advertiser quoted Mr.. Gittins as saying that Commander Waddle had changed his mind and now believed that the presence of the civilians broke the crew's concentration at a crucial time. The article also noted that the visitors program ''could figure prominently in the unlikely event of a court-martial and prove an embarrassment for the Navy.'' That same day, Time magazine published an interview with Commander Waddle that said the skipper had ''revised his previously benign view of the presence of civilians on board.''

Time quoted Commander Waddle as saying ''Having them in the control room at least interfered with our concentration.'' But Petty Officer First Class Patrick T. Seacrest changed his account in the opposite way. Petty Officer Seacrest was the fire control technician, whose job involves keeping track of nearby ships as potential targets for a submarine's torpedoes.

On the day of the accident, an important piece of equipment, essentially a television monitor that displays the sonar soundings, was discovered to be broken soon after the submarine left Pearl Harbor. With the monitor down, Petty Officer Seacrest's old-fashioned plotting of the positions of vessels on paper became the crucial substitute. He was to have gotten up from his chair and gone to a nearby bulkhead to mark the positions on a scrolling device visible to the officer of the deck at intervals of about three minutes, a former submarine commander said. But some of the visitors were crowded into the narrow path between his post and the plotting paper, and he did not push through them to update the positions. Petty Officer Seacrest told the National Transportation Safety Board investigators and the preliminary Navy inquiry that the presence of visitors had interfered with his task.

John Hammerschmidt, the chief N.T.S.B. investigator, said Petty Officer Seacrest reported that ''he was not able to continue his plotting.'' But when Petty Officer Seacrest appeared before the court of inquiry, testifying under a grant of immunity, he said the civilians had no effect on his task.

''It was very dramatic,'' recalled Jay M. Fidell (the brother of Eugene R. Fidell), a lawyer and a former Coast Guard judge, who followed the proceedings as a commentator for the Public Broadcasting System. ''There was this long, long pause and then he said 'No.'" Under questioning, Petty Officer Seacrest agreed when one of the admirals told him, ''You just got lazy, didn't you?''

The main note on the visitors program was struck in the testimony of the submarine fleet commander, Rear Adm. Albert H. Konetzni Jr., a strong advocate of using the program to gain support for more nuclear submarines at a time of shrinking budgets. Admiral Konetzni remarked that attack submarines were named for cities rather than for fish because ''fish don't vote.'' His views were echoed by the other admirals. ''The visitors program is the whole thing that's driving this,'' said Mr. Fidell, the former Coast Guard judge. ''Every flag witness said the same thing. It was like something out of 'The Manchurian Candidate.' They are desperate to protect this program.''

[From The Washington Post, Apr. 21, 2001]

ACCOUNTABILITY AND THE NAVY

A decision by the commander of the Navy's Pacific fleet not to court-martial Cmdr. Scott Waddle or other crew members responsible for the collision of a Navy submarine with a Japanese fishing trawler in February is consistent with the recommendations of the three admirals who conducted a court of inquiry, a fourth admiral who investigated the incident and the record of handling previous accidents at sea. Unfortunately, it is also in keeping with the Navy's pattern of avoiding full disclosure or accountability for its failures.

Two weeks of hearings by the court of inquiry last month showed that Cmdr. Waddle violated procedures and failed to take proper safety measures while seeking to impress 16 VIP visitors abroad the USS Greeneville. Among the other things, the veteran skipper took the submarine deeper than allowed, did not order a key piece of equipment fixed and spent only 80 seconds on a periscope search that should have taken three minutes. What followed was a collision that killed four young Japanese fishing students, two teachers and three crewmen aboard the Ehime Maru trawler. While accepting those findings, Adm. Thomas Fargo is expected to conduct a private disciplinary hearing for Cmdr. Waddle and allow his honorable discharge from the Navy with a full pension.

The Navy's attempt to justify this decision began even before it was made. The acting secretary of the Navy, Robert B. Pirie Jr., told reporters more than two weeks ago that he sympathized with Cmdr. Waddle and worried a court-martial might hurt morale among Navy officers. He praised Cmdr. Waddle's record; other officials pointed out that

officers have not been prosecuted for past accidents and argued that an end to the commander's Navy career punishment enough. Said Secretary Pirie: ''I think this incident is really tragic because of the possibility that the Navy will have lost Scott Waddle's services.''

But the real tragedy is the loss of nine lives because of poor conduct aboard the submarine. And while that conduct may not have risen to the criminal, the Navy admirals who drew that conclusion had strong political incentives to do so. Ever since the accident occurred, Navy officials have tried to deflect public attention from the guests aboard the Greeneville and the larger program of hosting civilians aboard ships. At first the Navy refused to disclose the civilians' names; though the board of inquiry was specifically charged with investigating the guest program and the role of the civilians, none of the VIPs was called to testify during 12 days of public hearings. There are conflicting and still-unresolved accounts about whether the civilians distracted the Greeneville's commander and crew, but one fact is undisputed: The submarine's excursion that day and the emergency surfacing exercise that led to the collision were conducted solely for the benefit of the visitors, many of whom had earned the trip by raising money for a memorial to the World War II battleship Missouri.

Cmdr. Waddle's attorney made clear that his court-martial defense would have focused on the Navy public relations program, a tactic that might have produced just the embarrassment the Navy has tried to avoid. Did that prospect play a role in Adm. Fargo's decision? Yes or no, the absence of a court-martial means the only examination of the civilian guest program will be buried in the 2,000-page report by the court of inquiry. News reports have suggested that Adm. Fargo will recommend a review of the Navy visitor program and a halt to the practice of conducting excursions solely for the benefit of visitors. Those sound like appropriate conclusions. But if the Navy has its way, the reasons for reaching them, and the role played by the visitors program in the Ehime Maru tragedy, will never get the full airing that a court-martial would have provided.

[From USA Today, Apr. 23, 2001]

NAVY DUCKS SCRUTINY

As the Pacific Fleet commander today metes out punishment against the captain of the sub that collided with a Japanese fishing boat Feb. 9, the disciplinary action is secondary to a more critical point: That the Navy itself is likely to get off unscathed.

The commander already has decided to forgo a court-martial, according to news reports. That means Cmdr. Scott Waddle won't be imprisoned for the botched procedures and cut corners that contributed to the deaths of nine Japanese passengers. Even so, he faces punishment short of jail time.

Not so for the Navy, which ducked self-scrutiny during the public hearings into the collision and is now poised to do so again.

During a 12-day court of enquiry into the deadly transgressions by Waddle and his crew, the Navy failed to question any of the 16 civilian guests for whom that day's sub ride was conducted. And it did so despite the enquiry's written mandate to probe civilian-guest programs. The Navy thus obscured the degree to which its improperly organized public-relations outings distract crew from more important duties, and harm the service's reputation.

It will use the same obscuring tactic today, reading Waddle his punishment behind closed doors in a brief ''admiral's mast'' proceeding rather than a court-martial. The latter would have been public and lengthy, and might have triggered an appeal during which any dirty laundry from the Navy's guest program might have come out.

Regardless of the merits of the court-martial decision, no valid interest is served by the Navy's failure to confront hazardous practices. The Navy had until last week to call more witnesses to prove more deeply the civilian guest program. It did not do so.

There's still opportunity for a full accounting. The Navy could report on what went wrong with its civilian visit. Among the questions that remain unanswered are whether the visitors distracted the crew, as some members initially told the National Transportation Safety Board; why the unscheduled civilian ride was held, against guidelines; whether guests were favored because of personal connections; and how pervasive such problems are.

If the Navy stays true to form, such a public accounting won't be forthcoming. It'll be left to the Department of Defense Inspector General or the NTSB to draw conclusions. But these are unlikely to satisfy public and congressional questions as fully as the Navy could, and should.

Shortly after the accident, Waddle publicly took responsibility for it. It's high time his superiors demonstrate the same sense of duty.

RESTORING THE LAFAYETTE-ESCADRILLE MEMORIAL

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today to bring to the attention of my colleagues the deteriorating state of a memorial to our World War I aviators.

The Lafayette-Escadrille Memorial, which is located west of Paris, honors all the United States aviators who flew for France in World War I, with 68 Americans memorialized or buried on the site.

Formed in 1916 as part of the French army, the Lafayette-Escadrille was the birth of the American combat United States Air Force we have today. In fact, Captain Eddie Rickenbacker, the first U.S. trained ace, was trained by Mr. Lufberry, one of the original U.S. volunteers in the Escadrille. ''Escadrille'' is a French term for squadron.

Seven Americans formed the original American squadron. When the Escadrille transferred to U.S. command in 1918, 265 American volunteers had served in the French air service, with 180 of those having flown combat missions. In all, the Escadrille flew 3,000 combat sorties, amassing nearly 200 victories. By the end of the war, most of the fallen of the Lafayette-Escadrille were buried along the battlefront in various military cemeteries.

A joint French-American committee was organized to locate a final resting place for those American aviators. With land donated by the French Government, the Memorial was dedicated on July 4, 1928.

My colleagues, the memorial is a site to behold. It encompasses an arch of triumph with a series of columns placed on either side. It contains a sanctuary and a burial crypt. Sunlight fills the tomb by way of 13 stained glass windows. Each of these works of art depicts the Escadrille flying its many missions over the battlefields of Europe. One of the more striking stained glass works depicts the U.S. aviators escorted by an eagle on a symbolic flight across the Atlantic to come to the aid of the French.

However, sadly I report, the memorial is in desperate need of repair. The structure sits in a meadow with a high water table. Heavy rains flood the tomb, worsened by the poorly functioning drains and water leaking through the terrace behind the memorial. Structural repairs are needed for the crypt and the overall foundation, and double glass is needed to protect the remarkable stained glass windows.

In 1930, U.S. attorney Nelson Cromwell founded the Lafayette-Escadrille Memorial Foundation. He endowed the foundation with $1.5 million for its maintenance, but unfortunately, all of those funds have been exhausted. Today, the foundation has a mirror organization in France and a pledge of monetary support to restore the memorial.

Although studies to estimate the cost of restoring the memorial are ongoing, it is obvious that the resources required will exceed the meager means of the foundation. The French Government has already indicated its willingness to assist, and it is time for the U.S. Government to do the same.

Just as we did in World War I, World War II, and most recently, in the Gulf War, it is time for the U.S. and French Governments to join together in doing what is right and what is just. This is an important memory. We must perform the duty of living and properly honor the memory of those who gave so much.

Combining the efforts of private industry and Congress, it is my hope to join the French in restoring the memorial to its original beauty. It is the right thing to do, to honor our fallen aviators of World War I and to demonstrate our respect for the sacrifices of all Americans in service to our Nation and our allies.

I hope my colleagues will join me in supporting funding for the restoration of this magnificent memorial.

ADVOCATING A MORE APPROPRIATE ROLE FOR THE FEDERAL GOVERNMENT IN DISASTER RELIEF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, you cannot promote livable communities without examining the problems associated with our complex set of

State, local and Federal policies for emergency relief. Many of these policies have encouraged people to live and invest in places where nature has repeatedly shown they are not welcome.

The recent increase in the number of natural disasters and the associated losses has clearly demonstrated that our protective strategies are inherently flawed. We had better figure it out before we are overwhelmed by further impacts of global climate change.

In the last decade alone, we have lost nearly $100 billion and almost 1,000 lives. Although we have invested tens of billions of dollars in dams and levees over the last 40 years, our losses now total almost six times the amount lost before we began. Natural forces continue to confound our best engineering efforts.

The average coastline in the United States is due to erode approximately 500 feet over the next 60 years, and this figure does not take into account any rise in sea level or increased intensity of storms due to global warming. Walling off our coastlines is a contest we are going to lose.

The National Flood Insurance Program is a good idea and an important program, but it is not sound because over 8,000 victims of repetitive flood loss are not required to either floodproof their property or relocate out of harm's way. The worst example of this absurdity is the payment of over $800,000 to the owner of a home in Houston for 16 losses over 20 years for a home that is appraised at less than $115,000.

Communities on the West Coast should be required to upgrade seismic standards in preparation for earthquakes, to place vulnerable coastal areas off limits to development, and to carefully evaluate the long-term effectiveness of beach reconstruction and fortification.

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All of these actions should emphasize appropriate cost-sharing and environmental sustainability. If State or local governments have not or will not do their job, then Federal support should be phased down.

Davenport Iowa's mayor Phil Yerington is correct to point out that the residents of his city are not the only ones who should be subjected to scrutiny. While I appreciate FEMA director Allbaugh's tough questions, I am not convinced that flood walls are the only or even the best answer. Oftentimes structural solutions may provide local protection but only increase flooding problems downstream. Passive flood control systems using wetlands and other natural features may provide better alternatives.

But whatever the approach, people need to accept the consequences of their location and development decisions. Repetitive flood loss should not be the sole responsibility of the Federal government.

State and local governments should ensure that zoning regulations and building codes in storm-prone areas are rigorous enough to limit wind and water damage by highly predictable weather patterns.

I commend the FEMA director for his concerns, and stand ready, along with my congressional colleagues, to work with him on these difficult issues. Disaster relief should not be lost in the shuffle of must-pass emergency legislation. It must receive the scrutiny it deserves.

We ought to make sure, for example, that Federal tax dollars are not used to rebuild environmentally-damaging lagoons of hog waste in flood plains. The Coastal Barrier Resources Act was a terrific Reagan-era environmental protection embraced by Democrats and Republicans, environmentalists and business interests alike. It should be extended to all coastal areas.

Sensitive shorelines should not have private development subsidized at the Federal taxpayer expense. Government regulations should be making it cheaper and easier for local communities to take the less intrusive greener approach to flood control than to use the more environmentally-damaging structural approaches.

Project Impact, which invested small amounts of Federal money to develop emergency management partnerships and planning in advance of a disaster, should be enhanced, not eliminated, as recommended by the Bush administration. It was an ill omen for the administration to propose Impact's elimination on the very day of the Seattle earthquake.

It is time for the administration to align its land use, disaster, and infrastructure policies to be supportive these cost-effective, visionary approaches. It is time for Congress to step up to be a full partner, rather than supporting short-term parochial interests that only encourage people to live in harm's way, waste tax dollars, and ultimately make the problem worse.

What better response to this year's Earth Day than a bipartisan cooperative approach between the administration and Congress to tackle this long-term and growing problem.

UNITED STATES MISSILE DEFENSE

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized during morning hour debates for 5 minutes.

Mr. ABERCROMBIE. Madam Speaker, with the President making his remarks today on missile defense, I think we need to recognize unprecedented political challenges loom on the strategic horizon. Current U.S. defense force planning is set within an atmosphere of great uncertainty. Historic rivals of the United States, such as the Soviet Union and Eastern Bloc nations, have either disintegrated altogether or lost much of their competitive influence.

Regional state actors, particularly on the Asian continent, show signs of future ascendancy on the world political stage. Other nation states, some exhibiting anti-U.S. bent, continue to challenge American allies and interests around the world, even as U.S. peacekeeping and peacemaking commitments evolve.

The very definition of American interests is in transition as varied threats emerge in the post-Cold War world.

International corruption, organized crime, and the production, trade, and trafficking of illicit narcotics is on the rise. These transnational threats contribute to the instability of political systems abroad, the violation of U.S. borders, and often represent a threat to social conditions in the United States.

The threat of terrorism, both state and nonstate sponsored, has grown in significance and Americans have increasingly become targets for attackers abroad. According to a December 2000 unclassified Central Intelligence Agency (CIA) report, terrorist attacks against the United States, its forces, facilities, and interests overseas are expected to increase over the next decade. Additionally the report states, ''Between now and 2015 terrorist tactics will become increasingly sophisticated and designed to achieve mass casualities.'' This potential threat is of particular concern for the United States with its open borders, emphasis on local—and perhaps uncoordinated—emergency responders, and a prevalent cultural respect for civil liberties, and, thus, freedom of movement and action. Antiterrorist measures must address all plausible attack scenarios, including the delivery of an explosive device by more traditional means, such as by ship, rail, foot, or automotive vehicle.

The availability of advanced technologies has also reached a significant level of concern as Russia, China, and North Korea, continue to exhibit ambivalent attitudes towards nonproliferation agreements.

The 2001 Report of the Secretary of Defense to the President and the Congress notes the spread of materials with potential applications to nuclear, biological, and chemical weapons, and highlights the proliferation of advanced long-range delivery systems.

Another study, the Quadrennial Defense Review 2001 Working Group by the National Defense University laments, and I quote, ''Given the diffusion of advanced military technologies and the proliferation of weapons of mass destruction, one could envision an adversary armed with longer-range missiles and cruise missiles, weapons of mass destruction, advanced integrated air defense systems, and/or sophisticated anti-ship mines and missiles by 2010, if not sooner.''

U.S. military forces, then—forward deployed to temper adversarial behavior and required to provide both a credible deterrence and an overwhelming response to aggression if needed—face new and multiple challenges, not the least of which is to consider anew its role in assisting with defense of national territory.

Set within this context, U.S. strategists are challenged with questions about nuclear strategy and force posture, arms control regimes, and missile

defense modernization options. Missile proliferation has introduced an immediate threat to American uniformed personnel stationed abroad, and brought to the fore the prospect of ballistic missile attack on the United States as a real possibility within the next 5 to 7 years.

China, Russia, and North Korea each have well-armed missiles capable of striking parts or all of the United States, and other nations, such as Iran, may possess similar technology in the not too distant future.

This new setting has led some to call for a new strategic synthesis and a doctrinal requirement to, in the words of Michael Krepon, and I quote, ''reduce the dangers from missiles and weapons of mass destruction in the uncertain period ahead.''

Still, the view of the threat from abroad should not create a threat from within. An effort must be made to avoid strategic decisions that might antagonize our international competitors and/or partners, leading them to adopt a posture even more belligerent in nature. Krepon suggests, and I quote, ''The net effect of missile deployments should be to reinforce reductions in nuclear forces, reassure allies, support nonproliferation partners, and reduce the salience of missiles and weapons of mass destruction.''

Thus, the threat to America should be viewed holistically. It should be viewed with an eye receptive to the benefits of negotiation, diplomacy, and arms reduction possibilities, mindful of adversarial intent. The possibility of a threat does not necessarily deem it likely. Whereas missile threats to the United States and allies indeed exist and are likely to increase, other threats also remain. America, therefore, should invest in a force structure commensurate with likely threats. Above all, consideration of missile defense systems must not acquire a 21st century Maginot Line mentality.

Calls for nonpartisanship respecting an issue are generally rhetorical and strategic in nature as regards their political origin. Missile doctrine made manifest in congressional policy, however, cries out for just that approach. No other defense posture is as pregnant with controversy and potential for bitter political conflict. The costs of commitment alone set off warning bells throughout the budget spectrum. Discussion can rapidly descend into confrontation and accusation if we do not pledge to bring serious, sober consideration and resolution to the table. What is needed presently is the equivalent of a congressional deep breath.

We need to remember the various missile launch scenarios are abstract evaluations and the solutions promulgated in response are visions, for the most part, still on paper and in the mind's eye.

Missiles, offensive or defensive, are at best a technological answer to a military question, not a diplomatic answer to a question of negotiation. International diplomacy and national policy remain an art, not a science. Science is fixed and immutable in its consequence, while art, as Andy Warhol said, is what one can get away with.

Congress must guard against allowing missile defense systems becoming the policy, allowing the technology, in effect, to develop its own psychology. There is gradually being created in the United States a burgeoning military and corporate apparatus dependent in large measure on missile defense to rationalize its existence.

It is imperative, therefore, that the Congress assess the role of missile defense policy in the overall context of national security and economic stability. The issues are real. The responsibility is ours.

MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Missouri (Mr. SKELTON) is recognized during morning hour debates for 5 minutes.

Mr. SKELTON. Madam Speaker, it is no secret that missile defense is perhaps one of the most significant national security issues facing the House this year. How our country decides to pursue reducing that specific threat affects how much we will be able to spend on other aspects of defense, how we will deal with our friends and allies, and how America participates in shaping the world.

I do not oppose missile defense. Neither do many Democrats. But I believe, as with any aspect of national security, that our expenditure should be proportional to the threat posed.

My friend, the gentleman from Hawaii (Mr. ABERCROMBIE), has laid out some very sound principles by which I believe we should proceed in considering our system, and that is a significant one.

Reducing the missile threat should be a cooperative undertaking involving the United States, nations that wish us well, and nations that do not. Every missile not built is one we do not have to defend against.

Developing our policy should also be a cooperative process, Madam Speaker. I hope the President will work with Congress in that effort. This is an area where I can assure the President that a bipartisanship is possible.

I look forward to hearing from the expert, the gentleman from South Carolina (Mr. SPRATT), and I also compliment the gentleman from Hawaii (Mr. ABERCROMBIE) on his seminal work in this area. I thank him for that.

Let me speak first about the threat as it involves military intelligence. Missile defense, if nothing else, is at the terminal end of military operations. Its use represents a failure to deter, and perhaps, more to the point, a missed opportunity to have assessed accurately intentions and activity of a potential enemy.

There is no substitute, and I will repeat it, there is no substitute for comprehensive intelligence-gathering and analysis if the preventative value of missile defense is to be maximized.

Now, there are several points that should be brought out that can be termed as principles on missile defense. The deployment of missile defense systems to protect our country and its interests is a decision that should be considered in the following context.

First, missile defense investment must be measured in relation to other military requirements.

Missile defense must counter a credible threat.

Missile defense will require an integrated, fully-funded military and intelligence effort, and I will repeat, that reliability and timely intelligence is critical to the success of any missile defense system.

Missile defense must be proven to work through rigorous, realistic testing prior to any final deployment decisions. In other words, it has to work.

Missile defense must improve overall United States national security. This is fundamentally a question as to whether deploying defenses will encourage opponents to deploy counteroffenses, encouraging in the process a global missile proliferation race.

Missile defense must be deployed with an understanding that those benefiting from its protection will share in its costs. That is, if the benefits of a missile defense system are extended to share with American allies in Europe or elsewhere, equitable burden-sharing arrangements need to be made.

Finally, deployment of missile defense will be debated in relation to the provisions of the antiballistic missile defense system.

Madam Speaker, the whole issue of missile defense will be a serious issue this year. The President is making a statement regarding that later today. It is an area where bipartisanship is needed. It is an area that I feel very certain that bipartisanship will happen, but we need to be thorough and not rush to judgment and do something that is wrong or inaccurate, or something that does not work or meets the threats that are obviously apparent.

Again, let me commend our friend, the gentleman from Hawaii (Mr. ABERCROMBIE), on his efforts. I look forward to hearing our friend, the gentleman from South Carolina (Mr. SPRATT), who has done a great deal of work in this area.

SUPPORTING THE PRESIDENT'S MISSILE DEFENSE INITIATIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON) is recognized during morning hour debates for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, I rise in support of the President's announced speech to

move forward with missile defense for this country.

It is outrageous to me, and it should be to our colleagues, Madam Speaker, that 10 years after 28 young Americans came home in body bags from Desert Storm, that we still do not have a highly effective theater missile defense system to protect our troops.

□ 1300

We have made some progress. We have pushed the PAC3 system, to the extent now where it is about to be deployed. We have made progress on the THAAD program, having had successful intercepts three times. We have had success in our Navy areawide program.

The Israelis have had success with the Arrow program. We are now moving together with them on the theater high energy laser program, which offers promising potential for us. We are working with the Europeans, particularly the Germans and Italians on the Medium Extended Area Defense System, or MEADs.

We are making progress, but we still have not had the success that we need. I am convinced that part of that is because for the past 8 years we had no consensus and leadership from the White House pushing this country on military defense as John Kennedy challenged America to land on the moon in 1960, and 9 years later we did it.

Madam Speaker, all of that is changing today, as the highest elected official in our country comes out solidly in favor of missile defense as a resource for defending our people.

Now, some would say, well, why do we worry about missiles when a terrorist can take a truck bomb and do the same thing? Well, we are concerned about terrorists activities. In fact, that is why in our committee we have plussed up funding for work-related to chemical and biological terrorism significantly over the past several years; but the fact is the weapon of choice by Saddam Hussein to kill 28 young Americans was not a truck bomb. It was, in fact, a low-complexity SCUD missile that sent those young Americans, half of them from my State, back home in body bags to be buried by their families.

Some say we cannot rush to judgment on national missile defense, and I can tell my colleagues what the President is going to offer is a layers approach, much like we have advocated, where we deploy those quickest possible technologies that are proven and tested to give us some short-term capability.

I say it is about time that we begin deploying technologies that can assist us. Some of our colleagues will say, wait a minute, the Russians will be backed into a corner. I say that is hogwash. Yes, the Russians do not trust us today.

Madam Speaker, I would say if I were a Russian today, I would not trust America either on missile defense, because three times in the last 10 years, we have publicly rebuked Russia on cooperation of missile defense. The first was after Boris Yeltsin in 1992 accepted George Bush's challenge to work together, and we began the Ross-Mamedov between our State Department and the Russian Ministry of Foreign Affairs.

In 1993, when Bill Clinton came into office, he abruptly canceled those talks. That sent a signal to Russia, we do not want you involved. The second time was in 1996, when the only cooperative missile defense program between this country and Russia, the Ramos project, was canceled by the Clinton administration.

It was only because CARL LEVIN, people like the gentleman from Missouri (Mr. SKELTON), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from South Carolina (Mr. SPRATT) went to war with the White House that we were able to reinvigorate the Ramos program and keep it alive, but the signal was sent to Russia we do not want to work with you.

The third example was in 1997, at a time where almost everyone says the ABM treaty needed to be flexible. The administration sent its negotiators to Geneva to negotiate two outrageous protocols that would actually tighten up the ABM treaty. One would create demarcation between theater and national missile defense artificial differentiation, the other would be multilateralization of the treaty.

The administration knew that neither the House or the Senate, especially the Senate would ratify those protocols, but they convinced the Russians that that was our position. Even though the Constitution requires the administration to submit those kinds of changes to the Senate for their advice and the consent for 3 years, the administration never did that, because they knew the Senate would not ratify them.

The Russians for the third time were tricked in their mind, tricked into believing that America really was serious about cooperating with them.

When the Duma included those two protocols, the part of START II ratification last spring, all of a sudden our Senate said no way are we now going to pass START II, because the Duma did what the administration did not do. They attached the protocols to the ABM treaty, as additions to the START II treaty, something that we would never accept in this country.

It is no wonder the Russians do not trust us. If I were in Russia today, I would not trust America's intentions in missile defense either. It is time to get beyond that. We can, in fact, rebuild a trust that we have lost and let the Russians know that missile defense is not about backing them into a corner.

Missile defense is for Americans, for Europeans, for Russians, and for all peaceloving people on the face of the Earth.

NATIONAL MISSILE DEFENSE

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Carolina (Mr. SPRATT) is recognized during morning hour debates for 5 minutes.

Mr. SPRATT. Madam Speaker, President Bush will outline today his plan for national missile defense. I reserve judgment until I hear the speech, but I have been following SDI and NMD, National Missile Defense, for years; and I have a few thoughts of mine that I want to share with the House, for whatever they may be worth.

I think National Missile Defense, NMD, is worth pursuing, and if it works, I think it is worth deploying. But we have not proved that it works, not yet. In fact, after spending more than $60 billion on missile defense, we have learned as much about its limits as about its potential. Every form of defense we have explored at great expense has been found to be an Achilles heel of one sort or another. Boost-phase interceptors can be thwarted by fast-burn boosters or ablative covers. Space-based systems, whether they are lasers or kinetic interceptors move in fixed orbits and can easily be targeted and taken out. Sea-based systems are constrained by an obvious factor, the finite space availability on ships available.

We for now settle on ground-based, mid-course interceptors, which I consider to be our clear first choice, the right way to go, but I will be first to tell you that the problem of discriminating warheads from decoys and chaff is a daunting problem that is a long way from being resolved.

We have spent 18 years and $60 billion since Mr. Reagan made his speech; and if we have learned anything, it is that missile defense is not likely to render nuclear weapons impotent and obsolete. It may enhance deterrence, I believe it will; but it is not likely to replace deterrence.

There is, however, a threat, a threat of an unauthorized or accidental attack, a threat of a rogue attack, existing and emerging, and I think it would be wise to have a missile defense system to meet that threat. But we have to recognize, we have to be realistic and recognize that a rogue or unauthorized attack can well come in an unconventional manner and probably will, rather than by missile with the sender's signature written all over it, and that threat, the threat of nuclear weapons in the hands of parties undeterred by our ability to strike back, is a very real threat best opted at its source.

If we strike ahead to defiantly on our own abrogate the ABM treaty and deploy any defense systems that we want to deploy, we may very well jeopardize the arms control measures that make us secure and make ourself less secure rather than more.

Now, I think that ground-based interceptors are the first right step. We

build the SBIRs-Low system anyway. We are working on a technology here with ground-based interceptors that are complementary to the technology we use for theater missile defense systems. Everybody agrees that is a need we need to develop; and it will be proved to be useful, I think, to have a system on the ground which can be tested continually and improved incrementally.

But having said that, having said that, I want to say, I do not think we should be so zealous to deploy any system that we deploy a substandard system that has not been tested and tested rigorously or else we will find ourselves on a rush to failure.

Finally, I think we need to be realistic. We are soon going to get a defense budget from the Pentagon. We are told it could be to $200 billion to $300 billion to $400 billion more than the $2 trillion we have already provided in the FYDP for the next 6 years. We need to be realistic about not only the acquisition costs but the life cycle costs of a ballistic missile system.

I do not think NMD deserves a trump card in our budget. It is time, I think, that we in the Congress and elsewhere in the government stopped treating BMD, ballistic missile defense, as a political totem. That is what it has become, a political totem like no other weapon system we have ever seen.

It is time for us to start treating this just as any other weapon system. It does not need cheerleaders. It does not need pallbearers, what BMD, what NMD needs is candor. It needs to be held to the same standards of feasibility, cost effectiveness as every other weapon system we buy and deploy.

If we are going to sell this system to others, our allies, our adversaries, our former adversaries, to Russia, we need to have unity or some cohesion among ourselves, bipartisan unity.

I think if we stay within these bounds, we can build that kind of bipartisan consensus. We should never lose sight of this fundamental fact. We have got a rough, rocky relationship with the Russians right now, but we are making progress.

While we can work with Russia, we should work with Russia to secure their missile systems, to secure their nuclear and fissile materials. And bear this in mind, a critical point, through programs like Nunn-Lugar and the Cooperative Threat Reduction Program, we have helped to deactivate so far 5,288 Russian warheads, 419 long-range missiles, and 367 silos. These numbers, what we have accomplished under these cooperative programs, dwarf the number of warheads that even the most robust NMD system could have handled or could have stopped.

We have only begun in that effort. We do not want to diminish that effort and leave ourselves less secure rather than more secure, that is why I plead to the President not just for the statement of policy, but also for balance and also ask him to make a bipartisan effort founded on consensus and not just on the unilateral position that his administration is pursuing.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 10 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 2 p.m.

PRAYER

Dr. Laudis H. Lanford, The Methodist Home for Children and Youth in Macon, Georgia, offered the following prayer:

The Lord be with you, and for our Jewish friends, Sh'ma Yisrael Adonai Elohanu, Adonai Echad.

Oh Lord, my God, how majestic is Your Name in all the earth. Your handiwork is to be exalted and praised before the people. How awesome You are in everything and everywhere. Your love for us is greater than the east is from the west, yes greater than the number of stars in the sky and grains of sand along our shores.

Humble us this day, O God, that we might pause and recognize who You are within our lives and reflect upon the bountiful blessings that You bestow upon us.

Forgive us when we have failed to be obedient to You, both in word and deed. And forgive us when we have not heard the cry of the needy. Forgive us, O God, when we have not loved our neighbors as ourselves. And free us for joyful obedience to You and service to others.

And like Jabez, we call upon You, the God of Israel, saying, O that Thou wouldest bless us indeed, enlarge our coast, that Thine hand might be with us; that Thou wouldest keep us from evil, and that it may not grieve us. Grant, O God, that which we humbly request. Charge to keep I have, a God to glorify, a never dying soul to save, and fit it for the sky.

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. BARCIA) come forward and lead the House in the Pledge of Allegiance.

Mr. BARCIA 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.

INTRODUCTION OF GUEST CHAPLAIN, DR. LAUDIS H. LANFORD

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, it is indeed a privilege and a pleasure for me to have Dr. Laudis H. Lanford as the guest chaplain in the House today. My good friend, Rick Lanford, is vice president for development at the Methodist Home for Children and Youth in Macon, Georgia, where he is affectionately known as ''Daddy Rick.''

Dr. Lanford is a graduate of Emory University in Atlanta and Candler School of Theology, where he received a Master of Divinity, and the McCormick School of Theology, where he received a Doctor of Ministry.

Rick's love of the Lord is exhibited in his everyday life, but no place more than in his work with the 110 orphaned and abused children at the Methodist Home.

Rick has made a strong commitment to his community and his State. He is chaplain for the Macon City Police, the Bibb County, Monroe County, and Jones' County Sheriff's Department. He is also chaplain for the Georgia Sheriff's Association and serves on the Gang Awareness Task Force Committee.

Dr. Lanford changes lives of young people in our part of the State every day. I am proud to have him here today, but I am even more proud to call him my good friend.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MAY 2, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, May 2, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PENSION REFORM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, retirement is something every American needs to prepare for, but with the prices of everything from college educations to

gasoline as high as they are, putting away money is difficult for many Americans. It is not made any easier by a government that takes about 40 percent away in taxes.

This week, the House is going to vote on a bill to make retirement easier for working Americans. We are going to increase IRA contribution limits from $2,000 a year to $5,000. We are going to increase the limit on 401(k) contributions to $15,000. And we are going to allow people close to retirement an additional $5,000 in catch-up contributions to their 401(k)'s.

Helping people keep more of their own money so they can invest it and retire comfortably is a cause every Member of this body should support. We have not increased IRA limits in 20 years. This legislation is long overdue.

Yes, Republicans passed this legislation before; but this time we have a President who will sign the bill. This time it will become law. I thank the President for joining us in doing the right thing.

ABOLISH THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a government investigation said that the IRS gave, quote-unquote, wrong information 50 percent of the time. In addition, they say one-third of all calls to the IRS go unanswered.

Unbelievable. According to my math, the IRS is upside down about 80 percent of the time. If that is not enough to give your 1040 a hernia, the IRS says, give us more money and we will solve our problems. Beam me up. The IRS does not need more money. Congress has got to abolish the IRS.

A recent national poll says 70 percent of American taxpayers favor the Tauzin-Traficant 15 percent national sales tax. No more forms, no more tax on capital gains, savings, investment, education, inheritance. Think about it. And the IRS is abolished.

I yield back those stumbling, fumbling, bumbling, nincompoops at the IRS.

SCHOOL CHOICE WORKS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, children should not be trapped in a failing school where they cannot possibly reach their fullest educational potential. That is why H.R. 1 includes a school choice program that enables parents to send their children to another school, public or private, after 3 years of chronic failure.

Public support for school choice is strong, especially among African Americans. A survey conducted in 1999 by the Joint Center for Political and Economic Studies found that approximately 60 percent of African Americans favored school choice. According to a bipartisan poll for the National Education Association conducted in February, 63 percent of Americans say they support President Bush's approach to school choice.

Moreover, school choice programs in Milwaukee, Wisconsin, and Florida have met with significant success. Howard University's Jay P. Greene found that since Florida's A-Plus school choice program began, student test scores have improved across the board. There is evidence that the A-Plus program has compelled failing schools in Florida, now under the threat of losing their students, to improve performance.

It is our responsibility to empower parents to make the right decision for their children's future.

VIEQUES, PUERTO RICO

(Mr. ACEVEDO-VILÁ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACEVEDO-VILÁ. Mr. Speaker, I am here to reaffirm the commitment of the Government of Puerto Rico to find a solution to the situation in Vieques. While we work toward that end, I must bring to your attention recent unfortunate events. The gentleman from Illinois (Mr. GUTIERREZ) was more than one of 150 protestors who committed the misdemeanor offense of trespassing on Federal lands. Some 72 hours after being arrested, our colleague was still detained. This after being denied a phone call for more than 24 hours and having spent a night on a rock strewn floor of an abandoned roofless dog kennel in the rain. I am outraged by the treatment of the detainees by Federal authorities and the use of excessive force against peaceful protestors.

I must address those who have used the issue of Vieques to call into question Puerto Rican commitment to the defense of this great Nation and the principles it represents. For over 100 years, Puerto Ricans have served with distinction and paid the ultimate sacrifice for the United States during war time. I quote Deputy Secretary of Defense Paul Wolfowitz, who said last week, ''The patriotism of Puerto Ricans is absolutely certain. Their contribution to our military individually is extraordinary.'' With the same spirit that Puerto Rican soldiers have defended democracy and justice around the world, today we defend the rise of the more than 9,000 U.S. citizens that live in Vieques.

Vieques is not a partisan issue. It is no longer a Puerto Rican issue. Vieques is an issue of health, environment, and human rights. Paz para Vieques.

COMMUNICATION FROM THE HONORABLE PHIL ENGLISH, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable PHIL ENGLISH, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol Building.

DEAR MR. SPEAKER: Effective April 27, 2001, I hereby resign from the Committee on Small Business. If you have any questions regarding this matter, please ask your staff to call my Administrative Assistant, Bob Holste at 5–5406.

Sincerely,

PHIL ENGLISH,
Member of Congress.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 30, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1404 of Public Law 99–661 (20 U.S.C. 4703), I hereby appoint the following individual to the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation: Mr. Ralph M. Hall, Texas.

Yours Very Truly,

RICHARD A. GEPHARDT.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to 22 U.S.C 2761, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group:

Mr. PETRI of Wisconsin; and
Mr. GALLEGLY of California.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

RECOGNIZING IMPORTANCE OF INCREASING AUTISM AWARENESS

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and agree to

the concurrent resolution (H. Con. Res. 91) recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them.

The Clerk read as follows:

H. CON. RES. 91

Whereas the Autism Society of America, Cure Autism Now, the National Alliance for Autism Research, Unlocking Autism, and numerous other organizations commemorate April 27 as Autism Awareness Day and April as Autism Awareness Month;

Whereas autism is a developmental disorder that is typically diagnosed during the first three years of life;

Whereas autism has robbed at least 400,000 Americans of their ability to communicate and interact with others;

Whereas autism affects at least 1 in every 500 children in America;

Whereas autism is 4 times more likely in boys than in girls, and can affect anyone regardless of race, ethnicity, or other factors;

Whereas the cost of specialized treatment in a developmental center for autistic persons is approximately $80,000 per individual per year;

Whereas the cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at more than $13 billion per year; and

Whereas, despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideas of Autism Awareness Day and Month;

(2) recognizes and commends the parents and relatives of autistic children for their sacrifice and dedication in providing for the special needs of their autistic children and absorbing significant financial costs for specialized education and support services;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, and promote understanding of the special needs of autistic persons;

(4) urges the Department of Health and Human Services to continue to press for the swift and full implementation of the Children's Health Act of 2000, particularly the establishment of not less than three ''Centers of Excellence'' at the Centers for Disease Control and Prevention and not less than five ''Centers of Excellence'' at the National Institutes of Health, in order to monitor the prevalence of autism at a national level, leading to a better understanding of autism and related disorders;

(5) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies, including Applied Behavioral Analysis, are the primary therapeutic options for young autistic persons;

(6) supports the goal of federally funding 40 percent of the costs of the Individuals with Disabilities Education Act to States and local school districts, recognizing that the inadequacy of this funding has adversely affected the ability of school districts to appropriately respond to the rising number of autism cases in our schools;

(7) urges Federal, State, and local governments to allocate sufficient resources to teacher training initiatives to alleviate the shortage of appropriately trained teachers that have the skills and support necessary to teach, assist, and respond to the special needs of autistic students in our school systems; and

(8) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that autistic persons can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Pennsylvania (Mr. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

□ 1415

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 91, and include extraneous materials.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise today to support this legislation for two very important reasons: One is a grandchild of Lurla and Richard Mane of Augusta, Georgia, who is an autistic child. The Manes are dear friends, and I have watched as they and their family have struggled with autism over the years.

Mr. Speaker, it is my humble opinion that there are far too many American families suffering the effects of autism on a family member, with far too little being done to search out the cause of autism, or for effective treatments. It seems that no one really cares about autism until their child or a friend's child has autism.

This disease affects nearly half a million Americans, yet there are no FDA-approved treatments. There are no clear diagnostic tests to even accurately determine when the disease exists. Properly directed Federal research aid holds the promise of correcting these deficiencies. We have failed to provide that direction in the past. Let us not fail again in this regard.

Mr. Speaker, the second reason I support this bill is that it recognizes and calls for action on one of the most glaring injustices of this body; namely, our failure to live up to our word for disabled children.

When we passed the Individuals with Disabilities Education Act, known around here as IDEA, we ordered our local schools to provide disabled students, including those students suffering from autism, whatever they needed. In return, this body agreed to pay 40 percent of the cost of this Federal mandate, and it may come as little surprise to many of us, the Federal Government has not paid its share of the tab, but we have been sure to fully enforce our local school's obligation to pay theirs.

This bill recognizes that fact and moves this Congress closer to honoring its word. It is time we provided every dollar of support for our autistic students in public schools to which we are obligated.

Mr. DOYLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the cochairman of the Congressional Coalition for Autism Research and Education, it is my honor to speak in support of House Concurrent Resolution 91 which recognizes and commends parents and families of autistic children for their sacrifices and loving dedication to the demanding needs of caring for an autistic loved one.

Mr. Speaker, I want to recognize and thank the gentleman from New York (Mr. ENGEL), my colleague on the Committee on Energy and Commerce, for allowing me to manage the time; and I want to thank the gentleman from New Jersey (Mr. SMITH), cochairman of the Coalition for Autism Research and Education, for introducing this resolution and for his support of autism awareness legislation such as last year's ASSURE Act, which had the support of nearly 200 Members of Congress and is now public law.

Autism is a family of closely related disorders commonly known as autism-spectrum disorders. No matter what particular disorder, autism is a devastating, lifelong impairment of childhood development that significantly impacts the lives of those affected, as well as the lives of parents and relatives. Autism deprives children of their ability to interact with others in ordinary ways. It robs them of the means to understand and communicate, and destroys normal reasoning skills. Autism forever changes the lives of individuals affected, and resonates deeply throughout the social, economic and spiritual lives of all family members.

Mr. Speaker, this disorder affects nearly 1.7 million Americans, with recent evidence pointing to a prevalence rate that one out of every 150 to 170 children born has an autism-spectrum disorder. Autism does not discriminate. It affects all races and economic status with equal veracity. The disorder is more common than Down's syndrome, muscular dystrophy, cystic fibrosis and many forms of childhood cancer.

The symptoms usually become apparent by the first 2 years of life, with nearly 75 percent of cases occurring in the second year as normal reasoning skills fail to develop. The other 25 percent of cases usually occur in the 12-to-24-month time period in which they regress and typical autism behavior

emerges. It is the latter ''regressive autism'' cases that have been linked to the measles, mumps and rubella vaccination.

Most disturbing is the fact that we simply don't know what causes autism and autism-spectrum disorders, nor do we know any cure for the disorder. But the number of those afflicted continues to grow. For those of us who have not experienced autism directly in our families, it may be difficult to truly comprehend just how demanding and stressful raising a child with autism can be on a family.

Just last Friday, during the first coalition information briefing, I heard a description of autism that, as a father of four children, really hit home for me. Mr. Speaker, imagine that tonight while here in Washington, someone secretly entered my colleague's home and replaced my colleague's son or daughter with another child that looked exactly like their son or daughter, but did not speak or acknowledge when his or her name was called; who found parental affections painful and repulsive. Imagine, Mr. Speaker, if that child changed overnight and remained that way forever. This is autism, my friends.

I have had a long-standing working relationship with autism advocacy leaders both here in Washington and in Pittsburgh. The impact of autism on families and individuals was first brought to my attention by Mr. Dan Torisky. Dan and I met in my early days in politics when I worked for a State senator, and from the first day I met Dan, I was impressed with his tireless and tenacious attitude towards finding a cure for autism. Dan was a past two-term national president of the Autism Society of America, and remains one of the most amazing advocates for autism that I have ever met.

Dan knows autism on a very personal level. Dan's son, Eddie, is autistic; and like all families across America struggling with autism, from day one, Dan and his late wife, Connie, simply wanted their son to have as normal a life as possible. The Toriskys gave me my first comprehensive educational lesson on what it meant for a family to live with autism. I realized that the voices of local researchers, advocacy leaders, and parents needed to be heard by Congress so that they, too, could be educated about the needs for more advanced and dedicated research.

Most importantly, I understand how frustrated parents of autistic individuals are when it comes to their legacy. Who will care for their autistic child when they are no longer here?

Mr. Speaker, the cost associated with caring for and providing critical services to individuals with autism can be phenomenal. In my home State of Pennsylvania, the Autism Society of America estimates that we have 73,686 individuals with autism-spectrum disorders, which translates into about 0.6 percent of the total population. If you take into account early intervention, special education, transportation to special programs, respite care, housing and special programs for adults with autism, over the course of a year, it is estimated that autism costs Pennsylvania $50,000 per person.

In my view, Mr. Speaker, Congress must confront the rising problem of autism on three fronts: cause, cure, and quality of life.

We must continue Federal funding of advanced research into the suspected causes of the disorder, including efforts aimed at investigating the connection between late-onset autism and measles vaccinations, and identifying the genetic and biologic basis of susceptibility to autism.

We must continue to fund research into the cures for the disorder that for the time being have helped us better identify and treat autism. Ongoing research has shown that the effects of autism can be mitigated if proper steps are taken to identify the disorder at the earliest age possible, and corresponding intervention programs are applied.

We must also improve the quality of life for individuals with autism, while not turning our back on quality research into the causes and treatment. Autism lasts a lifetime, and often children with the disorder outlive parents. This creates a burden on the health care and social service systems nationwide, one that they are ill-prepared to carry. We need to care for and educate autistic children and adults, and provide properly trained staff and educators to meet the highly complex and specialized needs of these individuals. It is important that we take appropriate steps to reduce the disability associated with autism so that more individuals can work and live semi-independently.

Mr. Speaker, it makes good sense to invest in research now, and passage of House Concurrent Resolution 91 is an important step because it presses for full implementation of the Children's Health Act of 2000, now Public Law 106–310. Particularly important is the establishment of up to three additional Centers of Excellence in Autism at the Centers for Disease Control and Prevention, and up to five more Centers of Excellence to complement the ongoing biomedical research of the existing 10 NIH Collaborative Programs in Excellence in Autism.

It is vital that we in Congress fund research programs without taking away much-needed funding to pay for new programs. I believe that any expansion of research programs must come with a corresponding expansion of funding dollars.

Mr. Speaker, we have a responsibility to help families dealing with autism. We must do our share because autism is not terminal, and 1.7 million families are a growing and strong testament that life not only goes on, but it can flourish, given strong support and an advocacy network.

Mr. Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield 4½ minutes to the gentleman from New Jersey (Mr. SMITH), the cofounder of the Autism Coalition and a leader in helping to solve the problems of children with this malady.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman for yielding me this time, and thank him on behalf of his good work for autistic children.

Mr. Speaker, I also thank the gentleman from Pennsylvania (Mr. DOYLE), the cochairman of the Coalition for Autism Research and Education (C.A.R.E.). It is a privilege to work with him, and I thank the gentleman for his work and the work his staff has been doing.

Mr. Speaker, we have 119 members on the Coalition for Autism Research and Education, CARE, and I hope my colleagues who might be watching in their offices and their staffs would look into joining this coalition. We are trying to mobilize Congress in a bipartisan way on behalf of autistic children and adults and their families, who are in great need of our support.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BOEHNER) and the majority leader for releasing this resolution to the floor. It was referred to their respective committees, the Committee on Energy and Commerce and the Committee on Education and the Workforce. The majority leader and the committee chairman worked together to get the resolution to the floor.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for his work on behalf of this, and the gentleman from Indiana (Mr. BURTON), who held a very important hearing on the issue of autism, trying to get to the core reasons as to what is causing it.

Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS), who was the prime sponsor of the Children's Health Act which contained title I which sets up the Centers of Excellence. Many of us worked on that language, and we were very pleased when the gentleman made that title I of his very important health care initiative.

□ 1430

Mr. Speaker, H. Con. Res. 91 calls attention to one of the major public health issues of our time, the developmental disorder called autism. Last Friday (April 27), as Members probably know, parents and families of autistic children from all over the country came down to Washington to mark the second annual Autism Awareness Day and to raise awareness of the challenges and sacrifices families make on behalf of their loved ones. H. Con. Res. 91 calls attention to autism and tries to dedicate this Congress, this body, this House, to supporting efforts to treat and to eventually cure autism. In the meantime, we need to at least mitigate its occurrence.

Mr. Speaker, it is not an exaggeration to say that autism spectrum disorders may be the silent epidemic of our time. It is silent because this developmental disorder has robbed at least 400,000 children of their ability to communicate and interact with their families and their loved ones. It is silent because there are currently no operational autism registries in the Nation to tell us how many people are actually afflicted with this disorder. Conventional wisdom and passive reporting suggests that autism affects at least one in every 500 children in America. Much of the recent anecdotal evidence, however, suggests that autism rates are significantly higher, some say closer to one in every 250 children. We have got to get to the bottom of the numbers but more importantly the why of it. Why is this exploding on our scene in America today? What is the cause? What is the pathway? Is it environmental? Is it an immunization shot? Nobody really knows. There are a lot of theories, but not much when it comes to getting to the bottom of the why of it.

Mr. Speaker, let me just say to my colleagues, I was brought into this 21 years ago by a Dr. Holmes who runs the Eaton Institute in Princeton, a very, very important, dedicated person who has done so much, has literally written books and books on the issue of autism. But more recently it was a family, Bobbi and Billy Gallagher in Brick Town, New Jersey who came to me and said, ''We think we have an elevated number of autistic cases in Brick Township, New Jersey.'' They brought evidence. They had done their own survey, finding that there may be as many as 4 per 1,000 rather than the estimates of 2 per 1,000 in that municipality. We then invited the CDC and ATSDR in and they did an empirical, very scientific study.

The bottom line is that they brought forth information that suggested an elevated incidence of prevalence that exceeded what was supposedly the norm. CDC and ATSDR found, about 4 per 1,000 children had autism, and in the spectrum, 6.7 per 1,000 children this was much higher than what we anticipated. This study may indicate that there is a cluster of children with autism in Brick Township, but this study may portend a much higher incidence occurring throughout the country.

We need to spend more money on this. This resolution at least puts us on record as saying it is important to us, we want to get to the bottom of it, and we want to see implementation of title I of the Children's Health Act.

Mr. DOYLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I am pleased to speak today as a member of the Congressional Autism Caucus and to voice my support of House Concurrent Resolution 91. The challenges of autism have been brought to my attention by parents and families whose lives have been affected by autism. Often these parents suffer as the young children do not speak, do not make eye contact and withdraw from them socially. This legislation provides a call for increased awareness of autism. It commends the courage of parents, recommends early intervention, and encourages training and support for parents, teachers, and professionals who work with autistic children. While once children with autism may have been institutionalized, now early interventions can unlock the worlds of these children.

In my home State of Utah, one of the greatest challenges in expanding services to children with autism is a lack of adequate resources. Many children are denied services due to a lack of space. These are the services which have helped other children learn to interact with family and to combat the debilitating effects of autism. Currently in Utah, there is a call to establish an Autism Center for Excellence, a new school with the space, the trained personnel, the teachers, the social workers, and the researchers all engaged in helping these children and families escape their isolation and integrate into society.

The Carmen B. Pingree School will be the first systemic program in the Nation to help children with autism develop from preschool through the elementary grades. It will provide these early services, and it will engage in progressive research. It is my hope that this legislation will provide some of the needed impetus for the recognition of autism. Hopefully it will be the beginning of many efforts across the Nation to create centers of excellence like the Carmen B. Pingree School to bring crucial services into the lives of children with autism.

Mr. GREENWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

Mr. DOYLE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Indiana is recognized for 4 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding me this time. I would like to congratulate the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. DOYLE) for cochairing the Autism Caucus.

I did not know much about autism, except it was a disease of some kind that afflicted a lot of kids and some adults until it happened to my grandson. One day he was normal, starting to talk, walking, great kid. He got nine shots in one day. Nine shots in one day. Many of the shots he received had mercury in them. Most people do not know that when their kids are vaccinated, many of the shots they get have thimerosal in them. It is mercury and mercury is a toxic substance that hurts people, especially children, and it builds up in your system as you get more and more of it.

Anyhow, within just a couple of days after getting nine shots in one day, the MMR shot which has been referred to by the gentleman from Pennsylvania (Mr. DOYLE) and many shots including mercury, he started flapping his arms, running around banging his head against the wall, he had obstructions in his bowel, he had chronic diarrhea, he walked around on his toes, and he has not been normal since.

The interesting thing about this is that I found out after seeing this in my grandson, that not too long ago one in 10,000 children in this country were autistic. One in 10,000. Now it is between 1 in 250 and 1 in 500. The gentleman from New Jersey (Mr. SMITH) just said we have an epidemic on our hands. We really do have an epidemic. In the life span of a child who is autistic, the cost is going to hit this economy to the tune of about $5 million each. Each. And if 1 in every 250 to 500 children are autistic, we better darn well pretty soon find out the cause. Our health agencies really are not doing much. They are appropriating very, very little money in research into autism.

We have a growing body of scientists and doctors who have testified before my committee and the Congress that are saying that mercury is a contributing factor to autism and Alzheimer's. We have a growing number of people who have Alzheimer's in this country. They are getting shots with mercury in them. I got a vaccination here by the doctor at the Capitol and I found out, he did not know it, he is a great doctor, a fine fellow, but he did not know there was mercury in the vaccine. How many of my colleagues got vaccines this year to protect themselves against the flu, flu vaccine? If you got one, you got mercury in your vaccination. That is a contributing factor according to a lot of scientists and doctors to Alzheimer's and to autism in kids. We need to find out why they are putting mercury in vaccines. It does not have to be in there. We have a supply of vaccines that will take care of our children across this country that does not contain mercury. Yet if you have three shots in one vial, they put mercury in as a preservative. The mercury is very toxic and may be, and we believe it is, a contributing factor to autism.

All I can say is that the FDA and HHS and all of our health agencies need to get on the stick and get things like mercury and aluminum and formaldehyde out of the shots we are giving our children and out of the shots we are giving adults. I just want to tell Members that every parent, every grandparent in this country ought to be concerned about what is going into their children's bodies. Not too long ago the FDA took any topical dressing you put on your skin, they took mercury out of them because it would leach into the skin and could cause a

problem. Yet they still give shots to our children that contain mercury today. As we speak, children are getting mercury injected into their bodies with vaccines.

That is wrong. It should not happen. It should not happen. That is why we in the Congress ought to know everything we can about what is going into our children. Our children get 26 shots by the time they go to school. Many contain these toxic substances. It should not happen. I personally believe that is what caused my grandson's autism, and I believe parents across the country feel the same way. I do not know how many hundreds of parents I have talked to, thousands of parents I have talked to who had the same experience that we had in our family; and it is something that should not happen.

I want to thank the gentleman from Pennsylvania (Mr. DOYLE) and the gentleman from New Jersey (Mr. SMITH) for what they are doing. I want to thank the 113 members that have joined the caucus, and I hope all 435 Members join the caucus and put every bit of pressure we can as well as resources into the health agencies to solve this problem.

Mr. GREENWOOD. Mr. Speaker, I yield 2 minutes to the gentlewoman from my home State of Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding time. I also rise in support of House Concurrent Resolution 91. I think there are some bright spots in dealing with the issue of autism. Some of them are due to the fact that this Autism Caucus was created 7 years ago.

There has been a great increase in public education and information on the disorder. Parents have become much more active and involved in helping us to get the word out. The caucus has been designed to show that autism is a major children's health issue. People are beginning to understand how important it is.

Based on the dedicated work of the caucus, there have been 10 research programs funded throughout the country in addition to five comprehensive autism centers providing clinical and educational outreach as well as extensive research. One of the best programs is the University of Pittsburgh-Carnegie Mellon Collaborative Program of Excellence in Autism, or CPEA. It works in conjunction with the University of Pittsburgh Center for Autism Research. These researchers are going to be part of the key to solving the problems of autism.

But aside from the research, it is awareness and community awareness. I want to give special recognition to Renee Georgi, a constituent in my old Senate district who has a son with autism. They discovered very early that her son had autism and because of some of the research and some of the developments in educating young people with autism, her son will be able to be mainstreamed into his elementary school next year. But that is not the complete solution. We do need to find out the causes of autism. We do need to find a cure. It is with dedicated Members of Congress like those here today that we will be able to work together with researchers and parents to make sure that we find that cure and eliminate autism.

Mr. GREENWOOD. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the gentleman from New Jersey (Mr. SMITH) for introducing this resolution. I want to thank him and I want to thank the gentleman from Pennsylvania (Mr. DOYLE) for cochairing the Congressional Autism Caucus. I am proud to be a member, also.

Also, I want to point out that the gentleman from Indiana (Mr. BURTON) who chairs the Committee on Government Reform on which I serve has really been exploring through committee hearings the dramatic rise in autism rates and what we can do about it. What was once considered a rare disease affecting one in 10,000 children now, as we have heard now, is estimated to affect one in 500 children, some say one in 250, in the United States.

Over 500,000 people in the United States today have some form of autism. The estimated prevalence rate of autism now places it as the third most common developmental disability, more commonly occurring than Down's syndrome. Unfortunately we found through these hearings that there is almost no existing data on causes or links to causes of autism in children.

We found that there is a real need to fully understand the actual incidence of autism and autism spectrum disorders. For example, we need to better understand what if any is the link between vaccines and acquired or late onset autism. I have no doubt of the need for more autism research that will lead to better treatment options and cures and the need for more practice-based research to evaluate current treatment options.

Autism or autism spectrum disorder is not only simply a learning disability or developmental delay, it is a medical condition, a neurobiological disorder. The Autism Society of America defines autism as a complex developmental disability that typically appears during the first 3 years of life. Children and adults with autism typically have difficulties in verbal and nonverbal communication, social interactions and leisure or play activities. The disorder makes it hard for them to communicate with others and relate to the outside world.

Mr. Speaker, I want to know why autism is four times more prevalent in boys than girls, when in fact autism knows no racial, ethnic or social boundaries, and it appears that family income, life-style and educational levels do not affect the occurrence of autism.

□ 1445

Mr. Speaker, in this county we look forward to the future. We plan for the future. We look at our children as the future. With the children's future in mind, I urge my colleagues to support this legislation and make sure that that ribbon which has the puzzle pieces in it has those puzzle pieces come together with research.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GREENWOOD asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. GREENWOOD. Mr. Speaker, the other speakers, my colleagues, the gentleman from Pennsylvania (Mr. DOYLE), the gentleman from New Jersey (Mr. SMITH), the cofounders of the coalition, have outlined the agonies that parents go through when they find that their children suffer from autism. It is just that those precious moments in the upbringing of a child, as the child begins to communicate, there is a glimmer of recognition of the child, of his siblings, of the world around him or her, and the joy of beginning to sing with their children and to teach them their ABCs and to read to them and to laugh with them. It is just at that time in the development of a child that this terrifying phenomenon occurs, and that is closing down where suddenly the child begins to just turn away and fall away from the grasps of the parents, not beyond their love but certainly beyond their ability to communicate. It is a heartbreaking event.

The parents in my district and in my colleagues' districts around the country, many of them decided to turn their anguish into action. They decided that the thing to do was to see if this process that we are engaged in here in Washington actually works. They came to Washington and they said, we need legislation to try to cure this disease, to find out what causes it, to find out how to treat it, to find out how to diagnosis it, to teach doctors how to recognize this disease. They came and we introduced legislation in the last session and the session before that. It took a lot of perseverance on the part of these parents and these families coming to Washington over and over again, through all of our press conferences, coming to their Members from around the country to persuade them to join forces with us; but they succeeded.

For a while it was a little bit frightening because the autism bill became a children's health act as one disease after another was added to the legislation. There was some fear that maybe this thing was growing so big that it would be too expensive and too hard to pass; but as it turned out, it created momentum to parents of children with all kinds of conditions who helped to

pass this legislation; and we passed it and it was a wonderful, magnificent example of how our political process can actually work in this country.

The problem was, or the problem became, that now we had to go to the next stage, and that is the implementation. This bill calls for the creation of five Centers of Excellence geographically distributed throughout the country where parents can take their children, when they suspect there might be a problem of this kind, for diagnosis; where they can get them involved in the latest clinical trials; where there are the best researchers, the best doctors, the best experts in the country all located to get to the bottom of this disease, and to provide real hope for the parents that their children can progress and hopefully some day be cured of this.

It turned out it was going to take years, literally years, to get these Centers of Excellence up and running, and that is not what Congress intended, and that was unacceptable.

Just last week during the rally, some parents and I, upset about all of this, called into my office from the Department of Health and Human Services the National Institutes of Health Acting Director Ruth Kirschstein, and we said that it was unacceptable that these Centers of Excellence would be postponed a couple of years. I am pleased to report today that we made magnificent progress in that meeting, and I take my hat off to Dr. Kirschstein for the commitment that she made that day. The commitment that she made is that just 6 weeks from now, by mid-June, June 15 to be precise, the National Institutes of Health will put out the request for applications for the Centers of Excellence. By the end of the year, all of those applications will be in and by next year we will be prepared to the tune of $12 million, which is their commitment to fund these Centers of Excellence.

So finally this process that these parents have been so engaged in and so many of my colleagues have been so committed to will actually come to fruition, and around the country hopefully we will be able to stand with these parents and their children and cut the ribbons to these centers and have the children walk in and meet their new doctors and their new therapists so that in future years we will be able to report to our colleagues in the House and to the rest of the country that this has worked; that not only did we get a bill passed, but we got it implemented and we got the money spent and we got the experts working side by side with the parents on behalf of these children and, in fact, we can hopefully see the day where these children will begin to come out of these mental prisons in which they have been held captive so cruelly for so many years.

Will that day not be a day for great celebration?

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, NATIONAL INSTITUTES OF HEALTH,

Bethesda, MD, May 1, 2001.

Hon. JAMES GREENWOOD,
House of Representatives,
Washington, DC.

DEAR MR. GREENWOOD: Thank you for the opportunity to discuss implementation of the autism title of the Children's Health Act of 2000 with you, members of your staff, and representatives of Cure Autism Now in your office last Friday. I commend you for your legislative leadership and your personal commitment to focusing federal resources on research that will lead to a better understanding of this terrible illness and eventually better treatment for those who bear its burden. I also want you to know that all of us at the National Institutes of Health (NIH) share your commitment.

I particularly appreciated your patience and objectivity in listening to NIH's plans for meeting the goals of the Act. As my colleagues and I explained, investigators performing autism research represent a relatively small field of science. We believe the field needs to be broadly developed and also invigorated by new researchers with expertise that may expedite and enhance scientific discoveries. At the same time, NIH wants to facilitate the work of outstanding researchers currently in the field by providing additional resources to them, including the establishment of the Centers of Excellence described in the Act.

Toward carrying out the Act's provisions, NIH is in the process of implementing a multi-stage approach to autism research. An important part of our approach is the solicitation, through a recent Request for Applications (RFA), for investigators interested in receiving NIH support to develop research excellence in autism. Separately, NIH will also accept applications from current investigators who believe they have sufficient expertise to coordinate and manage Centers of Excellence, as authorized by the Act. NIH will clarify in a public notice issued within the next ten days that applications will be accepted for this latter endeavor; we intend to issue a separate RFA for Centers of Excellence by June 15, 2001. Of course, applications for both development grants and Centers of Excellence grants must undergo and pass NIH's peer review process.

In addition, I assure you that NIH will strive to fully fund the Centers of Excellence within the parameters of the Act.

I will keep you informed as we proceed. My colleagues and I will answer any additional questions you might have in the future regarding implementation of the Act, as well as any other queries regarding the state of autism research in general. Again, thank you for inviting us to discuss this matter. Please let me know if I can be of additional assistance.

Sincerely,

RUTH L. KIRSCHSTEIN, M.D.,
Acting Director.

Mr. Speaker, I yield back the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing I just want to thank my friend and colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), who has really been one of the leaders in this Congress for the cause of autism, and my good friend, the gentleman from New Jersey (Mr. SMITH). I think we all feel the same way. We do not want to take five steps forward and go 10 steps backward. We want to make sure that we fund and continue to fund the 10 existing centers as we put the five new ones online.

This comes down to a matter of funding. We are blessed this year to be looking at surpluses in this budget. Surely, we want to make sure we are not robbing from Peter to pay Paul and that as we put these new centers online that we find the funding to do that, without taking any funding away from the research that needs to take place at the existing centers.

Mr. Speaker, I hope we have a strong showing of votes in favor of this resolution for the 1.7 million individuals living with this disorder, of which 400,000 are children.

In closing, I urge passage of House Concurrent Resolution 91, encourage my colleagues who have not yet joined the Coalition for Autism Research and Education Caucus to please do so.

Mr. WAXMAN. Mr. Speaker, I rise in support of H. Con. Res. 91. Over the past few years there has been increasing interest in autism. How prevalent is it? What causes it? How do you treat it? Can we prevent it? During Congressional hearings, we have heard heart-wrenching stories from parents about the shock of hearing the diagnosis of autism, about the battles to find appropriate schooling, and about the desperate search for treatments and cures. One father told us that he has to drive 12 hours every month to take his son to treatment. The testimony of these parents have provided us with crucial information necessary for a better understanding of the impacts of this disease and what our research priorities should be.

We have also heard the testimony of some clinicians who are reporting increasing diagnoses of autistic children in their clinics. CDC researchers have told us that they do not have good data on the number of cases of autism, whether the number is going up and, if it is, by how much. It is important to determine how pervasive this disease is and whether the rates are, in fact, increasing. Many researchers have suggested that environmental factors may contribute to autism. Understanding if there is an increase in incidence and when that increase began may give us some clues to what environmental factors could be to blame.

Researchers have also testified at our hearings that much about the causes of autism remains unknown and that treatment options are limited. And we know that there is no known cure for this disease.

We have heard some positive things as well. Recently, several genes associated with autism have been identified. Last week, researchers from NIH, the March of Dimes, and the MIND Institute at the University of California, Davis, announced that they may have found a biological marker for autism that would allow for the identification of autism earlier in life, before the onset of symptoms. This could lead to better diagnoses of autism, earlier interventions, which are critical for a more successful outcome, and perhaps the discovery of therapies for the disorders.

Despite these recent advances, answers are not coming quickly enough for the parents of autistic children who live with these conditions every day, many of whom have tried every available treatment and intervention and who

are running out of options. It is our obligation to these parents and to their children that we do everything we can to ensure that the best possible research is conducted quickly and thoroughly by appropriating the money authorized under the Children's Health Act and through other authorities of the NIH. In the meantime, while we wait for answers, we need to help parents of these children get the free and appropriate education to which their children are entitled by fully funding the Individuals with Disabilities Education Act.

Many questions about autism remain unanswered. What we do know, however, is that we are not yet doing enough to help these children. I hope that the current attention being given to this devastating disease reflects a renewed commitment on the part of Congress and can bring new hope to families living with autism.

Mr. REYES. Mr. Speaker, I rise today in strong support of H. Con. Res. 91, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them. I commend my colleague from New Jersey, Mr. SMITH, for introducing this resolution.

We owe a debt of gratitude to national organizations such as the Autism Society of America, Cure Autism Now, Unlocking Autism, and others that have done a tremendous job with limited resources in their efforts to help parents and relatives of individuals with autism disorders. These groups have long been involved in research as well as in the development of improved treatments for autism. Their local affiliates, like the Southwest Chapter of the Autism Society in El Paso, are a beacon of hope for many families that have few places to turn to for help. I personally want to thank the Southwest Chapter in my district for providing help and networking for local families that are often overwhelmed by dealing with autism disorders.

It is time for Congress to step up to the plate and provide more tools for these families, and to provide the necessary resources for education and increased research. H. Con. Res. 91 is about helping families. For those of you who have a member of the family with autism, and for those of you assisting these families, this resolution is a signal that we in Congress understand the need to tackle autism disorders head on and work together to find better ways to treat autism, to expand federal research, to improve access to a community-based education and support services, and ultimately, to find a cure.

Mr. Speaker, I once again want to thank Congressman SMITH for introducing this resolution, and I urge all of my colleagues to vote in support of this important effort.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 91, which recognizes the importance of increasing awareness of the autism spectrum disorder, and in support of programs for greater research and improved treatment and training.

Autism is a development disorder that is typically diagnosed within the first three years of life. It does not discriminate based on family income, lifestyle or educational level. Its cause is essentially unknown. Its prevalence rate makes autism one of the most common developmental disabilities.

As a result of autism, an estimated 400,000 Americans have lost the ability to communicate and interact with others, although many states do not track the numbers. The cost of caring for people afflicted with autism is estimated to be more than $13 billion per year.

I firmly support the goals and ideas of Autism Awareness Day and Month. A generation ago, most people with autism were housed in institutions. With the appropriate support most families are able to take care of their autistic child at home. Others move into group homes, assisted living or residential facilities.

I recognize and commend the parents of autistic children for the sacrifices and dedication they show in providing for the special needs of their autistic children and absorbing the significant financial costs for specialized education and support services. Special education costs for a child with ASD are over $8,000 per year, with some specially structured programs costing about $30,000 per year, and care in a residential school costs $80,000–100,000 per year.

I support increased federal funding for research to learn the causes of autism, identify the best methods of early intervention and treatment, and promote understanding of the special needs of autistic persons. I also support the goal of federally funding 40 percent of the costs of the Individuals with Disabilities Education Act (IDEA) to states and local school districts, because the funding inadequacy has adversely affected the ability of school districts to serve the rising number of autism cases. Nationally, in 1989–99, the last year for which data is available, IDEA served only about 35,000 students, 4300 in Texas. This is only a portion of those who need such services.

I urge swift implementation of the Children's Health Act of 2000, particularly the establishment of at least three ''centers of excellence'' at the Centers for Disease Control and Prevention and at least five centers at the National Institutes of Health, in order to monitor the prevalence of autism at the national level. Furthermore, although there is no medical cure for autism, it is crucial that we provide early intervention services soon after a child has been diagnosed with autism. Such services result in dramatically positive outcomes for young children with autism, helping many to eventually live and work independently in the community and become productive citizens.

Mr. Speaker, together we can make a difference.

Mr. GILMAN. Mr. Speaker, I rise today in support of H. Con. Res. 91, which recognizes the importance of increasing our nation's awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them.

Autism impacts our society in a myriad of ways. By supporting funding for research and increasing education and awareness, we can begin to effectively fight this devastating disease. It is important to understand how autism is defined, why the autism rate is increasing at an alarming rate, and how we can support effective research that will benefit those who are affected by autism.

Autism is a disease that affects an individual's ability to communicate and interact with people and their environment. While autism may not have been a common disease during my childhood, the Center for Disease Control and Prevention estimated that autism rates have increased from affecting 1 in 10,000 children to its current rate of 1 in 500 children. If autism is not affected by race, ethnicity, socioeconomic, and educational factors, then what does affect the increasing rate of autism? Only continued research can begin to fully answer this question.

Autism is a disease that paralyzes communication, and we cannot afford to paralyze our own communication between the medical community, the government sector, and those affected by autism. Accordingly, the Committee on Government Reform has recently held a number of hearings that have determined that there is a lack of support for biomedical research into the causes, prevention, and effective treatments of autism. This research is essential to our ability to help those who are affected by this disease. These hearings have also discovered that there may be a significant link between certain childhood vaccines and autism. It is still much too early to draw any concrete conclusions about this relationship, but I am confident that by working with the FDA, NIH and the CDC, we can begin to learn more about autism.

It is gratifying that our colleagues, the gentleman from New Jersey, Mr. SMITH and the gentleman from Pennsylvania, Mr. DOYLE are co-chairing the Congressional Caucus on Autism. This caucus will have to build support for essential autism research. Accordingly, I urge my colleagues to support this important resolution.

Mr. FERGUSON. Mr. Speaker, I am honored to be here in support of H. Con. Res. 91, following the 2nd Annual Autism Awareness Day. This resolution calls attention to one of the major public health issues of our time—the developmental disorder called autism.

Autism has affected the lives of an estimated 400,000 children—one in five hundred—and altered their ability to interact and communicate with family and loved ones. Despite the tremendous impact on families, we still lack adequate information on this condition. In fact, we have no scientific records to indicate exactly how many children have autism, or the degree to which they are affected. Information on the cause and treatment of autism is also severely limited. Despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and education fields are still unaware of the disorder.

Awareness is the key to this important issue. Specialists do know that early intervention services can dramatically improve a child's long-term prospects, if autism is detected at an early age. In many cases, early intervention can determine if a child is able to speak. While the cost of educating a child with autism is expensive, no price tag can be placed on a child's future.

H. Con. Res. 91 is a step in the right direction because it supports greater research and improved treatment of autism. In addition, this legislation appropriately asks for improved training and support for individuals with autism and those who care for them.

As a member of the Autism Caucus, I applaud Chairman CHRIS SMITH'S leadership on this important issue. My fellow New Jersey colleague has displayed hard work and dedication as the Chair of the Autism Caucus and

he is the reason that this legislation is before us today. I urge you to join our efforts in support of legislation that will significantly improve the lives of thousands of children.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Con. Res. 91. Autism, a brain disorder that affects 1 to 2 in every 1,000 Americans, too often results in a lifetime of impaired thinking, feeling, and social functioning. This disability has no racial, ethnic, or social boundary and usually appears in the first three years of a child's life.

In Fairview Heights, Illinois, the Illinois Center for Autism was established in 1977 to provide a Special Day School program. At the time, it was serving eight children with autism. Today, the Illinois Center for Autism has helped prevent the institutionalization of hundreds of people with autism and has assisted them to become productive members of society. I commend the center for its continuing commitment to autism and dedication to service.

Mr. Speaker, it is important to support the goals and ideas of Autism Awareness Day and Month and support the goal of increasing federal funding for aggressive research on autism. I recognize the parents and relatives of autistic children and hope this legislation gives them optimism for their children. The Illinois Center for Autism in my district is one example of true achievement, and I commend the center for its continuing commitment to autism and dedication to service. For these reasons, I support this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, as an original cosponsor, I would like to express my strong support for H. Con. Res. 91, and I commend my colleague and author of this legislation, CHRISTOPHER SMITH, for addressing the importance in promoting an increased awareness of autism spectrum disease disorders.

Autism is a brain disorder that impacts an individual's ability to respond appropriately to an environment and to form relationships. It affects at least 1 in every 500 children in America, and some studies suggest even 1 in 200. The number of children who are diagnosed with autism has escalated dramatically and, in Florida, approximately 50 percent of children suffering from autism reside in my community of South Florida.

My good friends, Charles and Patience Flick, have two children, Bonnie and Willis, who have autism. This development disorder has robbed Bonnie and Willis of their ability to communicate and interact with their family members and playmates. Fortunately, Bonnie and Willis are able to afford the little treatment and intervention that exists, but many families living with this disorder are not as fortunate.

As a Member of the House Autism Caucus, and as a strong supporter of H. Con. Res. 91, I am committed to raise awareness on autism, to work toward an increase of $6 million for the National Institutes of Health, and an additional increase of $5 million for the Centers for Disease Control and Prevention.

I support the goals and ideas of Autism Awareness Day and Month, which are: to begin early intervention services for children with autism, federally fund 40 percent of the costs of the Individuals with Disabilities Education Act to States and local school districts, and recognize the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism.

Mr. Speaker, I commend the House leadership for helping to raise awareness on autism by bringing H. Con. Res. 91 to the floor, and I strongly encourage my colleagues to pass this resolution and join the efforts in finding a cure.

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of House Concurrent Resolution 91, which recognizes the importance of increasing awareness, support, and research for the autism spectrum disorder. I would like to thank my colleagues, Congressman SMITH of New Jersey and Congressman DOYLE of Pennsylvania for their leadership in introducing this important legislation.

In my district of Guam, 28 children with autism are enrolled in Guam's public school system and 20 families are members of the Autism Society of Guam. Today I would like to take this opportunity to share one mother's challenge of raising a child with autism.

At two years of age, Jay, who is the fourth child of the Flores family in Guam, was able to speak in full sentences with clear articulation. One day he stopped talking. He began to have severe regression, which was noticed at age three. He was not able to make any bowel movements without suppositories. He messed up his bed and played with his feces. He gradually lost the many skills he learned in school. He displayed many difficult behaviors, and was unmanageable in school and at home, alternating between violent and withdrawn behavior. His sleep pattern was erratic and he averaged only about three to four hours of sleep each night. He also required a lot of prompting to do self-help skills.

As Jay became older, he also became worse. He began running into the street and getting inside neighbors' homes. He also was very self-abusive, banging his head and hitting himself so his arms and legs were bleeding. He cried constantly. Around the clock, family life revolved around Jay. His mother sought solutions to his problems. Unfortunately, our system in Guam did not understand Jay's situation. As his mother worked with Jay's teachers to provide the most appropriate program for him, his education seemed to become just a series of fragmented services. At that time, Guam's teachers did not have the training nor were they knowledgeable about autism. Jay's mother was able to locate a school that specialized in teaching children with autism. She was able to work assertively with Guam's special education school officials to send Jay to school in Boston as no schools in Guam were able to provide specialized education for children with autism.

At the Boston school, Jay was able to receive the appropriate service needed to teach children with autism. His overall behavior is now in sharp contrast to the behavior shown before he was given a chance to receive this education. His aggressive behavior has reduced. His artistic talent was nurtured and he is able to play some musical instruments and has mastered some academic skills.

Jay's mother, a teacher by profession, became a strong advocate of the effectiveness of this Higashi program, which was developed by Dr. Kiyo Kitahara of Japan. She learned as much as she could from methods from his teachers and wrote a proposal to Guam's Department of Education about developing a program for autistic students. Guam's education officials realized what a contribution her proposal would bring to improve the special education services and gave her approval to move forward her proposal.

She was granted a sabbatical from her teaching position, which she spent studying at Lesley University in Cambridge, Massachusetts. She received her masters in special education focusing on autism in just over a year's time and returned to Guam in 1991, to work with the superintendent of special education establishing a program for school children with autism. In 1995, she was recognized as Guam's Teacher of the Year for her efforts. But, shortly thereafter, the Guam superintendent special education retired and so did the program.

Since then, she has worked with other parents of children with autism to fight for the program she initiated in 1991. Guam's parents and education professionals continue to advocate for appropriate programs for adults and children with autism. Their efforts have resulted in the introduction of Bill 60 in the Guam Legislature to appropriate funding for autistic adults. In addition, one school in Guam recently began offering a preschool program for children with autism. However, the original autism program has not been fully integrated in the school system and many are still not receiving appropriate services.

Jay's mother and other mothers and fathers of children with autism, established the Autism Society of Guam, which was chartered in 1989. The Society's mission is to promote lifelong access and opportunity for all individuals with autism spectrum disorders and their families through education, advocacy, the promotion of research and increased awareness, the establishment of residential facility, supported employment, and early intervention programs, so that individuals with autism may become fully participating members of their communities.

Due to the efforts of parents and professionals over the years, autism is locally recognized as one of the most challenging disabilities encountered by educators. As you may know, Guam's school system is struggling to meet the basic needs of all students with limited resources. But awareness of autism is growing and Guam's schools are realizing the need for support services for children with autism, including: one-to-one aide assistance, speech and language therapy, occupational therapy, counseling, transportation, home component services and leisure education. And though many educators on Guam are increasing in the experience of educating children with autism, few receive proper training to gain a comprehensive understand of the problems associated with autism or are properly trained to provide effective therapy to children with autism.

Autism is a developmental disorder that is not fully understood. Although the cost of treatment and special education of individuals with autism is high, the results of individuals living without appropriate treatment and education are even higher. Approximately, 400,000 Americans have been robbed of their ability to communicate and interact with others. As autism continues to affect at least 1 in 500 children in our country, it continues to deserve our greatest support.

Mr. Speaker, it is for this reason I stand in strong support today and urge my fellow colleagues to join in the efforts to increase awareness, support and research of the autism spectrum disorder. I would also like to

take this opportunity to recognize the efforts of Jay's mother, Jelly Flores, President of the Autism Society of Guam and the officers and Board of Directors of the Society: Rosalina Wirkunnen, First Vice President; Lou Bascon, Second Vice President; Flor Paule, Secretary; Maritess Maulit, Treasurer; assistants Remedios Camilsola and Lirio Mondina; and board members, Beverly Bacera, Dolly Montano, Panchito Maulit, Carol Somerflec, Rupert White, Leonardo Paule, Dr. Nerissa Bretania-Shafer, Gericka Tate and Jesus Bacera, for their heroism and heartfelt commitment to fighting for the rights of individuals with autism. I also would like to acknowledge the efforts of Julian and Beka Martinez in their unceasing work to bring attention to this condition here in Washington, D.C.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of H. Con. Res. 91, Recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism.

Autism is a developmental disability that generally appears between 15 and 20 months. Autism affects boys five times more than it affects girls, although girls are generally more severely affected. In the United States, over one half million individuals live with autism, making it more prevalent than Down Syndrome, childhood diabetes, and childhood cancer combined.

Last year the Children's Health Act was signed into law. This important bill authorized among other worthy goals:

Additional NIH ''Centers of Excellence'' to study autism and the ''Centers of Excellence in Autism Epidemiology.''

Provides for training and education grants to professionals who provide care for patients with autism.

Provides grants to states that want to establish their own autism programs.

This year we must fund the programs to their full amount.

Another area that is greatly impacted by autism is special education. For many years Congress has been struggling to increase funding for IDEA. I am happy to say that in the last six years we have done better but there is much more to do. We are still well short of the federal funding of level of 40 percent. The federal government must fulfill its commitment so every special child has access to a quality education.

April was Autism month. Families with autistic children visited many congressional offices last week. Anyone who met with these loving families know the courageous struggles that they endure everyday. We must do everything we can to help these brave children and their families. H. Con. Res. 91 reaffirms Congress' commitment to finding a cure for autism and I urge its passage.

Mr. BILIRAKIS. Mr. Speaker, I am delighted that the House is considering H. Con. Res. 91 today. Among its provisions, this resolution expresses our strong support for the goal of increasing federal funding for autism research and treatment programs. It also emphasizes the need to begin early intervention services for children with autism.

I want to commend my colleagues, Congressmen CHRIS SMITH and JIM GREENWOOD, for their dedicated efforts to improve awareness and understanding of autism while working to expand research and treatment initiatives. I was pleased to work with both of them to enact children's health legislation I sponsored in the last Congress, which included provisions they authored to significantly increase federal resources in the fight against autism.

Autism is a brain disorder that most commonly begins in early childhood and persists throughout adulthood. Autism impacts the normal development of the brain in the areas of social interaction and communication skills. Children and adults with autism typically have difficulties in verbal and non-verbal communication, social interactions, and leisure or play activities. The disorder makes it hard for them to communicate with others and to relate to the outside world.

Mr. Speaker, autism is a national crisis affecting over 400,000 families and costing the nation over 13 billion dollars each year. According to recent studies, as many as 1 in every 500 children affected by this disorder.

Any parent can tell you that nothing is more heart-wrenching than watching your own child suffer with an illness. As a father and grandfather myself, I know how terrible that can be. Today, however, we have a rare opportunity to do something that will give hope to families affected by autism.

I urge all of my colleagues to join me in supporting passage of H. Con. Res. 91.

Mr. DOYLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 91.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CRATERS OF THE MOON NATIONAL MONUMENT

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 601) to ensure the continued access of hunters to those Federal lands included within the boundaries of the Craters of the Moon National Monument in the State of Idaho pursuant to Presidential Proclamation 7373 of November 9, 2000, and to continue the applicability of the Taylor Grazing Act to the disposition of grazing fees arising from the use of such lands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL MANAGEMENT REQUIREMENTS FOR FEDERAL LANDS RECENTLY ADDED TO CRATERS OF THE MOON NATIONAL MONUMENT, IDAHO.

(a) REDESIGNATION.—The approximately 410,000 acres of land added to the Craters of the Moon National Monument by Presidential Proclamation 7373 of November 9, 2000, and identified on the map accompanying the Proclamation for administration by the National Park Service, shall, on and after the date of enactment of this Act, be known as the ''Craters of the Moon National Preserve''.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Craters of the Moon National Preserve shall be administered in accordance with—

(A) Presidential Proclamation 7373 of November 9, 2000;

(B) the Act of June 8, 1906, (commonly referred to as the ''Antiquities Act''; 34 Stat. 225; 16 U.S.C. 431); and

(C) the laws generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.).

(2) HUNTING.—The Secretary of the Interior shall permit hunting on lands within the Craters of the Moon National Preserve in accordance with the applicable laws of the United States and the State of Idaho. The Secretary, in consultation with the State of Idaho, may designate zones where, and establish periods when, no hunting may be permitted for reasons of public safety, protection of the area's resources, administration, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting shall be put into effect only after consultation with the State of Idaho.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and included extraneous material, on H.R. 601, the bill presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON), to explain H.R. 601, which he introduced.

Mr. SIMPSON. Mr. Speaker, I thank the gentleman from Colorado (Mr. HEFLEY) for yielding me the time.

Mr. Speaker, on November 9, 2000, former President Bill Clinton issued Presidential Proclamation 7373 to expand the boundaries of the Craters of the Moon National Monument. Prior to Clinton's proclamation, the monument, which was established by President Coolidge in 1924, comprised 54,440 acres.

Former President Clinton's proclamation expanded the boundaries to include approximately 661,287 acres of additional Federal land. The area is managed by the Secretary of Interior through the National Park Service and

the Bureau of Land Management. The National Park Service manages approximately 410,000 acres of the expansion, while the Bureau of Land Management manages the remaining 251,000 acres. When the monument was expanded, it was understood both by the congressional delegation and by the Governor of the State of Idaho that continued access to hunting would be maintained in the expanded area. However, when the proclamation was issued, hunting was restricted in the area of the expansion which was managed by the National Park Service.

Under this legislation, areas that were open to hunting before the expansion will remain open to hunting. In addition, the amended bill includes language requested by the administration to ensure that the Secretary has appropriate oversight, in cooperation and consultation with the State of Idaho, over hunting activities within the expanded area managed by the National Park Service.

Finally, the bill, as amended, designates the expanded area under the jurisdiction of the National Park Service as a national preserve rather than a national monument.

Unfortunately, due to the outmoded and antiquated national monument process, there was not a formal means by which the State of Idaho, the congressional delegation, and the general public could comment on the proposed monument expansion.

While the Idaho Fish and Game Department expressed their interest in working with the Secretary of Interior to allow for appropriate wildlife management in the expanded area, their concerns largely went unheard.

When the Idaho congressional delegation and the Governor spoke with the Secretary of the Interior regarding the Craters of the Moon expansion, we were led to believe, as I mentioned earlier, that hunting would not be affected. However, when that proclamation was issued, it was realized that current Park Service regulations preclude hunting in the area of the expansion managed by the National Park Service, therefore denying access to traditional hunting grounds.

H.R. 601 is about fairness and ensuring that Idahoans are not locked out of traditional hunting areas. H.R. 601 has the support of the Idaho Fish and Game Commission, the Idaho Fish and Game Advisory Committee, Idaho Wildlife Council, Idaho Wildlife Federation, and local county commissioners. It is a bipartisan bill. It has broad bipartisan support and is also supported by the administration.

Mr. Speaker, I want to thank the subcommittee chairman, the gentleman from Colorado (Mr. HEFLEY), for his work on this and the staff, the majority staff's work on this, and also the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), for her work, and the minority staff's work on this piece of legislation. I urge my colleagues to support H.R. 601.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 601 would provide for hunting on the Federal lands that were included within the Craters of the Moon National Monument when the monument was enlarged on November 9, 2000. The bill as introduced also provided for the disposition of grazing fees arising from the use of the expansion area. In hearings on this legislation before the Committee on Resources, the administration testified in support of allowing hunting in the 410,000-acre expansion area administered by the National Park Service, citing unique circumstances regarding shared management and problems with enforcement.

The administration also recommended an amendment to provide authority for the Secretary to exercise jurisdiction over hunting consistent with what has been done in other areas. The administration further recommended deleting the grazing language, as it is unnecessary.

On a bipartisan basis, the Committee on Resources developed and approved an amendment in the nature of a substitute. The changes made by the amendment address not only matters raised by the administration but also allow us to handle this issue in a manner consistent with long-standing park policies and procedures.

Except for the minor change made by the amendment, no other change is being made to the monument designation or to the management of the significant natural resources of the Craters of the Moon area.

Since it is long-standing policy not to permit hunting in national monuments administered by the National Park Service, the committee amendment redesignates the approximately 410,000-acre expansion area that the National Park Service manages as the Craters of the Moon National Preserve. This change is consistent with previous acts that authorize hunting in national park system units.

Other than hunting, the preserve will be managed exactly the same as the original Craters of the Moon National Monument that the National Park Service also administers.

The committee amendment also includes the administration-requested language on hunting jurisdiction and deletes the unnecessary reference to grazing.

Mr. Speaker, I appreciate the cooperation of the majority members of the Committee on Resources in amending this legislation. While H.R. 601 is a relatively minor clarification of a small management issue, I am encouraged by collaboration exhibited in addressing this matter. I believe we have an improved legislative product with the amendment adopted by the Committee on Resources, and I am pleased to support the bill as amended; and I congratulate the gentleman from Idaho (Mr. SIMPSON) for his work.

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Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to emphasize one point that the gentleman from Idaho (Mr. SIMPSON) made: H.R. 601 is supported by the administration, and it does have strong bipartisan support. I would urge my colleagues to support H.R. 601, as amended.

Mr. RAHALL. Mr. Speaker, Resource Committee Democrats did not object to, and in fact, support consideration of H.R. 601 because it represents a technical amendment to the recently expanded Craters of the Moon National Monument.

The legislation in no way seeks to repudiate the November 2000 action taken by the Clinton Administration to expand the monument.

In this regard, H.R. 601 simply allows hunting, a traditional use of the expanded area, to continue. Except for hunting, no other change is made or contemplated to the management of the significant natural resources of the Craters of the Moon area.

By way of background, Craters of the Moon National Monument was initially established by Proclamation of President Coolidge in 1924 and is administered by the National Park Service.

Meanwhile, the 661,287 acres of additional Federal lands added to the monument by President Clinton had been managed by the Bureau of Land Management and hunting was permitted on these lands.

Under the Clinton Proclamation, the NPS now manages approximately 410,000 acres of the expansion area which contain nationally significant exposed lava flows, while the BLM continues to administer the remaining 251,287 acre portion of the expanded monument.

As such, while hunting can continue on a portion of the expanded area, since this activity is normally not allowed in monuments administered by the NPS it is not allowed on the other portion of the expanded area.

H.R. 601 addresses this minor discrepancy by redesignating the approximately 410,000 acre expansion area that the NPS manages as the "Craters of the Moon National Preserve." Except for hunting, the preserve will be managed exactly the same as the original Craters of the Moon National Monument.

Again, except for hunting, the preserve will be managed exactly the same as the original Craters of the Moon National Monument.

This bill then in no way reflects a rollback of the Clinton Administration monument designations nor does it signal the willingness of Resources Committee Democrats to support any such move.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 601, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.''.

A motion to reconsider was laid on the table.

EIGHT MILE RIVER WILD AND SCENIC RIVER STUDY ACT OF 2001

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 182) to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 182

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 ''Eightmile River Wild and Scenic River Study Act of 2001''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Eightmile River in the State of Connecticut possesses important resource values, including wildlife, ecological, and scenic values, and historic sites and a cultural past important to America's heritage;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

''(138) EIGHTMILE RIVER, CONNECTICUT.—The segment from its headwaters downstream to its confluence with the Connecticut River.''.

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

''(18) The study of the Eightmile River, Connecticut, named in paragraph (138) of subsection (a) shall be completed by the Secretary of the Interior and the report thereon submitted to Congress not later than 3 years after the date of the enactment of this paragraph.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 182, introduced by the gentleman from Connecticut (Mr. SIMMONS) would authorize the Secretary of the Interior to conduct a study of the Eightmile River in Connecticut for the purpose of evaluating its eligibility for designation as a Wild and Scenic River. This study could ultimately result in adding a segment of the Eightmile River to the National Wild and Scenic Rivers System.

The Eightmile River in Connecticut is host to a variety of natural, cultural and recreational resources and is currently listed on the National Park Service Nationwide Rivers Inventory, which lists river areas believed to be good candidates for Wild and Scenic River designation.

Mr. Speaker, H.R. 182 is a noncontroversial bill that has strong support from State and local officials and the residents of surrounding communities in Connecticut.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 182 would authorize a study to determine whether it would be appropriate to designate the Eightmile River in Connecticut as part of the Wild and Scenic Rivers program. The Eightmile has already been identified by the National Park Service as a potential Wild and Scenic River based on its outstanding scenic, geologic and wildlife values, and an official study is the next step in the process. It is our hope that once the study has been completed, the Eightmile can be added to the impressive list of waterways included in this important program.

We support H.R. 182 and urge our colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS), the sponsor of this bill.

Mr. SIMMONS. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 182, which is a bill to study the inclusion of Connecticut's Eightmile River into the National Wild and Scenic River System.

Eastern Connecticut has a wealth of natural beauty, such as the Eightmile River. The river and the watershed it supports are an outstanding ecological system. The streams are free-flowing, they display excellent water quality, and they contain a diversity of fish species, including native trout. The Eightmile River is also an important recreational asset and contributes to the character of the communities that surround it.

That is why on January 3 of this year, on my very first day as a Member of this body, I introduced H.R. 182, to study the Eightmile River for wild and scenic status. I was particularly pleased to be joined in this initiative by all of my House colleagues from Connecticut across party lines. I was also pleased to be joined by Senators DODD and LIEBERMAN, who have introduced companion legislation in the Senate.

For more than 30 years, the National Wild and Scenic Rivers Act has safeguarded some of our Nation's most precious rivers. The act intends to select rivers of the Nation which possess exceptional scenic, recreational, geologic, fish, wildlife, historic, cultural and other values, that they be preserved in free-flowing condition, and that they be protected for the benefit of present and future generations.

Designated rivers receive Federal protection to preserve their free-flowing condition, the water quality and other conservation values. Currently, only one river in Connecticut has this status, the Farmington River.

I believe that the Eightmile River also possesses all of these qualities, and I believe these protections should be considered and extended to this river by the National Park Service.

I am very proud to submit this legislation on behalf of my constituents in East Haddam, Lyme and Salem. I particularly thank East Haddam First Selectman Sue Merrow and Nathan Frohling of the Connecticut Nature Conservancy for their hard work, and I especially express my deep thanks and gratitude to the gentleman from Colorado (Chairman HEFLEY) and to the gentleman from Utah (Chairman Hansen) for moving this legislation forward so quickly.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. UNDERWOOD. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to just add a voice to the prior issue that was discussed on the floor, H.R. 182, the Eight-Mile River Wild and Scenic River Study Act of 2001. I want to compliment my colleague, the gentleman from Connecticut (Mr. SIMMONS) for sponsoring the bill and spearheading the protection effort.

The Eight-Mile River is a vast watershed with farms and villages. It is an incredible resource and a treasure that the State of Connecticut has. It was once described as the Nation's best-landscaped sewer, and thanks to hard-fought clean-up and protection efforts over the last 30 years, it has been designated a Last Great Place by the Nature Conservancy.

We have made great strides in reversing years of neglect. Much remains to be accomplished. It is seriously endangered by incremental unplanned growth and pollution. What we want to do is to provide the localities there and the communities with the tools they need to balance the needs of conservation and growth to protect this national treasure.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from Connecticut (Mr. SIMMONS) for his tenacious approach to this piece of legislation. The gentleman has given me no peace until

it gets to the floor and gets passage. I think that is an example where a freshman can come to this body and have an impact early on. We appreciate the gentleman's diligence and his effort in this.

Mr. Speaker, this is a very worthwhile project. It has bipartisan support. I do not think there is any reason why we should not all support this piece of legislation and move it on down the road.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 182, Eight Mile River Wild and Scenic River Study Act of 2001, sponsored by my colleague ROB SIMMONS from Connecticut.

At the outset, Mr. Speaker, I wish to thank and commend Mr. SIMMONS and my other colleagues from Connecticut who have co-sponsored this bill.

This bill would authorize the National Park Service to conduct a study of Connecticut's Eight Mile River for possible inclusion as part of the National Wild and Scenic Rivers System. The National Wild and Scenic Rivers System was established by Congress in 1968 to recognize and support exceptional rivers.

Connecticut is a State proud of its heritage and natural beauty, ranging from the Connecticut River, to the Litchfield Hills, to the Long Island Sound and the Eight Mile River in Eastern Connecticut. The Eight Mile River and the watershed that supports it is an outstanding ecological system. The designation of the Eight Mile River as part of the National Wild and Scenic Rivers System will offer federal protection and mutually agreed conservation policies that are all desperately needed in a time when the condition of this river is in danger.

This free-flowing river is home to a variety of fish and wildlife and provides cultural, recreational, and scenic benefits that State, local officials, and area residents support. It is a pleasure to see how a project can work in bringing a community together for the greater good of protecting our natural environment.

As a supporter of the Eight Mile River, its recognition and conservation, I am proud to stand here today as an original co-sponsor of H.R. 182 that highlights one of Connecticut's treasures and I urge my colleagues to vote in favor of this measure.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 182, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''To amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.''.

A motion to reconsider was laid on the table.

GUAM FOREIGN INVESTMENT EQUITY ACT

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 309) to provide for the determination of withholding tax rates under the Guam income tax.

The Clerk read as follows:

H.R. 309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GUAM FOREIGN INVESTMENT EQUITY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Guam Foreign Investment Equity Act''.

(b) IN GENERAL.—Subsection (d) of section 31 of the Organic Act of Guam (48 U.S.C. 1421i) is amended by adding at the end the following new paragraph:

''(3) In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, the rate of tax under sections 871, 881, 884, 1441, 1442, 1443, 1445, and 1446 of the Internal Revenue Code of 1986 on any item of income from sources within Guam shall be the same as the rate which would apply with respect to such item were Guam treated as part of the United States for purposes of the treaty obligations of the United States. The preceding sentence shall not apply to determine the rate of tax on any item of income received from a Guam payor if, for any taxable year, the taxes of the Guam payor were rebated under Guam law. For purposes of this subsection, the term 'Guam payor' means the person from whom the item of income would be deemed to be received for purposes of claiming treaty benefits were Guam treated as part of the United States.''

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to amounts paid after the date of the enactment of the Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 309, the Guam Foreign Investment Equity Act. This bill, introduced by the gentleman from Guam (Mr. UNDERWOOD), amends the Organic Act of Guam to provide the government of Guam with the authority to tax foreign investors at the same rate as states under the U.S. tax treaties with foreign nations.

H.R. 309, which is supported by both the Republican Speaker and Democratic Governor of Guam, deals exclusively with a Guam territorial income tax that is collected and administered by their government. Because the territorial government of Guam does not have the authority to amend the Organic Act nor their tax rate, congressional action is necessary to conform their income tax rate on foreign investors to that of the 50 States.

In conclusion, I would like to thank the gentleman from Guam (Mr. UNDERWOOD) and the gentleman from Utah (Chairman HANSEN) for their hard work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, as you would acknowledge, this is a very important piece of legislation for the people of Guam, and I would like to urge my colleagues to support H.R. 309, the Guam Foreign Investment Equity Act.

This legislation, which passed the House Committee on Resources on March 28, provides the government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties. I would particularly like to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for helping me to expeditiously move this bill to the floor.

During the 106th Congress, virtually identical legislation passed the House as part of an omnibus Guam bill on July 25, 2000. Unfortunately, while agreement was reached with the Treasury Department on the provisions of the bill last year, the Senate was unable to act on this important legislation before sine die adjournment.

H.R. 309 is direly needed by the people of Guam. Given Guam's struggling economy and 15 percent unemployment rate, which is more than three times the national average, unlike the rest of the Nation which has experienced unprecedented economic growth and low unemployment rates the past few years, Guam's economy and tourism industry continues to recover from the Asian financial crisis, given our island's ties to the economies of Asia.

Moreover, given the impact of a likely Federal tax-cut package on the government of Guam's revenue stream, because Guam's tax code exactly mirrors the U.S. Tax Code, I believe that H.R. 309 is also good public policy. The revenues from foreign investment that this legislation will generate for the government of Guam and for the economy of Guam is one way to help mitigate the reduction in local revenues anticipated under any new Federal tax-cut plan.

Currently, under the U.S. Internal Revenue Code there is a 30 percent withholding tax rate for foreign investors in the United States. Since Guam's tax law mirrors the rate established under the U.S. Code, the standard rate for foreign investors in Guam is 30 percent. However, under U.S. tax treaties, it is a common feature for countries to negotiate lower withholding rates on investment returns.

Unfortunately, because there are different definitions for the term ''United States'' under these treaties, Guam is not included. As an example, with Japan, which has the biggest impact on

our economy, the U.S. rate for foreign investors is 10 percent. That means that while Japanese investors are taxed at a rate of 10 percent withholding tax on their investments in the 50 States, those same investors are taxed at a 30 percent withholding rate on Guam.

While the long-term solution for this is for U.S. negotiators to include Guam in the definition of the term ''United States'' for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the government of Guam to tax foreign investors at the same rates as the 50 States.

Other territories under U.S. jurisdiction have already remedied this problem or are able to offer alternative tax benefits to foreign investors to delineate their unique covenant agreements with the Federal Government or through Federal statute. Guam alone is therefore the only State or territory in the United States which is unable to provide this tax benefit.

The Congressional Budget Office has indicated that the legislation will not have an effect on the Federal budget. It simply allows the government of Guam to lower its withholding rate for foreign investors. While the bill will result in the loss of revenue for the government of Guam in the short term, these losses are expected to be offset by the generation of increased tax revenues through increased foreign investments in the long run. Some 75 percent of Guam's current commercial development is funded by foreign investors.

H.R. 309 also incorporates changes recommended by the Treasury Department to ensure that a foreign investor who benefits from this legislation cannot simultaneously benefit from tax rebates under Guam territorial law.

My legislation is supported by Governor of Guam, Carl Gutierrez, the Speaker of the Guam Legislature, Tony Unpingco, and the Guam Chamber of Commerce. I also want to thank my good friend, Senator Ben Pangelinan in the Guam Legislature, who initially suggested this legislation a few years ago.

I have worked closely on this measure with the House Committee on Resources, the House Committee on Ways and Means, the Senate Finance Committee, the Senate Energy and Natural Resources Committee, the Interior Department, Treasury Department and the White House National Economic Council.

I urge my colleagues to support H.R. 309. It is good for Guam's economy, and it is sound national policy towards foreign investments in the United States.

□ 1515

Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to commend the gentleman from Guam for his leadership and for the authorship of this important legislation. I want to thank our colleague, the gentleman from Colorado (Mr. HEFLEY) for his leadership in managing the legislation pertaining to the Committee on Resources. I thank the gentleman from Utah (Chairman HANSEN) and the gentleman from West Virginia (Mr. RAHALL), the ranking minority member, for their support of this legislation.

Mr. Speaker, I rise in strong support of H.R. 309, a bill to provide for the determination of withholding tax rates on the Guam income tax law. I am often critical of the relationship, or should I say, a lack of a well-defined relationship, currently existing between American Samoa and the United States.

Unlike Guam, the Virgin Islands, Puerto Rico, or the Commonwealth of the Northern Mariana Islands, American Samoa does not have an Organic Act setting forth the basic structure of the government, or a covenant relationship that defines such a relationship, as is currently the case with the Commonwealth of the Northern Mariana Islands.

On the other hand, Mr. Speaker, once a territory becomes organized, the local government loses much of its flexibility that it otherwise would have in addressing many of its social and economic issues.

Mr. Speaker, as many of my colleagues may not be aware, the territory of American Samoa is an unorganized and unincorporated territory of the United States. This year marks the very unique political relationship between American Samoa and the United States which has now existed for over 101 years.

American Samoa now has a territorial Constitution that was approved by the Secretary of the Interior in 1967, but was never approved by the Congress. A law was passed by the Congress in 1984 to prohibit any changes in the territorial Constitution without the consent of the Congress, but at the same time, Congress passed a law in 1929 to delegate all military, judicial, and administrative authority under the control of the President or his designee, currently the Secretary of the Interior. Mr. Speaker, how would we like to figure that one out?

Mr. Speaker, the issue addressed by this legislation is one example of the inflexibility of existing Organic Acts. Under current Federal tax law, there is a 30 percent State income tax rate for foreign investors, or I am sorry, 10 percent for foreign investors in the United States. Guam's territorial tax law is imposed under Federal law, so an act of Congress is needed to change it.

Even though the United States enters into treaties with foreign governments authorizing lower income tax rates for foreign investors in the States of the United States, current treaties do not include the territories as part of the United States. The net result is that if a Japanese businessman invests in a State of the United States and has an income of $100,000, that investor pays a $10,000 tax on the income. That very same investor earning the same $100,000 in income from an investment in Guam would have to pay $30,000 in tax, or three times as much.

Given Guam's proximity to Japan and other Asian countries, and given the number of nonaffiliated islands in the Pacific, the 30 percent income tax rate is a considerable disincentive for foreign investors to do business in a territory like Guam, thus hampering Guam's economic development.

I welcome this proposed change in Federal law to permit the governing authority in Guam to tax foreign investors at the same rates as States under U.S. tax treaties with foreign nations.

While American Samoa does not have this problem because it has authority to enact its own tax laws, I would suggest that future tax treaty negotiators include U.S. territories within treaty provisions so separate legislation is not necessary.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Colorado (Mr. HEFLEY) for those kind remarks and for his indulgence in seeing this through.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would encourage my colleagues to support this broadly-supported bill, a bipartisan bill, a good bill. I commend the gentleman from Guam (Mr. UNDERWOOD) for his hard work on it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 309.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

SUPPORTING A NATIONAL CHARTER SCHOOLS WEEK

Mr. KELLER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 95) supporting a National Charter Schools Week, as amended.

The Clerk read as follows:

H. CON. RES. 95

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parental involvement, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 35 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received more than $500,000,000 in grants from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.);

Whereas 34 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving approximately 550,000 students in more than 2,150 charter schools during the 2000 to 2001 school year;

Whereas charter schools can be vehicles both for improving student achievement for students who attend them and for stimulating change and improvement in all public schools and benefiting all public school students;

Whereas charter schools in many States serve significant numbers of students with lower income, minority students, and students with disabilities;

Whereas the Charter Schools Expansion Act of 1998 (Public Law 105–278) amended the Federal grant program for charter schools authorized by part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) to strengthen accountability provisions at the Federal, State, and local levels to ensure that charter public schools are of high quality and are truly accountable to the public;

Whereas 7 of 10 charter schools report having a waiting list;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system; and

(2) it is the sense of the Congress that—

(A) a National Charter Schools Week should be established; and

(B) the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. KELLER).

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 95, which acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system, and calls for a National Charter Schools Week to be established.

We have all seen the results of inflicting the many unfunded mandates on our Nation's public schools, and believe that the charter school movement, led by California, Arizona, Colorado, Florida, Georgia, Minnesota, New Mexico, Massachusetts, and Wisconsin in the early 1990s, is a direct result of the desire for parents to increase their personal involvement and control of their children's education.

My home State of Florida passed its charter school law in 1996. The latest information available shows that there are 149 charter schools operating in the State of Florida serving over 27,000 students.

New charter schools have swept the country to the point of including 36 States, the District of Columbia, Puerto Rico. This represents a clear change in how education is disseminated across the great country.

There are nearly 2,150 charter schools across the country serving almost 550,000 children. Laboratories of learning are being established from coast-to-coast, and the common denominator between them all is a staunch desire for local hands-on control by parents and teachers. From back-to-back basic schools in Arizona to magnet programs in Colorado, they are all proving that there is not just one way to teach.

Two weeks ago, the State of Indiana passed a very strong charter school law which will likely rank the State in the top dozen of States with the strongest laws. This is an outstanding victory for parents and teachers, who have been waiting a long time to affect their children's education in a positive way.

A recent report by professor Scott Milliman of James Madison University, Frederick Hess, and Robert Maranto of the University of Virginia, and social psychologist April Gresham, revealed that the establishment of charter schools has spurred noticeable differences in the public school system.

For example, based on a March, 1998, survey of Arizona public school teachers, the researchers concluded that the power of choice and market competition from charter schools led to the following changes between the 1994–1995 and the 1997–1998 school years.

First, districts made greater attempts to inform parents about school programs and options. Second, districts placed greater emphasis on promoting professional development for teachers. Third, school principals increased consultation with the teaching staffs.

The authors also found that charter schools do not replace district schools, but rather, push district schools to compete, primarily because State subsidies follow the students.

This resolution supporting National Charter Schools Week must be used as a means of celebrating true diversity: diversity in education, diversity in learning, and diversity in thought. Supporting National Charter Schools Week lends credence to the proclamation that not everyone thinks alike and not everyone learns alike.

Combined with the Charter Schools Expansion Act from the 105th Congress, it acknowledges the success of thinking outside the box by supporting and commending those communities who have chosen to take control of their own destiny.

Mr. Speaker, I reserve the balance of my time.

Mr. ROEMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for helping manage the bill here today, a charter school bill which will establish this week as the National Charter Schools Week, named House Resolution 95.

As our Founding Fathers contemplated the importance of what American society might look like in the ensuing decades after they wrote the Declaration of Independence and the United States Constitution, George Washington, John Adams, Thomas Jefferson, and James Madison all talked of the extreme importance put forward on an enlightened society, on an educated society.

Now, today, in the year 2001, we should put even more importance on our public education school system, on a system that is visionary, that is accountable, that is flexible, that provides more public school choices to our parents to send their children to the very best kinds of schools.

Charter schools, I believe, are part of this effort. Charter schools are part of an effort to provide more vision, more flexibility, more reform, more options, more parental choices, more teacher curriculum, curriculum developed at the local level into the schools.

They might even expand on the school day or the length of the school year, providing more and more options for our schools in an increasingly globally-oriented economy.

When our kids fail, if our kids do not succeed in public education today, it is almost as if a death sentence has been laid upon their heads. If they fail and drop out of school as a third-grader, at 13, or if one does not get that high school degree, our children are almost destined to failure, or oriented toward juvenile reform, prison, and problems where it gets increasingly difficult for us to rescue them. So charter schools are part of this effort to reform our schools and change the way we currently educate our children.

I am also extremely pleased, as we talk about charter schools, that very soon after the State legislature has passed a new charter school bill, the Governor of our State, Governor Frank O'Bannon, will sign Indiana's charter schools into law.

□ 1530

We will become the 38th State with charter schools in this Nation. Charter Schools Week will seek to recognize the accomplishment of charter schools around the country. Charter Schools, as I said before, stress the principles of accountability, parent flexibility, choice and autonomy. Charter schools are public schools that respond to an increasingly high demand for choices from parents, from students, from teachers designed at the local level so that we can respond to the challenges in that local community.

All different kinds of States, the District of Columbia, and the Commonwealth of Puerto Rico are serving more than 500,000 students in almost 2,100 charter schools.

I am especially happy that in many of these charter schools, we have about 7 out of 10 have waiting lists. Seven out of 10 of the charter schools have people waiting to get more of their students into the schools. So that proves that more and more parents want to get their children into a charter school.

There is a criticism of charter schools, and that is that some of them have been shut down, some of them have not worked. We have about a 4 percent failure rate in our charter schools. There are some that do not want to talk about that. As a matter of fact, I think the fact that charter schools are accountable can be closed down, can be reconstituted, can be put on probation and turned around or permanently closed, I think, is a benefit in favor of charter schools.

Out of over 2,000 charter schools, 59, 59 have closed down for various reasons; that is about a 4 percent failure rate, about a 4 percent failure rate at the over 2,100 charter schools where we can make them accountable, where we can reconstitute them, where we can put them on probation and ultimately either make them perform better, close them down and allow students to go to other public schools.

I am also very proud of the fact that as we look at charter schools across the country, whether they are in California or Arizona or the first State to have charter schools, Minnesota, charter schools also reflect the diversity of our schools across the country in public education.

We have a charter school out in California, where we have had people come in to testify before our Committee on Education and the Workforce called Fenton Charter School, which has over 90 percent eligible for free and reduced lunches, over 90 percent African American and Hispanic enrollment rate, and have seen incredibly good increases in the scores in mathematics, in science, in reading take place since it has changed to a charter school.

So we are seeing schools that reflect a rich diversity of this country, have charter schools and then succeed in terms of educating, graduating and promoting their students.

I am delighted to join with my colleagues today in this resolution, H. Con. Res. 95 to establish this week as National Charter Schools Week. I am anxious to talk about charter schools as we start debate tomorrow in the Committee on Education and the Workforce as we reauthorize the ESEA Act as we look forward to, hopefully, a bipartisan bill that is going to move us forward in terms of our education reform in this country.

Mr. Speaker, I yield 6 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who, I think, has been a very, very eloquent and articulate spokesperson for public education in this country and someone who has been to many of the charter schools that are here in the District of Columbia.

I have had the pleasure of going to two or three of those schools and have seen the great job that many of those charter schools are doing with respect to students with limited English proficiency, with respect to students eligible for free and reduced lunches, and the increased graduation rates that those schools are achieving in the District of Columbia.

Ms. NORTON. Mr. Speaker, I kindly thank the gentleman from Indiana (Mr. ROEMER) for yielding the time to me.

I congratulate him and the sponsor of this resolution, the gentleman from Florida (Mr. KELLER). I want to commend him for his leadership, particularly on charter schools, which stands out in the stellar leadership that he has given on the issue of education during his years in the Congress.

I come to the floor because the District of Columbia is proud to say that it has probably, I think I can say without contradiction, a greater percentage of its children in charter schools than any school district in the United States. And part of the reason for this is the accommodation of the Congress with me in 1995.

There were fierce fights about vouchers and the imposition of vouchers on the District of Columbia. And, yet, the majority had a point, you cannot say to somebody in the first grade, we will get these schools fixed maybe by the time you are out of school altogether.

The child is in the first grade only once, and I was particularly open to the notion of charter schools as an alternative to the public schools of the District of Columbia, even though I was then and remain opposed to vouchers which the people of the District of Columbia strongly oppose, believing that public money should go to public schools, either public schools in the regular public school system or public charter schools; and we believe that our experience indicates that this is by far the best alternative for those truly searching for an alternative to public schools which need fixing.

The Congress passed a school reform bill which was, in essence, a public charter bill for the District of Columbia in 1995. Look what has happened since then. Thirteen percent of all public school students in the District of Columbia are enrolled in 40 public charter schools. There are public charter schools in seven out of our eight wards. Nearly two thirds of all the public charter school students qualify for free or reduced lunch, yet about half of our public charter schools offer academically rigorous curricula of the liberal arts.

Many of the rest offer curricula in particular subject matters, the arts, foreign language, immersion, technology.

The rate at which charter schools have come on line in the District of Columbia is a model for an alternative school system within the public school system for our country. Over 70 percent of the D.C. public charter schools have fewer than 300 students and small classes are the norm in these charter schools. Many of the parents say they want the charter schools for this reason; they wanted smaller classes. They wanted smaller schools, and they wanted to be freed from the central bureaucracy of the public school system.

They wanted to innovate. Interestingly at the moment, Mr. Speaker, the scores of our public school children are better than the scores of our charter school children. Our public schools have a new mayor, a new school board and new rigor; but we are proud and pleased that we have this great diversity of charter schools here.

The charter schools have pushed our public schools, so that now our public schools are doing very much better than they were doing. And the very thing that we said we wanted the charter schools to do, to be a competitive force to the public schools, has come true.

We do not believe, by the way, that private schools would be that kind of competitive force, because the private schools are outside of the public school systems. We have some of the best private schools in the United States, some of the best private Catholic schools and some of the best private schools that are secular. But when you see a school in your neighborhood dealing with precisely the same children you are dealing with last year and they now have

moved to another school and they would rather be in that school, that, my friend, is competition.

That is why we believe that the best competition for the public schools are not vouchers, are not fancy schools, by or whatever other name you call them. But a charter school right next to a public school where the child is going, compare how those children are doing, and then you will have real competition between your public school and your charter school. And your public school will do what our public schools are doing, our public schools will have to do better.

Mr. ROEMER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to say to the gentlewoman from the District of Columbia (Ms. NORTON), my classmate from the 1990's election, that in the charter schools that I have visited across the country, certainly the charter schools in the District of Columbia stand out as some of the very best.

I remember charter schools that I visited a couple of years ago right here on the Hill, where they had smaller classes, they were also teaching some of the more challenged students, students that had actually dropped out of other schools and had, I believe, a 15 percent to 20 percent higher graduation rate from that particular charter school than the surrounding public schools taking on some of the most at-risk and challenging students.

I commend the job that those charter schools are doing. These charter schools are a choice, a public school choice, a supplement to the system. I know in the charter schools that I visited in Chicago that they are part of the reform efforts successfully taking place to make the Chicago schools better and better and better schools in one of the biggest school districts in the country.

We are delighted to have this resolution before us.

Mr. CUMMINGS. Mr. Speaker, today I rise in support of H. Con. Res. 95, supporting National Charter Schools Week.

Franklin Roosevelt once said that, ''we cannot always build the future for our youth, but we can build our youth for the future.'' I truly believe that statement. The proper education of all children is essential in order to build our youth for the future. We do not have a more important issue in American today than investing in our children by making sure they have a quality education. In celebrating National Charter Schools Week, we recognize the principle in highlighting many accomplishments of charter schools around the country.

Charter schools are public schools that are given flexibility and independence in exchange for being held accountable for improving student achievement and for their financial operations. They provide a different and unique model for public schools with new, innovative programming and smaller class sizes without so much red tape. Unlike vouchers, charter schools do not take money from public schools because the public funds remain in the public school system.

In 1994, there were less than a dozen charter schools in America. Today there are more than 2,150 charter schools across the nation. Currently, 36 states, the District of Columbia and Puerto Rico have passed laws authorizing charter schools. Although in my home state of Maryland, the General Assembly again failed to pass legislation authorizing the establishment of public charter schools, I am pleased that Baltimore City has a few schools similar to charter schools. My daughter attends one of these schools in Baltimore City.

As the national debate on how to improve our public schools continues, we must do all we can to hire more teachers, reduce class size, modernize our nation's public school, put computers in every classroom, and encourage parental involvement. Supporting the creation of charter public schools is one concept that will help improve public schools because charter schools pressure the more traditional public schools to continue to strive for excellence.

As this body considers various education initiatives, such as ESEA, and education funding, let us be committed to supporting creative solutions, such as public charter schools, while ensuring that we maintain quality education for all of our nation's youth.

Mr. BOEHNER. Mr. Speaker, in honor of National Charter Schools Week, I rise in strong support of H. Con. Res. 95.

This weeklong celebration, which started yesterday and runs through Friday, is co-sponsored by more than seventy grassroots charter support organizations and is coordinated by the Charter Friends National Network.

Although a relatively new phenomenon, charter schools have been at the cutting edge of educational reform for the past several years.

In exchange for flexibility and freedom from regulations, charter schools are held accountable for improving the academic performance of their students. This newfound flexibility and freedom has not only translated into higher test scores, but also innovative practices. It has empowered parents with the ability to seek out the best education possible for their children.

In fact, we have done our best to mirror these same principles of freedom, flexibility and accountability throughout the Elementary and Secondary Education Act in H.R. 1, the No Child Left Behind Act of 2001, which we are marking up in committee tomorrow.

Currently, 36 states, the District of Columbia, and Puerto Rico have passed charter school laws and more than a half million students attend charter public schools nationwide. My hope is that one day, in the not so distant future, every state will have passed a charter school law.

That said, Mr. Speaker, I would like to congratulate all the students, parents, teachers, principals and administrators who have embraced the charter school movement. I would also like to thank Mr. TANCREDO, Mr. KELLER, and Mr. ROEMER for their efforts in bringing this important resolution to the House floor.

Mr. PETRI. Mr. Speaker, I am pleased to speak in support of this resolution that recognizes the charter school movement for its contribution to improving our Nation's public school system.

I have been a strong supporter of the charter school movement since 1992 when former Representatives Penny and McCurdy and I introduced the Public School Redefinition Act of 1992. That bill was based on legislation introduced the year before by Senators Durenberger of Minnesota and LIEBERMAN of Connecticut. This was the very beginning of Congressional efforts to encourage charter schools.

I am happy to say that the bipartisan efforts of a handful of dedicated individuals resulted in the subsequent creation by Congress of a federal Public Charter Schools program in 1994.

Later, the Charter School Expansion Act of 1998 revised the Public Charter Schools statute by, among other things, increasing its authorization and giving priority for grants to states providing charter schools with financial autonomy.

The charter school movement, we should note, is a true grassroots movement. This movement was started in the early 1990s by concerned parents and frustrated teachers who were tired of the status quo, tired of fighting the bureaucracy that smothers innovation, and tired of seeing their children sink into mediocrity and failure.

It is therefore important to keep in mind that Congress should try to avoid imposing federally prescribed requirements such as teacher certification.

According to the Charter Friends National Network, ''More than two-thirds of the states—with more than 80% of the charters—currently have some degree of flexibility in allowing use of teacher qualifications other than traditional certification.'' Any attempt to apply a teacher certification mandate to charter schools would jeopardize their very nature, which is based on autonomy in exchange for academic achievement.

In my state of Wisconsin, I am proud to say that we have a strong charter school and school choice program—especially in the city of Milwaukee where we have the support of education-reform minded individuals such as former school superintendent Howard Fuller and Mayor John Norquist.

Mr. Speaker, the bottom line is that charter schools work. They work because they are freed from burdensome regulations, and in return, they are held accountable for academic results.

I want to commend the gentleman from Colorado, Representative TANCREDO, for introducing this resolution. I appreciate the opportunity to speak in support of this measure, and I urge may colleagues to support and promote a National Charter Schools Week.

Mr. KIND. Mr. Speaker, I rise today in support and recognition of Charter schools. Charter schools, which are public schools authorized by a designated public body, were established with the goal to enhance school organization and instruction. Charter schools operate on the principles of accountability, parent flexibility, choice, and autonomy.

Charter schools provide an invaluable means of improving student achievement for all who are enrolled in them. Charter public schools are held to highest standards and act as a vehicle for stimulating positive change and improvement in all public schools. As a member of the House Education and Workforce Committee, I am committed to fighting for improvement in our Nation's education system and charter schools have the ability to enhance the quality of education for all public school students.

There are 36 States, along with the District of Columbia, and the Commonwealth of Puerto Rico that have passed laws authorizing

charter school. My home state of Wisconsin currently supports 95 charter schools, educating 7,210 students. There are over 550,000 students enrolled in 2,150 charter schools nationwide. Not only is education a top priority, but it is the key to a successful future. These schools are providing an excellent education for the American youth.

Many charter schools serve significant numbers of students with lower income minority students, and students with disabilities. A charter school does not and cannot discriminate against any student. The contract for the schools is required to explain how the school will achieve a racial and ethnic balance among its pupils that reflects the school district population.

Charter schools have the unique ability and freedom of setting up their own governance and administrative structures. Many of the schools create decision-making boards that include some or all of a school's teachers, while others have parent-teacher committees to address various school needs. Some schools have students playing a vital role in their governing bodies.

Over the years, charter schools have received significant bipartisan support from the Administration, the Congress, State governors and legislators, educators, and parents throughout the Nation because the schools have been effectively educating their students. A good education is invaluable to any student and we have the responsibility to provide every child with the opportunity to learn. The Nation should take a week to honor the model education system set up by the charter schools.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Con. Res. 95. I am proud to acknowledge and commend the charter school movement for its contribution to improving out nation's public school system. A charter education is a special and rigorous public education for more than 500,000 children nationwide. Charter schools serve a broad range of students, many of which better meet the needs of students than conventional schools. Charter schools exercise increased autonomy in return for increased accountability. They are accountable for both academic results and fiscal practices to their sponsors, their parents, and the public.

The charter schools in my district, Syzygy Charter School, Visional Academy Charter School, Tomorrow's Builders Charter School, and Fort Bowman Academy Charter School, increase opportunities for learning and access to quality education for all students, create choice for parents and students within the public school system, encourage innovative teaching practices, and encourage community and parent involvement in public education.

Mr. Speaker, it is important to establish a National Charter School Week. The charter schools in my district and nationwide demonstrate impressive levels of achievement and accomplishment, and I commend them for their continued dedication to serve. For these reasons, I support this legislation.

Mr. ROEMER. Mr. Speaker, I yield back the balance of my time.

Mr. KELLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 95, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1467

Mr. OTTER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1467.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

RECOGNIZING 100TH ANNIVERSARY OF 4–H PROGRAM

Mr. KELLER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 112) recognizing the upcoming 100th anniversary of the 4–H Youth Development Program and commending such program for service to the youth of the world.

The Clerk read as follows:

H. RES. 112

Whereas the 4–H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas the 4–H Youth Development program sponsors clubs in rural and urban areas throughout the world;

Whereas the 4–H Clubs have grown to over 5.6 million annual participants ranging from 5 to 19 years of age;

Whereas today's 4–H Clubs are very diverse, offering agricultural, career development, information technology, and general life skills programs; and

Whereas the 4–H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

Resolved, That the House of Representatives recognizes the upcoming 100th anniversary of the 4–H Youth Development Program and commends such program for service to the youth of the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. KELLER).

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 112.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 112, which extends the recognition of this body to the 4–H Youth Development Program on the occasion of its 100th anniversary of its creation next year.

The 4–H is the original ''learning by doing,'' and like all great ideas in education, it originated at the local level as the product of local educators and concerned citizens who saw a way to improve agricultural education.

4–H participants pledged their heads to clear thinking, their hearts to greater loyalty, their hands to greater service and their health to better living for their clubs, their communities, their country, and their world, not a bad code by which to live.

Even before Congress began supporting land-grant extension programs that took the agricultural advances of academia into working farms, 4–H understood the value of putting ideas into action.

□ 1545

It is at the heart of this organization.

From its roots in agricultural education, food preservation, and nature study, 4–H has spread to include training in a variety of areas, more than 110 areas, in fact. These areas include the arts, environmental education, communication, science and technology, and healthy life-style education. With new programs, 4–H has continued to help more and more young people learn skills to succeed later in life and become positive contributing leaders. Today, only 10 percent of participating youth live on farms. In fact, 30 percent are minorities. More than 6.5 million youth are members. Some of the well-known former 4–H members are Johnny Carson, Faith Hill, Reba McIntyre, and Dolly Parton.

The leadership skills 4–H members develop, the practical knowledge they accumulate in the programs they study, the friendships they build, and the experiences they have in competition and problem-solving make them better people and make our country a better place.

Earlier this year, my family and I had the happy privilege of visiting with several 4–H'ers at the Florida State Fair in Tampa and the Orange County Fair in Orlando, Florida. These young people had prepared several impressive agricultural exhibits, and they were also very knowledgeable about the cows and the pigs and other livestock they had raised. These 4–H members made quite a positive impression on my two young children.

In a changing world, I am very glad that 4–H has been there for America's young people and has continued to grow with them. 4–H helps to prepare them for the challenges they continue to face and help America to continue to be the place where the ideas and beliefs that made it great are still taught and practiced.

Congratulations 4–H on 100 years of success and service, and best wishes for 100 more.

Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I rise in very strong support of House Resolution 112, which recognizes the upcoming 100th anniversary of the 4–H Youth Development Program. I am very proud to be an original cosponsor of this legislation; and I would like to commend my colleague, the gentleman from Florida (Mr. FOLEY), for introducing this important recognition of a voluntary youth movement that has been highly successful in our country.

Too often, I think, many of us in Congress rely upon the initiative coming from governmental sources. We look for ways in which we can stimulate young people into doing productive work and innovative programs for self-improvement. But here is an example, where nearly 100 years ago, a group of individuals got together and decided that the young people could come together and determine the ways in which they might help themselves, and this is precisely the strength and the energy that the 4–H movement leaders had.

It is very exciting to know that over the years it has grown. As my colleague, the gentleman from Florida (Mr. KELLER), said, there are almost 7 million young people, ages 5 to 19, that participated in the 4–H programs in the year 2000; 1.6 million were members of 103,000 clubs; 2.5 million were members in a variety of special interest groups; 3.6 million were members of school enrichment programs. There were individual study groups, instructional programs, child care programs, and many opportunities for groups that went out camping and other types of excursions.

As my colleague said, initially this was supposed to be a farm or agriculturally centered program, but it has gradually moved in from the farms to our small towns and our communities. Today, well over half of the program is centered around small towns and cities throughout the country. Thirty percent of the participants are from minority racially-ethnic groups. An astounding statistic that I found was that 52 percent of the participants are girls and 48 percent boys. I am very encouraged by that. We have over 610,000 volunteers, adults and others over age 19, who are participating in this program and helping the 4–H movement to grow.

Many of us feel very honored each year to have the leaders of our 4–H clubs come to visit us in Washington. They come to participate in the wide variety of national programs, some elective, some not; and it is always a pleasure to see these young people and the energy that they bring to the work that they do.

Before I end my short part in this program this afternoon, I wanted to tell my colleagues something about the 4–H movement in my own State. The first club was organized in 1918. It had 31 members and was on my own island of Maui, where I was born. It grew from there to have clubs in all of the islands, Oahu, the big island of Kauai. It was very much centered on the agricultural basis of farming and hog raising and cattle raising, and the contests and various kinds of agricultural activities. Today, the Hawaii 4–H organization has 24,000 participants throughout the whole island, and they engage in a wide variety of activities; not just farming, but citizenship, civic education, the arts, sciences, environmental education, and all the things that go to making up the totality of the human development.

So I stand today very proud to acknowledge the importance of the 4–H clubs and to join in celebrating the upcoming 100th birthday.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), the sponsor of this important House resolution.

Mr. FOLEY. Mr. Speaker, I appreciate the leadership of the gentleman from Florida on the floor today on this very issue. And I want to take a moment before I begin my prepared remarks to commend my colleague, the gentlewoman from Hawaii (Mrs. MINK), for her wonderful homecoming for members of the Navy who flew back and first landed in Hawaii on their return to the United States from China. We are particularly honored by the way the gentlewoman put the presentation together, and we are delighted that they are on American soil again.

Mr. Speaker, I rise to speak on House Resolution 112, a resolution I introduced to recognize next year's 100th anniversary of the 4–H Youth Development Program, and commending the 4–H program for service to the youth of the world.

The 4–H program has grown over the years to include 6.6 million children. These 5- to 21-year-olds have benefited tremendously from 4–H's wealth of diverse programs: from agriculture, career development, information technology, to general life skills. These programs are offered in both rural and urban areas of the world.

The 4–H continues to make great contributions toward the development of well-rounded youth both in America and abroad. The program enables youth to have fun, meet new people, learn new life skills, build self-confidence, learn responsibility, and set and achieve goals. In fact, more than 45 million people worldwide are 4–H alumni, including my distinguished colleague, the gentleman from Idaho (Mr. OTTER), who told me just moments ago he will celebrate his 50th year of swearing in as a member of the 4–H Club.

The 4–H truly builds the leaders of tomorrow. In fact, their motto is ''To Make the Best Better.'' Our country benefits enormously from programs like 4–H. With the rising tide of teen suicide, drug use, and school violence, the 4–H gives our youth an avenue to excel and build self-esteem. One success story from a young 4–H'er in Georgia caught my eye. It is entitled, ''4–H Brought Me to Life.''

It goes on to say, ''I was not popular at all. I had just moved and I felt like an outcast. One day a lady came. She was with 4–H. I really did not do anything with 4–H that year except camp. I then said I'm going to have fun and make this year the best of my life. It has been 3 years since. I'm now in the 8th grade. I have friends all over Georgia. 4–H brought me to life.''

The gentlewoman from Hawaii mentioned several of the people who are former 4–H'ers that I think deserve notation, and I will read the list. And while I read the list, I will ask my colleagues to think with me, because I think one of the hallmarks of 4–H is that none of these people have been involved in any controversy. Seldom do we hear of a child that has been accused of a crime or another problem having 4–H on their resume. It obviously leads them on the right path, not the wrong path.

Listen to some of these famous names: Glen Campbell, Johnny Carson, Johnny Cash, John Denver, Janie Fricke, Faith Hill, Holly Hunter, Martina McBride, Reba McIntyre, Dolly Parton, Charlie Price, Charley Pride, Roy Rogers, Ricky Skaggs, Sissy Spacek, Aaron Tippin, and even my favorite, Orville Redenbacher, who brings us such great popcorn.

These are people that learned the basics of life from 4–H and why I am tremendously proud we are saluting them today on the House floor. Hopefully, it will not only give them the enthusiasm but the direction that not only do Members of Congress support them, but the Nation looks up to those in the 4–H movement, those that have brought the 4–H'ers to communities throughout our country.

I want to pay special tribute, because 100 years does not come often in anyone's life, nor the legacy of any organization. I am joined by many, many of my colleagues who have become cosponsors of this movement and of this resolution, and they are noted in the RECORD. I would like to thank John Hildreth, my legislative specialist, who was working on this as well with us.

Again, my salute to every hamlet in America, wherever there is a 4–H. And for children that may be listening, if you feel alone and you feel desperate, look to 4–H for leadership. Look to 4–H for guidance. Become a member of this great organization, and your life can turn around much like that of the girl from Georgia. I commend them to you, I commend them to your community, and I salute them.

Mrs. MINK of Hawaii. Mr. Speaker, I am delighted to yield 4 minutes to the gentlewoman from North Carolina

(Mrs. CLAYTON), who is currently the co-chair for the Rural Caucus, and has led us in so many areas that are important to rural America.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in commendation of the upcoming 100th anniversary of the 4–H youth program. For almost a century, 4–H has been a constant beacon reminding us that we only receive from our communities as much as we put into them. The 4–H Youth Development Program has long recognized that leadership is not an innate quality, but rather that leadership is built one step, one person, one community at a time.

Rural America needs leaders today more than ever. I know I need not remind my colleagues of the crisis in rural America today. I would like to give my heartfelt thanks to 4–H for providing rural America with strong voices of leadership for almost 100 years. I would also like to urge 4–H to continue their very fine work. The fate of rural America may well rest in the next generation of leadership.

I regret the fact that this country does not have a policy for rural America. It needs one desperately. As this Congress considers ways in which to assist rural America, I think that we would be wise to look to the national 4–H for direction. In fact, 4–H has served rural America well and has expanded its services and its opportunities to urban youth, for which we congratulate and commend them.

The four components of 4–H, the head, the heart, the hand, and health, speak to our unstated obligation to survey the needs of rural America comprehensively, not in isolation from one another. In fact, the national 4–H statistics are very impressive. We have heard them already, but they are worth mentioning again. There are more than 6 million youth, from the ages of 5 to 19, who are involved in 4–H program. Over half of them are from urban areas. Indeed, only 10 percent of them are from farm programs. So, indeed, it has moved from its original program of serving farm youth to serving the youth of America, and we commend them for that.

More importantly, they provide leadership. They provide opportunity for development. They provide enrichment programs. They provide environmental studies. But, also, they provide leadership and training both for the youth and the adults who are involved in that.

□ 1600

The needs for rural America are many: historically low commodity prices, crumbling infrastructure, limited education opportunities, out-migration of youth, limited employment opportunities, lack of access to quality health care. Every one of these is, indeed, a serious problem in its own right, but only by seeing them together, as necessary pieces of a whole, do we see the complete picture.

We must address the entire fabric of farming communities across the country, including youth development, rather than just the single threads that bind it together.

The stakes are high. The livelihood of millions of farmers and the future of our youth in America and urban area are at stake. But I am heartened as we move forward, because standing alongside us is the national 4–H program, building leaders for rural and urban America.

I commend them on their upcoming birthday.

Mr. KELLER. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, nearly 50 years ago I raised my right hand and I said, ''I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living, for my club, my community, my country, and my world.''

Mr. Speaker, some of my colleagues may argue that not all of that took as well as it might have, but I would argue for whatever benefit I did receive in taking that pledge, my life has been richly blessed and immensely improved by the process that goes on in 4–H.

The pledge of my head stands for the clear thinking that is required to be a 4–H'er. Not only that, but the decision-making process and the collection of knowledge, knowledge that one will use throughout their life.

In pledging greater loyalty from the heart, the 4–H'er promises to have greater loyalty to his fellow man and to his country, but also to himself and for those values that they themselves stand for.

To pledge their hands to larger service, in this day and age it is certainly needed by every citizen of this country.

Finally, to pledge their health, we all know the value of what good, healthy lifestyles can stand for in this country.

Mr. Speaker, I would like to associate myself with the remarks of my colleague, the gentleman from Florida (Mr. FOLEY), who spoke before me, because he covered much of the material that I had intended to. I would like to point out, in the nearly 7 million participants, as mentioned by the gentlewoman from Hawaii (Mrs. MINK), some 597,000 are involved in citizenship civic education programs, nearly 1 million in community expressive arts programs, a half a million in consumer family science, 1.3 million in environment and science programs. In Idaho, Mr. Speaker, 32,643 members in 3,743 clubs with 4,200 adults participate in the volunteer and leadership programs for 4–H.

Mr. Speaker, I join with my colleagues as a cosponsor in recognizing, as is long overdue, the 4–H Clubs of the United States of America that have stood for a long time for those words so aptly put by Chester Bernard when he said that ''to try and fail is at least to learn, but to fail to try is to suffer that estimable cost of what might have been.'' Mr. Speaker, 4–H knows what it is.

Mr. KELLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of House Resolution 112, recognizing the upcoming 100th anniversary of the 4–H Youth Development Program in 2002.

Mr. Speaker, as you have heard, the four H's stand for head, heart, hands and health; and the program gives children and youth the opportunity to gain responsibility through hands-on involvement in challenging projects. 4–H began as an agricultural education program for youth, and clubs were formed with adult volunteers to encourage learning by doing.

Mr. Speaker, I am personally familiar with 4–H as my youngest son spent most of his teen years in a 4–H club and showed quarter horses in local competitions and the State fair. The club developed his leadership skills and made him a more responsible and purposeful young man.

As we recognize 4–H, I want to commend the dedicated volunteers and county extension agents that have given countless hours of their time to help children and youth develop their skills and learn, while having fun, and to thank them for the good times my son has enjoyed, and to wish the organization another productive century of service.

Mr. KELLER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise, as my colleagues have, to recognize the upcoming anniversary of the dynamic 4–H Youth Development Program. I congratulate the gentleman from Florida (Mr. FOLEY) for introducing H. Res. 112.

For a century the 4–H club has offered a wide range of projects and activities for the purpose of building the leaders of tomorrow. I am fortunate enough to represent the congressional district with not only local branches of the 4–H club, but also the headquarters of the 4–H Youth Development Program at the National Conference Center in Chevy Chase, Maryland.

In my district, Montgomery County, the 4–H club reaches over 8,000 youth annually with such innovative programs as Adventures in Science. During the early 1970s, Ralph R. Nash began this hands-on science education activity in his basement in Gaithersburg, Maryland, in order to provide science adventures for his daughter. Over the years, AIS has introduced the fun of science to hundreds of children. AIS now meets at five sites in Montgomery County, and additional programs have been initiated at several other sites in the country, based on the

same philosophy and a similar format. Since the early 1990s, the Montgomery County 4–H program has provided an administrative framework for AIS, using 4–H Maryland Cooperative Extension volunteers as site managers.

The Adventures in Science goal is to present science as an exciting activity and a way of thinking about the world, rather than as a compendium of facts. The topics presented reflect the interests of children and the volunteers, rather than any prescribed curriculum. The 4–H method of ''learning by doing'' facilitates not only the education process but also encourages teamwork and develops conflict resolution skills.

The Adventures in Science program, in addition to the various annual activities at the Montgomery County Agricultural Fairgrounds, instills a spirit of community and volunteerism into the area's youth. It is this spirit that enables the 4–H Youth Development Program to fulfill the lofty ambition of their motto, ''to make the best better.''

I was very impressed that Mr. OTTER earlier gave the 4–H pledge, ''I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living, for my club, my community, my country, and my world.''

Mr. KELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

As someone who was in 4–H for 9 years and learned a great deal from my activities there, and everybody thinks about 4–H as how to have a project for raising livestock or grains, that type of project, the things that helped me the most in 4–H, we had Carl Rayder, our extension director, used to have special classes for us out in the country and teach us about etiquette: How to eat at a table, how to dress. We had fashion shows. There are a lot of different things that 4–H did in rural America that really helped us along in life.

Mr. Speaker, probably the most important thing is the leadership that was taught in 4–H and the opportunity for a young farm kid to be a leader in his 4–H club locally, county-wide, and move on to State offices, things like that were very, very important and meant a great deal to us in 4–H.

I am also extremely proud that Clarion, Iowa, which is in my district, is the home of the 4–H emblem; the four-leaf clover with the four H's, one H on each leaf of the clover, obviously, is a sign that is known by everyone as representing the 4–H itself.

Mr. Speaker, 4–H has been a very, very positive experience for young people for 100 years now. I want to congratulate them. I do not have to read the 4–H motto. ''I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living, for my club, my community, my country, and my world.'' And it means a great deal to a lot of young Americans that we can still do that pledge.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 112 in honor of the millions of young people who participate in the 4–H program.

Mr. Speaker, this resolution recognizes the 100th anniversary of the 4–H Youth Development Program and commends the program for its service to the youth of the world. With over 6.8 million members, the program is a stellar example of what is best and most successful in selfless community and national service.

Mr. Speaker, at a time in our history when we are so often consumed by what is wrong with our youth culture, I am delighted to take this occasion to honor many of our Nation's young people who, each and every day, work to give back to their communities in positive ways through public service, education, and leadership.

''To make the best better.'' That is the 4–H motto, and it rings true. The 4–H pledge states: ''I pledge my head to clear thinking; my heart to greater loyalty; my hands to larger service; my health to better living; for my club, my community, my country, and my world.'' Mr. Speaker, these are good and inspiring words to live by.

4–H provides our Nation's youth with the kinds of support, and positive life-experience challenges that are so important in their development into responsible and active members of our community. 4–H is committed to nurturing our youth so that they may reach their fullest potential by building self-confidence, teaching responsibility, and by setting and attaining personal goals.

With focus programs ranging from Workforce Preparation; Environmental Stewardship; Health, Wellness and Safety; Community Development; and Youth Changing Their Community, 4–H operates through fairs, shows, camps, state youth gatherings, a national congress, a national conference, a collegiate program, and through an international youth exchange.

4–H is committed to bringing children and adults together through community service by creating bonds that last a lifetime. This makes 4–H a unique and truly inspiring example of what is best in our community and national service. These young people, their parents and sponsors do a great job, and they deserve our thanks and our applause.

Mr. KIND. Mr. Speaker, I am honored to have the opportunity to recognize and commend the 4–H Youth Development Program. Today marks the organization's 100th anniversary and it is important for Congress to take the time to recognize this outstanding program.

The 4–H is a dynamic group whose mission is to foster innovation and shared learning of America's youth, ages 6 to 19. Its vision is to draw upon combined power of youth and adults so that we can learn together in order to address the challenges and opportunities critical to youth in our communities. The 4–H is uniquely established to provide opportunity to young people nationwide to learn valuable life skills, work with others toward common goals, and develop into community leaders.

4–H stresses three fundamental values: First, Mr. Speaker, we must treat others with mutual trust and respect and open and honest communication. Second, we must assume personal leadership and responsibility for our actions. And third, we must celebrate our differences as well as our similarities, and always realize that working with youth as partners is the key to our success.

Over 5.6 million young people are involved in the 4–H clubs, dedicating time and effort to the betterment of their communities and their country. In fact, volunteerism among America's youth has increased over the years, indicating that these fine young people have a sincere interest in helping fellow Americans.

On the 100th anniversary of the 4–H club, I am honored to have the opportunity to commemorate the group because I am a former 4–H member myself. Growing up in Wisconsin, I loved and appreciated the time that I spent within my 4–H club. In fact, two of my staffers here in Washington were also 4–H members in their youth. The 4–H Clubs extend their invaluable services throughout the United States and have personally touched many of our lives.

Mr. Speaker, in closing, I am delighted to speak here today to honor and commemorate the 4–H Youth Development Program and its contributions to American communities for the past century. By pledging their heads to clearer thinking, their hearts to greater loyalty, their hands to larger service, and their health to better living, our young people—along with the adult volunteers who teach and help them—are working to strengthen the clubs, their communities, and their country.

Mr. PUTNAM. Mr. Speaker, in 2002, the 4–H movement celebrates its centennial as one of America's premier youth development organizations. Reflecting its historic vision, Congress is commemorating this event that has brought together our nation's youth, youth leaders, and communities for over a century and created youth development strategies for the future.

No other youth organization spans the nation like the 4–H movement, traveling the most remote roads of rural America and the most diverse streets of our large cities. 4–H is uniquely poised to bring together youth through collaboration, engagement, and a commitment to civic responsibility to build a nation of strong communities. 4–H is in every county in every state, in every U.S. territory and the District of Columbia and 3,067 countries around the world.

The 4–H mission is to create supportive environments for diverse youth and adults to reach their fullest potential. The 100 year-old program has molded itself to meet the needs of our citizens by focusing on developing rural, suburban and urban youth and teaching youth utilizing the research and knowledge base of our state's land grant institutions. 4–H has broadened its program areas to encompass not only agriculture and animal science, but also public speaking, computers, wildlife, forestry and many other topics of interest to today's youth.

Through ''learning by doing'' experiences, young people in the 4–H program are educated through hands-on instruction about the world around them with the guidance of over 600,000 volunteer leaders and cooperative extension service faculty who invest time, talent, and trust in our youth.

The 4–H program enables young people to grow up and become participating citizens and defenders of democracy through outstanding and exemplary programs such as the 4–H legislatures and the citizenship project. The 4–H

program serves 6.8 million youth across America through 4–H clubs, special interest groups, camping and school enrichment educational programs. 4–H young people devote thousands of hours in service to their communities annually through programs such as ''4–H'ers Helping the Hungry'' and other service activities that benefit the people of our nation.

In the coming century, 4–H is posed to provide a national curriculum for youth development professionals reflecting tools and strategies that yield the most successful outcomes. By its call to excellence epitomized in its motto ''to make the best better,'' 4–H is inspiring today's young people to strive for their dreams and not settle for anything less than their best effort. Congress recognizes these accomplishments through this resolution celebrating the centennial anniversary of 4–H programs for America's youth.

Mr. STENHOLM. Mr. Speaker, as the 4–H program prepares to celebrate its 100th anniversary as a national organization, I rise today to honor them and to congratulate the individuals who have made this program a tremendous national success. Let me also add that 4–H has also passed another significant milestone in my own home state of Texas: For the first time in its history, over one million young people are enrolled in the various Texas 4–H programs.

Young people are the future leaders of our country and the lessons they learn in 4–H programs, in any state or U.S. territory, help them to be responsible, energetic, and committed individuals who make an important contribution to our nation.

I commend 4–H for the positive impact it has on cultivating the head, heart, hands, and health of our young people. The positive educational experiences 4–H affords young people allows them to imagine unlimited possibilities and to take them in new and exciting directions.

I would also like to recognize the efforts of 4–H adult volunteers; it is their continuing efforts that allow this great organization to grow. 4–H leaders say they work to make the best better. For almost 100 years they have done just that, and our country is clearly the better for it.

Mr. UNDERWOOD. Mr. Speaker, I rise today to support H. Res. 112, recognizing the upcoming 100th anniversary of the 4–H Youth Development Program and commending such program for service to the youth of the world. I would especially like to extend a heartfelt congratulations to the members of the Guam 4–H Club on their twenty-seven years of community activism and commitment to our youth.

The 4–H started as an idea that generated in the United States and developed according to the needs of our communities. For most of the nineteenth century, rural America set the tone for the country. However, things changed at the turn of the century and jobs in the larger cities enticed the youth of rural America and many moved in search of economic prosperity.

These rural communities were faced with the potential loss of children leaving to the larger cities. With these concerns to educate the children of rural America and the advances in agricultural technology came the 4–H idea of practical and applied educational principles in the public schools of country life. In 1862, the Morrill Act created the land grant university system. These land grant institutions were dedicated to the general education and improvement of agricultural and mechanical arts in the education of rural children. In addition, as part of the land grant system, experimental stations were established in agricultural production and technology. Although the farming community did not readily accept these new ideas and concepts, concerned citizens, school teachers, agricultural scientists scattered the seeds that started the roots of the 4–H. By 1902, the club concept was adopted and hence the forming of a club for boys and girls promoting vocational agriculture in rural schools through the land grant system. by 1914 the Cooperative Extension System was enacted with the passage of the Smith-Lever Act. This was a unique partnership created by Congress to establish national educational network designed to meet the need for research, knowledge and educational programs. Local leaders were now involved and as a part of the program base for the cooperative extension programs the concept of 4–H expanded beyond agricultural vocation.

During its first 80 years, 4–H grew from an organization primarily concerned with improving agricultural production and food preservation to one dedicated to total youth development. It has become an integral part of the Land-Grant University and the Cooperative Extension Service Systems and is one of the nation's most diverse organizations that has now come to include people from every economic, racial, social, political and geographic category. More than 6.8 million youth annually participate in 4–H programs. These programs are conducted via the Cooperative Extension System in 3,067 counties in the United States, the District of Columbia, the Commonwealth of Puerto Rico and in my home district of Guam. The 4–H has followed the needs of the nation's youth from rural America to our urban and suburban communities, and even further into our U.S. Territories. The participation of young people in developing and governing 4–H has been key to its continuing success.

In 1972 the University of Guam was awarded land grant status and by 1974 the College of Agriculture and Life Sciences (CALS) was established. With the establishment of CALS, 4–H youth development on Guam was officially sanctioned and is today 27 years old. 4–H has served its members in Guam and other Pacific Island areas. Through public and private partnerships, the 4–H club has afforded many of our island youth the opportunity to engage in activities that hold their personal interest, while being guided by adult volunteers. Youth development professionals employed by the Cooperative Extension System with the University of Guam provide direction and leadership and centers on the personal growth of the 4–H member. Through projects, activities and events sponsored by the extension program, our 4–H youth members build life skills they can use for the rest of their lives. Because of their experiences with 4–H, our youth become contributing, productive, self-directed members of a forward moving society. Experiences are built around life skills that center on positive self esteem, communication and decision making. Citizenship, leadership, learning how to learn, and the ability to cope with change are also important life building skills learned through their activities. Two of my children, Sophia and Roberto, now grown adults in their 30's, participate in 4–H activities in Guam. I can't help but think that their maturation was assisted by their experience.

I can think of no greater tribute to the 4–H program than by recognizing its 100th Anniversary of community activism, and its positive youth development through its partnerships and programs.

Mr. HOBSON. Mr. Speaker, I rise in support of H. Res. 112, and recognize the accomplishment of the 4–H Youth Development Program.

In 1902, in Clark County, Ohio, which is my home and part of Ohio's 7th Congressional District, Mr. Albert Belmont Graham held the first meeting of what eventually become known throughout the nation as 4–H. The four H's are head, heart, hands and health; all of which should be used to serve your community, country, and world. The purpose of Mr. Graham's initial meeting was to instruct the county youth on the best methods of harvesting corn, testing soil samples, planting a garden, and identifying natural wildlife.

Soon, The Ohio State University's College of Agriculture became interested in Mr. Graham's meetings, and assisted him in setting up more of these ''agricultural clubs'' across the State of Ohio. Since that time, 4–H has expanded to all fifty states, internationally to more than 80 countries, and 45 million people now are 4–H alumni. The original curriculum has been expanded to include health, family life, photography, and more than 200 subject areas. The 4–H community not only includes those with agricultural backgrounds, but has broadened to reach the youths of the inner-cities and suburbs.

Every summer when I tour the county fairs in my district and see young men and women showcasing their talents, I am reminded of the vision of Albert Belmont Graham and his 4–H program, which continues to provide lasting educational, cultural, and social benefits to young people across America and throughout the world.

Mrs. MINK of Hawaii. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KELLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the resolution, H.Res. 112.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 1, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 44 U.S.C. 2702, I hereby reappoint the following individual to the Advisory Committee on the Records of Congress:

Dr. Joseph Cooper of Baltimore, MD

Yours very truly,
RICHARD A. GEPHARDT.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 4 o'clock and 13 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 p.m.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. RYAN of Wisconsin;
Mr. SMITH of Texas;
Ms. DUNN of Washington;
Mr. ENGLISH of Pennsylvania;
Mr. PUTNAM of Florida;
Mr. STARK of California;
Mrs. MALONEY of New York; and
Mr. WATT of North Carolina.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed from earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 91, by the yeas and nays;

House Concurrent Resolution 95, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

RECOGNIZING THE IMPORTANCE OF INCREASING AUTISM AWARENESS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 91.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 91, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 12, as follows:

[Roll No. 90]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Paul

NOT VOTING—12

Buyer
Ganske
Gutierrez
Hobson
John
Millender-McDonald
Moakley
Rothman
Serrano
Smith (WA)
Weiner
Young (FL)

□ 1825

Mr. MEEKS of New York and Mr. SHERWOOD changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to the provisions of clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SUPPORTING A NATIONAL CHARTER SCHOOLS WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the

concurrent resolution, H. Con. Res. 95, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 95, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 6, answered ''present'' 7, not voting 14, as follows:

[Roll No. 91]

YEAS—404

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—6

Ackerman
Capuano
Crowley
Hilliard
Tierney
Waters

ANSWERED ''PRESENT''—7

Bonior
Johnson, E. B.
Jones (OH)
Kucinich
Lee
Owens
Rivers

NOT VOTING—14

Allen
Berkley
Buyer
Ganske
Gutierrez
Hobson
John
Millender-McDonald
Moakley
Rothman
Serrano
Smith (WA)
Weiner
Young (FL)

□ 1835

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HOBSON. Mr. Speaker, on rollcall No. 91, I was unavoidably detained. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall Nos. 90 and 91, due to delay of the plane coming in from Los Angeles to Dulles, I missed the votes. Had I been present, I would have voted ''yea.'' on both.

PERSONAL EXPLANATION

Mr. RANGEL. Mr. Speaker, on April 26 I inadvertently voted ''yea'' on final passage of H.R. 503, the Unborn Victims of Violence Act, when it was my strong intent to vote ''no'' on the bill. I feel that the best way to protect the fetus is to better protect the woman, and because this legislation fails to address the need for legislation to prevent and punish violence against women, I would not support this or any other similar bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001

Mr. Reynolds, from the Committee on Rules, submitted a privileged report (Rept. No. 107–53) on the resolution (H. Res. 127) providing for consideration of the bill (H.R. 10) to provide for pension reform, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EXPRESSING SYMPATHY TO FAMILY, FRIENDS, AND COWORKERS OF VERONICA ''RONI'' BOWERS AND CHARITY BOWERS

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 117) expressing sympathy to the family, friends, and coworkers of Veronica ''Roni'' Bowers and Charity Bowers, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. Isakson). Is there objection to the request of the gentleman from North Carolina?

Mr. HOEKSTRA. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman please explain the purpose of the resolution.

Mr. BALLENGER. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from North Carolina.

Mr. BALLENGER. Mr. Speaker, on April 20, 2001, a Peruvian fighter jet mistakenly shot down a small seaplane carrying Baptist missionaries from Muskegon, Michigan, over the jungles of Peru. Believing that the small plane was engaged in drug trafficking, the Peruvian pilot attacked this small aircraft, killing two of its passengers, a mother and her infant daughter, and severely wounding the pilot.

As you may know, Roni Bowers, her husband James, their 6-year-old son Cory and 7-month-old adopted daughter Charity were flying aboard the seaplane when it was intercepted and attacked by the Peruvian fighter.

The aircraft, owned by the Association of Baptists for World Evangelism, was en route to Iquitos, Peru to acquire visa documents for newly adopted Charity. Although severely wounded in the attack, pilot Kevin Donaldson was able to land the plane safely. Unfortunately, Mr. Speaker, Roni and Charity Bowers were killed in the burst of gunfire. James and Cory Bowers escaped serious injury in the incident. An investigation into this matter is now underway.

H. Con. Res. 117 expresses Congress' deepest and most heartfelt sympathy to James and Cory Bowers, their extended family, and to their friends and fellow missionaries. It commends wounded pilot Kevin Donaldson for his bravery and skill in safely landing his crippled aircraft and wishes him a speedy recovery. Finally, it calls on the Governments of the United States and Peru to undertake a cooperative and thorough investigation into this incident to ensure that similar incidents will be avoided in the future.

I want to commend my colleague from Michigan, Mr. HOEKSTRA, for this timely and important resolution and I join him in extending my personal condolences to the Bowers family. I urge my colleagues to support this passage.

Mr. HOEKSTRA. Mr. Speaker, continuing my reservation, let me just share a few facts about the tragedy on April 20.

James and Veronica, also known as Roni Bowers of Muskegon, Michigan, were missionaries affiliated with the Calvary Church of Fruitport, Michigan, and the Association of Baptists for World Evangelism. The Bowerses conducted their Christian mission work with their children, Cory and Charity, serving the native tribes along the Amazon River in the South American country of Peru. They had been there since 1995.

On Friday, April 20, 2001, the Bowerses were flying in an Association of Baptists for World Evangelism plane piloted by Kevin Donaldson, traveling from the Peru-Brazil border to Iquitos, Peru, after attempting to secure necessary visa documents for their newly adopted daughter, Charity.

The plane was wrongly attacked by a fighter jet of the Peruvian Air Force in an apparent attempted antidrug interdiction effort that may have also involved personnel of the United States. Roni and Charity Bowers were killed by bullets that were fired by the Peruvian jet into the plane, and pilot Kevin Donaldson was also severely injured in the attack. Kevin Donaldson, despite his injuries, was able to safely land his plane on the Amazon River, saving the lives of his other passengers.

The family, friends, and coworkers of Roni and Charity Bowers have displayed a shining example of their faith and grace in the face of this terrible tragedy. With this resolution, the U.S. House of Representatives expresses and conveys its deepest and most heartfelt sympathies for the loss of Roni and Charity Bowers to Jim and Cory Bowers, as well as to their extended families and their friends, their coworkers and fellow missionaries at the Association of Baptists for World Evangelism.

With this resolution, the U.S. House of Representatives commends Kevin Donaldson for his heroic actions in safely landing the plane, and further wishes Mr. Donaldson a speedy and complete recovery from his injuries.

And with this resolution, the U.S. House of Representatives strongly encourage the governments of the United States and Peru to work together as expeditiously as possible to determine all the circumstances that led to this unfortunate and regrettable incident and to ensure that an incident of this kind never occurs again.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of my good friend and colleague's resolution expressing our deepest sympathies to the family and friends of Roni and Charity Bowers for their tragic loss, and also our admiration and wishes for a speedy and complete recovery to pilot Kevin Donaldson.

The calling to perform God's work is not given to all, and not all heed this call to serve. Missionaries, like the Bowers family and Mr. Donaldson, are blessed in their dedication to improve the lives of their fellow man and their service to spread the word of God so that all might know His love and promise of redemption.

The good work of these people must be commended, and the loss of a young mother and child to a tragic mistake is heart-wrenching. Mr. Speaker, while we are rightfully deeply concerned with the circumstances of this tragedy, we must not allow it to deter our resolve to fight the trafficking of illegal drugs that have affected not only families and children living in the United States, but indeed all those in the Americas.

I call on all my colleagues to support Congressman HOEKSTRA's resolution to express our heartfelt sympathies and condolences, and to strongly encourage a prompt and thorough investigation into the circumstances that led to this tragic outcome. The details surrounding the attack by the Peruvian fighter jet need to be determined, and we must find a way for our governments to effectively work together to ensure illegal drugs are not allowed to continue to poison our children and our societies, and also that never again will innocent civilians suffer due to an interdiction mission gone awry.

Mr. BURTON of Indiana. Mr. Speaker, I would like to express my sincere condolences to the Bowers and Donaldson families for their loss. I commend Congressman HOEKSTRA for bringing this resolution to the floor. It is the right thing to do.

My committee held a hearing today, chaired by subcommittee chairman MARK SOUDER. What became readily apparent from a variety of administration witnesses, is the CIA was responsible for this tragedy, yet they refused to return staff phone calls, member requests for briefings, and to provide a witness for the hearing. Instead the hearing resembled Abbott and Costello's "Who's on First" routine.

There is an established procedure for air interdiction. It has worked successfully nearly 100 times since it was implemented in 1995. Clearly this procedure was not followed here. Why? Why is all information surrounding the shootdown classified? Why does the CIA refuse to provide legitimate oversight committees in the Congress with briefings or witnesses? Why does the CIA refuse to provide a witness? All of these questions need to be answered, and I hope Chairman SOUDER continues to pursue this matter in his subcommittee with oversight jurisdiction on this matter.

But, what cannot be done, is to give the drug traffickers a green light to resume their illegal activity that has been significantly slowed by the air interdiction program. I would like to submit for the record this AP article in which the Bowers family indicates that their tragedy should not stop the program. Mr. Bowers is quoted as saying "the United States should quickly resume drug surveillance flights . . . to say there needs to be an entire review of the whole program and suspend it and to let the drug people continue their business as usual is wrong." If a grieving husband and father can say this, the government should take note, and get back to providing the necessary coverage to stifle the drug flights as soon as possible.

There is an avenue here to consolidate these surveillance flights under one roof. The U.S. Customs Service already does this mission very well. They are a law enforcement agency with strict rules of engagement. It may be time to give this entire account—and most importantly the additional assets and funding necessary to successfully complete the mission—to the Customs Service. This means more P–3 surveillance planes as well as Citation aircraft. By placing this in one department who does not use civilian contractors, will leave the responsibility in one place. There will be no question of who is responsible, and where to go with questions. The acting Customs Commissioner at the hearing today said they would be able to do this if they were given the assets and the mission. I think it is time we in Congress gain some accountability by giving them the responsibility for this mission.

Thank you Mr. Speaker, and may God bless and comfort the Bowers and Donaldson families in their time of mourning.

[From the Associated Press, Apr. 30, 2001]

MISSIONARY SAYS DRUG SURVEILLANCE SHOULD RESUME QUICKLY

(By Bill Kaczor)

PENSACOLA, FL (AP).—A missionary says the United States should quickly resume drug surveillance flights suspended after his wife and adopted baby were killed in Peru when they were mistaken for drug smugglers and shot down.

Jim Bowers, who survived unharmed when their small plane crash landed after being fired upon by a Peruvian warplane April 20, said Monday he has expressed that view in a call to Secretary of State Colin Powell's office.

"To say there needs to be an entire review of the whole program and suspend it and to let the drug people continue their business as usual is wrong," Bowers said at a news conference.

He said it should take investigators no more than a day to figure out the shooting was simple error.

The Peruvian air force failed to contact a control tower that was in radio contact with the missionaries' float plane before shooting at it without first firing any warning shots, Bowers said.

"The main error in this whole thing is they were too quick to the trigger," he said. "I don't hold anyone responsible. It was a mistake as though someone fell asleep at the wheel and ran into us in a vehicle."

A U.S. Central Intelligence Agency aircraft had detected the missionaries' plane and notified the Peruvian air force. American officials say the surveillance crew, however, had advised it appeared, from the way the plane was flying, that it was not a drug smuggling flight.

Bowers, 38, of Muskegon, Mich., was in Pensacola for the funeral and burial Sunday of his wife, Veronica ''Roni'' Bowers, 35, and their 7-month-old daughter, Charity. He stayed with family in Wake County, N.C., immediately after the shooting.

The couple's 6-year-old son, Cory, also survived uninjured, but the plane's pilot, Kevin Donaldson, 41, of Morgantown, Pa., was wounded.

Bowers spoke to reporters at Marcus Points Baptist Church where the funeral services was held. His wife's parents, John and Gloria Luttig, of nearby Pace, are members of the church, which had helped support the couple's missionary work.

Bowers expressed his forgiveness to all involved at the funeral and during a memorial service Friday at his home church in Michigan. He said Monday he also hopes to talk personally with the Peruvian pilot who fired on their plane.

''I'm looking forward to that some day, but right now, I'm praying for him,'' Bowers said.

Although insisting he wasn't placing blame, Bowers said the pilot failed to give the missionaries a chance to land before he started shooting.

''I was assuming, because I've watched movies just like you all have, that there would be some kind of communication, they would come up next to us and let us know what they wanted,'' Bowers told reporters.

The air force plane swooped by a half-dozen times and begin firing only five or 10 minutes after the first pass, he said.

''Any decent air force pilot would give the other aircraft time to understand his intentions,'' Bowers said. ''I just thought this is way too soon for them to be shooting already.''

He said he saw a puff of smoke from the front of the warplane and told Donaldson he thought it was shooting at them just as the bullets began ripping through their aircraft. A single bullet instantly killed his wife and daughter.

Bowers said neither he nor anyone else from his family or church has been in contact with the baby's natural parents, but he said they knew she had been killed.

The couple's missionary work also has been supported by Calvary Church in Fruitport, Mich., and the Association of Baptists for World Evangelism, based in New Cumberland, Pa.

Mr. HOEKSTRA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 117

Whereas James and Veronica ''Roni'' Bowers of Muskegon, Michigan, served as missionaries affiliated with the Calvary Church of Fruitport, Michigan, and the Association of Baptists for World Evangelism;

Whereas the Bowerses conducted their Christian mission work with their children, Cory and Charity, serving the native tribes along the Amazon River in Peru since 1995;

Whereas on Friday, April 20, 2001, the Bowerses were flying in an Association of Baptists for World Evangelism plane piloted by Kevin Donaldson, traveling from the Peru-Brazil border to the city of Iquitos, Peru, after attempting to secure necessary visa documents for their adopted daughter, Charity;

Whereas the plane was mistakenly attacked by a fighter jet of the Peruvian Air Force in an apparent attempted anti-drug interdiction effort that may have also involved personnel of the United States;

Whereas Roni and Charity Bowers were killed, and pilot Kevin Donaldson was severely injured in the attack;

Whereas Kevin Donaldson, despite his injuries, was able to safely land his plane on the Amazon River, saving the lives of his other passengers; and

Whereas the family, friends, and co-workers of Roni and Charity Bowers have displayed a shining example of their faith and grace in the face of this terrible tragedy: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses and conveys its deepest and most heartfelt sympathies to Jim and Cory Bowers and to their extended families, friends, co-workers, and fellow missionaries at the Association of Baptists for World Evangelism, for the loss of Veronica ''Roni'' Bowers and Charity Bowers in an attack by a fighter jet of the Peruvian Air Force on the plane in which they were traveling;

(2) commends Kevin Donaldson for his heroic actions in safely landing the plane and wishes Mr. Donaldson a speedy and complete recovery from his injuries; and

(3) strongly encourages the Governments of the United States and Peru to work together as expeditiously as possible to determine all the circumstances that led to this unfortunate and regrettable incident and to ensure that an incident of this kind never occurs again.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 117.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ILO CHAMPIONS CAUSE OF WORKERS' RIGHTS AROUND THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, this is a quote:

The failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions of their own countries.

□ 1845

Powerful words, and I wish I could claim that they are mine, but they are not. They are from the preamble of the Constitution of the International Labor Organization, which was created 82 years ago.

The United States, of course, was one of the nations which helped form the ILO. And, true to its mission, in the years since, the ILO has championed the cause of workers' rights around the world: the right to organize and bargain collectively; the right to refuse forced labor; the right to reject child labor; and the right to work free from discrimination.

In fact, right now the ILO is mounting a global effort to inform workers of their rights. Versions of this poster to my right, in a variety of languages, are being distributed around the world. You have rights to organize and bargain collectively, to refuse forced labor, to reject child labor, to work free from discrimination.

The ILO is living up to the challenge of fighting for workers' rights. The question is, are we?

Last week in Quebec, the President called for expanding NAFTA and creating a free trade zone stretching from the Arctic Circle to Tierra Del Fuego. We are told it is an opportunity to promote our values and democracy throughout the Americas. Imagine what a source of relief that must be to workers at Chentex, which is a clothing factory in Las Mercedes Free Trade Zone in Nicaragua. Or should I say the ''former workers'' of this factory, because after they organized a union in 1988, the workers at Chentex had the audacity to ask for a wage increase.

One day they staged a 15-minute work stoppage to protest the company's intransigence. What was the company's response? They fired the leaders of the union. At that point the workers went on strike. What was the company's answer, they forced more than 500 workers from their jobs and then they blacklisted them so they could not work in the free trade zone again.

If you follow the logic presented to us in Quebec, with a Free Trade Area of the Americas, that would not happen. As a result of dealing with American companies, employers like Chentex would see the error of their ways. They would respect workers' rights and bargain fairly. Their managers would stop forcing workers to labor as much as 12 hours a day, and they would not monitor their visits to the bathrooms or any of the other things that happen frequently.

There is only one problem with this theory: It is that the Chentex factory has been trading with the United States companies for years. In fact, they make clothing that is sold today by major U.S. retailers.

We do not practice what we preach. The theory that the President and the so-called free traders advocate has not worked. You do not have to go to Nicaragua, you can go to the free trade

zone along the Mexican-U.S. border. You can go to another 100 places like that around the globe. The reality is that too many corporations are treating people without human respect. And the ILO, I have a right, you have a right, to organize and bargain collectively, to refuse forced labor, to reject child labor, to work free from discrimination, is an important message to let people know around the world that we will not tolerate it, and they can stand up and be respected.

We have too many children, 8, 9, 10 years of age, working 12 hours in factories for less than a nickel an hour, a nickel a day in some instances, basically working for nothing. We have too many instances of people being discriminated against in the workplace. We have too many instances of forced labor, and this needs to stop. I only wish U.S. corporations were willing to cooperate with this movement.

It takes some leadership at the national level here in this country, not only from the government but from our corporate leaders. I wish someone would stand out and say we are going to set the pattern and treat workers abroad with respect and dignity. I think once that wave starts, it is pretty hard to stop. What we need to do is continue to press. We need to continue to support the ILO and their efforts to educate workers around the globe that they have these rights. We as a country, as people, as governments, and as corporations ought to stand up for those rights.

DECISION TO CHANGE HEADGEAR OF U.S. ARMY FROM FOLDING GREEN CAPS TO BLACK BERETS DISAGREED WITH BY MANY

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, last week I attended a briefing before the House Committee on Armed Services regarding the decision to change the headgear of the United States Army from the traditional green folding cap to a black beret. There have been many hearings and briefings since this decision was announced, and it seems to me, following each one, another bit of information not previously known has come to light.

The decision to disregard the history and proud tradition of the Rangers was the first bad decision. The decision to bypass the Berry amendment and purchase the berets from China and other foreign countries, rather than buy them from U.S. suppliers, was the second bad decision.

I did not believe that this decision could become any worse, but the longer the situation drags on, the worse it seems to become. The bottom line is that we have troops without adequate ammunition and pilots who cannot fly because of a lack of funds, so why would the Army spend $23 million to change the color of a hat on the whim of one general? It just does not add up. Just like a dead fish, this seems to be rotting from the head down.

Mr. Speaker, I have heard from many of our retired and active duty Rangers, among them Sgt. Bill Round from my district and Sgt. David Nielsen, who are both veterans. Believe me when I say, contrary to what has been reported, they are not pleased with the decision to change the beret designation to tan.

Mr. Speaker, tomorrow I will testify before the House Committee on Small Business regarding the matter in which the Berry amendment was arbitrarily dismissed. The gentleman from Illinois (Mr. MANZULLO) and the Committee on Small Business are to be commended for calling the hearing so that the Committee on Small Business can flesh out how the decision to bypass the Berry amendment was reached.

During my testimony, I will be discussing a bill that I have introduced that will prevent an error like this from ever happening again in the future. However, the immediate need needs to be addressed right now. The decision regarding the change from folding green hats to black beret appears to be dying a slow death. Murmurings are circulating about shoddy workmanship, and I am sure that other problems will come to light following the hearing tomorrow.

The time to bring an end to this ill-fated decision has come. It is my hope that the Congress and the administration can stop this outrage once and for all and restore the emblem which for so long has been a symbol of excellence in the United States Army, the Rangers wearing the black beret.

INTERNATIONALLY RECOGNIZED WORKERS' RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I thank my colleague, the gentleman from Michigan (Mr. BONIOR), for organizing this evening's discussion on so critical an issue as international workers' rights. The gentleman from Michigan (Mr. BONIOR) has been a champion for workers' rights at home and abroad, and I am proud to join him in this discussion.

Work is fundamental to our existence. It gives our life meaning, and it is necessary so workers can provide for even the most basic human needs, like food, shelter and clothing. We say that women and men share the same fundamental rights when they are at work. We say that the new global economy is creating unprecedented opportunities and new-found rights for workers, especially women, including the right to work free from gender discrimination, yet clearly we are not doing enough to make this a reality.

Gender wage discrimination is a national and international atrocity which continues to hold our global community captive and hinders further progress.

From the United States to Japan, from South Africa to the Netherlands, women are paid less than men. What is worse is that there is no indication that this will soon change for women worldwide. Across the globe, the United States Congress has the ability to protect workers' rights, including the right to work free from gender discrimination. As the most powerful nation in the world, we have the responsibility to influence other governments to defend workers' rights, to ensure that women workers are paid a fair wage so they can support their families. It is time that we live up to these responsibilities.

For decades women have been fighting for their right to enter the labor force, and progress has been made in terms of women in the workforce. With the globalization of the economy, women have assumed extraordinary responsibilities and have adapted to the duties of providing for the security of their families. They have taken on roles in the workplace and in their communities, oftentimes to lessen the harm from local and national crises, for example, the women that enter the agriculture sector in Africa in order to alleviate their families from the burdens of famine that have plagued Africa.

For the past 2 decades, the level of women's participation in the labor force has been increasing. In fact, in 1994, approximately 45 percent of the world's women from the ages of 15 to 64 were economically active. The rate at which women are becoming economically active is almost twice the rate for men. In the United States, Canada and the Scandinavian countries, women now make up nearly half the active population, with activity rates of over 70 percent in core age groups. Unfortunately, this is only half the story.

It is simply unacceptable that not all women have been able to choose to enter the workforce and those that do encounter additional barriers and violations of their rights. Although women have benefited a great deal from the changing global economy and newly created jobs, unequal pay remains a problem and job equality has declined.

I cannot believe that the majority of women worldwide continue to earn on the average only 50 to 80 percent of what men earn. In Japan, the Republic of Korea, women's salaries are roughly half of men's salaries. In developed countries, including the United States, the pay gap varies between 30 percent to slightly less than 10 percent. Worldwide, women earn an average of 75 percent of men's pay in nonagricultural work. These are outright violations of workers' rights, and the injustices persist despite undeniable success which women have achieved in accessing education and vocational and professional

training. We can no longer assume that the women arriving in the job market have fewer skills and less training than men.

In spite of numerous international conventions and laws guaranteeing the quality of opportunity and treatment, discrimination between the sexes persists. Women still assume the double burden of family and employment obligations. Women's pay remains lower than that of men; and women remain in the minority in decision-making and managerial posts.

The dramatic increase of women in the labor market has driven public opinion and the governments of many countries to acknowledge that they need to fight against these inequalities.

The United States Congress needs to be doing more to ensure that our government and those across the globe adopt legislation which represents the real political will that exists to eliminate inequality of opportunity on the basis of gender.

We need to pass legislation like the Paycheck Fairness Act, which I introduced in the 107th Congress, to ensure that protections against gender discrimination are enforced. It is a matter of human rights, of social justice, and sustainable economic development to make sure that women are paid in the same way that men in our society are paid.

HONORING REV. LEON SULLIVAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Mr. Speaker, today one of the greatest civil rights and human rights leaders of our time, a great orator, a humble minister who lived his faith, Reverend Leon Sullivan, was laid to rest in Phoenix, Arizona.

Rev. Leon Sullivan was an advocate for the ''least of these.'' His deep and abiding commitment to human rights, to economic development, to education, to the elimination of racism and apartheid transcended the North American continent all of the way to the continent of Africa and the entire world. His love for all of God's children was the driving force for many of his magnificent endeavors here in America and in Africa.

Mr. Speaker, I include for the RECORD Reverend Sullivan's obituary which sets forth his life's work.

[From the International Herald Tribune, Apr. 27, 2000]

LEON SULLIVAN, 78, KEY PLAYER IN ENDING APARTHEID, IS DEAD

(By Paul Lewis)

The Reverend Leon Sullivan, 78, the clergyman and civil rights leader who drew up guidelines for American businesses operating in South Africa under apartheid, died Wednesday of leukemia in Scottsdale, Arizona.

In 1977, Mr. Sullivan drafted the Sullivan Principles to help persuade American companies with investments in South Africa to treat their workers there in the same manner that they treated their U.S. workers.

He later worked with the United Nations on a code of ethical conduct for multinational corporations.

As originally stated, the Sullivan Principles called for racial nonsegregation on the factory floor and in company eating and washing facilities; fair employment practices; equal pay for equal work; training for blacks and other nonwhites so they could advance to better jobs; promotion of more blacks and other nonwhites to supervisory positions, and improved housing, schooling, recreation and health facilities for workers. On Wednesday, the UN secretary-general, Kofi Annan, praised Mr. Sullivan, saying that he had played a bold and innovative role in ending apartheid. And the Reverend Jesse Jackson called Mr. Sullivan ''a tremendous source of hope and vitality and moral authority.''

In 1971, Mr. Sullivan joined the board of General Motors as the company's first black director. He was instrumental in expanding black employment and creating more black dealerships.

By 1984, Mr. Sullivan had used his position on the General Motors board to persuade most American companies doing business in South Africa to abide by his principles. He then added several more guidelines.

He said that American companies should campaign actively against apartheid, allow black workers full job mobility and provide housing accommodations close to work.

In 1987, with apartheid still in place and such African leaders as Nelson Mandela still in prison, Mr. Sullivan toughened his approach, urging American corporations to withdraw altogether from South Africa and calling for the United States to impose trade and investment sanctions on that country.

This harsher stance, however, won little support from either the Reagan administration or American business leaders.

When apartheid was dismantled in the 1990s, many credited Mr. Sullivan's work as a major force in the change. But he said only, ''If you take a hammer and chisel and pound a rock 100 times, it's going to crack. I pounded and pounded and it cracked.''

In 1988, Mr. Sullivan retired as the head of Zio Baptist Church in Philadelphia, moved to Phoenix and began building bridges between African and black America, organizing a series of African and African-American summit meetings, with the first held in Abidjan, Ivory Coast, in 1991.

In 1999, he promulgated his own Global Sullivan Principles, ethical guidelines for multinational corporations. About a hundreds U.S. corporations have accepted them.

He was awarded honorary degrees by Dartmouth, Princeton and Swarthmore, among dozens of other colleges.

A FIGHTER AGAINST RACISM

A Baptist minister from humble beginnings in Charleston, W. Va., Leon Sullivan became a force for racial justice from the streets of Philadelphia to Soweto. The Rev. Mr. Sullivan died last week of leukemia at the age of 78. He will be buried today in Phoenix.

The Rev. Mr. Sullivan wrote an international code of business conduct that helped fight apartheid. For more than 20 years, he crusaded against institutionalized racial oppression, backed by the white South African government. His ''Sullivan Principles,'' written in 1977, called on U.S. firms conducting business in South Africa to establish fair-employment practices, train non-whites and promote them to management jobs, and to improve employees' lives outside of the work environment. He used his position as the first African-American to sit on the board of directors of General Motors Corp. to focus attention on racial segregation and deplorable living conditions of black workers in South Africa.

Before he moved into the international arena, the Rev. Mr. Sullivan fought for racial equality in Philadelphia, where he organized a boycott of local firms that would not hire African-Americans. Not one to accept the common corporate excuse that no qualified African-Americans could be found for available jobs, he established the Opportunities Industrialization Centers that since 1965 have trained hundreds of thousands of people in the United States and Africa. There are 56 affiliate centers in 36 states (none in Missouri or Illinois) providing education, training, employment and housing services to poor people of all races.

As the United states continues to push for global trade, the Rev. Mr. Sullivan's principles promoting equal economic opportunity for all races are every bit as relevant as they were in 1977.

Mr. Speaker, I will miss Reverend Sullivan tremendously. I will miss his words of wisdom and counsel. My last conversation with Reverend Sullivan was on the front steps of the Cannon Building last year. We talked about the HIV/AIDS pandemic which is ravaging Africa.

□ 1900

He told me that he intended for the African American Summit, which had been scheduled to take place in Abuja, Nigeria this month, to highlight the devastation brought on by this disease. He said that we must stay faithful to our mission to eradicate this disease from the face of the earth. Reverend Sullivan's untimely death prevents, for the moment only, this summit from proceeding, but his message of hope must be heard.

Tonight we can all honor his legacy. Tonight we can and we must recommit ourselves to increasing the level of funding to address the global HIV/AIDS pandemic, specifically in sub-Saharan Africa which has over 70 percent of the world's HIV/AIDS infections.

Finally, in honor of Reverend Sullivan, let us remember his magnificent life; and let us remember that it was he who helped mobilize us, making us take note that Africa does matter. It was he who helped remind us that America is home to tens of millions of African descendants. We cannot forget that Africa matters.

It is with a heavy heart, yet a sense of gratitude, that I remember Reverend Sullivan tonight. My prayers go out to Reverend Sullivan's family. May this great warrior rest in peace.

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

(Mrs. KELLY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia

(Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

(Mr. KUCINICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE BUDGET—107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to Rule XI, Clause 2 of the Rules of the House of Representatives, I respectfully submit the rules of the Committee on the Budget for the 107th Congress for publication in the CONGRESSIONAL RECORD.

GENERAL APPLICABILITY

RULE 1—APPLICABILITY OF HOUSE RULES

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

MEETINGS

RULE 2—REGULAR MEETINGS

(a) The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

(b) The chairman is authorized to dispense with a regular meeting when the chairman determines there is no business to be considered by the committee. The chairman shall give notice in writing or by facsimile to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

(c) Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

RULE 3—ADDITIONAL AND SPECIAL MEETINGS

(a) The chairman may call and convene additional meetings of the committee as the chairman considers necessary, or special meetings at the request of a majority of the members of the committee in accordance with House Rule XI, clause 2(c).

(b) In the absence of exceptional circumstances, the chairman shall provide notice in writing or by facsimile of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

RULE 4—OPEN BUSINESS MEETINGS

(a) Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee, in open session and with a quorum present, determines by recall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1).

(b) No person other than members of the committee and such congressional staff and departmental representatives as the committee may authorize shall be present at any business or markup session which has been closed to the public.

RULE 5—QUORUMS

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

RULE 6—RECOGNITION

Any member, when recognized by the chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

RULE 7—CONSIDERATION OF BUSINESS

Measures or matters may be placed before the committee, for its consideration, by the chairman or by a majority vote of the members of the committee, a quorum being present.

RULE 8—AVAILABILITY OF LEGISLATION

No bill or joint or concurrent resolution shall be considered by the committee unless copies of the measure have been made available to all committee members at least 4 hours prior to the time at which such measure is to be considered. For concurrent resolutions on the budget, this requirement shall be satisfied by making available copies of the complete chairman's mark (or such material as will provide the basis for committee consideration). the provisions of this rule may be suspended by the concurrence of the chairman and ranking minority member.

RULE 9—PROCEDURE FOR CONSIDERATION OF BUDGET RESOLUTION

(a) It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

(b) In developing a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters which have already been amended in their entirety.

(c) Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

RULE 10—ROLLCALL VOTES

A rollcall of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a rollcall may be had on the request of any member.

HEARINGS

RULE 11—ANNOUNCEMENT OF HEARINGS

The chairman shall make public announcement of the date, place, and subject matter of any committee hearing at least 1 week before the hearing, beginning with the day in which the announcement is made and ending the day preceding the scheduled hearing unless the chairman, with the concurrence of the ranking minority member, or the committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the chairman shall make the announcement at the earliest possible date.

RULE 12—OPEN HEARINGS

(a) Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may by the same procedure vote to close one subsequent day of hearing.

(b) For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

RULE 13—QUORUMS

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

RULE 14—TIME FOR QUESTIONING WITNESSES

(a) Committee members shall have an amount of time not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

(b) After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(c) In questioning witnesses under the 5-minute rule, the chairman and the ranking minority member may be recognized first, after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE 15—SUBPOENAS AND OATHS

(a) In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or of any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

(b) The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

RULE 16—WITNESSES' STATEMENTS

(a) So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 24 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

(b) To the greatest extent possible, each witness appearing in a nongovernmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the 2 preceding fiscal years.

PRINTS AND PUBLICATIONS

RULE 17—COMMITTEE PRINTS

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

RULE 18—COMMITTEE PUBLICATIONS ON THE INTERNET

To the maximum extent feasible, the committee shall make its publications available in electronic form.

STAFF

RULE 19—COMMITTEE STAFF

(a) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the chairman.

(b) Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

(c) All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(d) Notwithstanding paragraphs a, b, and c, staff shall be employed in compliance with House rules, the Employment and Accountability Act, the Fair Labor Standards Act of 1938, and any other applicable Federal statutes.

RULE 20—STAFF SUPERVISION

(a) Staff shall be under the general supervision and direction of the chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule X, clause 9(c)) and job title, and, at his discretion, arrange for their specialized training.

(b) Staff assigned to the minority shall be under the general supervision and direction of the minority member of the committee, who may delegate such authority, as they deem appropriate.

RECORDS

RULE 21—PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

(a) An accurate stenographic record shall be made of all hearings and business meetings.

(b) The proceedings of the committee shall be recorded in a journal, which shall among other things, include a record of the votes on any question on which a record vote is demanded.

(c) Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

(d) Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

(e) The chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impede the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

(f) Transcripts of hearings and meetings may be printed if the chairman decides it is appropriate, or if a majority of the members so request.

RULE 22—ACCESS TO COMMITTEE RECORDS

(a)(1) The chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

(2) Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

(3) Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

OVERSIGHT

RULE 23—GENERAL OVERSIGHT

(a) The committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject of which is within its jurisdiction.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under clause (1)(e) of rule X of the Rules of the House, and, subject to the adoption of expense resolutions as required by clause 6 of rule X, to incur expenses (including travel expenses) in connection therewith.

(c) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform in accordance with the provisions of clause (2)(d) of House Rule X.

REPORTS

RULE 24—AVAIABILITY BEFORE FILING

(a) Any report accompanying any bill or resolution ordered reported to the House by the committee shall be available to all committee members at least 36 hours prior to filing with the House.

(b) No material change shall be made in any report made available to members pursuant to section (a) without the concurrence of the ranking minority member or by a majority vote of the committee.

(c) Notwithstanding any other rule of the committee, either or both subsections (a) and (b) may be waived by the chairman or with a majority vote by the committee.

RULE 25—REPORT ON THE BUDGET RESOLUTION

The report of the committee to accompany a concurrent resolution on the budget shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any rollcall vote on any motion to amend or report any measure.

RULE 26—PARLIAMENTARIAN'S STATUS REPORT AND SECTION 302 STATUS REPORT

(a)(1) In order to carry out its duty under section 311 of the Congressional Budget Act to advise the House or Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b)(1) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the j8urisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

RULE 27—ACTIVITY REPORT

After an adjournment of the last regular session of a Congress sine die, the chair of the committee may file any time with the Clerk the committee's activity report for that Congress pursuant to clause (1)(d)(1) of rule XI of the Rules of the House without the approval of the committee, if a copy of the report has been available to each member of the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

MISCELLANEOUS

RULE 28—BROADCASTING OF MEETINGS AND HEARINGS

(a) It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 4.

(b) Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 4.

RULE 29—APPOINTMENT OF CONFEREES

(a) Majority party members recommended to the Speaker as conferees shall be recommended by the chairman subject to the approval of the majority party of members of the committee.

(b) The chairman shall recommend such minority party members as conferees as shall be determined by the minority party; the recommended party representation shall

be in approximately the same proportion as that in the committee.

RULE 30—WAIVERS

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the act by not waiving the applicable points of order during the consideration of such measure.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) is recognized for 5 minutes.

(Mr. ACEVEDO-VILÁ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL LIBRARY LEGISLATIVE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Davis) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I join with the gentlewoman from California in paying tribute to Reverend Dr. Leon Sullivan who was one of the outstanding international leaders of our day. As a matter of fact, I recall some 25, 26 years ago when I was visiting in East Africa, and one of the first things I saw was an OIC center in Nairobi, Kenya. That is an indication of the kind of reach that Dr. Sullivan had.

I rise today, Mr. Speaker, to pay tribute to an important group of institutions in our communities, institutions that often go unrecognized, and, that is, our public libraries across the United States of America. This institution has served as an intellectual playground where young people explore their dreams. And for many of us, this institution has served as our think tank, where we go to formulate master plans for personal growth and development, where we go and relive our hopes for success.

Recently, I have had the opportunity to interact with three libraries in my congressional district, the one in Bellwood, Illinois; the one in Maywood, Illinois; and the Chicago library, the Harold Washington Library, in Chicago. Behind these walls, meticulously preserved are the thoughts, data, theories, and dreams that were generated by countless people who have greatly impacted our society. And so today I decided to simply recognize National Library Legislative Day.

There are approximately 122,289 libraries in the United States. A significant number of these libraries are free and available for public use. As an American, I am proud and pleased to live in a country that prioritizes giving access to information and knowledge.

We have all heard the phrase ''knowledge is power'' and yes, it is. It is not just the building or even the books that make the library so special. Day in and day out, libraries provide a smorgasbord of information that is needed by the general public. They provide guidance in a child's academic endeavors. They lend a helping hand to adults seeking to expand their knowledge base. And today libraries have been in the forefront of helping to close the digital divide by providing computer and Internet training to community residents. Indeed, libraries are multifaceted institutions.

We salute them for their commitment. We commend their excellence. And we are grateful for their guidance. We praise them on this special day and say, long live our libraries, so that long can live freedom and democracy in our country.

HONORING REVEREND LEON SULLIVAN

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today we funeralized a hero of the American people and a hero of the world. And so I offer to his family and to the world, his world of friends, both national and international, my deepest sympathy.

Mr. Speaker, I rise today with a heavy heart to mark the sad passing of our friend Reverend Leon Sullivan, an educator, minister, diplomat, civil rights leader, and yes, national treasure. I am so happy that in the course of the last year, Reverend Sullivan and myself were together. His love for life, his interest and his passion of working with the people of Africa, his concern on making sure that there is a synergism between the business communities of this Nation and of the Continent were alive and well. And yes, he was receiving an outstanding award from then President Clinton for his great humanitarian service, and he relished it and he loved it and yes, we loved honoring him.

As the Lion of Zion, the 6-foot-5-inch Reverend Leon Sullivan was a giant among men. Reverend Leon Sullivan was an activist, civil rights leader, business leader and pastor as I have previously said. Reverend Sullivan once said, ''We must stand up with politicians and businessmen and women. We must stand up for those who need help to stand on their feet.'' He was the author of the Sullivan Principles, a set of guidelines for American businesses operating in South Africa under the apartheid regime. Although later largely superseded by the divestment movement, these principles laid a foundation for ethical business practices that continue to influence companies today.

The central premise of the Sullivan Principles was that American companies operating overseas should treat their workers there with the same fairness and equity that they practiced at home. He was a pioneer moving throughout this very difficult time, leading the way for then the major apartheid movement to come and finally crush that terrible and tragic time in our history.

The Sullivan Principles called for racial nonsegregation, fair employment practices, equal pay for equal work, improved housing, educational and health facilities for workers, and increased training and promotion opportunities for nonwhites who had been denied access under South African law and custom. He was trying to find solutions for what was then an insurmountable problem. He had faced discrimination at home. By the mid-1980s, most American companies operating in South Africa followed these principles before, as I said, we finally crushed apartheid.

As a child, Leon Sullivan lived in a segregated world where he was not permitted to sit at a counter in certain stores or attend school with white students. Although he was elected Governor of Negro Boys State, he was not treated the same as his white counterpart.

About his experience he said, ''I couldn't understand quite why I had to do things a certain way. My grandmother had to wash these clothes. She had to iron them and put them in a little basket and I had to put them in my red wagon and take them out to where the big houses were. When I walked up Washington Street, all the white children walked on the left side of the street and all the colored children walked on the right side of the street.''

In 1987, Sullivan called for U.S. companies to withdraw from South Africa and for international trade and investment sanctions against the apartheid regime. He came to the conclusion that a more harsher and stronger viewpoint must be taken and that we must end apartheid then and end it now.

About his role in helping end apartheid, Sullivan said, ''If you take a hammer and chisel and pound a rock 100 times, it's going to crack. I pounded it and it cracked.''

After the fall of apartheid, Sullivan worked with U.N. Secretary-General Kofi Annan to encourage businesses to adopt the Global Sullivan Principles for Social Corporate Responsibility on a worldwide basis. About 100 American corporations accept these principles today.

In 1971, Mr. Sullivan became the first African American director of General Motors. As a member of the board of directors, he expanded minority hiring

and business opportunities. He went on to build bridges. He continued to pastor the Zion Baptist Church in Philadelphia. They loved him greatly. He challenged the establishment. He continued to work on behalf of us all, and he did something even greater, beginning to put major conferences and summits on the continent of Africa, insisting that we travel to Africa to talk about the issues of health care, business opportunities, education, and yes, to enhance these developing nations.

Reverend Leon Sullivan knew what the 21st century would have to do. It would have to fight the war of HIV/AIDS and win that war. He was a champion of those issues. To the end, he was aware that the Continent was rich in resources and human resources and that in order for it to grow and thrive, we must embrace it, we must help it and enhance it but it must help itself. And yes, he embraced the fight against HIV/AIDS and helped Members of Congress to raise their voices against that terrible pandemic. He was a warrior and a lion. I will always remember his smile but most of all his fight for justice and equality and his love for humanity.

HONORING HELENE H. HALE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to honor Helene H. Hale, a distinguished citizen of Hawai'i, whose extraordinary example of public service truly sets her apart.

I reprint here a copy of a Proclamation issued by County of Hawai'i Mayor Harry Kim on April 10, 2001, honoring Helene's many contributions to Hawai'i and recognizing a truly unique and remarkable woman.

COUNTY OF HAWAI'I PROCLAMATION

WHEREAS, Helene H. Hale has served the people of Hawai'i in various elective capacities for almost 50 years, and in at least one office in each of the past six decades: in the 50's and 60's as a County Supervisor, in the 60's as Chairman or Mayor of Hawai'i County, in 1978 as a delegate to the State's Third Constitutional Convention, and in the 80's and 90's on the County Council; and

WHEREAS, at the age of 82 years young, in the year 2000, she was elected to the State House of Representatives on the slogan ''Recycle Helene Hale,'' becoming the oldest freshman ever elected to the State House, and she has taken State government by storm; and

WHEREAS, far from being a career politician, she has combined government service with other vocations, including wife, mother, college lecturer, bookstore manager, coffee grower, realtor, U.N. supporter, and founder of the Merrie Monarch Festival, and she has brought to each of these the same intelligence, wit, energy, and dedication which have marked her service in government; and

WHEREAS, Helene Hale has claimed many ''First,'' including first female government official in Hawai'i since Queen Liliuokalani, first African American elected official in Hawai'i, first resident of Hawai'i on the cover of Ebony, first female chief executive of a county in Hawai'i, and the first octogenarian in Hawai'i to campaign for public office in a bathing suit, and

WHEREAS, Jeremy Harris, Mayor of the City and County of Honolulu, proclaimed March 23, 2001, as ''Helene H. Hale Day'' in the City and County of Honolulu; and

WHEREAS, Helene Hale is a resident of the County of Hawai'i, and her political career has been here, not in Honolulu, and we cannot allow Honolulu to steal credit for our Helene.

NOW, THEREFORE, I, HARRY KIM, Mayor of the County of Hawai'i, do hereby proclaim (belatedly) March 23–29, 2001, as HELENE H. HALE WEEK in the County of Hawai'i, and extend belated best wishes for a Happy Birthday and many more in the future.

IN WITNESS WHEREOF, I have hereunto set my hand and caused The Seal of the County of Hawai'i to be affixed. Done this 10th Day of April, 2001, in Hilo Hawai'i.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

(Mr. PAYNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to talk about health care and my concern that in the first 100 days of the Bush administration, we have seen no action, effectively, on the major health care concerns that affect the American people, that my constituents are talking to me about and that many of my colleagues in Congress, in the House of Representatives, not only on the Democratic side but also on the Republican side, have identified, issues that we have identified as important that need to be addressed in this Congress. I want to mention three tonight. There are many, but I want to mention three, if I could: one is the need for a Medicare prescription drug benefit; the second is the need to reform HMOs, the so-called Patients' Bill of Rights; and the third is the mounting problem of so many Americans, maybe 45 million Americans at this point, who have no health insurance.

Before I get to those three points, though, I probably should point out that the President's budget sends sort of a defining message with regard to health care by essentially not only dealing with some of these problems effectively but also by threatening through the size of the tax cut that he recommends, which is primarily for the wealthy and corporate interests, to possibly raid or effectively raid the Medicare as well as the Social Security trust fund.

So I guess there is no reason why we should be under any illusions, if you will, that President Bush effectively wants to address some of these health care issues when the reality is that his budget probably would harm health care, particularly for seniors, by tapping into the Medicare trust fund and certainly doing nothing that would improve the future viability of that trust fund. I know that we may be addressing the budget tomorrow or Thursday or sometime in the next week or so, and that is one of my major concerns, that the budget proposal through the tax cut proposal would dip into the Medicare trust fund and affect its future.

But I want to get back to the three issues that I wanted to address tonight that are health care-related and talk a little bit about each of those, if I could. One of the major problems that my constituents talk about, and I know it is true for all my colleagues because we have talked about it on the floor and we have had many discussions, the fact that so many seniors today are negatively impacted due to the cost of prescription drugs.

In my own State of New Jersey and in many States, we have enacted legislation that would provide prescription drug benefits, some more generous than others, depending on the State, for low-income seniors. But Medicare, which, of course, is the main health care program, the health care program that most seniors rely upon, that is universal, does not include a prescription drug benefit. You may be able to get it if you have an HMO, but increasingly the HMOs do not provide prescription drug benefits or very limited benefit.

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So what we see is more and more seniors taking money out of their pockets to pay for increasingly high costs for prescription drugs.

I happen to chair our Democratic Health Care Task Force where we took up this issue, but many of my colleagues on the Democratic side, and certainly some on the Republican side as well, felt that we needed to provide a prescription drug benefit in the context of Medicare so that all seniors, not just low-income seniors but middle-income seniors who are impacted probably more than anybody else, because in most States there is no benefit for them, there is no protection for them, need to have this kind of a benefit.

The Democrats came up with a bill which we introduced in the last Congress, and I just want to summarize that if I could, the major features of that bill, to get an idea of the type of prescription drug benefit that I think we need.

First of all, the Democratic bill, called the Prescription Benefit Act of 2000, was universal and voluntary; established a voluntary prescription drug benefit program for seniors and disabled in Medicare beginning in 2002.

Enrollment is voluntary when a senior or disabled person first becomes eligible for Medicare or if and when they

lose coverage from an employer, an HMO plan, or Medicaid. Enrollees would receive Medicare payments for covered drugs from any participating pharmacy and are charged negotiated discounted prices on all of their covered drug purchases regardless of whether the annual benefit limit has been reached, the idea being that we want to pool all the seniors in a Medicare benefit so that the cost of prescription drugs is significantly less.

In terms of the benefit, the proposal that the Democrats put forth last year would pay for at least 50 percent of the negotiated price for the drug, up to 50 percent of annual limits equal to $2,000 through 2002 to 2004, and it goes up to $5,000 to 2009, and then adjusted for inflation. So 50 percent of the cost from the first prescription that one buys and then up to $5,000. There was a catastrophic benefit beyond that that one would not pay anything.

The main thing I want to point out, though, is that this was a universal benefit. What the Democrats have been saying is that everyone in Medicare should be eligible for a prescription drug benefit. That is because most of the people that are complaining to us about the cost of prescription drugs and not having coverage are, in fact, middle-income seniors, not the very poor who often have, as in my State of New Jersey, some kind of a program to pay for their prescription drugs.

Now, during the course of the campaign, President Bush said that he wanted to address the concerns of seniors and he wanted to enact, if he was elected President, a prescription drug benefit. It was not quite clear what he had in mind. He was pretty general about it, but he certainly suggested that it was not just for low-income seniors. It would be for all seniors.

Now so far in the first 100 days of this administration the only proposal that we have received is one that was basically included in the budget for, I think, about $150 billion, which is woefully inadequate in any case, for a low-income prescription drug benefit. I do not even want to stress this that much, Mr. Speaker, but I need to stress that there has been no push for this. It is one thing for the President to get up during the campaign and say I want a prescription drug benefit. It is another thing for him to change later and say, when he is elected, well, this is going to be primarily for the low-income or exclusively for low-income people.

We all know that from the bully pulpit of the Presidency that if one wants to get something done they simply come down here to the Republican leadership that is in the majority in both Houses and say this is a priority, we want to get this done and we want to get it done now.

We are not getting that. We are not getting any suggestion from the White House that this is a priority. Nobody is sitting down here with either the Republican leadership or the Democrats, certainly not effectively, and saying that we want to do something here and we want to move this. There may have been some hearings, but there is no legislation that is moving in any committee that would provide a prescription drug benefit.

I want to be a little critical of what the President has proposed because I want people to understand, and my colleagues to understand, that it really does not help too many people because it is a low-income benefit; but even more I want to stress over and over again that there is no push even to do this.

Let us just analyze briefly what the President's medicine proposal, prescription medicine proposal, is.

Basically, the way he defines it, he says it would limit full prescription coverage to Medicare beneficiaries with incomes up to 35 percent above the poverty line. So that is up to $11,600 for individuals and $15,700 for couples, and seniors with out-of-pocket prescription spending of $6,000 per year. Basically, we are talking about people at a fairly low-income level.

In my own State of New Jersey, the people that would be covered by the President's proposal would already be eligible for our low-income prescription drug plan that is financed through casino revenue funds. I would suspect that that is going to be the case in a lot of other States that we are only dealing with fairly low-income seniors, many of whom are already provided some kind of coverage by their State; but even if they are not, it is not a large percentage of the Medicare senior population that needs a prescription drug benefit.

I would venture to say that unless one is fairly well-to-do today, they are suffering if they have to pay for their prescription drugs out of pocket.

Now just to point out that the Democrats really mean business, when the President's budget came over, or when the House budget which essentially reflected the President's budget came over, to the Senate, the Democrats basically sought to double the amount of money that would be available for a prescription drug program from essentially $150 billion, which was the President's proposal, to about $300 billion, on the assumption that we could have some sort of universal benefit if it were to pass.

Of course, the President has canned that and said he does not support it.

Just to point out how important this issue is and that I am not just talking about this in the abstract but I know that it is something that is really crucial to the average senior, just last week in the New York Times there was an article, April 23, about States creating plans to reduce costs for drugs. It outlined how so many of the States now are putting in place prescription drug programs because they realize the necessity of them; but again, a lot of this is just for low-income seniors. A lot of it does not cover that many people.

I maintain that rather than look to the States to create these plans which oftentimes are limited and which frankly they cannot afford, the Federal Government should be taking a lead. Basically, the fact that so many States are dealing with this issue, and trying to, cries out, in my opinion, for a Federal solution.

Another area where I think that the average American is losing out with regard to health care needs is on the issue of HMO reform and Patients' Bill of Rights. Before I get to that, I see that one of my colleagues is here; and I know that she has been out front on these health care issues for a long time now, so I would like to yield, if I could, Mr. Speaker, to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my distinguished colleague, the gentleman from New Jersey (Mr. PALLONE). I particularly thank him for the persistent and dedicated leadership. Listening to him, I could not help but come to join him and raise some of the concerns that I have, particularly because I think it is important. I heard some lightheartedness made about our schedule; and I think it is important to note that, of course, the Democrats do not make the schedule for the House. The gentleman was just providing a long litany of needs, and I would really prefer to be here working with these issues, grappling with these issues.

Yesterday I spent a day in my district, called a day of community health, with the U.S. Surgeon General. What we did, rather than give speeches in a big auditorium, we went to different health centers to look at the different needs that our community has. We focused, first, on the fact that cancer is maybe the second disease or second highest death rate in our minority community and in our community. We looked at trauma, the needs of our trauma facilities; and lo and behold, we found out that across the Nation there is a nursing crisis; we do not have enough nurses to deal with health care.

We looked at HIV/AIDS. We looked at the question of children's health care, elderly care, and infant mortality. I raise these issues with the gentleman because it was a very productive day. We listened to the people who were there working every day on the ground with these issues.

The one thing that was noted is that health care dominates people's conversation. As I look at the administration's budget, it gives me pause for concern, particularly since we have about a million children uninsured in Texas. We are only about 300,000 that we have enrolled. We are looking forward to going to 400,000, but I still think that is not enough. So I am interested in ensuring that the CHIPS program continues to be funded at the level that is needed to insure every single child.

As the gentleman well knows, some of the programs relate to working parents. This is not a handout of sorts. Some of these are the working poor.

Just a few days ago, in the last 24 hours, the State of Texas took on a bill of about $57 million, I think, for the City of Houston to help pay for the insurance of public school workers. That is going to be a big burden on our State of Texas; and of course, we appreciate the leadership of the State legislature, but they obviously are going to need collaborative support as it relates to the funding for our hospital district, our county hospitals and, as well, as I said earlier, as it relates to the care of our children.

The gentleman noted that we are still struggling with this whole issue of prescription drugs for seniors. There is not a time that I go to the district that that issue is not being raised; that working seniors, and when I say working seniors, seniors that worked who now are retired, have indicated that even with their pensions and Social Security, the cost of prescription drugs is overwhelming. They are not able to provide for themselves with housing and the upkeep of the needs that they have and to pay their utilities, and particularly with the emerging crisis in energy, and also pay for the prescription drugs.

So my point this evening is simply to say that there is a great opportunity for us now to engage in real serious debate, bipartisanship, to talk about issues that soon we will say we are too overloaded with the appropriations process, the budget process and there goes prescription drug benefits again.

I would simply like to ask the administration, and the Republican leadership, can we not get down to the business of health care in America? Can we not come up and pass the prescription bill that is already filed, that is a bipartisan bill, that is waiting for us to respond to?

Finally, might I say to the gentleman from New Jersey (Mr. PALLONE), he was just about going to provide some statistics on that, in fact I think the American Association of Emergency Physicians is meeting here and the American Medical Association raised a number of issues in their meeting; we need the Patients' Bill of Rights. I do not know what the holdup is. The last session we were almost at the front door or at the brink of voting. I think we obviously passed it out of the House, never got anywhere. How long do the American people have to wait? How long do I have to continue to say to my constituents, we are working on it; we are working on it? I hope that the administration realizes that there is a great need in health care in America. Even in these days of seeming prosperity, we are still fighting AIDS domestically as we are fighting it internationally. We are seeing pockets of AIDS increase that need to be addressed to ensure that these individuals continue to have coverage for their particular needs.

So I thank the distinguished gentleman from New Jersey (Mr. PALLONE) for this Special Order. I hope that we can draw the attention of the administration on that 4 percent across-the-board cut that we do not find that health care in America goes down rather than up, and I believe that if the administration would listen they would know that health care is number one in Americans' minds and hearts, and we need to do something about it.

I thank the gentleman for yielding, and I hope we can get down to work.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her comments. I think she is very much on point. When I go back to the district, I hear the same thing, what is being done about the health care issues? As we heard, I identified the three: the Medicare prescription drug, the HMO reform, and the problem of the uninsured. I talked a little bit about the prescription drug benefit, but the gentlewoman pointed out with regard to the problem for the uninsured, I had very high hopes. If the gentlewoman remembers during the campaign, President Bush mentioned dealing with the uninsured.

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But then when he gets here, we do not see any action. Even in his confirmation hearings, the new Secretary of Health and Human Services, Secretary Thompson, said that he wanted to expand the CHIP program, the child health care initiative, to include adults, the parents of the kids.

Again, you point out, we are not talking about people that do not have a job or are not working. These are working parents who are above the Medicaid guidelines, but they do not get health insurance on the job and cannot afford it. So the idea was to expand CHIP to include the parents.

We also know, if you do that, you get more kids signed up, maybe selfishly so, if the parents are in it, the kids get in it too. I do not want to analyze all that, but we are not seeing that happening.

The Secretary is talking about granting waivers. But as you know, in many States the CHIP program has already exploded. I do not want to read this editorial now, but I have one from my local paper, the Asbury Park Press, a couple of weeks ago during our recess, and it points out how the program has been so successful, they do not have enough money to pay for it for the children.

Now, New Jersey has a waiver and is trying to expand it to the adults. So many people signed up for it, they do not know where the money is going to come from.

We do not have the money in the President's budget to expand the CHIP program to take care of adults, let alone even take care of all the kids, in my opinion.

Again, we heard about all these things once upon a time with President Bush and his Cabinet, but it is not happening. The money is not there. There is no initiative to say that CHIP should be permanently expanded to include adults and, more important, there is no money.

Ms. JACKSON-LEE of Texas. If the gentleman will yield just for a moment, as I just wanted to conclude on that point, you have got an exploding problem in New Jersey, and I have got an under-enrollment problem in Texas. I still have about 500,000 or 600,000. And I see my friend and colleague from Texas; he knows how hard we are working with the Hispanic, African American and poor community to get them enrolled. We still have work to do.

One of the other issues we have spoken about on this floor and still needs work, and I just wanted to mention it as I close, is mental health parenting. I was home this weekend and again that constituency was raising the question about, do you all realize how important it is to provide access to mental health services?

We all have legislative initiatives. They cannot be authorized and then not funded. That is a real issue in this country; how long are we going to have to wait to ensure that our insurance companies cover it? But people who are getting monies, not from the insurance companies, but using the public system, how do we provide them with mental health coverage?

So there are a lot of issues we could be addressing, and I wish that we would have the opportunity to do so.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I want to yield in just a minute to our other colleague from Texas, but the sad thing is the administration, this Bush administration, keeps talking about what they are going to do. But we do not really find that they are doing it.

We had Governor Thompson, now Secretary Thompson, before our Commerce Health subcommittee last week, and he was touting the fact that he is going to provide more money for community health centers. But if you look at the Bush budget, and there is one paragraph here, it actually gets aid to the uninsured.

So they are talking about trying to help with these community health centers, but then they cut it. This is from the New York Times. ''The Bush budget will propose deep cuts in health programs for people without health insurance. Budget documents from the Department of Health and Human Services show the programs providing health care access for the uninsured will be reduced 82 percent to 20 million from 140 million in the current fiscal year. These programs received 40 million in 2000.''

So I hate to use the term not being honest or not being truthful, but really, he is not being honest with the American people in terms of what he is doing on these health care issues. He talks about what he is going to do, but the money is not there and there is no

movement, no effort to do anything to Congress to move in that direction.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman. I know he has been adamant about access to health care for everyone and trying to make sure it becomes not only accessible, but affordable to everyone. I want to thank the gentleman for doing that and continuously pushing forward.

Let me just say things have gotten worse now. We have got over 44 million uninsured. That number continues to grow. As people become unemployed, that is even going to get worse. And the reality is if you live in America and you work in a small company, and you do not work for government or for a major corporation, you do not have access to health care.

You have to be indigent to be able to qualify for Medicaid, you have to be elderly to qualify for Medicare, and if you are the working poor out there, trying to make ends meet, you do not have access to health care, both affordable and any type.

The reality is also that the increase in the prescription coverage we have been trying to provide, I know from a minority perspective, a large number of people, senior citizens on straight Medicare, and if you do not have access to Medicaid, then you do not have any prescription coverage and you do not have access to that.

I know the President has proposed that effort. But even his proposal, if you look at it, would disenfranchise about 25 million senior citizens that would not be able to have access to prescription coverage, which is something critical.

At a time when we are talking about tax cuts, here is an issue that if we could provide access to health care and affordable health care to all Americans, we would have an opportunity to not only help businesses and small businesses out there that are now having a rough time also paying for that insurance to get access to health care, but we would be providing everyone at least that opportunity when they got sick.

We talked about the fact that in America it is not a constitutional right, but I was surprised, and some people do not realize that the only ones who have a constitutional right to have access to health care are prisoners in this country. Our prisoners have a right to have access to health care, yet our working Americans out there that are working do not have access to it and cannot afford to have access. That is unfortunate.

The first 100 days, I have not heard the President say one word about health care. I know his budget, you mentioned the community health centers he had proposed, and I was real optimistic when he said he proposed $3.6 billion for the next 5 years. Well, that has not happened and that has not materialized. The community health centers are the ones out there in the country providing that access in rural America and urban areas for those individuals that do not have access to health care, and that is important.

I want to also indicate that the President's budget also cuts Medicaid by over $600 million. Here is an issue, and I mention Texas because I am from Texas, we have had over 300 nursing homes that have gone under, mainly because of the Medicare-Medicaid reimbursement in Texas, one of the lowest in the country. Yet he is going to cut $600 million from Medicaid, which is for the indigent, and we are going to have problems in that area based on that effort.

In addition, I want to share with you one of the areas, because I sit on the Committee on Armed Services and the Committee on Veterans' Affairs. In the area of veterans, he talked during the campaign about the importance of the military, yet when it comes to veterans, he has proposed a $1 billion increase. I want to share with you, that means 4.5 percent.

Well, in the area of health care, you can say the cost of living is 2.2, 2.3 percent, but in health care, it is over 15 percent. Prescriptions have gone up by almost 20 percent in cost. So when you look at an industry that is related to health, their cost of living is a lot higher. It has been estimated it is close to 4.7 percent.

Basically what his revenues for our veterans is going to cover is existing programs. Right now, we find a dilemma that those people that have served our country when we needed them the most, they were there for us, and now that they need us, we are not there for them.

There is no specific funding to reduce the lengthy delays in veterans' access to VA health care. There is no specific funding to improve quality of health care availability to veterans to rely on the VA. There is no specific funding to fully implement the Veterans' Millennium Health Care and Benefits Act, not to mention the fact that when it comes to our veterans in the area of mental health, as my fellow colleague, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) indicated, in the area of mental health, at any one time you will find over half a million veterans that are homeless out there, a lot of them suffering from mental health problems. When it comes to that area, we are not doing enough to be able to cover that. So we have a real situation where we need to make sure that we are responsive to our veterans.

I just want to add that I think it is important to recognize that right now our colleagues back home in Texas, and I want to mention this because this directly relates to our President, that when he was in Texas, he also gave a major tax cut.

Well, as of September and August of this past year, 2 months before the election, our State comptroller indicated that we were projected to have a $5 to $6 billion surplus. That projection never materialized, and in fact, supposedly we are down almost $11 billion in the hole. So the State is having a real difficult problem, and there are some quotes from both Democrats and Republicans, the fact that the State has been left in a situation they have never been in in years.

What is going to happen with the tax cuts we are having now, without having our priorities, without considering the issues that are before us? We are going to find ourselves in a situation because of what he did today.

Today, he proposed the missile defense. Here we have a $100 billion proposal that we have already expended, by the way, since 1983 over $58 billion on this missile defense, which breaks every single treaty we have had with Europe and Russia. We are the ones that are proposing it. We are the ones that are breaking the treaty. We are the ones that decided we wanted to do something different and are causing a problem. We are going to expend major resources that should be going to services and to our veterans and to other things.

I want to just add a couple of things. I chair the Task Force on Hispanic Health Care, and one of the things we really need to kind of look at in this country is the fact that in the 1980s, up to 1987, I was in the public health community in Texas, and we were at a point of almost closing down our tuberculosis hospital because we did not have any cases.

The bottom line is that now there are over 15 million cases of tuberculosis throughout this country, a large number; one-third of them are along the border. So we need to be very cautious with those infectious diseases, wherever they occur, in this country or in Africa, because those diseases, if we do not take care of them now, the medication that is being tested now and is not taken appropriately, other types of viruses have come about that we do not have the technology to deal with. If those diseases come into this country, we are going to have a serious problem. So we are not spending enough when it comes to tuberculosis.

When it comes to AIDS we have made some inroads, and, yes, the statistics seem to be improving. But it is disproportionately now hitting certain populations. Hispanics, for example, represent 20 percent of the cases, yet we only represent 13 percent of the population.

When you look at AIDS throughout the world, and you would say, why do you want to get involved in AIDS in Africa, it is because of the fact that it is the same virus. If we do not treat it there, that virus will grow and go elsewhere and eventually, if we are not careful, it will come here too. So we need to be very cautious in those infectious diseases and treat them as if they were right here in our backyard. If we can treat them abroad, that is even

better, so they do not reach our borders. So it becomes real important that we do those things.

I am hoping that as we move forward, and I know most Americans feel that we should at least have access to that health care, affordable and accessible care, I think that we can move forward on that. There are some beautiful proposals out there that talk about access to health care, and indicate that we can, because we are the country that expends the most right now on health care, and they are saying we can cut that by $150 billion if we come up with a new system, because we are based on a system that is basically based on profits and not provided. If you are sick, a lot of times you are let go and you are left and no one wants to insure you.

So the bottom line is that, as Americans, we need to make sure we are there for our senior citizens, we need to make sure that we are there for our most vulnerable; and we have to make sure that those working Americans have that opportunity to receive that care.

Once again, I want to thank the gentleman for his efforts. I know he has been there right on the forefront, and I love the fact that he has not let go of this issue; and it is something that is critical, and we should not let it go, and we need to move forward on it.

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Mr. PALLONE. I want to thank my colleague, the gentleman from Texas.

The gentleman pointed out in the beginning of his statement, and I just wanted to reiterate it again before we move to our colleague, the gentleman from Connecticut, that not only is the problem with the uninsured growing, I think a few years ago it was 40 million, now the gentelman said it was almost 45 million uninsured, but I think, as the gentleman pointed out, very importantly, that if the economy does not continue to do well, and we know in the last few months there have been problems, that the problem will get worse and a lot more people will not have insurance.

Again, I am critical of the President, not because I do not like him or anything, but just because he talks about these things but we do not see the action, we do not see the money.

When the budget went over to the Senate, a resolution was passed to actually put I think it was $28 billion in additional money into the budget just to address the problem of the uninsured. It was passed unanimously, and there were Democrats and Republicans who spoke out and said that this was important.

Senator WYDEN specifically talked about the economy slowing, and how more people would need insurance because they would not be getting it on their job.

Then we had OLYMPIA SNOWE, a Republican, talk about how this additional money could be used to put adults into the CHIP program, the way the gentlewoman from Texas (Ms. JACKSON-LEE) was talking.

Then we even had GORDON SMITH, who is a Republican, who said that the measure could be used to help businesses reduce the costs of insurance for their low-income employees, what the gentleman talked about.

I just do not understand what the resistance is on the part of the Bush administration to trying to address these issues. Again, we hear a lot of rhetoric, but we do not see any money. We do not see any effort to come down here and try to prioritize this issue at all.

Mr. RODRIGUEZ. What I am afraid of, if the gentleman will yield, is that he is going to move with a tax cut and then, in all honesty, come forward, because there are a lot of needs now on the military budget, and he has come up with a budget that almost does not provide anything yet and he has not brought it forward, but I am sure right now there is a real need for 40,000 new troops, we need $17 billion for infrastructure, and if he pushes that missile effort, that is $100 billion, not to mention that we need a lot of other resources.

So I am afraid that instead of taking care of priorities now when we do have the resources, we are going to find ourselves the way we found ourselves in the 1980s. It is a political move from the Republican right to pit the issue of the security of our Nation and our armies against health care and education.

It is unfortunate that he is playing with the lives of all Americans when it comes to access to health care at a time when we have the resources to take care of those priorities, both on the military side as well as on the health care side.

Mr. PALLONE. I appreciate the gentleman's comments. I thank him for coming down to join me and others.

Mr. Speaker, I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from New Jersey, and join with both my colleagues in terms of their comments this evening as it relates to health care.

I especially want to laud the gentleman from New Jersey (Mr. PALLONE) for his efforts. Oftentimes he is the lone sentinel, if you will, on the watchtower of health care for everyone in this Nation.

With more than 44 million people without insurance and access to health care across this Nation, I think Americans listening in often wonder, as we talk to an empty Chamber, is there anyone home? Does Congress listen to the concerns that we have?

To the gentleman's earlier point, I think that in the last campaign I do not think that there was a person in this Chamber or clearly either Presidential candidate that did not take almost blood oaths with respect to providing prescription drug relief for senior citizens, and to making sure that Social Security and Medicare and Medicaid would be taken care of.

I am sure that the President is well-intended, but as the gentleman points out, the proof is not only in the budget, but in the resolve of those of us in this building to address these issues forthrightly.

Many of us, like the gentleman, have done surveys in our district with respect to prescription drugs, or have been home to town meetings or on radio talk shows where we have listened to call after call of the elderly, pleading to provide them with some relief, those elderly who have to choose between the food they are going to put on their table, the heating or cooling bills they are going to have to pay to their utility companies, or the prescription drugs that their doctors require them to take.

We know from the studies that the cost of the very same prescription drugs that they need for blood pressure, for relief from arthritis, they can get at half the price in Canada or Mexico.

I can say it no better than the woman on 60 Minutes who said, ''I feel like I am a refugee from my own health care system in this country.'' Will not Congress listen?

Let us not judge these first 100 days on the basis of civility, and I give the President credit for changing the tone, but let us judge these first 100 days on the resolve to truly reach out and help the greatest generation.

Is it only lip service that we are paying Americans all across the country, or are we firmly committed to come forward and allow them to live out their final days in dignity, allow them not to be faced with the godawful choice between the food on their table and the prescription drugs their doctors are recommending that they take?

These are important decisions. When I go home to my district, people say, ''You are not doing anything down there in Congress. It does not seem as though the rhetoric during the campaign lives up to actual action on the floor of either Chamber.'' Sadly, they are right.

I applaud the gentleman. I said to the people back in my district, I am going to continue to come to the floor of this House and continue to speak out on the need for us to provide the kind of relief that our citizens need.

In this time of prosperity, in this time when we have the resources, there is no excuse to turn our backs on the elderly. They should hold our collective feet to the fire on this issue, because both parties, all candidates, campaigned on this issue. Now it is a question of delivering on this issue for the people we are sworn to serve.

We would do well to heed the advice of Hubert Humphrey, and remember that those in need during a time of prosperity, whether they be the children in the dawn of their life, the elderly in the twilight of their life, or those

in the shadows of their life who need our help and assistance, this is the time for us to act and respond.

I thank the gentleman again for providing this opportunity in this special order for people to address the concerns of health care, and specifically for me tonight to be able to talk about the need for prescription drugs.

Mr. PALLONE. I want to thank the gentleman, and thank him for coming down and expressing and articulating his thoughts so well.

The gentleman talked mainly about the prescription drug issue. I think of the three health care issues that I sort of highlighted, and that we all highlighted tonight.

That is the one where I think there has probably been the most disappointment because of, as the gentleman said, the rhetoric during the campaign. It was certainly true on the part of President Bush or then candidate Bush that this was going to be addressed and this was going to be a priority, and it has not been.

We can argue about what kind of plan we should be putting into place, and whether the Bush plan is different than the Democratic plan. I can talk about that all night. But the bottom line is, I do not see any movement. I do not see any effort by the President to come down here and say, ''This is a priority and I want it enacted into law,'' even his own proposal, as limited as it is.

I think we can see that on all these issues. Probably the one that he most committed to was the Patients' Bill of Rights. I remember during one of the debates when he specifically said, ''We have a Patients' Bill of Rights, an HMO reform bill, that is on the books in my State of Texas.'' And of course he did not comment on the fact that he never signed it. But leaving that aside, it was in effect. He said, ''I would like to see the same thing, and I would support the same thing on a Federal level if I was elected President.''

Well, 100 days have passed. We had a bipartisan bill introduced in the other Chamber. I think we had Senator MCCAIN and Senator KENNEDY. Here we had a bipartisan bill. The gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL) introduced a bill that was modeled exactly on the Texas law.

They had a previous bill in the last Congress called the Patients' Bill of Rights. They changed it slightly to conform exactly with the Texas law on the liability law, on all the issues that have some contention.

Within a couple of days, we saw the President come out and say, ''That is not acceptable. I do not like that bill.'' I think he went before the cardiologists' association and said he would veto it if it came to his desk.

This was bipartisan. I went to a press conference and there were some pretty right-wing Republicans at that press conference supporting this legislation.

Well, what is it that he wants? Is he telling us what he wants and how he would like to change the MCCAIN bill or the Dingell-Ganske bill? No. I do not get feedback in the Subcommittee on Health and Environment of the Committee on Commerce about what the President does want, so I just have to conclude he does not want anything.

In other words, the rhetoric is out there, ''I want to pass this bill, and I want to do in the United States what we did in Texas,'' but I do not see any proposal coming from the White House to accomplish that. I do not see any effort to prioritize it.

I would venture to say that the differences on the Patients' Bill of Rights, for those who oppose it and those who are supportive, at this point are so minimal that if we sat down in this room tonight, we could work out the differences.

Mr. LARSON of Connecticut. There is no question. The compromise lies right ahead of us.

I think what frustrates the American public is they see us talking before an empty Chamber and they are wondering why the collective body is not addressing these important issues; why they just seem to linger on and on and on with no resolve.

I have a veteran from my hometown who has won three Purple Hearts whose monthly pension does not equal what he pays in terms of prescription drugs. This is what people are really seeking relief from.

I agree with the gentleman, people back home have talked passionately about a Patients' Bill of Rights. Certainly the concern is there for the uninsured that exist in this country, and the costs that our hospitals are experiencing, as well, under the Balanced Budget Act of 1997.

But invariably, the real gut level emotion that I hear from people is that they are being really hurt by the lack of a policy, the lack of a program that will allow them to have the drugs that their doctors know that they need in order to survive.

Shame on us for not continuing to move that forward. When I say ''us,'' I mean Democrats, Republicans alike. The President, the Cabinet, all of us, we know that this is an important issue to all of them.

I thank the gentleman for being one of the lone sentinels, as I said earlier, who comes down here on a regular basis and makes sure that the public understands that there are people out there that care, that there are people willing to stand up and fight for what they believe is right, and people who feel that this is a higher priority than a tax cut.

Mr. PALLONE. I thank the gentleman for the accolades. I want to thank the gentleman for being so concerned, as well.

But I have to point out, because we are here tonight but we are going to come back again, I have to point out that the President has his party in the majority in the House of Representatives, and even though it is 50–50 in the other body, the Vice President can break the tie.

So I try to explain to my constituents that as Democrats, and I know it sounds very partisan, we do not have the ability to bring these bills up, either in committee, or we do not even have the ability to have a hearing. We certainly do not have an ability to bring the legislation to the floor.

The only thing we can do is to continue to speak out, as we have tonight, and demand action on these health care initiatives.

I know the gentleman is here tonight, and others, and we are certainly going to continue to do that, because we know this is not pie in the sky, this is important to the average person. Whether it is HMO reform, it is a prescription drug plan, or it is access for the uninsured, we have to address the issue.

I want to thank the gentleman again. I just want to repeat again, Mr. Speaker, that although I am concluding now, we are going to be back again until we see the President and the Republican leadership bringing legislation up that would address these health care concerns.

□ 2000

REBUTTAL COMMENTS ON HEALTH CARE, THE PRESIDENT'S SPEECH ON DEFENSE, AND ENERGY IN THE WEST

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, once again I want to spend a little time with an evening chat. I want to discuss this evening a couple of issues, but first of all I will rebut a couple of the comments that were made in the last hour.

As my colleagues understand the rules on the House floor, the previous speakers were allowed to speak 1 hour unrebutted, and now I have an opportunity to speak for an hour. It was not my intent when I came over here this evening to rebut this, but some of these statements were so strong that certainly my colleagues deserve to hear what the other side of the story is.

It reminded me of a courtroom, one time in a closing argument where the statement was made that if you have ever been a parent you understand that if there is a problem between two children and you separate the children, each child comes up and tells you an entirely different version of what happened. And it is not that either child is intending to lie; it is that through the eyes of those two different children, they have seen different versions. And I think that is what happens here.

It is not necessarily between Republicans and Democrats, although clearly there is a line drawn between the moderate and conservatives versus the liberal side of the Democratic party, but

I think what we heard in the preceding hour certainly reflects the more liberal side, the left side, of the Democratic Party. I do not think it is the mainstream of America, and I do not think it represents the mainstream in this body.

I mean, how many of my colleagues will turn their backs on the elderly? Give me a break. There is nobody in these Chambers that intentionally turn their backs on the elderly. That is an exact statement that was made here just a few minutes ago, that our President, through his policy, turns his back on the elderly. As strongly as I disagreed with President Clinton in the previous administration, I never accused him of turning his back on the elderly.

It is these kinds of emotionally driven comments that are really nothing but, in my opinion, an effort to have emotion drive the issue instead of facts. We cannot come to a good solution if the means to get to that solution is driven entirely on emotion. That is exactly why this country has got financial problems; it is exactly why this country got into a deficit, because time after time after time Members of this body go out, and in their leadership strategy they lead the public by emotion; and then they leave it to the other Members to try to dig out what the facts are.

We see it out in the West. We see it all the time in the West on the public lands, where emotion drives the issue, not the science of the forests, not the science of the use of the water, not the science of using dams for hydropower, but the emotion of it. All the good of a hydroelectric power plant in the West can be overcome by simply tying it to some kind of degradation of Yellowstone National Park.

So what I would say to my colleagues that just preceded me speaking is, come on, let us talk about the facts. Next time I would be happy to join those colleagues. Bring a pencil and a calculator and let us see how we are going to afford exactly what they prescribed this evening.

Of course all of us in this country are having problems with pricing on prescription drugs. Of course, everybody that I would run a survey on and asked if they would like help on their prescription drugs are going to say yes. Anytime somebody offers to help pay our obligations with others' money, not our own money, with someone else's money, well, we are happy to accept that.

The proposals that were being made this evening by these preceding speakers, they are emotional. They sound wonderful. How can you lose? Somebody else gets to pick up the tab. And by the way, anybody that says maybe we ought to do the addition, maybe we ought to figure out the bottom line, that people will pay more and that we will have the government interfering more, maybe we ought to take a look at that. But the minute we say that, we get a comment from the left side that says, well, they are turning their backs on the elderly.

And it is some of these very same types of comments, or in my experience these types of representatives from that side of the party, that show up here and talk about how we turn our backs on education or we are ignoring the children or we do not care about this or we do not care about that. I have yet, I have yet to find one Congressman, Democrat or Republican, or independent, I have yet to find one Congressman that does not like education. I have yet to find one Congressman that intentionally or with any kind of design whatsoever turns their back on the elderly.

There are a lot of hard-working focused people in this body, none of which by the way, in my opinion, deserve to have the label put on them that they are turning their back on the elderly. And the same thing applies for the administration, this administration as well as the previous administration.

As I mentioned earlier, my disagreements with the Clinton administration were clear, and in my opinion they were very strong disagreements with the Clinton administration; but I never went to that administration and said they turned their back on the elderly or they turned their back on this or they turned their back on that.

So I think, really, in order for us to get to a solution in regards to prescription and health care in this country, we need to put some of this emotional rhetoric aside and sit down at a table. And when my colleagues come to that table, they had better bring a pencil and a calculator, because we cannot put together a wish list without figuring out, number one, who pays for it; number two, how we are going to pay for it; and, number three, what are the honest expectations of that cost.

Take a look, for example, when Social Security was first conceived back in the 1930s. It was never intended to be a full retirement. Do not kid yourself. Social Security was never intended by the people of this country to be a full retirement package. Take a look at where we are today. Today, it is an expectation. It is an entitlement program for full retirement. That is what some people expect. As a result, some of us on this floor continue to give and give and give; and yet this system now, for future generations, for our young people, and if my colleagues want to talk about somebody we need to pay attention to, look at this young generation and try to explain to them with a straight face that there is going to be Social Security dollars around.

One of our problems today is we pay out $118,000 for people on Social Security today. For a couple we pay out $118,000 more on average than they put in the system. Now, how does that work? It does not work very well.

Later this evening I am going to talk a little about energy. You cannot continue to tell the consumer out there that their prices are not going to increase on the demand side and pay escalating prices on the supply side. That is exactly what is happening with the kind of calculations and the figuring with these promises that are being made about health care in this country.

Of course we want to improve health care; but dadgummit, we have to be straight with constituents. We have got to be straight with the American people and tell them what it is going to cost. This does not come free. It is so easy to stand on this House floor, it is so easy to stand on this floor and make promises about things we are going to give away. We may not use the word free, but that is the implication. We will handle all the prescription care problems of this country; we can finance all the priorities of this country. Well, let me tell my colleagues, we would not have enough money in the world to finance the priorities. Because every time we would start paying out, for every five priorities out, five more would jump in. My colleagues know that, and I know that.

And when we talk about things like health care, when we talk about things like the military, when we talk about things like education, when we talk about specific projects in our districts, when we are parochial about our districts, we have an obligation to be honest about the cost. We can look at any substantial entitlement program that this government has, any one of them, pick it randomly. Any one my colleagues want to pick, I can promise that at the time it was put into place the costs that were attributed to it, this is what it is going to cost the taxpayer, those costs were minuscule as compared to the actual costs. Here is the cost they promise; here is the cost we end up with.

It is the history of a Democratic government in a body like this, because the incentive is not to be straight with the taxpayers and the citizens of this country. The temptation is to go out there and promise everything for nothing. And that is exactly the problem today we now face in California. In California, the leadership out there, the elected leadership and the appointed leadership out there promised the citizens of the State of California, look, we do not have to take any risk of exploration; let us do not allow any generation plants in this State; let us not allow people to drill in this State; let us do not encourage conservation.

Now, they did not say, let us not encourage conservation, the practice they followed discouraged conservation. Because no matter how much energy was wasted, the price did not go up. It was capped. No matter how much the electricity cost, the generators sold it, citizens did not have to worry about it, the State capped it for them. Well, that is an empty promise, in my opinion, just the same as some of the promises or commitments that were made

this evening. Those promises are empty if in the long term we do not have the dollars or the resources to provide for those.

And based on the statements I heard here in the last hour, if we stacked up the cost of those commitments or those promises that were made by these speakers, and we put it on our calculators, first of all we would have to have a calculator with a screen that long. We are talking about trillions. We are not talking about billions; we are talking about trillions of dollars. So if my colleagues can figure out how to pay for that, that is what they should do first, then make their promises second.

But what they do is they make the promise, and this is the typical program in the Federal Government, make the promise, put the program into place, then pass the cost of it on to the next generation. That is exactly what has happened here, year after year after year. You get to give out the freebies, you get to be the Santa Claus, but the next generation has to pay for it because my colleagues were clever enough in their legislation to deflect the true cost, to not admit the true cost, or to defer the true cost to some point in the future. That is why we have financial problems.

Being a Congressman does not require a lot of education. All we have to be is a citizen; we have to be a certain age. But we are not required to have a college degree. In fact, it was intentionally designed that way. The reason it was designed that way is our forefathers, justifiably and correctly, thought we wanted people from all walks of life to represent the fine people of this country. But if we could redo it, I think I would go back and say, look, every one of us ought to take business 101 or accounting 101. It ought to be a fundamental requirement before we sit in these chairs. Because what we tend to find happening is there are a lot more promises made than what are funded. Then when they are not funded, we hear comments like I just heard a half an hour ago: they are turning their backs on the elderly. And I have heard it on education: they do not care about kids; education is not a priority with them.

Again, let me point out that I do not know one Congressman, Democrat or Republican, I do not know one for which education is not a priority. It is a priority with everybody in these Chambers. So to make the statements like were made in this preceding hour, in my opinion, are totally unjustified and do not get us at all towards the kind of solution that we need to come towards in order to help bring those prescription prices within range of the average American so they not only can afford it, but they have access to it.

I want to visit about another issue before I get very deep into the subject of energy. I think the President today made a very, very significant speech to the American people. The President talked about how since the Cold War the defense mechanisms of this country have changed. Our military status, our defense in this country, has to be very fluid. It has to change with time. There are a few facts that are very clear. Number one, it is not only the United States, China, and Russia that have nuclear capabilities. Now we have got India, we have got Pakistan, we have Israel, we have Iran, we have North Korea. I mean, the spread of nuclear weapons is a fact.

Now, no matter how many millions of barrels of oil we promise the North Koreans, they are going to continue to develop nuclear weapons. The nuclear weapon kind of shows you are the big guy on the block. There is a lot of countries that want those weapons because it gives them leverage in world negotiations. So we should not be naive and think that these countries are not going to develop these weapons. I think what we have to do is assume that in fact these countries will develop these nuclear weapons, the ones that do not already have them. In fact, the ones that have them probably will, in many cases, like with China and like with Iran, assist other countries in acquiring these nuclear weapons.

So is the answer to build more nuclear weapons? I do not think so. I think our country has adequate military supplies of our weapons. The answer is figure out a device, figure out a missile defense. How do we stop those nuclear weapons? We are not going to stop it by trying to convince these people they should not own them. Of course they are going to own them. They will do anything they can to get their hands on them. What we need to do is to convince them, look, you are going to spend a lot of money developing a nuclear weapon; you are going to take a lot of resources from your people, developing a nuclear weapon; you are going to put a lot of your scientific resources of your country into developing a nuclear weapon.

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And guess what is going to happen, when you come to your product, your final product, i.e. that nuclear weapon, the United States and its allies will have a defense that makes that weapon useless. That is exactly what the goal of this President is. And it is a justifiable goal.

We are crazy, we are certifiably crazy if we continue to turn our face and pretend at some point in the future there is not going to be a nuclear missile headed towards this country. We are irresponsible, in dereliction of our duty if we do not now begin an aggressive effort at putting some kind of a protective shield for this Nation and this Nation's allies and friends so that when that type of an attack comes, we are prepared. And we make the ownership of these kinds of weapons, not weapons of threat or fear, we neutralize them because we have a defensive shield for those kinds of weapons.

It seems to me that it is so basic that with this threat developing out there, in consideration of the fact that we have an obligation to the generations behind us, as well as the generation ahead of us and our own generation, we have an obligation to continue to give this country the best defense that it can possibly have. You are totally disregarding your obligation as a congressman if you continue to ignore the fact that this country needs to defend against a missile attack. A lot of Americans, a lot of your constituents assume because we have NORAD space command out in Colorado Springs and we can detect a missile launch within a few seconds anywhere in the world, in fact we are so good we can track a 6-inch bolt maybe 500 miles into space. We know what is coming at us. A lot of Americans assume that once we know it, we shoot it down. That is not the truth. That is not what can occur out there.

All we can do once we detect a missile launch against the United States of America, all we can do is call up the destination site and say, hold onto your britches, you have an incoming missile.

Do we have an obligation to put up some kind of shield to defend against that? Of course we do. That is exactly the direction that the President of the United States told this country this morning. That he is prepared, that the time has changed, he is prepared to reduce our nuclear stockpiles while at the same time putting together a defensive shield.

Now some of the critics and some people who oppose the military just in general pop right up and say we do not have the technology. It is going to be too expensive. We did not have the technology when we said that we were going to put somebody on the moon. We did not have the technology when we figured out we were going to solve polio. The fact is that we can do it. Americans can put their minds to something and accomplish it.

So these people who want to criticize ought to stand aside. They do not want to take a leadership position in the defense of this country. That is fine. I do not think that everybody needs to participate, but get out of our way. Let us defend this country because I do not want to be one with tears in my eyes who has to look at my children or my grandchildren, or maybe even great grandchildren, if I am fortunate, when we are in the height of an international crisis where these missiles might be used and say to those generations behind me, I am sorry, I could have put a defense together. I could have done something to help you, but I walked away from it.

None of us want to walk away from that obligation. We all need to come together behind the President and help the President with these efforts to defend this country and to build a capacity that will allow or take away all of the leverage of all of the countries in

the world that have a nuclear weapon and they want to use it against the United States via some type of missile.

Let me move on to the other topic that I want to discuss with you this evening. That is energy. Look, we have all heard about the State of California. We know what the problem is in California, or at least we know some of the problem. Fundamentally I think every one of our constituents understands that California is running out of power. You know, it is kind of hard to feel sorry for California. California kind of adopted the not-in-my-backyard syndrome. California has promised its citizens do not worry, we will not increase your prices on energy, which means, in essence, you do not have to conserve. California has not allowed a power generation facility to be built, an electrical-generation facility to be built in their State for what, 10 years.

California has not allowed a natural gas transmission line to go through their State in California. In California you do not even dare talk about nuclear energy with their elected officials. There are a lot of people in California with the national Sierra Club whose number one priority is to take down the Glen Canyon Dam, one of the larger hydroelectric producers. There are people in California who are leading the effort to take down the dams in the Snake River or the Columbia River because they are trying to convince the population of California you can have it all and no risk. You can have it all and no cost. You can use as much as you want, it keeps on coming at the same price. We do not have to build electrical generation facilities in our State, because you can have it without it. We do not have to take risk and allow exploration of natural gas in our State. Do not worry about it.

In the meantime as this Titanic comes up on the iceberg, demand is going like this and supply is going like this. You cannot operate like that. You cannot operate an airplane when your airport is this far away, and your fuel consumption is going to get you this close. It does not work.

Despite the flowery promises, despite all of the hype that was given about California, we discovered something new. We have discovered for the first time in the history of the capitalistic market that we are going to be able to allow you to use all of the electricity you want, the price will be capped. We will deregulate. We will not have to take any kind of risks or suffer as a result of natural gas transmission lines or exploration because we have it all, and we will not have to do it in our own backyard. It is hard to find sympathy for the State of California. In fact, I have heard a lot of people say that is their problem.

Well, fortunately or unfortunately, I am here to tell you it is not all of California's problem. What is bad in many cases for California is bad for the United States of America. California, after all, is a State. It is a major State and it is a big player. It is a huge player in the world's economy. A huge player in the economy of the United States. It is a huge player in their educational institutions. It is a huge player in their artistic institutions in California. We have a lot of fellow citizens in California who are going to suffer lots of consequences this summer as a result of the short-sightedness of a few government officials. And, frankly, suffer as a result of adopting the concept or being convinced or swayed by the concept that you can have all of the power you want without having to have a generation facility somewhere in your State.

We cannot let California die on the vine. I am sure, colleagues, like the rest of you, I will probably go back to my office this evening and have calls from people that say let them die on the vine. California brought it on themselves, let them suffer.

It is not that simple. We need to work with California. But let us look at a few of the facts. Let me say at the very beginning that there seems to be a make-believe theory out there that if we just simply conserve, our energy crisis will be resolved. Let me tell you, that is inaccurate on its face, and it is inaccurate no matter which direction they tell you it. It does not work.

Conservation is a major contributing factor that we have to put in place immediately. In fact, you know what has put more conservation in place in the last few months than in any recent time in history? It is not the government. It is not the government that put conservation into place, it is the price of energy that has put conservation into place.

I am a good example. I will use myself. I did not turn down my thermometers a year ago in my family home. We had the temperatures in our home, I live high in the Rocky Mountains of Colorado, and in the winter time all of our rooms were at 70 degrees. And in the summertime, our air conditioning, because we like cool air, although we have a lot of cool air, if during the day it got hot, we kept the air conditioning at 60 degrees.

It was not because some government brochure or some bureaucratic official said you do not have to have your rooms at 70 degrees, especially if you are not using them. Why not leave those rooms at 55 degrees so your pipes do not freeze when you are not using the rooms. It was not because some government brochure came and told me that, it was because we got our gas bill. I can assure you now in our household, anywhere in the house where there are not people, that temperature is at 55 degrees. We have not even started our air conditioning. We have not had it on one time, not that it is on a lot this time of year; but still for a day or two, we would have had it on. We have our fans running. We are trying to make plans for this summer, how do we conserve? Why, because the price stun us.

In California, the elected officials did not have enough guts to let the prices sting. They tried to make an artificial world out where you can continue to have as much energy as you want and not have to have your prices increased. That does not encourage conservation.

But let us say here is supply, here is demand. Conservation will go up like this. So conservation closes a gap. I brought this over, it is one of the most fascinating things that I have seen. This is where we are going with incentives in the marketplace.

A crisis drives innovation. To come up with alternative energy, this energy crisis is actually of some benefit because it will drive innovation. There are a lot of people trying to figure out how to make a better mouse trap. There are a lot of people saying we better make our air conditioning units more efficient. We can have a competitive advantage if our SUV gets better mileage.

Here is a piece of innovation here, colleagues. This is a little piece of paper. To me it looks like a little piece of tinfoil. It is laminated in a piece of plastic, and there are two wires attached to this little piece of paper. Now the person that talked to me about this little device said there is a lot of energy and movement, movement that does not have to be generated. You know to generate electricity, you have to generate movement. You do not need to generate this, this is natural movement.

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He said, we think we can capture energy out of waves, out of waves in the ocean. He showed me this. He gave me this. I was so fascinated by it. You will not be able to see it from there. If the lights were out in the Chambers, you would see as I go like this, the light comes on. That light is on. That movement generates energy which is put into this light. But do we have the capability today to generate any kind of significant source of power as a result of this device? No. Maybe in 15 years, maybe in 10 years, maybe we would get a real break and have stuff like this available in 10 years. But we do not have it available today. But that has not slowed down the demand out there that we have for power.

In fact, I find it interesting, one of our largest age consumption groups of power is our younger generation. That is the generation of people that some of the more radical environmental groups, for example, the National Sierra Club, has never supported a water storage project in the history of their organization. It is organizations like them out there trying to convince this younger generation, you can continue to increase your demand for power, whether it is your computer, your radio or whatever, you can continue to increase demand and yet at the same time stop supply or not allow supply to expand, or take down the dams. ''Don't worry, the hydro power will be replaced somewhere else.'' Those are fallacies. That is exactly what got California

into the jam that it is in. That is exactly what is getting the rest of us. We will be sucked down that drain as well if California goes down that drain.

Let us go over some statistics that I think are important to look at. Again remember, conservation is obviously a critical element for this solution to come together, but it is not the total answer. It is only a contributing factor to the gap in the energy supply that we have today. Let us just pull up natural gas. Consumer prices for natural gas have increased 20-fold in some parts of our country over the past year. In a 1-year period of time, the demand for natural gas has gone up 20 times.

I talked to a gas analyst who went to the different companies like General Electric that make power generation facilities that are powered by natural gas. Just the orders in place exceed the natural gas supply now available in this country. Let us go on. America's demand for natural gas is expected to rise even more dramatically than oil. Why? Because natural gas is a very clean fuel to utilize. It is a very convenient fuel to utilize.

According to the Department of Energy, by 2020, we will consume 62 percent more natural gas than we do today. Right now, an estimated 40 percent of potential gas supplies in the United States are on Federal lands that are either closed to exploration or limited by severe restrictions. Even if we find supplies of gas, moving it to the market will require an additional 38,000 miles of pipeline and 255,000 miles of transmission lines at an estimated cost of 120 to $150 billion, just to move the gas. In some places we have plenty of gas, but that is not where the population is. You have got to move the gas to the population. Now remember, the numbers that I am going over are assuming that the American public exercises conservation. Even in consideration of the fact that you would conserve, these are still numbers you are going to face.

The problem of inadequate supply lines is illustrated by the Prudhoe Bay in Alaska. The site produces enough gas a day to meet 13 percent of America's daily consumption; but because a pipeline has not been built, the gas is pumped back into the ground. I might add, many of my colleagues have driven by gas wells where we now have the technology to capture the gas, and they burn it off or they burn it off because they do not have the capability to move the gas. They are looking for the oil. There are a lot of things we can do for efficiencies in this country, but we cannot do it by having our head in the sand and pretending that there is not a crisis, at least not as it applies to us and our price should not go up.

Let us move from natural gas.

Electricity. By the way, Vice President CHENEY gave some great remarks here in the last couple of days. Now, of course some of the more radical environmental organizations went nuts, saying, Oh, my gosh, look at what he's demanding. He's saying that we're going to have to have I think a power plant every week for the next 20 years just to meet the demand. So what these groups are suggesting, put your head in the sand and say, It ain't so, DICK. It ain't so, Mr. Vice President.

It is so. If we are going to continue with the kind of demand that we have and remember this demand, that is not wasted power. This demand, just take a look at what the computer generation has brought onto us for demand for energy. Realistically, we are going to have to have energy in this country on an increasing production rate. So at least somebody has had enough guts to stand up and say because we have ignored this, because we have put our heads in the sand, we now have to build a bunch of power plants. We should have been building them all along.

What we need, the best energy policy and, by the way, keep in mind, the last administration had no energy policy. Our Secretary of Energy had no energy policy. Our President had no energy policy. Our Vice President had no energy policy. This new administration has come forward and a great part of the wrath that they are getting put upon them by, say, some of the environmental organizations has been brought about because this administration is saying to the American public, we need an energy policy. We need to put everything on the table.

We need to have on the table conservation, we need to have natural gas, we need to have the Arctic Wildlife Refuge. That is not to say that all of these are going to be accepted, but they have got to go on the table. And then we need to have level-headed minds from all walks of life sit down and come up with a strategy for energy for this country. That means we may add more items onto the table, or it means we may take some items off the table. But for us to prematurely eliminate sources or restrict conservation, what you do by the way with price caps, to do those kind of things does not help us develop a solid energy policy.

Let me move on to electricity. Electricity is one of our greatest challenges. As illustrated in the growing crisis in California, the Department of Energy estimates that over the next 20 years, the demand for energy in the United States will increase by 45 percent. The increasing reliance on technology has prompted our energy demands to outstrip recent projections. Some experts calculate that the demands of the Internet already consume eight to 13 percent of the electricity. If demand grows at the same pace as the last decade, we will need 1,990 new plants by 2020, or more than 90 a year just to keep pace. With conservation ideas in mind, with the current technology that we have, we are going to need to build 90 plants a year to keep pace.

What happens if you do not? Some people might say to you, Well, you know, we can all do without a little air conditioning. We can all suffer a little more. Most people that say that really mean you can suffer a little more. We do not really mean I should be the one that suffers a little more, but you can suffer a little more.

Take a look at what these rolling blackouts will do to the State of California. California is one of the largest agricultural producers in the world. Refrigeration is a basic ingredient in order to, once you pick that crop, to store that crop, to transport that crop. Take a look at the chicken farms and the turkey farms out in California. They have tens of millions of birds out there. I had a chicken farmer tell me the other day that if their circulating fans go off this summer, if they are shut down for 20 minutes, they lose their flock of birds.

Take a look at the computer chip industry that has to have refrigerated storage. Take a look at the medical industry that has to have refrigerated capacity. Take a look at the frozen foods. You all see them, those trucks that have those little boxes up on the front of the trailer and a lot of times when the truck is parked you can hear that little engine in there idling. That is refrigerating that trailer. That will not be shut off obviously because of the shutdown of a power plant in California, but those little generating facilities take fuel. My point here is electricity is very important for us. Do not think that it is just a matter of turning off the air conditioner that is going to get us out of this crisis. The only way we are going to move out of this is we have got to build additional electrical generation.

Let me continue. Hydroelectric power generation is expected to fall sharply. Today, relicensing a power plant can take decades and cost millions. Now, even though consumers are faced with blackouts and shortages, some of the activists still want to tear out dams on the Snake River.

Let us move on to our next one. Oil. It is amazing to me how negative people have turned the word oil, as if it is some evil empire out there. They think of the J.R. Ewing of Dallas days and oil. I am telling you, everything we have in our life depends on this oil. I would like to be able to go to solar. So far, despite years and years and years and billions of dollars in research, we have not made any kind of dramatic steps forward in solar. We have got some, but we have not made the kind of steps we thought we could make to replace oil.

I hope someday oil goes the same direction that whale oil went. It used to be before the discovery of oil, we used whales for oil, before the discovery of oil in the ground. Thank goodness we stopped hunting the whales because we found a replacement product. I hope through our technology we are able to find a replacement product, but the fact is we do not have it today. The hard reality of it is we are not going to

have it next year. We are probably not going to have it for any number of years. So our reliance on oil, our dependency on oil is very significant and we all depend on it. Our clothes are made with oil. Our medicine is made with oil. Our vehicles, our ambulances, our fire trucks, our school buses, our personal vehicles all run on oil. The lights that we have. Members know what I am talking about. Take a look at any facet of life and tell me where oil is not needed. Any facet of life. It is fundamentally important. Until we find the replacement, we better face up to the reality that we have to meet the demand. You cannot just meet the demand through conservation alone.

Let us talk. Oil. In the next 20 years, America's demand for oil will increase by 33 percent, according to the Energy Information Institute. Yet as demand rises, domestic production drops. So the demand is going up and the domestic production in our country is going down. We have not had an inland refinery built in this country for 25 years. That is not how you answer an upswinging demand line. We now produce 39 percent less oil than we did in 1970.

Those of you my age and older, a little younger, can remember the crisis we had in the 1970s. Remember how this country committed that we would lessen our dependence on foreign oil, lessen it? It did not work. What happened is we continued to regulate, and I can tell you a lot of those regulations were good regulations. But we continued to discourage any kind of oil exploration in this country, and we depended on other countries because other countries were easier to extract it from because less regulations and safeguards, et cetera, et cetera, and we have become more dependent, not less dependent, upon it. We are down nearly 4 million barrels of oil a day. Unless our policies change, domestic production will continue to drop to 5.1 million barrels a day in 2020, down from 9.1 million barrels a day 30 years ago.

We are increasingly dependent on foreign governments for our oil. Back in 1973, we imported just 36 percent of our oil from overseas. Today, we import over 54 percent of those resources. The number of U.S. refineries has been cut in half since 1980. There has not been a new refinery built in this country in more than 25 years. Those are pretty startling statistics.

Let us go back very quickly to California and take a look at the California situation. We have just seen the nationwide situation. Let us look at California. No new natural gas lines in 8 years. They placed price caps on the rate that electricity providers could charge to the consumers while doing nothing to discourage demand.

□ 2045

You continue to allow demand to go up. You do not discourage it through conservation. You do not discourage it through price. What you do is allow it to continue to go up, and you allow supply to continue to go down. When there is a cross, there is a collision. It is like two airplanes hitting in the sky. It is going to be a nasty crash. No new coal-fired plant permits in 10 years. No nuclear power plants have been built in our Nation in over 20 years. No inland refineries have been built in 26 years.

California's power capacity is down 2 percent since 1990 while demand is up 11 percent in that same period. So on one end, your supply you take it down by 2 percent. On the other end you take demand up by 11 percent and in the meantime you say to the consumer your price is capped; you do not have to worry about a price increase.

My purpose tonight is to say that this Nation needs an energy policy. It is our President, the first President now in 9 years, who has come forward and in my opinion had enough gumption to stand up, not hype, not a bunch of hype but the gumption to stand up and say maybe we ought to look at everything we are doing out here in regards to energy. Maybe, for example, we ought to look at some of the sanctions we have on oil-producing countries like Iran or some of these others. Maybe we ought to take a look and tell the people, look, we have to conserve.

Again, let me remind my colleagues, and my guess is every colleague in here has been conserving in the last few months. Why? Not because the government told them to conserve but because the price of the energy they are using has gone up tremendously. That is what is driving their conservation.

We have a President who says let us put everything on the table. Let us put conservation on the table. Let us put oil exploration on the table. Let us put ANWR, let us put transmission lines on the table, put everything on this table and then bring people to sit down at this table and let us develop an energy policy. It is an obligation, by the way, that we have; not only to ourselves but to the generation behind us and the generation ahead of us.

What do you think we are going to do? Earlier in my comments I mentioned that I said somebody said well, we turned our back on the seniors, if you do not buy their program you are turning your back on the seniors. You better talk to those seniors this summer when you have to shut off air conditioning out there in California. You better explain to those seniors out in California why you would not be a willing participant at the table in trying to come up with some kind of energy policy. You better be willing to talk to the seniors not only of California but of New York, of Oregon, of Washington, and explain to them why you did not find time to come to the table.

We have to come to this table. The President has provided the table. The President has even provided the subject of the discussion and the debate. Here are some of my ideas. Here is what I want to talk about. Now if you have a better idea, let us talk about it. Let us put it in place.

In the end, at the end of the day, the President says I need an energy policy for this country. That is good policy of its own. We, Members of this Congress, have an obligation, and I said earlier that obligation also means helping the State of California. It does not mean subsidizing the State of California. It does not mean allowing the citizens of California to continue to have their electricity or their gas or their oil at artificially low prices. What it does mean is we have to be willing to participate with California and help them get through this crisis, but California has got to step up to the plate as well. California is going to have to take a little more careful look about the not-in-my-backyard position that they have taken. California is going to have to take a little more careful look about going out to its citizens and promising them no price increases. California is going to have to take another look at not allowing refineries in their State or at least stalling the permitting process so they cannot get in there. California is going to have to take a look at not allowing a natural gas transmission line permit to go into their State or be granted in their State over such a long period of time.

This crisis, by the way, is not a crisis that is going to sink us. This is not like being in these House chambers say on December 7 or December 8 of 1941, the day after Pearl Harbor, the day after Pearl Harbor. That crisis is much more severe. This is a crisis we can resolve. This is a crisis that if we bring our heads together we can do something about it, but we are going to have to change some policy. We are going to have to change the policies of the previous administration of drifting along without an energy policy. We are going to have to adopt an energy policy. We are going to have to change the policies that you do not have to have an increase in supply to meet increasing demand.

We are going to have to educate, I think, our younger generation, work with our younger generation, and prove to them that the technologies that we have for oil exploration have improved and that if they want to continue to use power at the rate they are using power we all have to join in in finding this additional supply to meet that demand.

I think in the long run, what I hope in the long run, is that 5 years from now those of us on this House Floor can look back and say that energy problem we had back in 2001, it had some good benefits to it. The American people are now smarter about their utilization of energy. They are conserving. We have more innovation on the market. We have ways, we have alternative energy that really works similar to this one right here with the light. That is what I hope 5 years from now we look back, I hope 5 years from now we can look back, and we have SUVs, for example, that get 45 or 50 miles to the gallon instead of 12 or 15 miles to the gallon.

I think we can do it, but in order for us to do it, we have to stand up on the line. We have to come out of the foxhole. Somebody has got to be the first one out of the foxhole. To that end, I give credit to the President of the United States. He has taken a lot of heat in these last 3 or 4 weeks or maybe the last 2 or 3 months. Well, he has not been in office 3 months but a couple of months, and he has taken a lot of heat because he stood up and said we need an energy policy and, God forbid, we are going to need to explore for oil; and gosh darn, sorry about this but we are going to have to have an ability to move natural gas from one end of the country to the other end of the country.

Those are tough stands to take in a society that has become pretty used to the fact that they get the energy they need without having a generation facility inside of their home or inside of their community or even within the boundaries of their State. Times are changing.

Is it not Bob Dillon that said, times are changing? That is what is happening. Times are changing in our defense strategy and times are changing in our energy strategy. We have to pay attention to defense and we have to pay attention to energy. We have to pay attention to health care. We have to pay attention to education. Times are changing, and energy is not exempt from the change of time. Energy is not exempt from continuing demand with diminishing supply. You cannot have or continue to have diminishing supply with continuing upgrade in demand without a mid-air collision.

That is exactly what happened in California, kind of. That is exactly what is going to happen in California this summer. We are going to have a mid-air collision. Maybe we can avoid it. We probably cannot.

Let me wrap up my comments here in regards to energy by saying to all of us, especially to my colleagues from California, I have been particularly harsh this evening about what has gone on in the State of California but I am not about to abandon the State of California. You are important to us. We are important to you. But it does mean you are going to have to change your habits. It does mean that you are going to have to start to conserve. It does mean that you are going to have to stand up and tell your consumers out there that they are not going to be able to enjoy artificially low prices. They are going to have to pay.

When you have disruptions in the market you do not get the product you want, and disruptions are in the market when you artificially subsidize prices. That is what has happened out there. So we want to help our colleagues from California but for the rest of us, in our States that do not face this imminent energy crisis, we better watch out because one of these days that nasty wolf will be knocking on our door. So let us learn from the lessons of California. Let us figure out conservation methods that really work. Let us figure out where in a reasonable and responsible environmental fashion we can explore for additional resources for energy. We have to do it.

Let us be frank when we talk to our constituents and let them know, hey, we have to build power plants. We are going to have to have resources to do that. You are no longer going to be able to enjoy the luxury perhaps of having every room at 70 degrees. Times, they are changing. It is going to happen to us just like it has happened in California.

Let me just summarize my earlier comments in regards to the missile defense. We have left energy now. Let me just summarize my comments. It is an inherent responsibility of every Member of Congress to provide a national defense not only for the people currently here today, our generation and maybe the one behind us, but for the future generations. It is an undeniable fact that countries will continue to accumulate nuclear weapons and the capability to deliver them by missile. That is undeniable. The only way that you will be able to defend yourself against those type of horrible weapons is to have a missile shield of some type. Do not kid yourself. You are not going to be able to talk these countries out of disarming themselves. You are not going to be able, as the previous administration did or thought they could, bribe North Korea by sending them lots of oil, which by the way goes right to their military; or give them millions of dollars in foreign aid and expect these countries, on my word we are going to disassemble our nuclear weapons.

The fact is our country is going to have to disassemble nuclear weapons and any of you, by the way, who are opposed to nuclear weapons, you ought to be in support of this defensive shield. Why? There is no quicker way to make a nuclear weapon ineffective than have a shield against it. It works. We know it. You cannot disassemble a nuclear missile fast enough as you can with a missile shield once we put it in place. It makes them ineffective. That is what will break the nuclear arms race. Mark my word, that is what will break that race is the first country that is a major power that comes out with a shield that itself and their allies can use to defend themselves, that will break the nuclear arms race as we know it today in the world.

I intend to come back, I want to visit I hope later this week, certainly next week, and talk a little more about the issue of the death tax and what it has done to a lot of families in America. It looks like we are close to a tax agreement. This afternoon they have been down at the White House, Mr. Speaker, working with the administration. I hope we come together on that. I hope as we begin to put our budget together for this next year that we refrain from comments as were made in the previous speech prior to my coming up here, refrain from the comments that the administration, for example, has turned their back on the elderly or that they do not care about education or they do not care about this or they do not care about that.

They care about it. As I mentioned earlier, I think everybody on this floor, no matter how liberal their politics are, how conservative their politics are, I think everybody on this floor, everybody on this floor cares about education; they care about the elderly; they care about health care; they care about defense. I have a list a half a mile long that we care about. Let us work together as a team. I think we can do it.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:

Mr. BONIOR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. ACEVEDO-VILÁ for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and May 2 and May 3.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. HERGER, for 5 minutes, on May 2.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. PLATTS, for 5 minutes, on May 2.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe); to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 256.—To extend for 11 additional months the period for which chapter 12 of

title 11 of the United States Code is reenacted. Referred to the Judiciary Jan. 30, 2001. Reported Feb. 26, 2001; Rept. 107–2. Union Calendar. Rules suspended. Passed House Feb. 28, 2001; Roll No. 17: 408–2. Received in Senate Mar. 1, 2001. Passed Senate Apr. 26, 2001.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, May 2, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1652. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's FY 2000 Annual Program Performance Report; to the Committee on Government Reform.

1653. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's revised Annual Performance Plan for FY 2002; to the Committee on Government Reform.

1654. A letter from the Chairman, Broadcasting Board Of Governors, transmitting the Annual Program Performance Report on the FY 2000 Performance Plan; to the Committee on Government Reform.

1655. A letter from the Staff Director, Commission On Civil Rights, transmitting the Commission's FY 2000 Government Performance and Results Act Report; to the Committee on Government Reform.

1656. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting the Commission's FY 2000 Performance Report; to the Committee on Government Reform.

1657. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Performance Report for FY 2000; to the Committee on Government Reform.

1658. A letter from the Secretary, Department of Transportation, transmitting the 6-month report in compliance with the Inspector General Act of 1988, pursuant to 5 app; to the Committee on Government Reform.

1659. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2002 Performance Plan and FY 2000 Performance Report; to the Committee on Government Reform.

1660. A letter from the Inspector General, Department of Veterans' Affairs, transmitting the Office of Inspector General's Strategic Plan for 2001–2006; to the Committee on Government Reform.

1661. A letter from the United States Trade Representative, Executive Office of the President, transmitting the FY 2002 Performance Plan and FY 2000 Annual Performance Report; to the Committee on Government Reform.

1662. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2000 Annual Program Performance Report; to the Committee on Government Reform.

1663. A letter from the Chairman, Federal Labor Relations Authority, transmitting the FY 2000 Annual Program Performance Report; to the Committee on Government Reform.

1664. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's FY 2002 Final Annual Performance Plan; to the Committee on Government Reform.

1665. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's FY 2000 Performance Report; to the Committee on Government Reform.

1666. A letter from the Comptroller General, General Accounting Office, transmitting the Office's Performance and Accountability report for FY 2000 and Performance Plan for FY 2002; to the Committee on Government Reform.

1667. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's FY 2000 Annual Performance Report; to the Committee on Government Reform.

1668. A letter from the Director, Holocaust Memorial Museum, transmitting the FY 2000 Annual Performance Report; to the Committee on Government Reform.

1669. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2001–FY 2006 Strategic Plan and FY 2002 Performance Plan; to the Committee on Government Reform.

1670. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's FY 2000 Performance Report; to the Committee on Government Reform.

1671. A letter from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting the Board's FY 2000 Annual Program Performance Report and the FY 2002 Annual Performance Plan; to the Committee on Government Reform.

1672. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's FY 2002 Budget Estimates and Performance Plan; to the Committee on Government Reform.

1673. A letter from the Attorney General, Office of the Attorney General, transmitting the FY 2000 Performance Report and FY 2002 Performance Plan; to the Committee on Government Reform.

1674. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel's FY 2000 Annual Performance Report; to the Committee on Government Reform.

1675. A letter from the Chairman, Tennessee Valley Authority, transmitting the FY 2000 Annual Program Performance Report; to the Committee on Government Reform.

1676. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the Agency's FY 2000 Performance Overview Report; to the Committee on Government Reform.

1677. A communication from the President of the United States, transmitting a letter in support of legislation to extend the window created under section 245 (i) of the Immigration and Nationality Act during which qualified immigrants may obtain legal residence in the United States without being forced to first leave the country and their families for several years; (H. Doc. No. 107–62); to the Committee on the Judiciary and ordered to be printed.

1678. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Third Annual Report to Congress pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

1679. A letter from the Secretary, Department of Health and Human Services, transmitting the seventh annual report entitled, ''Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access''; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 10. A bill to provide for pension reform, and for other purposes; with an amendment (Rept. 107–51 Pt. 1).

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 10. A bill to provide for pension reform, and for other purposes; with an amendment (Rept. 107–51 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 127. Resolution providing for consideration of the bill (H.R. 10) to provide for pension reform, and for other purposes (Rept. 107–53). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 1088. A bill to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes, with an amendment; referred to the Committee on Government Reform for a period ending not later than May 2, 2001, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X. (Rept. 107–52, Pt. I).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTON of Texas:

H.R. 1647. A bill to provide for electricity emergencies; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself and Mr. TOWNS):

H.R. 1648. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to assure access to covered emergency hospital services and emergency ambulance services under a prudent layperson test under group health plans and health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. KUCINICH):

H.R. 1649. A bill to provide grants to States to establish, expand, or enhance prekindergarten programs for children who are not yet enrolled in kindergarten; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. GILMAN, Mr. SANDERS, Mr. KILDEE, Mrs. MORELLA, Mr. SCOTT, and Mrs. DAVIS of California):

H.R. 1650. A bill to establish the Child Care Provider Retention and Development Grant Program and the Child Care Provider Scholarship Program; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1651. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income health care subsidy payments made to employers by local governments on behalf of volunteer firefighters; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 1652. A bill to amend the Internal Revenue Code of 1986 to reduce the amount of the earned income credit; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 1653. A bill to direct the Secretary of Education to conduct a study to determine the best means of developing a national standard by which to measure the rate at which students drop out of secondary schools in the United States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin:

H.R. 1654. A bill to provide for the conveyance of certain National Forest System lands to the towns of Laona and Wabeno, Wisconsin; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin (for himself, Mr. LANTOS, Mr. SOUDER, Mr. WATKINS, and Mr. GORDON):

H.R. 1655. A bill to amend title 18, United States Code, to punish the placing of sexual explicit photographs on the Internet without the permission of the persons photographed; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. MCCRERY, Mr. TOWNS, Mr. FOLEY, Mr. MCDERMOTT, Mr. ACEVEDO-VILA, Mr. RANGEL, and Mr. SERRANO):

H.R. 1656. A bill to amend title XVIII of the Social Security Act to increase payments under the Medicare Program to Puerto Rico hospitals; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. MATSUI, Mr. FOLEY, Mr. RAMSTAD, Mrs. THURMAN, Mr. JONES of North Carolina, and Mr. PETERSON of Minnesota):

H.R. 1657. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 1658. A bill to eliminate the Federal quota and price support programs for Burley tobacco, to compensate quota holders for the lost quota value, to provide transition payments to producers of Burley tobacco, and to provide assistance to communities adversely affected by the elimination of the quota and price support programs; to the Committee on Agriculture.

By Mr. HOUGHTON (for himself and Mr. HALL of Ohio):

H.R. 1659. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. FROST, Mr. MCGOVERN, Mrs. MEEK of Florida, Mr. SANDLIN, Mr. HASTINGS of Florida, Mr. BOUCHER, Mr. RODRIGUEZ, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Ms. CARSON of Indiana, Ms. LEE, Mr. RANGEL, Mr. BACA, Mr. ETHERIDGE, Mr. OWENS, Mr. CUMMINGS, Ms. WOOLSEY, and Ms. KILPATRICK):

H.R. 1660. A bill to develop a demonstration program through the National Science Foundation to encourage interest in the fields of mathematics, science, and information technology; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. WALDEN of Oregon):

H.R. 1661. A bill to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-STEVENS Fishery Conservation and Management Act; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. PALLONE, Mr. RAHALL, Mr. KILDEE, Mr. HAYWORTH, Mr. WAXMAN, Mr. OBERSTAR, Mr. FILNER, Mr. BONIOR, Mrs. MINK of Hawaii, Mr. CARSON of Oklahoma, Mr. LARSEN of Washington, Mr. MCDERMOTT, Ms. LEE, Ms. MILLENDER-MCDONALD, Mr. BACA, Mr. ABERCROMBIE, Mrs. BONO, Mr. KIND, Mr. FRANK, Mr. STUPAK, Mr. FROST, Mr. KENNEDY of Rhode Island, Mr. UDALL of New Mexico, Mr. INSLEE, Mr. NETHERCUTT, Mr. BALDACCI, Mr. FALEOMAVAEGA, Mr. BLUMENAUER, Ms. LOFGREN, Mr. LANTOS, Mr. JEFFERSON, Mr. CANNON, Mr. CONDIT, Mr. TOWNS, Mr. BLAGOJEVICH, Mr. TAYLOR of North Carolina, Mr. WATKINS, Mr. ALLEN, Mrs. NAPOLITANO, Mr. HINCHEY, Ms. MCCOLLUM, Mr. UDALL of Colorado, Mr. LUCAS of Oklahoma, Mr. CAMP, Ms. KILPATRICK, and Mr. HONDA):

H.R. 1662. A bill to improve the implementation of the Federal responsibility for the care and education of Indian people by improving the services and facilities of Federal Indian health programs and encouraging maximum participation of Indians in such programs, and for other purposes; to the Committee on Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOAKLEY:

H.R. 1663. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to extend the basic period for health care continuation from 18 months to 5 years; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE:

H.R. 1664. A bill to authorize the Secretary of the Interior or the Secretary of the Army to waive any restriction on operation of any of certain Bureau of Reclamation facilities or Corps of Engineers facilities, respectively, as necessary to address an emergency electric power shortage declared by the Governor of a State to which power from that facility can be transmitted; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1665. A bill to prohibit the destruction during fiscal year 2002 of intercontinental ballistic missile silos in the United States; to the Committee on Armed Services.

By Mr. QUINN:

H.R. 1666. A bill to establish a uniform closing time for the operation of polls on the date of the election of the President and Vice President; to the Committee on House Administration.

By Ms. RIVERS:

H.R. 1667. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROEMER (for himself, Mr. DELAHUNT, Mr. HOUGHTON, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK, Mr. MEEHAN, Mr. TIERNEY, Mr. MARKEY, Mr. CAPUANO, Mr. MOAKLEY, Mr. GREENWOOD, Mrs. JOHNSON of Connecticut, Mr. SOUDER, Mr. KIND, and Mrs. CHRISTENSEN):

H.R. 1668. A bill to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mr. LEWIS of California, Mr. BACA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mr. CONDIT, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DOOLITTLE, Mr. DREIER, Mr. FILNER, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HORN, Mr. HUNTER, Mr. INSLEE, Mr. ISSA, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. OSE, Mr. RADANOVICH, Ms. SANCHEZ, Mr. SHERMAN, Mrs. TAUSCHER, Mr. WAXMAN, Ms. WOOLSEY, Mr. MATSUI, Ms. PELOSI, Mr. BLUMENAUER, Mr. SCHIFF, Mrs. CAPPS, Mr. LANTOS, Ms. WATERS, Ms. LEE, Ms. ESHOO, Mr. THOMAS, Mr. FARR of California, and Mr. MCKEON):

H.R. 1669. A bill to provide incentives to encourage private sector efforts to reduce earthquake losses, to establish a national disaster mitigation program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER (for himself, Mr. CRANE, and Mr. MCCRERY):

H.R. 1670. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Ms. KAPTUR, Mr. HINCHEY, Mr. BROWN of Ohio, Mr. KILDEE, Mr. LIPINSKI, Ms. PELOSI, Mr. LANTOS, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. SERRANO, Ms. MCKINNEY, Mr. ROEMER, Mr. WEINER, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. MCDERMOTT, Mr. RANGEL, Mr. GUTIERREZ, and Mr. FALEOMAVAEGA):

H.R. 1671. A bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies; to the Committee on Agriculture, and in addition to the

Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CARSON of Indiana:

H.J. Res. 46. A joint resolution proposing an amendment to the Constitution of the United States relating to incarceration for minor traffic offenses; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. WELDON of Pennsylvania, Mr. GEKAS, Ms. PELOSI, Mr. EHLERS, Mr. UPTON, Ms. KILPATRICK, Ms. RIVERS, Mrs. JO ANN DAVIS of Virginia, Mr. HOEFFEL, Mr. FLAKE, Mr. LEVIN, Mr. BALLENGER, Mr. SCHAFFER, Mr. SMITH of Michigan, Mr. BLUMENAUER, Mr. KNOLLENBERG, Mr. WATTS of Oklahoma, Mr. PITTS, Mr. CAMP, Mr. OSE, Mr. SOUDER, Mr. MICA, Mr. DAVIS of Florida, Mr. BEREUTER, Mr. TANCREDO, and Mr. CANTOR):

H. Con. Res. 117. Concurrent resolution expressing sympathy to the family, friends, and co-workers of Veronica ''Roni'' Bowers and Charity Bowers; to the Committee on International Relations. considered and agreed to.

By Ms. BERKLEY (for herself, Ms. ROS-LEHTINEN, Mr. FROST, Ms. DELAURO, Mrs. LOWEY, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. CANTOR, Mr. PALLONE, Mr. DELAHUNT, Mr. TOWNS, Mrs. JONES of Ohio, Mrs. NAPOLITANO, Mr. WEINER, Mr. MOORE, Mr. WEXLER, Ms. BALDWIN, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. CARDIN, Mr. HOLDEN, Mr. MCNULTY, Mr. BERMAN, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. ENGEL, Mr. KIRK, Mr. GUTIERREZ, Mr. LEVIN, Mr. GONZALEZ, Ms. NORTON, Mr. LANGEVIN, Mr. NADLER, Mrs. MINK of Hawaii, Mr. KUCINICH, Ms. MCKINNEY, Mr. HONDA, Mr. HINCHEY, Mr. HOEFFEL, Mr. CROWLEY, Mr. SCHIFF, Mr. HASTINGS of Florida, Mr. DEUTSCH, Mrs. MORELLA, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Ms. WOOLSEY, Mr. HOLT, Mr. FILNER, Ms. SOLIS, Mr. MATHESON, Ms. KILPATRICK, Mr. MATSUI, Mrs. CAPPS, Mr. GIBBONS, Mr. FOLEY, Mr. FRANK, and Mr. MCGOVERN):

H. Con. Res. 118. Concurrent resolution urging the return of portraits painted by Dina Babbitt during her internment at Auschwitz that are now in the possession of the Auschwitz-Birkenau State Museum; to the Committee on International Relations.

By Mr. CRANE:

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin (for himself, Ms. SANCHEZ, Mr. SCHAFFER, and Mr. HEFLEY):

H. Con. Res. 120. Concurrent resolution Sxpressing the sense of the Congress that Social Security reform measures should not force State and local government employees into Social Security coverage; to the Committee on Ways and Means.

By Mr. HOEFFEL (for himself, Mr. ENGEL, Mr. PLATTS, Mr. TANCREDO, Ms. KAPTUR, Mr. SHERMAN, and Mr. ABERCROMBIE):

H. Con. Res. 121. Concurrent resolution expressing the sense of Congress that the United States Government should conduct a policy review of its relations with the People's Republic of China; to the Committee on International Relations.

By Ms. DELAURO (for herself, Mr. ACKERMAN, Mr. ALLEN, Mr. BALDACCI, Ms. BALDWIN, Mr. BARRETT, Mr. BENTSEN, Ms. BERKLEY, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BONIOR, Ms. BROWN of Florida, Mr. BROWN of South Carolina, Mrs. CAPPS, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Mr. ENGEL, Ms. ESHOO, Mr. FORD, Mr. FRANK, Mr. FROST, Mr. GREEN of Texas, Mr. HILLIARD, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. HORN, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY of New York, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PAYNE, Ms. PELOSI, Mr. RANGEL, Ms. RIVERS, Mr. RUSH, Ms. SANCHEZ, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHOWS, Ms. SLAUGHTER, Mr. STARK, Mr. STUPAK, Mrs. THURMAN, Mrs. JONES of Ohio, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H. Res. 128. A resolution recognizing the unique effects that proposals to reform Social Security may have on women; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

30. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 103 memorializing the United States Congress to request the President to impose a moratorium on the roadless regulations pending careful review and study; to the Committee on Agriculture.

31. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 107 memorializing the United States Congress to support a moratorium on all imports of live cattle, precooked beef, all beef products, and potentially contaminated feed ingredients for a period of three years or until importers can prove that the meat, live animals and feed ingredients are free of Bovine Spongiform Encephalopathy for the protection of the United States cattle industry; to the Committee on Agriculture.

32. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 108 memorializing the United States Congress to enact legislation that mandates country of origin labeling for meat, and to require that products labeled ''U.S. Produced'' be born, raised and processed completely in the United States; to the Committee on Agriculture.

33. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 109 memorializing the United States Congress to support safeguards to prevent movement of Foot and Mouth Disease on persons, on other animals not directly susceptible to the virus but which could be passive carriers, and on inanimate objects; and we support a moratorium on all imports of cloven-hoofed animals and products thereof, for a period of three years or until importers can prove that cloven-hoofed animals and products thereof are free of Foot and Mouth Disease for the protection of the American livestock owners; to the Committee on Agriculture.

34. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 68 memorializing the United States Congress to enact H.R. 20, that was introduced on January 3, 2001, and that modifies provisions of the Clean Air Act, regarding the oxygen content of reformulated gasoline and improves the regulation of the fuel additive methyl tertiary butyl ether (MTBE); to the Committee on Energy and Commerce.

35. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 102 memorializing the United States Congress to respectfully request that the President refuse to designate the requested Owyhee-Bruneau Canyonlands National Monument without prior consultation with the Governor of Idaho, the State Land Board, the Idaho Legislature, and local government officials in Owyhee County, and without subjecting the request to public review and input; to the Committee on Resources.

36. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 144 memorializing the United States Congress to call on the City of Philadelphia to erect and maintain flashing warning lights in front of every elementary school building; to the Committee on Transportation and Infrastructure.

37. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 106 memorializing the United States Congress to request that President direct the Office of the U.S. Trade Representative and the Secretary of Commerce to make the problem of subsidized Canadian lumber imports a top priority; to the Committee on Ways and Means.

38. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 105 memorializing the United States Congress to enact legislation enacting pilot projects such as those recommended in the report submitted to the Idaho Board of Land Commissioners entitled, ''Breaking the GridLock: Federal Lands Pilot Projects in Idaho.''; jointly to the Committees on Agriculture and Resources.

39. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 104 memorializing the United States Congress in the interest of protecting the integrity and posterity of our forest and wild lands, wildlife habitat, watershed, air quality, human health and safety, and private property, the U.S. Forest Service and other federal land management agencies must immediately implement a cohesive strategy to reduce the overabundance of forest fuels that place these resources at high risk of catastrophic wildfire; jointly to the Committees on Agriculture and Resources.

40. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 149 memorializing the United States Congress to urge the President of the United States, the Department of the Interior and the Environmental Protection Agency and the Governor to immediately implement the safe and effective cleanup of this fuel-oil spill in order to protect the health and welfare of the affected citizens of Hazleton, Pennsylvania; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. TOM DAVIS of Virginia, Mr. VITTER, Mr. REYES, Mr. BROWN of South Carolina, Mr. MORAN of Virginia, and Mr. BROWN of Ohio.

H.R. 12: Mr. TRAFICANT, Mr. HONDA, Mr. SMITH of Washington, Mr. RADANOVICH, and Mrs. MORELLA.

H.R. 13: Mr. FILNER.

H.R. 17: Mr. CRAMER, Mr. JOHNSON of Illinois, and Mr. BISHOP.

H.R. 28: Ms. PELOSI and Mr. LUTHER.

H.R. 31: Mr. BROWN of South Carolina, Mrs. CUBIN, and Mr. HASTINGS of Washington.

H.R. 41: Mr. TANCREDO, Mr. FARR of California, Mr. WAMP, Mr. CHAMBLISS, and Mr. BERMAN.

H.R. 61: Mr. KENNEDY of Rhode Island.

H.R. 81: Mr. HEFLEY.

H.R. 87: Mr. MCGOVERN and Ms. LEE.

H.R. 122: Mrs. BONO, Mr. MILLER of Florida, Mr. BRYANT, Mr. SAXTON, Mr. RAMSTAD, Mr. LEWIS of Kentucky, Mrs. EMERSON, Mr. GREEN of Wisconsin, Mr. HUTCHINSON, Mr. LINDER, Mr. DEMINT, Mrs. WILSON, Mr. SPENCE, and Mr. GALLEGLY.

H.R. 133: Mr. BERMAN.

H.R. 162: Mrs. DAVIS of California, Mr. MICA, Mr. GONZALEZ, Mr. HONDA, Ms. MILLINDER-MCDONALD, Mrs. THURMAN, and Mr. COYNE.

H.R. 168: Mr. ROHRABACHER.

H.R. 184: Ms. SANCHEZ.

H.R. 218: Mr. SESSIONS, Mr. CHAMBLISS, Mr. STUMP, Mr. CANTOR, Mr. RAMSTAD, and Mrs. THURMAN.

H.R. 239: Mr. BEREUTER and Mr. LANGEVIN.

H.R. 268: Mr. BERMAN.

H.R. 280: Mr. WAMP and Mr. HILLEARY.

H.R. 281: Mr. JONES of North Carolina and Mr. MCGOVERN.

H.R. 303: Ms. WATER, Mr. QUINN, Mr. BENTSEN, Mr. HOBSON, Mr. ADERHOLT, Mr. TIBERI, and Mr. WELDON of Pennsylvania.

H.R. 326: Mr. TIERNEY.

H.R. 331: Mr. CAMP, Mr. STENHOLM, and Mr. RYUN of Kansas.

H.R. 337: Mr. GREEN of Wisconsin.

H.R. 340: Mr. BOUCHER.

H.R. 345: Mr. WU.

H.R. 356: Mr. SCHROCK, Mr. HOSTETTLER, and Mr. FALEOMAVAEGA.

H.R. 419: Mrs. MEEK of Florida.

H.R. 429: Mr. FARR of California.

H.R. 436: Mr. CUNNINGHAM, Mr. GANSKE, Mr. GREEN of Wisconsin, Mr. LATOURETTE, Mr. BONIOR, Mr. MORAN of Kansas, Mr. JONES of North Carolina, Mr. COSTELLO, and Mr. MCINNIS.

H.R. 439: Mr. CRAMER.

H.R. 440: Mr. ALLEN, Ms. SANCHEZ, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. CONYERS, and Mr. NEAL of Massachusetts.

H.R. 441: Mr. CUNNINGHAM and Mrs. DAVIS of California.

H.R. 456: Mr. GOODE and Mr. PENCE.

H.R. 458: Mr. RYUN of Kansas.

H.R. 476: Mr. WAMP.

H.R. 500: Mr. GILMAN.

H.R. 506: Mr. JACKSON of Illinois.

H.R. 526: Mr. FARR of California, Mr. ACKERMAN, Mrs. MALONEY of New York, Ms. RIVERS, Mr. EDWARDS, Mr. COSTELLO, Ms. BROWN of Florida, Ms. BALDWIN, and Mr. LANGEVIN.

H.R. 527: Mr. CLEMENT and Mr. ADERHOLT.

H.R. 544: Mr. BERMAN.

H.R. 572: Ms. SANCHEZ and Mr. PASCRELL.

H.R. 582: Mr. HOLT.

H.R. 586: Mr. LANGEVIN, Mr. WAMP, Mr. WYNN, and Mrs. NORTHUP.

H.R. 591: Mr. ABERCROMBIE.

H.R. 599: Mr. HONDA.

H.R. 600: Mr. REHBERG, Mr. BLAGOJEVICH, Mr. COYNE, Mr. BURR of North Carolina, and Mrs. MORELLA.

H.R. 602: Mr. ISRAEL.

H.R. 606: Mr. WYNN and Ms. KILPATRICK.

H.R. 612: Mr. ROSS, Mr. REHBERG, Mr. CLEMENT, and Mr. ROGERS of Michigan.

H.R. 632: Mr. SIMMONS, Mr. OLVER, Mr. REYES, and Mr. MOORE.

H.R. 653: Mr. BLAGOJEVICH.

H.R. 665: Mr. ACKERMAN.

H.R. 671: Mr. LANTOS, Mr. EVANS, Mr. NADLER, Ms. SOLIS, and Ms. SCHAKOWSKY.

H.R. 686: Mrs. THURMAN, Ms. SANCHEZ, and Mr. JACKSON of Illinois.

H.R. 693: Mr. PAYNE, Mr. ABERCROMBIE, and Mr. DAVIS of Illinois.

H.R. 701: Mr. EHRLICH.

H.R. 704: Mr. PAUL.

H.R. 718: Mr. RAMSTAD and Mr. GIBBONS.

H.R. 730: Mr. NEAL of Massachusetts and Mr. HINCHEY.

H.R. 737: Mr. PASCRELL and Mr. NORWOOD.

H.R. 742: Ms. WOOLSEY and Mr. STARK.

H.R. 755: Mrs. BIGGERT, Mr. LANTOS, Ms. BERKLEY, Mr. WYNN, and Mr. ISRAEL.

H.R. 786: Mr. FILNER.

H.R. 804: Mr. JEFFERSON.

H.R. 817: Mr. BONIOR.

H.R. 824: Mr. LUCAS of Kentucky and Mr. FOLEY.

H.R. 826: Mr. LUCAS of Kentucky.

H.R. 827: Mr. CRAMER.

H.R. 829: Mr. JACKSON of Illinois.

H.R. 832: Mr. HEFLEY and Mr. MCHUGH.

H.R. 853: Ms. SANCHEZ.

H.R. 854: Mr. FILNER, Mr. SCHROCK, Mr. HALL of Texas, Mr. RUSH, Mr. BACA, Mr. PRICE of North Carolina, Ms. ESHOO, Mr. WAXMAN, Mr. DOOLEY of California, Mr. FRANK, Mr. GREEN of Texas, Mrs. BONO, Mr. MCINTYRE, Mr. MOORE, Mrs. TAUSCHER, Mr. FARR of California, Ms. PELOSI, and Mr. CRAMER.

H.R. 868: Mr. SPENCE, Mr. CALLAHAN, Mr. GANSKE, Ms. WOOLSEY, Mr. TIERNEY, Mr. DEFAZIO, Mr. HEFLEY, Ms. MCKINNEY, Mr. BOEHNER, Mr. JOHNSON of Illinois, Mr. ADERHOLT, Ms. HOOLEY of Oregon, Mr. SKELTON, Mr. CANTOR, Mr. MCINNIS, Mr. HUTCHINSON, Ms. MCCARTHY of Missouri, Mr. BRYANT, Mr. MORAN of Kansas, and Mrs. NORTHUP.

H.R. 875: Mr. LANGEVIN, Ms. WOOLSEY, Mr. BAIRD, and Mr. BERMAN.

H.R. 876: Mr. MOORE, Ms. DUNN, Mr. FROST, Mr. BECERRA, Mr. ABERCROMBIE, Mrs. CAPPS, Mr. EHLERS, Mrs. BONO, Mr. GREEN of Texas, Mr. OLVER, Mr. SCOTT, Mr. PAUL, Mr. STRICKLAND, Mrs. JONES of Ohio, Mr. LARGENT, Ms. RIVERS, Mr. RODRIGUEZ, Mr. CUMMINGS, and Ms. BALDWIN.

H.R. 877: Mr. PLATTS, Mr. BLUNT, and Mr. PUTNAM.

H.R. 899: Ms. SANCHEZ.

H.R. 914: Mr. PAUL.

H.R. 921: Mr. HAYWORTH, Mr. RAMSTAD, Mr. FROST, Mr. LANTOS, Mr. TANCREDO, and Mr. BENTSEN.

H.R. 945: Mr. FRANK.

H.R. 952: Mr. EVANS, Mr. LEVIN, and Ms. SANCHEZ..

H.R. 954: Mr. LARSEN of Washington, Mr. HASTINGS of Washington, Mr. MCGOVERN, Mr. FILNER, Ms. HOOLEY of Oregon, Mr. DEFAZIO, and Mr. KENNEDY of Rhode Island.

H.R. 972: Mr. BACA, Mr. RUSH, Mr. BALDACCI, Mr. LANGEVIN, Mr. CLAY, Mr. FROST, and Mr. KILDEE.

H.R. 978: Mr. SHERMAN.

H.R. 995: Mr. CANNON.

H.R. 996: Mr. CANNON.

H.R. 1001: Mr. FRANK, Mr. BOUCHER, and Mr. TOWNS.

H.R. 1011: Mr. LARSON of Connecticut, Mr. KILDEE, Mr. GALLEGLY, Mrs. MORELLA, and Mr. TANNER.

H.R. 1013: Mr. SOUDER, Mr. CHAMBLISS, Mr. NORWOOD, Mr. KINGSTON, Mr. COLLINS, Mr. LINDER, and Ms. SANCHEZ.

H.R. 1017: Mr. KELLER.

H.R. 1030: Mr. PRICE of North Carolina, Mr. LEWIS of Kentucky, Mr. SWEENEY, Mr. WAMP, and Mr. SMITH of Michigan.

H.R. 1043: Mr. RUSH.

H.R. 1073: Mr. LAMPSON, Ms. SANCHEZ, Mr. SPENCE, Ms. MCCOLLUM, Mr. WATT of North Carolina, Mr. GREEN of Texas, Mr. MOLLOHAN, Mr. BROWN of Ohio, Mr. EDWARDS, and Mrs. DAVIS of California.

H.R. 1076: Mr. WYNN.

H.R. 1079: Mr. FLETCHER.

H.R. 1086: Mr. MCGOVERN.

H.R. 1089: Ms. RIVERS.

H.R. 1090: Mrs. THURMAN, Mr. ABERCROMBIE, Mr. CRAMER, Mr. SIMPSON, Mr. SCHIFF, Mr. FROST, Mr. SHIMKUS, and Mr. WAMP.

H.R. 1092: Mr. EHRLICH, Mr. HOLDEN, Mrs. MINK of Hawaii, Mr. GORDON, and Mr. SANDERS.

H.R. 1097: Mr. PLATTS, Mr. INSLEE, Ms. RIVERS, Mr. PASCRELL, and Mr. SAWYER.

H.R. 1100: Mr. DELAY.

H.R. 1109: Mr. MCKEON, MR. HASTINGS of Washington, Mr. HAYWORTH, Mr. BEREUTER, and Mr. DELAY.

H.R. 1119: Mr. BONIOR.

H.R. 1136: Mr. HINOJOSA, Mr. RUSH, Mr. WELLER, and Ms. WATERS.

H.R. 1143: Mr. PAYNE, Ms. DELAURO, and Mr. LAFALCE.

H.R. 1170: Mr. KILDEE.

H.R. 1172: Mr. SCHIFF, Mr. WAXMAN, Mr. SNYDER, Mr. PUTNAM, Mr. VITTER, Mr. HOEFFEL, Mr. PICKERING, Mr. ETHERIDGE, Mr. ROGERS of Kentucky, Mr. PITTS, Mr. COLLINS, and Mr. HOLT.

H.R. 1177: Mr. QUINN and Mr. ANDREWS.

H.R. 1179: Mr. REHBERG.

H.R. 1182: Mr. FOLEY.

H.R. 1191: Mr. JEFFERSON and Mr. FALEOMAVAEGA.

H.R. 1192: Mr. DELAHUNT, Mr. PASTOR, Ms. PELOSI, Mr. MORAN of Virginia, Ms. BERKLEY,, Mr. MOAKLEY, and Mr. WATKINS.

H.R. 1198: Mr. QUINN, Mr. STUPAK, Mr. STEARNS, Mr. HASTINGS of Washington, Mr. JONES of North Carolina, Ms. SANCHEZ, Mr. VITTER, Ms. CARSON of Indiana, and Mrs. ROUKEMA.

H.R. 1201: Mr. BOUCHER and Mr. SIMMONS.

H.R. 1220: Mr. SANDLIN, Mr. HEFLEY, and Mr. TANCREDO.

H.R. 1230: Mr. TOWNS and Mr. ALLEN.

H.R. 1232: Mr. OBERSTAR, Mr. SHOWS, and Ms. WOOLSEY.

H.R. 1242: Ms. SOLIS, Mr. OWENS, and Mr. BECERRA.

H.R. 1252: Mr. EVANS, Mr. MCGOVERN, Mr. BARCIA, and Mr. CLEMENT.

H.R. 1266: Mr. HORN, Mr. LAMPSON, Mr. TIAHRT, and Ms. WATERS.

H.R. 1268: Mr. HERGER.

H.R. 1271: Mr. ARMEY and Mrs. JO ANN DAVIS of Virginia.

H.R. 1275: Mr. BERMAN.

H.R. 1276: Mr. MCGOVERN and Mr. BROWN of Ohio.

H.R. 1280: Mr. RAHALL, Ms. BROWN of Florida, and Mrs. JONES of Ohio.

H.R. 1289: Mr. LANGEVIN, Mr. GUTIERREZ, Mr. PETERSON of Minnesota, Mr. GEORGE MILLER of California, Mr. HONDA, Ms. MILLENDER-MCDONALD, Ms. MCCARTHY of Missouri, Ms. NORTON, Ms. RIVERS, and Mr. HOLDEN.

H.R. 1291: Mr. CLEMENT.

H.R. 1305: Mr. ANDREWS, Mr. BISHOP, Mr. CALVERT, Mr. CAPUANO, Mr. COSTELLO, Mr. DEAL of Georgia, Mrs. JO ANN DAVIS of Virginia, Ms. HART, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOSTETTLER, Ms. ROS-LEHTINEN, Mr. LAHOOD, Mr. LEWIS of Kentucky, Mr. MCHUGH, Mr. MOORE, Mr. OXLEY, Mr. PETRI, Ms. RIVERS, Mr. ROSS, Mr. ROYCE, Mr. SHADEGG, Mr. TOWNS, and Mr. TURNER.

H.R. 1306: Mr. CLEMENT.

H.R. 1307: Mr. DOYLE, Mr. ALLEN, Mr. STUPAK, Mr. COYNE, and Mr. MCHUGH.

H.R. 1318: Mr. ACKERMAN.
H.R. 1340: Mr. MCNULTY and Ms. ESHOO.
H.R. 1351: Mr. DIAZ-BALART, Mr. COOKSEY, and Mr. GILLMOR.
H.R. 1353: Mr. GUTKNECHT, Mr. POMEROY, and Mrs. JONES of Ohio.
H.R. 1354: Mr. FALEOMAVAEGA, Ms. WOOLSEY, Mr. MCGOVERN, Mr. PAYNE, Ms. BALDWIN, and Mr. FRANK.
H.R. 1357: Mr. MCINNIS.
H.R. 1363: Mr. PASTOR, Mr. HOLDEN, and Mr. PETERSON of Minnesota.
H.R. 1366: Mr. SCHIFF, Mr. ISSA, and Ms. MILLENDER-MCDONALD.
H.R. 1367: Mr. CROWLEY.
H.R. 1369: Ms. SANCHEZ.
H.R. 1377: Mr. FILNER, Mr. SCHAFFER, Mr. SIMMONS, Mrs. BONO, Mr. COMBEST, and Mr. GIBBONS.
H.R. 1383: Ms. MILLENDER-MCDONALD, Mr. WAXMAN, Ms. CARSON of Indiana, Mrs. MINK of Hawaii, Mr. HILLIARD, Mr. SANDERS, Mr. OBERSTAR, Mr. BLAGOJEVICH, Mr. TOWNS, Mr. BONIOR, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Ms. ESHOO, Mr. BALDACCI, Mr. SKEEN, Mr. EHRLICH, Mr. POMEROY, Ms. BALDWIN, Mr. MARKEY, Mr. FRANK, Mr. CONDIT, Mrs. NAPOLITANO, Mr. FROST, Mr. PALLONE, Mrs. JONES of Ohio, Mr. CARSON of Oklahoma, and Mr. CONYERS.
H.R. 1388: Ms. RIVERS, Mr. FOLEY, Mr. HINOJOSA, Mr. MORAN of Kansas, Mrs. EMERSON, Mr. JOHNSON of Illinois, Mr. POMEROY, Mrs. THURMAN, Mr. SIMMONS, Mr. GIBBONS, Mr. KOLBE, and Mr. PICKERING.
H.R. 1398: Mr. GREEN of Texas, Mr. OBEY, Mr. HASTINGS of Florida, Mr. SHERMAN, and Ms. DELAURO.
H.R. 1401: Mr. TOWNS, Mr. SANDLIN, Mr. DAVIS of Illinois, and Mr. HASTINGS of Florida.
H.R. 1405: Mr. RAMSTAD.
H.R. 1407: Mrs. KELLY.
H.R. 1413: Mr. BARCIA.
H.R. 1433: Ms. MCKINNEY, Ms. PELOSI, Mr. FROST, Mr. FRANK, Mr. BAKER, and Mr. CLEMENT.
H.R. 1458: Mr. HINCHEY and Mr. GOODE.
H.R. 1470: Ms. WATERS and Mr. WAXMAN.
H.R. 1471: Mr. COYNE.
H.R. 1489: Mr. SERRANO, Ms. NORTON, and Mr. STARK.
H.R. 1490: Mr. ISAKSON.
H.R. 1494: Mr. ABERCROMBIE.
H.R. 1511: Mr. PAUL, Mr. GOODE, Mr. DEMINT, Mr. PITTS, Mr. AKIN, Mr. DOOLEY of California, Mrs. MYRICK, Ms. SANCHEZ, Mr. MORAN of Virginia, and Mr. HALL of Texas.
H.R. 1512: Ms. WATERS and Ms. VELAZQUEZ.
H.R. 1520: Mr. PALLONE, Mr. WEXLER, Mr. LANGEVIN, and Mr. CLEMENT.
H.R. 1534: Mr. GILLMOR and Mr. ROGERS of Kentucky.
H.R. 1536: Mr. GREEN of Texas, Mr. ACKERMAN, and Mrs. THURMAN.
H.R. 1541: Mr. FRANK, Ms. CARSON of Indiana, Mr. WEXLER, and Mr. MASCARA.
H.R. 1553: Mr. HOEFFEL, Mr. DOOLEY of California, Mr. KOLBE, and Mr. ENGLISH.
H.R. 1556: Mr. CRAMER, Mrs. ROUKEMA, Mr. HILLIARD, Mr. JEFFERSON, and Mr. ROSS.
H.R. 1581: Mr. TAYLOR of North Carolina and Mr. JONES of North Carolina.
H.R. 1585: Ms. JACKSON-LEE of Texas, Mr. RANGEL, Ms. MCKINNEY, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. CUMMINGS, Mr. CLAY, and Ms. KILPATRICK.
H.R. 1594: Mr. STARK, Ms. BALDWIN, Mr. CAPUANO, Mr. WYNN, Mr. HINCHEY, Ms. LEE, Ms. MCKINNEY, Ms. CARSON of Indiana, Mr. BLAGOJEVICH, Ms. HOOLEY of Oregon, Ms. PELOSI, and Mr. LAFALCE.
H.R. 1601: Mr. HERGER, Mrs. THURMAN, Mr. LEWIS of Kentucky, and Mr. CLEMENT.
H.R. 1609: Mr. SHERWOOD, Mr. ADERHOLT, Mr. HILLEARY, Mr. HUTCHINSON, Mr. BOSWELL, Mr. CALLAHAN, Mr. GRAHAM, and Mr. PETERSON of Pennsylvania.
H.R. 1610: Mr. MCINTYRE, Mr. JONES of North Carolina, Mr. GOODE, Mr. BOUCHER, Mr. GORDON, Mr. WHITFIELD, Mr. JENKINS, and Mr. LEWIS of Kentucky.
H.R. 1620: Mr. FROST and Mr. BARCIA.
H.J. Res. 36: Mr. CANTOR.
H. Con. Res. 3: Mr. BONIOR, Mrs. CAPPS, and Ms. DEGETTE.
H. Con. Res. 42: Mr. FILNER, Mr. ETHERIDGE, and Mr. COSTELLO.
H. Con. Res. 58: Mr. BROWN of Ohio.
H. Con. Res. 67: Mr. TANCREDO.
H. Con. Res. 68: Mr. HINCHEY, Mr. VISCLOSKY, and Ms. ROS-LEHTINEN.
H. Con. Res. 91: Mr. LANGEVIN, Mr. BURTON of Indiana, Mr. CLEMENT, and Mrs. MORELLA.
H. Con. Res. 95: Mr. ISSA, Ms. SANCHEZ, Mr. SIMMONS, Mr. RYUN of Kansas, Mrs. NORTHUP, and Mr. VITTER.
H. Con. Res. 97: Mr. LEWIS of California, Mr. FILNER, and Ms. SANCHEZ.
H. Con. Res. 103: Mr. BLUMENAUER, Ms. SANCHEZ, Mr. TOWNS, Ms. SOLIS, and Mr. FARR of California.
H. Con. Res. 106: Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. KAPTUR, Mr. KING, Mr. SHAYS, Mr. UNDERWOOD, Mr. EVANS, Mr. TURNER, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Mr. GRAVES, Mrs. MORELLA, Mr. FROST, and Mr. SANDERS.
H. Con. Res. 109: Mr. GEKAS, Mr. ISAKSON, Mr. GOODE, Mr. PASTOR, Mr. SIMMONS, Mr. JONES of North Carolina, Mr. LANGEVIN, and Mr. GILCHREST.
H. Con. Res. 115: Mr. WAXMAN, Mr. MCGOVERN, Mr. JACKSON of Illinois, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 116: Mr. FROST.
H. Res. 16: Mr. GOODE.
H. Res. 18: Mr. SABO.
H. Res. 72: Mr. WAMP.
H. Res. 97: Ms. SCHAKOWSKY and Mr. WAXMAN.
H. Res. 112: Mr. OTTER, Mr. PUTNAM, and Mr. POMEROY.
H. Res. 120: Mr. SIMMONS, Mr. WYNN, and Ms. CARSON of Indiana.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1467: Mr. OTTER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 10

OFFERED BY MR. THOMAS

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Retirement Security and Pension Reform Act of 2001''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNT PROVISIONS

Sec. 101. Modification of IRA contribution limits.

TITLE II—EXPANDING COVERAGE

Sec. 201. Increase in benefit and contribution limits.
Sec. 202. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 203. Modification of top-heavy rules.
Sec. 204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 206. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 207. Deduction limits.
Sec. 208. Option to treat elective deferrals as after-tax contributions.
Sec. 209. Availability of qualified plans to self-employed individuals who are exempt from the self-employment tax by reason of their religious beliefs.
Sec. 210. Certain nonresident aliens excluded in applying minimum coverage requirements.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

Sec. 301. Catch-up contributions for individuals age 50 or over.
Sec. 302. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 303. Faster vesting of certain employer matching contributions.
Sec. 304. Modifications to minimum distribution rules.
Sec. 305. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 306. Provisions relating to hardship distributions.
Sec. 307. Waiver of tax on nondeductible contributions for domestic or similar workers.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 401. Rollovers allowed among various types of plans.
Sec. 402. Rollovers of IRAs into workplace retirement plans.
Sec. 403. Rollovers of after-tax contributions.
Sec. 404. Hardship exception to 60-day rule.
Sec. 405. Treatment of forms of distribution.
Sec. 406. Rationalization of restrictions on distributions.
Sec. 407. Purchase of service credit in governmental defined benefit plans.
Sec. 408. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 409. Minimum distribution and inclusion requirements for section 457 plans.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Sec. 501. Repeal of percent of current liability funding limit.
Sec. 502. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 503. Excise tax relief for sound pension funding.
Sec. 504. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 505. Treatment of multiemployer plans under section 415.
Sec. 506. Protection of investment of employee contributions to 401(k) plans.
Sec. 507. Periodic pension benefits statements.

Sec. 508. Prohibited allocations of stock in S corporation ESOP.

TITLE VI—REDUCING REGULATORY BURDENS

Sec. 601. Modification of timing of plan valuations.
Sec. 602. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 603. Repeal of transition rule relating to certain highly compensated employees.
Sec. 604. Employees of tax-exempt entities.
Sec. 605. Clarification of treatment of employer-provided retirement advice.
Sec. 606. Reporting simplification.
Sec. 607. Improvement of employee plans compliance resolution system.
Sec. 608. Repeal of the multiple use test.
Sec. 609. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 610. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 611. Notice and consent period regarding distributions.
Sec. 612. Annual report dissemination.
Sec. 613. Technical corrections to SAVER Act.

TITLE VII—OTHER ERISA PROVISIONS

Sec. 701. Missing participants.
Sec. 702. Reduced PBGC premium for new plans of small employers.
Sec. 703. Reduction of additional PBGC premium for new and small plans.
Sec. 704. Authorization for PBGC to pay interest on premium overpayment refunds.
Sec. 705. Substantial owner benefits in terminated plans.
Sec. 706. Civil penalties for breach of fiduciary responsibility.
Sec. 707. Benefit suspension notice.
Sec. 708. Studies.

TITLE VIII—PLAN AMENDMENTS

Sec. 801. Provisions relating to plan amendments.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 101. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking ''$2,000'' and inserting ''the deductible amount''.

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

''(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	The deductible amount is:
2002	$3,000
2003	$4,000
2004 and thereafter	$5,000.

''(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for taxable years beginning in 2002 or 2003 shall be $5,000.

''(C) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2004, the $5,000 amount under subparagraph (A) 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 2003' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking ''in excess of $2,000 on behalf of any individual'' and inserting ''on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)''.

(2) Section 408(b)(2)(B) is amended by striking ''$2,000'' and inserting ''the dollar amount in effect under section 219(b)(1)(A)''.

(3) Section 408(b) is amended by striking ''$2,000'' in the matter following paragraph (4) and inserting ''the dollar amount in effect under section 219(b)(1)(A)''.

(4) Section 408(j) is amended by striking ''$2,000''.

(5) Section 408(p)(8) is amended by striking ''$2,000'' and inserting ''the dollar amount in effect under section 219(b)(1)(A)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE II—EXPANDING COVERAGE

SEC. 201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking ''$90,000'' and inserting ''$160,000''.

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking ''$90,000'' each place it appears in the headings and the text and inserting ''$160,000''.

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking ''the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000' '' and inserting ''one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000' ''.

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking ''the social security retirement age'' each place it appears in the heading and text and inserting ''age 62'' and by striking the second sentence.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking ''the social security retirement age'' each place it appears in the heading and text and inserting ''age 65''.

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking ''$90,000'' in paragraph (1)(A) and inserting ''$160,000''; and

(B) in paragraph (3)(A)—

(i) by striking ''$90,000'' in the heading and inserting ''$160,000''; and

(ii) by striking ''October 1, 1986'' and inserting ''July 1, 2001''.

(5) CONFORMING AMENDMENTS.—

(A) Section 415(b)(2) is amended by striking subparagraph (F).

(B) Section 415(b)(9) is amended to read as follows:

''(9) SPECIAL RULE FOR COMMERCIAL AIRLINE PILOTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any participant who is a commercial airline pilot, if, as of the time of the participant's retirement, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age occurring on or after age 60 and before age 62, paragraph (2)(C) shall be applied by substituting such age for age 62.

''(B) INDIVIDUALS WHO SEPARATE FROM SERVICE BEFORE AGE 60.—If a participant described in subparagraph (A) separates from service before age 60, the rules of paragraph (2)(C) shall apply.''.

(C) Section 415(b)(10)(C)(i) is amended by striking ''applied without regard to paragraph (2)(F)''.

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking ''$30,000'' and inserting ''$40,000''.

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking ''$30,000'' in paragraph (1)(C) and inserting ''$40,000''; and

(B) in paragraph (3)(D)—

(i) by striking ''$30,000'' in the heading and inserting ''$40,000''; and

(ii) by striking ''October 1, 1993'' and inserting ''July 1, 2001''.

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking ''$150,000'' each place it appears and inserting ''$200,000''.

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking ''October 1, 1993'' and inserting ''July 1, 2001''; and

(B) by striking ''$10,000'' both places it appears and inserting ''$5,000''.

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

''(1) IN GENERAL.—

''(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

''(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.''.

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

''(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further

amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking ''402(g)(8)(A)(iii)'' and inserting ''402(g)(7)(A)(iii)''.

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking ''(other than paragraph (4) thereof)''.

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking ''$7,500'' each place it appears and inserting ''the applicable dollar amount''; and

(B) in subsection (b)(3)(A) by striking ''$15,000'' and inserting ''twice the dollar amount in effect under subsection (b)(2)(A)''.

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

''(15) APPLICABLE DOLLAR AMOUNT.—

''(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.

''(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.''.

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking ''$6,000'' and inserting ''the applicable dollar amount''.

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

''(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$7,000
2003	$8,000
2004	$9,000
2005 or thereafter	$10,000.

''(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2005, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2004, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.''.

(3) CONFORMING AMENDMENTS.—

(A) Subclause (I) of section 401(k)(11)(B)(i) is amended by striking ''$6,000'' and inserting ''the amount in effect under section 408(p)(2)(A)(ii)''.

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

''(4) ROUNDING.—

''(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

''(B) $40,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

''(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).''.

(b) AMENDMENT OF ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

''(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 203. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking ''or any of the 4 preceding plan years'' in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

''(i) an officer of the employer having an annual compensation greater than $150,000,'';

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking ''and subparagraph (A)(ii)''.

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: ''Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.''.

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

''(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—For purposes of determining—

''(i) the present value of the cumulative accrued benefit for any employee, or

''(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

''(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.''.

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking ''LAST 5 YEARS'' in the heading and inserting ''LAST YEAR BEFORE DETERMINATION DATE''; and

(B) by striking ''5-year period'' and inserting ''1-year period''.

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

''(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

''(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

''(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).''.

(e) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking ''clause (ii)'' in clause (i) and inserting ''clause (ii) or (iii)''; and

(B) by adding at the end the following:

''(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no key employee or former key employee.''.

(f) ELIMINATION OF FAMILY ATTRIBUTION.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

''(iv) FAMILY ATTRIBUTION DISREGARDED.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

''(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—Elective deferrals (as defined in section

402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 201, is amended to read as follows:

''(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2001.

SEC. 206. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of 1987 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the later of—

(A) the fifth plan year the pension benefit plan is in existence; or

(B) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term ''pension benefit plan'' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term ''eligible employer'' has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subsection (a) applies shall not be taken into account.

(e) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2001.

SEC. 207. DEDUCTION LIMITS.

(a) STOCK BONUS AND PROFIT SHARING TRUSTS.—

(1) IN GENERAL.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking ''15 percent'' and inserting ''20 percent''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 404(h)(1) is amended by striking ''15 percent'' each place it appears and inserting ''20 percent''.

(b) COMPENSATION.—

(1) IN GENERAL.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

''(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation otherwise paid or accrued during the taxable year' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence.

(B) Clause (i) of section 4972(c)(6)(B) is amended by striking ''(within the meaning of section 404(a))'' and inserting ''(within the meaning of section 404(a) and as adjusted under section 404(a)(12))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 208. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

''SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

''(a) GENERAL RULE.—If an applicable retirement plan includes a qualified plus contribution program—

''(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

''(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

''(b) QUALIFIED PLUS CONTRIBUTION PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

''(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

''(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

''(B) maintains separate recordkeeping with respect to each account.

''(c) DEFINITIONS AND RULES RELATING TO DESIGNATED PLUS CONTRIBUTIONS.—For purposes of this section—

''(1) DESIGNATED PLUS CONTRIBUTION.—The term 'designated plus contribution' means any elective deferral which—

''(A) is excludable from gross income of an employee without regard to this section, and

''(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

''(2) DESIGNATION LIMITS.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

''(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

''(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

''(3) ROLLOVER CONTRIBUTIONS.—

''(A) IN GENERAL.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

''(i) another designated plus account of the individual from whose account the payment or distribution was made, or

''(ii) a Roth IRA of such individual.

''(B) COORDINATION WITH LIMIT.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

''(d) DISTRIBUTION RULES.—For purposes of this title—

''(1) EXCLUSION.—Any qualified distribution from a designated plus account shall not be includible in gross income.

''(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

''(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

''(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

''(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

''(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND CONTRIBUTIONS AND EARNINGS THEREON.—The term 'qualified distribution' shall not include any distribution of an excess deferral under section 402(g)(2) or any excess contribution under section 401(k)(8), and any income on the excess deferral or contribution.

''(3) TREATMENT OF DISTRIBUTIONS OF CERTAIN EXCESS DEFERRALS.—Notwithstanding section 72, if any excess deferral under section 402(g)(2) attributable to a designated plus contribution is not distributed on or before the 1st April 15 following the close of the taxable year in which such excess deferral is made, the amount of such excess deferral shall—

''(A) not be treated as investment in the contract, and

''(B) be included in gross income for the taxable year in which such excess is distributed.

''(4) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

''(e) OTHER DEFINITIONS.—For purposes of this section—

''(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

''(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

''(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).''.

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1)(A) (as added by section 201(d)(1)) the following new sentence: ''The preceding sentence shall

not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year.''; and

(2) by inserting ''(or would be included but for the last sentence thereof)'' after ''paragraph (1)'' in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

''If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.''.

(d) REPORTING REQUIREMENTS.—

(1) W–2 INFORMATION.—Section 6051(a)(8) is amended by inserting '', including the amount of designated plus contributions (as defined in section 402A)'' before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) DESIGNATED PLUS CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: ''Such term includes a rollover contribution described in section 402A(c)(3)(A).''.

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

''Sec. 402A. Optional treatment of elective deferrals as plus contributions.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 209. AVAILABILITY OF QUALIFIED PLANS TO SELF-EMPLOYED INDIVIDUALS WHO ARE EXEMPT FROM THE SELF-EMPLOYMENT TAX BY REASON OF THEIR RELIGIOUS BELIEFS.

(a) IN GENERAL.—Subparagraph (A) of section 401(c)(2) (defining earned income) is amended by adding at the end thereof the following new sentence: ''For purposes of this part only (other than sections 419 and 419A), this subparagraph shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).''.

(b) SIMPLE RETIREMENT ACCOUNTS.—Clause (ii) of section 408(p)(6)(A) (defining self-employed) is amended by adding at the end the following new sentence: ''The preceding sentence shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 210. CERTAIN NONRESIDENT ALIENS EXCLUDED IN APPLYING MINIMUM COVERAGE REQUIREMENTS.

(a) IN GENERAL.—Subparagraph (C) of section 410(b)(3) (relating to exclusion of certain employees) is amended by inserting '', determined without regard to the reference to subchapter D in the last sentence thereof'' after ''section 861(a)(3)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

SEC. 301. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) IN GENERAL.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

''(v) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—

''(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

''(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

''(A) $5,000, or

''(B) the excess (if any) of—

''(i) the participant's compensation for the year, over

''(ii) any other elective deferrals of the participant for such year which are made without regard to this subsection.

''(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1), such contribution shall not, with respect to the year in which the contribution is made—

''(A) be subject to any otherwise applicable limitation contained in section 402(g), 402(h)(2), 404(a), 404(h), 408(p)(2)(A)(ii), 415, or 457, or

''(B) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan.

''(4) APPLICATION OF NONDISCRIMINATION RULES.—

''(A) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet the nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features if the plan allows all eligible participants to make the same election with respect to the additional elective deferrals under this subsection.

''(B) AGGREGATION.—For purposes of subparagraph (A), all plans maintained by employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 plan.

''(5) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

''(A) who has attained the age of 50 before the close of the plan year, and

''(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation contained in the terms of the plan.

''(6) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

''(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

''(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

''(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

''(iv) an arrangement meeting the requirements of section 408 (k) or (p).

''(B) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

''(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.

''(D) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2006, the Secretary shall adjust annually the $5,000 amount in paragraph (2)(A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period taken into account shall be the calendar quarter beginning July 1, 2005, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2001.

SEC. 302. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking ''25 percent'' and inserting ''100 percent''.

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking ''the exclusion allowance for such taxable year'' in paragraph (1) and inserting ''the applicable limit under section 415'';

(B) by striking paragraph (2); and

(C) by inserting ''or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated'' before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking ''section 403(b)(2)(D)(iii))'' and inserting ''section 403(b)(2)(D)(iii), as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)''.

(B) Section 404(a)(10)(B) is amended by striking '', the exclusion allowance under section 403(b)(2),''.

(C) Section 404(j) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MONEY PURCHASE PLANS.—For purposes of paragraph (1)(B), in the case of a defined contribution plan which is subject to the funding standards of section 412, section 415(c)(1)(B) shall be applied by substituting '25 percent' for '100 percent'.''.

(D) Section 415(a)(2) is amended by striking '', and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)''.

(E) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

''(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).''.

(F) Section 415(c) is amended by striking paragraph (4).

(G) Section 415(c)(7) is amended to read as follows:

''(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such

participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

''(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

''(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).''.

(H) Subparagraph (B) of section 402(g)(7) (as redesignated by section 201) is amended by inserting before the period at the end the following: ''(as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)''.

(I) Section 664(g) is amended—

(i) in paragraph (3)(E) by striking ''limitations under section 415(c)'' and inserting ''applicable limitation under paragraph (7)'', and

(ii) by adding at the end the following new paragraph:

''(7) APPLICABLE LIMITATION.—

''(A) IN GENERAL.—For purposes of paragraph (3)(E), the applicable limitation under this paragraph with respect to a participant is an amount equal to the lesser of—

''(i) $30,000, or

''(ii) 25 percent of the participant's compensation (as defined in section 415(c)(3)).

''(B) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the $30,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR SECTIONS 403(B) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking ''33⅓ percent'' and inserting ''100 percent''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 303. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2) in the matter preceding subparagraph (A), by striking ''A plan'' and inserting ''Except as provided in paragraph (12), a plan''; and

(2) by adding at the end the following:

''(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

''(A) by substituting '3 years' for '5 years' in subparagraph (A), and

''(B) by substituting the following table for the table contained in subparagraph (B):

''Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.''.

(b) AMENDMENT OF ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''A plan'' and inserting ''Except as provided in paragraph (4), a plan'', and

(2) by adding at the end the following:

''(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

''(A) by substituting '3 years' for '5 years' in subparagraph (A), and

''(B) by substituting the following table for the table contained in subparagraph (B):

''Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2001.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2002; or

(B) January 1, 2006.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 304. MODIFICATIONS TO MINIMUM DISTRIBUTION RULES.

(a) LIFE EXPECTANCY TABLES.—The Secretary of the Treasury shall modify the life expectancy tables under the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code to reflect current life expectancy.

(b) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking ''FOR OTHER CASES'' in the heading; and

(ii) by striking ''the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)'' and inserting ''his entire interest has been distributed to him''.

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking ''clause (ii)'' and inserting ''clause (i)''.

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking ''clause (iii)(I)'' and inserting ''clause (ii)(I)'';

(ii) by striking ''clause (iii)(III)'' in subclause (I) and inserting ''clause (ii)(III)'';

(iii) by striking ''the date on which the employee would have attained age 70½,'' in subclause (I) and inserting ''April 1 of the calendar year following the calendar year in which the spouse attains 70½,''; and

(iv) by striking ''the distributions to such spouse begin,'' in subclause (II) and inserting ''his entire interest has been distributed to him,''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2001.

(B) DISTRIBUTIONS TO SURVIVING SPOUSE.—

(i) IN GENERAL.—In the case of an employee described in clause (ii), distributions to the surviving spouse of the employee shall not be required to commence prior to the date on which such distributions would have been required to begin under section 401(a)(9)(B) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

(ii) CERTAIN EMPLOYEES.—An employee is described in this clause if such employee dies before—

(I) the date of the enactment of this Act, and

(II) the required beginning date (within the meaning of section 401(a)(9)(C) of the Internal Revenue Code of 1986) of the employee.

(c) REDUCTION IN EXCISE TAX.—

(1) IN GENERAL.—Subsection (a) of section 4974 is amended by striking ''50 percent'' and inserting ''10 percent''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 305. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting ''or an eligible deferred compensation plan (within the meaning of section 457(b))'' after ''subsection (e))''; and

(2) in the heading, by striking ''GOVERNMENTAL AND CHURCH PLANS'' and inserting ''CERTAIN OTHER PLANS''.

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking ''and section 409(d)'' and inserting ''section 409(d), and section 457(d)''.

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

''(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2001.

SEC. 306. PROVISIONS RELATING TO HARDSHIP DISTRIBUTIONS.

(a) SAFE HARBOR RELIEF.—

(1) IN GENERAL.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(2) EFFECTIVE DATE.—The revised regulations under this subsection shall apply to years beginning after December 31, 2001.

(b) HARDSHIP DISTRIBUTIONS NOT TREATED AS ELIGIBLE ROLLOVER DISTRIBUTIONS.—

(1) MODIFICATION OF DEFINITION OF ELIGIBLE ROLLOVER.—Subparagraph (C) of section 402(c)(4) (relating to eligible rollover distribution) is amended to read as follows:

''(C) any distribution which is made upon hardship of the employee.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distributions made after December 31, 2001.

SEC. 307. WAIVER OF TAX ON NONDEDUCTIBLE CONTRIBUTIONS FOR DOMESTIC OR SIMILAR WORKERS.

(a) IN GENERAL.—Section 4972(c)(6) (relating to exceptions to nondeductible contributions), as amended by section 502, is amended by striking ''or'' at the end of subparagraph (A), by striking the period and inserting '', and'' at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

''(C) so much of the contributions to a simple retirement account (within the meaning of section 408(p)) or a simple plan (within the meaning of section 401(k)(11)) which are not deductible when contributed solely because such contributions are not made in connection with a trade or business of the employer.''

(b) EXCLUSION OF CERTAIN CONTRIBUTIONS.—Section 4972(c)(6) is amended by adding at the end the following new sentence: ''Subparagraph (C) shall not apply to contributions made on behalf of the employer or a member of the employer's family (as defined in section 447(e)(1)).''.

(c) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to infer the proper treatment of nondeductible contributions under the laws in effect before such amendments.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 401. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) ROLLOVERS FROM AND TO SECTION 457 PLANS.—

(1) ROLLOVERS FROM SECTION 457 PLANS.—

(A) IN GENERAL.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

''(16) ROLLOVER AMOUNTS.—

''(A) GENERAL RULE.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

''(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

''(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

''(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

''(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

''(C) REPORTING.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).''.

(B) DEFERRAL LIMIT DETERMINED WITHOUT REGARD TO ROLLOVER AMOUNTS.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting ''(other than rollover amounts)'' after ''taxable year''.

(C) DIRECT ROLLOVER.—Paragraph (1) of section 457(d) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by inserting after subparagraph (B) the following:

''(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.''.

(D) WITHHOLDING.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

''(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or''.

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

''(3) ELIGIBLE ROLLOVER DISTRIBUTION.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).''.

(iii) LIABILITY FOR WITHHOLDING.—Subparagraph (B) of section 3405(d)(2) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following:

''(iv) section 457(b) and which is maintained by an eligible employer described in section 457(e)(1)(A).''.

(2) ROLLOVERS TO SECTION 457 PLANS.—

(A) IN GENERAL.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by inserting after clause (iv) the following new clause:

''(v) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).''.

(B) SEPARATE ACCOUNTING.—Section 402(c) is amended by adding at the end the following new paragraph:

''(10) SEPARATE ACCOUNTING.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.''.

(C) 10 PERCENT ADDITIONAL TAX.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

''(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in section 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).''.

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403(b) PLANS.—

(1) ROLLOVERS FROM SECTION 403(b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking ''such distribution'' and all that follows and inserting ''such distribution to an eligible retirement plan described in section 402(c)(8)(B), and''.

(2) ROLLOVERS TO SECTION 403(b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by inserting after clause (v) the following new clause:

''(vi) an annuity contract described in section 403(b).''.

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.''.

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking ''; except that'' and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking ''and 408(d)(3)'' and inserting ''403(b)(8), 408(d)(3), and 457(e)(16)''.

(2) Section 219(d)(2) is amended by striking ''or 408(d)(3)'' and inserting ''408(d)(3), or 457(e)(16)''.

(3) Section 401(a)(31)(B) is amended by striking ''and 403(a)(4)'' and inserting '', 403(a)(4), 403(b)(8), and 457(e)(16)''.

(4) Subparagraph (A) of section 402(f)(2) is amended by striking ''or paragraph (4) of section 403(a)'' and inserting '', paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)''.

(5) Paragraph (1) of section 402(f) is amended by striking ''from an eligible retirement plan''.

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking ''another eligible retirement plan'' and inserting ''an eligible retirement plan''.

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

''(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.''.

(8) Section 408(a)(1) is amended by striking ''or 403(b)(8),'' and inserting ''403(b)(8), or 457(e)(16)''.

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking ''and 408(d)(3)'' and inserting ''403(b)(8), 408(d)(3), and 457(e)(16)''.

(10) Section 415(c)(2) is amended by striking ''and 408(d)(3)'' and inserting ''408(d)(3), and 457(e)(16)''.

(11) Section 4973(b)(1)(A) is amended by striking ''or 408(d)(3)'' and inserting ''408(d)(3), or 457(e)(16)''.

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) REASONABLE NOTICE.—No penalty shall be imposed on a plan for the failure to provide the information required by the amendment made by subsection (c) with respect to any distribution made before the date that is 90 days after the date on which the Secretary of the Treasury issues a safe harbor rollover notice after the date of the enactment of this Act, if the administrator of such plan makes a reasonable attempt to comply with such requirement.

(3) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 402. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding ''or'' at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

''(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking ''section 408(d)(3)(A)(iii)'' and inserting ''section 408(d)(3)(A)(ii)''.

(2) Clause (i) of section 408(d)(3)(D) is amended by striking ''(i), (ii), or (iii)'' and inserting ''(i) or (ii)''.

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

''(G) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.''.

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 403. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) ROLLOVERS FROM EXEMPT TRUSTS.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: ''The preceding sentence shall not apply to such distribution to the extent—

''(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

''(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).''.

(b) OPTIONAL DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following:

''The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

''(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

''(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).''.

(c) RULES FOR APPLYING SECTION 72 TO IRAS.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

''(H) APPLICATION OF SECTION 72.—

''(i) IN GENERAL.—If—

''(I) a distribution is made from an individual retirement plan, and

''(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

''(ii) APPLICABLE RULES.—In the case of a distribution described in clause (i)—

''(I) section 72 shall be applied separately to such distribution,

''(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

''(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 404. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) EXEMPT TRUSTS.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

''(3) TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

''(B) HARDSHIP EXCEPTION.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.''.

(b) IRAS.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 403, is amended by adding after subparagraph (H) the following new subparagraph:

''(I) WAIVER OF 60-DAY REQUIREMENT.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 405. TREATMENT OF FORMS OF DISTRIBUTION.

(a) PLAN TRANSFERS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

''(D) PLAN TRANSFERS.—

''(i) IN GENERAL.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

''(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

''(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

''(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

''(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, and

''(V) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

''(ii) EXCEPTION.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

''(E) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

''(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

''(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.''.

(2) AMENDMENT OF ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

''(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

''(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

''(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

''(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

''(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election; and

''(v) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

''(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

''(5) Except to the extent provided in regulations promulgated by the Secretary of the Treasury, a defined contribution plan shall not be treated as failing to meet the requirements of this subsection merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

''(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

''(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) REGULATIONS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by inserting after the second sentence the following new sentence: ''The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.''.

(2) AMENDMENT OF ERISA.—Section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended by inserting before the last sentence the following new sentence: ''The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.''.

(3) SECRETARY DIRECTED.—Not later than December 31, 2003, the Secretary of the Treasury is directed to issue regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendment made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2003, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 406. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking ''separation from service'' and inserting ''severance from employment''.

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

''(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).''.

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking ''An event'' in clause (i) and inserting ''A termination''; and

(II) by striking ''the event'' in clause (i) and inserting ''the termination'';

(ii) by striking subparagraph (C); and

(iii) by striking ''OR DISPOSITION OF ASSETS OR SUBSIDIARY'' in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking ''separates from service'' and inserting ''has a severance from employment''.

(B) The heading for paragraph (11) of section 403(b) is amended by striking ''SEPARATION FROM SERVICE'' and inserting ''SEVERANCE FROM EMPLOYMENT''.

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking ''is separated from service'' and inserting ''has a severance from employment''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 407. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

''(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

''(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

''(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.''.

(b) 457 PLANS.—Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

''(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

''(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

''(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2001.

SEC. 408. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

''(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).''.

(2) AMENDMENT OF ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

''(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.''.

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking ''such amount'' and inserting ''the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 409. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

''(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).''.

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

''(a) YEAR OF INCLUSION IN GROSS INCOME.—

''(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

''(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

''(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

''(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.''.

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

''(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—''.

(B) Section 457(d) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

SEC. 501. REPEAL OF PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking ''the applicable percentage'' in subparagraph (A)(i)(I) and inserting ''in the case of plan years beginning before January 1, 2004, the applicable percentage''; and

(2) by amending subparagraph (F) to read as follows:

''(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	The applicable percentage is—
2002	165
2003	170.''.

(b) AMENDMENT OF ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking ''the applicable percentage'' in subparagraph (A)(i)(I) and inserting ''in the case of plan years beginning before January 1, 2004, the applicable percentage''; and

(2) by amending subparagraph (F) to read as follows:

''(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	The applicable percentage is—
2002	165
2003	170.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 502. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

''(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

''(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

''(ii) PLANS WITH LESS THAN 100 PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

''(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

''(iv) PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.''.

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c), as amended by section 207, is amended to read as follows:

''(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

''(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

''(B) the sum of—

''(i) the amount of contributions described in section 401(m)(4)(A), plus

''(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 503. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

''(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 504. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

''SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

''(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

''(c) LIMITATIONS ON AMOUNT OF TAX.—

''(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED AND REASONABLE DILIGENCE EXERCISED.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for the tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

''(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

''(B) such person provides the notice described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

''(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

''(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

''(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

''(1) In the case of a plan other than a multiemployer plan, the employer.

''(2) In the case of a multiemployer plan, the plan.

''(e) NOTICE REQUIREMENTS FOR PLANS SIGNIFICANTLY REDUCING BENEFIT ACCRUALS.—

''(1) IN GENERAL.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

''(2) NOTICE.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment. The Secretary may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

''(A) which has fewer than 100 participants who have accrued a benefit under the plan, or

''(B) which offers participants the option to choose between the new benefit formula and the old benefit formula.

''(3) TIMING OF NOTICE.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

''(4) DESIGNEES.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

''(5) NOTICE BEFORE ADOPTION OF AMENDMENT.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

''(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means, with respect to any plan amendment—

''(A) each participant in the plan, and

''(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

''(2) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

''(A) any defined benefit plan, or

''(B) an individual account plan which is subject to the funding standards of section 412.

Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.

''(3) EARLY RETIREMENT.—A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

''(g) NEW TECHNOLOGIES.—The Secretary may by regulations allow any notice under subsection (e) to be provided by using new technologies.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

''Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.''.

(b) AMENDMENT OF ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

''(3)(A) An applicable pension plan to which paragraph (1) applies shall not be treated as meeting the requirements of such paragraph unless, in addition to any notice required to be provided to an individual or organization under such paragraph, the plan administrator provides the notice described in subparagraph (B) to each applicable individual (and to each employee organization representing applicable individuals).

''(B) The notice required by subparagraph (A) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow applicable individuals to understand the effect of the plan amendment. The Secretary of the Treasury may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

''(i) which has fewer than 100 participants who have accrued a benefit under the plan, or

''(ii) which offers participants the option to choose between the new benefit formula and the old benefit formula.

''(C) Except as provided in regulations prescribed by the Secretary of the Treasury, the notice required by subparagraph (A) shall be provided within a reasonable time before the effective date of the plan amendment.

''(D) Any notice under subparagraph (A) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

''(E) A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

''(F) The Secretary of the Treasury may by regulations allow any notice under this paragraph to be provided by using new technologies.

''(4) For purposes of paragraph (3)—

''(A) The term 'applicable individual' means, with respect to any plan amendment—

''(i) each participant in the plan; and

''(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

''(B) The term 'applicable pension plan' means—

''(i) any defined benefit plan; or

''(ii) an individual account plan which is subject to the funding standards of section 412 of the Internal Revenue Code of 1986.

''(C) A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) TRANSITION.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986, and section 204(h)(3) of the Employee Retirement Income Security Act of 1974, as added by the amendments made by this section, a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) SPECIAL NOTICE RULE.—

(A) IN GENERAL.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(B) REASONABLE NOTICE.—The amendments made by this section shall not apply to any plan amendment taking effect on or after the date of the enactment of this Act if, before April 25, 2001, notice was provided to participants and beneficiaries adversely affected by the plan amendment (or their representatives) which was reasonably expected to notify them of the nature and effective date of the plan amendment.

(d) STUDY.—The Secretary of the Treasury shall prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study shall examine the effect of such conversions on longer service participants, including the incidence and effects of ''wear away'' provisions under which participants earn no additional benefits for a period of time after the conversion. As soon as practicable, but not later than 60 days after the date of the enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 505. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—

(1) IN GENERAL.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

''(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.''.

(2) CONFORMING AMENDMENT.—Section 415(b)(7) (relating to benefits under certain

collectively bargained plans) is amended by inserting ''(other than a multiemployer plan)'' after ''defined benefit plan'' in the matter preceding subparagraph (A).

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

''(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated—

''(A) with any other plan which is not a multiemployer plan for purposes of applying subsection (b)(1)(B) to such other plan, or

''(B) with any other multiemployer plan for purposes of applying the limitations established in this section.''.

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking ''The Secretary'' and inserting ''Except as provided in subsection (f)(3), the Secretary''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 506. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(K) PLANS.

(a) IN GENERAL.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

''(b) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

''(2) NONAPPLICATION TO PREVIOUSLY ACQUIRED PROPERTY.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 507. PERIODIC PENSION BENEFITS STATEMENTS.

(a) IN GENERAL.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025 (a)) is amended to read as follows:

''SEC. 105. (a)(1)(A) The administrator of an individual account plan shall furnish a pension benefit statement—

''(i) to a plan participant at least once annually, and

''(ii) to a plan beneficiary upon written request.

''(B) The administrator of a defined benefit plan shall furnish a pension benefit statement—

''(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

''(ii) to a plan participant or plan beneficiary of the plan upon written request.

''(2) A pension benefit statement under paragraph (1)—

''(A) shall indicate, on the basis of the latest available information—

''(i) the total benefits accrued, and

''(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

''(B) shall be written in a manner calculated to be understood by the average plan participant, and

''(C) may be provided in written, electronic, or other appropriate form.

''(3)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

''(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

''(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in subsection (a)(1)(A) or (a)(1)(B)(ii), whichever is applicable, in any 12-month period.''.

(c) MODEL STATEMENTS.—The Secretary of Labor shall develop a model benefit statement, written in a manner calculated to be understood by the average plan participant, that may be used by plan administrators in complying with the requirements of section 105 of the Employee Retirement Income Security Act of 1974.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SEC. 508. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) IN GENERAL.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

''(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

''(2) FAILURE TO MEET REQUIREMENTS.—

''(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

''(B) CROSS REFERENCE.—

''For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

''(3) NONALLOCATION YEAR.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

''(i) such plan holds employer securities consisting of stock in an S corporation, and

''(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

''(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

''(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

''(II) paragraph (4) thereof shall not apply.

''(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

''(4) DISQUALIFIED PERSON.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'disqualified person' means any person if—

''(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

''(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

''(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

''(C) DEEMED-OWNED SHARES.—

''(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

''(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

''(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

''(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

''(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

''(i) the spouse of the individual,

''(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

''(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

''(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

''(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

''(A) the treatment of any person as a disqualified person, or

''(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

''(6) DEFINITIONS.—For purposes of this subsection—

''(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

''(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

''(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.''.

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting '', section 409(p),'' after ''409(n)''.

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking ''or'' at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

''(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

''(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.''.

(2) LIABILITY.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

''(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

''(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

''(A) the employer sponsoring such plan, or

''(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

''(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.''.

(3) DEFINITIONS.—Section 4979A(e) (relating to definitions) is amended to read as follows:

''(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

''(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

''(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

''(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

''(C) SPECIAL RULE DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

''(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

''(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

''(ii) the date on which the Secretary is notified of such allocation or ownership.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after March 14, 2001, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after March 14, 2001.

TITLE VI—REDUCING REGULATORY BURDENS

SEC. 601. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (9) of section 412(c) (relating to annual valuation) is amended to read as follows:

''(9) ANNUAL VALUATION.—

''(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

''(B) VALUATION DATE.—

''(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

''(ii) ELECTION TO USE PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

''(I) an election is in effect under this clause with respect to the plan, and

''(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

''(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

''(iv) ELECTION.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.''.

(b) AMENDMENT OF ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting ''(A)'' after ''(9)''; and

(2) by adding at the end the following:

''(B)(i) Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

''(ii) The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

''(I) an election is in effect under this clause with respect to the plan; and

''(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

''(iii) Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

''(iv) An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary of the Treasury.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 602. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking ''or'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) is, at the election of such participants or their beneficiaries—

''(I) payable as provided in clause (i) or (ii), or

''(II) paid to the plan and reinvested in qualifying employer securities, or''.

(b) STANDARDS FOR DISALLOWANCE.—Section 404(k)(5)(A) (relating to disallowance of deduction) is amended by inserting ''avoidance or'' before ''evasion''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 603. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 604. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in

section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 605. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking ''or'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', or'', and by adding at the end the following new paragraph:

''(7) qualified retirement planning services.''.

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

''(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning advice or information provided to an employee and his spouse by an employer maintaining a qualified employer plan.

''(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

''(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 606. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury and the Secretary of Labor shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term ''one-participant retirement plan'' means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR PLANS WITH FEWER THAN 25 EMPLOYEES.—In the case of plan years beginning after December 31, 2002, the Secretary of the Treasury and the Secretary of Labor shall provide for the filing of a simplified annual return for any retirement plan which covers less than 25 employees on the first day of a plan year and which meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2).

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 2002.

SEC. 607. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Self-Correction Program for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Self-Correction Program during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 608. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

''(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 609. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) EFFECTIVE DATES.—

(A) REGULATIONS.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) COVERAGE TEST.—

(1) IN GENERAL.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

''(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

''(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

''(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

''(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.''.

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) LINE OF BUSINESS RULES.—The Secretary of the Treasury shall, on or before December 31, 2003, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 610. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) of the Internal Revenue Code of 1986 and subparagraph (H) of section 401(a)(26) are each amended by striking ''section 414(d))'' and all that follows and inserting ''section 414(d)).''.

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking ''maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: ''GOVERNMENTAL PLANS.—''.

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: ''EXCEPTION FOR GOVERNMENTAL PLANS.—''.

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting ''GOVERNMENTAL PLANS.—'' after ''(G)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 611. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) EXPANSION OF PERIOD.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Subparagraph (A) of section 417(a)(6) is amended by striking ''90-day'' and inserting ''180-day''.

(B) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute ''180 days'' for ''90 days'' each place it appears in Treasury Regulations sections 1.402(f)–1, 1.411(a)–11(c), and 1.417(e)–1(b).

(2) AMENDMENT OF ERISA.—

(A) IN GENERAL.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking ''90-day'' and inserting ''180-day''.

(B) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to the extent that they relate to sections 203(e) and 205 of such Act to substitute ''180 days'' for ''90 days'' each place it appears.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)(A) and (2)(A) and the modifications required by paragraph (1)(B) shall apply to years beginning after December 31, 2001.

(b) CONSENT REGULATION INAPPLICABLE TO CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 and under section 205 of the Employee Retirement Income Security Act of 1974 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) EFFECTIVE DATE.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2001.

SEC. 612. ANNUAL REPORT DISSEMINATION.

(a) REPORT AVAILABLE THROUGH ELECTRONIC MEANS.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by adding at the end the following new sentence: ''The requirement to furnish information under the previous sentence shall be satisfied if the administrator makes such information reasonably available through electronic means or other new technology.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to reports for years beginning after December 31, 2000.

SEC. 613. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking ''2001 and 2005 on or after September 1 of each year involved'' and inserting ''2001, 2005, and 2009 in the month of September of each year involved'';

(2) in subsection (b), by adding at the end the following new sentence: ''To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with the American Savings Education Council or any other appropriate, qualified entity.'';

(3) in subsection (e)(2)—

(A) by striking ''Committee on Labor and Human Resources'' in subparagraph (D) and inserting ''Committee on Health, Education, Labor, and Pensions'';

(B) by striking subparagraph (F) and inserting the following:

''(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;'';

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

''(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

''(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

''(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and'';

(4) in subsection (e)(3)—

(A) by striking ''There shall be not more than 200 additional participants.'' in subparagraph (A) and inserting ''The participants in the National Summit shall also include additional participants appointed under this subparagraph.'';

(B) by striking ''one-half shall be appointed by the President,'' in subparagraph (A)(i) and inserting ''not more than 100 participants shall be appointed under this clause by the President,'';

(C) by striking ''one-half shall be appointed by the elected leaders of Congress'' in subparagraph (A)(ii) and inserting ''not more than 100 participants shall be appointed under this clause by the elected leaders of Congress'';

(D) by redesignating subparagraph (B) as subparagraph (C); and

(E) by inserting after subparagraph (A) the following new subparagraph:

''(B) PRESIDENTIAL AUTHORITY FOR ADDITIONAL APPOINTMENTS.—The President, in consultation with the elected leaders of Congress referred to in subsection (a), may appoint under this subparagraph additional participants to the National Summit. The number of such additional participants appointed under this subparagraph may not exceed the lesser of 3 percent of the total number of all additional participants appointed under this paragraph, or 10. Such additional participants shall be appointed from persons nominated by the organization referred to in subsection (b)(2) which is made up of private sector businesses and associations partnered with Government entities to promote long term financial security in retirement through savings and with which the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.'';

(5) in subsection (e)(3)(C) (as redesignated), by striking ''January 31, 1998'' and inserting ''May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively'';

(6) in subsection (f)(1)(C), by inserting '', no later than 90 days prior to the date of the commencement of the National Summit,'' after ''comment'';

(7) in subsection (g), by inserting '', in consultation with the congressional leaders specified in subsection (e)(2),'' after ''report'' the first place it appears;

(8) in subsection (i)—

(A) by striking ''beginning on or after October 1, 1997'' in paragraph (1) and inserting ''2001, 2005, and 2009''; and

(B) by adding at the end the following new paragraph:

''(3) RECEPTION AND REPRESENTATION AUTHORITY.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph.''; and

(9) in subsection (k)—

(A) by striking ''shall enter into a contract on a sole-source basis'' and inserting ''may enter into a contract on a sole-source basis''; and

(B) by striking ''fiscal year 1998'' and inserting ''fiscal years 2001, 2005, and 2009''.

TITLE VII—OTHER ERISA PROVISIONS

SEC. 701. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

''(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

''(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

''(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

''(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

''(A) to the corporation, or

''(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

''(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

''(A) in a single sum (plus interest), or

''(B) in such other form as is specified in regulations of the corporation.

''(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

''(A) the plan is a pension plan (within the meaning of section 3(2))—

''(i) to which the provisions of this section do not apply (without regard to this subsection), and

''(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

''(B) at the time the assets are to be distributed upon termination, the plan—

''(i) has missing participants, and

''(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

''(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).''.

(b) CONFORMING AMENDMENTS.—Section 206(f) of such Act (29 U.S.C. 1056(f)) is amended—

(1) by striking ''title IV'' and inserting ''section 4050''; and

(2) by striking ''the plan shall provide that,''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 702. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting ''other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined),'' after ''single-employer plan,'',

(2) in clause (iii), by striking the period at the end and inserting '', and'', and

(3) by adding at the end the following new clause:

''(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.''.

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

''(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

''(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

''(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2001.

SEC. 703. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

''(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

''(I) 0 percent, for the first plan year.

''(II) 20 percent, for the second plan year.

''(III) 40 percent, for the third plan year.

''(IV) 60 percent, for the fourth plan year.

''(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.''.

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 702(b), is amended—

(1) by striking ''The'' in subparagraph (E)(i) and inserting ''Except as provided in subparagraph (G), the'', and

(2) by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

''(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2001.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2001.

SEC. 704. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)'', and

(2) by inserting at the end the following new paragraph:

''(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 705. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

''(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

''(i) owns the entire interest in an unincorporated trade or business,

''(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

''(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

''(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

''(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

''(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.''.

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking ''section 4022(b)(5)'' and inserting ''section 4022(b)(5)(B)''.

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking ''(5)'' in paragraph (2) and inserting ''(4), (5),'', and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking ''as defined in section 4022(b)(6)'', and

(B) by adding at the end the following new subsection:

''(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

''(1) owns the entire interest in an unincorporated trade or business,

''(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

''(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).''.

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking ''section 4022(b)(6)'' and inserting ''section 4021(d)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2001, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2002.

SEC. 706. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) IMPOSITION AND AMOUNT OF PENALTY MADE DISCRETIONARY.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking ''shall'' and inserting ''may'', and

(2) by striking ''equal to'' and inserting ''not greater than''.

(b) APPLICABLE RECOVERY AMOUNT.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2))

is amended by inserting after ''fiduciary or other person'' the following: ''(or from any other person on behalf of any such fiduciary or other person)''.

(c) OTHER RULES.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraphs:

''(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

''(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of the enactment of this Act.

SEC. 707. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under subparagraph (B) of section 203(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation in connection with any suspension of benefits described in such subparagraph—

(1) in the case of an employee who returns to service under the plan after commencement of payment of benefits under the plan—

(A) shall be made during the first calendar month or payroll period in which the plan withholds payments, and

(B) if a reduced rate of future benefit accrual will apply to the returning employee (as of the first date of participation in the plan by the employee after returning to work), shall include a statement that the rate of future benefit accrual will be reduced, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2001.

SEC. 708. STUDIES.

(a) MODEL SMALL EMPLOYER GROUP PLANS STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall conduct a study to determine—

(1) the most appropriate form or forms of—

(A) employee pension benefit plans which would—

(i) be simple in form and easily maintained by multiple small employers, and

(ii) provide for ready portability of benefits for all participants and beneficiaries,

(B) alternative arrangements providing comparable benefits which may be established by employee or employer associations, and

(C) alternative arrangements providing comparable benefits to which employees may contribute in a manner independent of employer sponsorship, and

(2) appropriate methods and strategies for making pension plan coverage described in paragraph (1) more widely available to American workers.

(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary of Labor shall consider the adequacy and availability of existing employee pension benefit plans and the extent to which existing models may be modified to be more accessible to both employees and employers.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall report the results of the study under subsection (a), together with the Secretary's recommendations, to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate. Such recommendations shall include one or more model plans described in subsection (a)(1)(A) and model alternative arrangements described in subsections (a)(1)(B) and (a)(1)(C) which may serve as the basis for appropriate administrative or legislative action.

(d) STUDY ON EFFECT OF LEGISLATION.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the effect of the provisions of this Act on pension plan coverage, including any change in—

(1) the extent of pension plan coverage for low and middle-income workers,

(2) the levels of pension plan benefits generally,

(3) the quality of pension plan coverage generally,

(4) workers' access to and participation in pension plans, and

(5) retirement security.

TITLE VIII—PLAN AMENDMENTS

SEC. 801. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act; and

(B) on or before the last day of the first plan year beginning on or after January 1, 2004.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting ''2006'' for ''2004''.

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

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

Great is Your faithfulness, O God our Father; morning by morning new mercies we see. All we have needed Your hand has provided. Great is Your faithfulness that sets us free. We echo the praise articulated so beautifully by Jeremiah, ''Through the Lord's mercies, we are not consumed, because His compassions fail not. They are new every morning; great is Your faithfulness.'' Thank You, Father, that You desire to reproduce Your faithfulness in us. Make us people distinguished for our faithfulness to You, our families, our Nation, our calling to serve You in the Senate. Today, on what has been designated as Loyalty Day, may our love for You be expressed in loyalty. We know that loyalty is an act of the will; it is a quality we choose to express. We affirm our loyalty to Your commandments and our Constitution. May loyalty to one another within the Senate family exemplify to America that people with different political persuasions can be loyal to each other. You are our loyal Lord and our strengthening Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 1, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, I ask unanimous consent that the 9:30 cloture vote be postponed to occur at 11 a.m. today.

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

Mr. NICKLES. I further ask unanimous consent that the Senate begin a period of morning business until 11 a.m. with the time equally divided in the usual form.

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

SCHEDULE

Mr. NICKLES. For the information of all Senators, the cloture vote on the motion to proceed to the education bill is now scheduled to occur at 11 a.m. However, it is possible that vote may be vitiated so substantive debate can begin this morning. Senators will be notified as to the status of that vote as soon as possible. Amendments to the bill are expected to be offered during today's session, and therefore further votes are anticipated in today's session.

I thank my colleagues for their attention.

Mr. President, I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

LEI DAY IN HAWAII

Mr. AKAKA. Mr. President, May 1 is a special day in many cultures. The Celts and Saxons and others in pre-Christian Europe celebrated the first planting and the beauty of spring. These agrarian celebrations continued down through the centuries and remain today. In much of Europe, May 1 is also a labor holiday, honoring the labor workers. The first of May, however, has a unique and very special significance to the people of Hawaii. May Day is Lei Day in Hawaii. Lei Day is a nonpolitical and nonpartisan celebration. Indeed, its sole purpose is to engage in random acts of kindness and sharing, and to celebrate the Aloha spirit, that intangible, but palpable, essence which is best exemplified by the hospitality and inclusiveness exhibited by the Native Hawaiians—Hawaii's indigenous peoples—to all people of goodwill.

A lei is garland of flowers joined together in a manner which can be worn. There are many different styles of lei made of numerous types of flowers. The type of flower used determines the manner in which the lei is woven. While Hawaii and the Native Hawaiian culture are properly acknowledged for giving the lei such prominence, and the lei is a sensory manifestation of the Aloha spirit, other Pacific island peoples—the Polynesians and Micronesians for example—and Southeast

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Asians use floral garlands to greet and honor guests.

A lei symbolizes love, support, and friendship. Longstanding tradition in Hawaii has made May 1 a special day for the people of Hawaii. The Territory of Hawaii observed its first ''May Day is Lei Day'' celebration on May 1, 1928. There were many festivities and competitions that exhibited lei made of flowers from the different islands. In addition, many schools held elaborate programs throughout the islands.

This tradition has continued for many years in Hawaii. In 1929, Governor Farrington signed a Lei Day proclamation urging the citizens of Hawaii to ''observe the day and honor the traditions of Hawaii-nei by wearing and displaying lei.'' Many schools celebrate this day by holding pageants where students honor the many cultures and traditions of Hawaii. Students commonly elect a May Day court, commemorating Hawaii's royal heritage, that consists of two representatives who wear flowers and colored Aloha attire representative and customary for each of the eight major islands of Hawaii. In addition, many communities hold events in honor of Lei Day, including lei making contests and concerts.

This year, the Hawaii State Legislature passed a bill to officially recognize May 1 as ''Lei Day in Hawaii.'' The bill was recently signed into law by Gov. Benjamin Cayetano.

Mr. President, in an effort to share the Aloha spirit across America and around the world, the Hawaii Visitors and Convention Bureau will be sharing lei in seventeen cities today. Approximately 31,000 lei will be shared in 17 cities around the world, including here in Washington, DC, New York, Chicago, Vancouver, Seoul, Sydney, Beijing, and Buenos Aires. The lei will be of three types: plumeria, tuberose, and dendrobium orchids. I am pleased that we in Washington, DC, are able to participate in this wonderful celebration of the Aloha spirit. Across Capitol Hill this morning, young people from the metropolitan area who are students of Native Hawaiian hula, language and culture are sharing a floral greeting and compilation of beautiful Hawaiian music with every Senator and Member of Congress. I encourage all of my colleagues to enjoy the fragrant and beautiful lei, listen to the music and allow yourself to be transported to Hawaii where you too will discover the cheer and camaraderie of Lei Day.

The songwriter Red Hawke captured it best when he wrote:

May Day is Lei Day in Hawaii,
Garlands of flowers everywhere,
All of the colors in the rainbow,
Maidens with blossoms in their hair,
Flowers that mean we should be happy,
Throwing aside a load of care,
Oh, May Day is Lei Day in Hawaii,
May Day is happy out there.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

EDUCATION

Mr. FRIST. Mr. President, we are in morning business now, but I do want to take this opportunity to comment on a vote that we at least plan to have about an hour from now. That vote is a technical type of vote, but it is a very important vote because it determines whether or not we allow this body the opportunity to address straight up, head on, with debate, what I regard as the most important issue before us today, if we look both short term and long term: Education, kindergarten through the 12th grade. That is an issue about which all of us in this body feel very strongly.

We have contributed to the debate in many positive ways in the past, and it is an issue that has been addressed in the appropriate committee, the Health, Education, Labor, and Pensions Committee, which wrote a bill called the Better Education for Students and Teachers Act, which is in my hands. It passed out of that committee and is ready to come to the floor. People have had the opportunity to read it. It has been sitting on people's desks. We actually addressed it about a month ago.

I feel so strongly about this issue. It is amazing to me that, although Republicans believe very strongly we need to bring this to the floor, there are people on the other side of the aisle who object to bringing it to the floor. We as a nation have failed to do what has been so well articulated by the President of the United States, President Bush, in that we have an obligation to leave no child behind. We as a nation have failed to accomplish that objective.

It was in 1965 that the Elementary and Secondary Education Act, ESEA—we will be talking a lot about ESEA, and that is what that is—was passed as part of the War On Poverty, written by President Johnson. Over the last 35 years that program has been reauthorized seven different times, each with very good intent, each with a lot of discussion. From what started as a real focus on allowing better access to education, over 35 years with approximately 60 different programs and now approximately 14 different titles of this bill, this underlying law has emerged.

We have to start to consider this bill today. I urge my colleagues on the other side of the aisle to allow it to come to the floor.

The sad thing is, we are failing. We have failed in the past, despite a whole litany of good intentions that resulted in programs, about 230 different programs and entities which we tried to put out there to address specific problems in the past—in spite of all that, we failed. So now we have this opportunity, a wonderful opportunity, where, again, in a bipartisan way, many of us in this body and in the House of Representatives, under the leadership of President Bush, have come together. We have that opportunity to change.

When we use the word ''reform,'' it scares some people because reform means such dramatic change, but we have to admit that it is time to change, to reinvent, to reconceptualize what K–12 Federal education programs are all about.

What is the role of the Federal Government? Why are we even discussing it in this body? I think there are two reasons. No. 1, as I said, over the last 35 years we have invested a large amount of money, a lot of resources, and we are failing. All of us know that by every global comparison, standard testing assessment, we are failing our children, whether it is in the 8th grade, or the 9th, 10th, 11th, or 12th grade.

The 12th grade is a pretty good year to look at because it is a year we know is important. We have gone through kindergarten and 4th and 8th and 10th and 12th grade, so this is kind of the final product of K–12. In truth, you can assess students at the 10th grade or 8th grade or 4th grade, and at each of those levels we are failing our children. But if you look at the 12th grade, you can say that is the final product, that is what America is all about, and that is what the future of America is all about. For those 12th graders, where access in this country is, I would say, superb, we are failing in those global comparisons in mathematics, in science, in ability to write, in ability to communicate.

Those basic skills that we know and that everyone—liberals, conservatives, Democrats and Republicans—recognizes you have to be equipped with if you are going to live a fulfilling life are increasingly competitive, not just in local towns, communities, States, or regions in this Nation but across this great world in which we live, such as in mathematics. It depends on the particular study. If you look at our 12th graders versus other nations, we rank 18th—not 1st, 10th, or 15th, but right around 18th, or somewhere between 15th and 20th in the world. That is how many nations are better than us.

In my own field of science, it is even worse. We are around 19th or in some States 20th compared to other nations in the world. We know how important science is in terms of understanding nature and in understanding technology, which is revolutionizing our lives. And we are sending our young people out into the world less well prepared than 18 other countries in the world, none of which have the creativity or the ingenuity or the resources that we have in the United States of America.

That is why an hour from now I am very hopeful that this body allows and

that the Democrats allow this bill to come forward. Let's work it out and talk about these very important issues. The Republicans want the bill considered on the floor; the Democrats have refused, and thus we will have this technical vote an hour from now.

I mentioned yesterday in some of the conversations the principles I am very hopeful we will bring forward and debate, the principles which are outlined in a lot of detail, because this is a product of extensive bipartisan discussion. This came out of committee in a bipartisan way with a bipartisan vote. Those guiding principles which I mentioned, at least in my mind, are important.

No. 1, instead of straightjacketing out of Washington, DC because of good intentions and what goes on at the State level where there is a lot of reform, we are playing catch-up ball. There is a tremendous amount of reform going on in States all across the country, in communities, in counties, in districts and in the local schools. We have to play catchup.

What we have done historically is invent a new program and say this is a silver bullet, take the program and put a little bit of money in it and hope that little bit of money and our good intentions will solve the problem. It hasn't over time.

Instead of inventing a new program with a whole series of regulations, it is time for us to provide flexibility and freedom and strip away the unnecessary regulations at the local level to capture the innovation and creativity but at the same time have strong accountability.

Senator LIEBERMAN has again and again said we have to have strong accountability if we are going to provide this freedom, if we are going to allow this flexibility. I agree. It is time to have that freedom and flexibility to innovate but there needs to be strong accountability.

Accountability is sort of a strange word. What does it really mean? What it means is taking an individual student—it might be a classroom or it might be a school—and assessing whether or not that student is learning. That is all accountability is—to ensure that we provide freedom from regulations, which improves the return in school performance, in education, in the ability to learn, in being prepared for the world that we know students will soon be facing, matching freedom with results. You have to be able to demonstrate the results.

That leads to a correlate. We haven't done very well in this Nation in terms of research. One of the sad things we have done at the Federal level, which was not intended, was put this straightjacket on the system such that we have not allowed good research to determine what works and what doesn't work. So we need demonstrable results. That means we need to have some sort of measure and more assessment.

If we do that, I am absolutely convinced that when you shed the light on what does and does not work, Americans today will make good choices. They will reward what works and they will not reward what doesn't work. That is the way America has thrived in the past.

The problem with part of the research in education today is that we have not focused the spotlight on what works and what doesn't work. So we haven't been able to empower parents with that ability to express choice or to express approval.

The first principle is tying the flexibility with strong accountability and strong, demonstrable results. The second principle is focusing on kids and children. The more you look at the history of the last 35 years the more you will see the focus at the Federal level has been on institutional systems and bureaucracies—doing that makes us feel good because we can invent a new program for a perceived problem or failure and again put some money in it. Then we can walk away and say we have done our best in addressing it. After 35 years, that hasn't worked.

I spoke about math and science in the 12th grade. I could give you the same statistics for the 8th grade. For the last 30 years, using standardized tests that are well controlled, we have seen no improvement in math or reading, where other countries have improved over the last 30 or 35 years.

I believe if we focus on the individual child—the disadvantaged child, the child who may not be from a wealthy family, the family that may live in a neighborhood that just doesn't have the resources, the family that is underserved in whatever criteria—if you focus on that child instead of an institution, instead of a bureaucracy, we will see more innovation and more creativity and understanding the very best of what America is all about. Freedom in exchange for results, I believe, will work best if we focus on the child.

There will be amendments proposed on the floor as to ''portability.'' That means instead of whatever funds we have and we direct the taxpayer dollars to come out of Nashville, TN to Washington, DC, and for every Federal dollar that comes up on April 15 to the Federal Government, only about 35 cents is returned to the classroom itself. We need to examine how efficiently we are using those dollars today.

What is the value of the education dollar we are investing today? I suggest that it is not nearly as good as it should be or could be.

If we come together and are allowed to proceed today, we cannot merely conceptualize but we need to actually pass legislation. The goals have been articulated by the President of the United States. We have a responsibility to look at those goals and to develop a strategy, on which we have taken the first step in this underlying bill, and improve it over the next several days as we move forward.

The third principle I mentioned yesterday was information. Keep that information current, employing again a way that we can empower parents. The information needs to be current. It doesn't matter what happened 5 or 10 years ago. We need to know how well schools and teachers and students are doing so we can assess from a national perspective and also legally empower parents to make choices for their children. We need to have that information. We have failed miserably. We can invest better to enlarge educational research to determine what teaching methods actually work.

Another point that I have mentioned again and again is that people will say if you have a school that is not doing well, are you talking about taking all of the Federal money out of the schools and putting it somewhere else where they might be wealthy or are doing well? No, we are not saying that.

The President of the United States has been very clear. When the administration or we in committee say that we don't want to reward failure, we mean through better data, through better information, and through better assessment, again focusing on the child and identifying what works and what doesn't work. If something is not working, ask why, and try to fix it based on the best policy and the best tools that you have today. And, yes, invest more money, if necessary, if that is the reason, in order to try to fix it.

But if that school fails one year, and you have a child in that school—remember that child's face—and that school fails a second year—remember that child's face; they are trapped in that school; and think about it being your child—if they are trapped in that school for a third year of failure, meaning in academic performance, achievement, and ability to learn, but also safety issues—a school that might be unsafe in spite of doing everything you can in terms of establishing safeguards and investing in that school—and if your child is trapped in that unsafe school a fourth year, and they have not learned over those 4 years—the school itself is failing though you put more resources into it—then there needs to be repercussions. That is the American way of doing things.

Again, we need to focus on the child, doing what is best for the child, not what makes you feel good about a particular school. This happens after repetitive failure. That is a part of the policy with which we have worked in a bipartisan way on this bill.

Again, I think this is just an example of why it is so important for us to be allowed today to proceed to this bill and have the sort of debate that we owe our children, that we owe our schools, that we owe our teachers, given the fact that they have been trapped in a system which is not working, as we compare ourselves to people in other countries.

I think we do have a great opportunity in this reauthorization. In a reauthorization bill we go back and look

at legislation and plan ahead for, say, the next 4 years, but in this case it is 10 years for reauthorization of the Elementary and Secondary Education Act.

We have a wonderful opportunity, based on strong bipartisan support, based on the principles of the President of the United States in his discussion of education, initially on the campaign trail and also since becoming President. That encompasses having local control, empowering parents, investing more, yes, but investing it wisely where you have true value to meet those goals. That means accountability with assessments.

We give States the freedom to innovate, to use Federal funding in a way that identifies the needs that might be peculiar to Alamo, TN, or Knoxville, TN, or a school district in the tri-city area of Tennessee. We would give them the flexibility to address problems in a way where they can have increased freedom, increased flexibility, but we inextricably link it to demonstrable results, to make sure that the child is achieving to the best of his or her ability. We have to give them the opportunity to learn.

In that way, we are giving States, as well as local districts, the opportunity to maximize flexibility. At the same time, we minimize regulation because as well intended as the programs we design are, nobody knows the child in the classroom better than the teacher who is at the head of the class—nobody at that school. They are there day in and day out. And taken one step away, the same thing is true about the principal, who knows the strengths of the school, who knows whether it is the building itself that needs repair or that there needs to be an additional computer in this classroom or an afterschool program for that child. Those decisions need to be made locally.

We need to have that minimization of regulation, as long as there is strong accountability and that insistence upon measurable results—not what makes you feel good and not what is just the trend of the time but measurable results. It does not mean we write the curriculum in Washington, DC. I think most people in this body would be absolutely opposed to having the curriculum written in Washington and then imposed on the States. The whole idea is to allow the people locally—in their communities, in their States—to develop the standards that best meet their particular area.

We need a national comparison. That is why you will hear the discussion of the NAEP test, the sample test, which does allow an assessment and comparison of community to community or State to State.

If you put all this together and you look at it, the trend that will emerge—again, if we are allowed to proceed to this bill today—the trend you will see is one that is critical, very important; that is, to have the U.S. Government or Washington, DC, no longer being the regulator but, rather, the investor in education, to invest in that individual child, to invest in that individual student, instead of regulating.

Regulation simply has not worked. We will discuss the reasons it has not worked over the next several days. We need to maximize flexibility and minimize regulations, but we have to tie both of those to strong, demonstrable, measurable results as a condition of participation.

The Federal role, again, is important. The opportunity we have as we address these issues over, hopefully, the next 2 weeks, will make that Federal role become clear. It is enormous. When I say that, a lot of my Republican colleagues or people back home might say: Good gosh, Senator FRIST, what are you talking about? What are you talking about that this Federal role is enormous?

Let me be clear. If you have a pie chart, the Federal dollars that are spent in communities throughout Tennessee or any State, in the aggregate, are only a little sliver, only about 7 percent. The figure varies. In some States it can go from 5 or 6 percent up to 9 percent, but on average it is 7 percent. That means most of the funding and fiscal responsibility is at the local level, just as I believe it should be. But our role is enormous because our discussion, what we produce in terms of regulation as an investor in education, instead of as a regulator, very much defines the tenor of the national discussion—the tone of the debate that goes on at the State level, at the community level, at the district level in individual schools and, indeed, I would argue, around the dinner table at night or the breakfast table in the morning.

It is the tone of that debate that we are not, as a nation, adequately addressing on the issue of educating our young people, preparing them for tomorrow. That tone, that tenor, is set in Washington, DC.

No. 2, I believe, again, the Federal role is important, is enormous, in that we do help set priorities. We are in a position to step back and look at the whole Nation and see, with the data that is available, what works and what does not work. We have an obligation to articulate that based on the very best information possible.

When I go to a school in, say, rural Tennessee and talk about our failure as a nation, people say: Our school seems pretty good. We believe we are learning pretty well. How could we do better? We are working hard. We have what we think are good teachers.

But when I come and say that is not what the data shows, that is not what the information shows, they will say: Why does it show that? And questions start being asked. That is the second aspect that I believe is important for the Federal role—that we have the opportunity, from the national perspective, to set certain priorities and redirect or reinvent or reconceptualize what has not worked in the past.

Mr. President, again, we are in morning business now. We will have a vote, hopefully, later this morning.

Just for clarification for my colleagues, what is happening is that a number of people right now are talking about the particular policies, talking about the level of funding that is most appropriate. All of those issues will be brought to the Chamber and discussed. But a lot of discussions have gone on over the weekend and through yesterday and through this morning.

I am very hopeful we can come to some resolution over the next 30 or 45 minutes so we can proceed to the bill. ESEA, the Elementary and Secondary Education Act, is 35 years old. I mentioned 7 reauthorizations and now 60 programs. It has tremendous promise. The goal initially was to have more access, but really it was to address the academic achievement of the underserved, to make sure that that achievement gap would not get worse over time.

Unfortunately, in spite of that being the goal, if we look at title I—which we will be talking about, which is about half of the overall bill and is aimed at disadvantaged children; and I think that has been a great monument in the bill because it shows the intent of where we have to work, where we have to focus, but also probably its greatest failure—the achievement gap over the last 35 years has gotten worse. The gap between the underserved and the served has gotten bigger and bigger and bigger over time.

We need to address it. We need to address it head on. We have done that in the underlying bill which will probably be improved as we debate it in this Chamber. But we have to come together in a bipartisan way, under the leadership of the President of the United States, who has brought this problem to the forefront, I believe, of all the issues addressing our Nation.

So we have a bill, a 35-year-old promise. It is now time to update that bill, to reauthorize that bill in a way where the investments, the programs, the intent, and the strategy are really, for the first time, I would argue, in harmony with this 35-year-old bill which shows, in terms of intent and purpose, tremendous promise. It is time to bring those together.

I yield the floor and 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. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THOMAS. I ask unanimous consent to speak for 10 minutes.

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

Mr. THOMAS. Mr. President, we have been focusing for the last 2 weeks on education. Education is probably the

answer that is most often given in terms of priorities people think are important. Yet we seem to have a difficult time moving forward.

I don't think there is much debate about the concept of helping education, giving young people the opportunity to have a better life. We get bogged down, unfortunately, in the details. I am anxious that we move forward—I hope we can—today and begin the debate.

There are legitimate differences of view with respect to what to do, particularly concerning the role of the Federal Government. There are those who believe the Federal Government has great responsibilities and should, indeed, set the stage for how it is done and, whenever Federal money is made available, there ought to be requirements as to how each school should use the money.

In the last administration if there was money for education, President Clinton said it had to be used for smaller classes or it had to be used for buildings. The fact is, the needs in different places are quite varied. We must also remember that the contribution from the Federal level is about 6 or 7 percent of the total expenditures for elementary and secondary education.

What we are trying to do is assist in certain areas, helping local school boards and State education departments decide what is best for them. I am particularly sensitive to that in that I come from a State with low population density. We have lots of small schools, and the needs in those small schools are often quite different than they are in metropolitan areas. The idea of the Federal Government putting down regulations certainly doesn't work.

I am persuaded that the education bill that will be before us has some excellent goals. That is what we ought to be doing—setting some goals we want to achieve and then moving towards the achievement of those goals by what we do in the interim.

For example, as to increasing accountability for student performance, there was a great letter to the editor in my local paper last weekend from a former school board member who made the point that education has to be financed. Financing is an essential element to good education, but financing alone does not do it. Dollars are not all that is important. We have to have some accountability for student performance, for school performance, and for teacher performance. That is one of the key elements.

We also have to do some serious examination on the local level as to what programs work best and to make sure the resources are available to go into the programs that work and that we move money to accomplish that.

I do not think there is any question most people would agree we need to reduce the bureaucracy and increase flexibility. It happens that my wife is a special ed teacher in a public high school. I hear all the time about the amount of effort that has to go into the detail of regulations, the paperwork, as opposed to teaching, which is not peculiar in terms of funding by the Government. I realize if you are going to have accountability for the money, there has to be some reporting. But when you have professional people spending half their time with paperwork, that is not the direction we ought to be going.

Then there is the amount of money, what we are going to be arguing about in this Chamber. Some of our friends on the other side of the aisle think if we just put in all the money that is available, it somehow will work out. I don't believe that is the case. We have to look at funding, but we have to look at some of the principles that are equally as important.

The fact is, President Bush has recommended more spending for education than was recommended in the previous administration. Since a Republican-controlled Congress has been in existence since 1994, we have had more increases in the Federal contribution to spending than we have ever had before. We will hear shortly about how we ought to be spending all the money in the world. In my view, that is not the only element of successful education. Empowering parents to have some opportunities, to have more input into what they are doing is important. Again, a little experience in this area shows me that charter schools are a great idea so that parents have some flexibility and some choices as to what they do within the public school system, as to where their youngsters go to school, and how we can do some of those kinds of things.

So I guess my real message is that it is time to get on with it. I know there are three, four, or five people, probably, in this 100-Member body who are determined to hold things up until they get their way. It isn't going to be that way. It has to be done when there is a majority that agrees on what it is that should be done. I hope we can move on that.

We have other things we need to do. We need to get back to the budget, get on with tax relief, get on with energy; these are some of the areas with which we have to deal. Hopefully, we will deal with them soon. I am anxious that we move forward with education. We have a great plan and all we need to do is implement it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to talk about education. I appreciate my colleague from Wyoming talking about it. I saw Senator FRIST earlier today discussing the President's education plan and certainly the congressional education plan. I think they are very close.

What I think is so important is the emphasis that is being placed on quality public education. Thomas Jefferson said, from the very beginning of our Republic, that public education would be the foundation for democracy. That really set us apart from all the other countries in the world because at that time only the most elite were educated. It was only the children of dukes and duchesses around the world; it was only the elite who could afford private schools around the world. But that wasn't the foundation of America. The foundation for America was that every child would receive a quality public education so that child could reach his or her full potential and, of course, contribute to the great Nation that would become the United States of America.

Mr. President, it has been proven time and time again that the creativity that comes from having every child in our country educated has put us in the forefront of technology, of space exploration, of medical research, of quality health care. It goes on and on and on.

In the last 10 to 15 years in our country, we have lost the battle that every child would receive a quality public education. Today, this week, this year, Congress and the President are saying: No more. No more are we going to allow some children to waste away in schools that are not performing and lose that potential, that productive citizen for our country.

We are going to reform public education. We are going to put more money into it. But there is a wonderful chart that the Secretary of Education, Rod Paige, has shown us that actually reflects that we have increased spending in public education, and the figure has gone up for the past 25 years. But, in fact, the test scores have straight-lined—even gone a little bit down.

Well, that doesn't work. Pouring more money into it without giving our parents and teachers and principals and school districts and our States the opportunity to get in and help each individual child with that child's learning needs doesn't work. It doesn't work to pour more money in if we don't give them the tools they need to do the job. That is why we are focused on accountability, on letting parents know what the test scores are.

Yesterday, I visited Stonewall Jackson Elementary School in Dallas, TX. I saw the formula for an excellent school. This is a school that is just in a regular middle-class neighborhood that also includes children who are deaf and have learning disabilities—a very diverse student body. Those children have a spark and creativity for several reasons. They also have the highest test scores. But they have the creativity and the spark because they have a principal who welcomes parental involvement. They have a PTA that has teams. They have a men's group. It is like a men's group at church, and that men's group comes into the public school and helps plant gardens, paint things when the paint is peeling, and it is not on the list to fix right away. They are raising money to install security systems. They are raising money

to make sure the library is totally stocked. They are involved in their school, and they are welcome in the classrooms any time.

So you have the leadership of a principal, you have parents who are involved, and they have made it fun to be involved, and they are improving the school. That creates a spark in the teachers. Senator GRAMM and I walked into that elementary school, and it was all decorated as a Caribbean island. We asked, ''Why are we seeing trees and monkeys in this elementary school?'' It is because they adopt a country every year, and this year it is the Caribbean islands. Last year it was Spain. They adopt a country and they talk about that country and they learn about the language and the customs. They have learned something that gives them a new look at life.

I am happy that we are focusing on public education. This is just the overview. The overview is, we are going to reform our public schools so that every child in America can reach his or her full potential with a public education. We are going to start talking about the specifics in the next 2 weeks in Congress.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. How much time do we have left?

The PRESIDING OFFICER. Twelve minutes.

Mr. WELLSTONE. I will be brief. I spoke yesterday about this issue. Let me, first of all, say that, again, before the spring recess, there was a unanimous consent to go forward with the bill, but I had not seen much of the language that was going to be added and changed in the bill. In order to be a good legislator for the people you represent, you need to know what is in a bill. As it turns out—and don't ask me why; I may be alone on that—we are about to proceed to the bill, but we haven't seen so many of the fundamental changes that are in the process of being made. How can you be a good legislator and represent people and represent children on such an important question—and there is no more important question—without yet knowing what is in the bill?

On principle, I am opposed to proceeding on a bill that we don't even know much of the language. There are some very important policy questions, one of which, for example, is the Straight A's Program. To what extent are we block granting programs like afterschool programs? To what extent are they no longer part of the national priority, national goals? I don't know. I want to see the language. I haven't seen the language on that.

Second point. We are about to do something very reckless.

I find it stunning so many Republican colleagues, much less Democratic colleagues, will vote for this. We are about to now put into law a Federal mandate that every school and every school district all over the country, every year, from age 8 through age 13, will test every child. This will be a Federal mandate. But, at the same time, we are quite unwilling to pass a Federal mandate that there will be equality of opportunity for every child to have a good education and to do well and to succeed.

My understanding was the Democrats were saying yes to accountability, if it is done the right way. And, by the way, if we are not careful, this is going to result in the worst kind of drill education where we will basically be saying to teachers—and we are trying to recruit the best and brightest—we will tell them what to teach, when to teach, and how to teach. Over and over again the focus will be on these tests.

The question is, How do you do an assessment system the right way? I will have a number of amendments to make sure we ensure high quality assessments so we can do it the right way if we move to the bill. Again, I would like to see the final language on this bill.

I heard from my colleagues on our side that the position was yes to accountability, but we also were going to make sure that we were not creating a huge unfunded mandate. The President calls for $300 million for the administration of these tests. The National Association of State Boards of Education, the people who are in the field, are saying it will cost us a minimum of $2.5 billion to do this, maybe as high as $7 billion if we go to multiple measures and do not rely on one standardized test, which we should never do.

On top of that, we are talking about a proposal from the President that says $670 million more for title I; that is all he is calling for. We are funding title I at one-third the level we should be if we were to fully fund the program.

I will have a trigger amendment that says we cannot mandate new tests of all these children—starting as young as age 8—until we fully fund the title I program. My understanding was we were going to get a commitment on investment of resources in the IDEA program. My colleague from Iowa has been such a leader in this area for children with special needs.

I also think it is disgraceful to talk about these mandatory tests when we don't even fully fund Head Start. We fund Head Start at 50-percent of what we need for 4-year-olds, even less for 3-year-olds and only 3 percent for Early Head Start, which serves children aged 0–2-year-olds. We know how important early childhood education is to future learning, we know that most kids do not get it, but we will still test these children at 8 years of age and expect them to do as well as children who have had every advantage. We are setting up a lot of children and a lot of teachers and a lot of schools in Minnesota and throughout the country for humiliation. I thought we would have a deal. I thought Democrats would stand up for investment in resources that go with accountability. I thought Democrats would stand up for accountability being done the right way.

The President of the United States calls this the BEST program, yet all he offers in terms of support for children and schools is a tin cup budget. And we are going forward on this bill? I don't think we should go forward on the bill until we see the changes that are being agreed to. I don't think we should go forward until we have an agreement on the policy. I don't think we should go forward until we have a mandate on commitment of resources.

I will talk more about this. I believe colleagues are giving up our real leverage. I wish to fight harder for children in education. I will spell this out in great detail after the vote. I, maybe only speaking for one, will vote against proceeding to this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I compliment my dear friend and colleague from Minnesota. There is no one who fights harder for education with more courage, compassion and conviction than Senator WELLSTONE from Minnesota. He comes from a background of having been an educator and in education for most of his life before coming to the Senate.

Senator WELLSTONE is right. We are about to embark upon a lot of rhetoric. We are going to talk about reforming education, saving education in America, but without the resources it will just be empty rhetoric, one more time.

We have to review where we have been on this bill. The Elementary and Secondary Education Act expired 2 years ago. Why are we on it now 2 years later? The other side wouldn't let us pass it last year. They blocked it. And now there is this rush to get it through.

I am all in favor of passing the Elementary and Secondary Education Act. As I understand it, the bill here is the one passed by committee. I understand they are working on another bill. We have not seen it yet and they will drop it sometime after we vote for cloture.

I make the point that Senator WELLSTONE so eloquently made. This is an authorization bill. We can say all these flowery things about saving education, having testing and all that sort of stuff, but if we don't have the resources to back it, we are fooling the American people one more time.

Where are the resources for this bill? The National Association of State Boards of Education said the testing requirements in this bill could cost, as Senator WELLSTONE said, anywhere from $2 billion to $7 billion over 4 years. Where are the resources to pay for that? Are we going to dump it on our property taxpayers one more time? Testing every year means raising property taxes to pay for it. That is basically what we are going to say, unless we have the resources.

I have not seen this administration willing to come forward with an agreement to say, we will back X amount of

resources to fulfill these mandates we are about to put on the States, one more time.

The other side is always talking about unfunded mandates. This is going to be another unfunded mandate. Do the testing. Then raise the property taxes to pay for it.

I don't know about other states, but in my State of Iowa we are paying enough property taxes as it is.

Do we have the resources? That is the next question. Right now, of every Federal dollar we spend in discretionary spending of hard-earned tax dollars, 2 cents goes for education. Two cents out of every dollar we spend goes for education.

Again, do we have the resources? It depends on your priorities whether or not we have the resources. Here is the President's tax cut plan. For the wealthiest 1 percent—I am not talking about middle-class tax cuts; I am talking about for the wealthiest 1 percent—$697 billion in tax cuts to the wealthiest 1 percent; $21.3 billion for education.

We have the resources. Don't kid yourself. It depends on what you want to do with them. If you want to give it in tax cuts to the wealthiest, you will support the Bush tax cut. If you want to do education, we will have some amendments on the floor when we consider this bill. The real battle will come on appropriations, on whether or not we will have the amount of money in the appropriations bill to pay for all this testing and everything else that we say we love so much.

I remind Senators, a few weeks ago we passed an amendment, 53–47, to take $250 billion and put it in education over 10 years, compared with the President's request of $21.3 billion. What we voted on a few weeks ago by a vote of 53–47 will have the resources to pay for the testing. It will have the resources to fund the Individuals with Disabilities Education Act. It will have the resources to fully fund title I programs and the resources to reach down also for things that are not in this bill, such as Head Start.

Second, there are three items that no one is discussing that we will have to belly up to the bar on and vote:

No. 1, the Individuals with Disabilities Education Act. Are we willing to fully fund it or not?

Second, school construction. Are we going to help prepare the leaky roofs and bring schools into the 21st century?

Third, are we going to continue to reduce class sizes so our teachers can teach, so the kids can pass these tests that we are going to foist upon them?

Senator WELLSTONE is right. We need a commitment on resources, not just the rhetoric. When this bill is considered, we will have amendments. But keep in mind the real test is going to come on whether or not the Appropriations Committee will be supported by this administration to come up with the money to fund the rhetoric that we will hear a lot in the next few days in the Senate.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time has expired. Morning business is closed.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the cloture motion on the motion to proceed to S. 1.

Under the previous order, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 23, S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965:

Trent Lott, Jim Jeffords, Bill Frist, Rick Santorum, Kay Bailey Hutchison, Don Nickles, Tim Hutchinson, Strom Thurmond, Frank Murkowski, Pat Roberts, Sam Brownback, Jeff Sessions, Mike Crapo, Judd Gregg, Susan Collins, and Jesse Helms.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

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

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—96

Akaka	Chafee	Feingold
Allard	Cleland	Feinstein
Allen	Clinton	Fitzgerald
Baucus	Cochran	Frist
Bayh	Collins	Graham
Bennett	Conrad	Gramm
Biden	Corzine	Grassley
Bingaman	Craig	Gregg
Bond	Crapo	Hagel
Boxer	Daschle	Harkin
Breaux	Dayton	Hatch
Brownback	DeWine	Helms
Bunning	Dodd	Hollings
Burns	Domenici	Hutchinson
Byrd	Dorgan	Hutchison
Campbell	Durbin	Inhofe
Cantwell	Edwards	Inouye
Carnahan	Ensign	Jeffords
Carper	Enzi	Johnson
Kennedy	Murkowski	Smith (NH)
Kerry	Murray	Smith (OR)
Kohl	Nelson (FL)	Snowe
Kyl	Nelson (NE)	Specter
Levin	Nickles	Stabenow
Lieberman	Reid	Stevens
Lincoln	Roberts	Thomas
Lott	Rockefeller	Thompson
Lugar	Santorum	Thurmond
McCain	Sarbanes	Torricelli
McConnell	Schumer	Voinovich
Mikulski	Sessions	Warner
Miller	Shelby	Wyden

NAYS—3

Landrieu	Reed	Wellstone

NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that after the caucuses I be allowed to speak at 2:15 for my time, post cloture.

The PRESIDING OFFICER. I believe there are a number of people who want to have the opportunity to speak on this, and we traditionally alternate. I respectfully object.

Objection is heard.

The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the fact that we are now going to have a real opportunity for debate on education policy in the Senate. I expect that it will take a number of days in order to address many of the interests of our colleagues, but I think the time could hardly be more well spent. This is the major debate that we will have on a matter that is of central importance to families all over this country. I thank our two leaders for working to make sure that we could have this debate.

As the ranking minority member on the Education Committee, I thank our colleagues from the other side of the aisle, Senator JEFFORDS and others, who have been active and involved in helping to bring us here. I am enormously grateful to all of the members on the full committee who have spent a great deal of time on education matters and have provided leadership in the past in so many different aspects of the education debate.

We are looking forward to this debate. We are looking forward to taking action on education here in the Senate Chamber.

Just to review the bidding, we have filed a cloture motion to proceed to a bill which was reported out of the committee virtually unanimously. However, this vote should not be taken to indicate that a clear consensus has been reached between the administration's best judgment of what is needed and the best judgment of a number of us on how we can really deal with strengthening our educational system. The legislation will be the basis for amendments, although under the rules of the Senate it will be possible, as I understand it, to amend the bill that will be before us, but I expect it is

going to take at least a day before we have real answers.

It is important that our colleagues be given a chance to talk about the areas where this legislation is strong and also the areas where it is weak.

I take this brief time to make a couple of points. First, this legislation is not just about education, it is about the future of our country and the kind of country we are going to have. We know we are talking about the most important quality of our society; that is, for all young people to have a chance for academic achievement and, hopefully, academic excellence. It has been, since the mid-1960s, the priority of this Congress to ensure that the neediest children in our country and to get the special focus, attention, and help that they deserve. It was a national finding in the early 1960s that, despite state efforts in the area of education, we had not really met our responsibility to these needy children.

It has been a long march since that time. There have been many failings in schools along the way. There have been some remarkable successes along the way. There have been some very notable achievements in the more recent years.

We have to look at the fact that even with the investment that has been made by the Federal Government, federal spending on education amounts to about 2 cents out of every federal dollar. We spend close to $30 billion a year on elementary and secondary education in the K–12 programs. This current bill would only account for $8 billion of that total. Through current Title I we only reach a third of eligible children. Even if we had all the programs right in this bill, we are still only reaching a third of Title I eligible children.

This has been a long process. We will hear many of those on the other side talk about the failures of our education policy. There are some remarkable changes that have taken place. Fifteen years ago we didn't have the 4.5 million children who have disabilities in our public schools. They were shunted off into state hospitals, into special schools, not really mainstreamed. Today, they are in our public school system attending school alongside their friends and family.

Fifteen years ago, we did not have programs like those in my State today, at Revere High School, a wonderful high school where 43 different languages are being taught. That was not true 20 years ago or 30 years ago. We didn't have the number of single parent families, 20, or 30 years ago, that we have today that puts additional stress on children attending schools. We didn't have the levels of violence that is so prevalent in many of our inner cities where so many of these children live and attend school. We didn't have the levels of substance abuse that we have at the present time. Children are growing up in more complicated and difficult circumstances, and their teachers are facing much more complicated and difficult circumstances. They need our help.

There are so many dedicated teachers in our inner-city schools who have the opportunity to go to other schools and make a good deal more money. They would most likely have a more modern building, a smaller class size, better access to technology, more professional development opportunities, but they decide to stay. They continue working with challenging situations in the inner-city schools and with the children who so desperately need dedicated, highly-qualified teachers. We must provide these teachers with the educational resources they need, and the professional opportunities they deserve.

This bill can do quite a bit for education in this country, however, it's promise will remain unfulfilled if it is not adequately funded.

We know the importance of investing in children at an early age. We have, over the last 25 years, seen the results of the Carnegie Commission studies and many others that discuss the importance of child development in the early years, the zero to 2 years when brain synapses develop. At that early time their minds begin to develop some ability to learn, an ability that is being awakened as children are being supported and nurtured and given additional kinds of help and assistance.

We know the importance of Early Head Start. We know the importance of Head Start Programs, if they are good Head Start Programs. We are troubled by the fact that we see so many Head Start teachers leaving. There has been a serious decline in their incomes. Even though their incomes are $8 or $9 or $10,000 a year, their purchasing power has deteriorated as we have failed to have any increase in the minimum wage. We see children now in the Head Start Programs that have two or three teachers in the space of one year. They are not able to develop the kind of ongoing relationship with a caring adult that they need at that stage of their life. We are not providing sufficient support to these programs.

When we talk about education in this bill, Democrats on this side and many of our Republican friends on the other side know that this is only one part of the whole education puzzle. It is important that we get it right. But it is also important, if we are really interested in strengthening our education system, that we come back and revisit the priorities of the Early Head start Programs, the early interventions, the Head Start Programs, adequate funding, the child care programs, all the kinds of outreaches that impact these children along the pathway as they come to school.

When we talk about leaving no child behind, at a composite of different times during the children's development, we have to make sure, to the extent that we can, through policy and through priorities, to reach out to those children. We understand, all of us, that the first way the children learn is through their parents and their families—we understand that—and by working through their faiths and other support programs. But to the extent we can impact it, we ought to make sure we get the policy right, but also that we are going to make sure no child is going to be left behind.

That brings me to my third point, and that is the issue of resources.

I welcome the opportunity, unlike last year when, quite frankly, with all respect, there was more of an effort to deny President Clinton a win on the extension of the Elementary and Secondary Education Act than there really was a serious effort to pass a decent bill. But that is in the past. What we have been trying to do is to respond to the President's invitation to work with him on what he considers to be the No. 1 priority.

For us, it is the No. 1 priority. For the parents and the children, it is the No. 1 priority. But we believe strongly—I do, and I know others of our colleagues do—if it is going to be the No. 1 priority, it has to be the No. 1 priority in terms of resources. That is not where this legislation is headed. We have seen the request of the budget for $659 million, when we are talking about 7 million children who are left out. Their increase is $659 million. That just is not going to respond. The President has indicated they are prepared to do somewhat more. We said at the start of this debate, we cover a third of the children at the present time.

Title I funding should cover all children. No child should be left behind when it comes to providing funds for students who most need educational resources. We hope that by the end of the first term of the Bush Presidency the Title I program will cover all eligible children.

We need full funding for the title I program to make sure that no child will be left behind in this program. We are going to then come back on these other programs as well, to the Head Start Programs, and early intervention programs. We are also going to have an important debate on funding of the IDEA for the education of children with special needs. There are cross currents of children who need special kinds of help and attention who are included in that program. Some of the children are, obviously, the same who need additional help in reading and other programs.

We will have the chance at the end of this debate to find out who is truly committed to leaving no child behind because that is going to take resources. We heard a bit of the debate yesterday which tried to make the case that Democrats simply want to spend more money. Money, say some, is not the answer to our problems in education. But reform, without the necessary resources, is not reform—it is a formula for failure.

If a child doesn't learn algebra in the eighth grade, they are less likely to go

on to college. Eighty percent of the children in the inner cities do not have a math teacher who can teach algebra. That is a fact today. We know that. But you cannot bridge the gap between our poorest and wealthiest schools, without providing them the resources to train their teachers and to hire new, fully qualified teachers. Only with these resources will more of our students in the inner cities have a better chance of taking classes like algebra and a better chance of going on to college

We know the problems we are facing in reading today. We know what it takes to catch up. We heard discussions about the Sylvan Learning Centers. Will they be permitted to provide tutorial services? Yes, they will be. We will use those, even though they are for-profit.

Sylvan says they need 36 hours to work with a child to bring that child up 1 year in reading achievement. But the average child spends 50 hours over the course of a year. That would cost $1,900 per child. We cannot say we are for reading and then fail to provide the necessary investment to improve the performance of our nation's students in reading.

But today many of our children aren't reading. We know many children aren't reading and we know what it takes to get them reading. It is going to mean an investment: an investment in our neediest students so that their schools can work effectively to improve their performance in reading; an investment in training for our teachers in the latest methods of teaching reading; an investment in providing educational opportunities after school.

It also means an investment to make sure that we have the best tests that will fairly and accurately assess students. Investment is necessary to ensure that we will test a child's ability to reason, rationalize and distinguish. We have seen those developed in a number of our States. The MCAS test in Massachusetts is this sort of a test.

We need to make a lot of progress. But we are not for a quick, slick, easy examination. We want to make sure we are going to have thoughtful teachers. We want to make sure the teachers are going to be quality teachers for our children. We want to make sure the schools are going to be quality schools to the extent that we can help and assist them.

We know we have 10,000 failing schools today. That is the last projection. We know that the average cost to bring those schools along and turn them around is $180,000. There is a whole series of different ways they can be turned around that have been tested and examined. There are 57 proven, research-based comprehensive reform models that have been identified by the New American Schools Development Corporation, a creation of the first Bush Administration. These models, including Success for All and Reading Recovery among others, cost an average of $180,000. That would cost a total of $1.8 billion to turn around all 10,000 failing schools.

If you are going to turn around schools, you are going to have to invest. Currently the Department of Education is able to fund less than 20 percent of after-school grant applications. There are 7 million latch key children nationwide. In the first hour after school lets out, the juvenile crime rate triples. If we are going to use the after-school programs to help strengthen and tutor the children, we are going to have to invest. We are going to have to invest in our children.

So what are we asking? Is this something that just the Democrats are asking for or speaking for? Absolutely not. Later, when we get into the real debate, I will put in the RECORD what the National Governors have said in terms of funding for this program. I will put into the RECORD what 38 organizations that have represented children and parents and schools have said in terms of the full funding of this program. I will put into the RECORD what the League of Cities, who have a direct insight into what is happening in the inner cities, say in terms of full funding. They say if you are going to do the job right, you need to have the resources. That is what we are saying at the outset of this debate. We have to have the resources to be able to do the job, or we are failing these children and failing them in a very important way.

That is why this debate is so important, because it is about the future. We know that as we move into a global society and economy, that only about 20 percent of the new entrants into the job market have the skills which 60 percent of them need at the present time. We are not giving them the kind of training they need. We are lagging in education and in investing in people and training. The Republicans act as if the tax cut is an economic program—it is not. It is not. We need to invest in the quality of education, which is basic and fundamental in a democracy. We have to invest in terms of the training, and we have to ask this Nation what its priorities are. Should we trade in a small fraction of a $1.6 billion tax cut to invest approximately $5 billion a year in title I to cover every child by the end of FY 05?

We are going to be asked, according to the Wall Street Journal in a recent report, to increase our budget $25 to $30 billion a year for defense. That is going to pass in this body. Are we saying that we are unwilling to provide approximately 5 billion a year for the next 4 years to get to full funding for Title I? Are we saying that we are unwilling to provide the additional resources for afterschool programs, or professional training, or for libraries or smaller class sizes? We are saying we are going to spend the $25 billion a year. You can expect that for the next 6 to 8 years, but we are not going to give you the $5.5 billion.

This is about priorities. I guess we can't do that. That $1.6 trillion tax cut is too sacred to say we are going to reduce that a little in order to fund this program. We think it should be reduced. We believe the American people believe so, too. We are going to give the opportunity to this body to express itself on that issue. We are going to give them the opportunity to do so today, tomorrow, every single day that we debate this. Then we are going to have the opportunity to vote on it every time we are going to face the budget when it comes back from conference and every time in appropriations.

So get used to it because we are going to give this institution the opportunity to vote and vote and vote about whether they are going to put the children as the first priority. We guarantee it. That is going to be it. Hopefully, if we are able to get that kind of commitment, we can move along and join hands together and say we have a bill that is worthy of the children of this country. But it is not there yet.

I see others who want to speak. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, first of all, I commend my colleague from Massachusetts for his eloquence and his passion about a subject matter to which he has dedicated a substantial part of his public service—the plight and condition of America's children under a variety of adverse circumstances. His passion and concern about the condition of our public education system at the elementary and secondary level has, once again, been expressed in the most heartfelt of terms and views, which I am hopeful and confident express the views of a majority of Members of this body regardless of party or ideology.

I am very confident I express the views of the majority of American citizens who, without knowing the details, understand intuitively that if this Nation is going to live up to its potential, to its own aspirations as expressed more than two centuries ago by the founding members of this Nation's Constitution, the Declaration of Independence, that we need to have the best quality of education this country can provide, particularly to a generation that will face challenges unimaginable by even this generation, not to mention generations past.

This is a critical debate. It doesn't get any more important than this. I have often said if you get the educational needs of this country right, you may not have an absolute formula to address every other concern, but an educated population, an educated America, is in a far stronger position to resolve the great issues of their day than an ignorant population. An ignorant nation, an ignorant democracy is a dangerous country, in the sense that people don't understand or grasp the subtle nuances of our Constitution, of

our Declaration of Independence, of our Bill of Rights, not to mention their ability to provide for themselves and to add to the greater prosperity of our Nation.

This is the No. 1 priority. The President has this right. This is and ought to be the No. 1 issue we grapple with as a country. There is no more important issue than the quality of our public elementary and public secondary schools in America.

This morning, roughly 55 million children went to an elementary school or a secondary school in America. Of that 55 million, 50 million went off to a public school; 5 million went off to a private or parochial school. Certainly, while we do things we can to support and assist those private and parochial schools, our fundamental obligation is to public education. It has been since the founding days of this country, in one manner or another.

On the first great debate on education in the 21st century, a debate that will determine over the next 7 years what our priorities are when it comes to public elementary and secondary education, it is important we try and find as much support and common ground for investing in the neediest schools in this country. That has been our Federal obligation.

I make the case we need to change the formulation of how we fund public education in the country. I think this idea of depending upon a property tax in State after State, community after community, may have served the country well in the 19th century, and even for a good part of the 20th century, but the idea today that the primary source of educating the 50 million young people who went off to school today ought to be based on the property taxes of local communities, as is the case in most States in this country, is an archaic, backward idea.

We need to be a far better partner. We only provide a small percentage; 6 cents of every dollar spent on elementary and secondary education comes from the Federal Government; 94 cents, 95 cents comes from our local communities and some from the States. It is mostly from local communities.

I would love to see at some point becoming a one-third partner: One-third of the resources provided by the Federal Government, one-third by States, and one-third by local communities. What a great relief it would be to lower property taxes across this country, to be able to have the Federal Government contribute a far greater percentage of the educational needs of America's children and their families. That debate will not occur this week. We are going to argue about the 6 or 7 cents and how those 6 and 7 cents are going to be spent.

Let's be clear at the outset; we are a very minor participant. The Federal Government is a minor participant in the financial costs of public education in this country. How we spend those 6 cents will be the subject of this debate which may consume as many as 2 or 3 weeks of the Senate's time.

What do you do with 6 cents? Historically, over the past 25 or 30 years, we have said our obligation will be to serve the most endangered, the most needy students in schools in the country. We have done that in title I, the Elementary and Secondary Education Act, in a variety of other proposals, but principally it has been to serve the neediest kids and the neediest schools in America in both rural, urban areas, and suburban areas.

Over the next 2 or 3 weeks, we will talk about how to better target those resources and how to get some improved accountability so when dollars are being spent there is some assurance coming back that kids are learning and teachers are teaching. So we will have a good discussion about how to improve accountability, how to improve some sort of grading system without overburdening school districts.

We speak in a rather lofty tone when it comes to demanding testing. I don't think anyone wants to be part of a formulation that demands testing without providing the resources to the schools to see it gets done, and also adding to the burdens of teachers and school districts and parents by having nothing more than testing going on.

Someone said in my State the other day, taking someone's temperature three or four times a day does not make a child better. It does not improve their health. It tells you how they are doing. Testing three or four times a year, whether a local test, a State test, or a Federal test, doesn't make that student a better student with more knowledge. It merely tells you how they are doing. There are many who are concerned that demanding more testing will turn the schools into nothing more than test prep centers where kids are geared every day and every week to pass a test, to get good scores on the tests, and where actual learning takes a secondary position.

While I understand the value of testing, let's not get carried away and set up a system that we come back with 4 or 5 years from now and all we have done is fulfill a self-fulfilling prophecy; that kids in poor districts don't do very well. We know that already. You can spend all the time and effort possible to test people. But for the life of me, I don't understand all the value of that, at the expense of trying to do things that would actually improve the conditions so kids do better on the tests we do provide.

Many feel there are things we can do with the 6 cents. Remember, I am talking 6 cents—not 100 cents on the dollar but 6 cents. That is all we give now. That is what Uncle Sam sends, 6 cents on every dollar.

It seems to me we ought to improve the structures where kids attend school. We know a child who walks into a building that is 50, 60, or 70 years old and falling apart isn't going to learn very well. I don't need a study by a bunch of Ph.D.'s at the Department of Education over the next 6 years to tell me that. Talk to any parent who takes their kid to a school that leaks, that is not wired, that is falling apart, and I will guarantee that child in those circumstances is not going to learn very well.

Put some of these resources in to see to it that the buildings, these structures, these physical plants, might be improved so that child who arrives at that school building has a better chance to learn. About 50 percent of all the kids who went to school this morning entered a building built more than 50 years ago—50 percent. I think the need for improving the physical structure is quite obvious in the urban and rural areas that are the most impoverished and the poorest.

Reducing class size, again, I don't think it has great value in having studies done over the next 5 or 6 years. Any parent will tell you, a child will tell you, if they are in a classroom with 20 or 25 students and one teacher, the teacher cannot teach and the kids can't learn. This is not brain surgery. This is about as basic as it can get.

I spoke to a group of charter school students from Connecticut the other day on the east front of the Capitol. I said: Tell me why you like the charter school.

They said: We get more attention.

I said: Why do you get more attention?

Because the classes are smaller.

These were not the teachers talking or the parents. These were the kids. We are doing more in charter schools, and that is good news, but not every child gets to go to a charter school.

I asked: How did you get to go to a charter school?

It was a lottery. We put our names in a hat and they drew out so many names. There were hundreds who wanted to go, but it was a lottery. They picked them out of the hat, so these kids from this town of mine in my State of Connecticut got to go.

I applaud what they are doing with the charter schools. I think they are great ideas. But we cannot just talk about improving charter schools at the expense of these other public schools. If it is good for a charter school, why can't it be good for the other schools as well? Why can't every school be a charter school in America? Are we so inept that we cannot come up with the means by which every kid who goes to school, as they did this morning, could walk into a classroom where they were not one of two dozen students vying for the attention of a teacher in order to learn? We know without any question that in a class that is smaller, where a teacher has the opportunity to really spend some time with these children, you can make a difference in the quality of their education and how they will do on those tests that we all seem so interested in funding or requiring as part of the Elementary and Secondary Education Act.

Regarding afterschool programs, how many days do parents worry about where their children are? Single parents working, two-income parents, parents who stay at home, wondering where that child is, what goes on after 2 o'clock in the afternoon. Talk to any police chief. I wonder if you think I am making these things up. Call your local police department if you question my veracity on this and ask the local police chief what is the most dangerous time of day for young kids, in terms of them being victims or creating problems themselves. They will tell you it is not after 7 or 8 or 10 o'clock at night. The most dangerous time is between 2 p.m. and 6 p.m. Again, that is the conclusion of every police chief I ever talked to across the country.

So afterschool programs become critically important, not just to keep kids safe but as part of the learning experience. We think with that 6 cents I talked about here, we ought to allocate some of those resources to expand afterschool programs because we know they work. In this day and age, we should be utilizing our school buildings after school, weekends, evenings, summers, so these learning centers become more a part of our community, assisting the towns and counties and States. That is where kids can channel their energies into constructive alternatives. Left alone, we know all too often what happens. Good kids can make bad decisions, decisions that affect them the rest of their lives.

There are many of us, as we begin this debate, who would like to see some effort made to improve the physical structures where kids go to school every day, reducing those class sizes so the kids have an opportunity to really learn, seeing to it there are afterschool programs, making sure we have full funding for title I so these needy students and their families across the country will get the support they richly deserve.

My hope is that at long last we will be able to pass some mandatory funding for special ed. How many towns across the country have told us the costs of special education are depriving them of the resources other children need in their communities? I know that will be offered.

My colleague from Maine, Senator COLLINS, and I will offer an amendment on title I for full funding. I know my colleague, the Presiding Officer, sat through the debate and discussion in our committee, the HELP Committee, and I know he is sympathetic to the full funding of title I. If we come up with that as part of the formula for funding this authorization bill, we would like to have his support on this as well, knowing he was part of the debate during committee consideration.

But I hope we can come up with a mechanism for full funding of title I and for special education, to see to it we live up to our obligations and fulfill the commitments we must make.

Again, going back to what I said at the outset of these remarks, there is no more important issue to address as a legislative body, as a national legislative body. It is not enough any longer that I only have to worry about how a child is doing in Connecticut, how a young student is doing in Bridgeport or Hartford or Sterling or Union or my hometown of East Haddam, CT, but how kids are doing in California, how they are doing in Illinois, how they are doing in Florida and Michigan and Maine. These are national issues now.

If a kid fails in Wyoming, then that is a problem for those of us who live in Connecticut, just as it is a problem for those who live in Wyoming if a kid in Connecticut is not doing well. Children in the 21st century will compete with children in Beijing, in Moscow, in Sidney, Australia, in Tokyo. All across the world is from where the global competition comes. So we have to do what we can with that 6 cents we contribute to elementary and secondary education to see to it that those dollars are going to reach those families and those communities that have the greatest need.

I wish it were otherwise. I wish we were talking about picking up a third of that responsibility, as I think any national government ought to do in the 21st century, and contributing to the quality of our overall educational system. Unfortunately, that is not part of this bill. But I think that in getting these dollars up on title I and special ed, contributing to school construction and class size and afterschool programs, our dollar is well invested.

Let me mention last of all the issue of funding, because you are going to hear a lot of debate about what we can afford and not afford to do. Later today, if he has not done it already, the President of the United States is going to call for $60 billion on a national missile defense system. I happen to believe in the 21st century we are going to have to develop some form of a missile defense system. I will not take a back seat to anybody in my commitment to seeing to it that the national security needs of my country are met. But we are going to be asked today, without knowing much more about it, to spend $60 billion. Senator KENNEDY mentioned $25 or $30 billion increases each year in the coming few years.

I think there may be a good case to be made for increasing spending for the national security needs of this country and for developing a national missile defense system. I understand the need for that. But I want it to be done in a way that is going to reflect what we can achieve, the kind of science that needs to be developed, done in coordination, my hope would be, with our allies so this is a shared technology that will protect us from potential hazards we face with this ever-modernizing technology that puts us all at risk.

We have been asked to support a $1.6 trillion tax cut. What we are talking about here is modest increases for the educational needs of America. If it is important to invest dollars to protect the national security needs, if it is important to invest dollars for the economic security of a country, how can you really talk about being secure militarily or economically if you do not have an educated population? If you do not have an educated population, how secure are you? If you have kids growing up where the gap grows wider and wider and wider every single year between those who fit into an economy where they understand and have the tools necessary to perform and those who do not and are left further and further and further behind. They then beget children of their own who get further and further behind. You end up having a growing segment of your population that really cannot fit into a modern economy or understand or contribute to the national security of a nation.

This is a seamless garment. National security or economic security are never going to be secured if you do not have an educated nation. That means every child being given the opportunity to reach his or her potential.

None of us has an obligation to guarantee success. I feel no burden whatsoever to say to any child in America: I have an obligation to see to it you succeed. I do not have that burden.

But I feel the burden that every child ought to be given the opportunity to succeed regardless of economic circumstances, of race, of ethnicity, or geographical location. A child should not be left behind because of the action in Washington, because of the town they are born in, or the economic circumstances of their parents. That is not my America. My America says every child should have the chance to reach his or her potential to contribute to their own well-being and to contribute to the well-being of this Nation. That is what successive previous generations have done. That is why this country has achieved the success it has.

If we are going to continue that legacy in the 21st century, it becomes the collective responsibility of the 100 of us in this Chamber, the national legislature, with the 6 cents we get to manipulate in terms of the educational needs of a nation, to see to it that the neediest of our citizens are going to have an opportunity to achieve America's dream. You cannot do that without an education. You may get lucky at a casino or you may hit the lottery one day. But that is not how most Americans need to depend upon their economic future and to fulfill their dreams. You cannot succeed in America without a good education. To do otherwise is totally a fiction.

This debate over the next few weeks is about as important as it gets. This debate over the next few weeks is on whether or not we will have the intestinal fortitude to commit the modest resources to seeing to it that America's schools and America's children are going to get the best they can from their Federal Government under these circumstances.

Again, I wish to reiterate that we were a far better partner. I think it ought to be a source of collective embarrassment that the Federal Government contributes only 6 cents out of every dollar in America in the 21st century. Why we cannot be a one-third partner, to me, is beyond imagination. Yet that is where we are.

The 6 cents that we will be talking about contributing will make a difference. My hope is that we will fully fund those 6 cents to see to it that these schools, children, and families will have the chance to maximize their potential.

There will be extensive debate. I will be talking about the various issues that come along. I look forward to the amendment that I will offer with my colleague and friend from Maine, Senator COLLINS, on title I. I look forward to the debate on special education and these other issues that come along. I will have an amendment with my colleague from Alabama on privacy issues that we will be offering along with some other suggestions with my friend from New Mexico, Senator DOMENICI, on charter education.

We will have a good debate and a good discussion on some of these issues. My hope is at the end of this debate we will be able to meet as a body and say to each other that we have done the right thing for our country. Many of us may not be here when the next education bill comes to the floor. I would like to think that on this occasion and during this discussion we are mindful that this may be our last opportunity individually to leave our signature on how we would like to see America meet its educational challenges for the 21st century.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Connecticut for his remarks. They are right on. I wish to associate myself with them. I wish to thank him for his decades of perseverance on behalf of education. It was an excellent set of remarks. I thank him very much.

Mr. President, my understanding is that each Member has an hour to speak on the motion to proceed. I intend to use my time not only on the education bill, but because of the situation in California with respect to energy, I wish to give this body, on the 1-year anniversary of the energy crisis, a brief report. I ask unanimous consent to do so.

The PRESIDING OFFICER. Does the Senator realize that we have a 12:30 recess for the policy conferences?

Mrs. FEINSTEIN. I do. I will use the 15 minutes, if I may.

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

Mrs. FEINSTEIN. Thank you very much.

THE ENERGY CRISIS

Mrs. FEINSTEIN. Mr. President, I rise today to speak once again about the California energy crisis. Today is the first day of May and in many parts of California, it is the start of a 5-month summer and the start of a five-month period of the highest electricity demand. The day also marks the 12th consecutive month we have been in an energy crisis—I add to that the Pacific Northwest—meaning for an entire year we have experienced energy prices that are about 10 times higher than they were in the previous 12 month period. And it also marks the 12th consecutive month that the Federal Energy Regulatory Commission has failed to take decisive action.

It took the Federal Energy Regulatory Commission until November to declare what people in San Diego, California discovered last May, electricity rates are ''unjust and unreasonable'' and the market is broken.

Last week, FERC attempted to modify the broken market with so-called ''price mitigation.'' In its April 26th order, the FERC outlined its proposal ''to mitigate the dysfunctional market.'' Unfortunately, what FERC offered as a solution will not do nearly enough to solve the problems in California and the Northwest.

First, the order for the most part, ignored the Northwest—offering only a limited investigation of the broken market in Oregon and Washington without any promise of even the feeble price mitigation offered to California.

Second, the order will last only one year, not nearly enough to get enough supply on line to meet our energy needs.

Third, the order only applies to stage 1, 2, and 3 energy emergencies, practically ensuring that prices for the rest of the time can remain exorbitantly high.

Fourth, the FERC order decreed that the cost based rate of the price for the least efficient megawatt of power needed at any given hour would go to everyone who bid into the market. With natural gas prices still averaging three times higher in California than elsewhere, it is almost a guarantee that this would mean at many hours, the average price of electricity will be $400-$500 per megawatt.

Which brings up the most glaring problem with the FERC order: It does not address natural gas, which is the major cost in electricity production and a problem in itself for heating, cooking, food and manufacturing production, etc. I would like to take this opportunity to read from some letters I have received about the energy crisis.

Let me speak about a letter from the California Steel Industries, and I quote:

Our company is a relatively large consumer of both electricity and natural gas. Our historical gas bill was about $12 million annually. With the price gouging going on in California, that bill will rise to $40 million or even $50 million this year. For electricity, we historically paid about $15 million per year. That number will double this year due to increased retail rates, which became necessary as a result of skyrocketing wholesale prices.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

CALIFORNIA STEEL INDUSTRIES, INC.,
Fontana, CA, April 16, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: This is to ask for your help in immediately seeking emergency action by the Federal Energy Regulatory Commission, to stop the relentless profiteering and price gouging by energy providers to the state of California.

The problem in the wholesale price of electricity is well documented. Power prices have gone from about $30 per megawatt hour in 1999 winter months to more than $1400 per megawatt hour at times during the winter of 2000–01. This was not due to a rise in demand or a supply shortage—the winter months for both years saw demand at about half of the summer peak period.

High prices have continued through the moderate spring weather and could hit astronomical levels this summer.

Natural gas, a key component of electricity generation and of industrial production in its own right, has followed suit. While the price of natural gas is up across the nation—about double the historical average in Chicago, New York and Texas, for example—in California, it is about six times the historical average. In recent weeks, natural gas has been a little over $5 per MMBTU in most areas of the country, and nearly $15 in South California.

Our company is a relatively large consumer of both electricity and natural gas. Our historical gas bill was about $12 million annually. With the price gouging going on in California, that bill will rise to $40 million or even $50 million this year. For electricity, we historically paid about $15 million per year. That number will double this year due to increased retail rates, which became necessary as a result of skyrocketing wholesale prices.

For California Steel Industries and its 1,000 direct employees, those numbers are not only mind-boggling, they spell disaster. No business can absorb that kind of a hit for long and continue to survive. We are the largest producer of flat-rolled steel in Southern California, and we serve nearly 400 customers, most of whom are in California. We cannot pass along these increased costs to our customers because they can easily purchase competing steel from the Midwest, the East, and from offshore, produced with far less expensive energy.

Unfortunately, our story is just one of many in California these days.

The President of the California Public Utilities Commission, Ms. Loretta Lynch, has requested the help of the FERC in this crisis. Thus far, she has been rebuked by the regulators, on the basis that this is simply a supply and demand issue that will straighten out as soon as more power plants are built and more gas pipelines constructed. Unfortunately, we fear the problem will go away even sooner—by a huge drop-off in demand as businesses shut down and lay people off. This is not the solution the FERC wants, we are sure. However, we cannot wait for the FERC's theoretical approach to solve everything 50 months from now. We cannot even wait 50 days.

It is our belief that there is *no fair market* for gas or electricity in California, and there will not be fair pricing without federal intervention at the wholesale price level. We are committed to doing our part for conservation. We would also welcome the chance to talk with you personally about this subject.

In the meantime, on behalf of all Californians who value a good job with a secure future, and who helped create the world's 6th largest economy through hard work and perseverance, we urge you to get directly involved in this matter and demand that the FERC do its job. We must ensure that electricity and natural gas—two unique commodities, which in most cases have no short-term substitute—are priced fairly. Otherwise, you can turn out the lights in California, because the party will be over.

Very truly yours,

C. LOURENÇO GONÇALVES,
President and CEO.

Mrs. FEINSTEIN. Mr. President, California is the largest dairy State in the Union.

Let me read a brief quote from the Dairy Coalition of Concerned Energy Consumers.

As the number one-ranking dairy producing state in the nation, the California dairy industry uses substantial quantities of natural gas to run its processing plants. Between December 1999 and December 2000 the cost of gas to dairy plants in California increased 4,000%. Our paramount concern is the dramatic increase in the non-commodity portion of the price of gas.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

CALIFORNIA DAIRY COALITION OF CONCERNED ENERGY CONSUMERS,
Sacramento, CA, February 16, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the California Dairy Coalition of Concerned Energy Consumers, I would like to thank you for all of your activities to date directed to resolving the energy crisis in California.

The Dairy Coalition was formed recently due to the supply problems and dramatic price increases seen for both electricity and natural gas in California in late 2000. The Coalition represents all of the major dairy producer co-operatives in California, as well as the major proprietary processing companies.

As the number one-ranking dairy producing state in the nation, the California dairy industry uses substantial quantities of natural gas to run its processing plants. Between December 1999 and December 2000 the cost of gas to dairy plants in California increased 4,000%. Our paramount concern is the dramatic increase in the non-commodity portion of the price of gas.

Again, the Dairy Coalition greatly appreciates your attention to this critical issue.

Sincerely,

JIM GOMES,
Executive Vice President, California Dairies, Inc.

Mrs. FEINSTEIN. Mr. President, let me read briefly from a letter from Bayer. Bayer uses tremendous quantities of energy, and it relies extensively on natural gas and oil as both fuel and feed stock. It has had a 300-percent surge in the open market cost of natural gas since early in 2000.

The letter goes on to say:

Volatile crude oil prices have increased the cost of feedstock by as much as 100 percent.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

BAYER CORPORATION,
Pittsburgh, PA, April 2, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I write on behalf of Bayer, the world's largest producer of both synthetic rubber and polyurethane systems and a major U.S. exporter with more than 23,000 employees in the United States.

Please act promptly to advance a comprehensive national energy policy and strategy that promotes high environmental standards and a diverse, flexible energy supply at globally competitive prices.

Our polymers and chemicals businesses use tremendous quantities of energy and rely extensively on natural gas and oil as both fuel and feedstock. In this way, our $10 billion U.S. company is representative of a major segment of the economy. The $460 billion business of chemistry is the largest exporting sector in the country, accounting for ten cents out of every dollar in U.S. exports. At Bayer Corporation, one out of every five jobs depends on our $2 billion export business. We cannot fight with both hands tied behind our back, one already tied by the strong dollar, now the other by high energy costs.

The 300-percent surge in the open-market cost of natural gas since early in 2000 has dramatically affected business. Volatile crude oil prices have increased the cost of feedstock by as much as 100 percent.

Passing these costs along to our customers in the appliance, automotive, construction and other markets is not a viable, long-term solution. Rather it is a bleak, zero-sum game for the U.S. economy.

We are doing our part by aggressively pursuing policies to conserve energy and otherwise raise efficiency through measures such as co-generation. Even so, we need your help in bringing about a rational approach to the energy needs of the world's largest, single-nation economy.

I urge you to please speak out on this matter and act immediately.

Please do not hesitate to contact me if you would like additional information about Bayer's perspective on energy policy.

Sincerely,

HELGE H. WEHMEIER,
President and Chief Executive Officer.

Mrs. FEINSTEIN. California is a very large floral producer. I would like to read a brief quote from the California State Floral Association.

While our state decision makers have devoted most of their attention to the supply and cost of electrical energy, it is the high cost of natural gas that is of the greatest concern to our grower members. They have seen their natural gas bills increase by five to six fold. For example, one of our nurseries reports having their monthly gas bills increase from $26,000 in December of 1999 to $145,000 in January of 2001. This is fairly typical of the industry.

I have a letter from the H.K. Canning company which states that they are going to be forced out of business because of the high costs of energy today in California.

I ask unanimous consent that both of those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CALIFORNIA STATE FLORAL ASSOCIATION,
Sacramento, CA, February 5, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: The California State Floral Association represents retail florists, wholesale florists and cut flower growers in California. We are very concerned about the impacts the current energy crisis is having on our members. Of particular concern is the skyrocketing natural gas price as well as recent concern over natural gas availability and the possibility that gas customers including nurseries will have their gas service curtailed.

The energy crisis in California will have major economic ramifications on the state. We know you understand the seriousness of this situation. The unstable supply of all energy resources and the escalating costs of natural gas, diesel, propane and electricity have placed enormous new economic burdens on our industry. Our product is highly perishable and power outages can cause significant losses in a very short period of time. We have a very real concern that many of our members may be forced out of business. We face economic losses from the grower through the marketing chain to the retail florist.

While our state decision makers have devoted most of their attention to the supply and cost of electrical energy, it is the high cost of natural gas that is of the greatest concern to our grower members. They have seen their natural gas bills increase by five to six fold. For example, one of our nurseries reports having their monthly gas bills increase from $26,000 in December of 1999 to $145,000 in January of 2001. Other nurseries report similar increases in the cost of natural gas. Since farmers are price takers not price makers, these costs cannot be passed on. Some growers have reduced production, laid off employees and had to reduce employee benefits just to stay in business.

The flower industry is an important contributor to the agricultural revenues of this state. Cut flowers account for over $300 million dollars in farm gate revenues and all ornamentals total over $700 million statewide. California is also the number one flower producing state in the country. Yet the future of the cut flower industry is not bright.

We know that many in our nation's Capitol believe our energy crisis to be a ''California Problem'' and that it should be remedied through state action. While there may be some validity to this view with regard to the shortage of electrical energy, we believe this to be a grossly inaccurate perspective relative to the natural gas crisis in our state. The problem of natural gas availability and manipulative pricing needs to be dealt with at the federal level.

In light of the above, we urge you to do everything in your power to get the Federal Regulatory Energy Commission (FERC) to act immediately to stop the predatory gas pricing practices being perpetrated against California consumers. FERC has the ability to mitigate the anti-competitive conditions that exist in the marketing and delivery of natural gas. As we understand it, they have the opportunity to do this through two cases pending before them brought by two of our utilities. They have the responsibility to take such action under their charge as an oversight commission and the statutory authority under which they operate. And they need to take such action soon or many flower growers will not survive this crisis.

We desperately need your assistance in this time of great need. Please make this issue your highest priority. We thank you in

advance for any help you can provide and are awaiting your response. Please do not hesitate to call on us for specific information and assistance.

Very respectfully yours,

JIM RELLES,
President.

H.K. CANNING, INC.,
Ventura, CA, February 1, 2001.

Senator DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: My wife and I are owners of a small food processing cannery plant in Southern California called H. K. Canning, Inc. We have 81 employees with families that in total represent approximately 350 people. We all need your help desperately.

We purchase Natural Gas to power our steam boiler for processing soups and vegetables. The attached cost summary shows that for the last five years our volume of BTUs has remained constant along with the cost for these BTUs. However, until recently, our Natural Gas bill has risen seven (7) times over previous months without using any additional BTUs.

This is going to force us out of business! Profit margins in the food processing business are very tight, as we are all aware of what happened to Tri-Valley Growers in Stockton, CA. We have also seen our Worker's Compensation costs triple since 1999 with no cost control implementation. California is in trouble. We are in trouble and the government is moving to slow!!!

We, and our employees, need your help now.

Sincerely,

HENRY KNAUST,
President.

Enclosure.

H.K. CANNING, INC.: NATURAL GAS BILLING ANALYSIS

Fuel vendor	Month and year used	Quantity MMBtu therms	Price MMBtu therms	Monthly cost
Amoco	6–1996	2,289	1.40	3,204.60
Do	7–1996	2,310	1.72	3,973.20
Do	8–1996	2,043	2.19	4,474.17
Do	9–1996	2,003	1.75	3,505.25
Do	10–1996	2,757	1.76	4,852.32
Do	11–1996	2,513	2.65	6,659.45
Do	12–1996	2,135	3.73	7,963.55
Do	1–1997	2,551	4.30	10,969.30
Do	2–1997	1,932	2.68	5,177.76
Do	3–1997	1,984	1.64	3,253.76
Do	4–1997	2,673	1.77	4,731.21
Do	5–1997	2,103	2.08	4,374.24
Do	6–1997	2,133	2.23	4,756.59
Do	7–1997	2,588	2.25	5,823.00
Do	9–1997	2,744	2.53	6,942.32
Do	10–1997	3,236	3.11	10,063.96
Do	11–1997	2,532	3.37	8,532.84
Do	12–1997	2,975	2.39	7,110.25
Do	1–1998	2,273	2.31	5,250.63
Do	2–1998	2,703	2.11	5,703.33
Do	3–1998	2,781	2.34	6,507.54
Do	4–1998	2,616	2.40	6,278.40
Do	5–1998	2,669	2.37	6,325.53
Do	6–1998	2,610	2.10	5,481.00
Do	7–1998	2,920	2.25	6,570.00
Do	8–1998	2,885	2.33	6,722.05
Do	9–1998	2,981	2.05	6,111.05
Do	10–1998	3,006	2.06	6,192.36
Do	11–1998	2,905	2.36	6,855.80
Do	12–1998	3,599	2.32	8,349.68
Sempra	1–1999	2,774	2.04	5,658.96
Do	2–1999	2,814	1.83	5,149.62
Do	3–1999	3,316	2.20	7,295.20
Do	4–1999	2,941	2.20	6,470.20
Do	5–1999	2,748	2.20	6,045.60
Do	6–1999	2,912	2.20	6,406.40
Do	7–1999	2,750	2.20	6,050.00
Do	8–1999	3,110	2.20	6,842.00
Do	9–1999	3,332	2.20	7,330.40
Do	10–1999	3,173	2.20	6,980.60
Do	11–1999	3,025	2.20	6,655.00
Do	12–1999	3,275	2.20	7,205.00
Do	1–2000	3,153	2.20	6,936.60
Do	2–2000	3,437	2.20	7,561.40
Do	3–2000	2,778	2.60	7,222.80
Do	4–2000	2,478	3.03	7,508.34
Do	5–2000	2,958	3.04	8,992.32
Do	6–2000	2,319	3.04	7,049.76
Do	7–2000	2,638	4.92	12,978.96
Do	8–2000	2,798	4.50	12,591.00

H.K. CANNING, INC.: NATURAL GAS BILLING ANALYSIS—Continued

Fuel vendor	Month and year used	Quantity MMBtu therms	Price MMBtu therms	Monthly cost
Do	9–2000	2,787	6.32	17,613.84
Do	10–2000	3,211	5.58	17,917.38
Do	11–2000	2,905	5.19	15,076.95
Do	12–2000	2,854	14.09	40,212.86
Do	1–2001	[1] 3,000	16.32	48,960.00

[1] Estimate.

Mrs. FEINSTEIN. Mr. President, I have a letter from California State Senator K. Maurice Johannessen. This letter points out that the Shasta Paper Company is now closing its doors because of rising natural gas prices and the suspension that has resulted on pulp production. I ask unanimous consent that the letter be printed in the RECORD.

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

CALIFORNIA STATE SENATE,
Sacramento, CA, December 15, 2000.

Re: Request for Immediate Intervention

Hon. GRAY DAVIS,
State Capitol,
Sacramento, CA.

DEAR GOVERNOR DAVIS: The State of California currently teeters on the brink of a major energy crisis that threatens the well-being of citizens, communities, and the economy. The significant increase in natural gas prices and looming energy shortages have caused distress among many Californians. Couple that with the decision by the United States Forest Service to halt operations in National Forests, including forest thinning, fire hazard reduction, and ground disturbing activities, and we have a formula for disaster brewing in our state.

In my district alone, the Shasta Paper Company (the only remaining paper pulp mill in the state) had to close its doors last week because of rising natural gas prices and the suspension on pulp production. Although they were able to reopen this week, they have been forced to do so on a limited basis, with a substantial reduction in their workforce. They have taken an enormous financial hit and are in danger of being priced out of their ability to operate in the future.

The Shasta Paper Company employs nearly 450 people with a payroll of approximately $1 million per week and revenues of $144 million yearly. The closing of this plant will not only devastate the area but deprive the entire state of the benefits from this valuable enterprise. They are currently considering alternatives to natural gas but will require a temporary waiver of emission standards to remain viable. In the meantime, many once productive members of the workforce are left to wonder about their personal financial situations.

Burney Forest Power is a 31 megawatt biomass fueled co-generation plant located in Shasta County that is capable of supplying power to about 25,000 homes. At a time when every megawatt produced in the state is precious, the USFS decides to suspend all timber-related activities to the detriment of biomass power plants throughout California. While industries are laying off workers due to the cost of natural gas, these same workers are being asked to pay higher fuel and energy costs. The financial impacts to individuals, communities, social service agencies, and industries may cause irreparable damage statewide.

I understand that the actions of the USFS were the result of lawsuits filed by the Earth Island Institute and other environmental groups as an interim settlement. The agreement was for suspension by the USFS ''not to offer, advertise, auction or award any timber sales within the Sierra Nevada Framework planning area'' from December 11, 2000 to March 1, 2001, or 30 days after the Record of Decision is issued for the Sierra Nevada Framework Final Environmental Impact Statement.

Earth Island Institute asserts in their suit that the area not only has suitable habitat for the California Spotted Owl but also that the Sierra Nevada province may contain potentially suitable habitat for the Pacific Fisher. The USFS agreed to expand the area of consideration from suitable habitat for the California Spotted Owl and suitable or potentially suitable habitat for Fisher to include the entire Sierra Nevada planning area!

I do not believe that the USFS took into account the impacts on biomass power producers and other industries when they entered into this agreement. It is not difficult to see the effect that the loss of these power producers can and will have on northern Californians as we enter into the coldest months of the year. What impact can we reasonably project on the cost of doing business in northern California when many enterprises rely on natural gas to operate? If biomass producers are hindered or shut down, the demand for natural gas will increase, causing an even greater strain on the current situation.

Governor Davis, California already suffers from skyrocketing gas and energy prices and the state is in a near emergency situation. You have sought to preserve current supplies and I am confident that you will be anxious to prevent further hardship to the citizens of California. We are already facing the threat of rolling blackouts and government offices within California have been directed to implement energy conservation strategies and actions in response to current and expected shortages.

I do not believe that the USFS acted maliciously when they entered into the agreement, however, I do feel that the action was shortsighted. To have not consulted with the Governor of a state where such actions will cause harm is irresponsible, unconscionable, and unacceptable.

I am requesting that you intervene with the Department of Justice to provide a temporary waiver for emission standards and address the United States Forest Service's action to cease all timber-related operations in the Sierra Nevada planning area.

Your immediate consideration is greatly appreciated.

Sincerely,

K. MAURICE JOHANNESSEN,
Assistant Republican Leader.

Mrs. FEINSTEIN. Mr. President, last week I reported that C&H Sugar, the only sugar refinery on the west coast, that had employed 1,000 people, closed its doors for 5 days. Its cost of steam went from $450,000 a month to $2 million a month. I would like to update that report. That company is now looking for a special bridge loan. If it is unable to find that loan, the only sugar refinery on the west coast will have to permanently close its doors.

These complaints are all centered on natural gas prices. People have not yet been hit with the 40-percent increases planned for the average ratepayer in electricity this month. This does not even address gasoline prices which some are predicting may reach $3 a gallon in California this summer. So

things are going to get a lot worse before they get better.

The California Independent System Operator has said that the State will be 2,000 to 5,000 megawatts short in meeting its energy needs. In other words, millions of homes and businesses are at risk of being blacked out, maybe every day. This affects traffic lights, ATMs, farmers, assembly lines. It affects vineyards; it affects small hospitals—and the list goes on and on.

Since January, the State Department of Water Resources has been purchasing all of California's power needs because of the poor financial condition of the State's utilities. Last week, I updated my colleagues in the Senate on the amount the State has spent so far to keep the lights on. At that time, it was $5.2 billion. In the last week, that number has gone up by $1 billion, to $6.2 billion. And the State continues to buy power at the rate of $73 million a day.

The implications of these high power prices are devastating to the State. In fact, State budget officials are already making deep cuts in California's $105 billion budget that the Governor will sign into law in late June. Last week, the California State Senate Budget Committee chairman called on the Budget Committee to come up with a list of cuts totaling $2 to $4 billion to compensate for higher energy costs so far.

I would like to put the costs in perspective. California, as I said, is spending $73 million a day on power. How much is that? It is enough to fund the annual budget of the Santa Ana Police Department. It is one-fourth of the cost to run California's entire judicial system for 1 year. It would provide health coverage for almost 300,000 working families in the State. And it is gone in 1 day.

As I have said before, the major problem was a flawed deregulation bill passed in 1996 called AB 1890. However, the State is doing today all it can to increase supply and reduce demand. The State will have an additional 3,572 megawatts on line by the end of the summer and an additional 6,923 megawatts on line before the end of 2003, and by 2004 the State expects to add 20,000 more megawatts. That is enough power for 20 million additional homes.

The problem is in the interim. The problem is the absence of price stability. The State spent $7 billion in 1999 for energy—total—$32 billion in the year 2000, and it is estimated to spend $65 billion in 2001. Simply stated, this is the result of price gouging. Simply stated, it is a Federal responsibility to provide a period of reliability and stability in price before we bankrupt every industry in the State of California and close businesses from Eureka to San Diego. The Pacific Northwest is in the same crisis, and the Midwest and other regions will be as well, unless the FERC takes action.

Yesterday, the Commission ordered the Williams Company to refund $8 million for withholding power. This is the first action of its kind. The Commission found that this generator improperly shut down plants with the implicit understanding that withholding power from the market would drive up prices. Even to the most conservative Member in this body, this is evidence of manipulation of the market in California to drive up energy prices. The FERC found it, and the agreement was that Williams will pay $8 million in a refund.

This firm has admitted no wrongdoing in the settlement. However, it should be clear that what was alleged was that they took key generating units in Long Beach and Huntington Beach offline in April and May of last year. Williams said it settled to end the matter and that they would have been exonerated had FERC pursued the case. Initially, FERC had sought a refund of about $10.8 million but settled for the $8 million in the compromise agreement.

Today, Pacific Gas and Electric, a very large investor-owned utility, is in bankruptcy in chapter 11. Southern California Edison, the distributor of power to 11 million people, is very close to bankruptcy. Should the agreement forged by the Governor not go through, that utility will be in bankruptcy.

Yesterday, a divided State senate appropriations committee approved a bill that would impose a windfall profits tax on electricity sellers who gouge California consumers. Revenue from the tax would flow back to Californians in the form of a credit on their State income tax, starting next April 15. On a 7–3 vote, Democrats on the committee voted for the bill, Republicans lined up against it. The measure moved to the Senate floor, where it will require a simple majority of 21 votes and is expected to pass. The Governor has said he is open to signing a windfall profits bill, but he has not publicly lobbied for the passage of the bill.

Yesterday, the Vice President made an energy speech. I would like to say a few things about it.

In his first extensive remarks about the energy recommendations his Cabinet-level task force will make to the President by the end of May, the Vice President blamed current shortages on shortsighted decisions in the past. The Vice President said that conservation, while perhaps ''a sign of personal virtue,'' does not make for sound or comprehensive policy. The Vice President promised ''a mix of new legislation, some executive action as well as private initiatives'' to cope with rising energy prices and growing demand. He definitely rejected turning to price controls, tapping the Strategic Petroleum Reserve, or creating new bureaucracies.

Over the next two decades, it will take between 1,300 and 1,900 new power plants—or one every week for 20 years—just to meet projected increases in nationwide demand, Mr. CHENEY said. And he said, ''Without a clear, coherent energy strategy for the nation, all Americans could one day go through what Californians are experiencing now, or even worse.''

I have been really disappointed and surprised with this administration's attention to the energy crisis. I have written to the President three times now asking to meet with him and explain the situation. So far, he has not yet agreed to meet with me.

The Vice President and the Energy Secretary through this Presidential Task Force are talking about how the Federal Government is going to help. However, adding 1,600 new power plants over the next 20 years is not the answer we need. Nobody questions that we need more supply in the long term. But we have a situation where prices have been spiking for almost a year in California and about 6 months in other parts of the Northwest, where the Northwest is experiencing the driest hydro year on record. This is where we need the help.

This is where the Federal Government has a duty to help. California and the Northwest badly need a period of stability and reliability, and this is where the Federal Government can help. I argue that this is where the Federal Government has a duty to step in and protect consumers from being gouged. As I said, California is adding 20,000 new megawatts itself which is the equivalent of forty new average-sized plants, without any Federal prompting.

Lastly, I am also quite surprised that the Vice President, in his remarks yesterday, essentially said that wind, solar, geothermal and other renewable energy sources are still too far into the future and the future is all fossil fuels.

Even if that were true, the truth of the matter is that nuclear power, for instance, takes years and years to cite and there is nothing this administration can do to help with the supply we need this summer and next summer.

I, again, urge my colleagues to support Senator GORDON SMITH and I and force FERC to take action and address the problem. The alternative may be an economic disaster for the entire country this summer.

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

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 2:15 today Senator THOMAS be recognized for up to 1 hour allotted post cloture and, following that time, Senator WELLSTONE be recognized for his hour post cloture.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Chair, acting in my capacity as a Senator from Oklahoma, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED—Continued

Mrs. HUTCHISON. Mr. President, I have been listening to the debate on education reform for the last few days. I think it is interesting we are talking about two different things. I hear Senator WELLSTONE and Senator KENNEDY talk about money. Everything is about money. We are absolutely convinced if we don't have reform of our public education system, throwing the rest of the Federal budget at it will not work. We will not see improvements if we don't reform the underlying system.

Our public education system is failing. It is failing because there is such a variation of standards. Some of our public schools are terrific, but they are not all terrific. Some are even abysmal. That is not the standard of quality for public education we should stand for in this country. We are trying to reform the system so there will be a standard under which any child in this country who is educated in our public schools will be a child who can reach his or her full potential so that no child will be left behind. We are trying to set a minimum standard that every child must meet or, if the child doesn't, that we will give that child help.

We have seen the high school dropout rates. They are alarming in some areas of our country. What is interesting, when we go to the root of the problem and we talk to these young people who have dropped out of high school in despair, there is a basic reason. The basic reason is they can't read.

Why not go down to the third grade and catch these young people who are having problems reading and give them a chance to have the full ability to absorb the education they are receiving? If we shuffle them from one grade to the next grade to the next grade, a social promotion, and they still can't read in the 10th grade, who is surprised that the children are frustrated? They are sitting in classes, trying to learn algebra, math, science, history, and geography, and they don't have third grade reading skills. Of course they are going to be frustrated.

What we are proposing is an accountability, a standard, that says every child will be tested in the third grade. If that child isn't reading at grade level in the third grade, we are going to hold them back. We are going to give them tutors. We are going to give them the tools they need to be able to participate in their education and in this country the future.

That is what reform is. Reform is not just throwing more money at the problem. Reform is getting parents involved, in getting teachers, in getting principals involved, in letting the local school districts make the decisions about what will be the best for the individual children in that district. That is what reform is. It is not throwing money at it and having regulations coming out of Washington, DC.

We are trying to set a standard by which every child in this country will be able to read at grade level in the third grade. I think we are going to see the test scores soar across our country if we can get over the hurdle of talking just about money and start talking about reform.

Reform includes accountability. A lot of people wring their hands and talk about tests: We don't want tests; we don't want too many artificial tests; we don't want teachers teaching to the tests. If we are testing for the basic skills, why wouldn't we teach to the test and improve what the children are learning? If we teach to the test and the test is fundamental reading, fundamental math, fundamental science, fundamental history, then we need to have a standard by which to judge what is happening in our schools.

Another reform is reporting, making sure that parents have the tools and the information to make the best decisions for their children. In fact, if a parent doesn't know how the school is doing and how the children in the school are doing, how can they know their children are getting the best opportunity that is available?

In my State, we have a report card. It is called the Just For Kids Program. The test scores of every elementary and junior high school—and we are going now through the high schools—in Texas will have a report card that shows the test scores and how the test scores have grown in that particular school. If that school is compared to other schools in the same socioeconomic, demographic area and that school does not compare well, the parents then have the information and the parents will be able to say to the principal, wait a minute, why is this school not performing? We want to give parents the ability to question. We think by questioning, we can see improvements.

We are talking about reform, not money. We are talking about doing things a different way. We are talking about reading at grade level in the third grade so in the eighth grade the child will have the chance to learn the higher math, the history, the algebra. We are talking about accountability testing, to see if the children are keeping up, to see if we can go to the heart of the problem, if there is one, and fix it while we still have a chance, before the young person has, in utter frustration, dropped out of high school. We get them at the lower level and we give them the chance to compete.

We also have report cards. We have report cards so parents will be armed with knowledge. Parents can go to the principal and say, why isn't this school performing? That is the most powerful force we can possibly have. If there is a coverup, if there is no test, if there is nothing by which the parents can judge the performance, of course, everyone is going to be silent and we will have continued failure.

These are the elements of reform that will make a difference in the system. This is what we are talking about when we talk about doing things in a different way in our country. We are not talking about just throwing more money at it, although the President's plan does increase education spending by over 11 percent, the largest increase of any part of his budget.

Yes, we are going to spend more money but we are going to make sure that the money goes directly to the school districts with standards that we would ask them to meet. We would ask them to meet those standards in their own way, not in some federally mandated way that might not be right for the children in those particular school districts.

I am very pleased that we are finally on this bill, and I hope we are going to come out with something that will show the parents of this country that there really is hope; there is hope for a different way; there is hope for the future for their children in public schools.

Mr. President, I am now very pleased to yield the floor to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to proceed for 10 minutes.

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

Mr. GREGG. Mr. President, I rise in support of a variety of sections of this piece of legislation. I certainly want to second the comments of the Senator from Texas, who has pointed out some of the significant strengths of the bill.

Let me talk about one specific area that I think needs clarity, and then some additional amendments I hope to offer to give parents more options.

The question of quality education I think we all understand is parental involvement. It is a good teacher, a good principal, but, most importantly it is a parent who gets involved in their child's daily activity of going to school and learning. Unfortunately, the Federal role in education has historically undermined the ability of the parent to be a participant in that activity. In fact, title I, as it has been structured over the last 25–30 years, has been a school-based, bureaucracy-based funding mechanism. It has not been directed at benefiting the child so much

as benefiting the bureaucracy which in turn theoretically benefits the child. As a result, I would argue that that is probably one of the primary reasons title I has failed, and ''failure'' I define is the fact that today the low-income child reads at two grade levels below their peers, and that is the same level of inefficiency or inability that the low-income child was reading at 20 years ago.

We have seen a huge amount of money spent on title I over the last 20 years—$120 billion—but we have seen, in fact, no improvement in the performance of low-income children. So they have been, even though we have been spending a lot of money on the program, left behind.

This bill tries to address that issue. One of the ways it addresses it is as follows. It attempts to empower the parents, giving the parents a little bigger say in how their children are taught. If you are a parent and you are in a failing school, under today's rules, you have no rights. Your child is stuck in that school and there is virtually nothing you can do to help your child. Under this bill, what we say is if a school fails in the first year, we are going to come in with some additional resources to that school, significantly additional resources, and we are going to try to help that school improve. But if the school is failing in the second year, we are going to do some other things to try to improve that school. We are going to replace some people. We are going to try to dramatically improve the curriculum and, again, we are going to fund that. But if by the third year the school is still failing, we are going to say to the parent: All right, you have the right to do something with your children to try to improve their education because it is very obvious that you are not getting the benefit you need as a result of the way the school is functioning.

Unfortunately, I would like to have accelerated that so it would happen in the second year, but the agreement is that in the third year if a child is in a failing school that has failed for 3 years, the parent will have the right to get that child supplemental assistance outside the school system so that if that child is failing in reading or that child is failing in math, the parent, at the parent's option, will be able to take their child and get additional assistance for that child after school or maybe during recess time, however the school wants to set it up, so that that child can go away from the school to a Sylvan Learning Center, to another public school or to a private parochial school for the purposes of getting remedial assistance in the academic area where the child needs help.

The child still remains a pupil in the public school system. This is not an option of leaving the public school system and going into a private school system. Rather, this is an option of allowing the parent to get supplemental assistance for that child and allow the child to have the assistance he or she needs in order to bring the child up to speed because he or she has been in this failing school now for at least 3 years—they may have been in it longer—and they are way behind. Under most scenarios, you are going to find they are way behind. So this is an attempt to bring them back up to speed with special tutorial support.

What does this mean? For the first time it empowers the parent to do something when their child is stuck in a failing school. Who are we talking about? We are not talking about middle class parents for the most part. We are certainly not talking about wealthy parents. What we are talking about for the most part are single moms, many of them in urban societies, who have virtually no options for their children, and we are going to give that single mother an option. We are going to allow that single mother to take her child and get some assistance in math or reading.

That language has been agreed to and put in this bill. Some have called it choice. It is not a choice; it is sort of hybrid of choice. It was an idea I came up with more than 3 years ago and got consensus—in fact, so much consensus that folks on the other side are announcing it was their idea. We are happy to have many authors of it because it is a good idea. But it really is the first step in the effort to try to empower parents.

The second step is equally important. It is not in the bill, unfortunately. That is to take a few schools that we know are failing and that have failed year in and year out and say to the parents of those kids in those schools: We are going to give you a full option of choice. We are going to put the pressure on that school to perform, and if it does not perform we are going to allow you to put your child in another school, either a public school or a private school. Under this bill there is an option to take your child out and put them in a public school after being in a failing school, but there is no option to go to a private school.

Now, this is the classic choice situation. This is what we call portability. The idea is instead of having the money go to the school systems which have taken this money and produced year in and year out a failing school, to say to the parents: The money is going to go to your child; it is going to be strapped on the back of your child with a backpack, and you can take that money and your child and you can put them in a different learning climate. But when you do that, the conditions are going to be that your child has to learn. That is the only thing we are going to hold you to. Your child is going to have to start to achieve as a result of leaving that school and going to another school, whether public or private. Your child is going to have to start achieving at the level that they should have achieved to be comparable with or equal to a child in their grade level who is in a school that is performing well.

We are going to expect academic achievement, and we are going to have accountability standards expecting academic achievement for you, the parent, having the right to take your child and the money that is supposedly supporting your child, the Federal money—and, really, we are only talking about low-income parents; we are not talking about the general population—to another school.

Now, does this idea work? Yes, it does. This idea is already being used in Milwaukee, for example, and it has been extraordinarily successful. It is being used in Arizona, and it has been successful. The fact is, there are a lot of school systems out there that are willing to pursue this type of idea.

It should be noted that we are not going to suggest that this be done unilaterally by the Federal Government or that the parent have the unilateral right to make this decision. Rather, what we are suggesting is that there be two conditions present. First, that before this option of a choice or portability is given to the parents, the local school district, the local elected public school district, must opt into the program.

You will probably say that will never happen. It will actually happen. That is what happened in Milwaukee. The local elected officials who were responsible for education decided in this case that it wasn't the school district but it was the town council that decided they wanted to give parental choice. They wanted portability. If a local elected board, which is charged with the education responsibility of the children in that school district and, therefore, has the responsibility for public education, decides that as one of the elements of its educational system it wishes to give parents of kids who are in failing schools where the school has failed for at least 3 years the option and the ability to move that child to a private school, they will have that option but only if that idea is supported by the public entity which has legal authority over the public school system.

It is not a top-down decision. It is not even a unilateral parental decision.

The second condition we have is that no title I money will be used for this exercise. This will be a new funding stream so that the portability initiative or the choice initiative—however you want to call it—will not be a drain on title I funding in the school districts but, rather, will be a separate funding stream that will be available to the community that decides to opt into this.

So as to the argument that this is going to somehow undermine the public school system, we punch a hole in that balloon by pointing out that the public school system makes the decision to go down this road. As for the argument it is going to undermine the funding mechanisms for title I kids, we punch a hole in that by making it clear

that the funding mechanism is independent of the title I dollars and, therefore, has no impact at all on title I.

Those two red herrings can then be set aside, although I am sure we will hear a lot about them when the amendment is offered.

The real argument is, interestingly enough, by the Washington Post, a paper with which I don't often agree, editorializing this last Saturday in favor of giving parents some options—especially low-income parents, and especially single mothers in urban communities who have no options today as a result of giving them those options and bringing competition into the school system, and it is competition that produces quality in our society, whether you choose to go to a Burger King over a McDonald's because of the competition or a McDonald's over the Burger King. In education we have no competition today. We have no force for improvement that comes from the marketplace or that comes from the pressure of having to perform in order to get clients.

This will introduce that into the system, and, most importantly, it will give hope to parents—in particular, single moms, especially in urban communities, mostly from minority districts—hope that their children will have the opportunity to live the American dream and that their children will have the opportunity to be educated.

I appreciate the courtesy of the Senator from Alabama in allowing me to go first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire for his steadfast leadership on matters involving education. He has served on the Education Committee, on which I serve now, for quite a number of years. He is a champion and a visionary and a person who really cares about children and wants to improve education in America. He has been very successful in making that happen.

I had the opportunity last week to spend a day with Dr. Rod Paige, the President's Secretary of Education. Dr. Paige is an extraordinary individual. He has lived the kind of life we want to happen in America. He grew up in Monticello, MS. His parents were both educators. He played ball and coached at Jackson State. He then went on to become dean of the education school at Texas Southern, and was on the school board at Houston. Houston was looking for a new superintendent of their education system. They were troubled about how they were getting along. Things weren't going well. There are 207,000 students in that system. It is the seventh largest education system in America that had a number of children who had difficulty with the English language, with a diverse racial and socioeconomic makeup. It was a real challenge.

When he took over, only 37 percent of the students in that school system were passing the basic Texas test. He took it on with a passion that this could not continue. He had been a dean of an education school. He said: If I knew what I know now about training teachers, I would have done things a lot differently when I was dean. But he still took over that system, and it was in trouble.

He identified schools that were failing, and he did not allow it to continue. He took action on failing schools. He cracked down on discipline. He said we must have discipline. We cannot have a school system that has a reputation that it is not safe to come to it and where teachers continue to feel unsafe and where students don't feel safe. He improved discipline dramatically.

He ended social promotion—the idea of just passing children along even if they are not learning the basic requirements of that grade. He said that cannot continue.

He began a rigorous system of testing—not because he wanted to harm the children or because he wanted to pigeonhole students, but he wanted to find out diagnostically as part of the education process where they were academically.

He said quite convincingly that if a child reaches the fourth grade and they are way behind in reading and math, they probably will never catch up. You have a rare opportunity in those early grades to constrict failure and turn it around. That is what he decided to do. He did those things.

As a result, in 5 years, from 1995 to the year 2000, he nearly doubled the number of students passing that basic Houston, TX, test. It went from 37 percent to 73 percent, one percentage point below doubling that figure in just 5 years.

I think that is an extraordinary achievement. He said he was able to achieve some additional financial support, but not much really until the last year after he had proven that he could achieve success.

What he said they did was the very thing I just mentioned. They did not want to leave a child behind. How do you leave a child behind? You don't test them. You let them go by law to a school that is dysfunctional, that is not working, and that is not effective. You won't let them go to any other school in the system. They don't have money to go outside the system. You just say: Tough luck, child. We are taking care of it. We are giving that school as much money as we give the next school. But you have to go there even if it is a failing school.

Dr. Paige said we cannot do that anymore. I know the Senator from New Hampshire is a strong believer in choice. So is Dr. Paige. Most school systems, I am sure, wouldn't adopt the option that we provide them. But Houston did. Dr. Paige said: It did not hurt the public schools. It made us better, and in fact after a period of years with our test scores going up, our success rate going up, and our discipline problem going down, the number of students coming to the public schools increased. We were drawing people from private schools. He said public schools can and will win the battle if they do the things necessary to achieve success.

I will just echo that. I taught a year. My wife taught 4 years. Our children attended public schools for most of their career. My two daughters graduated from one of the big inner-city schools in Mobile, AL. We were on the PTA and have a lot of great friends who are teachers. I have visited 25 schools in Alabama this past year.

I think I have some appreciation for what education is all about. Yes, we want to get as much money as possible for education. In fact, the Federal Government has increased federal spending on education by 50 percent since 1994.

This year's budget has an additional 11.5 percent proposed increase for education. But it is deeper than that. We have to ask ourselves: What is happening with the money we are spending? There are States that spend a lot more money than other States. There can be schools in the same town, in the same system, receiving the same amount of money per student, and one school is functioning well and maybe the another one is not.

We have to ask ourselves: What is occurring in our school systems that is not healthy? There is a legitimate concern that public policy has responded to the system. We have tried to do what the system says; and the system says, basically, we do not want testing and accountability; we just want more money. Just give us more money, and we will do better.

For the most part, schools in the United States have had increased funding per student over the last decade or more. But, unfortunately, the numbers have not gone up. The Federal Government has spent $125 billion in trying to narrow the gap between low-income students and upper-income students, and the gap has not narrowed, it has widened in some areas.

We still have very disturbing test scores in math and science that show we are not competitive with the rest of the industrial world. I think that is so obvious as to be without dispute.

What is it we are doing wrong in education? You go to Japan, and they have classes with 50 or 60 children in a class. We have much smaller classes than that, but our numbers are not where we they need to be. So what is the problem?

I think Dr. Paige and the President's plan is focusing on a couple of core events: Do not let a child fall behind. Leave no child behind. Find out at the earliest possible time if they are not keeping up. Do what needs to be done to then intervene. Do not let parents think that just because Billy is going

to school every day, that Billy is learning at a legitimate rate and progressing effectively. Those tests will tell on the school. They will tell on the students. And the parents will be much more engaged.

Alabama has done that. My State has stepped forward. It has one of the toughest testing systems in America. It demands that students meet certain minimum standards. The students are achieving more.

Some say: I just don't like these tests mandated by the Federal Government. They direct policy in teaching and teachers have to teach to the test. But if the test is a good test, and the test determines whether or not a child can handle basic math or can read and write, and teachers are teaching to that test, I say, well done. I say that is progress.

We need good testing, developed by the States, that will test basic reading and math improvement skills. If we know that, if we are knowledgeable about whether or not they are making progress, then we can help that child get even better. If they are not making progress, we can confront it. If a teacher or school is consistently failing, and not meeting those standards, perhaps at that point we need to confront the leadership at that school. Maybe we can find better leadership and improve those test scores. Because the American taxpayer, the American citizen, is entitled to know whether or not their money is producing results. How much more basic can it be? We are talking about giving more money and having no accountability?

In the 4 years I have been in this body, I have learned that many of our friends on the other side of the aisle say: You just want to send more money to the schools without accountability. And I do want to send more money to the schools with less strings and less paperwork. I definitely believe in that. But the question is, what is accountability? What do we mean when we say ''accountability''?

If you listen to many in this body, accountability is whether or not an individual school gets the money that we appropriate and that they do with it precisely what is said here. That is what they determine to be accountability. We have 700 Federal Government education programs. Can you imagine that—700? It is hard to believe.

So they say, you cannot consolidate those problems. You cannot send the money down to an elementary school that wants to revamp its entire reading program, to spend $20,000 to develop a program that will be effective for the next decade to improve reading in their school where they have a vision and a passion for it and they just can't wait to do it. They don't have the money, and we say: No, you can't do that. You have to spend it for one of our little 700 projects.

What I have learned is—and as I have thought about it—that is a wrong view of accountability. Accountability is having a learning curve. Are children improving? Are they better able to read now than they were last month or last year? That is what accountability is. You cannot do that without testing. Almost every school system knows that. Virtually every school system tests, although there is a fierce, dogmatic, determined group of advocates who resist testing in every shape, form, or fashion. They fight it every way possible, with every kind of possible excuse.

But I repeat again, if you love those children, if you want to see them reach the highest and best economic and social potential in the world, you want them to be able the read and write. You want them to be able to do basic math. You want them to reach the highest possible achievement in trig, in chemistry, and physics, and the highest form of mathematics in their school systems. We want them to reach their fullest potential. That will not happen if they are not progressing steadily every year.

So I believe we can do better. I believe if we focus on learning, and if we give our principals and our teachers more freedom to use the Federal resources in a way most effective for learning, they will use it that way. If we say: You will get even more freedom if your test scores improve, such as they did in Houston, the children will benefit from that additional freedom. I assure you, the local people will be more willing to support a school that is showing progress than one that is not showing progress.

I will share this story. There is a principal in Alabama named Dorothy Robinson. A number of years ago, she was a teacher in a rural school in the county in which I grew up. She also grew up there and taught in Packer's Bend. We call it ''across the river.'' Packer's Bend was an isolated area across the river from the main part of the county. They had a small school, and it was in big trouble. Test scores were not good. The school was not in good shape. The county was about to close it. They said they would.

Dorothy Robinson said: Don't close it. Give me a chance. I believe I can turn this school around. It was on academic alert by the State. It was the smallest high school in the State. She started that summer, got students together, and they helped clean up the school. They got parents involved to an extraordinary degree. She called her teachers together, and they decided they could improve test scores. They were going to do the things necessary to make that school be an effective educational institution. She worked at it, and was highly successful; and 4 years later they were running test scores as high as any in the county.

It was a really tremendous achievement done without any great appropriation of money, done by leadership and a determination to hold students accountable. She challenged them to be their very best. She did not put up with excuses. And she moved them forward. In fact, the superintendent of education in Alabama has now hired her to help him set up programs for similar schools throughout the State.

Those kinds of improvements are happening in America. We need—as a Senate, as a Congress, and as a U.S. Government—to develop policies that help those success stories occur more often. We need to help them decide what to do fundamentally; and that is, to find out whether children are learning properly and to give those schools more freedom and flexibility to do that. If the schools continue to fail to teach our children, we need to give those children some option to reach outside that school. Because it is wrong; it is not right at its most fundamental level, to say to a poor child who has no other option but to go to public school: You must go to this failing school. You just go there anyway.

This is what we do in American today mostly. The President is saying, if you can't get your school operating at the basic level, give them some options, give them some choices. But fundamentally, if we do the things Dr. Paige did in Houston, if we do the things Ms. Dorothy Robinson did at Packer's Bend, every school can move to the highest possible level. We can without any doubt substantially improve the learning of children all over this Nation without any tremendous increase in funding. It can be one of the greatest things this Nation has ever done, not to leave a child behind, make sure every one is progressing to their fullest potential.

We can do this. I am excited about it. The President was a Governor of a large State. He ran for Governor promising to do something about education. He achieved some great improvements in Texas education, and he wants to do it for America. It is not a pipe dream, it is a vision that can be achieved and made a reality. I hope this Congress will not just continue business as usual, not just continue to function as an arm of the establishment, but that we will confront our failure to come up with innovative solutions for improvement and to increase substantially the learning that occurs in classrooms in America, those magic moments when a child and teacher gel and they learn. It is a thrilling thing. We need to further that and not the bureaucracy.

I look forward to the continued debate on this. It is time to bring this bill up and make some changes for the better in America.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arizona.

Mr. KYL. Mr. President, I begin by complimenting the Senator from Alabama and before him the Senator from New Hampshire, both of whom made extraordinarily important points about the need for improvement in our education in the United States and about the single ingredient that can do more to enhance their performance than any

other single thing; that is, more choice, more freedom in our education system, choice for parents so that their kids have a chance, and freedom of local schools to experiment and to do what is in the best interest of the kids in their local communities rather than having policies dictated from Washington, DC.

In starting this process, I had very high hopes that we would be considering legislation in this Chamber that embodied this concept of choice, of more freedom for parents and students to go to the schools that were succeeding rather than being relegated to the poorer schools that characterize all too many of our communities today. I had hoped we would be able to pass and enact legislation that embodied an entirely new approach to education in our country.

Sadly, I no longer have those hopes because the bill that came to us from the committee to the floor is a bill which does not embody all of the President's ideas as he put forth. It is, in effect, the lowest common denominator, a bill that represents the consensus of all of those people who had anything to do with it and, as a result, instead of embodying those new principles, those principles of reform, relies far too heavily on the ideas of the past, the old model of Federal education which assumed that improvement in student performance could be secured through bureaucratic initiative alone. The old model ensured that when policy details were hammered out, there was a seat at the table for any special interest with a vested interest in existing arrangements but literally no voice for students and parents.

Of course, the old education model was built on the premise that Congress' commitment to expanding opportunities to the disadvantaged, as well as to overall academic excellence, could be measured primarily by how many taxpayer dollars were spent. I believe we need a new model, and we should begin by recognizing that if we want to see revolutionary improvement in education, we will need to consider the benefits of a system that is more dynamic than the monopoly model in place today.

An old rancher friend of mine told me, if you want to get out of a hole, the first thing you have to do is stop digging. The hole that our educational system is in today means that we have to stop making it worse by continuing the same policies. The only way we are going to improve is if we allow freedom and choice of the local communities and the parents to do what they think is best for their kids and for their students.

We have to begin by declaring independence from special interests. In covering other areas of public policy, the news media constantly insinuate that politicians are putting the well-being of the special interests that help their campaigns ahead of the consumers' well-being. That pretty well sums up the relationship between many politicians and the defenders of the status quo in education. We need a debate about the premise that more spending equals better results in education before we pass legislation influenced by that premise.

In fact, the history of the Elementary and Secondary Education Act makes it clear that spending more taxpayers' money does not buy better results. As an alternative hypothesis, I submit we will improve education to the extent that we provide more freedom for families to obtain the kind of education they know is best for their children. I hope we will legislate accordingly.

Let's look at the state of elementary and secondary education in our country today. America is not educating a workforce that meets the needs of the 21st century, let alone the needs of each student. Last year Congress authorized the issuance of 297,500 new visas for highly skilled temporary workers to come to our country, and we had just raised the ceiling 2 years before. The reason? Not enough qualified American workers were available to fill the jobs in the new American economy. This situation is not likely to reverse itself based upon current trends.

The results from the third international mathematics and science study show that American high school seniors rank 19 out of 21 industrialized countries in math and 16 out of 21 nations in science. Over the past decade, the number of college degrees earned overall has increased by 25 percent, but the number earned in the fields at the heart of the new economy—engineering, computer science, and things of that sort—has grown by only 1 percent.

Moreover, too many people are being left behind in our education system: 37 percent of fourth graders test at the so-called below basic level in reading. That means essentially they are illiterate. For Hispanic fourth graders the proportion is 58 percent. For African American youngsters it is 63 percent. That is unacceptable. Only a third of all fourth graders have attained proficiency in reading. Since 1983, over 10 million Americans have reached the 12th grade without having learned to read at a basic level. Over 20 million have reached their senior year unable to do basic math.

As President Bush has repeatedly noted, too many of America's most disadvantaged youngsters pass through public schools without receiving an adequate education. The President has correctly identified these shortchanged young Americans as victims of the soft bigotry of low expectations.

For some the response to these problems will be to call for more money. I might note that Republican majorities in the Congress have provided more money; for example, a record increase of 18 percent last year. We will see even bigger increases this year given the priority President Bush has placed on this in his budget. But simply spending more money on schools and school personnel has not produced educational improvements.

Since 1965, real per pupil expenditures have increased from less than $3,000 to more than $7,000. During the same period, reading scores on the National Assessment of Educational Progress have been static. So we have well more than doubled the spending per pupil on education, and we have no improvement in the test scores. Between 1960 and 1995, average class size fell from 25.8 to 17.3. Inflation-adjusted average salaries for U.S. public school teachers grew 45 percent from 1960 to 1995. Over that same period, SAT scores plummeted.

As Secretary of Education Ron Paige has noted:

> After spending $125 billion over 25 years, we have virtually nothing to show for it.

Education special interests and the politicians who represent them have lost the battle. Their last resort is to say we are not spending enough money. But we don't need a bidding war. What we need are reforms that will bring results.

President Bush's original plan contained a number of worthwhile reforms in existing education programs. It called for cutting Federal redtape while bolstering accountability through meaningful assessments.

In addition to its accountability provisions, that plan contained a modest school choice provision. To the President's great credit, the Bush blueprint recognized that competitive pressure, and the threat of it, is essential to triggering the meaningful accountability that can spur improvement. That is the insight upon which we should be building.

We know that the benefits of education freedom are real and they are dramatic. One talented researcher, Harvard's Caroline Hoxby, has found that expanding choice raises the demand for teachers with initiative and strong academic backgrounds. Currently, these are the teachers most likely to leave the profession.

Professor Hoxby also found that when families are given a real choice of schools—as, for example, they have been in Cleveland and Milwaukee—significant improvements in test scores, graduation rates, and future incomes are registered by the students who leave their old schools and by those who stay because those schools have responded to the challenge of competition and have improved accordingly.

Unfortunately, efforts to ally public policy with an agenda of promoting freedom in education have had only limited success. I am very proud that Arizona was ranked No. 1 last year on the Manhattan Institute's Education Freedom Index, which ranked all 50 States. My State's reforms, for example, have led the way with the type of reforms I think we need at the Federal level, including the most liberal charter school law in the country, a law

that has led to the opening of more than 400 charter schools in Arizona, which is about a third of all the charter schools in the country; open enrollment, which allows parents to enroll children in any public school and has the funds to follow the student; finally, an idea I plan to propose as a Federal policy—a tax credit that offsets contributions Arizona families make to organizations that help give students the opportunity to attend a school of their choice.

This tax credit proposal builds on an idea that has already taken off, thanks to private philanthropists. In 1997, two distinguished business leaders, Ted Forstmann and John Walton, invited applications for 1,000 partial tuition scholarships for families in the District of Columbia. Nearly 8,000 applications were received. In 1998, they formed an organization called the Children's Scholarship Fund to apply the idea on a national basis. They planned to offer 40,000 scholarships, and 1.25 million applications were received.

This is an idea whose time has come. It is a concept Americans embrace. As impressive as these numbers are, these testimonials were offered by parents who have been pleading for better options.

One mother said the following about her experience:

> We would not be able to afford this without your help. Our daughter is really excited to be learning spelling and grammer (which was not being taught in public school). She's an aspiring writer and thinks this is great. My son has autism, and his new school had more services in place for him on the first day of school—without me even asking—than we've been able to pull out of the public school in six years! They both love their new schools and are doing well.

Here's another mother's testimony:

> I am so excited that my son has been chosen to receive a scholarship . . . One evening I sat on my bed and cried because I really wanted him to attend a private school but I know that I cannot afford all of the tuition. Therefore your scholarship fund was my only hope.

Yet another mother wrote,

> I cannot begin to tell you how grateful I am for this opportunity to send my children to a private school. As a low-income mother of four wonderful children with great potential, I would not be able to provide this change for them without your help.

This particular mother goes on to say,

> I have chosen a school that will help nurture the seeds of greatness in them. I am sure that with this opportunity to succeed, my children will be successful and contribute greatly to society in the future.

In 1997, leaders in my state settled on a plan to help the private sector to satisfy that vast unmet demand for options.

They instituted a state credit that allows Arizona residents to claim a dollar-for-dollar income tax credit for donations to school tuition organizations—like the Children's Scholarship Fund.

Thanks to that program, 4,000 Arizona students—nearly all of them from disadvantaged backgrounds—have received scholarship assistance that has made it possible for them to enroll in a school of their choice.

The number of organizations offering scholarships in the state has shot up from two to 33.

Arizona's leaders understand the need for adequate resources for education.

Last fall, Arizona voted to spend an additional $438 million on education.

But first they laid the predicate to ensure that the money would be well-spend by reforming the system.

We should do the same.

If we define success as success in sending more of taxpayers' money to sustain a system that cannot improve and will not change, we may do great things for the buildings and personnel involved in education, but we will have left behind the children.

We should be judged by our willingness to make changes that promote innovation, competition, and parental choice—in short, freedom.

Those are the changes that will ensure no child is left behind.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask, of the hour I have, I be allowed to take 10 minutes as in morning business to introduce a bill.

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

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 805 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Perhaps the best way to talk about this legislation and why I have been opposed to the way we are proceeding, is to do two things. I will start by reading. I don't want to plagiarize. I was a teacher.

I say to my colleague from Rhode Island, I can be relatively brief and do this in 15 or 20 minutes—is that not brief? I was a teacher; that, for me, is brief. I know Senator REED from Rhode Island has come to the floor.

I will speak about what we are and are not doing in this legislation, first of all, by quoting Jonathan Kozol. Jonathan Kozol has unbelievable credibility because this man has written some of the most eloquent and powerful books ever written about children and education. I don't think there is any question about it. It is what the book reviewers say. It is what people in education say. Jonathan's first book was called "Death at an Early Age" and was about him having lost his job as a teacher in Boston for assigning a poem by Langston Hughes because the children were all African American, and he wanted them to know about Langston Hughes.

He has written so many books. I will quote some of what Jonathan Kozol has had to say about this legislation and where we are heading. His words are better.

He starts out:

> Standardized tests in the third grade measure 7 years of learning for privileged children, but only 4 years for lower income kids who got no Head Start opportunity.

Think about that for a moment. In other words, the wealthiest children typically receive 3 years of rich developmental preschool education at an average cost of about $15,000 a year, while half of the eligible children of poverty don't even get one year of Head Start.

And in the poorest areas, as Jonathan's last two books have been about the PS 30 school in the South Bronx, 75 percent of the children, not one of whom comes from a family with an income of over $10,000 a year, are excluded from Head Start. So any standardized tests given in the third grade is not a test of "school's success." "It is a test of wealth or poverty. A third grade test for children whom we rob of Head Start is not school reform but punitive hypocrisy."

Those are the words of Jonathan Kozol. Believe me, I wish they were my words. I agree with them. That is why I come to the floor and state I could not believe I heard some colleagues on the other side talking about how, if the schools do not succeed after 1 or 2 or 3 years, then there will be severe consequences, and on and on and on. I will say it again. Some of the harshest critics of these teachers in these schools could not last 1 hour in the classrooms they condemn. But at age 8, let us be clear about this, for these third graders, this is not a test of school success. It is a question of which kids by age 8 had rich prekindergarten education—which kids were able to come to school ready to learn. How many children were challenged, nurtured, and all of the rest. So basically you have one group of kids who had it all. You had another group of kids who did not even have a chance to be in Head Start because we fund Head Start at 50 percent of what is needed for 4-year-olds even less for three year olds and only 3 percent of what is needed for 1 and 2-year-olds. And the Head Start program is to do what—to give children from disadvantaged backgrounds a head start.

Jonathan's conclusion: A third grade test for children or for the school, which is also supposed to be a reflection of how the teachers do, is not school reform but "punitive hypocrisy."

I will offer an amendment that will say that we will not mandate these tests in every school, in every district, in every State until we fully fund title I.

Another amendment is going to be we should not do it until we fully fund Head Start. I will be interested to see how colleagues vote.

Jonathan Kozol goes on and says—"and, please, this is my battle cry. This is my plea. This is my prayer." He says: "Nationally enforced testing with no national guarantee of equal opportunity to pass the test is ethically unjust." I would like to see a Senator come out here and argue with me on

that. So you have school funding for pupils in the poorest school districts of America that range around $6,000 per child, and you have school districts in the richest communities that range in the area of about $24,000 per child. In New York City, poor kids in the Bronx last year got $8,000 to pay for their education while children in the wealthy suburbs got $18,000 to $20,000. Teachers in the richest districts got $20,000 more in annual pay than New York City teachers.

So the White House bill will test the poor against the rich and then announce that the poor are failing. Federally required tests without federally required equity amounts to clubbing these children over the head after systematically cheating them. I want to say this in this Chamber because that is exactly what we are doing. That is exactly what we are doing. We know in advance which kids will fail. So this is a plan not for reform, not for equality, but for guaranteed humiliation children.

I am sorry, I know where ''leave no child behind'' comes from. That is the mission statement of the Children's Defense Fund. I heard a colleague—I will not use names because we are not supposed to be personal—come to the floor and say the money is not the answer. We need to give the children tools to do well. And then this colleague jumped to talk about the tests. Does the test assure a good teacher? Does the test assure that we are going to be paying teachers well so we have good teachers? Does the test assure a smaller class? Is the test the tool that brings about the technology in the schools or the good textbooks? Does a test rebuild a crumbling school building? Does the test assure that the children come to kindergarten ready to learn? The test does not assure any of that.

We cheat these children. We do not even fully fund Head Start, and then we fail them and club them over the head and we call this reform. I want nothing to do with this unless we are going to have an honest commitment of resources.

My friend Jonathan Kozol goes on to say that the testing advocates assume that teachers are afraid—I have heard some of this discussion—to be held accountable. He says this is a liability against the future. And he is right. No good teacher—I have two children who teach. I am a proud Jewish father. I think they are great teachers—No good teacher is afraid to be held accountable for what she does or what he does with children, but it is manifestly unfair to ask accountability from teachers when the Congress is unwilling to be held accountable for its behavior in short-changing kids and basically cheating them from the hour of their birth, and then clubbing them over the head with a punitive exam.

Senators should be ashamed to go along with this.

Now, I am going to make one other point from Kozol, although I could go on and on. This excessive testing is degrading and it is distorting instruction. Teachers, and I quote from Kozol, are turning to robotic drill and grill routines because they are terrified of sanctions—loss of funding—if their student scores are not high enough. And this mandate from the Federal Government, an unfunded mandate, is going to require every school and every school district, every child from age 8 every year to be tested. And what is going to happen is the teachers are not going to be able to encourage the students to have questions. They are not going to be able to encourage curiosity or humor or delight of any kind. All those trips to the museum and all that art and all that music and all of those other activities, they will go by the wayside as everybody will be drill teaching to drill tests. And this passes for reform?

I wish there were more colleagues present so they could get angry at me. I think people in these school districts, people down in the trenches think we are crazy. I go to a school about every 2 weeks and I do not find people coming up to me, whether it is in rural or whether it is suburban or inner city, saying we need more tests. I have people come up to me and say: God, we need more teachers, or we need more counselors; we need affordable housing because our third graders are moving three and four times during the year and it is hard for them to do well in school.

It is hard when the children come to school hungry. It is hard when they come to school with an abscessed tooth because they do not have any dental care and can't afford it. We need after-school programs. Why can't you invest in Head Start, child care, and make sure the kids are kindergarten ready. We need smaller class sizes. Our buildings are dilapidated. I wonder how U.S. Senators would do if the toilets didn't work, or if it was cold during the winter, or there was no air conditioning, or we didn't have access to the fax, or we didn't have the books we needed, and we didn't have adequate facilities. How would we do as Senators?

A lot of children are having to learn under these conditions.

That is what I hear about. I do not hear people coming up to me saying: Please, Federal Government. Mandate that we have tests every year.

But this is what we call reform.

Then, to add insult to injury, the estimates that we are getting from our States is, wait a minute; to do the testing the right way, if there is a right way, is going to cost at a minimum over $2 billion. Some estimates are as high as $7 billion. The White House has a few hundred million dollars for this.

Whatever happened to my Republican colleagues' outrage about unfunded mandates?

In addition, in St. Paul, MN, after you get to a school where only 65 percent of the kids are low income, or, say, 60 percent, there is no title I money left. We fund about 30 percent of the children who can get the help.

The President is calling for a total increase of $670 million or thereabouts because we have to have these Robin-Hood-in-reverse tax cuts with over 40 percent of the benefits going to the top 1 percent. Now we hear we are going to have several hundred billion over X number of years spent on the Pentagon. Then there will be missile defense, and all the rest.

Where are the resources?

My final point today is that I am disappointed. I said before we actually brought this bill up, and certainly before we proceed with this bill I am going to keep saying this. We should have an agreement on some of the policy questions that I know Senator REED and others are going to talk about, and also whether or not there is going to be a commitment on resources because this will just be a mockery. Senators will rue the day they voted to mandate this and made every State, every school district, every school, every kid, and every teacher go through this and they did not provide the resources for IDEA and for kids with special needs or for title I or so kids can be kindergarten ready. You will rue the day.

Democrats, my colleagues, this is not reform. You should stand up against it. If there is not a commitment—I don't mean authorization, I mean the commitment of resources, appropriations, and I mean now—we should fight this all the way. We should say to people in the country: God knows we are committed, but we are not going to let this be an unfunded mandate, where you will have to raise your property taxes.

As Jonathan Kozol said, we are not going to have a Federal mandate for testing without a Federal mandate of equal opportunity for the children to get a good education to do well.

So I will offer an amendment to title I which says that the new testing set to go into effect in the school years 2005 and 2006 shall not be required to go into effect in that year unless title I has been appropriated at $24 billion, nor will it have to go into effect in subsequent years until such sums are necessary are appropriated to fully fund title I.

This is put up or shut up time. If you are serious about accountability, but you are equally serious about making sure children have the same opportunity, then I think you should vote for it.

There will be seven test quality amendments, which are really important so that we do this right.

I have another amendment that says the assessment should be used for diagnostic purposes only.

That is basically what we are talking about right now. That is what we should be using the tests for, diagnostic purposes. Let's not talk about using these tests to start bashing these kids over the head and these schools and teachers over the head.

Finally, a transition teaching amendment that I have been working on which will be a bipartisan effort which expands and enhances the current transition teaching program to ensure that funds are targeted to the high-poverty and high-need school districts. The program will ensure funds are used on activities that have proven effective in both recruiting and retaining teachers. This is critical because so much of the need for teachers is rooted in the high attrition rate in the field. 73% of teachers in Minnesota leave the field for reasons other than retirement.

Mr. President, I ask unanimous consent that the notes that Jonathan Kozol sent to me be printed in the RECORD.

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

Standardized tests in 3rd grade measure seven years of learning for privileged children, but only four years for low-income kids who got no head start opportunity.

The wealthiest children receive typically three years of rich developmental preschool, at average cost of $15,000 a year, while half the eligible children of poverty get not even one year of Head Start and, in the poorest urban areas, 75 percent are excluded from Head Start.

Any standardized test given in 3rd grade, therefore, is not a test of ''school success''—it is a test of wealth or poverty. A 3rd grade test for children whom we rob of Head Start is not ''School Reform'' but punitive hypocrisy.

Nationally enforced testing with no national guarantee of equal opportunity to pass the tests is ethically unjust. School funding per-pupil ranges from $6,000 in the poorest districts of America to $24,000 in the richest. In the New York City area: poor kids in the Bronx last year got $8,000 while children in the wealthy suburbs got $18,000 to $20,000. And incidentally teachers in the richest districts get $20,000 more in annual pay than NYC teachers.

The White House bill will test the poor against the rich—and then announce ''The poor are failing.'' Federally required tests without federally required equity amounts to clubbing children over the head after systematically cheating them.

We know in advance which kids will fail. So this is a plan, not for reform, not for equality, but for guaranteed humiliation of our victims.

We will learn nothing from another layer of tests that we do not already know. Kids in the Bronx, for example, already take six standardized exams beginning in 3rd grade: three sets of tests in math and reading each, year after year.

These tests, according to the principal of P.S.30, take up one quarter of the year. Twenty-five percent of teaching time is lost to tests, pre-tests, and test preparation.

In other words, one-fourth of the school budget is already being wasted by repetitive exams. Another set of tests will simply waste more money. Every week devoted to a test is a week of lost education.

Some of my colleagues in the Senate are under the impression that ''tests'' represent a ''form'' of education. They do not! Tests do not teach reading: Only well-paid teachers in small classes do. ''Testing'' is a symbolic substitute for ''educating.'' Don't substitute a symbol for the real thing.

Kids who are cheated of Head Start, Title I, small classes, and well-paid teachers learn absolutely nothing from a national exam except how much their nation wants to punish and embarrass them.

Standardized tests are the worst kind of tests, but these are inevitably the ones the White House will require, because they are the easiest to compare numerically.

Many of the brightest kids can write beautifully and read perceptively but cannot regurgitate answers for a multiple-choice exam.

A friend of mine once taught to a student, a boy named Anthony from New York City. He failed every standardized exam he was given, but today is in college because his teacher took time to read his stories!

Nationally standardized exams will stereotype boys like Anthony as ''failures'' and convince them to drop out of school before we even recognize their gifts. No standardized exam will ever identify the true potential of a gifted child—only his ''test-taking savvy.'' We'll lose too many kids as a result.

Standardized exams will also take the highest toll on poor black and Latino kids.

The most poorly funded urban districts are overwhelmingly black and Hispanic. Giving more tests, instead of more opportunity, will simply drive more minority children out of school and push larger numbers of black adolescents into the streets—then into the prison system.

New York already spends 10 times as much to incarcerate a child in juvenile prison (nearly $90,000) as to educate that child in public school. In California, prison guards get higher salaries than teachers. Testing without educational equality will increase the prison population while it demoralizes and stigmatizes kids of color.

Testing advocates also assume that teachers are afraid to be held ''accountable.'' This is a libel against teachers.

No good teacher is afraid to be held accountable for what she does each day with children.

But it is manifestly unfair to ask ''accountability'' from teachers when Congress is itself unwilling to be held accountable for its perfidious behavior in short-changing kids to start with—cheating them from the hour of their birth—then clubbing them over the head with one more frankly punitive exam.

''One-way accountability'' is unacceptable. Senators, we should be ashamed to go along with this.

Excessive testing is already degrading and distorting instruction. Teachers are turning to robotic ''drill-and-grill'' routines because they're terrified of ''sanctions'' (loss of funding) if their students' scores aren't high enough. The White House plan will make this even worse.

Teachers are increasingly afraid to encourage questions, curiosity, humor, or delight of any kind during the school day because they're being told that every minute must be calibrated to an item that may be on an exam.

Urban schools, as a result, are being turned into pedagogic bootcamps in which children lose not only equal opportunity but also all the joy and sweetness that should be a part of childhood. In this way, we rob the poorest kids twice.

And it seems that the best teachers hate the testing agenda most. They will not remain in public schools if they are forced to be drill-sergeants for exams instead of educators. Hundreds of the most exciting and beautifully educated teachers are already fleeing from inner-city schools in order to escape what one brilliant young teacher (a graduate of Swarthmore) calls ''Examination Hell.''

The dreariest and most robotic teachers will remain. The glowing and passionate teachers will get out as fast as they can. Who will you find to replace these beautiful young teachers?

This is another way of robbing urban and poor rural children of the opportunities that Senators give their own kids.

Mr. WELLSTONE. Mr. President, I yield such time to the Senator from Rhode Island as he requires. I will reserve the remainder of my time, if there is any, for parliamentary remarks.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank Senator WELLSTONE for his articulate and very passionate discussion of the issues today. I, too, am concerned that we are moving forward on legislation that has not yet been finalized. Technically, we voted this morning to proceed to S. 1, this piece of legislation. But we recognize and understand that this piece of legislation, the committee print, has already been overtaken by events and negotiations, and that what we will ultimately be confronted with on the floor is still being written.

When there are so many important and outstanding issues that have yet to be resolved, it is, indeed, premature and, I think, unfortunate that we would begin this debate.

S. 1, the committee bill, was carefully and thoughtfully considered in committee, and it represents accommodation between the administration's proposal and the ideas of the committee members in both Republican and Democrat caucuses. I hoped it would come to the floor as the vehicle by which we could discuss educational reform in the United States. But as I indicated, this has been overtaken. The few hundred or so pages, for all practical purposes, are irrelevant.

What is being discussed today is how we will deviate from the agreed-upon committee print. That committee product represented a balancing of several important principles.

First, there was the principle of enhanced accountability, the principle that I recognized, indeed, in the last ESEA reauthorization in 1994 and fought strenuously for to increase accountability, recognizing that unless we had agreed-upon educational standards and ways to evaluate those standards, we were not going to make significant educational progress in the United States.

The second principle is flexibility, to give the States more discretion and authority to ensure that their plans are developed, carried out, and evaluated.

The third principle is increased resources, because without adequate resources, testing and flexibility will lead, in my view, to very little progress, and may be even detrimental, as my colleague from Minnesota suggested.

But today we still do not have a resolution of the funding. We have an agreed-upon authorization number in this bill. But we have not seen the administration come forward and pledge the same kind of resources that they

are about to announce for the Department of Defense and for other areas.

If this is truly the No. 1 domestic priority in the United States—the education of our young people—then we can put our money where our mouth is; we can put the resources to work. To date, we have no real resolution. So, we are in danger of having a testing scheme and flexibility but without the resources to make it all work.

But in addition to that issue, there is still the issue to be resolved in terms of accountability. What I think we would all concede is a tough accountability standard within this legislation is now being watered down and diluted because, frankly, it has suddenly dawned on many people, particularly the State education officials and Governors, that real accountability costs money, and not just Federal money.

When we really measure the progress of education and the progress of individual schools throughout this country, and we commit to making these schools all successful, we are not just talking about some extra Federal dollars, we are talking about a profound shift in spending at the State and local levels, to make sure that truly no child is left behind. So it comes as no surprise to me that suddenly, having figured it out, the States are very concerned about accountability.

So you have three major issues which form the core, the foundation of this legislation, that are now in flux subject to continuing negotiation. In that context, I believe it is inappropriate to proceed. That is why I voted this morning not to proceed to the bill, so we could wait until we have real language we can talk about, debate, and study before we consider the bill in the Chamber. We should wait until we have real resources committed—not just reauthorization language but a real commitment to appropriations. When we do those things, then I think we are ready to move forward. But we have, in any case, taken up this debate.

We have seen over the last several weeks and months an attempt to work on a bipartisan basis to develop legislation, understanding that when we came to the Chamber more controversial elements would be introduced, such as the Straight A's Program, which is essentially a block grant for the States rather than categorical programs. There would be discussions on school vouchers and charitable choice. We understood that those issues would be debated in this Chamber. But the assumption was at least we would start with the language we had worked on, the language we agreed upon, the language in the committee proposal of S. 1. That, again, seems to be overtaken by events, overtaken by pending negotiations, and, as a result, rendering this particular version of the legislation obsolete as we begin.

We have seen in these negotiations language on some of the controversial elements, but we have not seen a resolution yet. For example, with regard to Straight A's, this is a proposal that essentially would provide a block grant to the States to operate the educational programs without regard to the categorical provisions of existing programs.

One of the problems of the Straight A's proposal is that it is not yet clear whether States participating in this program on an experimental basis could use Federal resources for vouchers. I think that is an important point that should be resolved before we consider it in this Chamber, not hurried in while we are still in the midst of the debate.

Also, there are additional problems we have. It is not quite clear whether key provisions with respect to title I will still be part of the Straight A's Program if the State is operating under one of these pilot programs.

One of the provisions that is particularly important is parental involvement. In the 1994 ESEA reauthorization, in title I, we understood that parents were a critical aspect of education. But the existing title I law before that was merely suggestive of parental involvement. So in 1994, we put in real requirements for parental involvement, authorizing the States to use a certain amount of their title I moneys—in fact, we directed them to use it for parental involvement, to develop parental involvement plans.

I believe the title I moneys, the title I program, should be infused with parental involvement. But as the current draft of the Straight A's seems to suggest, they are going back, prior to 1994, and making parental involvement simply something that might be done, could be done, should be done. I think we know enough about the role of parents in education to make this an important part of education, not simply an optional provision of educational policy in the United States.

As I mentioned before, there still is this issue of accountability. What will be the standards? Who will set the standards? It is clear that there will be increased testing. This testing raises significant questions. Most of the States, if not all the States, engage in rather elaborate testing already. Most of the States are acting under the provisions of Goals 2000.

The 1994 ESEA reauthorization embarked on a very elaborate process of setting State standards: What a child should know, developing evaluations so those standards are tested, and imposing a scheme of evaluations—not every year for every child, but a scheme that made sense to a particular State.

Now we are saying, no, one size does fit all for every child, every year, for grades 3 through 8. That puts a lot of practical pressure on the States because if you are trying to harmonize your standards with your evaluation, it takes time. Some States have found out it is not practical to give a test to every child every year because the tests have to be very individualized to capture all the nuances of those standards.

My sense is—and I have talked to educational experts in the States—the sheer requirement to test every child every year for grades 3 through 8 will inexorably leave the States to adopt standardized testing which may or may not capture the standards in that particular State. So this testing regime could unwittingly move away from one of the central elements we all agree on—standards carefully thought out and evaluations that measure those standards.

In these ongoing discussions, there is also included the notion of supplemental services, the idea that in failing schools there will be money given for supplemental services. It seems to me that raises a very profound question: Are you interested in merely giving a few children this option, because given the caps on this program, all children, even in the failing schools, may not be able to realize this program? Or are you interested in fixing the schools so that not only that class of children but succeeding classes of children will enjoy excellent education in a reformed, revitalized school? It seems to me we are diverting resources from the main point, to fix our schools, giving some children access to some supplementary education alternatives. That is another issue.

Then there is the issue of charitable choice, which will come up, which raises profound issues about civil rights. What is the policy if we are going to use this approach by encouraging charities and religious groups to become more involved, more directly involved in Federal funding? Does that impose requirements on these groups to recognize civil rights laws in hiring? Does that impose requirements in the type of curricula they can use?

All of these are very difficult questions, and they have to be addressed. I believe they should have been addressed as best we could before we brought this bill to the floor.

There are some other practical issues here, too. It goes back to the overarching concern. The overarching concern is, who is going to pay for all this? It has been estimated by the National Association of State Boards of Education that testing alone of every child in grades 3 through 8 could cost between $2.7 and $7 billion over 4 years. That type of money is not in the appropriations language I am seeing in the President's budget. That type of commitment is certainly not there. And that is just for testing alone. That is just to diagnose the problem.

But we all recognize that simply identifying children who are falling behind and schools that are falling behind is just the first step, the hardest step of fixing the problem.

As my colleague from Minnesota pointed out, we hear time and time again money is not the problem. Well, it is a refrain we seldom hear from other departments when they come in and say they have to confront new issues, new changing forces in the

world. The classic example is the problem with defense. We are all reading this week that it is likely the Secretary of Defense will recommend an increase of $25 billion a year in defense spending to adjust to new threats, new technologies, new opportunities. I am not hearing anyone say to him: Money is not the problem. Reorganize, evaluate your forces better.

Resources is not the sole answer, but it is an important part of dealing with the issue. So we have to do that.

Again, we are not seeing that type of commitment, that real commitment. Without that real commitment, we will not be able to attract the kind of teachers we need; we will not be able to provide continuous professional development so that teachers stay current on teaching techniques; we will not be able to fix school buildings so that children believe they are going to a place that is held in esteem by their community, a place that is treasured enough so that it is maintained. If you go to the schools in many parts of this country today, you find they are decrepit, that they are obsolete. They are places that no one would go voluntarily and certainly no one would go with the sense of excitement and joy that every child should bring to school. We will need more money to fix those schools.

We are going to proceed on this debate. One of the presumptions of this debate, for those who are suggesting that we engage in a regime of testing without adequate resources—one of the presumptions is the sense that our schools are failing America. There is another perspective. The perspective is that this Congress and preceding Congresses, State Governors, and State assemblies have for years and years been failing our schools. We have not been giving them the resources they need. We have not been recognizing that educational problems today, in many cases, result from problems of health care for children, problems of poverty for children, problems of housing for children. Until we recognize these issues and until we confront these issues, not just rhetorically but, more importantly, with real resources and a real commitment, to say that our schools are failing America is missing a much larger point.

What have we done truly to give these embattled teachers and students, these difficult schools, the help they need to succeed, not just a mandate to test and evaluate, but the support so that every child goes to school ready to learn? That was the first core principle of our reform movement, which President Bush's father began a decade or more ago.

There are still too many children going to school without adequate health care, coming from homes that are dangerous because of exposure to lead in paint on the walls. There are still too many children who will fail because they don't have these types of supports and these types of help. As we consider this bill, we have to recognize that group as well.

There are many things that will be debated in the course of the next few days in terms of education reform. I hope we can debate and I hope we can successfully adopt provisions that will decrease the size of classrooms throughout the country, knowing that children perform better when they have a smaller ratio between the teachers and the students. I hope we improve the quality of the physical condition of our schools—better classrooms, modern classrooms, and safer schools. I hope we can improve the quality of our teachers and principals by providing real professional development. I hope we can improve our school libraries, and add additional school counselors. If we can do that, then we can take this legislation and make a real contribution to the quality of education in the United States.

I hope we can do that. I hope we can do that on behalf of the thousands and thousands of youngsters who are going to school today and the generations to come.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that the time from 4:15 to 6:15 be equally divided between the two leaders or their designees for postcloture debate. Further, I ask unanimous consent that Senator CARPER be recognized first for up to 15 minutes, to be followed by Senator ENZI for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, my grandparents were born around the beginning of the 20th century and lived for much of the 20th century. In the early part of the last century, my grandparents and their generation—actually my parents and their generation—were able to find jobs and become employed not so much because of the strength of their minds but because of the strength of their backs.

As we moved throughout the 20th century, the time came when more and more it was important that we knew how to read and how to write, knew how to do math and eventually to use technology, if we were going to get some of the better jobs available in our country. As we now move into the 21st century, that will be only more true.

The last century has been called by some the American century. If the 21st century is to be another American century, it is important that our young people have the kind of skills that will enable our employers to be successful in an increasingly competitive world marketplace.

I believe among the reasons we have been remarkably successful as a nation over the last century is that we have taken our core democratic values, our democratic principles, combined those with the free enterprise system, and added to that a belief in free public education now for just about everybody in our country. Blending those disparate elements together, we ended up with an economic engine, as we close one century and walk into the next, that is, frankly, unrivaled by any other on the face of the Earth.

That was yesterday's news. The question is, How are we going to fare for the next 100 years? For the past decade or so, we have heard increasing cries of concern that too often the skills our young people are bringing out of the high schools from which they in many cases graduate are not preparing them for college, not preparing them adequately for the workforce. We have heard calls from all levels of government, particularly State and local, to do something about it.

As a Governor for the last 8 years, I know full well we have done a lot more in the States than just wring our hands and cry in anguish. We have done a great deal to try to ensure that my children and the children of the generation of kids in school with them and those to follow, when they graduate with that diploma, will really mean something. It will mean that they do know how to read and understand what they have read, that they do know how to do math—in some cases pretty complex math—they know how to use technology, they know how to think, and they are prepared to go on to be successful in college and in the world and in life.

Throughout the country over the last 7 years—maybe the last 8 years—States have been involved in adopting academic standards. What is an academic standard? It spells out in a State such as Delaware, or any other State, what we expect students to know and to be able to do, such as standards in math, science, English, social studies, and in other subject areas as well. If you look at the 49 States that have adopted standards, most of them spell out clearly what they expect their students to be able to do in math, science, English, and social studies.

In recent years, maybe a bit more than half of our States have developed tests to measure student progress in the standards in math, science, English, and social studies that those States have adopted. They give those tests usually every year. In our State, it is annually in the spring, and it is given to students in grades 3, 5, 8 and 10.

Now, almost half of the States have taken the next step toward developing accountability. What is accountability? There is a lot of confusion about what is accountability. Accountability says there ought to be consequences—some positive and some maybe not so positive—for students who fall short of the mark or for those who do well or for schools or districts that fall short or do well. There ought to be accountability for parents as well and also for politicians and for educators.

As we take up the education debate in the Senate this week, we are literally trying to figure out what is the appropriate Federal role with respect to the education of our children. My boys play soccer in a YMCA rec league in Wilmington, DE. They play on a variety of fields around the city of Wilmington. One of the fields is a field that is not level. In fact, if I can use this folder as an example, about half of the game they are running downhill on this one field. Teams like to be running downhill. At the end of the first half, they switch and they have to go in the other direction. The team running downhill for the first half ends up having to run uphill for the rest of the game.

A lot of kids in life don't have the luxury of changing sides of the field. For a lot of their lives, they play the game running uphill. The role of the Federal Government, for kids who spend a whole lot of their lives running uphill, is to try to level that playing field a little bit. For the kids born in tough situations, maybe with parents not engaged in their lives, or who don't value education, or maybe they don't even have parents, we must make sure those kids aren't hopelessly behind when they walk into kindergarten at age 5. If they are hopelessly behind and are coming from a real difficult situation in their home lives, they may need help to catch up with their other classmates.

I don't think anybody in Washington expects the Federal Government to be the primary funder or mover and shaker in education in America. That is not our role. Our role is to try to level the playing field and to help ensure that States adopt academic standards for their students, and that not just some kids have a chance to meet the rigorous standards but that all kids have a chance to meet the standards their States have adopted.

As we debate this issue this week, and perhaps next week as well, we are trying to figure out what can we do that is helpful, that builds on the reforms being adopted and implemented in the States. It does no harm; in fact, it does a lot of good.

We have to consider that between 0 and age 5, kids will learn about half of what they know in their lives. If we waste the first 5 years, it is tough to get them back. We know that there is a lot more we can do in terms of parent training. A lot could be done in our States with respect to ensuring that healthier babies are born and raised. We can try to provide assistance with respect to quality child care and programs such as Head Start and make sure kids - and parents—are given a bit of a boost at the age of 3 or 4 and find themselves better prepared to be successful at the age of 5.

Those are appropriate roles for the Federal Government. When kids walk into kindergarten at 5, what is an appropriate role? The Congress and the President have said it is to provide hope in smaller class sizes.

We have also said it is important to provide extra learning time for kids who need extra time. We are joined in the Chamber by Senator SPECTER of Pennsylvania and Senator GRAHAM from Florida. Senator SPECTER may be able to learn a little faster than the Senator from Delaware, but the Senator from Delaware can learn, too. I might just need some extra learning time.

One of the things we have done in Delaware and in other States, through programs such as title 1, is we provide extra learning time for kids who need it to reach the academic standards that have been set.

We also know that one of the best things that could happen to ensure that a kid is successful in school is to have a terrific teacher such as Mrs. Anderson, my first grade teacher, and Mrs. Swane, my fifth grade teacher—teachers who really make an impact. Mrs. Anderson helped me read at the age of 5 and 6 in my first grade class. We need teachers who love kids, who can teach and who know their stuff. One of the things that we can do at the Federal level, working with State and local school districts, is to help recruit the best and brightest to be teachers, to make sure they have the tools that will at least help them have a shot at being successful in the classroom and to ensure that their professional development continues.

Another area where the Federal Government has been involved is in technology—trying to infuse technology into public school classrooms. Delaware was the first State to wire a public school classroom for access to the Internet. I think we have the best ratio of computers to kids in the country. We spend a lot of money to train teachers to use the technology effectively in the class, to integrate technology into their curriculum, to bring the outside world into the classroom and make the learning come alive.

I am pleased that the legislation coming before us focuses, in part, on technology. One of the best things it does is to say we encourage teams in schools across America to figure out how to work at their schools, how they can incorporate technology into their curriculum. That is a perfectly appropriate role for us.

Among the other things we can do is provide some help when students are disruptive. An amendment will be offered later this week by JOHN KERRY and myself that will say if a school district wants to use some of the moneys in this legislation for establishing alternative schools for chronically disruptive students, they would have the ability to do so.

Lastly, our legislation, in providing for accountability and consequences for schools that do well and those that don't do well, says we want to put schools on sort of a 10-year glidepath to making sure that all the students are able to come closer to meeting the standards set by their States, and each year that a school district fails to meet the State's own progress chart—imagine a stair step, if you will, of 10 steps. The first year that happens, the school gets some extra money for assistance. The second year, if they fall short, we provide more technical assistance. By the time the fourth year comes, we require that school district to institute public school choice to provide, for that child who is in a failing school, their parents an opportunity to send them to another public school that is not failing or to take advantage of extra learning time provided, in some cases, by a private vendor after school.

We say if a school is failing after 4 years, that school has to be reconstituted as a charter school or turned over to a private sector vendor to run that school or simply the school is reconstituted with a new administration and new faculty. But while we call for some serious steps in our accountability plan in this legislation to require public school choice when schools are failing children in some cases, and to require as one of three options the establishment of charter schools, transforming existing schools into charter schools, those are options that cost money.

One of the amendments that will be proposed by Senator GREGG, myself, and others is legislation saying if we are going to mandate public school choice, we need to provide assistance. If we are going to require, as one of the three options, turning a failing school into a charter school, we need to provide resources there as well.

Let me close with this point as I approach the end of my 15 minutes. I honestly believe there is more before the legislation that we will be debating this week to unite us than divide us. Most Members, including Democrats and Republicans, and I believe this President, understands the need to invest more money in programs that work to raise student achievement, targeted to kids who need the help the most. I will not quarrel whether 10 percent, 15 percent, or 20 percent increases, or more, are enough, but we all understand we need to invest more resources targeted to the kids who need it, in programs that work to raise student achievement.

The second area where we are in agreement, generally, is that the money we provide from the Federal Government should be provided flexibly. We should not try to micromanage what is going on in the schools. We should say, here is the money to use; target it for kids who need it most. You figure how to best use it in your school and school district to help your kids.

As we provide more money and we provide the money more flexibly, it is critically important we demand results, that we call for and require accountability. There have to be consequences. They do not have to be negative. There have to be consequences to make sure we are not throwing good money after bad money.

We will debate a lot of issues in this Senate Chamber this year. For my money, I think for our taxpayers' money, this is maybe one of the most important issues we will consider. It will go probably as far in determining whether we will continue to be the superpower in the world we have today 100 years from now. All the rest that we do, we can debate and decide.

I look forward to joining my colleagues in this debate, doing what is best for kids. The approach we take, I hope, is what I call the ''tough love'' approach, demonstrated when we took up welfare reform 5 years ago. A certain toughness in the approach was adopted and there is a lot of love and compassion, as well. There will be a similar approach. We will be successful and our children will be successful not just in this debate but in what follows.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset I commend my distinguished colleague from Delaware for his statement on the issues of flexibility and local control and accountability. In a few months in the Senate he has made a distinct contribution. It is good to share the train with the Senator from Delaware. I have done so with his distinguished colleague, Senator BIDEN, for many years. Those hours on the train enable some Members to learn more about each other and to come to bipartisan agreements on a great many of the issues. At the outset, I compliment the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I rise today to support S. 1 and to talk about the motion to proceed on which we have gotten cloture and are now debating, with some limitations on each Senator's time, but still debating whether to proceed on debating education.

I haven't heard anybody who hasn't said that education is the most important thing on which we have to work. For a week we didn't get to debate education. Now we are only getting to debate proceeding to education. We ought to be talking about the issues and the amendments and getting a bill done and through here.

Talking to the folks back in my school districts, right now what they are concentrating on is the end of the year, graduation for seniors. Immediately after that happens, they need to be planning for next fall.

We are talking about elementary and secondary education reauthorization, which is where we outline in what programs schools can be involved. Don't you think they kind of need to know that when they start planning for fall? If they do not know by the time they start planning for fall, then they have to delay what we are talking about for a year. So it could be a year and a quarter before any of the reforms that all of us agree on can go into effect.

When I listened to the debate this morning, the discussion was over how much money would be put in this bill. This bill is not an appropriations bill. This is an authorization bill. This is where we talk about what programs can be done. Later we talk about how much money to spend on those programs.

One of the reasons I find it particularly fascinating that the Democrats have done a little filibuster on the amount of money is that this is the first time the Republicans have been in charge when we have gotten to do a reauthorization of education. I have to tell you, we are really excited about it because there is some tremendous potential in education out there.

We are talking about the amount of money in the authorization bill. I find that particularly interesting because I went back to see how much they talked about money the last time this was authorized. The last time this was authorized the Democrats were the majority and the President was a Democrat. Do you know how much additional money they insisted be put in for the authorization of programs? No additional money. Money was not part of authorization. The Democrats have been in the reauthorizing lead for 35 years, and the amount of money has not been the issue in the authorization bills.

So what is the difference now? A little chance to pound on the Republicans and reduce the amount of civility and bipartisanship that has already been shown on this bill. That should not happen.

The plain truth is that without reform any increase would be just another drop in the $400 million—$400 billion; I have to start thinking in these Washington terms—a drop in the $400 billion education bucket. If money were our answer, we would not be here today. So we did not talk about it for 35 years. We did not talk about it the last time.

The Federal Government provides 6 percent of the education dollar. We force 50 percent of the paperwork. We are the time waster generators.

So we are going to increase that a little bit. Even under most circumstances it will not get much higher than that, and that is because we do expect the States to make the major effort. That is where the people live. That has been the tradition and the method for funding education.

This is a difficult area. One of the reasons it is difficult is because everybody has been to school, so that makes each of us and everybody who listens to any debate on education an expert. We do have people in our lives who have influenced us tremendously. Some of the greatest influence we get is in that period of time we spend in school, which is some of the most contact we get with adults when we are kids.

Besides having gone to school, I also get some input from my daughter, who is a seventh grade English teacher in Gillette, WY, an outstanding English teacher. I am really pleased with the progress she makes with her students. I get to see that firsthand and hear about it. I have to say, while she has been teaching, she has also earned two master's degrees. She just finished up the master's degree in administration so she can at some time be a principal. She would much rather be a teacher, but she has seen where a lot of the money goes.

We do need to get more money into the classroom for teachers so we can recruit and retain good teachers. My wife has a master's degree in adult education and emphasizes education quite a bit.

Some of my best mentors in my life have been people with whom I worked in the legislature who worked in education. On the State level, it is a much bigger deal than it is here because that is where the money comes from and that is where the decisions are made for the kids. Even at the State level what they do is defer the decisions, some of which we are trying to do, to the school boards themselves. That is a very important trend, and that is provided for in this bill.

We are not talking about the amount of money, although some would like to distract the discussion so it talks about the amount of money. We need to be talking about how we are going to educate our kids, how we are going to reform the process.

I do, first, want to applaud the entire committee for unanimously advancing this important bill before the full Senate. We did invest tremendous resources in attempting to reauthorize ESEA last year, and I am pleased we made it our first priority this year. I am also impressed with the support of the new administration in seeing President Bush's No. 1 priority take the next step in the legislative process. In the history of Presidential initiatives, I believe the work of this administration will serve as a model for bipartisanship on policies of national significance.

Frankly, I was stunned to hear the suggestions last week that our President has not taken any bipartisan initiatives. At both the staff and principal level, the White House has been actively engaged for weeks on negotiating this powerful education reform bill that we have before us today. I applaud the product. I thank all the parties for their investment of time, energy, and willingness to compromise—the necessary ingredients for bipartisanship without which we would not be advancing the bill today.

This is my fifth year on the Education Committee. The normal Education Committee process is to have a markup that lasts 2 to 3 weeks and then come out along party lines. This, one of the most innovative bills that we have worked on, took 2 days and it came out unanimously. That has to be a record for the Education Committee on any of the bills with which we deal. That is bipartisanship. Unanimous is about as close as you can come.

This education reform bill, the BEST Act, reflects an understanding of the variation in needs between urban, suburban, and rural schools. The bill arguably addresses the concerns of all stakeholders in our children's education, and it does so in a bipartisan way. I believe the bill has struck meaningful compromise and reflects a strong but appropriate role for the Federal partnership in elementary and secondary education.

The State of Wyoming has invested tremendous amounts of time and money in developing high standards for learning. That has been a priority for quite a while—high standards of learning, reliable assessments, strong parental involvement, and other research-based education innovations. The BEST Act builds upon that work and solidifies the shared commitment to academic achievement for all children.

The State of Wyoming also has a Web site where you can check on the grades of any of the schools. They take the testing they do and they show how well, by school, the report cards come out for those schools. So they have had strong assessments.

The State of Wyoming is currently facing a crisis in education. We call it a teacher shortage. It is not about class size. It is about teachers' salaries and a dwindling supply of qualified educators, particularly in light of the new high standards which the students must meet, which are on this Web site. But this is a problem for which the Federal Government can help provide a solution.

Under title II of our bill, the focus is not only on preparing teachers but on helping schools recruit and retain high-quality teachers. Reducing the class sizes will be an allowable use of funds under this title, if that is the unique need of the particular school.

I have to say, in Wyoming a lot of the schools have small class sizes. Even if they combined all of the classes into one class, it would be a very small class. We have some very small towns in Wyoming. It has been very important through this process to maintain the capability for those small schools to operate as well.

This bill also emphasizes the need to improve the access to education technology and to use it in the process of improving academic achievement. I like to think our State is a forerunner in that. Again, that is because of our distances. It is a way that kids who are not in our urban centers—and our biggest urban center is now 53,293 people—will still be able to get a diversified education.

The goal of eliminating the duplicative administrative application process and allowing schools to have one pot of funds for the range of technology uses, including teacher and administrative staff teaching, will make a difference. The digital divide will shrink and technology will become even more relevant as an educational tool.

I have to divert for a moment and talk about some of the innovations in technology.

About 10 days ago I happened to tour a school that deals with migrant workers. I found that they had received a grant for laptops. The laptops are assigned to these children of migrant workers, and I suspect to other workers as well. But it has all of the course work on it. It plugs into a modem that dials an 800 number to give their homework to the teacher to grade. It allows them to talk on line with the teacher. There is also an 800 phone number they can call to talk to the teacher. It is a very successful program. It was started with an old blue school bus that went around to migrant worker camps and followed the migrant workers. They gutted the bus. They put in a desk and some folding chairs. They started a school. They have progressed now to the point where they can accommodate a lot more kids using this laptop network and some teachers who can be accessible at any time the students have an opportunity for it.

There are some technological innovations out there that will help rural students and ones who move a lot. They are included in this bill.

Very importantly, the bill clarifies the purpose of the President's requirement that States expand existing assessments and take on the new practice of participating annually in the NAEP test, which is the National Assessment of Educational Progress test, which many States, including Wyoming, currently administer to students.

These clarifications go a long way in addressing the fundamental concerns by all parties that the Federal Government not enact additional unfunded mandates and that the States continue to retain the flexibility to design their own standards of learning for students versus nationalized standards or tests. We will have to debate a little bit this interaction between anything that looks like a national test and a State test which follows the things kids in that area of the country need besides their basic education.

While it is not a part of the reauthorization, we would be remiss in meeting our commitment to the education of all children if we did not also prioritize funding of the Individuals with Disabilities Education Act.

As we advocate meaningful education reform, I look forward to the continued support for strong increases in funding of IDEA but recognize that is part of the appropriations process and not part of the authorization process. Fully funding this important but costly Federal requirement is as critical as requiring academic success in our classrooms. It is something we have been working toward and will continue to work toward.

Throughout the consideration of the different elements of the BEST Act, I plan to discuss in more detail those that will most help Wyoming's children succeed.

In spite of increases in the Federal investment in elementary and secondary education, it does remain a fraction of the overall expenditures—less than 10 percent. I think the figure being used here is 6 percent, and also 7 percent has been used.

I remind people that 50 percent of the paperwork is generated by our very small funds. We force people to spend a lot of time for the money that comes from the Federal Government.

I had a high school principal who took a leave of absence and came back to Washington to work in my office for a semester. He spent most of that time down at the Department of Education. He had been filling out these Federal forms for what seemed to him a lifetime, and he wanted to know what happened to them.

Let me tell you what the results were. He was pleased to find out that the forms are scrutinized in detail, that every ''t'' has to be crossed and every ''i'' has to be dotted; everything has to be on the form. He was disappointed to find out that was the last use of that form. It isn't used to help any kid anywhere, but it maintains a job in the bureaucracy in Washington for that person who is making sure the form is completely filled out. That is not helping any kid in my State.

If they do not put that information together and package it somehow so it is helpful to them, we ought to eliminate the form—actually, a lot of forms. I mentioned that 50 percent of the paperwork is generated in Washington.

We have to help the schools maximize their dollars. I believe we can help improve our kids' academic experience because of this.

Planning for next year requires quick passage. I mentioned that. If we don't have quick passage, we are getting past the planning stage for the next academic year; we will be forced to have the reform kick in 1 year later.

We need to get on with this process. I hope we can have everybody get on board, end the filibuster that is in process, compromise on some time, and get the bill debated and move on to a better treatment of the kids of this country.

I look forward to seeing this bill overwhelmingly adopted by the Senate and signed into law as quickly as possible. We cannot afford to shirk our commitment to reform and putting children first.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I say to the Senator from New York that I do have a unanimous consent request I want to offer. I believe that we will be having

some Senator from the other side of the aisle to discuss it with me briefly. It should not take too long. I thank the Senator for her courtesy in letting us do this now.

Mr. President, obviously we need to go forward with the discussion, the general debate, and the amendment process on the education reform package. Earlier today, the vote on the motion to proceed was an overwhelming 96–3. I thought that was a clear indication that we were ready to go to S. 1, the Elementary and Secondary Education Act.

I had the impression that we would have time spent this afternoon discussing education—not actually on the bill because time is allowed postcloture to talk about the bill in general, but that we would be able to go to the bill itself and begin debate on the bill at 6:15 or 6:30 this evening and tomorrow we would actually be into the amendment process. That seemed a fair way to proceed.

I am being told now that there is objection to us even proceeding to general debate on the bill itself. Also, I have the impression—and I am glad to see Senator DASCHLE in the Chamber; maybe he can clarify this for me—part of the reason is, Senators do not want to go to the bill and begin the amendment process until the substitute has been offered because they do not want to offer an amendment to the underlying bill and then have to offer it later to the agreed-to compromise bill. But I would be glad to ask consent or work out an agreement that any amendment that is offered before then would be applied to the compromise managers' amendment that might be offered later.

My concern, I say to Senator DASCHLE, and to Senator KENNEDY, who I see just coming into the Chamber, is that a lot of good work has been done. It has been bipartisan. The administration has been involved. It has been understandable that it took some more time. My attitude on that is, if more time is needed, let's take it. But now we are on the verge of going through a second week without actually getting on the bill.

I know a lot of Senators are going to want to speak in general debate and will have amendments to offer, and it is going to take some time. The idea that we could spend, hopefully, time tomorrow on general debate and begin the amendment process, decide how we are going to deal with perhaps amendments on Friday, and begin to make progress seemed to be a very positive thing.

So I hope we can go to the bill and begin debate on it this afternoon, tonight, and then be prepared to have more time tomorrow in general debate, if we need to, and then go to the amendments.

Before I ask consent, I will yield to Senator DASCHLE to see if we can get an agreement worked out so that if there are amendments that are offered, they would apply to not only the underlying bill, S. 1, but to any compromise amendment that is agreed to. I did discuss that with Senator KENNEDY, and he did not think that would be a problem.

I would be glad to yield to Senator DASCHLE for a response.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate the majority leader yielding. Let me say, he has attempted to reach me earlier, and I have been tied up in important meetings. I did not know he was trying to reach me until just a few minutes ago. But I apologize for not getting back to him sooner.

Mr. LOTT. I understand. We both are running from meeting to meeting.

Mr. DASCHLE. Senator LOTT and I talked about this very question last week. I understand his desire to move to the legislation. I said I would be supportive of an effort to do that. But there are two outstanding issues. The one that we talked about last week, and continues to be a very big concern, is what kind of a commitment we can get from the administration on overall funding. I had indicated at that time when we discussed this matter last week that even though that is critical to all of us, and even though many of our colleagues believe more strongly in that than any other question, that I was prepared to move to the bill even if we had not yet completed our discussions with the administration and our Republican colleagues about that, in spite of the fact that many of our colleagues were very concerned about taking that approach.

The second issue, of course, has to do with having the language. The majority leader puts his finger on one of the concerns we have, but there are two. The first concern, of course, is what happens if you offer amendments. And, of course, that is subject then to a unanimous consent agreement that we accommodate Senators who have offered amendments in good faith. And I guess there isn't the confidence, at least right now, that we might even be able to get a unanimous consent agreement that allows Senators the confidence of knowing that even though they are amending the substitute that they have not yet seen, that it would be accommodated if ultimately we agreed to that substitute.

So I think the larger question is one that many of our colleagues have expressed to me personally, even as late as in the last half-hour, and that is that they are just uncomfortable moving to a bill for which we have not been given any information. I think a lot of our negotiators are talking back and forth, and they are attempting to resolve the outstanding differences.

The problem is that I will say at least 90 percent of our caucus has not seen even the first draft of the substitute. They are understandably concerned about committing to a motion to proceed before they have had a chance to even look at it. I think what I made clear to the majority leader last week was that we had to at least resolve the language issue before we could make the motion to proceed.

I also supported, as 95 of my colleagues this morning did, the motion on cloture to proceed. But I am very uncomfortable asking my colleagues to accept language that they have not seen yet. I am told that we are very near this point of agreement that would then allow us to print a document that we could share with all of our colleagues and I think substantially increase the confidence levels about what it is we are agreeing to on the motion to proceed.

So I hope that our colleagues could work extra hard in the next few hours and through the night and present us with an agreed-upon substitute tomorrow that we could share with our colleagues on both sides of the aisle so that we could all vote for the motion to proceed. I think there would be a strong vote for it. But that is really the essence of my concern.

I am willing to put aside, for the moment, the funding question, even though, as I say, I cannot tell you the depth of feeling there is in our caucus about proceeding without some agreement. But I think it is very difficult for us to agree on a substitute prior to the time we have even seen it.

So I again reiterate what I thought I expressed to the majority leader was my concern last week, and that would be the reason we would have to object at this time.

Mr. LOTT. Mr. President, if I could respond, Senator DASCHLE mentioned to me last week that there was a need to see the language. I passed the word that certainly that should be made available. I am surprised. While I have not been directly involved in all the negotiations, I thought that everybody was familiar with all that was going on and that basically Senator KENNEDY and others have the language, know the language, and if there is any outstanding language, they would know what that is.

So for a week we have been saying, let's share the language, and let's move on. Maybe the problem is that the language is continuing to be modified. But how long does that go on? We talk about the regular order, the legislative process. The way you usually do it is you call up a bill, and a managers' amendment is offered, amendments are offered. I do not know if we can ever get every word agreed to. I assume there are going to be Senators on both sides of the aisle who are going to offer some amendments to make further changes.

But my urging would be—on both sides of the aisle—let's give them the language. Somebody has some language somewhere. I am being assured Republicans are not hiding in the corner, holding back language that they won't share. If there is anything that Senator KENNEDY is not aware of, I am

not aware of it. I would urge that we get that language agreed to.

Mr. DASCHLE. I ask the majority leader if he would yield for just a short response?

Mr. LOTT. Sure.

Mr. DASCHLE. The majority leader is right. I think part of the language is agreed to, and I think a lot of our colleagues have seen that. But I think it is fair to say that both sides of the aisle would agree that a very significant part of this whole effort is the issue of accountability. And it is on accountability that we are still hung up, that we have this moving target. We have evolving language that still has yet to be nailed down.

Were it not for the fact that accountability is so important, I think there would be a lot more interest in trying to see if we could resolve this matter. But it is a key question. Because it is, and because this moving target seems to be one that continues to change as we go from hour to hour and day to day, that is the issue.

However, I will join with the majority leader, I would love to see both sides come together, finalize the language, and offer amendments if we are not satisfied with it.

Mr. LOTT. I have always observed in a legislative body you have to have a closer. You have to have somebody who says: This is good enough; let's go for it. We have had all of last week and now half of this week. We continue to negotiate.

I guess I will have to assume some responsibility because if I had known we were not going to be able to go to the education bill—the No. 1 priority in almost everybody's mind in the country—we could have been considering other legislation.

I have continued to hope that with one more half day, one more day, we could get going; we could have a full debate and offer amendments.

If I had known we were going to be stalled out on education, I would have gone to other issues, and maybe that is what we ought to do now. If I understand correctly, Senator DASCHLE indicates he doesn't think this idea that any amendment would be considered to be applicable to the bill or the substitute, that we might not get an agreement to do that, but would it help if we could do that?

Mr. DASCHLE. Again, that would help a good deal, but that does not solve the other problem. There are many on our side who feel so strongly about this issue of accountability that they want to be able to see the language prior to the time they are asked to vote on the motion to proceed.

I have to respect the wishes of those colleagues who have made that fact known to me. Clearly, it would help if we had that language. It would solve part of the problem.

Mr. LOTT. Mr. President, parliamentary inquiry: How much time is remaining postcloture on the motion to proceed?

The PRESIDING OFFICER. It will take 1 minute to calculate.

Mr. LOTT. I assume there must be 24, 25 hours remaining.

The PRESIDING OFFICER. Twenty-six hours 15 minutes.

Mr. LOTT. I guess if we run off all of that time, it would be tomorrow night or Friday before we could get to general debate on the bill. I hope we will not have to do that. Maybe there is some plan to have language available tonight for some press conference announcing that language tomorrow. Is there some indication that maybe we could go to the general debate in the morning? Do we know? I guess what I am asking is, are we going to have to run off the full 24 or 25 hours?

Mr. DASCHLE. If the majority leader will yield, that is not my expectation. As I said, both sides have been working to try to resolve the outstanding difference. I was hoping by now we would have resolved it. I was hoping we would be able to say that we now have a draft we can share with everybody. Unfortunately, that is still not the case. I can't imagine that this is going to go on much longer.

Mr. LOTT. Could I inquire of Senator DASCHLE, would it be his recommendation that we set aside education and try to go to other legislation for the balance of this week? I hate for us to let the rest of this evening, tonight, and tomorrow go without making progress on education or any other bill. If he thinks we should consider that, maybe he and I could talk after we leave here.

Mr. DASCHLE. I would be happy to talk to the majority leader about possibilities we might entertain.

Mr. LOTT. I confess, what I am trying to do is to put pressure on all parties, not just on the Democratic side or the administration, everybody. Let's come to some sort of agreement one way or the other. Let's get started.

I had planned to ask unanimous consent that we would yield back all time and proceed to the bill itself at 6:15, but it is obvious Senator DASCHLE believes now that he would be in a position to have to object, so I will not go through that exercise.

I do emphasize to all that everybody agrees we have a monumental, historic opportunity to get major education reform and increases in funds for education. I hope we can get to the bill itself within the next half a day at a very minimum.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I appreciate the dialog that just occurred between the leaders because, certainly, it is critical that the debate on education commence and that we do everything within our power to provide more resources, greater opportunities, and accountability to our children around the country.

As a new Member to this body, I am one who shares the concern about actually seeing the language of the bill and trying to be sure that we know what it is we are debating and that the people back in our States who we represent have a chance to be part of this debate by being able to read and study and provide comments about what it is we are considering in the Senate. I know it may, from time to time, be a little frustrating, but until we actually have a bill with language that will determine the future of education funding from the Federal Government for 5 to 7 years, it is a wiser course for us to be prudent and thoughtful and to wait until we actually know what it is we are debating and what the potential impact of these provisions could be on the lives of real children. After all, this debate is going to set the stage for how much or how little we as a Nation will do for elementary, junior high, middle, and high schools.

I am particularly concerned about the impact we will have on our neediest children, those who are too often left behind. We still have too many children who are not reading at grade level and who are being taught by uncertified teachers, and too many who are in overcrowded classrooms and dilapidated school buildings. I know that all of us on both sides of the aisle agree that we can do better than this. We can't just sign a blank check or decide that we can proceed on bill language we have not even seen and discharge our responsibilities to the children we represent in this body.

Many of my colleagues and I have serious concerns about the substance of the bill. For example, the block grant demonstration program, so far as we are aware of it without having seen the language of it, does not target enough funds to our highest-need districts and will mean less control for local school districts on how best to invest their Federal education dollars. Because we have not yet seen the final version of the bill we are considering, we don't know whether there is a genuine commitment to devote the resources necessary to make the promise of greater accountability a realistic outcome.

Just as we expect teachers, administrators, and students to abide by a high standard of accountability, we should bring our backroom negotiations to the floor of the Senate for all of us to hear. That is why I voted to proceed with the bill. But we should do it on the basis of an actual bill. I, for one, am willing to wait and to be patient until we actually get the bill and then to proceed in an expeditious manner.

If we look at where the negotiations are and what we are attempting to achieve, we have a great opportunity to accomplish some very important goals for the people of this country. We all share the goal of improving our Nation's schools. We agree that everyone should be held more accountable for turning around failing schools. There is a bipartisan agreement that is very strong for ensuring that all children should be taught by high quality teachers and that parents should know the

quality of the schools their children attend.

This bill, so far as it is reported to us, does a tremendous job of strengthening accountability. I applaud Senators KENNEDY and BINGAMAN for leading the negotiations that have resulted in important accountability provisions.

Some have asked: Why don't we just call it quits. Let's just put in more accountability. Let's just test our children every year from third through eighth grade. We don't need to do any more than that.

I ask: What is it we are attempting to achieve? If all it does is to put more accountability on the already existing testing systems that every one of our States have employed, what is it we hope to achieve?

The answer is that in order to have real accountability, we have to marry those accountability measures with targeted additional resources, invested wisely, that will really make the difference as to whether the tests actually create better educational outcomes.

Resources would make a difference for children such as Delano Tucker, a fifth grader from PS 41 in the Bronx, who wrote me that his entire fifth grade class was asking for help to improve education. Here is what Delano said:

> We need more books, but we can't do that without more money. My second reason is we need more teachers because classes are too crowded. The third reason is children are passing without knowing how to read.

We don't need to get a bunch of experts or Senators who can come up with a better analysis than what Delano just gave us. We need better teachers, more books, less crowded classrooms, and we should not be passing children who don't know how to read.

Resources would make a difference for the nearly 168,000 children who go to school every day in overcrowded classes in New York City. We are losing teachers every single day because teachers can't teach in the kind of circumstances that we are presenting for the state of education in many of our cities.

One New York City parent recently shared her thoughts with me, writing that:

> I am a parent of two young children—one in kindergarten and one in third grade. They are both bright, but they suffer from learning difficulties, in part, because they are trying to learn in classes of 28 children. They are unable to get the individual attention they need because they are competing for the teacher's attention with so many.

How can we expect children in classes that are that crowded, given the difficulties and issues that children bring to school today, to be able to get the same quality of education that we know works so well when classes are smaller in the early grades?

Resources would have made a real difference for the fourth grade teacher at the 82-year-old Mechanicville Elementary School, just north of Albany, NY, who last year was struck in the head by concrete from the ceiling as she was teaching because the school was in such disrepair.

My colleagues and I have heard similar stories from students and teachers in every State around the country. Although education is, and always will be, a local issue, it has to be a national concern. Some of the most severe problems in education today require national solutions. I think that is why we are here today debating education.

How will investing in school repairs and renovations help to raise student achievement? I think the answer is self-evident, especially if you have a teacher hit in the head with concrete falling from the ceiling. We know from research that children benefit when they attend school buildings that are in good physical condition.

A 1996 study of large urban high schools in Virginia found that student achievement was as much as 11 percentile points lower in substandard buildings as compared to standard buildings.

Another study found that the quality of air inside public school facilities may significantly affect students' ability to concentrate. In fact, the evidence suggests that children under 10 are more vulnerable than adults to the types of contaminants found in school facilities. We have seen reports and studies about working conditions in urban schools, concluding that they ''have direct positive and negative effects on teacher morale, their sense of personal safety, their feelings of effectiveness, and on the general learning environment.'' That kind of scientific conclusion is reinforced by the experience of students in Mount Vernon, NY, who go to school with air ducts that are so old and so clogged up and filled with pigeon and rat droppings that they can't even breathe decent air; or the students in Cohoes, NY, who go to a school that banned the use of chalk because they have inadequate ventilation, and the chalk dust would hang like a curtain in the air.

Too many of our students are trying to learn in cramped trailers such as in this photo taken in Queens. These may be so-called ''temporary'' trailers, but they can end up representing a big part of a child's educational experience.

Too many of our children are in hallways with many distractions and far too little room. This photo represents a common sight in schools in New York. This is not a classroom. This is a hallway. The children aren't in a classroom that you and I remember, where there is a chalk board, a teacher's desk, and the desks of the children, and bulletin boards with pretty displays. This is a hallway and this is their classroom.

I don't know how much longer we can keep hearing stories about hallway classrooms, falling concrete, conditions in the classroom that are unhealthy, and not recognize that we should be helping our school districts, many of which cannot possibly afford to raise their property taxes. We can't ask hard-pressed parents to put even more money into the property tax base. We should be helping the parents in those school districts.

During this debate, I will do everything I can to urge my colleagues to support Senator HARKIN's efforts to include authorization for an emergency renovation and repair fund that would certainly make a difference for some of the schools we just saw.

I will also be offering my own amendment to examine the impact of dilapidated schools on the health of our children. It is simply unacceptable in America in the beginning of the 21st century that our children should have to attend schools that not only impair their ability to learn but even make them sick.

Mr. REID. Will the Senator from New York yield for a question?

Mrs. CLINTON. Yes, I will.

Mr. REID. It is my understanding that the Senator from New York has had experience in the past in dealing with issues such as we are trying to deal with here. Is that true?

Mrs. CLINTON. Yes, that is.

Mr. REID. Would she tell the Senator from Nevada some of the things she has worked on in the past?

Mrs. CLINTON. As the Senator points out, I have been involved in improving education and reforming our accountability measures since 1983, when ''A Nation At Risk'' was first issued by then-President Reagan's Commission on Education. I was one of the first in our country to ask for much stricter accountability, to test not only students but also teachers, and to hold schools to a very high standard. If they did not succeed in passing 85 percent of their children beyond a level of acceptable learning outcomes, the school would be in danger of being taken over. That was 18 years ago.

So there is really nothing new in what we are discussing today, as the Senator from Nevada knows so well. We want to do the best job we can in raising standards; yes, we do. That is something many of us have worked on, and we have actually seen some positive results in some of our schools over the last 18 years. But we know there have to be the kind of conditions in learning circumstances in our classes, in our schools, that will enable these accountability measures to be successful.

Mr. REID. I will ask one final question to the Senator from New York. We know that there has been talk from the other side saying throwing money at the problem doesn't solve anything. The Senator from New York realizes that. But would the Senator also acknowledge that money is going to help some of these problems?

Mrs. CLINTON. As the Senator knows, when somebody says money doesn't make a difference, they are talking about somebody else and somebody else's money. Every one of us in this body goes to the extra length of

making sure that our children and any children we care about are given those kinds of resources that will enable a child to learn.

Money is not the only answer to what we need to do if we are serious about zeroing in on those children most in need. Most of our schools in this country are doing a fine job.

I live in a district in New York that is one of the best in the entire country. Many of the other districts in our suburbs and rural and city areas are producing good students who care about learning. Our real problems are in those areas with concentrated poverty.

I have seen the Senator from Connecticut come into the Chamber. He has a passion about getting our resources targeted where they can do the most good. So to anybody who says money is not the only answer, of course, I say money is not the only answer, but money helps when married to accountability and invested in getting rid of conditions such as the ones I am showing here on the picture where there are so many children in this classroom, where it is impossible for even the best trained teacher to be able to communicate effectively with these children. This is a classroom where the children are coming from backgrounds where English is not their first language, coming from concentrated poverty, often difficult family situations.

So when somebody says we don't want to throw money at it, I say, that's right. I want to target money to make sure we clean up our dilapidated classes and schools and that we provide lower class size so that the teachers who are willing to go into our hard-to-teach areas will be able to have a decent chance to reach these children; to recruit and retain teachers who come in with idealism and find themselves in situations such as this and within a year or two are gone.

For me, there isn't a contradiction here, as the Senator from Nevada knows so well. We need to have the kinds of accountability that is effective and will work but without the resources we are not going to be successful.

We are going to find, as I have said in the past, that we are just passing out thermometers in the midst of an epidemic. We are going to find that everybody has a raging fever, but we don't have the resources or the will to help them get well. We can do both. That is what this opportunity provides.

I appreciate the concern of the Senator from Nevada. We have to have a good debate. It is only fair, if we are asking that we invest more dollars in education from the Federal Government, we be able to justify the use of those dollars and we tell our constituents and our colleagues where they will go. I have pointed out they go to helping clean, repair, and construct schools we need. Second, they go to reducing class size. The situation shown in this picture is unacceptable.

We are under court order in New York City to have only certified teachers in the classes. That sounds great, and I am for it, but in order to have certified, qualified teachers go into a situation such as this, we will have to make a contract with these teachers that this situation will improve; they will find they will have a chance, actually, to teach; otherwise, they will vote with their feet and either leave to go to a suburban district where they are paid a lot more, in a lot better situation, or they will leave teaching altogether.

I am not talking about something that is anecdotal. We have research from Project STAR in Tennessee that demonstrates children assigned to smaller classes in grades K–3 received better grades, higher test scores, and were less likely to drop out of school or be held back through their entire educational careers. This is a research study that has gone on for 15 years in the entire State of Tennessee. I applaud the State because they made the investment to evaluate what they were doing.

We found that the children who benefited the most were poor and minority children. By all means, test them and find out if they are failing. But be fair and give them a chance to succeed. That is what we are calling for when we ask for reduced class sizes.

We know if we don't recruit teachers we will not be able to continue teaching anybody. Right now we have a national crisis when it comes to recruiting and retaining teachers. There isn't any more important factor than teacher quality in improving student achievement. Yet if you are a young teacher placed in a situation such as this, if your classroom is a hallway, as I have seen in some schools in New York, a closet, that makes it very difficult to teach.

I recently heard from a constituent in Farmingdale, NY, who told me their elementary school alone needs 16 new teachers for kindergarten. In Buffalo, 231 teachers retired last year, compared with an average of 92 retirees in each of the preceding 8 years.

We can't just mandate that school districts go out and hire certified, qualified teachers without providing some resources to make that possible. We tried that in New York City. The court order said hire only certified teachers and put those certified teachers into the classes where the kids are most at risk. So the school district went out, hired 2,000 certified teachers, assigned them to schools as depicted in this picture and the previous pictures, and the 2,000 certified teachers wouldn't take the job. Who can blame them? They are certified teachers, qualified; they pass the tests; they have taken the courses; they are assigned to a school where the conditions to teach are impossible.

If we are going to say let's only have certified, qualified teachers, then for goodness' sake, provide help to districts such as those I represent so we can actually recruit and keep those certified, qualified teachers. I strongly believe this bill should include a teacher recruitment section. I am working with a bipartisan group to offer an amendment to help school districts meet the demands for certified teachers.

Let me turn now to title I. I would like to paint a picture of what full funding for title I means for the children of New York City. Yesterday, several of my colleagues from the other side of the aisle came to the floor to talk about the failure of title I to improve student learning and dismissed the idea that fully funding title I could result in increased student achievement.

I want to be sure the American people have the facts about title I. The real fact, as presented by the independent, nonpartisan Congressional Research Service, is that in fiscal year 2001 Congress provided school districts with only one-third of the resources needed to fully serve eligible students in order to help close the achievement gap. Even with this limited Federal investment, our school districts have shown real gains in reading and math.

In 1999, the Council of Great City Schools found fourth and eighth graders in urban schools boosted their performance in reading and math. In fact, 87.5 percent of the urban school districts showed reading gains in Title I schools and 83 percent showed math gains. Moreover, the study found that the percentage of title I students in urban schools below the 25th percentile had been declining over 2- and 3-year periods while the percentage of title I students between the 25th and 50th percentile was increasing.

There are those who will still deny these facts and make the claim that title I doesn't make a difference. I often think Washington is the only evidence-free zone in our country. The facts are the facts. Title I does make a difference. Imagine the results if cities such as New York, Buffalo, Rochester, or Syracuse were able to assist all our title I eligible students rather than just a third of them. It would mean, for example, in New York City, we could lower the current threshold and serve an additional 99,295 children. The city could invest in strategies that work better. We could provide extended time initiatives that we know make a difference with children. We could expand early literacy intervention, and intervention strategies, have classroom professional development for teachers.

As we look at the bill, we need to look at a full investment in title I. It is not just a game of imagination but a real investment in student improvement that will pay off down the road. I will support Senator DODD and Senator COLLINS in their efforts to include full funding of title I in this bill.

Finally, let me touch on the issue of testing. In 1983, I called for student tests, high-stake student and high-stake teacher tests. I take a back seat to no one when it comes to using testing and other measures of accountability to find out how well we are

doing and hold ourselves accountable. But let's be sure the tests are actually going to accomplish the purpose for which they are intended. We need to look at how children do from year to year, to help teachers modify and individualize curriculum, and provide parents with timely information. We have to make sure that if they take a test in the winter, they get the results that winter, not the following fall when the children have moved on. We have to help schools know what the standard should be so they are not teaching to the tests but they are trying to measure the standards they have set. And we have to help pay for the tests.

In New York alone, it would cost $16 million to comply with these new Federal testing requirements. Only $8 million would be provided by the Federal Government; the other $8 million is from scarce State resources. We need to be sure we are fair to our States. If we are going to mandate testing, let's not make it an unfunded mandate. Let's provide the resources needed. If we do develop and implement the tests, we need to have the resources to ensure that our children from the most disadvantaged circumstances can pass and excel in those tests. I think that means smaller classrooms, modern schools, quality teachers.

As we go forward in this debate, I hope we will think hard about the impact we will have on our children, and that we do everything we possibly can to make sure we don't just pass a bill but we really do provide the resources to reform education and produce better results across our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. How much time remains on each side?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Twenty-five minutes remains on the Republican side and 22 minutes remains on the Democratic side.

The PRESIDING OFFICER. Who yields time? If no time is requested, it will be deducted from both sides equally.

Mrs. HUTCHISON. 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.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mrs. HUTCHISON. Mr. President, I would like to be notified when I have taken 3 minutes because I think it is very important that we discuss education reforms.

I think all of us have the same goal. Every one of us believes that public education is not meeting the standards we envisioned for this country when we established public education as the basis for democracy. The question is, How do we do better? We have been adding more money for education for the last 50 years, but we have not seen an improvement in test scores or in the actual quality of education of our children who are graduating from public schools.

There are some public schools that are terrific. Those are the schools where parents and teachers and principals work together, where there is an openness, where the principal welcomes the parents to be a part of the process. But the schools that are failing are the schools that are afraid of accountability. There are teachers who do not want to have tests. Why don't they want to have tests? You can only assume they are concerned that they will not pass and that their students will not pass. That is not acceptable.

We have to have accountability. We have to have information for parents. Parents must know which schools are failing. If those schools are failing, we need to know how to bring them up to the higher standards. The best way to do that is to look at other schools that are alike in demographics, to allow them to see what the good schools with those demographics are doing: What are they doing right? That is what our reforms are meant to do.

We are focusing on accountability. Yes, it will hurt in some ways. It will hurt if you fail. But wouldn't we rather have a failure early in a school career, so we can correct it and give that child the real chance in life? Or do we want to continue social promotions with failing programs so the child never has the chance to reach his or her full potential? I do not think that is what we want. We want to let the child succeed. To do that, we need accountability. We might need failure so we know what the problems are and we can bring them up to standard.

That means we need to support the programs that work. We need to reduce bureaucracy. We need to increase flexibility. We need to empower parents. There is an absolute tie between parents who are involved and students who are successful. That is not based on the intellectual capacity of the student. When the parent is involved, the student does better.

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

Mrs. HUTCHISON. Mr. President, I am going to yield the floor and suggest the absence of a quorum because I have two more speakers on our side. Until I hear they are not going to make it, I am going to reserve their time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mrs. HUTCHISON. Mr. President, I ask to be notified when we have 15 minutes left. I assume that will give me about 7 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mrs. HUTCHISON. Mr. President, I would like to talk about what the President's education plan does. The Democrats are claiming they have offered more spending on education. In fact, the President has proposed an 11.5-percent increase in overall education spending for fiscal year 2002. This is an increase of $4.6 billion, to almost $54 billion next year.

Included in this spending increase are key areas that we think will target the young people who need the help the most. It triples funding for children's reading programs, because we know if a child cannot read at grade level, that is a child who is going to fail. There is no question about it. Time after time after time, when high school dropouts or junior high school dropouts have been talked to and listened to, the problem is they can't read. Of course they are frustrated if they can't read. Of course they miss the key points in a history lesson or geography lesson or a math lesson. If they can't read, they don't have a chance. So we are targeting the spending increases at reading programs at the very earliest level.

That is why we want to test at the third grade level to see if a child is falling back at the third grade, because we can catch that child, we can save that child, if we can test at the third grade and give the child the extra help so he or she will have the chance to read at grade level and compete and absorb what is being given as their educational opportunities.

A 30-percent increase is in this budget for Hispanic-serving institutions and historically black colleges and universities. Those are two areas that are doing great work. I have worked very hard for Hispanic-serving institutions because I know if we put the money there and we give them the counseling they need in those universities, we will have good, productive citizens. Our high school dropout rate among Hispanics is the highest of any ethnic group in our country, and that is unacceptable. So we want to go for the Hispanic-serving institutions and give them that extra help so they will be able to graduate their young people into the good jobs that are available in our country.

The historically black colleges and universities do great service. I am going to give a graduation speech this weekend at Paul Quinn College, a historically black college that is doing a wonderful job of educating young people. They have a program at Paul Quinn College where the young men go out and mentor the high school students in some of the disadvantaged areas of Dallas. It enriches both the student who is being mentored and the mentor himself.

I see my colleague, Senator COLLINS, has arrived. I am going to ask her to talk about this subject because she is one of the leading Senate experts in

this education field. She is on the committee. She is making the contributions. She knows this bill, and she knows what it can do for public education.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me start by thanking my good friend and colleague from Texas for her kind comments and for her leadership in this area. I have enjoyed working with her on a number of educational issues. We will be bringing one up later this week.

No endeavor is more important to our Nation's future than ensuring that all children receive a good education. In a real sense, the future of our country rests on the shoulders of our Nation's educators and depends upon the decisions we make today on how best to educate our leaders of tomorrow. I believe that this comprehensive education reform bill may well be the most important legislation the Senate debates this year. I am hopeful that we will pass a bill that keeps the inspirational promise made by President Bush ''to leave no child behind.''

In many cases, education is the difference between prosperity and poverty, hope and despair, dreams fulfilled and lost opportunities. Between Silicon Valley and Wall Street, many Americans still live in the shadows of the new prosperity. Education is the best, perhaps the only way, to close the every-widening economic gap in America. Indeed, the economic gap in America is largely an education gap. And, education is the best way for us to stoke the fire of our nation's economic engine.

The President deserves tremendous credit for making education his top priority and for setting a goal that inspires us all. This should not be, and I hope will not be, a partisan debate, but rather a bipartisan discussion on how we can best achieve the goal of leaving no child behind. I am convinced that, working together, we can help states, communities, local school boards, educators, and parents improve our public schools significantly.

The Better Education for Students and Teachers, or BEST, Act is an excellent start. The BEST Act demands a great deal from all of us. It would require parents, teachers, principals, superintendents, school board members, state legislators, governors, and federal officials to work together to ensure that our children reach high standards of academic excellence. It would give our schools more flexibility in spending federal funds while holding them accountable for what really counts: improved student achievement. The legislation requires schools to answer the fundamental question: ''Are our children learning?''—rather than, ''Was that federal paperwork completed correctly?'' It changes the focus from paperwork and process to results and accountability.

During the past four years, I have visited more than 60 schools all over the State of Maine, from Kittery at the southern tip, to Jackman in the west, Rockland on the coast, and Fort Kent in the north. I have seen firsthand the excellent work of Maine dedicated teachers. The quality of instruction taking place in Maine schools is impressive, and it is producing results. Maine's scores on national tests prove that our State's public schools are among the best in the nation. Moreover, Maine's public schools strive to provide a good education for all of our children regardless of their family income or where they live in our State.

A report issued last year by the Council of Chief State School Officers shows that, low-income students in Maine are performing nearly as well as the average of public school students in our state. Yet even in Maine, nearly one in four students has not acquired a level of literacy that is acceptable by most standards. Even in our strongest states, too many children are being left behind!

Eighteen years ago, the landmark study, ''A Nation at Risk,'' warned of declining performance in American schools and turned the nation's attention toward reforming public education.

Today, however, too many schools, particularly in our inner cities, continue to fail to provide a solid education to their students. Although the United States spends more than $660 billion a year on education, nearly 60 percent of our low-income fourth graders cannot read at a basic level.

The Federal Government takes a secondary role to States and communities in terms of funding and overseeing our public schools, and that is how it should be. The Federal role is, nevertheless, important, particularly for helping disadvantaged students.

Unfortunately, Washington has not always been helpful, nor has it been successful in achieving that goal. After spending $125 billion of title I funding for disadvantaged students over 25 years, there is little to suggest that we are making progress in narrowing the achievement gap. Fewer than a third of fourth graders can read at grade level. If you look more closely at test scores, over time, you will notice the better students improving their performance while the worse students are getting worse. You also see a persistent achievement gap between students from a disadvantaged families and their more affluent peers. Although title I was created to put economically challenged students on even ground with their peers, recent data from the National Assessment of Education Progress (NAEP) prove that the program has not achieved the goal of narrowing the gap in achievement.

A state-by-state analysis of scores from the National Assessment of Educational Progress, the only test to measure student achievement nationwide, reveals troubling statistics that should give us pause, and that should cause us to ask what we should do differently. Many of us believe that more money and more resources are needed, but we can't pour more money into a failed system. We need to increase the dollars, but we also need to demand change.

For example, let's look at the scores. There has been virtually no change since 1992 in fourth grade reading scores. As you can see from this chart, the line is flat despite the increase in expenditures over this 30-year period.

The analysis found that only two states—Georgia and Massachusetts—reduced the gap between white students and black or Hispanic students in fourth-grade math. No state did so in eighth grade, leaving gaps as wide as 56 points in Washington, DC, and 35 points in New Jersey. In reading, only Delaware reduced the gap.

Overall, only 32% of fourth-graders were deemed to be ''proficient'' or better in reading in 2000. Nearly four in 10 students nationally continue to read below a basic level, meaning they have serious problems understanding even simple texts.

Sixty-three percent of African-American fourth-graders, 60 percent of children in poverty, and 47 percent of children in urban schools fell ''below basic'' in their skills, meaning they have less than even a ''partial mastery'' of the material.

Again, look how flat these scores are, whether you are looking at the 4th graders, the 8th graders, or the 12th graders. This is the system that cries out for change. We have increased the amount of money we are spending. I support more investment in education. But we need to face the reality that what we have been doing in far too many cases has not been working. It has not focused on improving student achievement or on ensuring that every child gets a good education.

The Federal Government has spent a great deal of money on education programs over the past 35 years without a great deal to show for it. These statistics show that a new approach is needed, and a part of that new approach needs to be an increased focus on reading and literacy.

These results are particularly distressing given that researchers in recent years have reached a consensus on the best practices to teach reading. The research, however, has yet to find its way into many classrooms.

This is one reason why the Reading First Initiative in S. 1 is so very important. We need to put proven teaching methods into the hands of our educators. We know that if our classroom teachers are not offered extensive training in the area of literacy, then many of our children will not learn to read to the best of their ability. The Reading First Initiative makes professional development a top priority and it establishes an early reading intervention program that, I believe, will make a real difference.

I have worked extensively with the President and the Department of Education in this area, and I am very

pleased with the results that we have come up with. Earlier this year, I introduced the Early Reading Intervention Act to address the urgent need to improve reading skills. The reading portion of the BEST Act is a synthesis of the President's plan and my legislation.

It simply does not make sense to test a child's reading ability for the first time in third grade and discover the child's reading skills are far below his or her peers, when, at that point, the chances of the student learning to read at grade level by the end of elementary school are less than 25 percent. Yet, that is what occurs far too often with far too many of our children. By contrast, if a child is tested and receives help in kindergarten or first grade, that child has a 90 to 95 percent chance of becoming a good reader. Since reading is learned more easily and effectively during the early grades, it makes sense to identify reading problems and language-based learning disabilities early when intervention can make a difference.

Our goal—the goal set forth by the President—must be for all students to read by the third grade. By achieving this goal, we can decrease the number of students who will need special education and ensure that every child—all of our students—have the necessary tools to handle the curriculum in the future years.

An investment of $5 billion to ensure that every child in America can read by the third grade is a serious and long-term commitment. It is a significant first step toward improving our Nation's failing report card for the best way to ensure that no child is left behind is to ensure that every child knows how to read.

I am also very pleased that the BEST Act contains the Rural Education Initiative, which I introduced with my colleagues, Senators CONRAD, GREGG, ENZI, HUTCHINSON, ROBERTS, DORGAN, BURNS, HAGEL, ALLARD, and THOMAS. This important legislation will give small rural school districts more flexibility by allowing them to combine small, categorical grant programs into a single grant that can be used to target local needs. It will also provide these rural schools with supplemental funds to compensate them for their inability to compete with larger school districts for a number of Federal education grants.

As I look forward to the important education debate ahead, I see great opportunity. I see a constructive debate not about whether the Federal Government has a role to play in educating our youth but about how it can best promote excellence in all of our public schools and for all of our children. I see a President with a vision for how we can reshape and reinvigorate our educational system and a commitment to doing what it takes to help our students succeed. And I see Senators, all of whom have listened to those who know best—our parents, our teachers, our school board members and our administrators back home who have ideas on how to make the BEST Act even better.

Now is the time for us to lay a new foundation for the education of America's youth. It is time for us to seize this tremendous opportunity and to unite behind the inspiring goal the President has set forth of leaving no child behind.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. All time under the control of the majority has expired.

Mr. JEFFORDS. The minority manager has offered me 5 minutes of his time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, first of all, I commend the Senator from Maine for not only her excellent presentation but for her work on the committee. She is an invaluable member of our committee. I want to give her the accolades she deserves for what she has done to help us during this difficult time of trying to define how we can best improve the educational capacity of our Nation.

Today, the Senate begins its consideration of the Better Education for Students and Teachers Act. The BEST Act is an opportunity to combine our efforts with those of President Bush to guide the course of the No. 1 issue facing our Nation today: the education of our children. The BEST Act represents a bipartisan blueprint for meaningful education reform. We are putting forward an elementary and secondary education initiative that provides the necessary tools for every child to receive a quality education.

The BEST Act will strengthen accountability across the board to improve student performance, expand assessment programs so that parents and schools will have an accurate measurement of how well their children are learning, provide the funds necessary to prepare, recruit, and train highly qualified teachers, develop reading programs to ensure that all students will be able to read by the third grade, create partnerships for States and colleges and universities to strengthen K–12 math and science education, and provide for emerging technology activities that will boost student achievement.

BEST builds upon current law and requires States to create a single accountability system which will provide the mechanisms for moving all students toward proficiency. States must assess students in grades 3–8 annually in mathematics, reading and science. The results of these assessments will provide parents and the public an effective, highly visible measure of success and failure. Just as parents receive report cards to see how their children are performing in school, they will now be able to get report cards to see how the school is performing for their children.

If schools are not measuring up to the standards, BEST requires States, local education agencies, and schools to improve overall performance. These tough, new accountability standards are the cornerstone of BEST.

BEST creates new programs to help our children learn to read at an early age. These programs are Reading First and Early Reading First. President Bush has set as a goal for the Nation that all students be proficient readers by the end of the third grade. This is critically important. An engineer will tell you that without a deep and strong foundation, you cannot build a tower. An educator will tell you that without strong and deeply rooted reading skills, you cannot reach a high academic level. Young students who cannot read—with speed, accuracy and understanding—are likely to fall further behind from their peers in reading ability and in all other subjects. Research has proven that the sills which make learning to read possible develop at a much earlier age. The Early Reading First demonstration program in BEST will provide preschool-age children who are 3 and 4 years old with the opportunity to gain the important language and pre-literacy skills identified by rigorous research.

BEST also recognizes that an investment in better teachers is an investment in our Nation's young people. Children can make greater academic gains if they have a knowledgeable and caring teacher leading their classroom. The bill takes a flexible approach that allows States and educational agencies to adopt successful models that will best meet their needs. Previous programs are combined to lessen the burden on schools and States. BEST puts an emphasis on innovative professional development program to maximize opportunities for teachers. At the same time, the bill requires professional development to be tied to effective strategies for increasing teacher performance and student achievement. BEST demands strong accountability in combination with effective approaches to get the best from our teachers and students.

Student achievement in the United States has fallen behind many other countries in the areas of math and science. BEST includes important new initiatives designed to improve upon performance here.

An enormous improvement in math and science education at the K through 12 level is necessary if today's students want good jobs and the U.S. wants to stay competitive in the world economy. If American students are not prepared to fill high-tech jobs that require advanced math and science skills, then those jobs will go elsewhere or people will come from other countries to fill them. To achieve this, BEST will allow for the establishment of math and science partnerships between institutions of higher learning, States, and

school districts. These partnerships will help our teachers become more effective, improve student achievement, and help keep our economy strong and vital.

BEST will also provide assistance to help eliminate the digital divide in the nation's schools. It is very important that we not separate technology from learning. Technology must not be used for it's own sake. Technology must be used to improve student outcomes. BEST contains strong accountability provisions to ensure that this occurs.

We are faced with an opportunity to do what is right for the children of our country. We have a chance to improve their education, and to improve their lives. This bill increases accountability in the education delivery system on all fronts. It provides strong new assessments to ensure that all of our children are well served by their schools. It authorizes the necessary resources required to have first rate educational opportunities available to all children in this nation.

Mr. President, we are starting today on bringing forward the President's proposal which is the cornerstone of the future of this Nation's ability to improve its education. I praise the President for bringing this very excellent bill forward. We have worked hard on it on the committee. I am confident we will pass it and that it will become law.

I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. I ask unanimous consent that I be allowed to speak until someone from the Democratic side comes to reclaim their time.

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

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee that is going to bring forth the education bill. I am very optimistic we are going to have a bill. I thank him for working so hard in a very bipartisan way to produce a bill. The reforms are pretty well agreed to. Both Republicans and Democrats in the Senate are coming together to say: We need a change. Business as usual in our education system is not going to cut it anymore. There are too many children falling behind and nobody in this country wants that to happen. Every one of us knows our democracy depends on a well-educated populace.

Most people would agree that the variations in the standards of our public schools across the country mean we are not succeeding in the mandate for a quality public education system. That is why Chairman JEFFORDS and Senator KENNEDY, Senator COLLINS, Senator FRIST, Senator GREGG, Senator HUTCHINSON of Arkansas, Senator SESSIONS of Alabama, and Senator ENZI have worked so hard to make sure this bill does not fall by the wayside.

I am a little frustrated that it has taken so long to get this bill to the floor. After all, this is a bill we have debated before. We actually debated it last session. It was not passed. We are back again. Surely there are divisions, but let's get the divisions out there. Let's get them out there. Let's make the decisions and let's reform public education so that every child in our country will have the opportunity to reach his or her full potential with a public education. That is our goal.

Mr. President, I ask the Senator from Oregon if his State has a testing program with accountability that would be something we would want to have as a nation. Has he had experience with accountability in the State of Oregon?

Mr. SMITH of Oregon. Mr. President, we do have testing. I do not think it is on the scale that we are contemplating in this bill.

What I hear, as I travel the State of Oregon, over and over again from parents is: We would like to give more resources to education. We would like more accountability for that. We would like better results for that.

I commend the Senator from Texas and others on the committee, Senator COLLINS, and our friends on the Democratic side who are focusing on some very significant reforms in this bill. If I can cut through the arguments I am hearing, as I have listened and presided today, often we tend to confuse what we are about, whether we are about developing a system of employment for adults or whether we are about developing a system for educating children. If we can keep the focus on educating children, there are all kinds of things that become possible in terms of testing, not just kids but teachers as well, to make sure we are delivering results, that we are giving parents more choices so we give their children more chances.

In a nutshell, that is what I want to vote for: more resources but also more reform. If we do that, the American people will look at our work as Republicans and Democrats and thank us for generations to come. There is not a single thing we could do more significantly for the future of our country, for the parents and their children, than to provide more resources and to demand more reform. We keep our stewardship then.

Mrs. HUTCHISON. I thank the Senator from Oregon. That is why President Bush has worked so hard to make this a priority to say that there is nothing more important we can do than to provide a quality public education for every one of the young people in our country.

I ask the Senator from Oregon if he would like the floor. If so, I am happy to yield.

Mr. SMITH of Oregon. Mr. President, I gave my speech because of the question of the Senator from Texas. I thank her for that opportunity.

Mrs. HUTCHISON. I thank the Senator from Oregon. I am pleased that he, too, is committed to reform. All of us know that if we are going to give every child a chance, we are going to have to make some changes. And some of those are going to be hard changes, there is no question about it.

Some of the people who are in the system today don't want testing. They don't like testing. I can understand that. But what is the alternative to accountability? What is the alternative to finding out what is wrong in our system?

If we can't admit that we have some weaknesses in the system and try to correct them, we will never get any better. What we want to do is find the weaknesses in the system and correct them while there is still a chance.

Let's correct the reading weaknesses in the third grade rather than in junior high school because we will have wasted years if we are not able to give a child a chance with the full capability to read in the third grade. Instead, if we wait until junior high school, we have wasted 6 years—6 years. Why would we do that?

It is time to take the bold steps. The President has asked us to do so. We have a bipartisan, general consensus in Congress, and I think it is time for us to act. I don't see any reason to start saying, well, if we amend one bill, then maybe we are going to have a substitute and what would that do to the amendment? Come on, can't we figure that out? Can't we say that all of the amendments passed by this Senate will go on to the final bill after the amendments are made, and if there is a substitute, they would go to that substitute? That is not rocket science. If we can't figure that out, then we have no business being here.

So I think it is time for us to act. We are wasting time. We have been talking about going to the education bill now for a week and 2 days. We are going to lose another day today if we don't start immediately to actually debate this bill. I hope that we will do that.

I want to outline a few more of the points of the bill, and I think this is a very important one. The plan is going to allow students who are trapped in failing schools to leave those schools by using title I funds to transfer to a higher performing public school or a private school if that is passed. I would like to see that because I want a parent to have all of the options. I don't want only parents who can afford private schools for their children to have the best. I want every parent to have the best. What could be more frustrating for a parent than to see their child in a school that is not performing and know that that child is never going to have the full chance in life and the parent can't change the school because the parent can't afford a private school or a parochial school. Why would we do that? We have the alternative.

In addition, education savings accounts will be increased to $5,000 and expanded from K through 12, not just college anymore.

We also include additional dollars for States to use to control violence and other crimes in schools because there is no doubt that in our country, if children are not safe and secure in their schools, they are not going to have the optimum learning environment. No doubt about it, they must have secure schools and drug-free schools.

Parents will be given a greater flexibility for their child's best interest. School districts will be given greater flexibility. This will be accomplished by decreasing administrative costs and paperwork. When I do townhall meetings in my State, teachers come in and say: Get rid of the paperwork. Let me teach. Let me spend my time with the students finding out what they need and helping them learn.

One teacher came to a townhall meeting that I had with a stack of papers this big and said that is what she had been working on all week. Instead of being in the classroom or counseling children after class, she was filling out forms this thick. That is not what is going to improve public education. It is the attention a teacher can give to children, to assess what their weaknesses are and bring them up to speed.

We are going to provide technology assistance, and math and science instruction will be reemphasized, as well as basic literacy. Partnerships between schools and higher education institutions will be encouraged, and new Federal initiatives such as Reading First K through 12, and Early Reading First Preschool will offer States incentives to implement rigorous literacy education.

We have solved a problem in my home State of Texas. The University of North Texas has an accelerated math course for high school math prodigies, so that high school students with math aptitude can go to the University of North Texas and take college courses and get their high school degree with accelerated capabilities to go into college. This is so that you don't hold back the students who are already beyond high school competency. You give the child a chance to grow at his or her level and competency capability. It is quite exciting. I would love to see that happen all over our country, where an innovative, higher education institution would offer programs for high school students. I hope we will be able to encourage that by passing the bill that is before us.

We are also going to try to help teachers help themselves. They deserve recognition and assistance. The President's plan will allow teachers to make tax deductions of up to $400 to help defray costs associated with out-of-pocket classroom expenses. I don't know a teacher that doesn't spend money from his or her own pocket to try to help the child get the tools the child needs in class, the crayons, or a ruler, or a tablet to write on, because the child comes to school without the proper school supplies. Many times, the child's family doesn't have the money for the school supplies. The teacher digs in her pocket and puts the money out and buys the supplies for the kids. That teacher does it because that teacher is dedicated. But we want to help defray those out-of-pocket costs. We want to give those young people the opportunity to have everything they need but not at the personal expense of the teachers. We don't pay teachers enough for the work they do anyway. The last thing we should expect is for them to defray the cost of their young people's school supplies out of their own pocketbooks.

Mr. President, as I close today, I want to say that there is nothing more important that we will do in this session of Congress than to reform public education, to make sure that public education gives every child the opportunity to reach his or her full potential. Yes, we think private schools are great and, yes, parochial schools are great, and they are a part of the option that a parent might have. But what we are responsible for is to make sure that every child has access to a public education that is quality and that competes with any other school in the world. That is what will keep our democracy strong, and that is what will fulfill our responsibility as Members of the U.S. Senate.

I can't wait to get to this bill because I have some amendments I want to offer that would provide creativity for our school districts, that would try to encourage more people to come into the classroom with expertise in an area—maybe not a teaching degree but someone with an expertise. I want to offer single-sex school classes in public schools as another option, which is now available in private schools but not in public schools to any great degree. I am going to talk about those amendments later.

I want to get on to this bill so that we can pass these reforms and so that the next school year that starts in September will be a school year that is different from the past 25 years and will have more options and more creativity and more capabilities for the young people of our country to excel.

I thank the Chair. I yield the floor.

Mr. WARNER. Mr. President, I join my colleague in entreating to get this bill moving. I am proud to serve on the committee. It is badly needed.

Mrs. HUTCHISON. I respond to the Senator from Virginia and mention that he, as a very senior member of the Senate, asked to go on the Education Committee because of his interest in improving our public schools. I appreciate he made that a priority. His contribution is very much one that has helped this process this year.

Mr. WARNER. If I may say to my colleague, at the time our conference was allocating that last seat, I knew of the interest of the Senator from Texas. She extended to this Senator certain courtesies I shall not forget, enabling me to have that as my third committee. I thank the Senator.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

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

BOB KERREY, DISTINGUISHED OFFICER

Mr. WARNER. Mr. President, I address the Senate with regard to Senator Bob Kerrey. I do this out of, first, a sense of duty. I was Under Secretary of the Navy beginning in February 1969, together with our most beloved and distinguished former colleague who sat behind me many years, Senator Chafee, who was the Secretary. Senator Chafee and I, then Secretary of the Navy and Under Secretary WARNER, were a very close working team. I have searched my mind many times as to what he would say were he here today. I think I can safely represent to the Senate that my remarks today would be very close to, if not exactly, what my dear friend, our former Senator and former Secretary of the Navy, would have said about our colleague, Bob Kerrey, this distinguished officer of the U.S. Navy.

I came to know him in the many years we served together in the Senate. We often sat together on the floor. I remember distinctly going over to his side of the aisle. We reflected on those days together of Vietnam. He shared with me some very personal insights with regard to that conflict and how they affected his life.

I am also very respectful of Senators MCCAIN, CLELAND, HAGEL, and JOHN KERRY. I have, likewise, had the benefit of listening to them and sharing with them my recollections of that incredible period of American history. I served in the Pentagon beginning in February 1969, leaving in 1974, for 5 years plus a few months during some of the most intense periods of that conflict. I visited Vietnam on occasions, as did Secretary of the Navy Chafee, and then when I became Secretary of the Navy, succeeding Chafee, of course, my visits continued. I have been on the fire bases, in the hospitals, where the wounded were brought back.

I remember one story, the former Commandant of the Marine Corps, General Krulak, came to see me just before his confirmation to review various procedural matters with regard to his confirmation. We were there with General Mundy. He was then Commandant of the Marine Corps. We spent an hour together in a very thorough analysis of his background. I was doing it on behalf of then-Chairman STROM THURMOND. General Krulak got up to leave. This is a moment I shall never forget in my career as a Senator.

He said: Senator WARNER, this is not the first time we met. I was a little taken aback. I was thinking, where had I met this fine officer? I had known his father. He said: I was wounded in Vietnam, and I was in the process of being evacuated. I was on a stretcher with other men who had just been wounded, and the helicopter was coming in to take us out. Someone came up and grabbed me by the big toe and shook that toe. He said to me: Captain, you are going to be all right; you are going to make it. He said: I am here today to say, I made it, and you were that gentleman, as Secretary of the Navy, who grabbed me by the toe.

I had no recollection because I visited with so many wounded and injured in that period on my visits to Vietnam. But it is a personal recollection of that period that I shared with another distinguished combat veteran who did a wonderful job as Commandant.

Bob Kerrey and I traveled together, I remember so well, on a trip to Bosnia. We were coming into that zone where the war had just passed through not more than a day, if even as much as a day. Homes were burning. The ordnance was clearly visible, and the escort officers we had were somewhat concerned. I remember Kerrey fearlessly walking through areas. I was there by his side. We visited with a number of detainees who had been captured. You learn about an individual when you do a trip such as that. I became very close to him. We bonded together in many respects on that trip to that war zone on that particular day, the several days we were together.

I reposed unquestioned confidence in his judgment, his honesty, and his integrity, being his boss in 1969, as Under Secretary of the Navy, at that time when these incidents happened. Indeed, the Medal Of Honor came up through the Navy Secretariat. I remember it quite well. Senator Chafee and I sat down, and Senator Chafee, then being the Secretary, affixed his name to that citation for his heroic actions.

This has been a personal experience to watch very carefully, to study and read the many pieces that have been written, to watch him in his public appearances and study his face very carefully, his eyes and his mannerism, as he, I think in a very forthright manner, shared with the American public, and, indeed, those in Vietnam who watched, his heartfelt expressions about this incident. It was a tragic incident.

I ask unanimous consent two articles which appeared in today's media be printed in the RECORD.

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

[From the Wall Street Journal, May 1, 2001]

THE CONSEQUENCE OF WAR

(By James Webb)

The Vietnamese government is happy to trot out witnesses from the supposed atrocity conducted by Bob Kerrey's Navy SEALs at Thanh Phong. It is doubtful that they would be so cooperative if questions were asked about Communist killings in places such as My Loc.

In April 1969, the Marine rifle company to which I was assigned was operating in the An Hoa Basin of Vietnam, west and south of Danang. In addition to our routine of long-range combat patrols and defensive positions along a vital and heavily contested road, it was decided that we would provide security for a ''town meeting'' hosted by the South Vietnamese government's district chief, who had been criticized for living in the distant and more secure confines of Danang. Over the space of a few days, visits were made to nearby hamlets, where 30 delegates were chosen to attend the meeting. After that, the district chief and his senior aide were brought in on the morning convoy.

A thatch-covered ''hooch'' at the bottom of our perimeter, about the size of a typical American living room, was chosen as the meeting place. Shortly after the meeting began, a Viet Cong assassination team raced through the thick foliage, hit the hooch, and fled. My rifle platoon was returning from a combat patrol as explosions rang out to our front. In seconds a Viet Cong soldier sprinting down the trail collided with my point man. I can still see his young face, adrenalized and madly grinning, as he was captured. And I remember the sight of the others as we reached the hooch.

The floor inside was covered with an ankle-deep mix of blood, innards, limbs and bodies. I and several others waded into the human mire, emptying bodies from the hooch and finding medical care for those who had survived. Nineteen people were dead, including the district chief and his aide. The aide's right arm was blown off near the elbow, its tendons like slim white feathers, as if he had been reaching to catch a grenade.

Nearby an older woman sat motionless against a wall, her face stunned and her dark eyes piercing, untouched except for a small, square hole in her forehead. I thought she was alive until I grabbed her arm. The wounded squirmed on the floor, reaching past dead bodies as they crawled in the muck, covered thickly with blood and twisting among each other like giant fishing worms.

We cleaned out the hooch, evacuated the wounded, washed at a nearby well, and went back to our war. By the next day this incident was over, a little piece of history in the long and ugly journey of a combat tour. But in the coming months as I reflected on them, the killings at My Loc raised an important distinction, which has become even more relevant with the media firestorm over Bob Kerrey's ill-fated SEAL patrol in the Mekong Delta.

Civilians have a terrible time in any war zone—fully one-third of the population of Okinawa was killed in 12 weeks of fighting on that island in 1945. But in a guerrilla war, the support or control of the local population, rather than the conquest of territory, is the ultimate objective. Civilians become enmeshed in the actual fighting, inseparable from it.

They fight among themselves for political dominance of a local area. They form an infrastructure and quietly support one side or the other when it moves through their village. They suffer greatly when battles are fought on top of them, and when emotions overcome logic and troops snap, as at My Lai. But the villagers of My Loc and others like them, clearly noncombatants, were killed purely as a matter of political control, for having met with a South Vietnamese government official and given some legitimacy to his authority.

Any American who directed a similar slaughter, or participated in it, would have been court-martialed. This distinction was basic to our policy in Vietnam, and it seems to have been lost by many over the past week. The body language and word choices of many media commentators indicates clearly that a larger issue—how history will judge our involvement in Vietman—is still very much in play, and a big part of that issue is to continue to demean the American sacrifices in that war.

Words like ''atrocity'' and ''massacre'' are routinely being thrown about, with some even calling for Nuremberg-like trials for Americans' war crimes in Vietnam. Aggressive reporters have played ''gotcha'' with every Kerrey statement. How could he say it was a moonless night when the charts say it was a half-moon? (Try clouds. Or canopy. Or vegetation.) Did he take one shot or many shots at the first outpost? Did he kneel on a guy when his throat was getting cut?

For many who went through extensive combat in Vietnam, such parsing brings back an anger caused by memories not of the war but of the condescending arrogance directed at them upon their return, principally by people in their own age group who had risked nothing and yet microscopically judged every action of those who had risked everything and often lost a great deal. Combat in a guerrilla war requires constant moral judgments, in an environment with unending pressure, little sheep, and no second chances for yourself or the people you are leading when you guess wrong. Were we perfect? No. Were we worse than Americans in other wars, or our enemy in this one? Hardly.

Which brings us to the recent attention given the Kerrey patrol. There is much in the New York Times magazine story to make one uneasy. They key ''witness'' from the village where the incident took place is the wife of a former Viet Cong soldier, who now has told Time magazine that she did not actually see the killings. She and the other Vietnamese witness, who was 12 at the time of the incident, live in a communist state where propaganda regarding America's ''evil'' war efforts is one of the mainsprings of political legitimacy—not the best conditions to produce honesty in cases with international implications.

The one member of Mr. Kerrey's SEAL team to allege extreme conduct did not pass the credibility test with Newsweek magazine when the story was considered there. CBS's ''60 Minutes,'' which co-sponsored the investigation, seems to have an affinity for stories about Americans committing atrocities, having rehashed My Lai as the best way to remember the 30th anniversary of 1968, the year that brought the worst fighting, and highest American casualties, of the war.

Most important, to one practiced in both combat and journalism, a key and possibly determinative piece of information seems vastly underplayed. According to the Times magazine story, archive records of Army radio transmissions indicate that two days after the incident, ''an old man from Thanh Phong presented himself to the district chief's headquarters with claims for retribution for alleged atrocities committed the night of 25 and 26 February 69. Thus far it appears 24 people were killed. 13 were women and children and one old man, 11 were unidentified and assumed to be VC.''

Given the tone of the story, this radio transmission was probably included because it refers to the Kerrey patrol as having committed an atrocity. But a closer reading would appear to confirm the position of Mr. Kerrey and the five others on the patrol that they took fire and returned it, with the loss of civilian lives an unfortunate consequence.

This piece of evidence is perhaps the most objective account available of the results of the Kerrey patrol, coming as it does from a

time near the incident, from a man who was asking for retribution and thus was hardly trying to cover things up. It also coincides with Mr. Kerry's recollection of 13 or 14 dead civilians in the village before the team left the scene, as any Viet Cong soldiers would most likely have been on the other side of the villagers who were killed, perhaps even using them as a screen while attempting to escape.

As has often been said over the past week, we will never know the exact details of what occurred. But is a seven-man patrol operating independently at night far inside enemy territory killed 11 Viet Cong soldiers after coming under fire, it would seem they hit their assigned target. And the loss of civilian life that accompanied this brief but brutal firefight adds up not to an atrocity or a massacre, but to a tragic consequence of a war fought in the middle of a civilian population.

[From the Washington Times, May 1, 2001]

SCALES OF CULPABILITY

[(Georgie Anne Geyer)

In days long gone by, when we lived far simpler lives, according to the corny but nevertheless accurate truism, we agreed that to genuinely know another human, you needed to walk awhile in his moccasins.

In those days, too, the press in particular held as its central maxim the idea that we journalists were blessed with our wondrous positions in order to tell the relative truths that keep people sane (journalism is news, not ''truths'') and to relate rather than judge. Walk in anyone else's moccasins today trying to understand another's life? Not really interested.

Instead, in journalism and in politics as well, the response to trials, scandal and tragedy has boiled down to most news-gatherers (1) having no common experience with the prolific targets of their fleeting attention, and (2) not hesitating to publicly reveal every delicious tidbit they can unearth. Thus, they become prosecutor, judge and jury.

As you may perhaps have guessed, I'm being so critical because of the evolving case study of Nebraska's respected senator, Bob Kerrey.

The retired senator, now president of the New School University in New York, has long been one of our most responsible public servants. Thoughtful, intellectual, known for his integrity: Those are only a few of the small accolades he has merited in a capital so often these days filled with incompetence and greed.

Recently, in a series of revelations whose genesis, at least as of this writing remains unclear, a tragic story has been unfolding about him in different venues of the press.

In short, the story is that, in a midnight raid on a supposed Viet Cong village in 1969, Mr. Kerrey led a Navy SEALs raid. He believed his nervous and inexperienced unit had been fired upon by the village, and so they bombarded it. But when they entered, they found only the bodies of 13 Vietnamese women and children or more.

For those of us who were in Vietnam (I was there for a total of 10 months as a foreign correspondent for the Chicago Daily News in 1967, '68, '69 and '70), such accidents of war were so common as to be barely commented upon. In fact, what exactly did Americans at home expect of these young men and women, having sent them into such a hopeless and agonizing morass, barely prepared and on such an imprecise, futile mission?

On any given night there, our soldiers were in dark jungles or mountain ranges. They didn't know where the ''enemy'' was—or why in God's name they were there at all. They didn't speak the language, understand the culture, or see the great ''geopolitical importance'' their leaders safely at home in their air conditioned Washington offices seemed so insistent upon giving to ''Vietnam.''

There were some sadists and psychopaths in the U.S. military then—and there were plenty of them in the anti-war movement, as well—but Bob Kerrey was certainly not one of them. Indeed, in all of the reporting on his bleak and tormenting memories of that night, Mr.Kerrey has spoken repeatedly of how he has ''never made by peace with what happened that night.''

Nor should the fact that his own fellow SEALs offer dirrerent versions of that night by really surprise anyone. Thirty-two years ago, a moonless night in a strange and unknown country, told the enemy was all around them. . . . Why, most of the families I know would tell different stories abut what they had for dinner last night.

Still, even having said this, at least two additional points need to be made: about the men truly responsible for those moonless missions in Vietnam and about the coverage of this Bob Kerrey story.

For there are people who deserve to suffer as Mr. Kerrey has—haunted and profoundly regretful for what he did under his country's orders in the name of his people. They had the real responsibility. Robert McNamara, the supercilious weapons maven, Lyndon Johnson (remember how he just resigned midstream when the war wouldn't go his way?), the fall-in-line joint chiefs of staff, not one of whom resigned over the war, even John F. Kennedy and Harry S. Truman. I haven't heard of much trauma or many sounds of remorse from these men, let alone any seeking of forgiveness. And, remember, too, that the American people voted enthusiastically for many of these ''strategists'' of war.

There are also people in the media for whom ''Vietnam'' is less a country or even a war than another way to ''get'' public officials.

Most of the media do not cover stories overseas these days. (If you watch the news discussion shows, few of the participants go out in the field to actually report anymore.)

That's precisely why they can be so judgmental of the men and women our country sends out to do its dirty work. Judgmentalism is fun. It builds bylines and reputations, and if it hurts a few public lives here and there, well, that's what those guys should have expected when they went into public office. Given all of this, Bob Kerrey continues to look like the hero everyone has thought him.

Mr. WARNER. I was personally impressed by these articles, the first written by former Secretary of the Navy Jim Webb appearing today in the Wall Street Journal, and the second in the Washington Times, written by Georgie Anne Geyer. I have not sat down with Ms. Geyer in some time, but in my course of these 23 years in the Senate, I have had the opportunity to be interviewed by her. She is a very thoughtful and careful journalist. In this article she recounts that she spent some 10 months in country covering that war.

Jim Webb, of course, was a highly decorated combat Marine officer: Navy Cross, second highest decoration next to the Medal of Honor; Silver Star; Purple Heart; and, coincidentally, he was a naval aide to me and to John Chafee as a young captain and major in the Marine Corps in that period of time. He briefed me prior to trips I would take to Vietnam. Through the years I have valued his friendship enormously.

I also had another personal experience. I remember one day there was a knock on my Senate door and in walked Jan Scruggs, who asked if I would help his group in their struggles to build the Vietnam Veterans Memorial. I cannot think of a greater honor I have had as a Member of the Senate than working, as I often refer to myself, as a private in the rear ranks of Jan Scruggs' group of individuals, who conceived and put together this magnificent memorial to the men and women who sacrificed so much in that conflict.

I think I worked with him 6 to 7 years. I went to many meetings with many stormy sessions in either my Senate office or across the hall in the Armed Services Committee, and in the Veterans' Affairs Committee. I remember we would thrash out, in a highly contentious way, certain aspects of the design and development of that historic memorial. Now it stands as just an extraordinary reminder of that period. Its symbolism is different to every person who comes up to look at it.

But in the course of those years, I relived, with so many of those people, their experiences in that conflict. Therefore I have had, if I may say, some modest association with the men and women who fought in that conflict, and I have shared with them many times their thoughts and concerns and recollections of the stresses and hardships that they have carried with them to this day.

So I find these articles to be very compelling and I urge my colleagues to read them. I think they provide thoughtful, objective thinking to help in the interpretation of that chapter in history which was so difficult to understand, particularly Senator Kerrey's mission on that fateful night in Vietnam.

Americans must understand that war is a terrible thing. Since the beginning of history, wars have imposed the harshest of consequences, not only on the combatants in uniform but so often on the innocent civilians who get entrapped between the lines or in the path of the advance or in the path of the retreat. And they have paid a price. I thought both Jim Webb and Ms. Geyer treated that subject thoughtfully based on their own firsthand observations and experiences in country in Vietnam.

So I attribute a great deal of credibility to these two authors, particularly because of my long personal knowledge of Jim Webb. I say, with great respect to him, his career in the military far exceeded anything I ever did with my two brief periods of active duty, one just in the training command at the close of World War II, and the second for a brief tour of duty in Korea with the 1st Marine Air Corps.

To the extent I was able to observe others in a combat situation in Korea,

as basically a staff officer—I never put myself in the category of those who rightfully claim combat status, but I did stay in the same tents, eat in the mess, slept in the bunkers with them—they are a very special breed, these young men and women who fought wars in harm's way to preserve our freedom.

Today I do my very best as a member of the Armed Services Committee to provide for a means of showing my respect for them and, indeed, my gratefulness to the American military for training me as a young person and for providing me with the GI bill of rights.

I have many emotions as I stand before the Senate tonight to express these views. I got to know Jim Webb well when he was in the office of the Navy Secretary and I tried to counsel him as best I could on his decision to leave active duty—which largely was not of his choosing but was dictated by facts very personal to him. Had he stayed in the Marine Corps I think he was destined to the highest of rank and the greatest of responsibility. He had to make a tough decision to leave the Corps and pursue other challenges. I mentioned, of course, for a brief period he became Secretary of the Navy. I was very proud of his service as Navy Secretary.

Several facts which I note from these articles and which I note from my own observation, again, are unquestioned. So many statements have been made by my distinguished colleagues about the honor and integrity of Bob Kerrey. His bravery and valor have been recognized many times, including being awarded the Congressional Medal of Honor.

I know during the Vietnam war we asked many young men—I repeat that, we, the United States of America, we the Congress of the United States and the President, the Presidents of the United States—asked many young men, and some women in a combat support status, to undertake very difficult missions under the most extreme and dangerous of conditions. They put their lives at risk to accomplish sometimes unclear missions while trying to minimize casualties within their own units.

Recently, I discussed this with members of the Armed Services Committee staff, combat veterans from Vietnam. We followed these stories about Senator Kerrey. We sat down and exchanged our own views. I deferred to them because two of them were in the thick of battle and they talked about the number of times throughout that war as veterans of ground combat that they took risks, themselves, personally, and risks to their men who were with them, to provide some measure of protection to the innocent non-combatant persons who had gotten entrapped in those battles in the dark nights and dusty days in that deep canopy.

Yes, they did take personal risks themselves. As near as I can determine, then-Lieutenant Kerrey, Robert Kerrey, took those risks himself.

They did so to protect the civilians in the combat zone. In that period of time, it was very difficult to determine who the enemy was; imagine that—who the enemy was. It was a very complex conflict into which we injected our men and women.

So we will never know exactly what happened that February night in that Thanh Phong, Vietnam, battle. But I respect the word of my former colleague, Robert Kerrey, and I urge other Senators to read these articles and decide for themselves. I believe each of us ought to make our own determination about this situation.

I conclude my remarks with a salute to the men and women who fought in that conflict and share with them my complete understanding, as near as I can base it on my own experiences. I salute them.

RESIGNATION OF DIRECTOR FREEH

Mr. SPECTER. Mr. President, the principal reason for my seeking recognition is to comment briefly on the announced resignation of FBI Director Louis Freeh. He has tendered his resignation effective in June of this year. I believe Director Freeh has done an outstanding job in a very difficult position.

I had considerable opportunity to work with Director Freeh in my capacity as chairman of the Subcommittee on the Judiciary and when I chaired the Senate Intelligence Committee. The Judiciary Subcommittee on Terrorism in 1996 had extensive hearings on Ruby Ridge, with Randy Weaver isolating himself, and action by the Alcohol, Tobacco and Firearms units and FBI that led to a shootout which regrettably caused the death of a U.S. Marshall, Randy Weaver's wife, and Randy Weaver's young son.

During the course of that investigation, FBI Director Freeh had the courage to stand up and change very deeply ingrained policies in the FBI, changing their rules of engagement and their use of deadly force. I think that took some doing in the face of institutional opposition.

He led an outstanding FBI investigation into the bombing on Khobar Towers, personally making a number of trips overseas. That is a matter which has yet to see a final resolution, but there has been very able and excellent investigative work done by the FBI in that matter in a very difficult circumstance, working with officials from Saudi Arabia.

Director Freeh did a good job in campaign finance reform, taking positions which were sometimes in conflict with the Attorney General, technically his superior, in the Department of Justice, although the FBI Director has unique status, really, in that he has a 10-year appointment. So there were times when Director Freeh found it necessary to take stands in opposition to the Attorney General of the United States and sometimes even in opposition to the President of the United States. While I didn't always agree with some of the details, it was my view it was a strong performance on the part of FBI Director Louis Freeh.

I think the Director also did an outstanding job in expanding the FBI's role in combating organized crime internationally, and his tenure has seen a vast expansion of FBI offices around the world carrying on very important counterespionage work and counterterrorism work. There has been an excellent level of cooperation established between the FBI and the CIA under the CIA leadership of George Tenet and, before that, John Deutch, with the FBI directorship under Louis Freeh.

There have been difficulties during Director Freeh's tenure with the FBI crime lab and with the investigation of Dr. Wen Ho Lee—on that subject, the Judiciary Subcommittee on Administrative Oversight and the Courts is continuing the inquiry—and also with the allegations as to the Hanssen case, the alleged spy.

But I think, overall, Director Freeh's tenure with the FBI has been outstanding. He brought to the position unique credentials, having been an FBI agent and assistant U.S. attorney, a Federal judge, and he had the capacity to know law enforcement while also understanding civil rights. When the problems arose in Ruby Ridge, he did not hesitate to change the longstanding FBI policies on the use of deadly force in recognition of civil rights, at the same time maintaining very strong law enforcement standards.

I think the President will have a difficult replacement assignment in finding another Director who can measure up to what Director Freeh has done. It is certainly a fact when law enforcement has faced tough issues, they have moved ahead and made many assignments to the FBI. Director Freeh's response on changing the FBI's use of deadly force was in sharp contrast to the refusal of the Alcohol, Tobacco and Firearms units, and even the Secretary of the Treasury, to make changes when there had been clear-cut fault established as to the Alcohol, Tobacco and Firearms unit.

I salute Director Freeh on the announcement of retirement and note his very excellent work and say we will have a tough time finding someone to fill those big shoes.

MIDDLE EAST PEACE

Mr. SPECTER. Mr. President, I ask unanimous consent to have printed in the RECORD a ''Commentary'' on the mideast peace process.

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

[From the Philadelphia Inquirer, Apr. 27, 2001]

MIDEAST PEACE PROCESS MUST RESUME

(By U.S. Sen. Arlen Specter)

Escalating violence has deadened the Middle East peace process. As usual, all sides look to the United States to influence the parties to end the violence and resume the quest for peace.

In mid-April, at the request of Egyptian President Hosni Mubarak, I met with Palestinian Chairman Yasir Arafat in Cairo. When I arrived for our 10:30 p.m. meeting, Arafat said that as we spoke, Israeli helicopters and missiles were attacking Palestinians in Gaza. He did not mention that the Israeli action was in retaliation for mortars fired into Israel earlier that day.

Our discussion, which lasted until nearly midnight, was interrupted every few moments by aides bringing him the latest dispatch on the fighting. I told Arafat I was convinced Israeli Prime Minister Ariel Sharon would not resume the peace process until the violence ended.

Since the sequence of events demonstrated that Israel was responding to Palestinian provocation, it was up to Arafat to demonstrate his best efforts to stop the violence. After all, it was Arafat's famous letter of Sept. 9, 1993, that induced then-Prime Minister Yitzhak Rabin and Foreign Minister Shimon Peres to shake Arafat's hand at their historic meeting with President Clinton on the White House lawn four days later. In that letter, Arafat renounced violence and promised to punish any Palestinian who violated that commitment.

Arafat responded that he had made an unequivocal declaration at the recent Arab summit. When his statement was examined, it was obvious it was so conditional as to be meaningless. I then asked Arafat why he had rejected former Prime Minister Ehud Barak's generous settlement offer on major concessions on Jerusalem and additional territory on the West Bank. Arafat said he had accepted the Barak proposal. Again, on examination, there were so many ifs, ands and buts that his response was meaningless. Our meeting ended with no realistic hope that any significant action could be expected from Arafat.

The situation was equally bleak when I traveled on to Beirut and Damascus. Hezbollah, backed by Iran and Syria, had continued to attack Israeli border settlements from Southern Lebanon, leading Israel to bomb Syrian radar. Beirut once touted as the Paris of the Middle East, has not recovered from Lebanon's civil war because of factional quarrels and Syria's continuing dominance of the country.

In Damascus, Syria's foreign minister Farouk Shara agreed with Sharon that Israeli-Syrian peace talks on the Golan Heights would be pointless at this time. Before President Hafez al-Assad's death, the parties had come very close to a settlement but were now back to square one.

Notwithstanding the bleak prospects, the Bush administration, aided by Congress, must push the parties back to the bargaining table. There is no doubt that the countries involved listen to Uncle Sam. When Secretary of State Colin Powell criticized Sharon's tough retaliation as ''excessive and disproportionate,'' Israel modified its tactics.

Congress has spoken emphatically: 87 senators and 209 House members wrote on April 6 to the President calling for the closing of the Palestinian office in Washington if the Palestinians did not stop inciting violence. I have urged President Bush to appoint a special envoy for the Middle East just as President Richard Nixon used Henry Kissinger for shuttle diplomacy and Presidents Jimmy Carter, Ronald Reagan, George H.W. Bush and Bill Clinton assigned envoys such as Dennis Ross to the peace process. President Bush may soon find it necessary to become personally involved like his predecessors.

The escalation of Israeli-Palestinian violence may encourage other terrorist groups, such as Hamas and Islamic Jihad, to attack not only Tel Aviv and Jerusalem, but also U.S. interests around the world. The peace process cannot be abandoned; one way or another, a way must be found for Israelis and Palestinians to live together on that tiny parcel of hallowed and historic land. Our vital national interests in the region make it imperative that the United States actively pursue a resumption of the Middle East peace process.

TRIBUTE TO BILLIE PENN

Mr. NICKLES. Mr. President, I rise today to recognize Billie Penn, a friend and member of my staff for the last 18 years. Billie is one of the most energetic, friendly and sweet people I know. Today this bundle of energy with a heart of gold is retiring.

Billie opened my Lawton office and has managed it for the last 18 years. As my field representative for Southwestern Oklahoma, she has worked diligently for the people of Beckham, Washita, Caddo, Greer, Kiowa, Harmon, Jackson, Tillman, Comanche, Cotton, Stephens, and Jefferson counties.

Billie's enthusiasm is contagious. I think we'll have to hire four or five people just to fill her spot. Besides working for me, Billie finds energy to golf with Bill, her husband of 41 years, visit her kids—William and Allison—and spoil her grandkids, Alisa, Skyler, Nathaniel and Ashlyn. She's active in Lawton's Chamber of Commerce, her church, Grace Fellowship, and probably any other cause that asks for a helping hand.

Today, there was a surprise retirement party for her that I'm sorry I could not attend. I can only imagine the numbers of people that showed up to celebrate the great job Billie has done. There is no one else like her and she will be missed.

Billie is a true friend and a real treasure. I am grateful for her outstanding service to the people of Oklahoma. We all have benefited from her hard work.

Today, I wish her all the best as she begins her retirement.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, Mr. President, I would like to detail a heinous crime that occurred July 29, 2000 in Mahwah, New Jersey. A man who allegedly attacked two men after calling them gay was arrested and charged with aggravated assault, bias harassment, and bias assault. Witnesses told police that the alleged perpetrator, William Courain, 26, was at an apartment complex party when he began making remarks to several of the guests about their sexual preferences. He left the party and confronted two men in the parking lot, making obscene comments about their sexual orientation, before attacking them. Witnesses say he began punching and kicking the two victims, one of whom suffered bleeding from the mouth and eyes and was treated at a local hospital. (The RECORD, August 1, 2000)

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

JOINT TASK FORCE FULL ACCOUNTING

Mr. BINGAMAN. Mr. President, recently, in a remote area of Vietnam, a helicopter with 16 passengers and crew aboard went down in a central Vietnamese jungle. Vietnamese officials reported that there were no survivors. The passengers on this aircraft included seven American heroes. One of those heroes, I am sad to report, was from New Mexico, Major Charles Lewis II. Major Lewis was an Air Force ROTC graduate of Mayfield High School and New Mexico State University in Las Cruces, NM. He was an outstanding student and deeply committed to his country through his service with the Air Force. We are shocked and saddened at the loss of Major Lewis and these American heroes.

In connection with the recent ''National Former Prisoner of War Recognition Day'', I salute Major Lewis and his downed colleagues. Moreover, I salute the heroic contributions of all those who serve in the Joint Task Force Full Accounting, JTFFA, and the U.S. Army Central Identification Laboratory Hawaii, CILHI, whose noble mission is to resolve the cases of Americans still unaccounted for during America's wars. We especially honor the unsung victims of this tragic accident who were carrying out our nation's abiding commitment to account for and honor the lives of POW–MIAs lost in the conflict in Southeast Asia three decades ago. They were part of an advance team scheduled to begin recovery work at six MIA sites in Vietnam beginning this month.

Since 1973, the JTFFA and CILHI have conducted investigations and excavations that have accounted for 603 American POW–MIA personnel. Since 1985, with the full support of cooperative Vietnamese assistants, members of the Joint Task Force and the Central

Identification Laboratory have undertaken the most challenging assignments to locate and identify former American prisoners of war or servicemen missing in action. Some excavations have consumed months of painstaking labor under very difficult conditions to retrieve the smallest items of evidence to help identify American casualties. Much of the work is done by hand in order not to disturb potential evidence. Our service personnel such as those who lost their lives last month have routinely exposed themselves to significant dangers in the quest for honoring our former POW–MIAs. Sadly, they lost their lives in their deeply patriotic quest.

I call on all Americans to pause and remember Major Lewis and the brave men and women of the Joint Task Force and Central Identification Laboratory who have given their lives in such a noble cause.

DEDICATION OF THE PAUL G. ROGERS PLAZA AT THE NATIONAL INSTITUTES OF HEALTH

Mr. NELSON of Florida. Mr. President, I rise today to honor and recognize the achievements of a distinguished Floridian and former congressman, the Honorable Paul Rogers. The National Institutes of Health is dedicating the Paul Rogers Plaza at Bethesda, MD on June 12, 2001 in recognition of his phenomenal efforts and ardent advocacy for public health and medical research.

Paul Rogers represented Florida's 11th District in the House of Representatives from 1956 to 1979, where he earned the distinguished and fitting title, ''Mr. Health.'' During his twenty-four years of service in Congress and eight years as the Chairman of the House Subcommittee on Health and Environment, he consistently demonstrated his heartfelt commitment to improving medical care and technology and preserving our fragile environment. His extensive list of legislative accomplishments and contributions is too great to fully recount, but there are several legislative achievements that are particularly noteworthy. The National Cancer Act, the Clean Air Act, the Safe Drinking Water Act, and the Medicare-Medicaid Anti Fraud and Abuse Act are just a few of Paul Rogers' endeavors that continue to impact our nation today.

It is fitting that the National Institutes of Health has chosen to honor him with a permanent plaque at the Paul Rogers Plaza, as I am certain that the beneficial effect of his public service on the health of American people will continue to be felt for many years to come. Paul Rogers' foresight in the areas of medical research and environmental regulation brought about cutting edge policies that continue to protect Americans everyday. His prolific efforts helped bring these critical issues to the forefront of our nation's agenda.

As we continue to debate and develop new legislation aimed at improving the health of Americans and our environment, we should take a moment to consider and thank the men and women, like ''Mr. Health,'' who initiated this crusade. I am extremely pleased that Paul Rogers' tireless efforts are being duly recognized by the National Institutes of Health.

U.S. POLICY TO CHINA AND TAIWAN

Mr. BAUCUS. Mr. President, these past few weeks have been eventful ones in our relationship with China.

President Bush announced a robust arms sale package for Taiwan. It included several major weapons systems and, of greater long-term significance, it provides for increased cooperation and coordination between our two military forces. He also announced the end of the annual review of arms needs, putting our support for Taiwan's defense on a more regular and less political setting.

We secured the release of our reconnaissance plan's crew that was being held on Hainan Island. Subsequently, there were several important, albeit inconclusive, meetings with Chinese representatives about the return of the plane and about establishing future rules of engagement to ensure that there will not be a repeat of this irresponsible Chinese action.

President Bush made a potentially dangerous gaffe in an interview where he seemed to reverse precipitously a two decade old policy that has resulted in relative stability across the Taiwan Strait. I believe that the trilateral relationship among the PRC, Taiwan, and the United States, and the ''One China'' policy must adapt and evolve. But change must be made with extreme care.

The United States approved a visa for former Taiwan president Lee Teng-hui to visit for a month, and we have agreed to issue a transit visa for current Taiwan President Chen Shui-bian, although the conditions set on President Chen's visit are still under negotiations.

China continues to hold as a prisoner Gao Zhan, an innocent scholar who is a permanent resident of our country with a U.S. citizen husband and son. They also hold several other American citizens of Chinese origin.

Some of these developments are infuriating and frustrating. After our plane was downed, some in Congress called for revenge, retaliation, and retribution. Proposals include that congress reverse its approval of PNTR, Permanent Normal Trade Relations, for China; that the United States oppose holding the 2008 Summer Olympics in Beijing; and that we reduce or cease military-to-military relations with China.

Our long-term interests with China require a carefully measured course of action. We cannot allow emotion to obscure our policy objectives. And we cannot determine China policy based on vague ideological images.

Like all Americans, I am outraged by the behavior of the Chinese Government in holding the crew of our reconnaissance plane and demanding an American apology, when the blame was so clearly with a reckless Chinese pilot following reckless orders.

I congratulate President Bush on his handling of the first foreign policy crisis of this administration. He kept emotions in check. He rejected the advice of those who wanted to take precipitous action. He secured the safe release of our crew without giving China the kowtowing apology they demanded.

President Bush's decision last week on which defense items to transfer to Taiwan was also responsible and correct. It will provide Taiwan with the hardware and the ''humanware'' it needs to defend itself, while avoiding actions that would have been unnecessarily provocative vis-a-vis China. Unfortunately, he followed this measured decision with a ''shoot from the hip'' comment on a possible U.S. response to Chinese military action against Taiwan. That remark has created unnecessary confusion uncertainty, and potential instability across the Taiwan Strait.

We need to look at what is good for U.S. interests, not what is bad for China. There is no room for emotion as we defined the relationship we want with China and determine how to move them in the right direction.

Last year Congress approved, by a wide margin, legislation granting Permanent Normal Trade Relations status to China once they join the World Trade Organization. The benefits of incorporating China into the world trade community were clear.

American farmers, businesses, and workers would be well served by a growing and liberalized economy in China. Economic growth in China would, over the long term, lead to a larger middle class making its own demands on the government for greater accountability and personal choice, just as happened in South Korea and Taiwan. Membership in the WTO would bring international disciplines to the Chinese economy. And the reformers, led by Premier Zhu Rongji, would be strengthened.

The events of the last few weeks have not changed this calculation. If anything, nurturing growth in our economic and trade relationship with China is more important than ever.

Let's be clear about what happened in China while our crew was detained on Hainan Island.

The delay in releasing our crew members was a reflection of a monumental struggle for China's future between reformers led by Premior Zhu Rongji and President Jian Zemin, on one side, and the old guard, including the People's Liberation Army, the managers of most state-owned enterprises, and many entrenched politicians, on the

other side. That is, a battle between those who we hope will be China's future and those who should be made part of China's past.

One manifestation of this struggle is political and perhaps increasing military friction with the United States. Taiwan remains the No. 1 flashpoint. Add disputes over human rights, political prisoners, arrest of American citizens and permanent residents of Chinese origin, Tibet, regional policies, weapons transfer. These issues will remain with us for years. if not decades.

Our decisions must be measured through one optic: What are the core American strategic and economic interests vis-a-vis China?

First, we want stability in the Asian region. We must ensure that China does not threaten this stability. That means committing the United States to being a full participant in Asia—economically, politically, and militarily. This includes ensuring peace across the Taiwan Strait, and that means providing Taiwan with the tools necessary for its defense and assisting with the peaceful resolution of the China-Taiwan issue.

Second, we want to help in the transformation of China from a totalitarian state with a nonmarket economy toward a more liberalized political and economic regime. That means incorporating China into the world trade community while insisting on respect for basic human rights.

Third, we want full access for American goods and services to the largest country in the world with the fastest growing economy. That means completing China's accession to the WTO, granting them PNTR, and supporting our businesses' efforts to penetrate the Chinese economy. It does not mean revoking China's established normal trade status.

To isolate China and to seek retribution might feel good, but it would not do good. Even worse, it threatens our core long-term interests. We should responsibly protect our interests and confront China when situations warrant. But reason, not emotion, must guide our decisions.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 30, 2001, the Federal debt stood at $5,661,347,798,002.65, Five trillion, six hundred sixty-one billion, three hundred forty-seven million, seven hundred ninety-eight thousand, two dollars and sixty-five cents.

Five years ago, April 30, 1996, the Federal debt stood at $5,102,049,000,000, Five trillion, one hundred two billion, forty-nine million.

Ten years ago, April 30, 1991, the Federal debt stood at $3,445,059,000,000, Three trillion, four hundred forty-five billion, fifty-nine million.

Fifteen years ago, April 30, 1986, the Federal debt stood at $2,008,271,000,000, Two trillion, eight billion, two hundred seventy-one million.

Twenty-five years ago, April 30, 1976, the Federal debt stood at $601,974,000,000, Six hundred one billion, nine hundred seventy-four million, which reflects a debt increase of more than $5 trillion, $5,059,373,798,002.65, Five trillion, fifty-nine billion, three hundred seventy-three million, seven hundred ninety-eight thousand, two dollars and sixty-five cents during the past 25 years.

ADDITIONAL STATEMENTS

THIRTIETH ANNIVERSARY OF AMTRAK

• Mr. KERRY. Mr. President, today marks an important day in the history of national passenger rail transportation. Today is the thirtieth anniversary of the American National Passenger Rail Corporation, Amtrak. As we mark Amtrak's birthday, we need to understand that the demands on our national passenger rail system are changing. Amtrak can no longer be solely a link to a bygone era, when a long train ride was the only way to get from one city to another. The Amtrak of the next 30 years must be a faster, more competitive transportation option for the American traveler. A population that is more mobile than ever before but faces gridlock on our highways and capacity limitations in our skies demands this of Amtrak. Our Nation's passenger rail system has already begun to change in the Northeast Corridor, where in just four months, Amtrak has shuttled over 55,000 people between Washington and New York on four daily high-speed trains. This unexpectedly high ridership has helped Amtrak beat revenue estimates for the Northeast Corridor by four percent. Overall, ridership in the Northeast is up eight percent over last year.

It is my hope that the Congress commemorates Amtrak's thirtieth birthday by passing legislation this year that allows Amtrak to continue to improve high-speed rail service in the Northeast Corridor and replicate that success in the Northeast. The High Speed Rail Investment Act is Amtrak's future. This legislation would allow Amtrak to sell $12 billion in tax-exempt bonds to finance the development of high-speed rail corridors throughout the country, and would allow for continued track improvements in the Northeast Corridor. Though Amtrak will raise $12 billion, the High Speed Rail Investment Act will cost taxpayers only about one-third of that amount. I am proud to be working closely with my colleagues Senators BIDEN and HUTCHINSON, as well our leaders, Senator LOTT and Senator DASCHLE, to enact this legislation this year, and I am excited to see that the bill has 55 cosponsors and wide bipartisan support.

On Amtrak's birthday, I hope each one of us will take a serious look at the importance of inter-city passenger rail to our Nation. Inter-city passenger rail is a critical link to our Nation's history, reminding us of how we used to travel this glorious country. And that's a link which many members of Congress have taken great pains to maintain in their states and districts. At the same time, in many places, such as the northeast, a modern inter-city passenger rail network is not a luxury, it is a necessity. Amtrak's challenge of late has been to satisfy both of these roles while trying to act like a profit-making company. This task has not been easy for a quasi-independent government agency that, for its whole life, has operated under many Congressionally-imposed burdens but has received sporadic and insufficient financial support from the federal government.

I think we are all aware that Amtrak is subject to unique political pressures that private companies do not face. And I think we all know that those pressures, which often require the company to operate unprofitable routes, influence the company's bottom line in a negative way. But high speed rail has proven to be a financial success in the Northeast, and is projected to add $180 million annually to Amtrak's bottom line when all 20 Acela Express trainsets are in operation. High speed rail is a good investment for Amtrak, and it's a great investment for our nation's transportation infrastructure.

It is time to bring Amtrak into the 21st century by creating an effective, truly inter-modal transportation network. Let's make high speed rail service an indispensable element of our transportation infrastructure—our overburdened highways and skyways require it and the traveling public demands it.•

TRIBUTE TO SUE HENSLEY

• Mr. HUTCHINSON. Mr. President, I rise today to say thank you to Sue Hensley for all of her efforts on my behalf to serve the people and the State of Arkansas during the past six years. In those six years, I found her counsel to be invaluable and of great aid, and I am proud to say that she is not only a former employee but also a good friend. She worked long hours and did whatever was required to competently fulfill her duties as my Communications Director. I am indebted to Sue for her service and I wish her the best of luck in her new position as Director of Communications of the Department of Labor and continued success in her career.•

TRIBUTE TO THE ROTC PROGRAM AT PROVIDENCE COLLEGE

• Mr. REED. Mr. President, I rise today to recognize the achievements of the ROTC Program at Providence College on the occasion of their 50th Anniversary.

ROTC dates back to 8 January 1951, when the Very Reverend Robert J. Slavin, O.P., President of the College,

received word that the Department of the Army had approved the establishment of a Reserve Officer Training Corps within the curriculum. On 19 September 1951, Colonel Roy P. Moss, officially opened the Military Science Department of Providence College Transport Corps Unit. In 1951–52, the original student enrollment was 512 cadets and in 1953, the first class of seven received commissions in the Transportation Corps.

In the 1954–55 academic year, the unit was re-designated as a General Military Science program. In 1956, a rifle range was built and had its official inauguration as Company K–12. During the Vietnam era, the ROTC program at PC provided many qualified officers and as a result of the ROTC Vitalization Act of 1964, students from local colleges without programs became eligible to participate. The act also resulted in both four-year and two-year ROTC scholarships going into effect.

In the late 60's and early 70's, changing public opinion lead to a decline in enrollment in programs throughout the country until the revitalization of ROTC began in the 1973–74 academic year as women were allowed to enroll. In 1982, Bryant College was added to the Patriot Battalion and along with Brown University, Johnson & Wales University, UMASS Dartmouth, Rhode Island College, the Community College of Rhode Island, Bristol Community College. As of May 2000, 1,690 officers have been commissioned through the Providence College Program.

The ROTC Program at Providence College was recognized in 1996 as one of the top programs in New England and the New York area. As it celebrates this milestone in the history of the program, we pause to recognize the many students who have learned about the history and structure of our military and who have gone on to study tactical operations and military instruction as well as advanced techniques of management, leadership and command. These proud cadets have earned scholarships and upon graduation are Commissioned Officers in the Army.

The strength of this program lies in patriotism and dedication to duty. The Patriotic Battalion faculty and staff are indeed to be commended for the success of the program and for the significant part they play in instilling leadership and good citizenship in these young people. I would respectfully ask my colleagues to join me in honoring the proud tradition of the Providence College ROTC Program on the occasion of its 50th Anniversary.●

CONGRATULATIONS TO ED HILL

● Mr. HARKIN. Mr. President, I would like to take a few minutes to congratulate Ed Hill, the new president of the International Brotherhood of Electrical Workers, IBEW, on his election.

You know, when I think about all the hard work and long hours presidents Hill and Barry have put in over the years, I am reminded of a story that one of my heroes, the great Hubert H. Humphrey liked to tell.

It was Humphrey's 65th birthday, and he was celebrating with his grandchildren. One of the grandkids looked up and said, ''Grandpa, how long have you been a Democrat?''

Humphrey thought about that for a moment, and replied, ''Well, I've been a Democrat for 70 years.''

His grandson said, ''Grandpa, how could you have been a Democrat for 70 years when you're only 65 years old?''

''Easy,'' Humphrey answered, ''I've put in a lot of overtime.''

Well, Ed Hill has put in a lot of overtime on behalf of the IBEW and on behalf of all Americans.

You know, I like to tell people you go to any town in America rural or urban, big or small and you will see the IBEW's work on display. Whether it is lighting our homes, or heating our schools, or bringing the Internet to our libraries, it is clear that the IBEW's work is critical to our families and our economy.

Ed Hill hails from Beaver County, PA, and he is got a long history with the IBEW. Ed joined IBEW Local 712 in his hometown back in 1956 and worked his way up to business manager in 1970. He became part of the IBEW staff in 1982, and, by 1994, he was a vice president in charge of operations in Pennsylvania, New York, New Jersey and Delaware.

In 1997, Ed became the IBEW's second highest-ranking officer, and he worked hard to bring the latest technology to IBEW's operations. He also spent long hours building the membership of IBEW-COPE to record levels and making new strides in grassroots activism and communications.

For over 100 years, the IBEW has been a leader in the union movement in America. Whether they were providing energy to our war efforts during World War II, creating one of the best apprenticeship programs around, or providing workers with the cutting edge skills they need to keep up with current electricity needs—IBEW was always ahead of the times.

I know that Ed Hill will continue this proud tradition. I thank him for his dedication and commitment, and I look forward to working with him in the coming years.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate to Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry withdrawals and nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 256. An act to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. REED for the Committee on Armed Services.

Dov S. Zakheim, of Maryland, to be Under Secretary of Defense (Comptroller).

By Mr. WARNER for the Committee on Armed Services.

Charles S. Abell, of Virginia, to be an Assistant Secretary of Defense.

Victoria Clarke, of Maryland, to be an Assistant Secretary of Defense.

Powell A. Moore, of Georgia, to be an Assistant Secretary of Defense.

William J. Haynes II, of Tennessee, to be General Counsel of the Department of Defense.

Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. WARNER. Mr. President, for the Committee on Armed Services.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald A. Lamontagne, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lance W. Lord, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Brian A. Arnold, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Timothy A. Kinnan, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard V. Reynolds, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William J. Begert, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Malcolm I. Fages, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Keith W. Lippert, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Garry L. Parks, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning Gregory O. Allen and ending Wayne Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Air Force nominations beginning Steven D. Carey and ending Richard R. Lemieux, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Army nominations beginning Donald M. Adkins and ending X0268, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning James R. Gusie and ending Dennis J. Sandbothe, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Army nominations beginning Michael Child and ending Leland Gallup, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Army nomination of Joe L. Smothers, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Army nominations beginning Louis A. Abbenante and ending James M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Army nominations beginning Margretta M. Diemer and ending Mary A. Witt, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2001.

Navy nominations beginning Manuel E.R. Alsina and ending Vincent S. Shen, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Navy nomination of David C. Barton, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nomination of James W. Hudson, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nomination of Sheila C. Hecht, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nomination of Paul R. Faneuf, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nominations beginning Daniel L. Bower and ending Tedman L. Vance, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nominations beginning Kyle P. Durand and ending Jeffrey J. Truitt, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nominations beginning Eduardo C. Cuison and ending Robert K. McGaha, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Marine Corps nominations beginning Walter T. Ellingson and ending Michael J. Kantaris, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Marine Corps nominations beginning Dennis G. Adams and ending Lawrence R. Woolley, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Marine Corps nominations beginning Charles E. Brown and ending Daniel R. Westphal, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

By Mr. Grassley for the Committee on Finance.

David Aufhauser, of the District of Columbia, to be General Counsel for the Department of the Treasury.

Kenneth W. Dam, of Illinois, to be Deputy Secretary of the Treasury.

Faryar Shirzad, of Virginia, to be an Assistant Secretary of Commerce.

Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.

John B. Taylor, of California, to be an Under Secretary of the Treasury.

Scott Whitaker, of Virginia, to be an Assistant Secretary of Health and Human Services.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. LIEBERMAN (for himself, Mr. BURNS, Mr. BINGAMAN, Mr. FITZGERALD, Mr. DASCHLE, Mr. MCCAIN, Mr. CARPER, Mr. DURBIN, Mr. JOHNSON, Mr. KERRY, Mr . LEAHY, and Mr. LEVIN):

S. 803. A bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. SCHUMER, Ms. COLLINS, and Mr. REED):

S. 804. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10 ,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE (for himself, Mr. COCHRAN, Ms. COLLINS, Mr. BENNETT, Mr. BREAUX, Mr. BUNNING, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. MIKULSKI, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 805. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 806. A bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act with an accurate annual cost-of-living adjustment; to the Committee on Finance.

By Mr. CORZINE:

S. 807. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. THOMPSON, Mr. CRAIG, and Mr. BURNS):

S. 808. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 809. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and for other public uses; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself and Mrs. LINCOLN):

S. 810. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mr. CRAPO):

S. 811. A bill to amend title 36, United States Code to designate the oak tree as the national tree of the United States; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. 812. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mr. GRAHAM):

S. 813. A bill to amend title XVIII of the Social Security Act to increase payments under the medicare program to Puerto Rico hospitals; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG:

S. Res. 78. A resolution designating May 2001, as ''Older Americans Month''; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CARNAHAN, Mr. CLELAND, Mrs. MURRAY, Mr. DURBIN, Mr. KERRY, and Mr. FEINGOLD):

S. Res. 79. A resolution designating May 1, 2001, as ''National Child Care Worthy Wage Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 104

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as a cosponsors of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 133

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 214

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 214, a bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 217

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Vermont (Mr. JEFFORDS) were added as a cosponsors of S. 217, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 258

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

At the request of Ms. SNOWE, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Michigan (Ms. STABENOW) were added as a cosponsors of S. 258, supra.

S. 268

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 268, a bill to amend the Internal Revenue Code of 1986 to allow nonrefundable personal credits, the standard deduction, and personal exemptions in computing alternative minimum tax liability, to increase the amount of the individual exemption from such tax, and for other purposes.

S. 281

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 284

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 327

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 327, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 338

At the request of Mr. REID, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. TORRICELLI) were added as a cosponsors of S. 338, a bill to protect amateur athletics and combat illegal sports gambling.

S. 403

At the request of Mr. COCHRAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 403, a bill to improve the National Writing Project.

S. 501

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 587

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 592

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 611

At the request of Ms. MIKULSKI, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Nevada (Mr. REID), and the Senator from Massachusetts (Mr. KERRY) were added as a cosponsors of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the

total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 664

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 664, a bill to provide jurisdictional standards for the imposition of State and local tax obligations on interstate commerce, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 694

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 697

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. BAUCUS, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as a cosponsors of S. 697, supra.

S. 706

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. MILLER), the Senator from California (Mrs. FEINSTEIN), and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 723

At the request of Mr. SPECTER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as a cosponsors of S. 723, a bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research.

S. 742

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. NELSON, of Nebraska), the Senator from Illinois (Mr. FITZGERALD), the Senator from Kansas (Mr. ROBERTS), and the Senator from South Carolina (Mr. HOLLINGS) were added as a cosponsors of S. 742, a bill to provide for pension reform, and for other purposes.

S. 758

At the request of Mr. HUTCHINSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 758, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the wetlands reserve program through 2005, and for other purposes.

S. 777

At the request of Mr. ALLEN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Hampshire (Mr. GREGG) were added as a cosponsors of S. 777, a bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

S. 778

At the request of Mr. HAGEL, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Connecticut (Mr. DODD) were added as a cosponsors of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S.J. RES. 13

At the request of Mr. WARNER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 24

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 24, a resolution honoring the contributions of Catholic schools.

S. RES. 63

At the request of Mr. CAMPBELL, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Rhode Island (Mr. CHAFEE) were added as a cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 74

At the request of Mr. DAYTON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Res. 74, a resolution expressing the sense of the Senate regarding consideration of legislation providing medicare beneficiaries with outpatient prescription drug coverage.

S. RES. 75

At the request of Mr. HUTCHINSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 75, a resolution designating the week begining May 13, 2001, as ''National Biotechnology Week.''

S. CON. RES. 8

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. CON. RES. 33

At the request of Mr. GREGG, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution supporting a National Charter Schools Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. BURNS, Mr. BINGAMAN, Mr. FITZGERALD, Mr. DASCHLE, Mr. MCCAIN, Mr. CARPER, Mr. DURBIN, Mr. JOHNSON, Mr. KERRY, Mr. LEAHY, and Mr. LEVIN):

S. 803. A bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Intermet-based information technology to enhance citizen access to Goernment information and services, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am pleased to introduce with my colleagues the ''Electronic Government Act of 2001''. Members of both parties understand that using new information technologies wisely can create a better

government more in touch with the needs of the public. That's why I am happy to be joined in this endeavor by such a distinguished group of original co-sponsors, namely Senators BURNS, BINGAMAN, FITZGERALD, DASCHLE, MCCAIN, CARPER, DURBIN, JOHNSON, KERRY, LEAHY, and LEVIN. Our legislation will provide the leadership, coordination, expertise, and resources necessary to utilize the Internet and create a more efficient, citizen-oriented government. Harnessing the Internet and other information technologies to deliver government programs, services, and information more effectively is critical to ensure that the Federal government remains a vital, positive presence in society.

Efforts to promote electronic government, which is still in its infancy, are advancing around the world. Federal, state, and local governments are using web-based technologies to enhance citizen access to information, provide round-the-clock services, save money on procurement and other transactions, and stimulate citizen participation. Citizens who have discovered the benefits of conducting business with government from their homes, and when it is convenient for them, are using the Internet to file their taxes, renew licenses and registrations, apply for college loans, and bid on government contracts. In some cases businesses are able to use the Internet to get advice about existing regulatory requirements and citizens to comment on proposed rules.

These examples are exciting and encouraging. However, the reality is that all but a handful of the applications now being put online by Federal agencies are developed in relative isolation. E-Government currently is a loose-knit mix of ideas, projects, and affiliations often not well coordinated, sometimes overlapping in its goals and redundant in its expenditures. Though there are some remarkable innovations championed by visionary government employees, many other efforts are hampered by traditional models of government management, and ''stove-pipe'' conceptions of agency jurisdiction. We are in essence taking the often confusing, overlapping and inefficient maze of government programs as they now exist and simply transferring them onto the Internet.

This is not the best way forward. We can and must take full advantage of information technologies to overcome the often arbitrary boundaries that exist between agencies, and to provide the public with seamless, secure online services. A functional approach focuses on delivering services to the citizen, organized according to the citizens' needs, and without regard to where the jurisdiction of one agency stops and another begins. The greatest challenge in many cases is realizing how the new technologies have created new opportunities, and reconfiguring government processes accordingly. Seizing these opportunities will require leadership, coordination, and meaningful communication with agency decision-makers.

This legislation is designed to help accomplish that goal, first by establishing a Federal Chief Information Officer, or CIO, in the Office of Management and Budget. As many have pointed out, a Federal CIO is essential to provide government-wide coordination, leadership, and visibility to e-Government efforts. In fact, a recent survey revealed that 49 state governments already have Chief Information Officers to address government-wide information technology issues. The Federal CIO will have the necessary ties to relevant government agencies so that she or he is able to lead e-Government efforts, and will also work closely with state and local governments, with the private and non-profit sectors, and with the public. The Federal CIO will review agencies' information technology planning and performance, will ensure compliance with existing information statutes, and will be empowered to address other issues of concern such as online privacy and computer security.

The CIO will also direct expenditures from an E-Government Fund, which would promote the innovative, cross-agency projects that are extremely difficult to fund at present but absolutely necessary for the kind of integrated service delivery possible today. The legislation authorizes $200 million for each of the next three years for the Fund, and contains criteria governing its use. Every year the federal government spends $40 billion on information technology, and not always efficiently. In comparison the E-Government Fund represents a modest investment in a new kind of government venture: the virtual realignment of government services and information in pursuit of citizen-centered government.

Many of the improvements achieved by this legislation will be accessible from a centralized online government portal, which will build on the FirstGov website launched last year by the General Services Administration. The FirstGov website is an important first step, but there is much room for improvement. In those instances where agencies have cooperated to create truly integrated websites, as with Students.gov, the portal provides a demonstration of how citizens accessing the government through a single website may easily reach a wide range of information and services. But this type of site is the exception. Our E-Government bill will lead to more integrated sites, linked to the centralized portal. It will also create a directory of government web pages, so that citizens can easily find the help they need with a few clicks of the mouse rather than with cumbersome searches that often produce hundreds of thousands of results, sometimes in no discernable order.

New information technologies can be harnessed in many creative ways to better serve the public. Among other provisions, the legislation will expand online access to judicial information, establish an online national library, and promote research into how information technologies can be used to improve our planning for and response to natural disasters. The Internet can also be used to facilitate public participation in democratic processes, as the Department of Transportation has proven; its docketing system has been placed entirely on-line, so that individuals can easily find the rulemaking that interests them, review comments, and file comments of their own from a home computer. Our bill requires other regulatory agencies to establish similar systems. Of course, the provisions in our bill only scratch the surface of what is possible. More importantly, the legislation establishes a process by which our government can transform itself.

Our citizens will not be fully comfortable engaging in transactions over the Internet unless they are confident that their personal information is kept secure and private. That's why the E-Government Act contains strong new protections requiring agencies to complete detailed assessments of privacy considerations when they procure new information systems or initiate new collections of personal information. The bill also empowers the Federal CIO to review agencies' computer security plans.

This legislation is a work in progress. The bill already reflects the input and insights of many individuals and organizations, including those who participated in the E-Government interactive web site launched by Senator THOMPSON and myself last year. I also want to acknowledge the important contribution made by Senator BINGAMAN; we have incorporated his share-in-savings legislation from the last Congress as a provision. Because this is a work in progress, we will continue to seek comments and feedback on the legislation, and I expect that this bill's provisions will change as we work to achieve a broad consensus. E-Government should not be a partisan issue; it concerns how we will respond to the opportunities of today and tomorrow to achieve a more responsive government for us all. I hope to work with the Administration, which has already expressed an interest in e-government, with Senators from both parties, and with others committed to this issue, to develop a bill that we can all support.

I ask unanimous consent that the text of the legislation and a section by section analysis be printed in the RECORD.

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

S. 803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''E-Government Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES
Sec. 101. Federal Chief Information Officer.
Sec. 102. Office of Information Policy and Office of Information and Regulatory Affairs.
Sec. 103. Management and promotion of electronic Government services.
TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES
Sec. 201. Federal agency responsibilities.
Sec. 202. Compatibility of executive agency methods for use and acceptance of electronic signatures.
Sec. 203. Online Federal telephone directory.
Sec. 204. Online National Library.
Sec. 205. Federal courts.
Sec. 206. Regulatory agencies.
Sec. 207. Integrated reporting feasibility study and pilot projects.
Sec. 208. Online access to federally funded research and development.
Sec. 209. Common protocols for geographic information systems.
Sec. 210. Share-In-Savings Program improvements.
Sec. 211. Enhancing crisis management through advanced information technology.
Sec. 212. Federal Information Technology Training Center.
Sec. 213. Community technology centers.
Sec. 214. Disparities in access to the Internet.
Sec. 215. Accessibility, usability, and preservation of Government information.
Sec. 216. Public domain directory of Federal Government websites.
Sec. 217. Standards for agency websites.
Sec. 218. Privacy protections.
Sec. 219. Accessibility to people with disabilities.
Sec. 220. Notification of obsolete or counterproductive provisions.
TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE
Sec. 301. Authorization of appropriations.
Sec. 302. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

(2) The Federal Government has had uneven success in applying advances in information technology to enhance Governmental functions and services, achieve more efficient performance, and increase access to Government information and citizen participation in Government.

(3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function.

(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of funding mechanisms to support such interagency cooperation.

(5) To take full advantage of the improved Government performance that can be achieved through the use of Internet-based technology requires new leadership, better organization, improved interagency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget.

(2) To establish measures that require using Internet-based information technology to enhance citizen access to Government information and services, improve Government efficiency and reduce Government operating costs, and increase opportunities for citizen participation in Government.

(3) To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related function.

(4) To promote interagency collaboration in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

SEC. 101. FEDERAL CHIEF INFORMATION OFFICER.

(a) ESTABLISHMENT.—Section 502 of title 31, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f), as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following:

''(d) The Office has a Federal Chief Information Officer appointed by the President, by and with the advice and consent of the Senate. The Federal Chief Information Officer shall provide direction, coordination, and oversight of the development, application, and management of information resources by the Federal Government.''.

(b) COMPENSATION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Federal Chief Information Officer.''.

(c) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b)(2)(D) of title 31, United States Code, is amended by striking ''and statistical policy'' and inserting ''collection review''.

(d) OFFICE OF INFORMATION POLICY.—

(1) IN GENERAL.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:

''§ 507. Office of Information Policy

''The Office of Information Policy, established under section 3503 of title 44, is an office in the Office of Management and Budget.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

''507. Office of Information Policy.''.

(e) PRIVACY ACT FUNCTIONS.—

Section 552a(v) of title 5, United States Code (commonly referred to as the Privacy Act) is amended to read as follows:

''(v) OFFICE OF MANAGEMENT AND BUDGET RESPONSIBILITIES.—The Director of the Office of Management and Budget shall—

''(1) develop and, after notice and opportunity for public comment, prescribe guidelines and regulations for the use of agencies in implementing the provisions of this section;

''(2) provide continuing assistance to and oversight of the implementation of this section by agencies; and

''(3) delegate all of the functions to be performed by the Director under this section to the Federal Chief Information Officer.''.

(f) ACQUISITIONS OF INFORMATION TECHNOLOGY.—

(1) RESPONSIBILITIES AND FUNCTIONS.—Section 5111 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1411) is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''In fulfilling''; and

(B) by adding at the end the following:

''(b) DELEGATION.—The Director shall delegate all of the responsibilities and functions to be performed by the Director under this title to the Federal Chief Information Officer.''.

(2) INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS.—Section 5301(a)(1) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1471(a)(1)) is amended by striking ''Administrator for the Office of Information and Regulatory Affairs'' and inserting ''Federal Chief Information Officer''.

(g) FEDERAL COMPUTER SYSTEMS STANDARDS AND GUIDELINES.—

(1) PROMULGATION.—Section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) is amended—

(A) by striking ''Secretary of Commerce'' each place it appears and inserting ''Federal Chief Information Officer'' in each such place; and

(B) by striking ''Secretary'' each place it appears and inserting ''Federal Chief Information Officer'' in each such place.

(2) SUBMISSION.—Section 20(a)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(4)) is amended by striking ''Secretary of Commerce'' and inserting ''Federal Chief Information Officer''.

(h) INFORMATION TECHNOLOGY FUND.—Section 110(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757(a)) is amended by adding at the end the following:

''(3) The Administrator's decisions with regard to obligations of and expenditures from the Fund shall be made after consultation with the Federal Chief Information Officer, with respect to those programs that—

''(A) promote the use of information technology to agencies; or

''(B) are intended to facilitate the efficient management, coordination, operation, or use of those information technologies.''.

(i) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—

(1) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by inserting after section 112 the following:

''SEC. 113. ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.

''The Administrator of General Services shall consult with the Federal Chief Information Officer on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 112 the following:

''Sec. 113. Electronic Government and information technologies.''.

(j) GOVERNMENT PAPERWORK ELIMINATION.—The Government Paperwork Elimination Act (44 U.S.C. 3504 note) is amended—

(1) by redesignating sections 1709 and 1710 as sections 1710 and 1711, respectively; and

(2) by inserting after section 1708 the following:

"SEC. 1709. DELEGATION OF FUNCTIONS TO FEDERAL CHIEF INFORMATION OFFICER.

''The Director of the Office of Management and Budget shall delegate all of the functions to be performed by the Director under this title to the Federal Chief Information Officer.''.

SEC. 102. OFFICE OF INFORMATION POLICY AND OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Section 3503 of title 44, United States Code, is amended to read as follows:

"§ 3503. Office of Information Policy and Office of Information and Regulatory Affairs

''(a)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information Policy.

''(2) The Office shall be administered by the Federal Chief Information Officer established under section 502(d) of title 31. The Director shall delegate to the Federal Chief Information Officer the authority to administer all functions under this chapter, except those delegated to the Administrator of the Office of Information and Regulatory Affairs under subsection (b)(2). Any such delegation shall not relieve the Director of responsibility for the administration of such function.

''(b)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

''(2) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter explicitly relating to information collection review. Any such delegation shall not relieve the Director of responsibility for the administration of such functions.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3503 and inserting the following:

''3503. Office of Information Policy and Office of Information and Regulatory Affairs.''.

(b) PROMOTION OF INFORMATION TECHNOLOGY.—Section 3504(h)(5) of title 44, United States Code, is amended by inserting ''direct the Federal Chief Information Officer and the Administrator of the Office of Information and Regulatory Affairs, acting jointly, to'' after ''(5)''.

(c) COORDINATION OF INFORMATION COLLECTION REVIEWS.—

(1) INFORMATION COLLECTION REVIEW.—Section 3502 of title 44, United States Code is amended—

(A) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) the term 'information collection review' means those functions described under section 3504(c) and related functions;''.

(2) COORDINATION.—Section 3504 of title 44, United States Code, is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

''(2) The Director shall ensure that the Office of Information Policy and the Office of Information and Regulatory Affairs coordinate their efforts in applying the principles developed and implemented under this section to information collection reviews.''.

(d) REFERENCES.—Reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, shall be deemed a reference to—

(1) the Office of Information Policy or the Federal Chief Information Officer, respectively, with respect to functions described under section 3503(a) of title 44, United States Code (as amended by section 103 of this Act); and

(2) the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, with respect to functions described under section 3503(b) of such title (as amended by section 103 of this Act).

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress, the Director of the Office of Management and Budget shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall submit the recommended legislation referred to under paragraph (1).

SEC. 103. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

"CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

''Sec.
''3601. Definitions.
''3602. Federal Chief Information Officer functions.
''3603. Chief Information Officers Council.
''3604. E-Government Fund.

"§ 3601. Definitions

''In this chapter, the definitions under section 3502 shall apply, and the term—

''(1) 'Council' means the Chief Information Officers Council established under section 3603;

''(2) 'Cross-Sector Forum' means the Cross-Sector Forum on Information Resources Management established under section 3602(a)(10);

''(3) 'Fund' means the E-Government Fund established under section 3604;

''(4) 'interoperability' means the ability of different software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner; and

''(5) 'integrated service delivery' means the provision of Internet-based Federal Government information or services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

"§ 3602. Federal Chief Information Officer functions

''(a) Subject to the direction and approval of the Director of the Office of Management Budget, and subject to requirements of this chapter, the Federal Chief Information Officer shall perform information resources management functions as follows:

''(1) Perform all functions of the Director, including all functions delegated by the President to the Director, relating to information resources management.

''(2) Perform the following functions with respect to information resources management:

''(A) Under section 5112 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1412), review agency budget requests related to information technology capital planning and investment.

''(B) Under section 5113 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1413), evaluate the investments referred to under subparagraph (A) with respect to performance and results.

''(C) Review legislative proposals related to information technology capital planning and investment.

''(D) Advise the Director on the resources required to develop and effectively operate and maintain Federal Government information systems.

''(E) Recommend to the Director changes relating to Governmentwide strategies and priorities for information resources management.

''(3) Provide overall leadership and direction to the executive branch on information policy by establishing information resources management policies and requirements, and by reviewing each agency's performance in acquiring, using, and managing information resources.

''(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

''(5) Administer the distribution of funds from the E-Government Fund established under section 3604.

''(6) Consult with the Administrator of General Services regarding the use of the Information Technology Fund established under section 110 of the Federal Property and Administrative Coordinate Services Act of 1949 (40 U.S.C. 757), and coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by agencies.

''(7) Chair the Chief Information Officers Council established under section 3603.

''(8) Establish and promulgate information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) based on the recommendations of the National Institute of Standards and Technology, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, and interested parties from the private and nonprofit sectors and State, local, and tribal governments, as follows:

''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

''(B) Standards and guidelines for categorizing and electronically labeling Federal Government electronic information, to enhance electronic search capabilities.

''(C) Standards and guidelines for Federal Government computer system efficiency and security.

''(9) Establish a regular forum for consulting and communicating with leaders in information resources management in the legislative and judicial branches to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources.

''(10) Establish a regular forum for consulting and communicating with leaders in information resources management in State, local, and tribal governments (including the National Association of State Information Resources Executives) to encourage collaboration and enhance understanding of best

practices and innovative approaches in acquiring, using, and managing information resources.

''(11) Establish a regular forum for consulting and communicating with program managers and leaders in information resources management in the regulatory executive branch agencies to encourage collaboration and enhance understanding of best practices and innovative approaches related to the acquisition, use, and management of information resources in regulatory applications.

''(12) Establish a Cross-Sector Forum on Information Resources Management, subject to the Federal Advisory Committee Act (5 U.S.C. App.), as a periodic colloquium with representatives from Federal agencies (including Federal employees who are not supervisors or management officials as such terms are defined under section 7103(a) (10) and (11), respectively) and the private, nonprofit, and academic sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources. The Cross-Sector Forum shall be used for the following:

''(A) To develop innovative models for Government information resources management and for Government information technology contracts. These models may be developed through focused Cross-Sector Forum discussions or using separately sponsored research.

''(B) To identify opportunities for performance-based shared-savings contracts as a means of increasing the quantity and quality of Government information and services available through the Internet.

''(C) To identify opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions.

''(D) To identify mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies.

''(E) To identify opportunities for public-private collaboration in addressing the disparities in access to the Internet and information technology.

''(F) To develop guidance to advise agencies and private companies on any relevant legal and ethical restrictions.

''(13) Direct the establishment, maintenance, and promotion of an integrated Internet-based system of delivering Government information and services to the public. To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

''(A) The provision of Internet-based Government information and services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

''(B) An ongoing effort to ensure that all Internet-based Government services relevant to a given citizen activity are available from a single point.

''(C) Standardized methods for navigating Internet-based Government information and services.

''(D) The consolidation of Federal Government information and services with Internet-based information and services provided by State, local, and tribal governments.

''(14) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

''(15) Assist Federal agencies, the United States Access Board, the General Services Administration, and the Attorney General in—

''(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. section 794d); and

''(B) ensuring compliance with those standards through the budget review process and other means.

''(16) Administer the Office of Information Policy established under section 3503.

''(b) The Director of the Office of Management and Budget shall consult with the Federal Chief Information Officer on each agency budget request and legislative proposal described under subsection (a)(2).

''(c) The Federal Chief Information Officer shall appoint the employees of the Office. The Director of the Office of Management and Budget shall ensure that the Office of Information Policy has adequate employees and resources to properly fulfill all functions delegated to the Office and the Federal Chief Information Officer.

''(d) There are authorized to be appropriated $15,000,000 for the establishment, maintenance, and promotion of the integrated Internet-based system established under subsection (a)(13) for fiscal year 2002, and such sums as are necessary for fiscal years 2003 through 2006.

''§ 3603. Chief Information Officers Council

''(a) There is established in the executive branch a Chief Information Officers Council.

''(b) The members of the Council shall be as follows:

''(1) The chief information officer of each agency described under section 901(b) of title 31.

''(2) The chief information officer of the Central Intelligence Agency.

''(3) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for these departments under section 3506(a)(2)(B).

''(4) Any other officers or employees of the United States designated by the Federal Chief Information Officer.

''(c)(1) The Federal Chief Information Officer shall be the Chairman of the Council.

''(2)(A) The Deputy Chairman of the Council shall be selected by the Council from among its members.

''(B) The Deputy Chairman shall serve a 1-year term, and may serve multiple terms.

''(3) The Administrator of General Services shall provide administrative and other support for the Council, including resources provided through the Information Technology Fund established under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757).

''(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources. The Council shall perform the following functions:

''(1) Develop recommendations for the Federal Chief Information Officer on Government information resources management policies and requirements.

''(2) Assist the Federal Chief Information Officer in developing and maintaining the Governmentwide strategic information resources management plan required under section 3506.

''(3) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

''(4) Assist the Federal Chief Information Officer in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

''(5) Provide recommendations to the Federal Chief Information Officer regarding the distribution of funds from the E-Government Fund established under section 3604.

''(6) Coordinate the development and use of common performance measures for agency information resources management under section 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1423).

''(7) Work as appropriate with the National Institute of Standards and Technology to develop recommendations for the Federal Chief Information Officer on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), as follows:

''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

''(B) Standards and guidelines for categorizing and electronically labeling Government electronic information, to enhance electronic search capabilities.

''(C) Standards and guidelines for Federal Government computer system efficiency and security.

''(8) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

''§ 3604. E-Government Fund

''(a) There is established in the Treasury of the United States an E-Government Fund, which shall be available without fiscal year limitation.

''(b) The Fund shall be used to fund interagency information technology projects, and other innovative uses of information technology. The Fund shall be operated as follows:

''(1) Any member of the Council, including the Federal Chief Information Officer, may propose a project to be funded from the Fund.

''(2) On a regular basis, an appropriate committee within the Council shall review candidate projects for funding eligibility, and make recommendations to the Federal Chief Information Officer on which projects should be funded from the Fund. The review committee shall consider the following:

''(A) The relevance of this project in supporting the missions of the affected agencies and other statutory provisions.

''(B) The usefulness of interagency collaboration on this project in supporting integrated service delivery.

''(C) The usefulness of this project in illustrating a particular use of information technology that could have broader applicability within the Government.

''(D) The extent to which privacy and information security will be provided in the implementation of the project.

''(E) The willingness of the agencies affected by this project to provide matching funds.

''(F) The availability of funds from other sources for this project.

''(3) After considering the recommendations of the Council, the Federal Chief Information Officer shall have final authority to determine which of the candidate projects shall be funded from the Fund.

''(c) The Fund may be used to fund the integrated Internet-based system under section 3602(a)(13).

''(d) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Federal Chief Information Officer has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House

of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditure will further the purposes of this chapter.

''(e) The Federal Chief Information Officer shall submit an annual report to the President and Congress on the operation of the Fund. The report shall describe—

''(1) all projects which the Federal Chief Information Officer has approved for funding from the Fund;

''(2) the results that have been achieved to date for these funded projects; and

''(3) any recommendations for changes to the amount of capital appropriated annually for the Fund, with a description of the basis for any such recommended change.

''(f) There are authorized to be appropriated to the Fund $200,000,000 in each of the fiscal years 2002 through 2004, and such sums as may be necessary for fiscal years 2005 and 2006.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

''36. Management and Promotion of Electronic Government Services .. 3601''.

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 201. FEDERAL AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall be responsible for—

(1) complying with the requirements of this Act (including the amendments made by this Act) and the related information resource management policies and information technology standards established by the Federal Chief Information Officer;

(2) ensuring that the policies and standards established by the Federal Chief Information Officer and the Chief Information Officers Council are communicated promptly and effectively to all relevant managers with information resource management responsibilities within their agency; and

(3) supporting the efforts of the Federal Chief Information Officer to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under chapter 36 of title 44, United States Code (as added by section 103 of this Act).

(b) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by section 103 of this Act), shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council; and

(2) monitoring the implementation, within their respective agencies, of information technology standards established by the Federal Chief Information Officer, including common standards for interconnectivity and interoperability, categorization and labeling of Federal Government electronic information, and computer system efficiency and security.

(c) E-GOVERNMENT STATUS REPORT.—

(1) IN GENERAL.—Each agency shall compile and submit to the Federal Chief Information Officer an E-Government Status Report on the current status of agency information and agency services available online.

(2) CONTENT.—Each report under this subsection shall contain—

(A) a list and brief description of the agency services available online;

(B) a list, by number and title, of the 25 most frequently requested agency forms available online, annotated to indicate which forms can be submitted to the agency electronically; and

(C) a summary of the type, volume, general topical areas, and currency of agency information available online.

(3) SUBMISSION.—Not later than March 1, of each year, each agency shall submit a report under this subsection to the Federal Chief Information Officer.

(4) CONSOLIDATION OF REPORTS.—Section 3516(a)(2) of title 31, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) Any E-Government Status Report under section 201(c) of the E-Government Act of 2001.''.

SEC. 202. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant procedures and standards promulgated by the Director of the Office of Management and Budget.

(b) BRIDGE AUTHORITY FOR DIGITAL SIGNATURES.—The Administrator of the General Services Administration shall support the Director of the Office of Management and Budget by establishing the Federal bridge certification authority which shall provide a central authority to allow efficient interoperability among Executive agencies when certifying digital signatures.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, $7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 203. ONLINE FEDERAL TELEPHONE DIRECTORY.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The Administrator of the General Services Administration, in coordination with the Chief Information Officers Council, shall develop and promulgate an online Federal telephone directory.

(2) ORGANIZATION.—Information in the online Federal telephone directory shall be organized and retrievable both by function and by agency name.

(3) TELEPHONE DIRECTORIES.—Information compiled for publication in the online Federal telephone directory shall be provided to local telephone book publishers, to encourage publication and dissemination of functionally arranged directories in local Federal blue pages.

(b) EXECUTIVE AGENCIES.—

(1) IN GENERAL.—Each Executive agency (as defined under section 105 of title 5, United States Code) shall publish an online agency directory, accessible by electronic link from the online Federal telephone directory.

(2) CONTENT.—Each agency directory—

(A) shall include telephone numbers and electronic mail addresses for principal departments and principal employees, subject to security restrictions and agency judgment; and

(B) shall be electronically searchable.

SEC. 204. ONLINE NATIONAL LIBRARY.

(a) IN GENERAL.—The Director of the National Science Foundation, the Secretary of the Smithsonian Institution, the Director of the National Park Service, the Director of the Institute of Museum and Library Services, and the Librarian of Congress shall establish an Online National Library after consultation with—

(1) the private sector;

(2) public, research, and academic libraries;

(3) historical societies;

(4) archival institutions; and

(5) other cultural and academic organizations.

(b) FUNCTIONS.—The Online National Library—

(1) shall provide public access to an expanding database of educational resource materials, including historical documents, photographs, audio recordings, films, and other media as appropriate, that are significant for education and research in United States history and culture;

(2) shall be functionally integrated, so that a user may have access to the resources of the Library without regard to the boundaries of the contributing institutions; and

(3) shall include educational resource materials across a broad spectrum of United States history and culture, including the fields of mathematics, science, technology, liberal arts, fine arts, and humanities.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of developing, expanding, and maintaining this Online National Library, there are authorized to be appropriated—

(1) to the National Science Foundation $5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter; and

(2) to the Library of Congress $5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 205. FEDERAL COURTS.

(a) INDIVIDUAL COURT WEBSITES.—The Chief Justice of the United States and the chief judge of each circuit and district shall establish with respect to the Supreme Court or the respective court of appeal or district (including the bankruptcy court of that district) a website, that contains the following information or links to websites with the following information:

(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk's office and justices' or judges' chambers.

(2) Local rules and standing or general orders of the court.

(3) Individual rules, if in existence, of each justice or judge in that court.

(4) Access to docket information for each case.

(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

(6) Access to all documents filed with the courthouse in electronic form, described under subsection (c)(2).

(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

(b) MAINTENANCE OF DATA ONLINE.—

(1) UPDATE OF INFORMATION.—The information and rules on each website shall be updated regularly and kept reasonably current.

(2) CLOSED CASES.—Electronic files and docket information for cases closed for more than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section shall remain available online.

(c) ELECTRONIC FILINGS.—

(1) IN GENERAL.—Each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic

versions of the document shall be made available online.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

(B) LIMITATION.—

(i) IN GENERAL.—A party, witness, or other person with an interest may file a motion with the court to redact any document that would be made available online under this section.

(ii) REDACTION.—A redaction under this subparagraph shall be made only to—

(I) the electronic form of the document made available online; and

(II) the extent necessary to protect important privacy concerns.

(C) PRIVACY CONCERNS.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy concerns.

(d) DOCKETS WITH LINKS TO DOCUMENTS.—The Judicial Conference of the United States, in consultation with the Federal Chief Information Officer, shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

(e) COST OF PROVIDING ELECTRONIC DOCKETING INFORMATION.—Section 503(a) of the Judiciary Appropriations Act, 1992 (28 U.S.C. 1913 note) is amended in the first sentence by striking ''shall hereafter'' and inserting ''may, only to the extent necessary,''.

(f) TIME REQUIREMENTS.—Not later than 2 years after the effective date of this Act, the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

(g) OPT OUT.—

(1) IN GENERAL.—

(A) ELECTION.—

(i) NOTIFICATION.—The Chief Justice of the United States or a chief judge may submit a notification to the Administrative Office of the United States Courts to elect not to comply with any requirement of this section with respect to the Supreme Court, a court of appeals, or district (including the bankruptcy court of that district).

(ii) CONTENTS.—A notification submitted under this subparagraph shall state—

(I) the reasons for the noncompliance; and

(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

(B) EXCEPTION.—To the extent that the Supreme Court, a court of appeals, or district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

(2) REPORT.—Not later than 1 year after the effective date of this Act, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government Reform and the Judiciary of the House of Representatives that—

(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

(B) summarizes and evaluates all notifications.

SEC. 206. REGULATORY AGENCIES.

(a) INFORMATION PROVIDED BY AGENCIES ONLINE.—To the extent practicable, each agency (as defined under section 551 of title 5, United States Code) shall—

(1) establish a website with information about that agency; and

(2) post on the website all information—

(A) required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code; and

(B) made available for public inspection and copying under section 552(a) (2) and (5) of title 5, United States Code, after the effective date of this section.

(b) COMPLIANCE.—An agency may comply with subsection (a)(2) by providing hypertext links on a website directing users to other websites where such information may be found. To the extent that an agency provides hypertext links, the agency shall provide clear instructions to users on how to access the information sought within the external website to which the links direct users.

(c) SUBMISSIONS BY ELECTRONIC MEANS.—To the extent practicable, agencies shall accept submissions under section 553(c) of title 5, United States Code, by electronic means, including e-mail and telefacsimile.

(d) ELECTRONIC DOCKETING.—

(1) IN GENERAL.—To the extent practicable, agencies shall, in consultation with the Federal Chief Information Officer, and in connection with the forum established under section 3602(a)(10) of title 44, United States Code (as added by section 103 of this Act), establish and maintain on their websites electronic dockets for rulemakings under section 553 of title 5, United States Code.

(2) INFORMATION AVAILABLE.—Agency electronic dockets shall make publicly available online—

(A) all agency notices, publications, or statements in connection with each rulemaking; and

(B) to the extent practicable, all submissions under section 553(c) of title 5, United States Code, whether or not submitted electronically.

(e) OPT OUT.—

(1) IN GENERAL.—

(A) NOTIFICATION.—An agency may submit a notification to the Federal Chief Information Officer to elect to not comply with any requirement of subsection (d).

(B) CONTENTS.—A notification submitted under this paragraph shall state—

(i) the reasons for the noncompliance; and

(ii) the online methods, if any, or any alternative methods, the agency is using to provide greater public access to regulatory proceedings.

(2) REPORT.—Not later than October 1, of each year, the Federal Chief Information Officer shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives that—

(A) contains all notifications submitted to the Federal Chief Information Officer under this subsection; and

(B) summarizes and evaluates all notifications.

(f) TIME LIMITATION.—To the extent practicable, agencies shall implement subsections (a) and (b) not later than 2 years after the effective date of this Act, and subsection (c) not later than 4 years after that effective date.

SEC. 207. INTEGRATED REPORTING FEASIBILITY STUDY AND PILOT PROJECTS.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the interoperability of Federal information systems;

(2) assist the public, including the regulated community, in electronically submitting information to agencies under Federal requirements, by reducing the burden of duplicate collection and ensuring the accuracy of submitted information; and

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

(b) DEFINITIONS.—In this section, the term—

(1) ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) ''person'' means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, interstate body, or agency or component of the Federal Government.

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Federal Chief Information Officer shall conduct a study and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the feasibility of integrating Federal information systems across agencies.

(2) CONTENT.—The report under this section shall—

(A) address the feasibility of integrating data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database;

(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements; and

(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information;

(ii) provides methods for input on improving the quality and integrity of the data, including correcting errors in submission, consistent with the need to archive changes made to the data; and

(iii) allows any person to integrate public information held by the participating agencies;

(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Federal Chief Information Officer; and

(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) PILOT PROJECTS TO ENCOURAGE INTEGRATED COLLECTION AND MANAGEMENT OF DATA AND INTEROPERABILITY OF FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—In order to provide input to the study under subsection (c) the Federal Chief Information Officer shall implement a series of no more than 5 pilot projects that integrate data elements. The Federal Chief Information Officer shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation.

(2) GOALS OF PILOT PROJECTS.—

(A) IN GENERAL.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

(B) GOALS.—The goals under this paragraph are to—

(i) reduce information collection burdens by eliminating duplicative data elements within 2 or more reporting requirements;

(ii) create interoperability between or among public databases managed by 2 or more agencies using technologies and techniques that facilitate public access; and

(iii) develop, or enable the development, of software to reduce errors in electronically submitted information.

(3) INPUT.—Each pilot project shall seek input from users on the utility of the pilot project and areas for improvement.

(e) CONSULTATION IN PREPARING THE REPORT AND PILOT PROJECT.—The Federal Chief Information Officer shall coordinate with the Office of Information and Regulatory Affairs, and to the extent practicable, shall work with relevant agencies, and State, tribal, and local governments in carrying out the report and pilot projects under this section.

(f) PRIVACY PROTECTIONS.—The activities authorized in this section shall afford protections for confidential business information consistent with section 552(b)(4) of title 5, United States Code and personal privacy information under section 552a of title 5, United States Code and other relevant law.

SEC. 208. ONLINE ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.

(a) DEFINITIONS.—In this section, the term—

(1) ''essential information'' shall include—

(A) information identifying any person performing research and development under an agreement and the agency providing the funding;

(B) an abstract describing the research;

(C) references to published results; and

(D) other information determined appropriate by the interagency task force convened under this section; and

(2) ''federally funded research and development''—

(A) shall be defined by the interagency task force, with reference to applicable Office of Management and Budget circulars and Department of Defense regulations; and

(B) shall include funds provided to—

(i) institutions other than the Federal Government; and

(ii) Federal research and development centers.

(b) INTERAGENCY TASK FORCE.—The Federal Chief Information Officer shall—

(1) convene an interagency task force to—

(A) review databases, owned by the Federal Government and other entities, that collect and maintain data on federally funded research and development to—

(i) determine areas of duplication; and

(ii) identify data that is needed but is not being collected or efficiently disseminated to the public or throughout the Government;

(B) develop recommendations for the Federal Chief Information Officer on standards for the collection and electronic dissemination of essential information about federally funded research and development that addresses public availability and agency coordination and collaboration; and

(C) make recommendations to the Federal Chief Information Officer on—

(i) which agency or agencies should develop and maintain databases and a website containing data on federally funded research and development;

(ii) whether to continue using existing databases, to use modified versions of databases, or to develop another database;

(iii) the appropriate system architecture to minimize duplication and use emerging technologies;

(iv) criteria specifying what federally funded research and development projects should be included in the databases; and

(v) standards for security of and public access to the data; and

(2) not later than 1 year of the date of enactment of this Act, after offering an opportunity for public comment, promulgate standards and regulations based on the recommendations, including a determination as to which agency or agencies should develop and maintain databases and a website containing data on federally funded research and development.

(c) MEMBERSHIPS.—The interagency task force shall consist of the Federal Chief Information Officer and representatives from—

(1) the Department of Commerce;

(2) the Department of Defense;

(3) the Department of Energy;

(4) the Department of Health and Human Services;

(5) the National Aeronautics and Space Administration;

(6) the National Archives and Records Administration;

(7) the National Science Foundation;

(8) the National Institute of Standards and Technology; and

(9) any other agency determined by the Federal Chief Information Officer.

(d) CONSULTATION.—The task force shall consult with—

(1) Federal agencies supporting research and development;

(2) members of the scientific community;

(3) scientific publishers; and

(4) interested persons in the private and nonprofit sectors.

(e) DEVELOPMENT AND MAINTENANCE OF DATABASE AND WEBSITE.—

(1) IN GENERAL.—

(A) DATABASE AND WEBSITE.—The agency or agencies determined under subsection (b)(2), with the assistance of any other agency designated by the Federal Chief Information Officer, shall develop—

(i) a database if determined to be necessary by the Federal Chief Information Officer; and

(ii) a centralized, searchable website for the electronic dissemination of information reported under this section, with respect to information made available to the public and for agency coordination and collaboration.

(B) CONFORMANCE TO STANDARDS.—The website and any necessary database shall conform to the standards promulgated by the Federal Chief Information Officer.

(2) LINKS.—Where the results of the federally funded research have been published, the website shall contain links to the servers of the publishers if possible. The website may include links to other relevant websites containing information about the research.

(3) OTHER RESEARCH.—The website may include information about published research not funded by the Federal Government, and links to the servers of the publishers.

(4) DEVELOPMENT AND OPERATION.—The Federal Chief Information Officer shall oversee the development and operation of the website. The website shall be operational not later than 2 years after the date of enactment of this Act.

(f) PROVISION OF INFORMATION.—Any agency that funds research and development meeting the criteria promulgated by the Federal Chief Information Officer shall provide the required information in the manner prescribed by the Federal Chief Information Officer. An agency may impose reporting requirements necessary for the implementation of this section on recipients of Federal funding as a condition of the funding.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the development and maintenance of the centralized website and any necessary database under this section, $1,000,000 in fiscal year 2002, $5,000,000 in fiscal year 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

SEC. 209. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the National Institute of Standards and Technology and other agencies, private sector experts, commercial and international standards groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information.

(b) FEDERAL CHIEF INFORMATION OFFICER.—The Federal Chief Information Officer shall—

(1) oversee the interagency initiative to develop common protocols;

(2) coordinate with State, local, and tribal governments and other interested persons on aligning geographic information; and

(3) promulgate the standards relating to the protocols.

(c) COMMON PROTOCOLS.—The common protocols shall be designed to—

(1) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible; and

(2) promote the development of interoperable geographic information systems technologies that will allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public.

SEC. 210. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.

Section 5311 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 692; 40 U.S.C. 1491) is amended—

(1) in subsection (a)—

(A) by striking ''the heads of two executive agencies to carry out'' and inserting ''heads of executive agencies to carry out a total of five projects under'';

(B) by striking ''and'' at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(D) by adding at the end the following:

''(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

''(A) to retain, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

''(i) the total amount of the savings; over

''(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

''(B) to use the retained amount to acquire additional information technology.'';

(2) in subsection (b)—

(A) by inserting ''a project under'' after ''authorized to carry out''; and

(B) by striking ''carry out one project and''; and

(3) by striking subsection (c) and inserting the following:

''(c) EVOLUTION BEYOND PILOT PROGRAM.—(1) The Administrator may provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government if—

''(A) after reviewing the experience under the five projects carried out under the pilot program under subsection (a), the Administrator finds that the approach offers the Federal Government an opportunity to improve its use of information technology and to reduce costs; and

''(B) issues guidance for the exercise of that authority.

''(2) For the purposes of paragraph (1), a share-in-savings contracting approach provides for contracting as described in paragraph (1) of subsection (a) together with the sharing and retention of amounts saved as described in paragraphs (2) and (3) of that subsection.

''(3) In exercising the authority provided to the Administrator in paragraph (1), the Administrator shall consult with the Federal Chief Information Officer.

''(d) AVAILABILITY OF RETAINED SAVINGS.—(1) Amounts retained by the head of an executive agency under subsection (a)(3) or (c) shall, without further appropriation, remain available until expended and may be used by the executive agency for any of the following purposes:

''(A) The acquisition of information technology.

''(B) Support for share-in-savings contracting approaches throughout the agency including—

''(i) education and training programs for share-in-savings contracting;

''(ii) any administrative costs associated with the share-in-savings contract from which the savings were realized; or

''(iii) the cost of employees who specialize in share-in-savings contracts.

''(2) Amounts so retained from any appropriation of the executive agency not otherwise available for the acquisition of information technology shall be transferred to any appropriation of the executive agency that is available for such purpose.''.

SEC. 211. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

(a) IN GENERAL.—

(1) STUDY ON ENHANCEMENT OF CRISIS RESPONSE.—Not later than 90 days after the date of enactment of this Act, the Federal Emergency Management Agency shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study on using information technology to enhance crisis response and consequence management of natural and manmade disasters.

(2) CONTENT.—The study under this subsection shall address—

(A) a research and implementation strategy for effective use of information technology in crisis response and consequence management, including the more effective use of technologies, management of information technology research initiatives, and incorporation of research advances into the information and communications systems of—

(i) the Federal Emergency Management Agency; and

(ii) other Federal, State, and local agencies responsible for crisis response and consequence management; and

(B) opportunities for research and development on enhanced technologies for—

(i) improving communications with citizens at risk before and during a crisis;

(ii) enhancing the use of remote sensor data and other information sources for planning, mitigation, response, and advance warning;

(iii) building more robust and trustworthy systems for communications in crises;

(iv) facilitating coordinated actions among responders through more interoperable communications and information systems; and

(v) other areas of potential improvement as determined during the course of the study.

(3) REPORT.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the National Research Council shall submit a report on the study, including findings and recommendations to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Government Reform of the House of Representatives; and

(C) the Federal Emergency Management Agency.

(4) INTERAGENCY COOPERATION.—The Federal Emergency Management Agency and other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the National Research Council in carrying out this section.

(5) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For the purpose of facilitating the commencement of the study under this section, the Federal Emergency Management Agency and other relevant agencies shall expedite to the fullest extent possible the processing of security clearances that are necessary for the National Research Council.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, $800,000 for fiscal year 2002.

(b) PILOT PROJECTS.—Based on the results of the research conducted under subsection (a), the Federal Chief Information Officer shall initiate pilot projects with the goal of maximizing the utility of information technology in disaster management. The Federal Chief Information Officer shall cooperate with the Federal Emergency Management Agency, other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

SEC. 212. FEDERAL INFORMATION TECHNOLOGY TRAINING CENTER.

(a) IN GENERAL.—In consultation with the Federal Chief Information Officer, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall establish and operate a Federal Information Technology Training Center (in this section referred to as the ''Training Center'').

(b) FUNCTIONS.—The Training Center shall—

(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(2) design curricula, training methods, and training schedules that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

(3) recruit and train Federal employees in information technology disciplines, as necessary, at a rate that ensures that the Federal Government's information resource management needs are met.

(c) CURRICULA.—The curricula of the Training Center—

(1) shall cover a broad range of information technology disciplines corresponding to the specific needs of Federal agencies;

(2) shall be adaptable to achieve varying levels of expertise, ranging from basic nonoccupational computer training to expert occupational proficiency in specific information technology disciplines, depending on the specific information resource management needs of Federal agencies;

(3) shall be developed and applied according to rigorous academic standards; and

(4) shall be designed to maximize efficiency through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing training effectiveness or negatively impacting academic standards.

(d) EMPLOYEE PARTICIPATION.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, agencies shall encourage their employees to participate in the occupational information technology curricula of the Training Center.

(e) AGREEMENTS FOR SERVICE.—Employees who participate in full-time training at the Training Center for a period of 6 months or longer shall be subject to an agreement for service after training under section 4108 of title 5, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for developing and operating the Training Center, $7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 213. COMMUNITY TECHNOLOGY CENTERS.

(a) STUDY AND REPORT.—Not later than 2 years after the effective date of this Act, the Secretary of Education, in consultation with the Secretary of Agriculture, the Secretary of Housing and Urban Development, the National Telecommunications and Information Administration, and the Federal Chief Information Officer, shall—

(1) conduct a study to evaluate the best practices of community technology centers that receive Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Government Reform of the House of Representatives; and

(D) the Committee on Education and the Workforce of the House of Representatives.

(b) CONTENT.—The report shall include—

(1) an evaluation of the best practices being used by successful community technology centers;

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers receiving Federal funds, including—

(A) each center's name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—

(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources.

(c) COOPERATION.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for the completion of the study and the report under this section.

(d) ASSISTANCE.—

(1) IN GENERAL.—The Federal Chief Information Officer shall work with the Department of Education, other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) TYPES OF ASSISTANCE.—Assistance under this paragraph may include—

(A) contribution of funds;

(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(e) TRAINING CENTER.—The Federal Information Technology Training Center established under section 212 of this Act shall make applicable information technology curricula available to members of the public through the community technology centers.

(f) ONLINE TUTORIAL.—

(1) IN GENERAL.—The Secretary of Education, in consultation with the Federal Chief Information Officer, the National Science Foundation, and other interested persons, shall develop an online tutorial that—

(A) explains how to access information and services on the Internet; and

(B) provides a guide to available online resources.

(2) DISTRIBUTION.—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

(g) PROMOTION OF COMMUNITY TECHNOLOGY CENTERS.—In consultation with other agencies and organizations, the Department of Education shall promote the availability of community technology centers to raise awareness within each community where such a center is located.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education for the study of best practices at community technology centers, for the development and dissemination of the online tutorial, and for the promotion of community technology centers under this section $2,000,000 in fiscal year 2002, $2,000,000 in fiscal year 2003, and such sums as are necessary in fiscal years 2004 through 2006.

SEC. 214. DISPARITIES IN ACCESS TO THE INTERNET.

(a) STUDY AND REPORT.—Not later than 1 year after the effective date of this Act—

(1) the Federal Chief Information Officer shall enter into an agreement with a nonprofit, nonpartisan organization to conduct a study on disparities in Internet access across various demographic distributions; and

(2) the nonprofit, nonpartisan organization shall conduct the study and submit a report to—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(b) CONTENT.—The report shall include a study of—

(1) how disparities in Internet access influence the effectiveness of online Government services;

(2) how the increase in online Government services is influencing the disparities in Internet access; and

(3) any related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

(c) RECOMMENDATIONS.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

(d) POLICY CONSIDERATIONS.—When promulgating policies and implementing programs regarding the provision of services over the Internet, the Federal Chief Information Officer and agency heads shall—

(1) consider the impact on persons without access to the Internet; and

(2) ensure that the availability of Government services has not been diminished for individuals who lack access to the Internet.

(e) TECHNOLOGY CONSIDERATIONS.—To the extent feasible, the Federal Chief Information Officer and agency heads shall pursue technologies that make Government services and information more accessible to individuals who do not own computers or have access to the Internet.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $950,000 in fiscal year 2002 to carry out this section.

SEC. 215. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

(a) DEFINITIONS.—In this section, the term—

(1) ''agency'' has the meaning given under section 3502(1) of title 44, United States Code;

(2) ''Board'' means the Advisory Board on Government Information established under subsection (b);

(3) ''Government information'' means information created, collected, processed, disseminated, or disposed of by or for the Federal Government;

(4) ''information'' means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms; and

(5) ''permanent public access'' means the process by which applicable Government information that has been disseminated on the Internet is preserved for current, continuous, and future public access.

(b) ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is established the Advisory Board on Government Information. The Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(2) MEMBERS.—The Federal Chief Information Officer shall appoint the members of the Board who shall include representatives from appropriate agencies and interested persons from the public, private, and nonprofit sectors.

(3) FUNCTIONS.—The Board shall conduct studies and submit recommendations as provided by this section to the Federal Chief Information Officer.

(4) TERMINATION.—The Board shall terminate 3 years after the effective date of this Act.

(c) CATALOGUING AND INDEXING STANDARDS.—

(1) AGENCY FUNCTIONS.—

(A) REPORTS.—Not later than 180 days after the effective date of this Act, each agency shall submit a report to the Board on all cataloguing and indexing standards used by that agency, including taxonomies being used to classify information.

(B) PRIORITIES AND SCHEDULES.—Not later than 180 days after the issuance of a circular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for making the agency indexing and cataloguing standards fully interoperable with other standards in use in the Federal Government.

(2) BOARD FUNCTIONS.—The Board shall—

(A) not later than 1 year after the effective date of this Act—

(i) review cataloguing and indexing standards used by agencies; and

(ii) determine whether the systems using those standards are generally recognized, in the public domain, and interoperable; and

(B) not later than 18 months after the effective date of this Act—

(i) consult interested persons;

(ii) analyze and determine agency public domain standards that are not fully interoperable with other standards; and

(iii) recommend priorities and schedules for making such standards fully interoperable.

(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

(A) PROHIBITION OF PROPRIETARY SYSTEMS.—

(i) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Federal Chief Information Officer shall prohibit agencies from using any system the Federal Chief Information Officer determines to be proprietary.

(ii) WAIVER.—The Federal Chief Information Officer may waive the application of clause (i), if the Federal Chief Information Officer determines there is a compelling reason to continue the use of the system.

(B) INTEROPERABILITY STANDARDS.—Not later than 18 months after the effective date of this Act and after public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations requiring the interoperability standards of cataloguing and indexing standards used by agencies.

(d) PERMANENT PUBLIC ACCESS STANDARDS.—

(1) AGENCY FUNCTIONS.—

(A) REPORT TO BOARD.—Not later than 180 days after the effective date of this Act, each agency shall submit a report to the Board on any action taken by the agency to—

(i) preserve public access to information disseminated by the Federal Government on the Internet; and

(ii) set standards and develop policies to ensure permanent public access to information disseminated by the Federal Government on the Internet.

(B) COMPLIANCE WITH REGULATIONS.—Not later than 1 year after the issuance of the circular or the promulgation of final regulations under paragraph (3), and on October 1, of each year thereafter, each agency shall submit a report on compliance of that agency with such regulations to—

(i) the Federal Chief Information Officer;

(ii) the Committee on Governmental Affairs of the Senate; and

(iii) the Committee on Government Reform of the House of Representatives.

(2) BOARD FUNCTIONS.—

(A) RECOMMENDED STANDARDS.—Not later than 30 months after the effective date of this Act and after consultation with interested persons, the Board shall submit recommendations to the Federal Chief Information Officer on standards for permanent public access to information disseminated by the Federal Government on the Internet.

(B) CONTENTS.—The recommendations under subparagraph (A) shall include—

(i) a definition of the types of information to which the standards apply; and

(ii) the process by which an agency—

(I) applies that definition to information disseminated by the agency on the Internet; and

(II) implements permanent public access.

(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

(A) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations establishing permanent public access standards for agencies.

(B) COMPLIANCE.—The Federal Chief Information Officer shall—

(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

(ii) post agency reports on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(e) INVENTORIES.—

(1) AGENCY FUNCTIONS.—

(A) IN GENERAL.—

(i) INVENTORIES.—Not later than 180 days after the effective date of this Act, each agency shall inventory agency websites, including all directories and subdirectories of such websites established by the agency or contractors of the agency.

(ii) INDIVIDUAL DOCUMENTS.—Nothing in this paragraph shall preclude an agency from inventorying individual documents on a website.

(iii) ASSISTANCE.—The Federal Chief Information Officer and the General Services Administration shall assist agencies with inventories under this subsection.

(B) COMPLETION OF INVENTORY.—Each agency shall complete inventories in accordance with the circular issued or regulations promulgated under paragraph (3) and post the inventories on the Internet.

(2) BOARD FUNCTIONS.—Not later than 1 year after the effective date of this Act, the Board shall—

(A) consult with interested parties;

(B) identify for inventory purposes all classes of Government information, except classes of information—

(i) the existence of which is classified; or

(ii) is of such a sensitive nature, that disclosure would harm the public interest; and

(C) make recommendations on—

(i) the classes of information to be inventoried; and

(ii) how the information within those classes should be inventoried.

(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

(A) GUIDANCE.—After submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Chief Information Officer, shall issue a circular or promulgate proposed and final regulations to provide guidance and requirements for inventorying under this subsection.

(B) CONTENTS.—The circular or regulations under this paragraph shall include—

(i) requirements for the completion of inventories of some portion of Government information identified by the Board;

(ii) the scope of required inventories;

(iii) a schedule for completion; and

(iv) the classes of information required to be inventoried by law.

(C) LINKING OF INVENTORIES.—The Federal Chief Information Officer shall link inventories posted by agencies under this subsection to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(f) STATUTORY AND REGULATORY REVIEW.—Not later than 180 days after the effective date of this Act, the General Accounting Office shall—

(1) conduct a review of all statutory and regulatory requirements of agencies to list and describe Government information;

(2) analyze the inconsistencies, redundancies, and inadequacies of such requirements; and

(3) submit a report on the review and analysis to—

(A) the Federal Chief Information Officer;

(B) the Committee on Governmental Affairs of the Senate; and

(C) the Committee on Government Reform of the House of Representatives.

(g) CATALOGUING AND INDEXING DETERMINATIONS.—

(1) AGENCY FUNCTIONS.—

(A) PRIORITIES AND SCHEDULES.—Not later than 180 days after the issuance of a circular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for cataloguing and indexing Government information. Agency priorities and schedules shall be made available for public review and comment and shall be linked on the Internet to an agency's inventories.

(B) COMPLIANCE WITH REGULATIONS.—Not later than 1 year after the issuance of the circular or the promulgation of final regulations under paragraph (3), and on October 1, of each year thereafter, each agency shall submit a report on compliance of that agency with such circular or regulations to—

(i) the Federal Chief Information Officer;

(ii) the Committee on Governmental Affairs of the Senate; and

(iii) the Committee on Government Reform of the House of Representatives.

(2) BOARD FUNCTIONS.—The Board shall—

(A) not later than 1 year after the effective date of this Act—

(i) review the report submitted by the General Accounting Office under subsection (f); and

(ii) review the types of Government information not covered by cataloguing or indexing requirements; and

(B) not later than 18 months after receipt of agency inventories—

(i) consult interested persons;

(ii) review agency inventories; and

(iii) make recommendations on—

(I) which Government information should be catalogued and indexed; and

(II) the priorities for the cataloguing and indexing of that Government information, including priorities required by statute or regulation.

(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

(A) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations that—

(i) specify which Government information is required to be catalogued and indexed; and

(ii) establish priorities for the cataloguing and indexing of that information.

(B) COMPLIANCE.—The Federal Chief Information Officer shall—

(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

(ii) post agency reports and indexes and catalogues on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(h) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—Not later than 1 year after the completion of the agency inventory referred to under subsection (e)(1)(B), each agency shall—

(1) consult with the Board and interested persons;

(2) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

(3) develop priorities and schedules for making that Government information available and accessible;

(4) make such final determinations, priorities, and schedules available for public comment; and

(5) post such final determinations, priorities, and schedules on an agency website with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

SEC. 216. PUBLIC DOMAIN DIRECTORY OF FEDERAL GOVERNMENT WEBSITES.

(a) DEFINITIONS.—In this section, the term—

(1) ''agency'' has the meaning given under section 3502(1) of title 44, United States Code; and

(2) ''directory'' means a taxonomy of subjects linked to websites that is created with the participation of human editors.

(b) ESTABLISHMENT.—Not later than 2 years after the effective date of this Act, the Federal Chief Information Officer and each agency shall—

(1) develop and establish a public domain directory of Federal Government websites; and

(2) post the directory on the Internet with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(c) DEVELOPMENT.—With the assistance of each agency, the Federal Chief Information Officer shall—

(1) direct the development of the directory through a collaborative effort, including input from—

(A) agency librarians;

(B) Federal depository librarians; and

(C) other interested parties; and

(2) develop a public domain taxonomy of subjects used to review and categorize Federal Government websites.

(d) UPDATE.—With the assistance of each agency, the Federal Chief Information Officer shall—

(1) update the directory; and

(2) solicit interested persons for improvements to the directory.

SEC. 217. STANDARDS FOR AGENCY WEBSITES.

Not later than 1 year after the effective date of this Act, the Federal Chief Information Officer shall promulgate standards and criteria for agency websites that include—

(1) requirements that websites include direct links to—

(A) privacy statements;

(B) descriptions of the mission and statutory authority of the agency;

(C) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(D) agency regulations, rules, and rulemakings;

(E) information about the organizational structure of the agency, with an outline linked to the agency on-line staff directory; and

(F) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

(2) minimum agency goals to assist public users to navigate agency websites, including—

(A) speed of retrieval of search results;

(B) the relevance of the results; and

(C) tools to aggregate and disaggregate data.

SEC. 218. PRIVACY PROVISIONS.

(a) DEFINITIONS.—In this section, the term—

(1) ''agency'' has the meaning given under section 551(1) of title 5, United States Code;

(2) ''information system'' means a discrete set of information resources organized for

the collection, processing, maintenance, transmission, and dissemination of information, in accordance with defined procedures that—

(A) electronically collects or maintains personally identifiable information on 10 or more individuals; or

(B) makes personally identifiable information available to the public; and

(3) ''personally identifiable information'' means individually identifiable information about an individual, including—

(A) a first and last name;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a social security number;

(F) a credit card number;

(G) a birth date, birth certificate number, or a place of birth; and

(H) any other identifier that the Federal Chief Information Officer determines permits the identification or physical or online contacting of a specific individual.

(b) PRIVACY IMPACT ASSESSMENTS.—

(1) RESPONSIBILITIES OF AGENCIES.—

(A) IN GENERAL.—Before developing or procuring an information system, or initiating a new collection of personally identifiable information that will be collected, processed, maintained, or disseminated electronically, an agency shall—

(i) conduct a privacy impact assessment;

(ii) submit the assessment to the Federal Chief Information Officer; and

(iii) after completion of any review conducted by the Federal Chief Information Officer, where practicable—

(I) publish the assessment in the Federal Register; or

(II) disseminate the assessment electronically.

(B) SENSITIVE INFORMATION.—Subparagraph (A)(iii) may be modified or waived to protect classified, sensitive, or private information contained in an assessment.

(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.—A privacy impact assessment shall include—

(A) a description of—

(i) the information to be collected;

(ii) the purpose for the collection of the information and the reason each item of information is necessary and relevant;

(iii)(I) any notice that will be provided to persons from whom information is collected; and

(II) any choice that an individual who is the subject of the collection of information shall have to decline to provide information;

(iv) the intended uses of the information and proposed limits on other uses of the information;

(v) the intended recipients or users of the information and any limitations on access to or reuse or redisclosure of the information;

(vi) the period for which the information will be retained;

(vii) whether and by what means the individual who is the subject of the collection of information—

(I) shall have access to the information about that individual; or

(II) may exercise other rights under section 552a of title 5, United States Code; and

(viii) security measures that will protect the information;

(B) an assessment of the potential impact on privacy relating to risks and mitigation of risks; and

(C) other information and analysis required under guidance issued by the Federal Chief Information Officer.

(3) RESPONSIBILITIES OF THE FEDERAL CHIEF INFORMATION OFFICER.—The Federal Chief Information Officer shall—

(A)(i) develop policies and guidelines for agencies on the conduct of privacy impact assessments; and

(ii) oversee the implementation of the privacy impact assessment process throughout the Government;

(B) require agencies to conduct privacy impact assessments in—

(i) developing or procuring an information system; or

(ii) planning for the initiation of a new collection of personally identifiable information;

(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Federal Chief Information Officer determines appropriate;

(D) assist agencies in developing privacy impact assessment policies; and

(E) encourage officers and employees of an agency to consult with privacy officers of that agency in completing privacy impact assessments.

(c) PRIVACY PROTECTIONS ON AGENCY WEBSITES.—

(1) PRIVACY POLICIES ON WEBSITES.—

(A) GUIDELINES FOR NOTICES.—The Federal Chief Information Officer shall develop guidelines for privacy notices on agency websites.

(B) CONTENTS.—The guidelines shall require that a privacy notice include a description of—

(i) information collected about visitors to the agency's website;

(ii) the intended uses of the information collected;

(iii) the choices that an individual may have in controlling collection or disclosure of information relating to that individual;

(iv) the means by which an individual may be able to—

(I) access personally identifiable information relating to that individual that is held by the agency; and

(II) correct any inaccuracy in that information;

(v) security procedures to protect information collected online;

(vi) the period for which information will be retained; and

(vii) the rights of an individual under statutes and regulations relating to the protection of individual privacy, including section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of that title (commonly referred to as the Freedom of Information Act).

(2) PRIVACY POLICIES IN MACHINE-READABLE FORMATS.—

(A) IN GENERAL.—The Federal Chief Information Officer shall promulgate guidelines and standards requiring agencies to translate privacy policies into a standardized machine-readable format.

(B) WAIVER OR MODIFICATION.—The Federal Chief Information Officer may waive or modify the application of subparagraph (A), if the Federal Chief Information Officer determines that—

(i) such application is impracticable; or

(ii) a more practicable alternative shall be implemented.

(C) NOTIFICATION.—Not later than 30 days after granting a waiver or modification under subparagraph (B), the Federal Chief Information Officer shall notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives of the reasons for the waiver or modification.

SEC. 219. ACCESSIBILITY TO PEOPLE WITH DISABILITIES.

All actions taken by Federal departments and agencies under this Act shall be in compliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

SEC. 220. NOTIFICATION OF OBSOLETE OR COUNTERPRODUCTIVE PROVISIONS.

If the Federal Chief Information Officer makes a determination that any provision of this Act (including any amendment made by this Act) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or any other reason, the Federal Chief Information Officer shall submit notification of that determination to—

(1) the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Government Reform of the House of Representatives.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Except for those purposes for which an authorization of appropriations is specifically provided in this Act, including the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary to carry out this Act for each of fiscal years 2002 through 2006.

SEC. 302. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 120 days after the date of enactment of this Act.

E-GOVERNMENT ACT OF 2001—SECTION-BY-SECTION DESCRIPTION

TITLE I: OFFICE OF MANAGEMENT AND BUDGET E-GOVERNMENT SERVICES

Sec. 101: Federal Chief Information Officer (CIO)

Establishes a Federal CIO, reporting directly to the Director of OMB, with responsibility for the development, application, and management of information resources for the federal government. The Federal CIO is appointed by the President and confirmed by the Senate. Delegates to the Federal CIO responsibility for implementation of the Privacy Act, oversight of information technology (IT) capital planning and performance pursuant to the Clinger Cohen Act, oversight of implementation of the Government Paperwork Elimination Act, promulgation of federal computer systems standards and guidelines, consultation on expenditures from GSA's IT fund, and government-wide statistical policy.

Sec. 102: Office of Information Policy and Office of Information and Regulatory Affairs

Establishes the new Office of Information Policy, headed by the Federal CIO. The existing Office of Information and Regulatory Affairs retains responsibility for information collection review functions. Other functions prescribed by the Paperwork Reduction Act, such as information dissemination functions, are the responsibility of the Federal CIO and the Office of Information Policy. Specifies that the offices will coordinate their efforts.

Sec. 103: Management and Promotion of Electronic Government Services

Creates a new Chapter 36 in Title 44 of the United States Code.

Section 3602 specifies some of the Federal CIO's information resource management (IRM) functions, which include: Reviewing agency budget requests related to IT capital planning and investment; evaluating those investments with respect to performance and results; reviewing legislative proposals related to IT capital planning and investment; advising the OMB Director on the resources required to effectively operate information systems; recommending to the Director changes in government-wide strategies and priorities for IRM; establishing IRM policies

and requirements for executive branch agencies; promoting innovative uses of IT, especially initiatives involving multi-agency collaboration; administering the distribution of funds from an ''E-Government Fund''; consulting with the GSA Administrator on the use of the GSA's IT fund; chairing the CIO Council; establishing and promulgating IT standards and guidelines for interconnectivity and interoperability, categorizing and labeling government electronic information to enhance search capabilites, and computer system efficiency and security; establishing several forums for communicating with IRM leaders in the regulatory executive branch agencies, legislative and judicial branches, and in state, local, and tribal governments; establishing a cross-sector forum on IRM with representatives from federal agencies and the private, nonprofit, and academic sectors to encourage collaboration; developing and promoting an integrated, standardized, Internet-based system (a portal) for providing government information and services to the public by function and from a single point; coordinating with the Office of Federal Procurement Policy in implementing electronic procurement initiatives; assisting federal entities in implementing accessibility standards, and ensuring compliance with those standards; and administering the Office of Information Policy.

This section also requires the Director of OMB to ensure that the Office of Information Policy has adequate employees and resources to fulfill its statutory functions, and it authorizes $15 million for fiscal year 2002, and such sums as are necessary for fiscal years 2003 through 2006, for maintaining the Internet portal described in the section.

Section 3603 establishes a CIO Council, chaired by the federal CIO, and consisting of representation from CIO's of all major federal agencies. The Council will receive administrative and other support, including funding, from GSA. The Council is designated the principal interagency forum for improving agency practices related to all aspects of federal government information resources. Its responsibilities include: Developing recommendations for the Federal CIO on information resources management (IRM) policies, and assisting the CIO in developing a government-wide strategic plan; sharing experiences and best practices related to IRM; providing recommendations to the Federal CIO regarding the use of E-Government Fund; coordinating the development of common performance measures for agency IRM; working with NIST to develop recommendations on IT standards; and working with the OPM to address the hiring, training and professional development needs of the government with respect to IRM.

Section 3604 establishes an E-Government Fund within the Dept of the Treasury to fund interagency IT projects and other innovative uses of IT. It authorizes $200,000,000 in fiscal years 2002 through 2004 for the Fund and such sums as are necessary for fiscal years 2005 through 2006. Proposed projects are reviewed by a committee of the CIO council according to specified criteria; after receiving the committee's recommendation, the Federal CIO determines which of the projects should be funded. Appropriators and authorizing committee are notified in advance of the intended uses of the funds, and the Federal CIO reports annually to the President and Congress on the operation of the fund.

TITLE II: FEDERAL MANAGEMENT AND PROMOTION OF E-GOVERNMENT SERVICES

Sec. 201: Federal Agency Responsibilities

Specifies that federal agencies are responsible for complying with the Act and polices and standards established by the Federal CIO, and for supporting the efforts of the Federal CIO to maintain the Government's online portal. It also specifies that agency CIO's will participate in the CIO Council and monitor the implementation within their agencies of common IT standards. Each agency will submit to the Federal CIO an annual E-Government Status Report on the current status of agency information and services available online.

Sec. 202: Compatibility of Methods for Use and Acceptance of Electronic Signatures

Requires each executive agency to ensure that its methods for use and acceptance of electronic signatures are compatible with OMB procedures and standards. The GSA Administrator will support OMB by establishing the federal bridge certification authority to allow efficient interoperability among executive agencies when certifying digital signatures. GSA will be authorized $7,000,000 for FY2002 appropriations, and such sums as may be necessary each fiscal year thereafter for development and operation of a federal bridge certification authority.

Sec. 203: Online Federal Telephone Directory

Requires GSA, in coordination with the CIO Council, to develop and issue an online federal telephone directory organized and retrievable by function and by agency. The telephone directory will be provided to local telephone book publishers to encourage publication of functionally arranged directories. Executive agencies are required to publish an online agency directory, accessible by electronic links to the federal telephone directory, including contact information for principal departments and employees.

Sec. 204: Online National Library

Requires the establishment of an online national library as a collaboration between several federal agencies, including the National Science Foundation, Smithsonian, and the Library of Congress, to provide public access to educational resource materials. The materials will be functionally integrated without regard to the boundaries of the contributing institutions. For the development, expansion and maintenance of the national library, NSF and the Library of Congress are each authorized $5,000,000 for FY 2002, and such sums as may be necessary each fiscal year thereafter.

Sec. 205: Federal Courts

Requires each federal court to establish a website that would include public information such as location and contact information for courthouses, local rules, docket information for each case, and access to written opinions issued by the court, in a text searchable format. Documents filed electronically, and those converted to electronic form, shall also be made available. The Judicial Conference may promulgate rules to protect privacy concerns. The existing PACER electronic docketing system will no longer be required to charge fees to users. Court websites are required to be established no later than 2 years after the Act's effective date, with access to documents filed electronically no later than 4 years. Any court may elect not to comply with any requirement of this section, but Congress is notified of all such decisions and the reasons for the decisions.

Sec. 206: Regulatory Agencies

Requires that agencies post on their websites all information about the agencies' regulatory proceedings that is required to be published in the Federal Register. Agencies must accept submissions in regulatory proceedings by electronic means (including e-mail and fax). Agencies shall also establish electronic dockets for online rulemaking. Electronic dockets shall make available all agency notices, publications, or statements related to each rulemaking, and all submissions made pursuant to the rulemaking. Agencies can opt out of the section's electronic docket requirement. Websites are required to be established no later than 2 years after the Act's effective date, with submission by electronic means no later than 4 years.

Sec. 207: Integrated Reporting Feasibility Study and Pilot Projects

Requires the Federal CIO to conduct a study on the feasibility of integrating federal information systems across agencies by addressing the feasibility of (1) integrating data elements used in the electronic collection of information, (2) developing software for assembling, documenting, and validating the accuracy of electronically submitted data, (3) developing a distributed information system, involving at least 2 agencies, that provides public access to the information holdings of an agency, and (4) incorporating other data elements related to the purposes of this section. To collect information for the study, the Federal CIO will implement no more than 5 pilot projects that integrate data elements with the goals of reducing information collection burdens by eliminating duplicative data elements, and establishing interoperability between public databases. The resulting report, which shall be submitted to Congress within three years of the date of enactment, will include recommendations that Congress or the executive branch can implement to reduce the burden on reporting and strengthening public access.

Sec. 208: Online Access to Federally Funded Research and Development

Provides for the formation of an interagency task force to review current databases of federally funded research and development, then develop recommendations on standards for the collection and dissemination of essential information about such data that addresses both public availability and agency coordination and collaboration. No later than 1 year after enactment of this Act, the Federal CIO will promulgate standards and regulations based on the recommendations, and determine which agencies should maintain databases and a website providing online access to the information. The respective agencies will then develop any required databases and a centralized, searchable website. The website will be operational within 2 years after the date of enactment. $1,000,000 is authorized for FY 2002, $5,000,000 for FY 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

Sec. 209: Common Protocols for Geographic Information Systems (GIS)

Requires the Department of the Interior, in consultation with the National Institute of Standards and Technology, private sector experts, and other interested parties, to facilitate the development of common protocols for geographic information to maximize the electronic compatibility of geographic information from various sources and promote the development of interoperable GIS technologies for low-cost use and sharing of geographic data by government entities and the public. The Federal CIO will oversee the agency initiative and promulgate the resulting standards.

Sec. 210: Share-In-Savings Program Improvements

Encourages the use of the share-in-savings contracting approach (in which the contractor is paid from the savings realized) for IT projects, and allows the agency conducting a project to retain a portion of the savings realized, and use those funds to acquire additional information technology. If

the share-in-savings pilot projects are successful, the GSA Administrator may provide general authority to executive agencies to use the contracting approach.

Sec. 211: Enhancing Crisis Management Through Advanced Information Technology

Provides for a 2-year study, conducted by the National Academy of Sciences, to develop a research and implementation strategy for effective use of IT in crisis response and consequence management of natural and manmade disasters. The study will identify opportunities for research and development on enhanced technologies for improving communications with citizens at risk, enhancing the use of remote sensor data for planning, advance warning, and response, building more trustworthy systems for communications in crises, and facilitating coordinated actions among responders. $800,000 for FY 2002 would be authorized for the research.

Sec. 212: Federal Information Technology Training Center

Requires the establishment of an IT training center to (1) analyze the personnel needs related to IT on an ongoing basis, (2) design curricula, training methods and training schedules, and (3) recruit and train federal employees in IT disciplines at a rate that ensures that government's needs are met. The curricula will cover a broad range of IT disciplines, will be adaptable to varying levels of expertise, and will include the use of self-paced courses, online courses, on-the-job training, and remote instructors. $7,000,000 is authorized for the Office of Personnel Management for FY 2002, and such sums as may be necessary each fiscal year thereafter for developing and operating the training center.

Sec. 213: Community Technology Centers

Provides for a study by the Department of Education to evaluate the best practices being used by Community Technology Centers (CTC's) that receive federal funds; the resulting report will include an evaluation of CTC's best practices, a strategy for establishing a network to share information and resources as CTC's evolve, an analysis of whether CTC's have been deployed effectively throughout the country, a database of all CTC's receiving federal funds, and recommendations for enhancing the development of CTC's. The Federal CIO will work with relevant agencies and the private and non-profit sectors to provide assistance to CTC's, public libraries, and other institutions that provide computer and Internet access to the public. OPM will provide IT training curricula, and the Department of Education will develop an online tutorial. The Department of Education will be authorized $2,000,000 for FY2002, $2,000,000 for FY2003, and such sums as are necessary in fiscal years 2004 through 2006.

Sec. 214: Disparities in Access to the Internet

Provides for a non-profit, non-partisan organization selected by the Federal CIO to conduct a study of how disparities in Internet access influence the effectiveness of online government services. The study will include recommendations on how to ensure that online government initiatives will not have the unintended result of increasing any deficiency in public access to government services. The section also provides that when promulgating policies and implementing programs that provide services over the Internet, the Federal CIO and agency heads shall ensure that the availability of government services has not been diminished for individuals who lack access to the Internet. The Federal CIO and agency heads are also directed to pursue technologies that make government services and information more accessible to individuals who do not have access to the Internet. $950,000 is authorized in FY2002 to carry out this section.

Sec. 215: Accessibility, Usability and Preservation of Government Information

The section establishes an Advisory Board on Government Information comprised of members from federal agencies, and from the public, private and nonprofit sectors. Based on information provided by each agency, the Board will recommend standards for (1) establishing permanent public access to government information disseminated on the Internet, (2) developing inventories of government information, and (3) cataloguing and indexing government information. Based on these recommendations, and after public notice and opportunity for comment, the federal CIO will promulgate standards and issue regulations, which agencies will then implement. Specifically, this section requires that the following steps be taken:

Permanent Public Access: The Board will make recommendations on standards for permanent public access to government information disseminated on the Internet, including a definition of the types of information to which the standards apply, and the process for implementing permanent public access (due 30 months after enactment). The Federal CIO will issue regulations requiring standards for permanent public access, and agencies will implement the standards. Agencies are also required to report annually on their efforts in this area.

Inventories of Government Information: The Board will identify all classes of government information, and recommend which classes of information should be inventoried and how the inventories should be conducted. The Federal CIO will then issue regulations describing the scope and timetables for the inventories. Completed agency inventories will be posted online and linked to the federal government portal. Agencies are also required to inventory their websites, and electronically post the inventories, within 180 days of the Act's effective date.

Cataloguing and Indexing of Government Information: The Board will review cataloguing and indexing standards currently used by federal agencies, and determine whether they are in the public domain and interoperable (due 18 months after the Act's effective date). The Federal CIO will issue regulations requiring interoperable standards that are in the public domain. The Board will also review completed agency inventories and existing statutory and regulatory requirements, and recommend which government information should be catalogued and indexed, and the priorities for completing that work. The Federal CIO will then issue regulations specifying which government information shall be catalogued and indexed, and setting timetables. Indexes and catalogues completed by agencies will be posted on a centralized searchable database, which will be linked to the Federal Government portal.

Agencies will also determine, after public comment, which information to make available on the Internet, and shall develop priorities and schedules for doing so (due 1 year after the completion of agency inventories).

Sec. 216: Public Domain Directory of Federal Government Websites

Requires the development, through interagency collaboration, of a public domain directory of federal government websites on the Internet. The directory will be based on a taxonomy of subjects used to categorize Federal Government websites, and will be linked to the Federal Government portal.

Sec. 217: Standards for Agency Websites

Requires the federal CIO to promulgate standards and criteria for agency websites no later than 1 year after the Act's effective date. These standards include requiring links to (1) privacy statements, (2) descriptions of an agency's mission and statutory authority, (3) electronic reading rooms, (4) agency regulations, rules and rulemaking materials, (5) information about the organizational structure of the agency, and (6) an agency's strategic plans. The standards will also include minimum requirements to aid in navigating websites, such as speed of retrieval of search results, the relevance of the results, and tools to aggregate and disaggregate data.

Sec. 218: Privacy Provisions

Specifies that an agency will conduct a privacy impact assessment before developing or procuring an information system, or initiating a new collection of personally identifiable information that will be processed electronically. The assessment will be submitted to the federal CIO and include a description of: the information to be collected, the purpose for the collection and reason each item is necessary, any notice that will be provided to persons from whom the information is collected, and any choice that an individual who is the subject of the collected information has to decline to provide the information, the intended uses of the information and proposed limits on other uses, the intended users or recipients of the information and any limitations on reuse or redisclosure, the retention period, whether and by what means the individual who is the subject of collected information has access to that information, and security measures to protect the information.

The section also requires the Federal CIO to establish guidelines mandating the posting of privacy notices on agency websites, and lists information that must be included in privacy policies. The Federal CIO will also promulgate guidelines requiring agencies to translate privacy policies into a standardized machine readable format.

Sec. 219: Accessibility to People with Disabilities

Specifies that all actions taken by the federal government under this Act will comply with section 508 of the Rehabilitation Act of 1973.

Sec. 220: Notification of Obsolete or Counterproductive Provisions

Specifies that if the Federal CIO determines that any provisions of this Act is obsolete or counterproductive, as a result of changes in technology or any other reason, the Federal CIO will notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

TITLE III: AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

Sec 301: Authorization of Appropriations

Except for those purposes for which the Act specifically provides an authorization, authorizes to be appropriated such sums as may be necessary to carry out the Act for fiscal years 2002 through 2006.

Sec 302: Effective Date

Specifies that the Act shall take effect 120 days after the date of enactment.

Mr. McCAIN. Mr. President, I would like to join my colleagues, Senator LIEBERMAN, Senator BURNS, Senator BINGAMAN, Senator FITZGERALD, Senator DASCHLE, Senator CARPER, Senator DURBIN, Senator JOHNSON, Senator KERRY, Senator LEAHY, and Senator LEVIN today in introducing the E-Government Act of 2001. I believe that this bill will play an important role in making the federal government more responsive to our citizens.

Currently, it can be very challenging for most Americans to find the information they need about their government. For example, if someone was looking for information on an issue pertaining to international trade, he or she would have to look at the web sites of the Department of Commerce, United States Trade Representative, International Trade Commission, possibly the Department of State or Agriculture, and a myriad of House and Senate Committees to find the information they seek. This process will undoubtedly frustrate the average American, and reinforce feelings of a remote, confusing government. Today, less than one percent of current interactions between government and citizens are online. There is clearly need for improvement.

This legislation will help create a coordinated government electronic policy. By establishing a Federal Chief Information Officer to operate within the Office of Management and Budget, the federal government will use staff and resources more effectively to promote e-government and address the nation's other pressing information policy issues. In addition, the bill establishes an Interagency Information Technology Fund to break down existing bureaucratic barriers, and set up a ''one-stop shopping'' portal that will make it easier for the public to access information. Finally, the bill will task the Office of Personnel Management to respond to the shortage of skilled Information Technology professionals in the federal government.

This bill is not simple, and I realize that some issues it raises must still be resolved. I believe that the Administration and relevant Congressional oversight committees must be involved in this process. I know that my colleague, the Chairman of the Government Affairs Committee, Senator THOMPSON, will examine this issue, and I would like to work with him to resolve any issues that he, or any other Member, may have with this legislation.

In conclusion, I urge my colleagues to support this legislation. It is important that we seriously examine how to use the Internet and other electronic commerce processes to make the federal government more open to public scrutiny.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. SCHUMER, Ms. COLLINS, and Mr. REED):

S. 804. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I am very pleased today to be joined by Senator OLYMPIA SNOWE to introduce this important legislation to gradually phase-in the fuel efficiency standards for SUVs and light duty trucks by 2007.

I would also like to thank the other cosponsors: Senators CHARLES SCHUMER, SUSAN COLLINS and JACK REED.

Put simply, this is the single most effective action we can take to limit our reliance on foreign oil, save consumers at the pump, and reduce global warming.

Today, the U.S. has 4 percent of the world's population, yet we use 25 percent of the planet's energy.

So as the world's largest energy consumer, I believe it is our responsibility to make every effort to be the world's leader in conservation.

Specifically, the results of this bill would be substantial. It would: Save America one million barrels of oil a day; reduce oil imports by 10 percent; and prevent 240 million tons of carbon dioxide emissions from entering the atmosphere—this is the single biggest cause of Global Warming.

Today, the fuel economy standard for passenger vehicles is 27.5 miles per gallon, while the standard for SUVs and light duty trucks is 20.7 miles per gallon due to a loophole in the 1975 law.

The result: SUVs and light trucks now comprise nearly half of new car sales, bringing the average fuel economy of all the nation's new vehicles to its lowest point since 1980.

The Feinstein-Snowe legislation would: Phase in fuel economy standards for SUVs and all other light duty trucks on the following schedule: By 2002, SUVs and light duty vehicles must average 22.5 miles per gallon; by 2005, SUVs and light duty vehicles must average 25 miles per gallon; and by 2007, SUVs and light duty vehicles must average 27.5 miles per gallon; require that vehicles up to a weight of 10,000 pounds must qualify for fuel efficiency standards by 2007. The current limit is 8,500 pounds; increase the fuel economy of new vehicles comprising the federal government fleet by 6 miles per gallon by 2005.

Last year, former Senators Slade Gorton, Richard Bryan and I fought an uphill battle to try and find a way to increase these fuel economy standards.

But, we were stymied by the auto industry and their supporters in Congress.

Ultimately, at the end of the session, we reached an agreement that directed the National Academy of Sciences to study whether, in fact, we could raise fuel efficiency with sacrificing safety or competitiveness.

Recently, the automakers have said that they will not actively oppose increases in fuel efficiency standards.

The Big Three manufacturers have promised a voluntary increase in efficiency for SUVs by 25 percent by 2005.

This is an important step forward, but we need to do more. I believe this bill is the best way to do that.

By Mr. WELLSTONE (for himself, Mr. COCHRAN, Ms. COLLINS, Mr. BENNETT, Mr. BREAUX, Mr. BUNNING, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. MIKULSKI, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 805. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, this is the Muscular Dystrophy Community Assistance, Research And Education Act of 2001. It really is the MD CARE Act. I thank Senators COCHRAN and COLLINS, especially, for their assistance. There are 20 colleagues who support this legislation. It is about equally divided between Democrats and Republicans, thank God, because of what this piece of legislation is about.

To look at the record of research on these debilitating and deadly diseases is to realize that despite our country's enormous resources, sometimes people are left behind. Today, despite all the advances in medical science, victims of muscular dystrophy—which afflicts tens of thousands of individuals every year in America—have no cure and no effective treatments available to them.

I became engaged with the muscular dystrophy community when I was approached by several families in my home state of Minnesota with children suffering from Duchenne's muscular dystrophy (DMD). DMD is the most prevalent form of muscular dystrophy affecting children and it is the most deadly.

Children with DMD are most often not diagnosed before the age of two or three years. Because it is sex-linked, the disease only strikes boys but in reality, it strikes the entire family.

DMD children don't begin to walk until late, and then in an unusual manner. They frequently fall and have difficulty getting up. Climbing stairs is a major ordeal.

By age 9 these children start to rely on a wheelchair and by their teen years reliance becomes total.

Most tragically, the disease is characterized by a continued rapidly progressive muscle weakness that almost always results in death by 20 years of age.

I have three children, ages 36, 31, and 28. I cannot imagine this.

Children afflicted with Duchenne Muscular Dystrophy have no ability to produce the protein dystrophin, the protein that binds the muscle cells together. It is an exceptionally cruel disease that slowly robs boys of their independence and ultimately immobilizes them, leading invariably to an early loss of life.

Sadly, the federal response to this disease has been inadequate. This year, in an NIH budget of more than $18 billion, research into Duchenne and Becker Muscular Dystrophies totals just $9.2 million. Only $17 million was devoted last year to all of the muscular dystrophies combined. If you want to understand why there is nothing available to treat DMD children, you need look no further than the weak federal response to this disease. The gene that is flawed in this disease is readily identifiable, and has been so for 14 years. Astonishingly, however, the pace of research on DMD actually slowed down after the gene was discovered.

One DMD child back in Minnesota that I have become especially fond of is Jacob Gunvalsen. Jacob is an adorable 10-year-old. He loves to play with his siblings out on his parents' farm, draw pictures for his family's refrigerator and play video games. Jacob and his mother Cheri Gunvalsen have made quite an impression on several members of Congress, and Jacob's picture adorns the desks of numerous health care legislative staff throughout Washington. This is because like so many other parents facing the day-to-day experience of living with a child suffering from this debilitating disease, Cheri is focused on leaving no stone unturned in her quest to help improve her son's chance of survival. One day, Jacob drew a picture of himself, and in a cloud above his figure he wrote the words, ''What I want most in the world is a cure for Duchenne Muscular Dystrophy''. I say to my colleagues, that's what I want, too. Today, we are getting one step closer to making Jacob's wish come true.

David Mesick, also of Minnesota, is the Chairman of the Parent Project Muscular Dystrophy, a national voluntary health organization committed to promoting medical research efforts specific to Duchenne and Becker muscular dystrophies. Through David's leadership and the organization's efforts, the muscular dystrophy community has successfully increased Congress' awareness of this devastating disease. Today, their voices are being heard here on the floor of the Senate. I have been moved by the number of families in Minnesota and elsewhere who have been affected by this disease, and I have been moved even more by their tenacious response. We can support this community by improving federal research efforts and public programs to address the needs of individuals with muscular dystrophy.

Mr. President, passage of this legislation will improve coordination of research not only into Duchenne's, but into all the various forms of Muscular Dystrophy. It authorizes the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) to establish separate Centers of Excellence to promote basic and clinical research, epidemiology, data collection and assessment on the various forms of muscular dystrophy. These steps are needed to ensure a long-term commitment by the federal government to the treatment and cure of muscular dystrophy.

I am neither a scientist nor a physician. But I am told that it is highly probable that sooner or later gene therapy will be able to cure diseases of this nature. For diseases like Duchenne's muscular dystrophy, involving flaws on a single, identifiable gene, the outlook is even more positive. Yet the words 'sooner' and 'later' have profound consequences in the lives of tens of thousands of Americans and their families. With the introduction of the MD CARE Act, we move a step closer to giving those families hope. I encourage my colleagues on the Senate HELP Committee to work steadfastly to move this crucial legislation through the Senate, and I urge all colleagues to support it.

I also think of Eric Anderson who is such a good friend of my son. David and Eric came to Washington. So many of the families who came, and many came with their children, were so young and their children were so young. Time is not neutral for them. There is an excellent chance we can make a real breakthrough in finding a cure. It is not too much that these families ask for and it is not too much to pass this legislation and try and push forward a commitment to the funding, a commitment to this research.

This is one of those diseases. I hate to label, so few are affected, but for these children and these families, they are not too few in number. These are their lives. These are their hopes. These are their dreams. This is their pain. This is their agony. I want to turn this into hope. I ask all of my colleagues to support this legislation.

I am very pleased this has strong bipartisan support.

By Mr. HUTCHINSON:

S. 806. A bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act with an accurate annual cost-of-living adjustment; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the text of Full Social Security Benefits Guarantee Act be printed in the RECORD.

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

S. 806

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 ''Full Social Security Benefits Guarantee Act''.

SEC. 2. GUARANTEE OF FULL SOCIAL SECURITY BENEFITS WITH ACCURATE ANNUAL COST-OF-LIVING ADJUSTMENT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury shall issue to each individual who, as of such date, is receiving benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) and, thereafter, to each individual who applies for such benefits, a certificate representing a legally enforceable guarantee—

(1) of the monthly amount of benefits that the individual will receive under that title, as determined on the date of the issuance of the certificate; and

(2) that the benefits will be adjusted—

(A) not less frequently than annually on the basis of an accurate determination of the increase in the cost-of-living of the individual; and

(B) as a result in a change in the eligibility status of the individual under that title.

(b) ENTITLEMENT.—Any certificate issued under the authority of this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to the individual to whom the certificate is issued benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) in the amounts set forth in the certificate and adjusted thereafter as described in subsection (a)(2).

By Mr. CORZINE:

S. 807. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE, Mr. President, today I am introducing the Youth Financial Literacy Act to address an important issue in education: teaching students the basic principles of financial literacy.

Unfortunately, when it comes to personal finances, young Americans do not have the skills they need. Too few understand the details of managing a checking account, for example, or using a credit card. It is time to make sure that our education system teaches our children all the skills they need, including the fundamental principles involved with earning, spending, saving and investing, so that they can manage their own money and succeed in our society.

We have just finished tax season, and a recent survey by the non-profit JumpStart Coalition reveals that the average high school student knows very little about how taxes will affect her take-home pay. The study also found that, on average, only 36 percent of surveyed high school students could correctly answer basic personal finance questions, and only 33 percent of students believed that financial issues strongly impacted their daily lives.

Young people today face an exceedingly complex financial system that is laced with pitfalls. Credit card companies lure naive college students, encouraging them to spend liberally. Music companies offer extraordinary deals such as ''8 CDs for one penny!'' and then trap customers into purchasing unwanted music every month. Many of our children are simply unaware of the dangers of these kinds of offers.

We also must make sure that the next generation is prepared to deal with the challenges they will find in the workplace. Rather than providing specific benefits, many companies are now encouraging employees to buy

their own health insurance coverage and arrange their own retirement plans. The onus is now on the worker, who will need to understand the ins and outs of benefits programs in order to best provide for themselves and their families.

This Congress is seeking to change the rules governing bankruptcy. I agree with the proponents of that legislation about the importance of holding Americans accountable for their financial obligations, indeed, our economy depends on the willingness of people to pay their bills and act responsibly, but this legislation will mean that people who have been plunged into debt must negotiate a more complex system and face very serious consequences. It will be all the more critical that the next generation learns how to better manage their money to stay out of debt.

It is time for our schools to take on the challenge of preparing our children to succeed in every way, including their financial decisions. Young people need to learn the skills that will help them stay out of debt, maintain a good credit record, and save money for the future.

In New Jersey, I am happy to say that many have already started the ball rolling on financial literacy education. My state allows local schools the option of offering financial education in high school, and the New Jersey Coalition for Financial Education is working with the New Jersey Department of Education to develop and implement core curriculum standards. Some in the business community have decided to help out as well. In South Orange and Maplewood, the Allegiance Community Bank has partnered with the Saturn Corporation to provide financial education to local schoolchildren. We in Congress ought to recognize and support more effort like these.

I am not alone in advocating the importance of financial literacy. Federal Reserve Chairman Alan Greenspan said recently that ''Improving basic financial education at the elementary and secondary school levels is essential to providing a foundation for financial literacy that can help prevent younger people from making poor financial decisions.'' In Wisconsin, Governor Scott McCallum has introduced a program to help high school teachers integrate financial literacy into their classrooms.

Today, I hope to elevate the discussion of this issue by introducing the Youth Financial Education Act, which would provide grants to states to help them develop and implement financial education programs in elementary and secondary schools, including helping to prepare teachers to provide financial education. It would also establish a national clearinghouse for instructional materials and information regarding model financial education programs.

We must not sit idly by while so many of our children lack financial literacy. So I ask for my colleagues to join me in support of the Youth Financial Literacy Act, to help ensure that our next generation is prepared to meet the challenges of the new economy.

By Mr. BAUCUS (for himself, Mr. THOMPSON, Mr. CRAIG, and Mr. BURNS):

S. 808. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it is with great pleasure that I join my good friend and colleague, Senator FRED THOMPSON, today in introducing legislation that will repeal the Special Occupational Tax, SOT, on taxpayers who manufacture, distribute, and sell alcoholic beverages. The special occupational tax is not a tax on alcoholic products but rather operates as a license fee on businesses. The tax is imposed on those engaged in the business of selling alcohol beverages. This is an inequitable tax that has outlived it's original purpose and is a clear example of an antiquated approach to federal taxation. Believe it or not, this tax was originally implemented to help finance the Civil War.

The SOT on alcohol was dramatically increased during a budget process in 1988 and has unfairly burdened business owners across the country. From Thompson Falls to Sidney, from Chinook to Billings, small businesses are burdened with yet another tax in the form of the (SOT). According to the AFT, there are 480,427 locations nationwide that pay SOT's every year, including 458,603 retailers. These retail establishments account for $114 million out of $126 million in SOT revenues.

In Montana, there are 3,378 locations, including 3,172 retail businesses, which pay more than $1 million dollars in the SOT every year. Seasonal resorts in Whitefish and Yellowstone, ''mom and pop'' convenience stores in Butte, and bowling alleys, flower shops, and restaurants across Montana and the United States pay the Federal government almost $100 million per year for the privilege of running businesses that sell beer, wine, or alcoholic beverages. For example, a small business owner in Helena, Montana runs several convenience stores and a few restaurants. The SOT for each establishment is $250. As a result, he pays $1750 a year in SOT payments that are in the nature of business license fees. In fact, a chain of four neighborhood food stores pays the same annual tax as the nation's largest single site brewery or distillery $1,000. This is not what Congress had in mind 150 years ago, and I don't believe it is a situation we want today.

Repeal of the SOT on alcohol is supported by a broad-based group of business organizations enjoys wide-spread bipartisan support on Capitol Hill. Similar legislation has been introduced in the House this year and bills have been considered in previous Congresses, but for one reason or another, the laws were not enacted. The GAO has examined the efficacy of the SOT several times and found it fundamental flawed. The staff of the Joint Committee on Taxation recommended in its recently released study on tax simplification that this special occupational tax be eliminated.

It is time for us to move forward and enact legislation to repeal the SOT on alcohol. We urge our colleagues to join us in this endeavor.

By Mr. REID (for himself and Mr. ENSIGN):

S. 809. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and for other public uses; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Town of Kingston Emergency Landing Strip Conveyance Act.

The residents of Kingston in southern Lander County, NV, depend on an emergency landing strip owned by the Bureau of Land Management, BLM. Kingston is a small rural town of 780 people located on an island of private land in central Nevada, which is surrounded by public lands owned by the United States Forest Service and the BLM. Lack of private land around Kingston constrains the growth, economic diversity, and public services available to those who live in or visit Kingston. The local Fire and Rescue maintains an agreement with Medic Air of Reno to provide 24-hour emergency medical service to this landing strip. However, BLM cannot re-issue an airport lease to the Kingston Town because the strip does not meet FAA standards.

This bill will convey 144.88 acres to the Town of Kingston. Seventy acres will be conveyed at fair market value and 74.88 acres at no cost. The 70 acres to be conveyed at fair market value includes the main landing strip. The 74.88 acres to be conveyed at no cost includes the balance of the approach; and the disposal of this land for no consideration will benefit the United States because it is an isolated, segregated parcel that would be difficult to manage for public use. I hope that Congress will pass the Town of Kingston Emergency Landing Strip Conveyance Act for the benefit of rural Nevadans, federal managers, and the residents of Kingston.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the lease by the Secretary of the Interior of certain land to the town of Kingston,

Nevada, for use as an emergency airstrip has expired;

(2) rather than renew the airport lease (which would require certification by the Federal Aviation Administration), the Secretary and the Town desire that the parcel on which the main landing strip is situated be sold to the Town for fair market value as determined by the Secretary;

(3) adjacent to that parcel is other land, most of which, if the airstrip parcel is sold to the Town, would be isolated from other land administered by the Secretary and would therefore be difficult for the Secretary to manage;

(4) it would in the best interests of the United States and the Town for the Secretary to convey to the Town both the airstrip parcel and the adjacent parcel, at the fair market value of the airstrip parcel; and

(5) the parcels have been determined to be suitable for disposal in the Shoshone-Eureka Resource Management Plan and Environmental Impact Statement.

(b) DEFINITIONS.—In this section:

(1) ADJACENT PARCEL.—The term ''adjacent parcel'' means the parcels of land in the State of Nevada, comprising 74.88 acres, described as Mount Diablo Meridian, T16N, R44E, section 31, lot 4, E1/2NESE, S1/2SWNESE, S1/2S1/2NWSE.

(2) AIRSTRIP PARCEL.—The term ''airstrip parcel'' means the parcel of land, with a landing strip running on an easterly bearing and a portion of a landing strip running on a southerly bearing, in the State of Nevada, comprising 70.00 acres, described as Mount Diablo Meridian, T16N, R44E, section 31, N1/2SESW, N1/2SWSE, N1/2SESE, SESESE.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) TOWN.—The term ''Town'' means the town of Kingston, Nevada.

(c) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Secretary shall convey to the Town all right, title, and interest of the United States in and to the airstrip parcel and the adjacent parcel, totaling 144.8 acres.

(2) CONDITIONS.—

(A) AIRSTRIP PARCEL.—The Secretary shall convey the airstrip parcel under paragraph (1) by direct sale, at fair market value.

(B) ADJACENT PARCEL.—The Secretary shall convey the adjacent parcel under paragraph (1) for no consideration.

(d) NO RESERVATIONS.—The patent by which the conveyance under subsection (c) is made shall contain no reservations.

By Mr. MCCONNELL (for himself and Mrs. LINCOLN):

S. 810. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise today to introduce legislation to remedy the shortage of food donations that plagues food banks and other organizations dedicated to ending hunger in America.

It is a sad truth that hunger continues to persist even as our economy has broken records over the past decade. If we take a look at the dynamics of the restaurant industry, new construction, long lines for tables, oversized portions of food, it is obvious that food supply is not the problem.

The problem is waste. America wastes 96 billion pounds of food each year. And in doing so, we allow 31 million people to go hungry. This is unacceptable in a society that has bountiful food resources and an infrastructure of local and national food banks willing to accept donations of surplus food. Perhaps the most awful statistic is that while many of us wait in line to purchase, or to be served, abundant amounts of food, many hungry American families will wait in line at food banks and never receive a meal. Last year we failed to meet more than 20 percent of the demand for food at area food banks. That means, in effect, one out of every five families is sent home hungry,

Why is there such a shortage of donated food? Well, our Internal Revenue Service makes it more economical to throw food away rather than give it away. While the tax code permits restaurants to deduct half of the difference between the cost of donated food and its market value, the IRS often will tell a restaurant that donated food has no market value for deduction purposes simply because the food was not sold through normal retail distribution channels. For instance, a restaurant may have its own extra-stringent ''freshness'' standard where they proudly sell food that has been ''off the grill'' for less than 10 minutes. Well, we all know that this same food, if properly maintained, will remain wholesome for much longer, and that area food banks have a desperate need for such food.

But when the IRS fails to assign an appropriate market value to donated food, the deduction is meaningless. Donating food requires a business to incur additional costs of storage, transportation, and labor. If a business cannot, at the very least, recoup these additional costs, they actually lose money by donating food instead of throwing the food away. What we have then, Mr. President, is an IRS that is effectively administering tax policy that discourages, rather than encourages, private industry from helping to feed needy families. We all learned in church that it's better to give than to receive. Unfortunately, at the IRS, the motto seems to be: it's better to throw away than to give away.

Another reason that excess food fails to reach needy families is that too many businesses are ineligible to deduct food donations because of an outdated restriction in the tax code. Many small restaurants, farms, and franchises are organized as ''s'' corporations, limited liability corporations, or sole proprietorships. The current law, however, limits the deduction to traditional ''c'' corporations. If we are serious about feeding needy families through charitable donations, then the Government needs to enlist a new army of small businesses in the fight against hunger.

To eliminate these two major barriers in the fight against hunger, the Feeding Needy Families Act would define the market value of donated food without penalizing businesses for setting high internal standards. This codifies the decision of the United States Tax Court in *Lucky Stores, Inc.* v. *Commissioner*, 95 T.C. 420 (1995), where the court held that the market value of donated bread was the full retail price for purposes of calculating the deduction. The bill also expands the deduction to any entity that is kind enough to expend the effort necessary to donate surplus food, whether it be an ''s'' corporation, a limited liability corporation, or a sole proprietorship. Removing these legal, logistical, and financial roadblocks will go a long way to ensure that excess food flows from table to table rather than from table to trash.

I am pleased to be joined by Senator LINCOLN in introducing this important legislation. I ask unanimous consent to include in the RECORD, following the text of my statement, a copy of the bill. I also would ask unanimous consent that the RECORD include letters of support from the Salvation Army, USA Harvest, Kentucky Harvest, Northern Kentucky Harvest, the National Association of Chain Restaurants, and the National Restaurant Association.

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

S. 810

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 ''Feeding Needy Families Act''.

SEC. 2. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

''(A) CONTRIBUTIONS BY NON-CORPORATE TAXPAYERS.—In the case of a charitable contribution of food, paragraph (3) shall be applied without regard to whether or not the contribution is made by a corporation.

''(B) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this section, in the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, cannot or will not be sold, the fair market value of such contribution shall be determined—

''(i) without regard to such internal standards, such lack of market, or such circumstances, and

''(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

May 1, 2001.

Senator MITCH MCCONNELL,
Washington, DC.

DEAR SENATOR: I am writing in support of your food donation bill. It has been my experience over the last 14 years that there is truly a need in our nation for the effort that is put forth in this bill. Tragically the average age of homelessness today is 9 years old. Your legislation will certainly go a long way in assisting the 120 USA Harvest chapters in helping feed our nation's less fortunate children.

The encouragement that this bill will provide those people and organizations in the food business to partner with USA harvest is going to make a significant difference in the quality of life for many millions of Americans.

Very truly yours,

STAN CURTIS,
Founder and Chairman USA Harvest.

KENTUCKY HARVEST,
Lexington, KY, April 26, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of our hunger relief program, we write to thank you for your plan to introduce the ''Good Samaritan Tax Act'' in the Senate. By clarifying the charitable deduction allowable for contributions of food and extending the deduction to all business entities willing to donate food, the Good Samaritan Tax Act will help ensure that our program will have access to additional wholesome food. This food will be used to continue our fight against hunger.

It is a shame for good food to go to waste. However, significant costs are associated with the systematic distribution of food by restaurants to those in need. Distribution and transportation systems, quality control assurances, record keeping and compliance systems must be developed and maintained to safely get food to those who are in need.

We believe that the Good Samaritan Tax Act will help the food service industry offset these costs, and therefore encourage the contribution of their excess food to organizations such as ours. This additional food will help to ensure our ability to continue to assist those in need.

Thank you for your support in the fight against hunger.

Sincerely,

ED SCHAUB,
Chairman.

NORTHERN KENTUCKY HARVEST,
Covington, KY, May 1, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing on behalf of the bill you plan to introduce named ''The Feeding Needy Families Act.'' By clarifying the charitable deduction allowable for contributions of food and extending the deduction to all business entities willing to donate, the Feeding Needy Families Act will help ensure that our program will have access to additional wholesome food.

In fact, Northern Kentucky Harvest will benefit greatly by your new bill. In the past, many company-owned restaurants participated in our program where excess food was donated and distributed to feed the homeless and less fortunate in Northern Kentucky. However, when these restaurants were sold to local franchisees, they no longer participated due to the inability to receive ''credit'' for their food donation to defray costs associated with the donation. As a result, many homeless and less fortunate people went without food. This bill gives us another opportunity to reclaim ''wasted'' food and give the less fortunate ''hope'' for another day. Your bill means a great deal to the success of eradicating hunger.

Please support this bill and allow us to make a difference in our community by trying to overcome hunger.

Sincerely,

WILLIAM E. HENDERSON III.

THE SALVATION ARMY,
Louisville, Kentucky, April 19, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of our hunger relief program, we write today to thank you for your plan to introduce the ''Good Samaritan Tax Act'' in the Senate. By clarifying the charitable deduction allowable for contributions of food and extending the deduction to all business entities willing to donate food, the Good Samaritan Tax Act will help ensure that our program will have access to additional wholesome food. This food will be used to continue our fight against hunger.

It is a shame for good food to go to waste. However, significant costs are associated with the systematic distribution of food by restaurants to those in need. Distribution and transportation systems, quality control assurances, record keeping and compliance systems must be developed and maintained to safely and efficiently get food to those who are in need.

We believe that the Good Samaritan Tax Act will help the food service industry offset these costs, and therefore encourage the contribution of their excess food to organizations such as ours. This additional food will help to ensure our ability to continue to assist those in need.

Thank you for your support in the fight against hunger.

Sincerely,

HOWARD SPARKS,
Director, The Salvation Army Service-unit.

NATIONAL COUNCIL OF
CHAIN RESTAURANTS,
Washington, DC, May 1, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the National Council of Chain Restaurants, we are writing to express our support for the ''Feeding Needy Families Act''. This bill, which you introduce today, provides tax incentives to encourage business contributions of food items.

The National Council of Chain Restaurants (''NCCR'') is a national trade association representing forty of the nation's largest multi-unit, multi-state chain restaurant companies. These forty companies own and operate in excess of 50,000 restaurant facilities. Additionally, through franchise and licensing agreements, another 70,000 facilities are operated under their trademarks. In the aggregate, NCCR's member companies and their franchisees employ in excess of 2.8 million individuals.

Your legislation is necessary to clarify the charitable deduction allowance for contributions for food, helping ensure the nation's food banks and donation centers can continue the fight against hunger. As welfare reform kicks in, many people making the transition between public assistance and independence are turning to charitable food distribution programs for assistance.

Unfortunately, the IRS is exacerbating the problem with its interpretation of the charitable donation sections of the Internal Revenue Code. The code is designed to encourage charitable donations of food by allowing a deduction equal to cost plus one-half the difference between cost and fair market value. However, the IRS maintains that when food cannot be sold through normal distribution channels (i.e., food left over when a restaurant closes for the night), its retail value is zero and the taxpayer's deduction is limited to cost only.

Distribution and transportation systems, quality control assurances, record keeping and compliance systems must be developed and maintained to safely and efficiently get food to the needy. These processes involve significant costs. The ''Good Samaritan Tax Act'' will help the food service industry offset these costs, and therefore encourage the contribution of food to the needy, by codifying the fair market value of donated food. It also extends the deduction to any trade or business, not just corporations.

We thank you for introducing this common-sense legislation and offer our assistance to ensure its enactment into law.

Sincerely,

TERRIE M. DORT,
President.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, April 25, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the 844,000 restaurant locations nationwide, the National Restaurant Association offers it's support of the Feeding Needy Families Act, which would provide more equitable tax treatment for food that is donated to charities.

As you know, under the current tax code, businesses do not receive the same tax deduction for charitable donations of food as they do for other inventory. Food that is not sold through normal distribution channels is considered by the Internal Revenue Service to have no market value. In effect, businesses are penalized and charities suffer because it makes more economic sense for businesses to discard the food than to donate it. The Feeding Needy Families Act would correct this discrepancy in the tax code by allowing businesses to take deductions on a fair market value basis rather than just deducting the cost of raw materials.

As I am sure you can imagine, the effort and cost involved in preparing perishable items to be donated can be considerable. The food must be carefully collected, packaged, and transported in a timely manner before it can be distributed to food banks, soup kitchens, homeless shelters and other organizations that serve the hungry. Because of the additional work involved, we are concerned that it creates a disincentive for businesses to donate food. That is why the National Restaurant Association supports this legislation as a means of providing strong incentives for businesses to donate food—a much needed and valuable commodity.

We appreciate your support in moving this issue forward and we hope that you will be successful in enacting the bill without any modifications this year as restaurants are an important resource in helping the millions of Americans that do not get enough food to meet their basic needs.

Thank you for supporting the Feeding Needy Families Act and we look forward to working with you in passing this legislation.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.

LEE CULPEPPER,
Senior Vice President, Government Affairs and Public Policy.

By Mr. NELSON of Nebraska (for himself and Mr. CRAPO):

S. 811. A bill to amend title 36, United States Code to designate the

oak tree as the national tree of the United States; to the Committee on the Judiciary.

Mr. NELSON of Nebraska. Mr. President, I rise today to introduce legislation designating the oak tree as an official national emblem. This day bears especially great significance for me as a United States Senator from Nebraska, since Arbor Day was first celebrated in our great state.

The original seed of this day was planted in 1872 by J. Sterling Morton, a newspaper executive and an environmentalist ahead of his time. Mr. Morton moved from Michigan to Nebraska City, where he discovered a tree-less prairie. In effort to bring some shade to the state, he collaborated with Robert Furnas to promote the idea of a statewide holiday dedicated to tree planting.

Mr. Morton authored many articles on the benefits of trees as he garnered support for the idea of an Arbor Day. He also became active in Nebraska Territory politics, where he continued to voice his aspiration for a forested prairie. While Morton is revered as the Father of Arbor Day, it was then-Governor Furnas who made the observance official in 1874 with the first proclamation designating Arbor Day in Nebraska.

Since then, with the exception of one year, Nebraskans have celebrated Arbor Day with pride. The one million trees that were said to have been planted on the very first Arbor Day—not to mention all the ones since—have had a tremendous impact on the landscape and on the lives of Nebraskans. The influence of that first observance has continued as each year, during planting season, people from around the globe observe the Nebraska-born tradition of Arbor Day.

Considering the historical significance of Arbor Day to Nebraska, I am proud to sponsor this legislation to designate the oak tree, selected by Americans in a nationwide vote, as an official emblem of the United States. By formally designating a national tree, we honor the past and plant hope for an even greener future.

After all, an oak tree is an appropriate metaphor for the history of our country. The United States has grown from the acorn of colonialism into a strong, branching entity. Like a maturing oak, our roots are deepening, and with each passing year, our core strengthens.

J. Sterling Morton, as he expounded on the indifference of trees to their worldly surroundings, once wrote, ''There is no aristocracy in trees.'' To his sentiment, I would add that, ''Instead, there is only the humble root of democracy.'' The oak, the symbol of our democracy, will always serve as reminder of the vitality and strength that permeates our national—as well as natural—history.

In closing, I would like to thank Senator MIKE CRAPO for cosponsoring this legislation and for his support of this effort. I also want to commend each of the voters who participated in the selection process, sponsored by the National Arbor Day Foundation. The involvement of these American citizens has made this legislation possible.

Mr. CRAPO. Mr. President, I rise today to join Senator BEN NELSON in introducing legislation to designate the oak tree as America's National Tree.

I am pleased to support an effort that recognizes the importance of trees in our lives and our nation's heritage. Trees provide a number of societal benefits and, as a renewable resource, can provide these benefits generation after generation when properly managed. From our nation's reliance on wood and wood products to the environmental benefits of cleaner air and water, trees are an integral part of our lives.

Trees produce oxygen, lower ambient air temperature, release moisture into the air, retain particulates, create habitat for wildlife, and store carbon-dioxide. Trees can produce wind breaks, provide shade, and stabilize soils. Trees provide a multitude of products that are used in our daily lives.

In a national effort that culminated in a nationwide vote, the public chose the oak tree as America's National Tree. I appreciate the public's involvement in this effort and recognize that the oak tree is America's most widespread hardwood. As an Idahoan, I am partial to Idaho's state tree, the White Pine, but support the people's choice. The ''King of Trees'' has long been valued for its shade, beauty, and lumber and is a fitting symbol of America's strength and diversity.

I look forward to working with my colleagues to support the public's choice for a national tree. I appreciate Senator NELSON'S efforts to add a national tree to the list of national observances, which includes our national anthem, motto, floral emblem, and march.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 78—DESIGNATING MAY 2001, AS ''OLDER AMERICANS MONTH''

Mr. CRAIG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 78

Whereas older Americans are the foundation of our Nation;

Whereas the freedom and security our Nation now enjoys can be attributed to the service, hard work, and sacrifices of older Americans;

Whereas older Americans continue making significant contributions to our communities, workplaces, and homes by giving freely of themselves and by sharing their wisdom and experience through civic leadership and mentoring;

Whereas the older Americans of tomorrow will be more socially, ethnically, and economically diverse than any past generation, which will impact upon our Nation's ideas of work, retirement and leisure, alter our housing and living arrangements, challenge our health care systems, and reshape our economy;

Whereas the opportunities and challenges that await our Nation require our Nation to continue to commit to the goal of ensuring that older Americans enjoy active, productive, and healthy lives, and do so independently, safely, and with dignity; and

Whereas it is appropriate for our Nation to continue the tradition of designating the month of May as a time to celebrate the contributions of older Americans and to rededicate our efforts to respect and better serve older Americans: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2001, as ''Older Americans Month'';

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities that promote acknowledgment, gratitude, and respect for older Americans.

Mr. CRAIG. Mr. President, I rise today to introduce a resolution honoring May as Older Americans' Month.

I am here today to celebrate May as Older Americans' Month. For 38 years May has been the official month during which we pay tribute to the contributions of our 44 million older Americans. It is during this month that we as a nation recognize older Americans for their service, hard work and sacrifice that helped assure us the freedom and security we now enjoy.

Not only should we take this time to show our appreciation and respect for America's seniors, but also to acknowledge that today's and tomorrow's seniors will continue making significant contributions to our communities through their wisdom and experience; in the workplace, in civic leadership and in our homes.

We must also recognize that 77 million baby boomers will soon be retiring and must begin to address some of the challenges this influx will bring. Social Security and Medicare modernization, including the option for prescription drugs, must be addressed before this generation retires.

As the new Chairman of the Senate Special Committee on Aging, I am looking forward to the opportunities and challenges that await us as we continue our commitment to the goal of ensuring that senior citizens enjoy active, productive and healthy lives, and do so independently, safely and with dignity. This Committee is celebrating its own anniversary this year and I am proud to say that for 40 years, it has played a role in studying problems and opportunities related to older Americans.

In addition, this year I believe we have special reason to celebrate. Last year, Congress was able to pass the reauthorization of the Older Americans' Act. As you all know, this reauthorization was 5 years in the coming. I was an original cosponsor of legislation to update and amend the Act and strongly supported the legislative goal of making the programs and services under

the Act more responsive to the needs of America's seniors.

With this reauthorization Congress was able to add an important component to the Act. The program authorized $125 million to establish a new National Family Caregiver Support Program to provide grants to states to provide information and services to family caregivers. Because of the importance of this program, the Special Committee on Aging will be holding a hearing May 17 to examine its implementation.

In the tradition of Older Americans' Month, I am introducing a resolution in the Senate calling on the people of the United States to observe the month of May 2001 as Older Americans' Month and to encourage all Americans to promote awareness through ceremonies, programs, and other activities that promote acknowledgment, gratitude, and respect for American seniors.

I ask all of you to celebrate with me Older Americans' Month this May.

SENATE RESOLUTION 79—DESIGNATING MAY 1, 2001, AS ''NATIONAL CHILD CARE WORTHY WAGE DAY''

Mr. CORZINE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CARNAHAN, Mr. CLELAND, Mrs. MURRAY, Mr. DURBIN, Mr. KERRY, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 79

Whereas approximately 13,000,000 children are in out-of-home care during part or all of the day so that their parents may work;

Whereas the average salary of early childhood educators is $15,000 per year, and only ⅓ have health insurance and even fewer have a pension plan;

Whereas the quality of child care and other early childhood education programs is directly linked to the quality of early childhood educators, and low wages make it difficult to attract qualified individuals to the profession;

Whereas the turnover rate of early childhood educators is approximately 30 percent per year because of low wages and lack of benefits, making it difficult to retain high quality educators, and research has demonstrated that young children require caring relationships to have a consistent presence in their lives for their positive development;

Whereas the compensation of early childhood educators must be commensurate with the importance of the job of helping the young children of the United States develop their social, emotional, physical, and intellectual skills to be ready for school;

Whereas the cost of adequate compensation cannot be funded by further burdening parents with higher child care fees but requires public as well as private resources so that quality care and education is accessible for all families; and

Whereas the Center for the Child Care Workforce and other early childhood education organizations recognize May 1st as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2001, as ''National Child Care Worthy Wage Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe ''National Child Care Worthy Wage Day'' by honoring early childhood educators and programs in their communities and by working together to resolve the early childhood educator compensation crisis.

Mr. CORZINE. Mr. President, I rise today to introduce a resolution supporting National Child Care Worthy Wage Day, which I hope will being attention to early childhood education and the importance of attracting and retaining qualified childcare workers.

Every day, approximately 13 million children are cared for outside the home so that their parents can work. This figure includes 6 million of our nation's infants and toddlers. Children begin to learn at birth, and the quality of care they receive will affect them for the rest of their lives. Early childcare affects language development, math skills, social behavior, and general readiness for school. Experienced childcare workers can identify children who have development or emotional problems and provide the care they need to take on life's challenges. Through the creative use of play, structured activities and individual attention, childcare workers help young children learn about the world around them and how to interact with others. They also teach the skills children will need to be ready to read and to learn when they go to school.

Unfortunately, despite the importance of their work, the committed individuals who nurture and teach our nation's young children are undervalued. The average salary of a childcare worker is about $15,000 annually. In 1998, the middle 50 percent of child care workers and pre-school teachers earned between $5.82 and $8.13 an hour, according to the Department of labor. The lowest 10 percent of childcare workers were paid an hourly rate of $5.49 or less. Only one third of our nation's childcare workers have health insurance and even fewer have pension plans. This grossly inadequate level of wages and benefits for childcare staff has led to difficulties in attracting and retaining high quality caretakers and educators. As a result, the turnover rate for childcare providers is 30 percent a year. This high turnover rate interrupts consistent and stable relationships that children need to have with their caregivers.

If we want our children cared for by qualified providers with higher degrees and more training, we will have to make sure they are adequately compensated. Otherwise, we will continue to lose early childhood educators with BA degrees to kindergarten and first grade, losing some of our best teachers of young children from the early years of learning.

In order to bring attention to childcare workers, I am sponsoring a resolution that would designate May 1st as National Child Care Worthy Wage Day. On May 1st each year, childcare providers and other early childhood professionals nationwide conduct public awareness and education efforts highlighting the importance of good early childhood education.

I encourage my colleagues to join me in recognizing the importance of the work and professionalism that childcare workers provide and the need to increase their compensation accordingly. The nation's childcare workforce, the families who depend on them, and the children they care for, deserve our support.

AMENDMENTS SUBMITTED AND PROPOSED

SA 355. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

SA 356. Mr. CORZINE (for himself, Mr. ENZI, and Mr. AKAKA) submitted an amendment intended to be proposed by him by the bill S. 1 supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 355. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Act of 1965; which was ordered to lie on the table; as follows:

On page 521, between lines 18 and 19, insert the following:

SEC. 405. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) is amended by adding at the end the following:

''Chapter 3—Improving Early Intervention, Educational, and Transitional Services and Results for Children with Disabilities Through the Provision of Certain Services

''SEC. 691. FINDINGS.

''Congress makes the following findings:

''(1) Approximately 1,000,000 children and youth in the United States have low-incidence disabilities which affects the hearing, vision, movement, emotional, and intellectual capabilities of such children and youth.

''(2) There are 15 States that do not offer or maintain teacher training programs for any of the 3 categories of low-incidence disabilities. The 3 categories are deafness, blindness, and severe disabilities.

''(3) There are 38 States in which teacher training programs are not offered or maintained for 1 or more of the 3 categories of low-incidence disabilities.

''(4) The University of Northern Colorado is in a unique position to provide expertise, materials, and equipment to other schools and educators across the nation to train current and future teachers to educate individuals that are challenged by low-incidence disabilities.

''SEC. 692. NATIONAL CENTER FOR LOW-INCIDENCE DISABILITIES.

''In order to fill the national need for teachers trained to educate children who are challenged with low-incidence disabilities, the University of Northern Colorado shall be designated as a National Center for Low-Incidence Disabilities.

''SEC. 693. SPECIAL EDUCATION TEACHER TRAINING PROGRAMS.

''(a) GRANT.—The Secretary shall award a grant to the University of Northern Colorado

to enable such University to provide to institutions of higher education across the nation such services that are offered under the special education teacher training program carried out by such University, such as providing educational materials or other information necessary in order to aid in such teacher training.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 2002, and $1,000,000 for each of the fiscal years 2003 through 2005.''.

SA 356. Mr. CORZINE (for himself, Mr. ENZI, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 619, line 6, strike ''and''.

On page 619, line 7, strike the period and insert ''; and''.

On page 619, between lines 7 and 8, insert the following:

''(O) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved in earning, spending, saving, and investing).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 1, 2001, at 10:00 a.m., in open session to receive testimony on the report of the Panel to Review the V–22 Program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 1, 2001, at 9:30 am on climate change.

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

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet Tuesday, May 1, 2001, immediately following the first vote on the Senate Floor, in S–301 of the Capitol, to consider reporting the following nominations:

Mr. David Aufhauser, to be General Counsel, Department of the Treasury;

Mr. Kenneth W. Dam, to be Deputy Secretary, Department of the Treasury;

Faryar Shirzad, to be Assistant Secretary of Commerce, Department of Commerce;

Michele A. Davis, to be Assistant Secretary of the Treasury, Department of the Treasury;

Grant D. Aldonas, to be Secretary of Commerce for International Trade, Department of Commerce;

John B. Taylor, to be Under Secretary, Department of the Treasury; and

Scott Whitaker, to be Assistant Secretary of Health and Human Services, Department of Health and Human Services.

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

COMMITTEE ON SMALL BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled ''SBA's Funding Priorities for FY 2002'' on Tuesday, May 1, 2001, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

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

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs and the Subcommittee on East Asian and Pacific be authorized to meet during the session of the Senate on Tuesday, May 1, 2001, at 10:15 am and 2:00 pm to hold hearings. The agendas for these meetings follow:

SUBCOMMITTEE AN EAST ASIAN AND PACIFIC AFFAIRS—AGENDA

WHERE ARE U.S. CHINA RELATIONS HEADED?

(Tuesday, May 1, 2001, 2:00 pm SD–419)

Witnesses:

Panel 1. Administration witness to be announced Department of State, Washington, DC.

Panel 2. Ambassador James Lilley, Resident Fellow, American Enterprise Institute, Washington, DC.

Mr. Douglas H. Paal, President, Asia Pacific Policy Center, Washington, DC.

Mr. Michael E. O'Hanlon, Senior Fellow, Brookings Institute, Washington, DC.

Mr. David Shambaugh, Director, Department of Asian Studies, George Washington University, Washington, DC.

SUBCOMMITTEE ON EUROPEAN AFFAIRS—AGENDA

RELIGIOUS FREEDOM IN EUROPE

(Tuesday, May 1, 2001, 10:15 am, SD–419)

Witnesses:

Panel I. Mr. Michael E. Parmly, Acting Assistant Secretary of State for Democracy, Human Rights, and Labor.

Panel II. Ms. Elizabeth A. Clark, Associate Director, BYU International Center for Law and Religion Studies, Provo, UT.

Representing: Dr. W. Cole Durham, Jr., Gates University Professor of Law, Director, BYU International Center for Law and Religion Studies, Provo, Utah.

Rabbi Andrew Baker, Director of International Jewish Affairs, The American Jewish Committee, Washington, DC.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 1, 2001, at 2:30 p.m., in open session to receive testimony on the U.S. military's capabilities to respond to domestic terrorist attacks involving the use of weapons of mass destruction.

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

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent that Kimberly Walker and Phoebe Trepp of my staff be granted floor privileges for the duration of the time that I control on this motion.

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

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Michael Yudin, be granted floor privileges throughout the pendency of the debate on S. 1, the Better Education for Students and Teaches Act.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, reappoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from South Carolina (Mr. HOLLINGS) (from the Committee on Commerce, Science and Transportation), and the Senator from Washington (Mrs. MURRAY) (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), reappoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from South Carolina (Mr. HOLLINGS) (from the Committee on Appropriations), and the Senator from Georgia (Mr. CLELAND) (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Rhode Island (Mr. REED) (At Large), and the Senator from Louisiana (Mrs. LANDRIEU) (from the Committee on Appropriations).

The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, and on the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from North Carolina (Mr. EDWARDS) (from the Committee on Commerce, Science, and Transportation; and the Senator from Louisiana (Mr. BREAUX) (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), reappoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Maryland (Mr. SARBANES) (At Large), and the Senator from Maryland (Ms. MIKULSKI) (from the Committee on Appropriations).

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of following nominations:

Reported by the Finance Committee, No. 62, Mr. Faryar Shirzad; and No. 63, Scott Whitaker, reported by the Armed Services Committee, which I am privileged to chair.

Our committee met today in the course of a very thorough and very lengthy hearing on the issues regarding the B–22. I commend my committee and the Members who were in attendance, and indeed the witnesses who came before that committee.

I think we performed some very valuable oversight. We will do much more.

Within the course of that committee meeting, a quorum being present, we reported out favorably No. 45, Mr. Dov Zakheim to be Comptroller, and No. 48, Mr. Powell Moore to be Assistant Secretary of Defense for purposes of legislative affairs. I have known these gentleman for so many years. They are to be viewed as citizens who once again sign up to go into public office after extensive previous public office to serve our Nation. I commend them and their families. And, Nos. 51 through 57, 64, 65, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF DEFENSE

Dov S. Zakheim, of Maryland, to be Under Secretary of Defense (Comptroller).

Powell A. Moore, of Georgia, to be an Assistant Secretary of Defense.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald A. Lamontagne, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lance W. Lord, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Brian A. Arnold, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Timothy A. Kinnan, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard V. Reynolds, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William J. Begert, 0000

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Malcolm I. Fages, 0000

DEPARTMENT OF COMMERCE

Faryar Shirzad, of Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Scott Whitaker, of Virginia, to be an Assistant Secretary of Health and Human Services.

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Keith W. Lippert, 0000

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Garry L. Parks, 0000

AIR FORCE

PN207. Air Force nominations (55) beginning Gregory O. Allen, and ending Wayne Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN224. Air Force nominations (4) beginning Steven D. Carey, and ending Richard R. Lemieux, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

ARMY

PN225. Army nomination of Joe L. Smothers, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN160. Army nominations (482) beginning Donald M. Adkins, and ending X0268, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

PN208. Army nominations (3) beginning James R. Gusie, and ending Dennis J. Sandbothe, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN209. Army nominations (2) beginning Michael Child, and ending Leland Gallup, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN226. Army nominations (9) beginning Louis A. Abbenante, and ending James M. Williams, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN244. Army nominations (121) beginning Margretta M. Diemer, and ending Mary A. Witt, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2001.

MARINE CORPS

PN228. Marine Corps nominations (33) beginning Charles E. Brown, and ending Daniel R. Westphal, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN227. Marine Corps nominations (15) beginning Dennis G. Adams, and ending Lawrence R. Woolley, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN210. Marine Corps nominations (5) beginning Walter T. Ellingson, and ending Michael J. Kantaris, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

NAVY

PN229. Navy nomination of David C. Barton, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN230. Navy nomination of James W. Hudson, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN231. Navy nomination of Sheila C. Hecht, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN232. Navy nomination of Paul R. Faneuf, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN233. Navy nominations (2) beginning Daniel L. Bower, and ending Tedman L. Vance, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR WEDNESDAY, MAY 2, 2001

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 2, 2001. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume the motion to proceed to S. 1 postcloture.

TIME CONSUMED UNDER RULE XXII

I further ask unanimous consent that the time of adjournment be considered as having been consumed from the time allotted under the provisions of rule XXII.

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

PROGRAM

Mr. WARNER. Mr. President, I announce to the Senate that on Wednesday it is expected the Senate will begin the amendment process with respect to the education bill. Therefore, votes may be expected to occur during the day and into the evening on the Elementary and Secondary Education Act. Senators interested in offering amendments should contact the managers on both sides of the aisle.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:42 p.m, adjourned until Wednesday, May 2, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 1, 2001:

FEDERAL COMMUNICATIONS COMMISSION

KATHLEEN Q. ABERNATHY, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999, VICE SUSAN NESS, TERM EXPIRED.

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2000, VICE HAROLD W. FURCHTGOTT-ROTH.

DEPARTMENT OF DEFENSE

THOMAS E. WHITE, OF TEXAS, TO BE SECRETARY OF THE ARMY, VICE LOUIS CALDERA.

SMALL BUSINESS ADMINISTRATION

HECTOR V. BARRETO, JR., OF CALIFORNIA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE AIDA ALVAREZ, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 2001:

DEPARTMENT OF DEFENSE

DOV S. ZAKHEIM, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER).

POWELL A. MOORE, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF COMMERCE

FARYAR SHIRZAD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SCOTT WHITAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD A. LAMONTAGNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANCE W. LORD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRIAN A. ARNOLD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TIMOTHY A. KINNAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD V. REYNOLDS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM J. BEGERT, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MALCOLM I. FAGES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KEITH W. LIPPERT, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARRY L. PARKS, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING GREGORY O ALLEN, AND ENDING WAYNE WISNIEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

AIR FORCE NOMINATIONS BEGINNING STEVEN D. CAREY, AND ENDING RICHARD R. LEMIEUX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

IN THE ARMY

ARMY NOMINATIONS BEGINNING DONALD M ADKINS, AND ENDING X0268, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JAMES R. GUSIE, AND ENDING DENNIS J. SANDBOTHE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

ARMY NOMINATIONS BEGINNING MICHAEL CHILD, AND ENDING LELAND GALLUP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOE L. SMOTHERS, 0000

ARMY NOMINATIONS BEGINNING LOUIS A. ABBENANTE, AND ENDING JAMES M. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

ARMY NOMINATIONS BEGINNING MARGRETTA M DIEMER, AND ENDING MARY A WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2001.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WALTER T, ELLINGSON, AND ENDING MICHAEL J. KANTARIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

MARINE CORPS NOMINATIONS BEGINNING DENNIS G ADAMS, AND ENDING LAWRENCE R WOOLLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

MARINE CORPS NOMINATIONS BEGINNING CHARLES E BROWN, AND ENDING DANIEL R WESTPHAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MANUEL E.R. ALSINA, AND ENDING VINCENT S SHEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID C. BARTON, 0000

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JAMES W. HUDSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SHEILA C. HECHT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PAUL R. FANEUF, 0000

NAVY NOMINATIONS BEGINNING DANIEL L. BOWER, AND ENDING TEDMAN L. VANCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

NAVY NOMINATIONS BEGINNING KYLE P. DURAND, AND ENDING JEFFREY J. TRUITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

NAVY NOMINATIONS BEGINNING EDUARDO C CUISON, AND ENDING ROBERT K MCGAHA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on May 01, 2001, withdrawing from further Senate consideration the following nominations:

KATHLEEN Q. ABERNATHY, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2000, WHICH WAS SENT TO THE SENATE ON APRIL 30, 2001.

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999, WHICH WAS SENT TO THE SENATE ON APRIL 30, 2001.

EXTENSIONS OF REMARKS

HONORING RICHARD DEUTCH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate a distinguished citizen of South Florida, Mr. Richard Deutch. Richard Deutch's inspiring courage, innovative business career, and leadership within the medical community serve as an example for what one caring individual can do when they share their dreams with others. Sadly, Mr. Deutch passed away on April 19, 2001.

Born on April 18, 1926, Mr. Deutch was raised in Providence, Rhode Island and matriculated to Brown University at the age of 16 in 1942. Mr. Deutch earned his DDS degree from the New York University College of Dentistry in 1950, but not before proudly serving his country as a Naval Lieutenant Junior Grade during World War II.

Mr. Deutch moved to Miami, Florida in 1957 and practiced as a successful pediatric dentist for over 20 years. In 1978, Mr. Deutch innovated a still-thriving chain of dental offices within retail department stores throughout South Florida. A compassionate man, he believed that quality dentistry should be affordable and available to every family. Not only did the convenience of Deutch's locations make a difference, but his willingness to keep his offices open long hours and weekends opened the doors for countless hard-working parents to attain quality care for their children.

Mr. Deutch's tremendous capacity for leadership amongst his peers was shown in countless dental, civic and philanthropic organizations. Mr. Deutch was on staff at St. Francis and North Miami General hospitals, and served as Chief of the Department of Pediatric Dentistry at Mt. Sinai Medical Center. Mr. Deutch was a fantastic teacher and found great satisfaction in his teaching position at Mt. Sinai Medical Center, a non-profit teaching hospital. As the President of Mt. Sinai's Sustaining Board of Fellows, a Founder and Life-Trustee at Mt. Sinai, a former Trustee of Temple Israel of Greater Miami, and president of Westview Country Club for six years, Mr. Deutch never ceased giving his time and effort to improve the health and well being of the South Florida community.

Patient and kind, Mr. Deutch will no doubt be missed the most by his loving wife of 46 years, Felicia, as well as by their children and grandchildren. However, he will also be long remembered by the unending list of the South Florida families, patients, and students he helped throughout his life.

RECOGNIZING HIYAMA FARMS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Hiyama Farms for being named Industry of the Year. The Fowler Chamber of Commerce will present the award to Hiyama Farms at Fowler's annual Community Recognition Banquet.

Hiyama Farms is truly a family operation. Kazuo and Edith Hiyama purchased 20 acres of vines in Eastern Fowler during the 1930's. Over the years the farm has gradually grown, increasing their acreage and focusing on growing tree fruit. The farm currently produces Zante currant raisins, cherries and tree fruit. Howard, the son of Kazuo and Edith, operates the farm with the help of his sons, Darren and Gene, and his brother Dean Hiyama.

Hiyama Farms is one of the original growers to associate with the Fowler Packing Company and they share many of their innovative farming inventions with them. Kazuo invented agricultural equipment called ''automatic movable platforms.'' His invention greatly improved pruning and thinning of fruit trees. Before the advent of mechanized farming, Hiyama Farms utilized ''dried on the vine,'' mechanical raisin harvesters, and other efficient farming practices. The Hiyama sons' current goal is to continue to improve the mechanization of the farm. These innovative farming methods singles out Hiyama Farms of Fowler as a leader in agriculture.

Mr. Speaker, I rise to recognize Hiyama Farms for their Industry of the Year Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing the Hiyama family and Hiyama Farms many more years of continued success.

CELEBRATING THE ACHIEVEMENTS OF SISTER EYMARD GALLAGHER, PRESIDENT OF MARYMOUNT UNIVERSITY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. MORAN of Virginia. Mr. Speaker, It is with great pleasure that I rise today to honor Sister Eymard Gallagher, who has served as President of Marymount University, located in Arlington, Virginia, since 1993. During her tenure as President, Sister Gallagher has focused her efforts on ensuring that Marymount University becomes recognized as one of the premier higher learning institutions in the Washington metropolitan area, a goal that has been achieved time and time again.

One of Sr. Gallagher's many accomplishments includes the establishment of the new University Center, named in honor of Ms. Rose Bente Lee, a generous benefactor, which was constructed and dedicated in 1999. Sr. Gallagher also helped to establish the Marymount University Center for Ethical Concerns, which provides a forum for both students and faculty members alike to exchange ideas and concerns about ethical issues facing society. It also helps to foster an understanding and create a dialogue among students, faculty members and visiting scholars. Since its inception, the University Center for Ethical Concerns has hosted national conferences on numerous issues including Cyber Ethics, Sweatshop Labor, and Managing Health Care Costs.

Sr. Gallagher also led the festivities last year when Marymount University had the distinct honor of marking its 50th Anniversary. Through her leadership and innovation, Marymount University has also launched the program, the ''Educator to Educator Initiative'', designed to provide technology training to teachers in the Northern Virginia area. This important educational initiative will enable teachers at collaborating schools with the resources, materials and technical assistance needed to enrich classroom teaching in computers and technology. Sr. Gallagher has always recognized the fact that technology has become increasingly important in our country and to complete in the world-wide market. The ''Educator to Educator Initiative'' program provides students with the opportunity to utilize technology effectively to enhance their learning process.

In addition to Sr. Gallagher's achievements on the campus of Marymount, she has also provided leadership to the regional community, serving as a member of the Greater Washington Board of Trade and its Potomac Conference and Workforce Availability Task Force. Sister Gallagher also serves on the boards of the Fairfax County Chamber of Commerce; the Northern Virginia Business Roundtable; the Information Technology Association of America Foundation; and First Virginia Bank. Virginia Governor James Gilmore has also appointed Sr. Gallagher to the e-Communities Task Force of the Governor's Commission on Information Technology.

I am very proud, Mr. Speaker, that I have been given the wonderful opportunity to honor such a wonderful community leader as Sister Eymard Gallagher. On June 30th of this year, Sister Eymard Gallagher will say goodbye to Marymount University, its faculty and its students. Though she will no longer serve as President of Marymount, she will forever be linked to the University for her leadership and dedication, the perfect example of a true community leader. She embodies the best in the rich tradition of Catholic higher education in America. I wish Sister Eymard Gallagher all the best as she continues on her path of benefitting the lives of others.

ROTARY CLUB OF ORMOND BEACH 50TH ANNIVERSARY

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CRENSHAW. Mr. Speaker, this past weekend, the Rotary Club of Ormond Beach celebrated their 50th anniversary.

The Rotary Club of Ormond Beach, comprised of business and professional leaders who practice ethnical standards in relationships in the community, is a dedicated and respected member of the large international humanitarian service organization. The members of the Rotary Club of Ormond Beach dedicate their time, skills, expertise and other resources to help improve the lives of others in developing countries by supporting the Rotary Foundation, helping to bring families together through its participation in the Children's Grief Center, and providing the youth of our community with six academic scholarships annually through the Darcy Akers Scholarship fund.

It is an asset to Ormond Beach to have a group of men and women who consistently promote truth, fairness, and try to improve relations among citizens in the community. The Rotary Club of Ormond Beach provides friendship and fellowship to its members and visiting Rotarians and are some of the most active local citizens motivating and influencing community leaders through their efforts. The Rotarians of Ormond Beach are true citizens of the World and exemplify the motto "Service Above Self."

Mr. Speaker, I would like to congratulate the Rotary club of Ormond Beach on its 50th Anniversary and commend each of its members for their tireless commitment to their local community.

HONORING JACOB J. MARKS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Jacob J. Marks, a distinguished citizen of Pembroke Pines, FL who proudly served his nation and his community. Mr. Marks, who unfortunately passed away on April 21, 2001, was an inspiring leader who left a legacy of diligence and devotion for his entire community.

Born in 1921 in Philadelphia, PA, Mr. Marks was raised and educated in Pittsburgh. He attended the University of Pittsburgh where he met his wife, Harriet. In 1941, Mr. Marks joined the U.S. Marines and courageously served his country until the end of World War II. He fought in the Battle of Iwo Jima and was there when the United States flag was raised on Mount Suribachi. He was always proud to say that the official flag was raised only ten feet from his foxhole. Following his military service, Mr. Marks worked as a draftsman at Blaw Knox, a Pittsburgh engineering company where he remained until he moved to Pembroke Pines, Fl in 1984.

After moving to Florida, Mr. Marks became involved in numerous civic and community organizations. Residents immediately recognized the value of his enthusiasm for and commitment to his community; characteristics which made him a natural leader. Loyal and responsive to the needs of his fellow veterans, Mr. Marks served as the Commander of the Jewish War Veterans, Post 177. As treasurer of Pembroke Pines Concerned Citizens, Mr. Marks worked diligently on numerous issues affecting the well being of his community. In his position as Director Emeritus of the Pembroke Pines Democratic Club, he was active in voter registration and community organizing. In addition, he was recently elected as the vice chairman emeritus of the Century Pines Jewish Center Board of Trustees. Always combining his energy with his compassion, he participated in annual charity events such as walkathons to raise money for medical research and disease awareness.

In sum, Mr. Speaker, Mr. Marks was a wonderfully caring man whose energetic devotion to Pembroke Pines made him a true community leader. While we mourn his passing, Mr. Marks' legacy of community enrichment will be treasured by current and future generations of Pembroke Pines.

HONORING MRS. JANE B. GARRISON

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KINGSTON. Mr. Speaker, I rise today to honor a woman from my district whose hard work and leadership are rivaled by only a few. This woman, Mrs. Jane B. Garrison, has dedicated the past eight years to the Safe Kids of Savannah Coalition and to the prevention of unintentional injury to children, the number one killer of children. Her hard work has, indeed, made my hometown, Savannah, Georgia, a safer place for children.

Working as the Coalition's Coordinator, Jane Garrison has made Safe Kids of Savannah a truly successful organization. She has been the driving force behind its many charities and functions. Because of Mrs. Garrison, Safe Kids of Savannah has been given many awards, including the 1994 Outstanding Health Promotion Program from the U.S. Department of Health and Human Services, the 1995 SAFE KIDS of Georgia Coalition of the Year and the 1996 Outstanding Coalition of the National SAFE KIDS Campaign.

Mrs. Garrison has quietly been an outstanding supporter of protecting and promoting the welfare of children in Savannah since she moved there in 1985. Her other achievements include: the establishment of Boy Scout Troop #57 on Skidaway Island; Chairman of Lifeline of Children, Inc. (a volunteer group that works with the Chatham County DFCS Department to prevent child abuse and neglect); most recent former Chairperson of the Board of Directors of Chatham County DFCS; and recipient of the Richard A. Schieber, MD Award for 2001 from SAFE KIDS of Georgia, as an outstanding SAFE KIDS Coordinator.

I think it is only fitting, Mr. Speaker, to add a prayer for the children in honor of Mrs. Garrison's hard work and the SAFE KIDS of Savannah's 10th Anniversary Celebration. This prayer, taken from the SAFE KIDS of Savannah Coalition's 1999–2000 Annual Report, was adapted from Ina J. Hughes by the Children's Defense Fund. It is entitled, Lest We Forget: A Prayer of Responsibility for Children

WE PRAY FOR CHILDREN
Who bring us sticky kisses and fistfuls of dandelions,
Who hug us in a hurry and forget their lunch money.
WE PRAY FOR CHILDREN
Who never get dessert,
Who do not have any rooms to clean up,
Whose pictures are not on anybody's dresser,
Whose monsters are real.
WE PRAY FOR CHILDREN
Who throw tantrums in the grocery store and pick at their food,
Who squirm in church and scream in the phone,
Whose tears we sometimes laugh at and whose smiles can make us cry.
WE PRAY FOR CHILDREN
Whose nightmares come in the daytime,
Who are not spoiled by anybody,
Who go to bed hungry and cry themselves to sleep,
Who live and move, but have no being
WE PRAY FOR CHILDREN
Who want to be carried, and for those who must,
For those we never give up on and for those who do not get a second chance,
For those we smother . . .
And for those who will grab the hand of anybody kind enough to offer it.
WE PRAY FOR YOUR CHILDREN, O GOD
May we, ourselves, be an answer to prayer.

Thank you, Mr. Speaker, for the opportunity to speak on behalf of a loyal servant of God; a woman whose efforts keep children alive and healthy. Thank yo for your dedication Mrs. Garrison, you keep children's dreams alive. God bless these children and Mrs. Jane Garrison for helping them.

HONORING DR. TJ OWENS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. LOFGREN. Mr. Speaker, I wish to congratulate Dr. TJ Owens, Vice President of Student Services, who is retiring this month after 10 years of service to the students of Gavilan Community College in Gilroy, CA. Dr. Owens will be much missed by the students, faculty and administration of Gavilan College.

Dr. TJ Owens began his career as a teacher in Barstow, California, after earning his degree from Fresno State. Upon completion of his Masters Degree in Counseling and Guidance Education, he served as the Assistant Dean and then the Dean of Student Services at San Jose City College, which is when I first met him. He became the Vice President of Student Services at Gavilan Community College in 1981.

Dr. Owens' commitment to the community, and to education, runs deep: he is a board member of the Gilroy Unified School District and the Gilroy Gang Task Force. He also chairs the Charles, Sr. and Ernestine Williams Foundation. He belongs to the Association of California Community College Administrators, the Faculty Association of California Community Colleges, and the California Community College Chief Student Services Association.

I want to thank Dr. TJ Owens for his friendship, and for his dedication to Gilroy and to

Gavilan College, and to wish him all the best in the next phase of his life.

RECOGNIZING THE PIZZA FACTORY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Fowler Pizza Factory for being named Business of the Year. The Fowler Chamber of Commerce will present the award to the Pizza Factory at Fowler's annual Community Recognition Banquet.

Tim and Denise Hamblet are the proprietors of the Fowler Pizza Factory. From 1986 until 1998 the Hamblets owned and operated a heavy equipment business in San Bernardino. Denise also worked for several car dealerships during that time. A Hamblet family friend, who had bought the Pizza Factory in Firebaugh, persuaded the couple to look into the Fowler franchise. The couple liked the Pizza Factory and decided to buy the restaurant and relocate.

Since the fall of 1998, the Hamblets have developed the Fowler restaurant into the fourth-rated franchise out of about 100 in the entire chain.

Tim has served on the Fowler Planning Commission. Denise has plans to become involved in various community activities in Fowler. Both are originally from Southern California. They were married in 1973 and have 3 children.

Mr. Speaker, I rise to recognize Fowler Pizza Factory for their Business of the Year Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing the Hamblet family and Fowler Pizza Factory many more years of continued success.

TRIBUTE TO HERBERT PUNDIK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Mr. Herbert Pundik—a man who has dedicated his life to promoting greater understanding and tolerance between people of different cultures, especially the Palestinians and the Israelis. His commitment to humanism and his many commentaries have had a great influence in both his native Denmark and his adopted Israel.

Mr. Speaker, Mr. Pundik was only 16 years old when he himself was a victim of intolerance and racism. Born September 23, 1927, in Copenhagen, Mr. Pundik was brought up in a Jewish family, and he was only 12 years old when the Nazis invaded Denmark on April 9, 1940. Initially the occupation did not bring much change to lives of the Danish Jews as the Danish government and the Danish laws remained in effect until August 29, 1943, ensuring, among other things, that no Jew in Denmark ever had to wear the yellow star.

On October 1, 1943, the Nazis decided to round up all the Danish Jews and deport them to concentration camps. Fortunately, G.F. Duckwitz, a German diplomat with contacts among the Danish Social Democrats, tipped off the leading Danish Social Democrat, Hans Hedtoft, regarding the deportation. Hedtoft quickly alerted the Jewish community, and a spontaneous and courageous rescue action developed among Danes. During the evacuation Mr. Pundik and his family, along with most other Danish Jews, were transported by fishing vessel to neutral Sweden. In 1945 Mr. Pundik joined the Danish voluntary forces in Sweden (Den Danske Brigade), and when Denmark was liberated in May of that year, he returned to Denmark to complete his high school education.

Mr. Speaker, Herbert Pundik recently wrote a book published in November 1998 about the incidents surrounding the great rescue of the Danish Jews—In Denmark it Could Not Happen. I urge all my colleagues to read this book to learn the details of how the Danish population courageously committed themselves to common human decency and saved virtually their entire Jewish community.

Mr. Pundik later went to Israel, where he was a member of the Israeli voluntary forces from 1948–49 when Israel fought its war of independence. He returned briefly to Denmark and married Susie Ginzborg in 1951. In 1954 they immigrated to Israel where they raised their three children. Their oldest son was killed as a soldier in the 1973 Yom Kippur War. Another son was one of the two Israelis who initiated the Oslo peace talks between the Israelis and Palestinians.

Professionally Mr. Pundik pursued a career as a journalist. He was a co-founder and editor of the Danish periodical Israel, and through the years he has worked at both Danish and Israeli newspapers covering major international crises such as the Vietnam War, the Kashmir conflict, and the Middle East struggle. In 1963 he began working as an international correspondent for one of the largest Danish newspapers Politiken and in 1967 he became a permanent employee. Three years later he was promoted to editor-in-chief. Under terms of a unique agreement, Mr. Pundik managed Politiken for 23 years, commuting forth and back between Denmark and Israel each month and spending roughly three weeks in Copenhagen and one week in Tel Aviv.

Mr. Speaker, Mr. Pundik's dedication to human rights and tolerance has earned him many prizes—among those are honorary citizenship of Latvia in 1991 because he was the first person to suggest that Denmark send a cultural representative to Latvia, even though the country was then technically a part of the Soviet Union. In 1993 Mr. Pundik retired from his position as editor-in-chief at Politiken, but he has continued his humanitarian efforts. He is a member on the board of Politiken, the coordinator for the International Alliance for Arab-Israel Peace and a member on the board of directors of Humanity in Action, an exchange student program with participants from the U.S., the Netherlands, and Denmark.

Mr. Speaker, often in today's world too much attention is focused on the violent aspects of society. Today however, we have the opportunity to pay tribute to an extraordinary man who is a consistent and eloquent advocate for peace and tolerance. Mr. Speaker, I urge my colleagues to join me in recognizing Mr. Herbert Pundik.

RECOGNITION OF THE SERVICE OF RABBI MARVIN BASH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. MORAN of Virginia. Mr. Speaker, I rise today on the occasion of the retirement of Rabbi Marvin Bash to extend my sincere thanks to him for his service to the Eighth District of Virginia. For more than thirty-five years, Rabbi Bash devoted himself to the Arlington-Fairfax Jewish Congregation as Arlington's only congregational rabbi, making him the longest serving active congregational rabbi in the Metropolitan Washington area. As a community leader and activist, he led his community in a fight for civil rights, support for Israel, Jewish education, and tolerance. He taught our children, cared for our sick and elderly, and served as an example of moral leadership to all of us. I am honored to be a part of this celebration of his service. I send Rabbi Bash warm wishes for a blessed retirement and hope that his time as Rabbi Emeritus will be filled with the return of the love and support he has given his community.

NAVAL AIR STATION JACKSONVILLE COMMUNITY SERVICE PROGRAM

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CRENSHAW. Mr. Speaker, this week I had the honor of participating in the Annual Volunteer Service Recognition Program held at Naval Air Station Jacksonville, Florida. The event was held to thank and acknowledge departments and residents commands at NAS Jacksonville for the volunteer work their personnel gave to the local community this past year.

The NAS Jacksonville community service program falls under the larger Navy Community Service Program. The NCS program was developed by the Chief of Staff of the Navy in 1992 to expand the role of Navy military and civilian personnel by encouraging community service projects and partnerships that strengthen the academic and personal growth of local youth.

During calendar year 2000, military and civilian personnel of NAS Jacksonville contributed 434,457 hours of volunteer service to the Jacksonville community. As recently as last year, the House Armed Services Committee discussed a certain disconnect that has developed between American society and the United States military. The NCS program was designed to break down those barriers and enable military and civilian military personnel to interact with their local communities in constructive ways.

The Jacksonville community is a wonderful example of a strong partnership between the United States armed forces and their neighbors. The military and civilian personnel at NAS Jacksonville wholeheartedly embraced the opportunity to build a sense of community between themselves and the Jacksonville community.

Today, our youth are exposed to many aspects of life that have potentially negative repercussions on their social decisions. Military and civilian personnel from NAS Jacksonville have become role models to local youth through teaching, coaching, and offering advice. Local families can feel more confident about the decisions their children are making, NAS Jacksonville personnel are given the opportunity to discuss how they contribute to the national security of the United States and society is strengthened by the strong community bonds developed.

Mr. Speaker, in closing I would like to commend the volunteers of the Navy Community Service Program and thank the military and civilian personnel at NAS Jacksonville for their tireless commitment to their local community.

HONORING BOY SCOUT TROOP 76 OF WILMINGTON ISLAND

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KINGSTON. Mr. Speaker, I rise today to honor a great achievement by Boy Scout Troop 76 of Wilmington Island, which is in my district. I believe that the Boy Scouts of America play a wonderful role in the life of many young men throughout our nation. The life lessons and morals taught by this organization should be heralded daily by all of us. What happened at a recent outing of Troop 76 to the Delta Plantation in Hardeeville, South Carolina is proof of this.

In late March, Boy Scout Troop 76 went on a weekend camping trip to the Delta Plantation, a privately owned 1600 acre tract of land in Hardeeville, South Carolina just outside of Savannah. The area is completely unspoiled and teeming with wildlife.

During the weekend, the owner of the property approached the Scout Troop and informed them that an American Bald Eagle was injured and stuck in the marsh nearby. One of the troop leaders, Will Jarvis, and several of the older Scouts went to help.

Upon their arrival at the scene, they found a baby American Bald Eagle in the marsh struggling to escape. Disregarding their own safety, Will and several of the Scouts went into the alligator and snake invested water to help the scared animal. The eagle was wrapped in a blanket and rushed to the only veterinarian who is allowed to treat endangered species. The eagle is currently under the doctor's care where it will be nursed until it can be safely released.

I believe that this is a perfect example of what Scouting is all about. If it were not for these Boy Scouts' quick response and disregard for their own personal safety, we would have lost yet another of an already endangered species. I applaud Boy Scout Troop 76 for their bravery and I applaud the Boy Scouts of America for what they teach.

TRIBUTE TO PROFESSOR HELLE PORSDAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to a most talented and remarkable Danish scholar—Professor Helle Porsdam. Professor Porsdam is affiliated with the University of Southern Denmark, Odense and is a well known scholar and commentator on American society. Her most recent publication is Legally Speaking: Contemporary American Culture and the Law, which offers an insightful analysis of American culture and discusses the social impact of law in the United States.

In addition to her outstanding scholarship, Dr. Porsdam is known for her involvement in human rights. She was instrumental in the creation of the European Master's Degree in Human Rights and Democratization in 1997. Some 90 students from the 15 European Union partner universities earn this Masters degree after a year of intensive study.

This summer, Dr. Porsdam will be one of the Danish Speakers at the Humanity in Action Program (HIA), which conducts two educational programs that run simultaneously in both Denmark and the Netherlands. Some 20 students from the United States participate together with 10 students from both host countries. HIA has been established in association with Johns Hopkins University and in cooperation with the U.S. Holocaust Memorial Museum. The goal is to strengthen the participants' commitment to democratic values and broaden their knowledge of the resistance struggle against human rights violations today and in the past. A special focus of the program is the protection of European Jews during World War II.

Mr. Speaker, Dr. Porsdam is an associate Professor of American Studies at Odense, and she holds an M.A. in English from the University of Copenhagen and a Ph.D. in American Studies from Yale University. She teaches American history, and her research interests include American intellectual history, law and American culture, and literature. In 1992–93 she was an American Council of Learned Societies Visiting Scholar and a Liberal Arts Fellow at the Harvard University Law School. She is currently involved in a research Project on Danish legalization as a form of Americanization. In this project Dr. Porsdam explains how the U.S. has exported a tendency to the rest of the world to define major issues in terms of rights.

Dr. Porsdam is an extraordinary scholar and ardent defender of human rights and I urge all my colleagues to join me in paying tribute to her today.

TRIBUTE TO DRINA COLLINS

HON. ZOE LOFGREN

OF CALIFORNIA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. LOFGREN. Mr. Speaker, we rise in gratitude to Drina Collins, who is leaving the Pacific Gas and Electric Company after more than twenty years of service.

Drina Collins has helped the company and the community through countless crises: floods, mudslides, fires and more. Ms. Collins has been the tirelessly cheerful and efficient public face of PG&E for San Jose and Santa Clara County since long before the area was known as the Silicon Valley. During her tenure in the Government Relations department of Pacific Gas and Electric, Ms. Collins managed the public affairs programs, answering questions from customers and elected officials alike with accuracy and enthusiasm.

A glance at Drina Collins' résumé reveals a lifelong commitment to Santa Clara County. Before beginning her job at Pacific Gas & Electric she served as the Chief of Staff for the Honorable Dom Cortese, a Santa Clara County Supervisor. She is currently the Chairperson of the Santa Clara County Redistricting Committee 2000 and the Silicon Valley Economic Development Corporation. Ms. Collins serves on the board of the San Jose Conservation Corps and the Guadalupe River Park and Gardens Corporation.

Drina Collins has a knowledge of and love for Santa Clara County that is unmatched, and we know she will be much missed at PG&E. Moreover, we want to say that we are both grateful to her for her caring friendship and wise counsel through our careers, which we are confident will continue through the years. Our families wish her nothing but the best in the next chapter of her life.

RECOGNIZING JOHN GOODE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize John Goode for receiving the Friend of Fowler Award. The Fowler Chamber of Commerce will present the award to John at Flowler's annual Community Recognition Banquet.

While Mr. Goode currently lives in the Bay Area, he remains involved in Fowler affairs. John regularly contributes to the Fowler High School and Sutter Middle School bands. He has also recently endowed a scholarship in memory of his parents to the University of California, for which preference is given to Fowler High graduates. He plans to host the 40th reunion of the Fowler High School Class of 1962 in conjunction with the 2002 Fowler Fall festival.

John credits many of the values he learned growing up in the Fowler-area as guides for his career. He has been honored as a "Forbes Honor Roll" winner for his skills in risk management. He has managed the Smith Barney Fundamental Value fund for 10 years. John is currently the chairman and chief investment officer of Davis Skaggs Investment Management.

Mr. Speaker, I rise to recognize John Goode for his Friend of Fowler Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing John Goode many more years of continued success.

TRIBUTE TO ATK AMMUNITION PLANT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GRAVES. Mr. Speaker, I rise today to congratulate ATK and its Lake City Ammunition Plant located near Independence, Missouri, for their efforts in providing the United States Military with high quality ammunition while at the same time reducing their impact on the environment.

This week, the U.S. Army will present Lake City Ammunition Plant with its Secretary of the Army Environment Quality Award for an industrial installation. The Secretary of the Army recognizes the efforts of the Lake City Army Ammunition Plant to improve the environment. The Plant has reduced its hazardous waste generation rate by sixty percent eliminating twenty tons of air emissions per year. At the same time, it has operated in compliance with twenty-five different environmental permits and recycled over fifty-five hundred tons of material.

Through the hard work of nearly eight hundred fifty employees, the Lake City Ammunition Plant has proven that it can continue to be the largest supplier of small caliber ammunition to the United States Department of Defense, while retaining a superb record on the environment.

Again, I congratulate and commend ATK and the employees of Lake City Ammunition Plant for their excellent record on the environment and congratulate them for receiving the Secretary of the Army Environmental Quality Award.

TRIBUTE TO PROFESSOR THERKEL STRAEDE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues today to join me in paying tribute to Professor Therkel Straede, a remarkable scholar who has put together an important exhibition of photographs of the rescue of Danish Jews in 1943. The exhibition shows how the Danish people acted as the keepers of basic human decency and saved almost the entire Jewish community of Denmark. At a time when most of Europe was oppressed by Nazi tyranny, which was the antithesis of humanity, decency, and brotherhood, the Danes showed great humanity despite tremendous personal risk.

Mr. Speaker, since 1995 Dr. Therkel Straede has been a Professor of Modern German History and Holocaust Studies at Odense University in Denmark. During the period 1988–1992 he was a member of a research team at Ruhr-University at Bochum, Germany. There he researched the history of the German automobile company Volkswagen A.G., and the use of forced labor by Volkswagen during the 3rd Reich. He has recorded testimonies of more than a 120 survivors and is producing a monograph on the subject.

Dr. Straede has focused most of his work and studies on the Holocaust, and he is a founding member of the Danish National Committee for the Counseling of Victims of Nazi German Persecution, Forced Labor and Genocide. He has received scholarships at the Technical University of Berlin (1986) and the Institute for German History in Tel-Aviv (1992). He was a Fulbright visiting researcher at the Georgetown University at the Center for German and European Studies in 1998–99 and an associate scholar of the Center for Advanced Holocaust Studies at the US Holocaust Memorial Museum in 1999. Currently, Dr. Straede is writing a series of articles on a number of German concentration camps for the US Holocaust Memorial Museum's Encyclopedia of Nazi Camps.

The traveling exhibit on the rescue of the Danish Jews, of which Dr. Straede is the curator, has been displayed in more than 100 locations in 27 different countries. On May 2, 2001, it will be on display in the Rotunda of the Russell Senate Office Building. With the help of Project Judaica Foundation Inc., the exhibition will hereafter be on display at a number of locations in the United States.

Mr. Speaker, I urge all of my colleagues to take a moment out of their busy schedules to visit this worthwhile exhibit while it is here in Washington at the Russell Rotunda.

Mr. Speaker, I want to pay tribute to Dr. Therkel Straede for his thorough work on the history of Holocaust, and his diligent documentation of the details of the Nazi use of slave labor. We can all learn a valuable lesson from Dr. Straede's work; even a force of evil as powerful as the Nazi regime can be beaten by dedicated people committed to common human decency. I believe this is best shown in the spontaneous and courageous rescue action of the Danish people in 1943.

TRIBUTE TO MS. LEE REEVES

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. ROGERS. Mr. Speaker, today, I rise to honor the accomplishments of Ms. Lee Reeves of Pinckney, Michigan. Ms. Reeves has recently been named a Women of Distinction by the Girl Scouts of the Huron Valley Council of Ann Arbor, Michigan. This honor is in recognition of her excellence in business ethics and volunteerism. As the current President of the Howell Chamber of Commerce, Ms. Reeves has greatly enhanced the quality and scope of the programs offered to its members. Her work at the Chamber has increased both membership and financial capabilities.

Ms. Reeves leadership abilities have impacted not only the Chamber, but also the community at large. Her community focus is indicated through the initiation of such programs as the "Drug-Free Workplace" and the Howell Public Schools mentor program. Ms. Reeves has also participated in numerous community organizations such as the Livingston County Substance Abuse Prevention Coalition and the Livingston County Child and Family Services Board.

This brief commentary only scratches the surface of the professional and community contributions of Ms. Reeves. Above all else Ms. Lee Reeves is a women of integrity. Her professional and community leadership demonstrates a personal vision with a societal focus which I respectfully ask my House colleagues to recognize.

HONORING THE LATE FLORIDA GOVERNOR LAWTON CHILES AND DR. HORACIO AGUIRRE ON BEING NAMED RECIPIENTS OF THE GREAT FLORIDIAN AWARD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to offer my heartfelt congratulations to Florida's late Governor and United States Senator Lawton Chiles and Diario Las Americas newspaper publisher Dr. Horacio Aguirre on the occasion of being named recipients of the Great Floridian award. This award, which is presented periodically, symbolizes the everlasting contributions these two individuals have made to the state of Florida. I am proud to stand before this body and honor these two great Floridians.

From the moment he was first elected to the Florida State House of Representatives in 1958, until his untimely death in 1998, Lawton Chiles was a household name in Florida politics. As a boy, Lawton Chiles dreamed of becoming a United States Senator. In 1970, after eight years in the Florida House and four years in the Florida State Senate, his dream came true when he was elected to the first of three consecutive terms in the United States Senate. After deciding not to run for reelection in 1988, Lawton Chiles successfully ran for governor of Florida in 1990, a position he proudly held until 1998. Throughout his career, Governor Chiles represented the people of Florida with honor and conviction. Whether it is providing health insurance for all children or working to restore Florida's Everglades, the work Governor Chiles did, and the programs he supported, made the lives of millions of Floridians better. It is for his hard work and dedication to the issues he cared about, that Governor Chiles is considered by many to be one of the most successful and respected public officials in the later half of the 20th century.

Dr. Horacio Aguirre, co-founder of Miami's oldest Spanish-language newspaper, is one of the most influential Hispanics in Florida. Dr. Aguirre was born in 1925 in New Orleans, Louisiana, to two Nicaraguan parents. In 1950, Dr. Aguirre completed his studies at the University of Panama, where he earned degrees in law and political science. In 1953, with the help of his brother Francisco, Dr. Aguirre founded Diario Las Americas. As the editor and chief editorial writer, Dr. Aguirre has helped shape the views and images of Miami's Spanish-speaking community. He has served as President of the Inter American Press Association, as well as a member of various newspaper and editorial organizations. Today, Diario Las Americas is read by thousands of South Floridians every day. Spanish and non-Spanish speakers alike look to Diario Las Americas for the views and concerns of Miami's Hispanic community.

Mr. Speaker, the people of Florida have benefitted from the actions and accomplishments of the two gentlemen I speak of today.

The late Governor Lawton Chiles and Dr. Horacio Aguirre are worthy of the praises of the people of Florida as well as the members of the House of Representatives. They are both great Floridians and Americans.

RECOGNIZING KELLY FUJIKAWA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Kelly Fujikawa for being named Youth Citizen of the Year. The Fowler Chamber of Commerce will present the award to Kelly at Fowler's annual Community Recognition Banquet.

Kelly is currently a senior at Fowler High School, where she is active in school sports, clubs, and student council. She is an honor student and is involved in the Science Olympiad, Academic Decathlon and California Scholarship Federation, Spanish Club, Asian Club, Peer Helper Program, and the school band. Kelly also earned the prestigious honor of being named student representative to the Fowler School District Board for the fall semester.

Her community involvement includes: Girl Scouts, 4–H, Buddhist Church of Fowler, Japanese dance teacher, Sunday School teacher's aide, volunteer pianist, lunch service at the Edwin Blayney Senior Center, and aided at Fowler and National Grange events.

Mr. Speaker, I rise to recognize Kelly Fujikawa for her Youth Citizen of the Year Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing Kelly Fujikawa many more years of continued success.

TRIBUTE TO THE COMMUNITY HEALTH AGENCY OF ATTLEBORO, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. McGOVERN. Mr. Speaker, today I rise to applaud the Community Health Agency of Attleboro, Massachusetts. In 1910, town and church officials approached Rena Rounsville, President of the Murray Church Mission Circle, with a challenge. Would she be interested in forming some sort of nursing service for the health and welfare of the citizens of Attleboro?

The ensuing years resulted in clinics for tuberculosis, family welfare, school nurses, new baby welfare, and a myriad of other services. The local pharmacy, doctors, and dentists in the area cooperated and a network of health care professionals to care for the needs of the community was established. Funding, at best, was haphazard—running the gauntlet of tag days, tuberculosis Christmas seals, and very small patient fees.

The present day program has evolved and is now called Community Health Agency, Inc. It encompasses the nine cities and towns in the area and provides skilled nursing care, therapists, home health aids, and hospice to the region. Throughout the years, this agency has provided the citizens of this community with services during times of great stress to the patients and their families. It is important that the elderly, as well as other community members, have the resources to assist them with their health needs, and accordingly, the agency provides a network of services to assist them. Compassionate and dedicated care by professional and well trained medical staff is the foundation for quality care in the region. Thank you.

I applaud the services that they provide and look forward to the coming years with the hope that the agency will continue to provide services that are so desperately needed.

TRIBUTE TO NICHOLAS W. INMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that Nicholas Inman, of Marshfield, MO, will be retiring as host of the Webster County Opry on May 4, 2001.

In 1997, as a 15 year old boy, Nicholas had a vision to bring quality entertainment and a new tradition of Ozark music to Webster County. Although he faced many obstacles and challenges Nicholas' dream has grown into a reality, known today as the Webster County Opry. His many accomplishments include increasing the Opry membership from eight to 50, welcoming numerous local celebrities and hosting and producing every show in the four year history of the Opry. Nicholas has also received and deserved praise from the late Governor Mel Carnahan and former First Lady Barbara Bush.

Mr. Speaker, Nicholas Inman dedicated himself to the establishment and growth of the Webster County Opry. The joy he brought to so many is indeed commendable. I am certain that the Members of the House will join me in wishing him all the best.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, due to illness, I was unable to be present for rollcall votes 85 through 89. Had I been present, I would have voted "yea" on rollcall votes 85, 86, and 88, and "nay" on rollcall votes 87 and 89.

COMMENDING THE ACADEMIC ACHIEVEMENTS OF STUDENTS FROM WILLISTON NORTHAMPTON SCHOOL IN EASTHAMPTON, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. OLVER. Mr. Speaker, I rise to congratulate the students of Williston Northampton School in Easthampton, MA for their excellence in academic competition. Under the tutelage of Mr. Peter Gunn, these young people have shown an acute knowledge of the Constitution and its Amendments, in particular the Bill of Rights.

On April 21–23, 2001 more than 1,200 students from across the country were in Washington, DC to demonstrate their expertise in American government and represent their home states as part of the "We the People . . . The Citizen and the Constitution" program, sponsored in part by the U.S. Department of Education. I am pleased to announce the class from Williston Northampton School participated on behalf of the Commonwealth of Massachusetts.

Mr. Gunn's students have taken a strong interest in the principles that govern our nation. Through their students, they have become aware of the founders' efforts to fashion an enduring republic. Through their accomplishments, they have shown a keen understanding of the political process, its participants and the laws that will ensure America's continued vitality.

It is an honor to recognize such a meritorious group.

HONORING TOM SAWYER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CONDIT. Mr. Speaker, I rise today to honor the distinguished career of my good friend Merced County Sheriff-Coroner Tom Sawyer. Today, Tom retires after 34 years as a peace officer. True to his nature, he is only stepping aside from one venture to begin another.

I have had the privilege of working with Tom on a wide variety of issues since his earlier service with the California Highway Patrol. He is a respected member of the law enforcement community and is known for his dedication to the community.

Tom has worked on many statewide issues. He serves on the California State Board of Corrections and was instrumental in establishing the Central Valley High Intensity Drug Trafficking Area, where he continues to serve as the Intelligence Committee chairman. Since becoming sheriff he has overseen a department that has grown by leaps and bounds.

He has been successful working with the COPs program to put more deputies on the street. He has worked tirelessly to expand the presence of the Merced County Sheriff's Department to transform his vision of improved correctional facilities and the department's relationship with the community. He has done each of these remarkably well.

One prime example is the Explorer Scouts program. When he began his tenure as sheriff, the group consisted of 8 members. Now, I am proud to report to my colleagues, the program thrives with more than 150 outstanding young men and women. Volunteerism is up and through Tom's leadership new substations help secure and ensure the safety of our communities. He has guided the department through growth in many areas including an impressive search and rescue system on land, water and in the air.

Mr. Speaker, Tom's career as Merced County Sheriff-Coroner is distinguished. He has set standards for others to follow. He will be missed. I am proud to call him my friend and would ask my colleagues in the House of Representatives to rise and join me in thanking him for a job well done and wishing him the best in his retirement.

RECOGNIZING LEE JOHNSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Lee Johnson for being named Citizen of the Year. The Fowler Chamber of Commerce will present the award to Lee Johnson at Fowler's annual Community Recognition Banquet.

Lee has been a business owner in Fowler since 1946, when he bought Star Cash Grocery. Several years later he bought Brady's Store and changed the name to Lee's Market. Lee's Market has been a Fowler landmark ever since. The old store building burned down in 1991. Lee, who was 80 years old at the time, decided to rebuild the store along with two adjacent office spaces. The new building stands as a great source of commerce in the middle of Fowler.

Lee has been involved with several professional and community organizations including: Fowler Merchants Association, Fowler Chamber of Commerce, 4–H, Fowler Grange, the new Youth Grange, Fowler Police Department's Volunteers in Patrol Program, Masonic Lodge, American Legion, Lions Club, Fresno County Crippled Children's Fund, and the Presbyterian Church of Fowler.

Mr. Speaker, I rise to recognize Lee Johnson for his Citizen of the Year Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing Lee Johnson many more years of continued success.

HONORING DR. DOUGLAS X. PATIÑO

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today to commend an exemplary and truly outstanding public educator who has contributed enormously to the success of many minority and other students in the California public education institutions. Dr. Douglas X. Patiño recently retired from California State University-Long Beach as Vice Chancellor, University Advancement. As Vice Chancellor he brought the CSU from its infancy in development to a position of leadership in California, exceeding fundraising records among comparable institutions. It is truly a proud honor to recognize today the outstanding contributions this gentleman has made in education and public service.

Dr. Patiño has served in numerous positions in education and state government, including executive positions in the cabinets of Governor Bruce Babbit of Arizona and Governor Jerry Brown of California. He also serves as President and Chief Executive Officer of the New Partnerships Foundation and The Patiño Group in San Rafael, California.

His community service activities include currently serving as Trustee of the Charles Stewart Mott Foundation in Flint, Michigan; President Clinton's appointee to the Enterprise for the Americas Board in Washington, DC; as a Board Member of the Centro Mexicano Para La Filantropia, Mexico, D.F.; The California Wellness Foundation, Woodlands Hills, California and The Campanile Foundation in San Diego. He is a leader in developing philanthropic services along the US/Mexican border. When he was President of Hispanics in Philanthropy and a member of the Council of Foundations, he introduced international foundations to border issues. His foundation, the New Partnerships Foundation, is an active supporter of a childcare center in Tijuana, BC, Mexico.

Throughout his career, Dr. Patiño has received multiple honors and awards for his work and devotion to public service including being named as one of the 100 Most Influential Hispanics (1995, 1997 and 1998) Hispanic Business; The Azteca Award for Public Service to United States Farm Worker Families, California Human Development Corp. of Santa Rosa; The Leadership and Public Service Award, United Way of the Bay Area and National Concilio of America; Chair of the Board of Directors of Hispanics in Philanthropy and presented with The Outstanding Leadership Award by the American Public Welfare Association, Washington DC.

More importantly, Dr. Patiño has been an inspiration, motivator and a friend to many would-be students. He has helped many of these students achieve great educational goals and served as a mentor and financial supporter as well. Dr. Patiño has taken students into his heart and his home, helping them to make their way through to a better life.

Dr. Patiño, his wife Barbara, his son Viktor, who recently graduated from California State University, Long Beach and is now working for the State of California Parks and Recreation Department, are long time friends and I sincerely wish them every possible success in their future endeavors.

COMMEMORATING THE 100TH ANNIVERSARY OF THE SOUTH MOUNTAIN RESTORATION CENTER

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. PLATTS. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the South Mountain Restoration Center in South Mountain, Pennsylvania, and to pay tribute to a century of service provided to the people of south central Pennsylvania.

Nestled in the heart of Pennsylvania's Blue Bridge Mountains and straddling the Adams and Franklin County lines, the South Mountain Restoration Center was established at the turn of the 20th Century as a hospital dedicated to the treatment of tuberculosis. The devoted medical staff at the Dr. Samuel G. Dixon Tuberculosis Hospital, as it was known until the mid-1960s, have cared for tuberculosis patients, World War I soldiers who were victims of poison gas, and the mentally ill.

The tuberculosis epidemic in the United States necessitated the state-of-the-art medical care that the hospital provided. At the peak from 1938 through 1940, there were over 1,200 TB patients residing in the hospital on any given day. Prior to the discovery of antibiotics, the only treatments for tuberculosis were fresh air, sunshine, and exercise—three things the hospital provided in abundance.

The 300 acres of land also housed a children's hospital or ''preventorim.'' Established in 1938, the ''preventorim'' sought to prevent the full-blown development of tuberculosis in children who had been exposed to the disease by their families. Many of these children came to the hospital underweight and malnourished, increasing their chances of contracting tuberculosis. By removing them from environments in which tuberculosis was prevalent, and providing them with nutritious food, fresh air, and excellent care, these children were spared the devastating effects of this terrible disease.

After the introduction of antibiotics in the 1950s, TB was largely eradicated in this country. In 1968, The Dr. Samuel G. Dixon Tuberculosis Hospital was renamed the South Mountain Restoration Center. Since that time, it has provided nursing home-care to the mentally ill. It is called a ''restoration center'' because of the facilities' dedication to a philosophy of rehabilitating individuals before they rejoin the community.

Today, the South Mountain Restoration Center serves as a long-term care facility for almost 200 mentally ill patients and shares its extensive grounds with a residential training program for young first-time offenders.

Saturday, May 12, 2001 will mark the centennial of the South Mountain Restoration Center. I know that the tradition of excellence in care that has been established over the last 100 years will continue well into the 21st Century. As we celebrate this momentous occasion, I would like take this opportunity to express my sincere gratitude to the men and women through out the Center's history who have selflessly dedicated their lives to caring for those in need.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

SPEECH OF

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. EMERSON. Mr. Speaker, to me, this is an issue concerning human life where the pro-life and pro-choice arguments do not apply. When there is an act of violence against a pregnant woman, we need to remember that more than one life is affected by this violent act. An attack against a pregnant woman is an attack against her unborn child and I believe that the law needs to reflect that. I am pleased to offer my support for the Unborn Victims of Violence Act and commend my colleague, Representative LINDSEY GRAHAM for his dedication and the action he has taken to protect and promote the life of the living—born or unborn.

This legislation is similar to the legislation from my home state of Missouri where, as the law states, ''The killing of an ''unborn child'' at any stage of pre-natal development is involuntary manslaughter or first degree murder. (Mo. Ann. Stat. 1.205, 565.024, 565.020 (Vernon Supp. 1999), *State* v. *Knapp*, 843 S.W.2d 345 (Mo. 1992), *State* v. *Holcomb,* 956 S.W.2d 286 (Mo. App. W.D. 1997)).'' We make it clear back home that life is sacred and today's legislation makes it clear across the nation.

If a criminal assaults a pregnant woman and her unborn child, and injures or kills the unborn child, common sense recognizes that the criminal has harmed two victims—the mother and the child. But current federal law does not reflect this common sense recognition. Federal law (including military law) considers that such an assailant has harmed only one victim. Even if the aggressor has purposefully killed an unborn child who has been named and whose birth is eagerly anticipated, he has thereby not committed a crime under federal law, beyond the crime of the assault on the mother. The Unborn Victims of Violence Act would correct this conspicuous gap in federal law. The bill would establish that if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim, the unborn child.

You know, there are many out there who would rather not talk about these issues, but the fact of the matter is that it is time for us to take a look at where we have a consensus—similar to the consensus we have reached regarding partial-birth abortion. In turn, we use that consensus to work toward an end where common sense and understanding prevail while we reach out and educate each other about areas of disagreement. I believe that this, too, is one of those issues.

Mr. Speaker, Missouri is known as the Show-Me-State. At home, we show our respect for human life by protecting the unborn. I am proud to be a co-sponsor of this life saving legislation and I am hopeful that today, Congress will show its respect for life and do the same.

CITIZEN MICHAEL LIPOF

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. FRANK. Mr. Speaker, the greatest strength of our democracy consists of those citizens who take their obligations of citizenship seriously. We are very well served in particular by men and women who are active in our private sector, creating wealth, but who do not allow this to preclude meaningful civic participation. One of the best examples of this whom I have encountered is Michael Lipof of Newton, Massachusetts. Mike Lipof has been an extremely constructive force in the economy of the Greater Boston area. He has been a leader in the real estate field, and is currently serving in a very important capacity as the President—and a very operational hands on President—of New England's largest Jewish cemetery, Sharon Memorial Park. At the same time, he has been very active in both public and community affairs. He has been a leading member of the Jewish community of Greater Boston, in partnership with his wife, Rabbi Emily Lipof. And he started a family tradition of participation in public affairs as an Alderman in the city of Newton, which is now being carried on by his son, Richard Lipof. And Mike was a very able member of the Board of Trustees of the Newton Free Library, a very important entity in our city. I have known Mike Lipof in a number of capacities, and in every one of these, private, public, elective, and communitarian, he has been an extraordinary asset. And of course he and Emily have been proud and loving parents and grandparents as well. I congratulate the people at Sharon Memorial Park for their decision to honor Mike Lipof for his extraordinary range of contributions to all of us and I am delighted to join in that congratulation, and in presenting to my colleagues an example of the kind of active, creative citizenship on which our country thrives.

TRIBUTE TO MICHAEL E. HURST

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. SHAW. Mr. Speaker, I rise today to honor the memory of Michael Hurst, who passed away on March 22, 2001. Michael Hurst was president of 15th Street Fisheries, a restaurant in Fort Lauderdale. Mike was a cornerstone in the Fort Lauderdale community and, as his representative in Congress, I was impressed by his tireless enthusiasm for promoting education in the restaurant industry.

Many times Mike opened the doors at 15th Street Fisheries to give to others in need and to show them what hospitality truly was. He was not only a professor at Florida International University, he brought the classroom into his restaurant. Wherever he was he took the opportunity to tell others about his passion for education and the restaurant industry.

Mike was a regular visitor throughout the years to my office in Washington, D.C. It was evident that he had an unwavering commitment to the industry, and his ''We're Glad You're Here'' button is a positive reminder of his excitement for restaurant issues.

Mike was a remarkable leader and it was my privilege to serve as his representative. He combined business acumen with compassion and energy to ensure that those in the restaurant industry have educational opportunities. His many contributions will remain with us in Florida's 22nd congressional district and across the nation.

INTRODUCTION OF FOCUS ON COMMITTED AND UNDERPAID STAFF FOR CHILDREN'S SAKE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join my colleagues Mr. GILMAN, Mr. SANDERS, Mr. KILDEE, Mrs. MORELLA, Mr. SCOTT, and Mrs. DAVIS in introducing the FOCUS Act. This legislation would be an important step in increasing child care quality for all children.

As we all know, high quality child care can play an important role in healthy child development and school-readiness. One of the most critical components of quality child care is a stable and qualified teaching staff. Yet, child care staff—who have the responsibility of helping guide children's development—are among the lowest paid workers in America. In 1999, the average hourly wage for a child care provider was $7.42, which is approximately $15,430 annually. Moreover, most providers do not receive health insurance or paid leave. Academic and government studies conclude that low pay is one of the leading causes of poor quality child care. The annual turnover rate is about 30 percent. Low wages keeps qualified providers from remaining in the field and deters new providers from entering the field. A report released April 29th by the Center for Child Care Workforce and the University of California Berkeley found that centers are losing qualified staff because of low wages and are forced to hire less qualified replacements. The six-year study also found that not only are wages extremely low, but they are not keeping pace with cost of living increases. States report centers are closing or turning away children because they cannot properly staff their programs.

FOCUS directly addresses the problems low pay creates by providing stipends to qualified child care staff based on the level of education. This legislation would be a mechanism to assist states increase the pay of child care workers and to improve the overall quality of child care. The bill would supplement wages by a minimum of $1000 per year for providers with child development associate credentials and a minimum of $3000 per year for providers with B.A.'s in the area of child development. These stipends will help attract new qualified workers to the field and increase the retention and skill level of current workers. FOCUS also would provide funds for scholarships so that we can continue to increase the qualifications of the child care workforce.

Research on early childhood and brain development clearly demonstrates that the experiences children have early in life have a decisive, long-lasting impact on their later development and learning. We cannot expect children to transition to kindergarten and succeed in school if we do not take the necessary steps to provide quality care in the years prior to school entry. The average quality of child care is far poorer that what it should be in a country as wealthy and committed to our children's future as is ours. It is time we work to make quality child care for all children a national priority. Mr. Speaker, I urge Members of the House to join me and co-sponsor the Focus Act.

SALUTING THE 2001 JOHNSON COUNTY, KANSAS, YOUTH VOLUNTEER AWARD RECIPIENTS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. MOORE. Mr. Speaker, I rise today to salute twenty-eight outstanding young Kansans from Johnson County, Kansas, who will

be recognized on Friday, May 4th, at an informal reception honoring their volunteer service. Youth Excelling in Service [YES], a program of the Volunteer Center of Johnson County, has invited Johnson County leaders and educators to this reception honoring the twenty-eight Outstanding Youth Volunteers who will be featured in the upcoming "Movers and Shakers" publication. I will present the young people with a Congressional Award for their contributions to the community, and YES will spotlight the role these committed young people play in addressing community needs.

Johnson County's young people are becoming increasingly involved in service to their community and the stories of their accomplishments are powerful. The twenty-eight "Movers and Shakers" to be honored at the reception testify to the fact that my congressional district's young people see needs in their communities and are ready, willing and able to meet those needs by investing their time and skills. These young people are passionate about challenging, motivating and recruiting other young people to likewise take the plunge into volunteer service. I am pleased to have this opportunity to place in the CONGRESSIONAL RECORD profiles of these twenty-eight "Movers and Shakers."

MOVERS AND SHAKERS 2001—YOUTH PROFILES

Natalie M. Binkholder, 17, Olathe East High School—Over 700 hours—Olathe Youth Court, Olathe Youth Congress, Mother's Hands.

Natalie's volunteerism is fueled by her optimism and energy. "Anyone can change the world," Natalie says, "the best way to start is with a smile." Natalie first began her volunteer leadership in 9th grade when she presided over the school's community service organization. Natalie is active in a variety of causes, including homeless assistance, crime prevention, and drug and alcohol prevention. Her proudest accomplishment is the success of the Olathe Youth Court, where she and other members of the court positively intervene in the lives of juvenile offenders in order to decrease repeat crimes. During her volunteer experiences, she has developed a love for serving youth, and one day plans to use her skills as a professional attorney to assist youth courts. "No matter where life takes me, I want to continue to be involved with youth. Youth are the leaders of tomorrow and I want to help them achieve their dreams." Natalie was nominated by Cheryl Oakley.

Adrienne Cichelli, 17, Shawnee Mission West—100 hours—JAWS [Join Active West Students], Young Life, Teen Advisory Council.

To Adrienne, it really is the thought that counts when it comes to volunteering. Adrienne says, "Building a house isn't any better than picking up trash on the streets. The impact comes from the volunteer's attitude and motivation, not the deed." Adrienne has done everything from building a house to organizing a special event to advocating healthy lifestyle choices for elementary students. During a mission trip to Mexico, Adrienne's eyes were truly opened to the level of need and the effect her help had on the families with whom she worked. She plans to spend much more time volunteering, and this summer she will be with Children's Mercy Hospital and serving as a companion at an assisted living facility. For potential youth volunteers, Adrienne gives these words of wisdom: "Participating in a single act of volunteerism can change your life in a way you never thought possible. Give your time to help your community, it's more valuable than any paycheck you'll ever receive." Adrienne was nominated by Mary Lea Kieffer.

Leah Cogswell, 17, Olathe South High School—Over 100 hours—SOAR, 4–H, Promise Youth, Youth Volunteer Corps.

Food, Fun and Friends! Volunteering on Leah's projects will never be boring! Leah's volunteer experience began when she noticed all her friends were involved in community service. She has since taken the lead by serving as the chairman of the community service committee in her 4–H club. She has organized bake-a-thons to raise money for an Olathe youth with leukemia and to provide flood relief to eight families devastated by Hurricane Floyd. She has served as a counselor for several youth camps, leading games and crafts, campfire activities, and helping with meals. "There is nothing quite as rewarding as seeing the smiling face of someone you have helped," beams Leah. "We live in a area where so many people have been blessed with so much; it is time to give a portion back to those who are less fortunate." In the

Jonathan Eckman, 12, Prairie Star Middle School—75 hours—Overland Park Arboretum and Botanical Garden, Children's Center for the Visually Impaired.

Jonathan began volunteering in order to become eligible for the President's Student Service Award. He has volunteered more than enough hours to earn the award, but Jonathan continues to volunteer because he has found his community service rewarding on its own. He has also been impressed and inspired by the dedication of other volunteers with whom he has worked, particularly those at the Overland Park Arboretum and Botanical Garden. Working with such enthusiastic volunteers made Jonathan realize that "we all can make a difference some way in the community". Jonathan plans to continue volunteering at the Arboretum as well as coaching children's gymnastics. Last year, his gymnastics group raised $5,000 for the Children's Center for the Visually Impaired. He's not stopping there! He also plans to volunteer with his church's nursery and be involved with the soup kitchen. What does such a busy guy have to say to other potential youth volunteers? "I would say to other youths to try it because when you see the results it is phenomenal!" Jonathan was nominated by Gretchen Steffen.

Chelsea Fogelman, 17, Olathe East High School—Over 180 volunteer hours—Uplift Organization, Inc., Christmas in October, Mother's Hand, Sherwood Center.

With the Fogelmans, volunteering is definitely a family affair. Chelsea's extensive work with the homeless has been inspired by her "unendingly supportive" parents, Candi and Dave. Since the age of 10, Chelsea has been raising awareness of homeless issues in the area. She has collected and prepared food for thousands of individual through Uplift Organization, Inc. and enjoys knowing that her efforts will provide a meal to someone in need. Chelsea's family has made Christmas in October a tradition, and spend the day repairing family homes in poverty stricken areas. Chelsea feels that volunteering should come from the heart. "When you're contributing to a cause that's important to you and that you enjoy, you'll learn more about yourself and the world around you," Chelsea states. "Volunteering can be both fun and meaningful if you can find a cause that you care about." Chelsea plans to expand her volunteering efforts to include other issues. She will continue her work with the homeless and hopes to recruit other youth to do the same. Chelsea was nominated by Barbera Ferrell.

Joe Klinkenborg, 17, Shawnee Mission NorthWest High School—Over 200 hours—LakeView Village.

Joe quotes his class motto when asked about his service: The doer of good becomes good. Joe has transformed his school spirit into volunteer spirit with his work through Shawnee Mission NorthWest's community service club whose teacher inspired him to become passionate about community service. Joe believes in the importance of performing "random acts of kindness" and says that wherever he goes, "volunteerism will always be a component of my life." He teaches the elderly to become computer savvy, including how to use the internet. Working with the residents of LakeView Village, Joe formed LKVW, an in-house tv station

Paul Lampe, 15, St. Thomas Aquinas High School—Over 400 hours—4–H, LakeView Retirement Community (Lazarus Project), Kauffman Foundation.

"As a culture of youth we have so much . . . we need to learn to share." Paul doesn't just say these words, he puts them into action. Through his volunteering efforts, Paul has learned to share his time, his skills, his leadership, and even his home to help others. He learned this when he was very young as a member of 4–H. The more Paul learns, the more he gives. When Paul was taught to rebuild a computer, he shared that skill with residents of LakeView Village for the Lazarus Project. He rebuilds discarded computers for nonprofit organizations. When he's not working with the retirement community, Paul's busy with the Kauffman Youth Advisory Board, providing hundreds of thousands of dollars to youth projects in the city. Currently, he's setting up websites for 4–H clubs throughout the county and sharing his home with a foreign exchange student which Paul says "takes some effort, but you'll learn a great deal about yourself as well as another culture!" He enjoys the diversity of his volunteer experience and plans to keep encouraging other youth to get involved. Paul was nominated by Al Davis.

Macklen Mayse, 17, Shawnee Mission West High School—280 hours—Shawnee Mission Medical Center, Girl Scouts, Down's Syndrome Guild of Kansas City, AIDS Walk of Kansas City.

While a junior volunteer at Shawnee Mission Medical Center, Macklen was working the telephones when a woman called who spoke no english. Macklen, who has studied spanish for five years, took a crack at helping the woman and it worked! She is proud to be able to use her talents to find new ways to help others and has been very busy with numerous organizations and projects. She focuses on the impact of her volunteer work and finds her motivation to keep volunteering by remembering the big picture. "Feeling like I could have an impact on someone or help someone has always felt awesome." Her volunteer experiences are diverse. Through Girl Scouts, Macklen has collected can goods and planned and participated in special events. Twice she has volunteered for the AIDS Walk of Kansas City. In the future, Macklen hopes to be able to use her Spanish skills to impact her community and plans to go global with her volunteering by traveling to Central and South America. Macklen was nominated by Marty Lea Kieffer.

Madison Meloy, 13, Leawood Middle School—Over 120 hours.

From childcare to coaching to working with the homeless, Madison is on a roll with her community service. According to Madison, ''After doing community service once you don't want to stop.'' She certainly has remained busy! When she's not busy helping the teachers at school, Madison is sacking lunches for a shelter, sorting clothing donations,

Maranatha Deanna Wall, 16, Shawnee Mission North—Over 30 hours—Good Samaritan Project.

Few individuals could muster the tact and maturity that Deanna does in order to answer here peers' questions on the topic of teen sexuality. Deanna volunteers eight hours a week for the Good Samaritan Project, an organization devoted to HIV/AIDS prevention and education. She has worked with teens to help them understand the importance of self-respect when it pertains to safe sex and spends time on hotline calls answering panicked questions from her peers. Deanna says that she enjoys being able to clear up confusions on what may be very difficult issues for teens. She is convinced that youth volunteers are the catalysts for community change. ''It's beautiful to see what other youth are doing to set off some new ideas,'' Deanna says. ''It's important to be recognized for good especially when teens sometimes receive negative recognition.'' Deanna plans to assume many different roles as a volunteer, and with ''a kazillion things to do'' she promises to never be boring. Deanna was nominated by Elizabeth Spaur.

Bethany Meola, 14, Shawnee Mission West—Over 100 hours.

Bethany's volunteer experiences began at church, where she was inspired by the woman running a program there. Working with the children there has been challenging, but volunteering has allowed Bethany to learn the skills of patience and leadership. She enjoys being a role model for the younger kids she teaches and knows that they enjoy being able to look to her for encouragement. Her volunteering has taught her to recognize the potential in herself and in the children with whom she works and Bethany encourages other youth to take the volunteer plunge. ''I know I have a better understanding about different things that I never would without community service. It really does change your perspective.'' The kids in church will be glad to know that Bethany plans to help out more, but that won't be enough for her! In Bethany's words: ''Whatever looks interesting to me I will probably do; If I find any way to help the community, I will.''

Christine M. Murray, 18, blue Valley North High School—Over 165 hours—Shawnee Mission Medical Center, Phi Theta Kappa.

Christine believes that individual gifts mean everyone has something to offer as a volunteer. ''While we might not be great in every area,'' Christine says, ''we all have that one special talent and can use it to help others.'' This ambitious young lady takes her inspiration from her family members who have ''always considered community service to be part of the normal course of their lives.'' Growing up in a family with such high standards to emulate motivated Christine into action at an early age. Through middle school, she volunteered

Amy Turek, 13, Leawood Middle School—50 hours.

Even when Amy was on vacation, she was still volunteering! For two years, Amy collected the samples of soaps, lotions, and shampoos hotels offer to guests and later donated them all to a local homeless shelter. ''Just try it once and you'll know how great it is!'' she exclaims. Amy's greatest inspiration to participate in community service came from the people at her temple. There, she has been able to participate in many service events with her family that have been organized by the temple. She frequently goes to homeless shelters to serve and cook meals for the needy, and enjoys playing games and teaching arts and crafts to the children at the shelters. Amy relays this story about her volunteer experiences at the shelter: ''After giving a man his food, he came up to my sister and I with tears in his eyes, thanking us and telling us 'God bless you'. I could tell he really meant it from the bottom of his heart.'' Amy will continue serving the community thought her Jewish youth community service program. Amy was nominated by Michelle Myers.

Eddie Mitchell, 16, Blue Valley North—100 hours—Villa St. Joseph.

Eddie is getting seniors on the move. For months now, Eddie and other volunteers he has helped to recruit have been transporting the wheelchair-bound residents of Villa St. Joseph Nursing Home to Sunday Mass every week and tending to the resident's needs with attentive compassion. He helps the facility transform a livingroom into a temporary Chapel and back again and also transports all the residents to lunch. Every Sunday, services with Villa St. Joseph go off without a hitch, thanks to Eddie and his friends' commitment. But Eddie will be quick to point out that he's benefitting from his service more than the residents because he is able to connect to the people for whom he volunteers. ''Not only do I get to feel the joy of helping out my community, but I also learn a lot every time I go,'' remarks Eddie. ''I feel truly honored to be able to offer my hand to such inspiring and caring people.'' Eddie's proof that he's making a difference? The smiles he receives from the residents week after week. Eddie was nominated by Debbie Mitchell.

Allison Steinbrueck 16, Blue Valley High School—Over 1,000 hours—Heart of America Humane Society, The Bea Martin Peck Animal Shelter.

Allison has taken her love for animals further than caring for a family pet. When she discovered a volunteer opportunity at the Humane Society, she jumped at the chance to put her compassion to work. At the animal shelters, Allison helps animals to find a home and families to find a loving

Nathan Oliver, 18, Shawnee Mission East High School—1,500 hours—Ewing Marion Kauffman Foundation Youth Advisory Board, Youth Volunteer Corps, SHARE Program.

Nathan is not a young man to mix words and certainly not one to shirk way from a challenge. ''This world is full of followers and I challenge each and every individual to stand up and be a leader.'' Nathan has proven his leadership abilities through his experiences volunteering. His diverse talents range from support and counseling to fundraising and program development, but Nathan is ready for more. He points to his experience as a member of the Youth Advisory Board for the Ewing Marion Kauffman Foundation as an illustration of the impact of his service. He is part of a group of youth that help fund projects for up to $10,000, for a total of $200,000 every year. In the future, Nathan will continue to volunteer and develop his photography skills. Eventually, Nathan hopes to establish his own community foundation and put in place programs that give back to the community. Nathan was nominated by Bev Timmons.

TRIBUTE TO RICHMOND BAKING COMPANY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. PENCE. Mr. Speaker, I rise today to honor the Biscuit & Cracker Manufacturer's Association. This leading cookie and cracker baking industry association is celebrating its 100th Anniversary this week.

The B&CMA's ''Biscuit Boy'' trademark is emblematic of the past 100 years of baking. It evokes memories of the nostalgic cracker barrels of 1901 and reminds us that its products still taste great in 2001. Every father knows the value of a well-placed cookie during important negotiations with his four-year-old.

The B&CMA has led the charge for rigorous and rapid growth throughout the century. Regional bakeries sprouted up all over the country. One that is especially important to me is our own Richmond Baking Company in East Central Indiana. It has been a leading manufacturer and employer for many Hoosiers in my district.

Richmond Baking ideally reflects the benefits of membership in the B&CMA. It has a working relationship with the community, offers delicious products and enhances our local economy. Richmond Baking is a good corporate citizen and their membership in the B&CMA is a part of that legacy.

Mr. Speaker, I urge my colleagues to join me in congratulating the B&CMA on a century

of outstanding service to the cookie and cracker industry. May the association continue to thrive and produce products that will delight families for years to come.

TRIBUTE TO JONA GOLDRICH

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BERMAN. Mr. Speaker, it is a great honor to join the Jewish Federation of Greater Los Angeles' Real Estate & Construction Division in paying tribute to Jona Goldrich, for his generous service to a great variety of worthy organizations and causes and to the Jewish community worldwide. Jona has given tirelessly of his every resource, including the most cherished—his time—to improve the lives of his fellow citizens. He is to be saluted at a special dinner in his honor on May 31st in Los Angeles.

Jona is one of the most active supporters of the Jewish Federation of Greater Los Angeles in its mission to provide a wide array of agencies and programs with funds for food, shelter, health care, education, counseling, rescue and resettlement for individuals in need.

Jona came to the United States as an immigrant and created a real estate company so successful that he is widely acknowledged to be one of the most important and successful developers and managers of housing in the state of California. His distinguished career in real estate has earned him honor and recognition from virtually every professional organization in his field, including the ''Man of the Year'' award from the National Housing Conference. He has received accolades from numerous charitable groups for his work on behalf of those in need of affordable housing. As a member of the Chairman's Council of the Weingart Center, he has worked tirelessly to provide leadership and to seek innovative solutions to break the cycle of homelessness in Los Angeles.

Jona was born in Lvov, Poland in 1927. Out of fear for his life, his parents smuggled him out of Europe in 1942. He was sent to refugee camps in pre-Israel Palestine and later served in the Israeli Navy and the Merchant Marines in the military actions of 1948 and 1949 that resulted in the creation of the State of Israel. In 1953, he immigrated to the United States, traveling by bus from Boston to California and settling in Los Angeles because its climate reminded him of Israel.

Teaming up with Sol Kest, he formed G & K Industries, an innovative leader in the Southern California real estate market. Among the great accomplishments of this important company is the development of the Marina Pointe Apartments in Marina del Rey.

The great energy that has made Jona so successful in his business endeavors also fueled his tireless work on behalf of the Jewish people and the cause of remembrance. He has been honored with the National Conference of Christians and Jews Humanitarian Award, the American Jewish Congress Civil Achievement Award, and the President's Club Award of the B'nai B'rith, among many others. He is a member of the American Friends of Tel Aviv University and a great supporter of the Israel Philharmonic.

Among the greatest achievements, of Jona and his wife, Doretta are their two outstanding daughters, and among the greatest pleasures they enjoy is time spent with their grandson and granddaughter.

It is a great pleasure today to honor Jona Goldrich as a great champion of the Jewish Community in California and in Israel and to congratulate him on his philanthropic and professional service. We take pleasure in inviting our colleagues to join us in this salute to Jona.

IN HONOR OF CHIEF ROBERT E. LANGSTON OF THE U.S. PARK POLICE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to salute Chief Robert E. Langston of the U.S. Park Police on his more than 35 year career to law enforcement to the government of the U.S. and the U.S. Park police. Chief Langston retired from public service on April 7, 2001. His exceptional career began from his graduation of Florida State University with a B.S. in Police Administration, where he began his U.S. Park Police Career in August 1965 as a patrolman covering foot, cruiser, and motorcycle beats.

Upon promotion to Sergeant in 1971, he was assigned to the Training Branch, then to the Operations Divisions as a patrol Sergeant, followed by duty as a Motorcycle Unit supervisor. Promoted to Lieutenant in 1973, he served as a Shift commander before assuming command to the Communications Section. In 1975 he was promoted to Captain, first serving as Watch Commander and then assigned to the National Park Service's Southeast Region headquartered in Atlanta, Georgia, where he served as Law Enforcement Specialist. After 2 years he returned to Washington, D.C. to the Operations Division as Commander of the Central District. Upon promotion to major in 1982, he saw duty at the National Park Service's Headquarters until his 1984 promotion to Deputy Chief in charge of the Field Office Divisions. Prior to his promotion to Assistant Chief in 1988, Langston also headed the Operations Divisions. Then in September 1991, Chief Langston was appointed to the duty of Chief of Police of the U.S. Park Service.

As Chief of one of the Nation's oldest law enforcement agencies, he was responsible for a force of 700 officers and 135 civilian employees assigned to National Park Service lands, parkways, monuments, and memorials in the greater Washington, D.C. area, the Gateway National Recreation Area, including the Statute of Liberty in New York, and the Golden Gate National Recreation Area, including the Presidio, in California. Members of the force are also detailed to the Federal Law enforcement Training Center in Brunswick, Georgia.

Active in numerous civic and professional organizations, the Washington, D.C. native was a member and past chairman of the Police Chiefs Steering Committee for the Washington Metropolitan Council of Governments, a member of the International Association of Chiefs of Police, the D.C. Law Enforcement Executive Forum, the FBI National Executive Forum, the FBI National Executive Institute-Police Executive Research Forum, and a former president of the FBI National Academy Associates, District of Columbia Chapter. He was also a member and past president of the Board of Directors, Bethesda-Chevy Chase Rescue Chapter. He is also a past member of the Montgomery County Fire and Rescue Board. He has received numerous awards and honors for his professional contributions.

Mr. Speaker, it is clear that we will clearly miss an inspirational member of the U.S. Park Police like Chief Robert E. Langston. I am sure that I speak for many when I say that his tireless work for the U.S. Park Police will not soon be forgotten and that we are very thankful. I would like to personally wish him well in this new stage of his life and know that he will continue to be a presence in Washington. I am certain that my colleagues will join me in honoring this remarkable man.

Chief Langston and his wife, Beverly, have two children, a son Robert and a daughter Kellie.

CONGRATULATIONS TO SIKH NATION ON VAISAKHI DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. TOWNS. Mr. Speaker, April 13 was the anniversary of the founding of the Sikh Nation by Guru Gobind Singh, called Vaisakhi Day. It is the most important of Sikh holidays. I would like to take this opportunity to congratulate the Sikhs on Vaisakhi Day.

Sikhs have made many contributions to American life in fields ranging from agriculture to law to medicine. One Sikh, Dalip Singh Saund, even served in the House of Representatives, representing a California district in the late 50s to the early 1960s.

Sikhs are suffering from significant persecution in India. Since 1984, according to The Politics of Genocide by Inderjit Singh Jaijee, over 250,000 Sikhs have been killed by the Indian government. A new report from the Movement Against State Repression—an organization that should not be necessary in a democracy—confirms that tens of thousands of Sikh political prisoners are being held in illegal detention in India without charge or trial, some for as long as 17 years! This confirms what Amnesty International had previously reported. 19 of us from both parties sent a letter to the President last month urging him to get involved in freeing these political prisoners.

This is part of a pattern of repression against religious minorities that engulfs India. In India, there has been an ongoing campaign of terror against the Christian community since Christmas 1998, which many of us have discussed in the RECORD. It has included killing priests, burning churches, raping nuns, and burning a missionary and his two young sons to death in their jeep while they slept. Muslims have also been subjected to fierce religious oppression. It is time for India to live up to the standards of a democratic state.

The fact that Vaisakhi Day this year coincided with the Jewish celebration of Passover, which celebrates the escape from slavery, and the Christian celebration of Good Friday and Easter, celebrating the triumph of life over death, should underline the importance of freedom, life, and basic human rights for all people.

American is the hope of the world. It is the land of freedom. We must take a stand for freedom. It is time to stop American aid and trade with India until it respects basic human rights. Also, it is time to declare our support for self-determination for the people of Khalistan, Kashmir, Nagalim, and all the other nations seeking their freedom. This would be a great way to celebrate Vaisakhi and Easter, by doing our part to bring freedom to all the people and nations of the subcontinent.

I am including the Council of Khalistan's press release on Vaisakhi Day in the RECORD for the information of my colleagues.

A TIME FOR FREEDOM

Washington, D.C., April 9, 2001—Citing the words of Guru Gobind Singh, who said ''Recognize ye all the human race as one,'' Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, extends Happy Vaisakhi Day wishes to the Sikh Nation, Happy Easter wishes to the Christian community, and Happy Passover wishes to the Jewish community. ''It is interesting that these celebrations and the birthday of Thomas Jefferson, author of the American Declaration of Independence, all come together at this time,'' Dr. Aulakh said. The Council of Khalistan is the organization leading the Sikh Nation's struggle for freedom for its homeland, Khalistan.

Vaisakhi Day, which marks the formation of the Khalsa Panth by guru Gobind Singh in 1699, falls on April 13, which is also Mr. Jeferson's birthday. This year, April 13 is also Good Friday in the Christian calendar. April 15 is Easter. The Jewish holiday of Passover started this past weekend and runs for eight days, concluding this coming weekend.

Passover celebrates the Jewish people's escape from slavery in Egypt. Good Friday is the observance of Jesus's death on the cross, followed on Sunday by the Resurrection. It celebrates not only the resurrection of Jesus, but also the triumph of life over death and the resurrection of spirit in every person.

''The coming-together of these important occasions is a time to celebrate freedom,'' said Dr. Aulakh. ''As the Jewish community celebrates the escape of their ancestors from slavery in Egypt, let us rededicate our efforts to the cause of freedom for the Sikh Nation,'' he said. ''As Thomas Jefferson wrote, when a government becomes destructive of the inalienable rights of any people, 'it is the right of the people to alter or abolish it.' Guru instructed the Sikh Nation to oppose tyranny wherever it is found. Let us step up the struggle against the tyranny that engulfs our own people,'' he said. ''As Christians celebrate the triumph of life, let us devote ourselves to protecting the life of our Sikh brothers and sisters and the Sikh Nation by liberating our homeland, Khalistan, from Indian occupation.''

Dr. Aulakh called on the Sikhs in Punjab, Khalistan to observe Vaisakhi as a day of prayer and introspection, not working or doing business with the Indian government, but taking a day to go to the Gurdwara and celebrate the lives of the Gurus and remember their words. He also urged them to pray for freedom for the Sikh Nation and also for every other people in the world.

''India is not a democracy for Sikhs, Muslims, Christians, and other minorities,'' said Dr. Aulakh. ''Congressman Rohrabacher was right when he said that for minorities 'India might as well be Nazi Germany.' '' Police witnesses have confirmed that the police tortured and murdered the former Jathedar of the Akal Takht, Gurdev Singh Kaunke, and human-rights activist Jaswant Singh Khalra.

Sikhs ruled Punjab up to 1849 when the British conquered the subcontinent. Sikhs were equal partners during the transfer of power from the British. The Muslim leader Jinnah got Pakistan for his people, the Hindu leaders got India, but the Sikh leadership was fooled by the Hindu leadership promising that Sikh would have ''the glow of freedom'' in Northwest India and the Sikhs took their share with India. Sikhism was not even recognized in the Indian constitution as a separate religion, while Islam, Buddhism, Hinduism, etc., were recognized. Discrimination against the Sikh Nation took place in every sphere. After the Golden Temple attack, the Sikh Nation stepped up its struggle to achieve its God-given right to the free. Tens of thousands of Sikh political prisoners are rotting in Indian jails without charge or trial. On October 7, 1987, the Sikh Nation declared the independence of its homeland, Punjab, Khalistan. No Sikh representative has ever signed the Indian constitution. The Sikh Nation demands freedom for Khalistan.

The government of India has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians since 1947, over 70,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipurls, Daltis (the aboriginal people of the subcontinent), and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.'' Government-allied Hindu militants have murdered priests, and raped nuns. Hindu radicals, members of the Bajrang Dal, burned missionary Graham Stewart Staines and his two sons, ages 10 and 8, to death while they surrounded the victims and chanted ''Victory to Hannuman,'' a Hindu god.

''Democracies don't commit genocide,'' Dr. Aulakh said. ''India should stop the repression and allow a plebiscite on the future status of Kashmir, Nagaland, and Khalistan,'' he said. ''Only freedom will bring peace and justice in South Asia.''

TRIBUTE TO DOUG STRUYK

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to extend our sincere congratulations to Doug Struyk, President and CEO of the Christian Health Care Center of Wyckoff, New Jersey. He is being honored as the Wyckoff Family YMCA's Man of the Year for 2000 at the nineteenth annual Friends of the Y Banquet to be held on May 3, 2001.

Mr. Struyk is receiving this award because of his vision and humane leadership of the Christian Health Care Center and in creating a state-of-the-art, on-site day care center. The day care center is operated by the Wyckoff YMCA. We all know that quality childcare is vital for working families. When that childcare is available at the workplace it makes it even more valuable. Knowing that their children are in a safe, learning, and loving environment allows parents to perform better at home and at work. In addition, having the childcare on-site at the workplace allows the parent to have lunch with their child or just "pop in" for a visit.

Mr. Struyk's work at the Christian Health Care Center has truly been amazing. He joined the Center in 1990 as chief financial officer and moved up to CEO and president in 1994. He has created a dynamic and caring organization that has served the surrounding community for many generations. He has inspired many with his personal touch in caring for the elderly.

I speak from personal experience. My beloved mother, Margaret Scafati, was cared for with compassion and professionalism of the highest quality.

In addition to all of this, he is actively building a partnership with the federal government to address many issues facing our society. On April 25, 2001, Mr. Struyk joined us in Washington, D.C. to participate in the first annual Faith-Based Summit. Hundreds of faith-based leaders from across the nation came together at the Summit. Mr. Struyk is a leader in the area and his knowledge and experience was greatly appreciated and of great value.

The Center is a private, non-profit institution, that was established in 1911 by members of the Reformed and Christian Reformed Churches. The mission of the Center is to provide a continuum of high quality services consistent with the Christian principles on which the institution was founded. Care is provided to those in need of long term care, mental health care and residential living in a compassionate loving environment. The Center consists of a 251 bed skilled nursing home, a 40 unit supportive senior housing complex, a residential living facility and a psychiatric hospital. The most recent construction is the 80 unit Longview assisted living facility that includes the new child care center.

Doug Struyk's leadership and dedication is continuing the well deserved reputation of the Christian Health Care Center as one of the finest of the kind in our great nation. Our hearts and prayers go with him and his dedicated staff.

THE GOOD SAMARITAN TAX ACT: TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO CLARIFY THE AMOUNT OF THE CHARITABLE DEDUCTION ALLOWABLE FOR CONTRIBUTIONS OF FOOD INVENTORY

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. HOUGHTON. Mr. Speaker, today, I am pleased to join my colleagues from Ohio, TONY HALL, in introducing the "Good Samaritan Tax Act", a bill that has been introduced in the two previous Congresses. The purpose is to help meet the demand for food for the needy. The economic boom of recent years has not eliminated the need to feed the hungry. In fact, as more and more citizens are removed from the welfare rolls many turn to food banks for help.

A recent U.S. Department of Agriculture report indicated that in 1999, 10 percent of American households, comprising 31 million individuals (including 12 million children), suffer from hunger. According to a recent Conference of Mayors report, demand for emergency food has increased, and over 13 percent of this demand goes unmet.

The bill would increase the incentives for restaurants, farms and other businesses in the food industry to donate food to food banks, homeless shelters and other charitable organizations. The Internal Revenue Code actually discourages contributions because of the uncertainty regarding the tax treatment of donations of food as compared to donations of other inventory. The bill has been designed to correct that deficiency.

We believe this bill would remove the uncertainty and provide the necessary incentive for businesses to increase their food donations. This would be accomplished by adding a provision to Section 170(e) of the Code that would indicate that the fair market value of donated food is determined, (1) without regard to internal policies, lack of market, or similar circumstances, whether the food cannot or will not be sold, and, (2) if applicable, by taking into account the price at which similar products are sold by the taxpayer at the time of contribution. These have been points of controversy with the Internal Revenue Service, causing uncertainty as well as disincentives to incur the administrative and other costs necessary for the proper handling and preservation of food being donated. In addition, Section 170(e) would be amended to include businesses in addition to C corporations, as the current law provides.

We hope our colleagues will join us in cosponsoring this legislation.

FBI DIRECTOR FREEH RETIRES AFTER A PROUD RECORD OF SERVICE TO HIS NATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GILMAN. Mr. Speaker, it is with a heavy heart that today we learned of the planned retirement of FBI Director Louis Freeh, who has served his nation so well. For 27 years he has served his country as an FBI agent, federal prosecutor, and a sitting federal judge, and having worked tirelessly here and around the globe to enhance the rule of law.

Our country will surely miss his dedication, his professionalism and integrity, which he displayed each and every day he served as the Director of our nation's leading federal law enforcement agency, the FBI, as he led the fight against transnational crime and terrorism.

Director Freeh brought vision, foresight, and innovation to the battle against crime and terrorism, both at home and abroad. In the area of foreign crime fighting and the battle against international terrorism, which I am most familiar with, he wisely expanded the FBI's presence abroad to fight transnational crime and international terrorism long before it reached our nation.

I was particularly proud to work hand and hand with Director Freeh in establishing and maintaining the first ever International Law Enforcement Academy (ILEA) in Budapest, Hungary. It is today the model for international training and development of regional cooperative police relationships around the globe. There is now an ILEA operating in Asia, and others planned for Africa, and our own Western Hemisphere. We will miss Director Freeh's vision and leadership.

As he himself said today of those overseas efforts, among others: "These measures already have proven invaluable in the international fight against terrorism, organized crime, cyber-crime, and transnational crimes in the Information Age." We fully agree with his assessment.

Finally, I invite my colleagues to join me in wishing our good friend and fellow New Yorker, Director Louis Freeh, and his family, much success and joy in his future endeavors, whatever, or wherever they maybe in the private sector. He has served our nation and our people well. We all owe him a debt of gratitude.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

SPEECH OF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, I include for the RECORD, the following testimony pursuant to the vote on H.R. 503, the Unborn Victims of Violence Act.

[From the National Right to Life Committee, Inc., Washington, DC]

My name is Shiwona Pace.

On August 26, 1999, I was a 23-year-old college student in Little Rock. I was the mother of two—my five-year-old son, and an unborn baby girl named Heaven Lashay. I had named my baby "Heaven" two months earlier, after an ultrasound test revealed that she was a girl. August 26 was one day before my predicted full-term delivery date.

But that night, three men brutally murdered my unborn baby daughter.

I curled up face down on the floor, crying begging for them to stop beating me. But they did not stop. One shouted, "F*** you! Your baby is dying tonight."

They choked me, punched me, hit me in the face with a gun. They kicked me again and again in the abdomen. After about thirty minutes, they left me sobbing there on the floor.

At the hospital, they found Heaven had died in my womb. She was a perfect baby, almost seven pounds. She almost looked as if she were sleeping.

The assailants were arrested. They had been hired by Erik Bullock, my former boyfriend. He paid them $400 to kill little Heaven Lashay.

Only a month before, a new state law took effect that recognized unborn children as crime victims. If that law had not been enacted, Erik Bullock would have been prosecuted only for the assault on me, but not for the death of my baby.

But thanks to the state law, Bullock was also convicted for his role in killing my baby. The men who attacked me are also being prosecuted for what they did to Heaven.

I tell my story now for one reason: If this same attack occurred today within a federal jurisdiction, the men who killed my baby could be prosecuted only for assault.

That is why I urge members of Congress to support the Unborn Victims of Violence Act (H.R. 503, S. 480), which would recognize unborn children as victims under 68 federal laws dealing with crimes of violence.

I was dismayed to learn that some members of Congress oppose this bill, and insist on adoption of a radically different bill (the Lofgren Amendment) that says that such crimes only have one victim—the pregnant woman.

They are wrong. On the night of August 26, 1999, thee were two victims. I lived—but my daughter died. I lost a child and my son lost the baby sister he had always wanted—but little Heaven lost her life.

It seems to me that any congressman who votes for the "one-victim" amendment is really saying that nobody died that night.

And that is a lie.

A PROCLAMATION RECOGNIZING MONSIGNOR GENE W. MULLETT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. NEY. Mr. Speaker, I invite my colleagues to join with me and the citizens of Ohio in celebration and commemoration of the Twenty-Fifth year of Monsignor Mullett's service in the Catholic Church.

Whereas, Monsignor's journey began on May 1, 1976 when he was ordained at St. John's Arena by Bishop John Mussi; and,

Whereas, Monsignor has tirelessly dedicated himself since that date in service to God and to his fellow man; and,

Whereas, such institutions of God's will as Saint John's Vianney Parish of Powhatan Point, Saint Anthony's Church of Steubenville, and Saint Michael's Parish of Bellaire, have all benefitted and prospered under his guidance;

Therefore, I invite my colleagues to join with me and the Citizens of Ohio in celebration and commemoration of Monsignor Gene W. Mullett's twenty five years of service to our community.

CLARIFICATION RELATING TO THE INTRODUCTION OF H.R. 1457

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GUTIERREZ. Mr. Speaker, the bill H.R. 1457 was reintroduced in error on April 4, 2001. The correct bill, H.R. 917 (the Federal Living Wage Responsibility Act), was already introduced on March 7, 2001.

IN HONOR OF THE AMERICAN LYME DISEASE FOUNDATION, INC. ON THE OCCASION OF THE ALDF ANNUAL GALA BENEFIT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mrs. MALONEY of New York. Mr. Speaker, I enthusiastically rise today to honor the American Lyme Disease Foundation, Inc. (ALDF). Established in 1990, ALDF is the nation's most vital public voice in the battle against Lyme disease. From its comprehensive educational campaign to generous support for cutting-edge research, ALDF champions the prevention and treatment of Lyme disease, saving thousands of people each year from the often

painful and debilitating symptoms of tick-borne infections.

Lyme disease is the most prevalent vector-borne disease in the United States, with over 145,000 cases reported to the Centers for Disease Control and Prevention since 1982. The actual number of cases may be 3–5 times that reported and costs related to tick-borne infections may exceed two billion dollars a year. Over the last decade, ALDF has increased public awareness about Lyme disease tremendously. Furthermore, many of the scientific advancements made by ALDF supported research have significantly increased our understanding of Lyme disease and the best methods for preventing and treating the disease.

I salute the leadership of ALDF for their vigilant work to raise public awareness about Lyme disease and to increase the body of medical knowledge available for the prevention and treatment of the illness. In particular, I applaud the members of the ALDF Board of Directors, Chairman Anthony J. Walton, and Executive Director David L. Weld. I also want to recognize my friend and constant advisor on the issue of Lyme disease, Richard E. Gray, who is also a Member of the ALDF Board of Directors. ALDF's esteemed Council of National Scientific Advisors deserves recognition as well, for their innovative research on Lyme disease. This research remain critical to the health and well-being of thousands of communities in high-risk areas, especially in the Northeast region of the United States.

ALDF plays a key role in providing reliable and scientifically accurate information to the public and to health care providers regarding Lyme disease. Recently, the ALDF, in collaboration with the Dutchess County Department of Health and the Institute of Ecosystem Studies in Millbrook, NY, received a grant of $300,000 for the first of a three year grant period from the Centers for Disease Control and Prevention to institute a community-based integrated management plan to significantly reduce reported cases of Lyme disease and other tick-borne infections within a target community. I congratulate ALDF for creating this innovative project and trust that when implemented, it will become one among many of ALDF's successful public awareness campaigns.

Mr. Speaker, I am proud to pay tribute to the American Lyme Disease Foundation, Inc. in recognition of the Foundation's honorable mission and distinguished record of achievement.

IN HONOR OF ROBERT W. GILLESPIE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Robert W. Gillespie, a man known throughout his distinguished career not only for his business acumen and leadership in the financial services industry, but also for his active participation in the Greater Cleveland community.

Mr. Gillespie earned his bachelor of arts degree in economics from Ohio Wesleyan University. Continuing his studies, he is also a graduate of the Harvard Business School's Advanced Management Program and earned his master of business administration degree in 1968 from Case Western Reserve University. While completing his graduate degree, he began his association with Society Corporation on a part-time basis.

From the time of the merger of KeyCorp and Society Corporation in March 1994 until May 1997, Mr. Gillespie served as their president. He was elected chairman of KeyCorp in September 1996 and served as chief executive officer from September 1995 through February of this year as well.

Along with his successful career, Robert W. Gillespie is an active member of the Greater Cleveland community. He currently sits on the boards of trustees of the Cleveland Museum of Art, the United Way, Case Western Reserve University, Musical Arts Association, Cleveland Tomorrow, and the Greater Cleveland Growth Association. He is also a member of the Financial Services Roundtable, the American Bankers Council, and the American Bankers Association.

My fellow colleagues, join me in recognizing Robert W. Gillespie, a man whose enormous energy and dedication has touched the lives of thousands of people in the Greater Cleveland area in a most positive way.

TRIBUTE TO THE NORCO LIONS CLUB ON THEIR 50TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CALVERT. Mr. Speaker, Mr. Speaker, I am honored today to pay tribute to the Norco Lions Club as they prepare for their 50th Anniversary Celebration to be held on Saturday, April 28th. In my congressional district of Riverside, California, we are fortunate to have numerous community service organizations that not only unselfishly give their time and talents to the community but find their own lives enriched in return. The Norco Lions Club epitomizes this and more.

Lions Clubs International, the world's largest service club association with over 1.6 million members, was founded in 1917 by Melvin Jones with a simple mission—"We Serve." Ever since, Lions Clubs across the world have been dedicated to helping those less fortunate in their communities and around the world. Lions Clubs International's goals pivot on their commitment to aiding the blind and visually impaired, followed by their dedication to serving young people—encouraging youth to serve their community without personal financial reward, with efficiency and high ethical standards in commerce, industry, professions, public works and private endeavors.

The Norco Lions Club, the largest in their district, encompasses the majority of both Riverside and San Bernardino Counties. Services to the community are eye-sight programs, including eye exams and eye-glasses for children in need, and blood drives. Additionally, Norco Lions Club has founded or helped to establish the Norco Boy Scout Troop 33, Mira Loma Swan Lake Lions Club, Norco Lioness Club, Swan Lake Lioness Club, Norco Leo Club and other local community organizations. Youth outreach offers a Student Speakers scholarship program, International Peace Poster Contest, 4–H Clubs, Boy Scouts, Future Farmers of America Scholarships, D.A.R.E. programs, sports programs and local high school programs.

Mr. Speaker, volunteers are critical to fostering a spirit of understanding, good citizenship and good government in the United States and worldwide. By working so closely with the youth of today, Norco Lions Clubs, and the clubs around the world are assuring that "an active interest in the civic, culture, social and moral welfare" of our communities is passed on from generation to generation. I congratulate the Norco Lions Club on its 50th anniversary, commend its local community and international service, and wish them success for another 50 years to come.

IN SPECIAL RECOGNITION OF JENNIFER L. GALIPEAU ON HER APPOINTMENT TO ATTEND THE U.S. AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Jennifer L. Galipeau of Tiffin, Ohio, has been offered an appointment to attend the United States Air Force Academy, Colorado Springs, Colorado.

Mr. Speaker, Jennifer's offer of appointment poises her to attend the United States Air Force Academy this fall within the incoming cadet class of 2005. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertaking of their lives.

Jennifer brings an enormous amount of leadership, service and dedication to the incoming class of Air Force Academy cadets. While attending Calvert High School in Tiffin, Jennifer attained a grade point average of 3.96, which places her sixty in a class of 72. In her high school career, Jennifer has been recognized as a National Honor Society Member, a National Science and English Merit Award Winner, Citizenship award recipient, a three time Academic Varsity letter recipient and has been counted in the Who's Who Among American High School Students.

Outside the classroom, Jennifer has distinguished herself as an excellent student-athlete. On the fields of competition, she has earned letter in cross-country and softball. She has also been active as a member of SADD, the Calvert News Staff, the French Club, and has been an assistant coach for the Tiffin ponytail softball league. Highlighting her distinguished career is her service in the Civil Air Patrol where she was named Flight Commander and the 1999 Cadet of the Year. In addition, she is a 1999 graduate of the NASA Space Academy in Huntsville, Alabama.

Mr. Speaker, I am proud of rise today to pay special tribute to Jennifer L. Galipeau. Our service academies offer the finest education and military training available anywhere in the world. I am confident that Jennifer will do very

well during her career at the Air Force Academy and I ask my colleagues to join me in wishing her well as she begins her service to the nation.

COMMEMORATING MERCER COUNTY'S TRIBUTE TO MRS. NELL FRANKLIN ON MAY 10, 2001

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BOEHNER. Mr. Speaker, Nellie Irene Roop Franklin was born on a farm Southeast of Fort Recovery, Ohio, a farm that has been in the family since 1896. Nell graduated from Fort Recovery High School in 1934 and is married to Darrell Franklin. They will soon be celebrating 60 years of marriage. Nell and her husband attend the Fort Recovery Methodist Church.

Nell began her career working for a beauty shop, where she continued to work until her retirement 40 years later. During this time she was elected to village council and then filled an unexpired term as Mayor. She was later reelected and spent 19 years as Mayor of Fort Recovery. Following her retirement from the beauty business, she remained involved in local politics by working for the Mercer County Board of Elections. She spent 17 years serving as both Director and Deputy Director. She has a total of 16 years spent as Treasurer of the Mercer County Republican Central Committee and 10 years as the President of the Mercer County Republican Women's Organization. Nell attended two Republican National Conventions as a delegate and alternate delegate from the 8th Congressional District. Nell has never missed voting in an election since she was 21.

Nell has received many awards for her community involvement including the Fort Recovery High School Distinguished Alumni Award given to her in 1997, the Service to Community Award presented to her by the Fort Recovery Masonic Lodge #539 in September of 2000, and the Mercer County Chamber of Commerce Achievement Award awarded to her in 1996. In addition, her name is listed in the Fort Recovery Hall of Fame.

In both a professional and personal capacity, Nell has gone above and beyond in providing service to her community. Her hard work and dedication should serve as an example and an inspiration for us all. Every American should aspire to this kind of enthusiastic commitment to their community. I am proud to know and represent Nell Franklin in Congress—a hard-working woman who spent her life dedicating herself to the ideals that will help insure our country remains a great place to live with hope and opportunity for all.

IN HONOR OF THE VIETNAMESE COMMUNITY OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to remember one of the most historic days in Vietnam history and to honor the numerous agencies and churches that helped thousands of refugees adapt to a new life in the greater Cleveland Area.

Mr. Speaker, April 30, 1975, represents one of the most historic dates in the history of Vietnam. It was on this date, twenty-six years ago, the communist troops completed their conquest of Vietnam. Mr. Speaker today, twenty-six years later, I rise to honor the memory of the 500,000 South Vietnamese soldiers and the 58,135 American service personnel who made the ultimate sacrifice in the name of freedom and the defense of democracy in the conflict.

Mr. Speaker, today I also rise to join the Vietnamese Community of Cleveland to congratulate and thank the many agencies and churches in the Cleveland area for their outstanding efforts in providing much needed assistance to the Vietnamese refugees as they adapted to their lives in Cleveland. They represent the very best that Cleveland has to offer, and their assistance to the thousands of refugees has helped the Vietnamese Community grow.

I ask my fellow colleagues to join me in rising on this special day, to honor the memory of the hundreds of thousands of men and women who gave their life in the name of freedom and to thank, with the Vietnamese Community of Great Cleveland, the many agencies and churches that helped improve the lives of thousands of Vietnamese refugees.

TRIBUTE TO THE DICKEY DELOSS RECIPIENT, GOLD KEY AWARD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CALVERT. Mr. Speaker, I am honored today to pay tribute to Dickey DeLoss as she is presented with the Gold Key Award from Soroptimist International of Riverside on April 24th. In my congressional district of Riverside, California, we are fortunate to have men and women that not only unselfishly give their time and talents to the community but find their own lives enriched in return. Dickey DeLoss epitomizes this and more.

Soroptimist International of the Americas, a volunteer service organization for women, was formed in 1921 with a simple mission—to "make a difference for women." Members represent a wide array of professions, including doctors, attorneys, teachers, chief executive officers, business owners and government officials. The group's name comes from two Latin words meaning "best for women."

Dickey DeLoss, as a Soroptimist, has unquestionably become a leader of women in her community. Her service began more than 20 years ago. Since then, Dickey has given tirelessly, engaging in awareness, advocacy and action through an incredible array of community life, including volunteering with: Alternatives to Domestic Violence, Deaf Awareness Commission, Evergreen Cemetery, County of Riverside-Division on Student Programs, Law Enforcement Policy Commission, YWCA, Youth Accountability Board and Human Relations Commission for the City of Riverside.

As a realtor since 1967 and broker since 1969, Dickey has led the way for women in the Inland Empire and received countless awards and recognitions. In fact, she became only the second woman in the 20 year history of the Riverside Board of Realtors to be President in 1975 and was the first woman president of the Magnolia Center Chamber of Commerce. Dickey was honored as California "Woman of the Year" in 1995 and has received over 73 other awards.

Mr. Speaker, volunteers are critical to fostering a spirit of understanding, good citizenship and good government in the United States and worldwide. The women of Soroptimist International of Riverside exemplify this by offering young women role models, thereby assuring that an active interest in the civic, culture, social and moral welfare of our communities is passed on from generation to generation. I congratulate Dickey DeLoss on her award and commend her for her work within the community.

IN SPECIAL RECOGNITION OF EMILY A. GROSS ON HER APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Emily A. Gross of Norwalk, Ohio, has accepted an appointment to attend the United States Air Force Academy, Colorado Springs, Colorado.

Mr. Speaker, Emily's offer of appointment poises her to attend the United States Air Force Academy this fall with the incoming cadet class of 2005. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Emily brings an enormous amount of leadership, service and dedication to the incoming class of Air Force Academy cadets. While attending St. Paul High School, Emily attained a grade point average of 3.93, which places her tenth in a class of 68. In her high school career, Emily has been recognized as a National Honor Society Member, a Wendy's National Heisman Award Nominee, and has been counted in the Who's Who Among American High School Students.

Outside the classroom, Emily has distinguished herself as an excellent student-athlete. On the fields of competition, she has earned numerous letters and awards in volleyball and basketball. She has also been an active member of the Key Club, marching band and concert band.

Mr. Speaker, I am proud to rise today to pay special tribute to Emily A. Gross. Our service academies offer the finest education and military training available anywhere in the world. I am confident that Emily will do very well during her career at the Air Force Academy and I ask my colleagues to join me in wishing her well as she begins her service to the nation.

EXTENSION OF REMARKS/STATEMENT BY CONGRESSMAN BOEHNER TO COMMEMORATING NATIONAL ALCOHOL AWARENESS MONTH

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BOEHNER. Mr. Speaker, I rise today during National Alcohol Awareness Month to recognize the Century Council and the distilled spirits industry for their latest efforts to fight drunk driving.

On April 10, 2001, in a landmark announcement, the Century Council joined by Mothers Against Drunk Driving (MADD) announced that they will work together to help states implement comprehensive legislation to combat the devastating problem of drunk driving.

America's leading distillers have had a longstanding commitment to fighting drunk driving and maintain that it is the responsibilities of the states to enact an appropriate blood alcohol concentration level.

Launched in May of 1991, the Century Council is funded by America's leading distillers to promote responsible decision-making regarding alcohol consumption and to fight alcohol abuse, focusing on drunk driving and underage drinking problems.

I am pleased to join President Bush and Secretary Mineta in commending the Century Council, the distilled spirits industry, and Mothers Against Drunk Driving for their lifesaving efforts.

IN HONOR OF BR. JAMES SPOONER, CSC PRESIDENT OF ST. EDWARD SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Br. James Spooner, CSC, President of St. Edward High School.

Born on January 4, 1946, Br. James Spooner grew up in Westpark where he attended Our Lady of Angels School. He eventually went to St. Edward High School in Lakewood where he graduated in 1964 and later attended Eastern Michigan University graduating with a B.A. and M.A. in Science.

Br. Spooner entered the congregation of Holy Cross in 1964 where he served his Postulancy at Sacred Heart Academy in Watertown, Wisconsin. He then served his Novitiate at St. Joseph Novitiate in Rolling Prairie, Indiana from 1964–1965 and his Scholasticate at Dujarie Hall in Notre Dame, Indiana from 1965–1967.

Br. Spooner has traversed throughout the Midwest Provence serving as teacher and role model for high school students. He was a dedicated teacher and dorm counselor in Boysville School in Clinton, Michigan. He also spent time in Kentucky and Ohio offering his service at different high schools. From 1986–1988 he served as Associate Principal of Archbishop Hoban High School in Akron and then in 1988 became President and Principal of St. Edward High School in Cleveland.

Under his leadership as President of St. Edward High School, Br. James Spooner has led the school to many great achievements. In 1996, St. Ed's was honored as a Nationally Recognized School of Excellence by the United States Department of Education. He spearheaded the St. Edward Technology Plan, a $1 million program to incorporate technology in the classroom. He also raised the school's endowment from $300,000 to over $5 million for student financial aid and faculty development. He has worked tirelessly with the staff and faculty to create and foster the Community Service and Community Meal programs which allows St. Edwards staff and students help and serve others. He has also worked for the school accreditation as a College Precatory School.

Most recently, he worked to launch the Generations of Eagles campaign, an ongoing capital campaign that will change the landscape of St. Edward High School from a Student Activity Center to be opened this fall, to the Jack Kahl Student Life and Leadership Center to break ground this summer, and the complete renovations of the Chapel starting next year.

Mr. Speaker, please join me in honoring Br. James Spooner's hard work, dedication and his commitment to the St. Edward High School community.

TRIBUTE TO THE AUXILIARY OF RIVERSIDE COMMUNITY HOSPITAL ON THEIR 75th ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community volunteers who willingly and unselfishly give of their time and talents to ensure the well-being of our city and county. These individuals work tirelessly to enrich and brighten the lives of so many at Riverside Community Hospital. It is my distinct pleasure to honor and commend the Auxiliary of Riverside Community Hospital today as they celebrate their 75th Anniversary on April 28th.

Volunteers of the Auxiliary of Riverside Community Hospital have donated millions of hours of service to the hospital and the community over the last 75 years. Fund-raising before 1997 helped to significantly improve services at the hospital. And since then, the Auxiliary has raised $50,000 for defibrillators for the Riverside City Fire Department, $75,000 for a mobile health vehicle to deliver free health services throughout the riverside area, and most recently $50,000 for dental equipment and $25,000 for health educational materials for the Eastside Health Center. The Auxiliary volunteers also raise funds for educational scholarships and seminars.

Volunteers of the Auxiliary give over 60,000 volunteer service hours a year to the riverside Community Hospital in addition to all of their community work. Services that Auxiliary volunteers perform to augment the quality of health care at the hospital include: Discharging patients, clerical work, visiting patients, information desk, messenger service, maternity tea, lobby host and much more.

As we approach National Volunteer Week, from April 21 to April 28, it is fitting that we thank the Auxiliary volunteers for their dedication and service to better the lives committed to Riverside Community Hospital's care and the enriched atmosphere that their presence creates. 2001's designation as International Year of Volunteers also reminds us that the men, women and youth across our nation who volunteer deserve recognition and thanks for giving back to their local community, state and nation.

Mr. Speaker, I congratulate the Auxiliary of Riverside Community Hospital on its 75th anniversary and commend its local community and city service.

IN SPECIAL RECOGNITION OF ARTHUR I. CERALDI ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Arthur I. Ceraldi of Oak Harbor, Ohio, has been offered an appointment to attend the United States Naval Academy, Annapolis, Maryland.

Mr. Speaker, Arthur's offer of appointment poises him to attend the United States Naval Academy this fall with the incoming midshipman class of 2005. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and regarding undertakings of their lives.

Arthur brings an enormous amount of leadership, service and dedication to the incoming class of Naval Academy Midshipmen. While attending Oak Harbor High School, Arthur has attained a grade point average of 3.75, which places him 21 in a class of 175. Arthur is a member of the National Honor Society, and received a superior rating at the Ohio State Science Fair during his sophomore year.

Outside the classroom, Arthur has distinguished himself as an excellent student-athlete. On the fields of competition, Arthur has earned varsity letters in football, track and swimming where he is the team captain. Arthur has also been active in the Boy Scouts, the French Club, the Science Club, the Varsity Club, and Buckeye Boys State.

Mr. Speaker, I am proud to rise today to pay special tribute to Arthur Ceraldi. Our service academies offer the finest education and military training available anywhere in the world. I am confident that Arthur will do very well during his career at the Naval Academy and I ask my colleagues to join me in wishing him well as he begins his service to the nation.

COMMEMORATING RETIREMENT OF J. RICHARD HARRIS FROM THE OFFICE OF DEVELOPMENT AT LEHMAN CATHOLIC HIGH SCHOOL

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BOEHNER. Mr. Speaker, at 78 years of age, Mr. J. Richard Harris remains an active member of the Piqua community. Dick is a Troy native and graduate of Troy High School. He served his country during World War II in the US Navy and saw active duty aboard the U.S.S. *Bunker Hill* and the U.S.S. *Wasp*. Upon his return to Ohio, he served on the Highway Patrol Auxiliary and worked for Waco Airplane Company in Troy before becoming advertising director and later publisher of the Piqua Daily Call. He also worked for the Piqua Battery Company for a number of years before opening a Development Office at the Lehman Catholic High School in the late 1980's.

During his 12-year tenure at Lehman, he helped raise over $5.5 million in the Twenty-First Century capital campaign to benefit the school. He remains active with the Piqua Area Chamber of Commerce and founded the Piqua Ambassadors, a group dedicated to promoting the city of Piqua and its communities. He has served as a United Fund chairman and has continued his work with Border City Savings & Loan, the YWCA and the YMCA.

In both a professional and personal capacity, Mr. Harris has gone above and beyond in providing service to his community. His hard work and dedication should serve as an example for us all. Every American should aspire to this kind of enthusiastic commitment to service. I am proud to know and represent a person like Dick Harris in Congress. A hard-working man who has spent his life striving to live up to the ideals that will help insure our country remains a great place to live with hope and opportunity for all.

IN HONOR OF CLAIRE A. VAN UMMERSEN, PH.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the tireless efforts of Dr. Van Ummersen. Dr. Claire A. Van Ummersen has gone above and beyond her duty in furthering the mission of Cleveland State University as one of the great urban universities in the nation.

Dr. Claire Van Ummersen became president of Cleveland State University in April of 1993. Since that time, she has granted diplomas to over 20,000 graduates. Under her leadership, Cleveland University executed an extensive building construction program and implemented several resourceful degree programs. The University's endowment grew fourfold during her tenure. Recently, the North Central Association of Colleges and Schools Commission on Institutions of Higher Education suggested that Cleveland State University be honored continuing accreditation without qualification for the next ten years.

Prior to her appointment at Cleveland State University, Dr. Van Ummersen facilitated as chancellor of the University System of New Hampshire. She also served as a vice chancellor of the Massachusetts Board of Regents of Higher Education.

Dr. Van Ummersen has been continuously active on numerous boards and commissions. She earned her B.S. summa cum laude from Tufts University. Furthering her education, she earned an M.S. and a Ph.D. from the same university. Achieving high honors in her field of study, Dr. Claire Van Ummersen has been awarded two honorary Doctor of Science degrees, and she is a member of both Phi Beta Kappa and Sigma Xi honorary societies.

In November, Dr. Van Ummersen announced she accepted an opportunity to work for the American Council of Higher Education as Vice President and Director of the Office of Women in Higher Education.

In honor of Dr. Claire A. Van Ummersen's hard work and dedication, I ask my colleagues to join me today to recognize her efforts as a community leader and role model.

SUPPORT THE EARTHQUAKE LOSS REDUCTION ACT OF 2001

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LEWIS of California. Mr. Speaker, when a major earthquake hits our communities in California, one of the first things firefighters and police must do is make sure local hospitals are ready to handle injuries. Falling walls, buckling roads, flaming gas-main breaks—the aftermath of an earthquake can quickly turn an entire hospital into an emergency room.

Imagine, then, what a disaster it would be if one of the buildings destroyed in an earthquake is the only hospital for 100 miles around. This is the prospect faced by many residents in remote rural areas in California, like the Mojave Desert in my district. It is a chilling thought, and it is something that we must not allow to happen.

The California Legislature has mandated that it will not happen. By 2008, all hospitals in the state must be retrofitted or rebuilt to ensure they will remain standing in a major quake. This is an admirable goal and an absolute necessity. But it is also so expensive that small rural hospitals and major urban medical centers are worried they cannot afford the upgrade.

To help avoid this, my colleague MIKE THOMPSON and I have introduced the Earthquake Loss Reduction Act of 2001. It would begin the process of investing in mitigation rather than paying tens of billions of dollars in disaster relief for every natural disaster that occurs in this country.

In support of this measure, I would urge my colleagues to consider the following information provided to me by the California Healthcare Association:

HISTORY OF HOSPITAL SEISMIC MANDATE

The state of California in 1994 enacted sweeping legislation mandating stringent new hospital building seismic standards (SB 1953, Chapter 740, Statutes of 1994).

The legislation was approved in the wake of the January 1994 Northridge earthquake, which caused 23 hospitals to suspend some or all of their services and resulted in more than $3 billion in hospital-related damages.

No patient who was hospitalized during the Northridge earthquake died as a result of the tremor. No patient in any California hospital has died as a result of a building's structural failure due to an earthquake since 1971.

The seismic mandate requires all hospital buildings in the state to comply with more stringent seismic-safety mandates by specified deadlines—(1) by 2002, major non-structural

The specific regulations for this statute were not finalized until 1997, and the cost of the mandate was not fully understood until engineers thoroughly evaluated all of the state's hospital buildings as required by Jan. 1, 2001.

Thorough hospital building evaluation reports were submitted by hospitals throughout the state by Jan. 1, 2001. These reports were made public by the Office of Statewide Health Planning and Development (OSHPD) on March 28, 2001.

Based on the evaluation reports, 78 percent of the hospitals in California have at least one building that is at risk of collapse during a major earthquake.

IMPACT OF LEGISLATION

There are approximately 2,700 general acute-care inpatient hospital buildings (at approximately 470 hospitals) that are required to meet the mandates of the seismic law.

The seismic mandates enacted by the Legislature in 1994 did not provide any financial assistance to hospitals to help defray the costs of these upgrades. The state's seismic law is an ''unfunded mandate'' on hospitals.

The current ''hard construction'' cost estimate to comply with the requirements of the state's seismic law is $24 billion. This cost is equivalent to the total undepreciated assets of all of California's hospitals. Additionally, hospitals will face significant additional costs including the cost of financing, land acquisition, reconfiguring parking and revenues lost during seismic retrofitting or construction.

California hospitals face mounting financial pressures. More than 60 percent of California's hospital—2 out of every 3—are currently losing money from operations. Nearly a third of the state's urban hospitals and more than 50 percent of rural and inner-city hospitals are losing money from all sources of income.

Many hospitals—especially rural and inner-city facilities—may not be able to raise the necessary capital to comply with the state's seismic law. Those that can't will be forced to close their doors or significantly reduce their services.

According to a December 2000 Standard & Poor's report, California's hospitals face ''. . . deteriorating credit quality and more limited access to capital'' than hospitals in other parts of the country. ''Given the volatility of the health care sector, access to capital through bond financing has been greatly reduced for all but the strongest credits. Bond insurers have retreated from the sector, limiting exposure to higher-rated credits and charging significantly higher fees.''

The seismic mandates do not account for the additional operating burdens faced by hospitals, including rising costs for pharmaceuticals and new technologies, and reduced

reimbursement from government and insurance programs.

Construction and retrofitting activities to meet the law's current deadlines are likely to diminish services to patients—including the uninsured—exacerbate personnel shortages, and result in dislocation of medical staff and employees.

Because of the lengthy five- to six-year approval and construction processes required for hospital building projects, the issues surrounding compliance with the seismic law must be addressed this year.

HONORING THE PARTICIPANTS OF THE 16TH CONGRESSIONAL DISTRICT ARTS COMPETITION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. DINGELL. Mr. Speaker, I rise this morning to honor the students, teachers and volunteers who participated in 16th Congressional District Arts Competition this past Saturday in Southgate, Michigan. All totaled, 73 students from twelve area high schools participated in this year's competition and I want to say thank you to everyone involved in putting this extraordinary event together.

It gives me great pleasure to announce the winners this morning. I offer my congratulations to Jennifer Senko of Lincoln Park High School, who took top honors with her self-portrait entry; Rebecca Gruden of Dundee High School in Monroe County, who won the second place prize for ''Alice's Cup of Tea''; Amber George, also of Lincoln Park High, who placed third for ''The Old House''; and finally Brian D. Goodwin of Grosse Ile High School, who received the fourth place award for his work ''Belle Isle.''

Finally, I would like to acknowledge the contributions of a wonderful woman and educator from Lincoln Park High School, Mrs. Valerie Truax. Valerie has been involved with the Congressional Arts Competition for many years. Unfortunately, this will be her last year, because after 34 years of instructing the students of Lincoln Park in the visual arts, Valerie is retiring. It is a beautiful tribute and a reflection of her dedication and enthusiasm that two of her students won honors at the competition, with Jennifer taking the top prize. Congratulations Valerie, thank you for your fine service to your community and to the arts. We will miss you.

Jennifer Senko, the first place winner received a $100 U.S. Savings Bond and will be flown to Washington, D.C. to participate in an awards ceremony with other first-place winners from around the country. Her winning self-portrait will be shown at the Capitol Exhibit with the artwork of other first-place winners in the Cannon Tunnel—an underground, pedestrian walkway between the U.S. House of Representatives and the Capitol—through May 2002.

The artwork of Rebecca Gruden, Amber George and Brian D. Goodwin will be proudly displayed in my Washington office through May 2002, where visitors from all over the world will have the opportunity to appreciate the talents of these fine young artists from Michigan's 16th Congressional District. I am looking forward to the arrival of these fine works of art.

INTRODUCTION OF ADAMS MEMORIAL LEGISLATION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. ROEMER. Mr. Speaker, I rise today to announce the introduction of my legislation to authorize the placement of a memorial in Washington, D.C. to honor John Adams and his wife, Abigail; John Quincy Adams and his wife, Louisa; and their legacy of public service.

History's characterization of the remarkable Adams family has been woefully inadequate. The patriarch, John Adams, is often portrayed as short and overbearing, better known for his temper than his leadership and intellect.

Thanks largely to David McCullough's forthcoming biography of Adams, such misconceptions will soon be corrected. Adams, of course, was the most passionate advocate for our break with Britain. He nominated Jefferson to write the Declaration of Independence and passionately and persuasively defended the final product. It was Adams's foresight to nominate George Washington as commander of the Continental Army, and he negotiated the Treaty of Paris to end the Revolutionary War.

As President, Adams was nonpartisan and ideological, never sacrificing his beliefs for political gain. He skillfully (and wisely) avoided war with France despite the overwhelming warmongering from his own Federalist Party. Such independence preserved his integrity, but cost him a second term.

One of the few people truly comparable to John Adams both in passion and intellect was his wife, Abigail. Those who knew them personally called their union perfect. Abigail's letters to her husband reveal not only her wit and intelligence, but also a profound belief in the equality of women that was more than 100 years before its time.

Their son, John Quincy Adams, was perhaps the most remarkable public servant in our country's history. Following in the footsteps of his father, Adams spent much of his public service career in Europe as foreign minister to Russia, the Netherlands, Portugal, Prussia, and Great Britain. As foreign minister to Russia during the Madison Administration, he negotiated the Treaty of Ghent, which ended the War of 1812. As Secretary of State under President Monroe, John Quincy Adams was a primary author of the critical Monroe Doctrine, which warned European nations against involvement in American affairs. He also negotiated the transfer of Florida from Spain to the U.S. and successfully extended the border of the Louisiana Purchase all the way to the Pacific Ocean.

Like his father, John Quincy Adams was an idealistic President. Despite the objections of many in his own party, he sponsored a program of government investment in science, education and infrastructure. He urged the government to establish an observatory, and fund a national university. His many critics called his initiatives unconstitutional. Like his father, John Quincy Adam's refusal to succumb to political pressure cost him a second term.

Following his Presidency, John Quincy Adams returned to public life as a U.S. Representative from Quincy, Massachusetts. He served nine terms in Congress and spent the majority of his time and energy vociferously opposing slavery. He suffered a stroke on the House floor in 1848 and died in a chamber of the Capitol two days later.

John Quincy Adams's son, Charles Francis, served in both the Massachusetts and U.S. House of Representatives, in his father's old seat. Similar to his father and grandfather, Charles Francis Adams was a strong abolitionist who left the Whig Party to run on the 1848 Free Soil ticket as the vice-presidential candidate. He is best known for his role during the Civil War as foreign minister to England, his logic, reserve and directness preventing the British from substantively embracing the Confederacy.

Charles Francis Adams's son, Henry Adams, was a ''liberal Republican'' journalist who detested the partisanship that infested Washington during Reconstruction. Through his writing, he exposed massive political corruption and numerous scandals. Henry Adams is best known for his brilliant autobiography, The Education of Henry Adams (published in 1918), which won the Pulitzer Prize.

Mr. Speaker, I am pleased to introduce this legislation which, pursuant to the 1986 Commemorative Works Act, authorizes the placement of a commemorative work, to one of our country's truly remarkable and indispensable families. I want to thank my friend and colleague, BILL DELAHUNT, for joining me in this important effort.

IN HONOR OF DANNY PLYMESSER AND DOLORES TLACIL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Danny Plymesser and Dolores Tlacil. My fellow colleagues, please join me in honoring these representatives of the Veterans of Foreign Wars and Ladies Auxiliary.

Danny Plymesser is a Cleveland native. After graduating from Fairview High School, he joined the Navy. There, he was quickly sent to Panama, and from there, Vietnam.

After his service, he joined the Veterans of Foreign Wars Post 2533. A very active member, Danny participated in many programs and advanced through the post positions. In 1996, he became Post Commander. For four consecutive years, his peers selected him for Post Commander. Danny was recognized every year as All State Post Commander. He continues to provide extensive service to the Post on various committees and chairmanships, and even as a cook during their dinners.

Additionally, Danny is active with the Cuyahoga Council County, and is now serving as commander. He is also active at the state and national levels. He is to be commended for his broad service.

I also wish to honor Dolores Tlacil. During World War II, she married and began raising her family of seven children. She joined the Ladies Auxiliary to the Veterans of Foreign War in 1985. Dorothy served on many committees and became President in 1986. She proudly carried the American Flag in many local parades to honor our veterans.

Last year, Dolores was elected to President of the Cuyahoga County Council. She is also

involved in the American Legion Post 496. Dolores has served as model of active citizenship and public service to assisting our local veterans.

I ask my colleagues to rise in honor of Danny Plymesser and Dolores Tlacil. They have served as true models of the committed men and women who serve in the VFW and Ladies Auxiliaries.

AMTRAK TURNS THIRTY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. OBERSTAR. Mr. Speaker, thirty years ago today, the National Railroad Passenger Corporation (Amtrak) took over from the Nation's freight railroads the responsibility for providing intercity passenger train services in the United States. Passenger train services had fallen on hard times. The railroads had a common carrier obligation to provide passenger train service, but virtually all of them were losing money and wanted to rid themselves of what they saw as an unnecessary burden. Prior to the creation of Amtrak, it was the policy of many of the railroads to simply allow the service to deteriorate to the point where ridership was so sparse that the Interstate Commerce Commission would grant the carriers permission to discontinue the operation. Some of the railroads went beyond benign neglect and actively downgraded the service to discourage people from riding the trains.

The railroads were private, for-profit firms that saw passenger operations as little more than a drain on their income from carrying freight. After 1920, except for the World War II years, intercity rail passenger travel declined, as people shifted to air and auto to meet their intercity transportation needs. Passenger train travel declined not only relative to other modes, but absolutely as well. From being the dominant mode of intercity transportation in 1920, rail passenger service declined to relative insignificance by 1970. Less than one-half of one percent of intercity passenger transportation was made by rail. Many thought that the day of the passenger train was over, and that outside of a handful of operations in a few densely populated corridors, passenger trains were destined to join the stagecoach and the flatboat as relics of America's transportation history.

Fortunately, for America's traveling public, this was not to be the case. Congress passed the Rail Passenger Service Act of 1970 and created the National Railroad Passenger Corporation—popularly known as Amtrak. On May 1, 1971, most of the railroads still operating passenger trains turned over their equipment to Amtrak and the new company took over the responsibility for providing intercity passenger train service. From the outset, it was clear that the task of revitalizing the service would be daunting. Amtrak had to overcome years of railroad neglect and indifference.

The first thing that Amtrak had to do was to arrest the long-term decline in intercity rail passenger ridership. Despite being woefully undercapitalized and inheriting a fleet of passenger cars and locomotives that averaged more than 20 years old, Amtrak stemmed the tide of traffic to the other modes and began the long and arduous task of rebuilding passenger train service in America.

Over the years, Amtrak has managed to replace and upgrade the car and locomotive fleets, rehabilitate many once dilapidated train stations, and introduce a variety of new services in an effort to keep people riding the rails. Congress has continued to provide both operating, and capital support for Amtrak, although the level of support has varied. Amtrak has never received the kind public investment that the Nation's highways and aviation system's have received. In fact, the Corporation often has been starved for capital. Almost from the outset, Amtrak's opponents have pressured Amtrak to reduce its deficits, while at the same time they tried to cut its budget. From Roger Lewis to George Warrington, a succession of Amtrak's CEOs have pleaded for adequate funding. Rarely have those pleas been answered.

Nevertheless, many in the Congress have demanded that subsidies to Amtrak be eliminated, and the Corporation is now scheduled to achieve operating self sufficiency by the end of 2002. Amtrak has made great progress toward reaching that goal.

Back in 1971, many believed that Amtrak would be little more than a holding action until passenger trains disappeared forever. Instead, despite the obstacles, Amtrak has survived—survived the inadequate equipment and facilities with which it started life; survived the budget cutters, and survived the competition from low cost airlines. And now, in 2001, we see the wisdom of keeping in place intercity rail passenger service in the United States.

Today, our airports and highways are facing gridlock. Delays are rampant and there are real limits to simply pouring more concrete and asphalt for new highways and runways to solve our Nation's congestion problems. Intercity rail passenger service can now be a major part of the solution to our transportation congestion problems. Most recently, Amtrak has inaugurated its Acela train service in the Northeast Corridor, and for the first time Americans can experience high-speed rail travel similar to what the French, Germans, and Japanese have enjoyed for decades.

When the Acela trains are fully operational, Amtrak plans to capture 50 percent of the air-rail travel market in the Northeast Corridor, replicating its experience in the southern end of the Corridor between New York and Washington D.C. with its Metroliner service. Already, Amtrak is carrying a record number of passengers—22.5 million in 2000—and, as additional Acela trains come on line, Amtrak's ridership will increase further. Amtrak should be proud of what it has achieved.

In the near future, the gentleman from New York (Mr. HOUGHTON) and I will be introducing a bill that will help develop high-speed rail passenger service throughout the United States. The Secretary of Transportation has designated about a dozen high-speed rail corridors around the Nation that will be eligble for this funding. Amtrak currently serves these corridors, and in most cases its operations will provide the basis for building the high-speed operations.

By preserving our Nation's rail passenger service network through difficult times, Amtrak has set the stage for developing a national network of high-speed trains that can play a major role in relieving air and highway traffic congestion. Not only then is Amtrak a vital link to our Nation's transportation history, it is indispensable to our transportation future.

ON PRESIDENT BUSH'S EDUCATION PROPOSAL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LAFALCE. Mr. Speaker, I want to share with my colleagues an outstanding article written by Linda Banas, an English teacher, a constituent, and a resident of Tonawanda, New York, regarding President Bush's education proposal. This article, which appeared in the April 24, 2001 edition of the Buffalo News, is response to the President's recent statements on National Public Radio that our children are trapped in schools that do not teach and will not change. Linda Banas's column appropriately points out that these accusations are groundless. She emphasizes that teachers across Western New York and throughout the nation are making extra efforts to ensure their students succeed both in and outside the classroom. Her thoughtful ideas and observations serve as a starting point from which to begin a national conversation on education, and I urge all of my colleagues to take the time to read the following article.

MY VIEW: BUSH'S INANE ACCUSATIONS WON'T IMPROVE OUR SCHOOLS

I am a teacher. I teach in a nice suburban high school. We have access to the Internet in every classroom. Most of the students go on to post-secondary education. The halls are calm and the students are polite and thoughtful.

Our district is not without problems, but we can handle them because the community has resources. I am truly thankful for the opportunity I have to focus on what I was trained to do—teach English. As I drive to work, I listen to National Public Radio. Recently, President Bush was talking about education. He said, ''. . . children are trapped in schools that will not teach and will not change.''

I tried to imagine the teachers and administrators the president says will not teach. I suppose Bush pictures them sifting around tables having morning coffee and planning their day. A kindergarten teacher would snicker as she says, ''I know the whole alphabet, but I am not going to tell even one letter to those kids in my room.'' A second grade teacher would agree, ''I know how to do long division, but I'm not going to teach them how to even do the first step.''

Bush wants to be the education president. Does he really think some educators go to school to not teach? I know of a high school where the one set of books is chained to the desks so the kids cannot take them home to study. Why doesn't the president know this?

I know a school librarian who spends part of her paycheck on coats and shoes for children who don't have any, teaches gang members to write poetry, runs baby showers for young mothers who have nothing, and buys food every week for kids who are hungry after school. Why doesn't the president know this?

I know a teacher of eighth-grade English who has no novels and is allowed one ream of paper a month for her 160 students. I know about the hundreds of dollars she spends in the copy stores each year. I know a guidance

counselor who takes children into her home to help them escape abuse and hunger. Why doesn't Bush know this?

If I were the education president, I would look at these teachers and the thousands like them who ''will not teach.'' I would look at the neighborhoods around the schools. I would see great poverty and need amidst the plenty and prosperity. If I were the education president, I would wonder why all children do not have clean, warm, well equipped schools.

If I were the education president, I would ask Congress to provide each child with a school as nice as the ones my daughters attended. That would be a start. Then I would ask how we could improve the neighborhoods where these children live.

If I were the education president, I would wonder what I could do to help poor parents get training or better jobs. If I were the education president, I would see that every neighborhood had access to a clinic and that all children had enough to eat. After I did all these things, then I would be certain to hold schools accountable for the children in their charge.

A real education president will use his power to make positive change in the lives of our children. A real education president will not settle for accusations and trite sayings. If I could spend an hour with this education president, I would beg him to spend some time with teachers in the schools he says ''will not teach.'' Then I would ask him to rise above partisanship and make a real difference.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this misguided bill.

Let me make something perfectly clear from the outset: The loss or harm to a woman and her fetus is absolutely devastating to the woman and her family. Those who injure or kill a pregnant woman and her fetus should be severely punished, and families should have the legal tools to have their loss recognized. We will offer a substitute that does that, and I believe that the Lofgren substitute demonstrates very clearly that there is a lot of common ground on this issue if we would only look for that instead of looking for ways to disagree.

Having said that, let me explain why the approach this bill takes is just another thinly veiled attack on a woman's right to choose.

This bill would give a fetus the same legal recognition as you or I—for the first time in federal law. Instead of addressing the real issues at hand—the horrible pain for a woman who loses a pregnancy to a cowardly, violent act—this bill is an ideological marker for the anti-choice special interests.

Frankly, this bill is just another way of writing a Human Life Amendment. In fact, the National Right to Life Committee admits that it participated in the drafting of the bill, and according to the NRTL website, ''[t]he bill challenges that [pro-choice] ideology by recognizing the unborn child as a human victim, distinct from the mother.''

If anti-choice members of this House want to recognize the fetus as a person—do that. Put your money where your mouth is. Bring a Human Life Amendment to the floor and let us vote on it. But don't tell pregnant women in this country that you're trying to protect them with this bill when there are existing state and federal laws to do that and when we are willing to join you in addressing the tragic cases when pregnant women are attacked. The American people are smarter than you're giving them credit for. They know that you're proposing a political statement today, not a real solution.

If you really want to crack down on cowardly criminals who would attack a pregnant woman, support the Lofgren substitute. It gets us to the same ends, without the overtly political means. And if you're serious about protecting women in this country from violence, let's fully fund the Violence Against Women Act today.

VAWA is the most effective way for us to help combat violence against women. Every year, over two million American women are physically abused by their husbands or boyfriends. A woman is physically abused every 15 seconds in this country. And one of every three abused children becomes an adult abuser or victim. The Unborn Victims of Violence Act will do nothing for these women. But VAWA makes all the difference in the world.

My colleagues, please do not be fooled. The Unborn Victims of Violence Act is not about protecting pregnant women from violent acts. Rather, it is yet another anti-choice attempt to undermine a woman's right to choose.

I have stood on the House floor many times and asked my colleagues to work with me to find ways to help women improve their health, plan their pregnancies, and have healthier children. It is tragic that every day over 400 babies are born to mothers who received little or no prenatal care, every minute a baby is born to a teen mother, and three babies die every hour. And it is tragic that 1 of every 3 women will experience domestic violence in her adulthood.

Instead of finding new ways to revisit the divisive abortion battle, Americans want us to focus our efforts on providing women with access to prenatal care, affordable contraception, health education and violence prevention. If we truly want to protect women and their pregnancies from harm, then let us work together to enact legislation to help women have healthy babies and protect them from violent abusers.

Please vote no on H.R. 503.

IN HONOR OF DORIS MERRILL MAGOWAN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a prominent and beloved San Franciscan, Doris Merrill Magowan. Mrs. Magowan recently passed away, and she will be missed not only in San Francisco, a City she called home, but across the country.

San Francisco had to share Mrs. Magowan with several other cities, and each benefited from its association with her. Mrs. Magowan divided her time among California, New York, and Florida and was an active member of her community in every location. In San Francisco, she served on the Board of Directors of the Fine Arts Museum, the Strybing Arboretum, Children's Hospital, and Grace Cathedral Episcopal Church. A lover of art, gardens, and antiques, she founded the San Francisco Antique Show in 1979. The event has become one of the premier events in the field.

In New York City, she served on the Board of the Greenwich House, the Lenox Hill Neighborhood Association, and the New York Infirmary. In South Hampton, New York, she worked with the Fresh Air Home, St. Andrews Dune Church, and South Hampton Hospital. In Palm Beach, Florida, she served with the society of the Four Arts and Bethesda-by-the-Sea.

Nationally and internationally, she was involved with the National Tropical Botanical Garden, the World Wildlife Fund, the Smithsonian Institution, and the Most Venerable Order of the Hospital of St. John of Jerusalem.

Family was of great importance to Doris Magowan, and her family members were as impressive as she was. Her father, Charles Edward Merrill, founded the financial services company Merrill Lynch. Her brother, James Ingram Merrill, was a Pulitzer Prize winning poet. Her brother, Charles Edward Merrill, served as the President of Morehouse College in Atlanta. Her husband, Robert Anderson Magowan, was Chairman of the Board and Chief Executive Officer of the Safeway grocery store company.

She also leaves five successful sons, Robin, Merrill, Peter, Stephen, and Mark. It has been my privilege to know this exceptional family, including Peter in his capacity as President and Managing General Partner of the San Francisco Giants.

Doris Magowan was an inspiration and a friend to many. Her commitment to her community and her family earned her the respect and admiration of all who knew her. My thoughts and prayers are with her sons, her grandchildren, and her great grandchildren at this sad time.

INTRODUCTION OF INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RAHALL. Mr. Speaker, today I join 43 Members in introducing legislation to reauthorize and amend the Indian Health Care Improvement Act (IHCIA)—the keystone federal law that directs the delivery of health services to American Indian and Alaska Native people.

The Indian health care network—comprised of reservation- and traditional homeland-based hospitals, clinics, school health centers and health stations in very remote areas, and urban Indian health programs in major cities—is the primary source of medical care for over 1.3 million American Indians and Alaska Natives. The Indian Health Service administers this comprehensive health care network largely in partnership with Indian tribes themselves who have assumed an increasingly greater role in operating health programs so vital to the well-being of their members.

The IHCIA was first enacted in 1976 to present a more organized and comprehensive

approach to the delivery of medical care to Indian people, most of whom live in isolated, sparsely-populated and under-served areas of our country. Subsequent reauthorization, has amended the Act to reflect advancements in health care delivery, respond to the desire of tribes for greater responsibility of programs, and target the high incidence of certain diseases that have plagued this segment of the American population.

The bill we introduce today is based largely upon recommendations made by the Indian health community—including tribal leaders, tribal health directors, health care experts, Native patients themselves, and the Indian Health Service. Its primary objective is to improve access to quality medical care for this population.

In this bill we maintain the basic framework of the IHCIA, including its provisions that target diseases for which Indian Country shows an astonishingly high rate—such as diabetes, tuberculosis, infant mortality, and substance abuse. We have included a greater role for Indian tribes in setting local priorities for health care delivery and provide for innovative options for funding of Indian health facilities. This legislation authorizes a nationally certified Community Health Aide program to supply medical care in under-served, remote areas and strengthens health programs that serve Indian people in urban areas. In addition, this bill will provide for the consolidation of substance abuse, mental health and social service programs into a holistic system for behavioral health services.

We have certainly made improvements in the health status of Indian and Alaska Native people since IHCIA was first authorized including; infant mortality which has decreased by nearly 55 percent. Native people, however, still suffer death rates from some diseases at rates many times higher than the national population such as; diabetes at 249 percent higher, tuberculosis at 533 percent higher, and substance abuse at 627 percent higher.

I will push for immediate action on this important legislation in the Resources Committee where I serve as the Ranking Democratic Member and look forward to working with my colleagues and Indian Country as we proceed.

INTRODUCTION OF DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BOEHLERT. Mr. Speaker, I'm pleased to introduce the Department of Environmental Protection Act, important legislation that redesignates the Environmental Protection Agency as an executive department in the executive branch.

Like many of my colleagues, I believe the time has come to elevate EPA to cabinet-level status. This is not a new idea, but it continues to be a good idea. Rep. Jim Florio and I introduced legislation in the 101st Congress (1988) to elevate the agency. I introduced a similar bill again in the 103rd Congress. Several of my colleagues also introduced EPA elevation bills and, in 1993, there was significant debate surrounding Senate-passed and House Committee-passed bills. The problem wasn't so much the concept behind the bill, but the ''baggage'' attached to the bill. It became a magnet for controversial provisions and pet projects.

And so, today I'm introducing a baggage-free EPA elevation bill. I believe the bill steers clear of controversial issues that could sidetrack the broader effort. It also combines features from previous legislative efforts, particularly those of the former Chairman and Ranking Member of the Government Operations Committee, Representative JOHN CONYERS and former Representative Bill Clinger.

The Department of Environmental Protection Act should help start the discussion in the 107th Congress. There is at least one bill introduced in the Senate. The subject also came up during Administrator Whitman's confirmation hearings. But there needs to be much more discussion and, most importantly, action.

It may be an ''old'' idea but it's still a good idea. EPA's mission is too critical for the agency not to be an official part of the cabinet. The idea was good under a Republican President in the late 1980's, a Democratic President in the 1990's, and now a Republican President at the start of the 21st Century.

I urge my colleagues to join me in support of the effort.

TRIBUTE TO MS. JENNIFER LUCIANO

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to Ms. Jennifer Luciano. Ms. Luciano has spent the last five months doing an internship in my Congressional office. As she prepares to leave Capitol Hill tomorrow and return to Loyola University to complete her education I wish her well.

On behalf of the constituents of the Seventh Congressional District I want to commend and congratulate Jennifer for doing an outstanding job. During her internship Jennifer responded to constituent mail, drafted ideas for legislation, prepared ''Dear Colleagues'' and assisted the legislative staff.

In particular, Jennifer thought of the idea for a Minority Women's Statue to be displayed in the Rotunda of the United States Capitol. Currently, there are no depictions or Statues that represent the accomplishments of Minority Women to the history of America. In addition, she thought of a bill to expand Medicare coverage to cover eyeglasses and hearing aids for the Medicare eligible population. These are just two of the outstanding ideas that Jennifer worked on.

I am certain that Jennifer will do well in her future endeavors if she continues to work as hard as she has worked on behalf of the people of the Seventh Congressional District and the United States.

Mr. Speaker, I ask all my colleagues to join with me in congratulating Jennifer Luciano as she prepares to go back to Chicago, Illinois.

ANNIVERSARY OF AQUI EN EL VALLE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to Aqui en el Valle newspaper, headquartered in Bloomfield, New Mexico, and its founder, LaVerta Valdez-Johnson, on its recent one-year anniversary. In that short period, this newspaper has delivered dedicated service and commitment to the Hispanic community in the Four Corners area.

Aqui en el Valle, or ''Here in the Valley,'' is typically focused on positive local news and information that benefits the Hispanic community. The paper also focuses on Southwestern history and profiles of successful Hispanics. The newspaper is even used in Bloomfield elementary and high schools for Spanish language classes.

The Aqui en el Valle, however, would never have become a reality without the persistence and vision of LaVerta Valdez-Johnson. She was told by the business community that a Hispanic newspaper was not a sound investment. Undeterred, Mrs. Valdez-Johnson, with the help of her husband, Wesley and son, Russ, the monthly paper has gone from 1,000 copies in March, 2000, to a circulation today of more than 5,000. It has established a strong and diverse base of support and serves a vast area of 11 New Mexico towns that stretch from Bloomfield to Santa Fe.

Mr. Speaker, I ask my colleagues to join me in commending LaVerta Valdez-Johnson for not backing down from her dream and to extend best wishes for continued success in the coming years.

THE MATHEMATICS AND SCIENCE PROFICIENCY PARTNERSHIP ACT OF 2001

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today, I am introducing a bill to authorize the Director of the National Science Foundation (NSF) to establish a demonstration program under which the Director awards grants to qualified schools.

The grants received by these schools will be used to develop a program that blillds or expands mathematics, science, and information technology curricula; purchase equipment necessary to establish such a program and provide teacher training in such fields. The act also allows the private sector to contribute goods and services, such as the donation of computer hardware and software; the establishment of internship and mentoring opportunities for students who participate in the mathematics, science, and information technology program; and the donation of scholarship funds for use at institutions of higher education by eligible students.

The need for this legislative proposal to provide grants to qualified schools is beyond doubt, and the case supporting this bill can be simply stated:

Mathematics and science education is a vital link to connect today's students with the information age and to the workplace of the 21st century.

Today's United States economy depends more than ever on the talents of skilled, high-tech workers and in order to sustain America's preeminence, we must take drastic steps to change the way we develop our workforce.

It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology.

The nexus between scientific and technological advances and education has been noted by several entities. Yet, according to the National Commission on Mathematics and Science Teaching for the 21st Century, the performance of our country's students from both the Third International Mathematics and Science Study (TIMSS) and the National

The National Education Association (NEA), an endorser of this bill, recognizes that quality math and science education is essential to prepare our students to compete in the 21st century. The NEA stated,

> By authorizing grants to Local Education Agencies for expansion of math, science, and technology curricula, purchase of technological equipment, and teacher training, this legislation will help enhance math and science education. The resources provided for teacher training will help ensure the high quality professional development critical to world class math and science teaching. In addition, the bill's special focus on schools with the greatest economic needs will help level the playing field for disadvantaged students, who often lack access to technological and other resources necessary to maximize math and science learning.

Texas Instruments, another endorser of this bill, believes that the need for additional emphasis in the fields of mathematics and science education is clear. Texas Instruments stated,

> In this age of rapidly advancing technology, math and science education is a vital link that prepares students to thrive in the new, information and technology driven economy. More than ever, U.S. economic and technological leadership depends on our ability to ensure that students graduate with the skills and knowledge they need for 21st century jobs.

We must acknowledge that the effectiveness of the United States in maintaining this economic growth will be largely determined by the intellectual capital of the United States.

The education of America's students is critical to developing this resource. American students consistently demonstrate average and below average performance compared to their international peers in their skills in mathematics and science. According to the 1999 edition of the National Assessment of Educational Progress, also known as the Nation's Report Card, the trends in mathematics and science are characterized by declines in the 1970's, followed by increases during the 1980's and early 1990's. However, performance has remained unchanged since the early 1990's. Several findings of the Report Card deserve mention, including the following:

In 1999, the average science score for 17-year-olds was lower than the average score in 1969 for the same age group.

In 1999, the average science score for 13-year-olds was similar to the average score in 1970 for the same group.

In 1999, White students had higher average mathematics scores than their Black and Hispanic peers. Although the gap between White and Black students narrowed since 1973, there is evidence that the gap may be widening since 1990.

In 1999, males outperformed females in science at ages 13 and 17.

A greater percent of 13-year-olds in 1999 than in 1986 reported that the content of their science class was general rather than focused on earth, physical, or life science.

In an age now driven by the relentless necessity of scientific and technological advancement, the current preparation that students in the United States receive in mathematics and science is, in a word, unacceptable. Proficiency in mathematics and technology is necessary to prepare American students for participation in the 21st century and to guarantee that the United States economy remains vibrant and competitive. Now is the time to set the stage for advancement in mathematics and science proficiency. The United States must expect more from our educators and students.

In order to achieve this, it is important that we show interest in economically disadvantaged students who have not been provided with opportunities that will improve their knowledge of mathematics and science. Many economically disadvantaged students in urban and rural America share a common need to receive a quality education, but often their schools lack the needed resources to prepare them for the 21st century global community. The schools and businesses serving these communities are strategically positioned to form a unique partnership with urban and rural students that will increase their mathematics and science proficiency for the benefit of the Nation. If our Nation continues failing to prepare citizens from all population groups for participation in the new, technology-driven economy, our Nation will risk losing its economic and intellectual preeminence. Finally, America's students must improve their performance in mathematics and science if they are to succeed in today's world and if the United States is to stay competitive in an integrated global economy. It is clear that we must provide American students with the competence and confidence to succeed.

Mr. Speaker, The Mathematics and Science Proficiency Partnership Act of 2001 provides an unprecedented opportunity to redefine the federal role in K–12 education that establishes clear national priorities, provides incentives for change, disseminates best practices and targets assistance effectively. I urge my colleagues to support this bill.

RECOGNIZING THE CONTRIBUTIONS OF ASIAN AND PACIFIC AMERICAN WWII VETERANS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to recognize and pay tribute to our WWII veterans of Asian and Pacific Island ancestry.

Half a century ago, these young members of the Greatest Generation answered this country's call to fight in Europe, North Africa and Asia, on the Atlantic and the Pacific. They selflessly served in support of a greater cause, and all too often were called upon to give the greatest sacrifice of all—their own lives.

The willingness of these young service members to serve and die in support of the war effort is made even more poignant by the racial inequalities experienced by their families at home in the United States. Many of these Asian and Pacific Islander WWII veterans went into service while their families were simultaneously being forcibly relocated to internment camps across the country, solely because of their ethnic origins.

The generous service of these WWII veterans is truly remarkable. It is a privilege to recognize their contributions to this country on the House floor today, in celebration of ''Asian and Pacific American Veterans of WWII Day.''

I wish to also commend the Asian American Student Union of the University of Wisconsin-Madison. This group of committed students has worked diligently to ensure that the memory of these veterans' sacrifices, selfless service, and patriotism is never forgotten, and they have helped to make this day of recognition a reality in Wisconsin.

THE 90TH ANNIVERSARY OF THE NEW YORK COLLEGE OF PODIATRIC MEDICINE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RANGEL. Mr. Speaker, I rise to celebrate the 90th anniversary of an important institution in my Congressional district, the New York College of Podiatric Medicine. In view of the fact that podiatric doctors are assuming a growing and significant place on the Nation's health care team, the College means even more to our community.

The College was founded in 1911 in East Harlem by Dr. Maurice J. Lewi, medical physician and educator, former Secretary to the New York State Board of Medical Examiners and first president of this institution. Dr. Lewi drafted the first legislation creating the New York College of Podiatric Medicine and its clinical training arm, the Foot Clinics of New York to provide educational and training programs and the establishment of the first standards of podiatric clinical care.

The College is the first and largest college of podiatric medical education in the Nation, having treated literally hundreds of thousands of people in its foot clinics over the 90 years of its existence. Graduates of the College account for 25 percent of the Nation's practicing podiatrists. Forty percent of the current student enrollment are minorities, 45 percent of whom are women. The college is affiliated with the New York Presbyterian Healthcare System, Lincoln and Harlem Hospitals, Metropolitan Medical and Nassau County University Medical Centers—a clear reflection of the outstanding reputation the college has earned in the health care community. In October, 2000, the college affiliated with Columbia College of Physicians and Surgeons to provide improved access to patient care, academic programs for

medical education and joint research programs.

The Foot Clinics of New York is a fully staffed medical teaching/training facility with more than 50,000 annual patient visits who have benefited from the skill, dedication and quality of care provided by clinical faculty of the Foot Clinics.

As the College is celebrating the 90th year of its existence, I want to salute the New York College of Podiatric Medicine, the Foot Clinics of New York, its board of trustees, president, Louis Levine, faculty and staff and students on the occasion of this 90th anniversary year. The history of this outstanding educational institution truly has been marked by its distinguished graduates and by its traditions of academic excellence and service to the community. May it continue to carry on its proud tradition for many years to come.

REMEMBERING THE ARMENIAN GENOCIDE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. FILNER. Mr. Speaker, I rise with my colleagues in observance of the 86th anniversary of the Armenian genocide and to celebrate the victory of the Armenian spirit over an oppressor bent on their extinction. But, Mr. Speaker, I also rise to remind my colleagues of our obligation to the Armenian people.

Before this House will be a bill to recognize the Armenian genocide, a bill that we, as Americans, as a people whose predecessors fought their own battle against an oppressive rule, have a responsibility to support.

Can we claim to have earned our passage into the 21st century if we fail to recognize the atrocities of the last century? Progress is not earned by merely flipping the pages of a calendar. Progress is achieved when we are unafraid of the truth—of seeing the past for what it was, and to stand guard: ensuring that this hate-filled violence will not happen again on our watch.

We owe this to the Armenians, but not just to the Armenians. We owe this to ourselves—and to our children. The generations that come after us will learn from us and use our actions as an example.

If the 21st century marks anything, it should be that the echoes of past tragedies will not dissolve into obscurity. That we recognize the earlier failures of mankind and strive against their repetition.

The Armenian people are no longer victims, but victors. It is our responsibility to see that their triumph is awarded its rightful place in our collective memory.

And it is in this spirit that I stand here and celebrate the enduring legacy of the Armenians. But only in recognizing the Armenian genocide do we earn the right to stand here and share in their triumph.

HONORING THE EUREKA LODGE OF ELKS' 100TH ANNIVERSARY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Elks Lodge of Eureka in Humboldt County, California.

Formed in 1901, the Eureka Lodge of Elks joined the Benevolent and Protective Order of Elks of the United States which was established in 1868, and since its inception has grown to more than one million members nationwide. The Elks is one of the largest and most active fraternal organizations in the world.

Through scholarship programs and charitable aid, members give generously of their time to support the youth of the region, providing countless hours of service for the betterment of the community. Local members sponsor Girl Scout and Boy Scout groups, youth soccer programs, and services for veterans. They also help to fund medical aid to disabled children in rural areas through mobile units staffed with trained therapists. Eureka members assisted in the establishment of the Humboldt-Del Norte Blood Bank, a vital asset to the North Coast of California. In May of this year, the Eureka Lodge will dedicate a memorial to all veterans of our armed forces.

Mr. Speaker, it is appropriate at this time that we honor the members of the Eureka Lodge of Elks by acknowledging their dedication and recognizing the value of their efforts for our country.

INDIAN HEALTH CARE IMPROVEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, today we are introducing legislation to reauthorize and amend the Indian Health Care Improvement Act (IHCIA)—the keystone federal law that directs the delivery of health services to American Indian and Alaska Native people.

This bill is based largely upon recommendations made by the Indian health community—including tribal leaders, tribal health directors, health care experts, Native patients themselves, and the Indian Health Service. Its primary objective is to improve access to quality medical care for this population.

The basic framework of the IHCIA is retained, including its provisions that target diseases for which Indian Country shows an astonishingly high rate—such as diabetes, tuberculosis, infant mortality, and substance abuse. The major revisions come in the following areas: Greater role for tribes in health care delivery, including local priority-setting. Authorization for a national certified Community Health Aide Program to supply medical care in under-served, remote areas. Innovative options for funding of Indian health facilities. Strengthening health programs that serve Indian people in urban areas. Consolidation of substance abuse, mental health and social service programs into a holistic system for behavioral health services.

While there have certainly been improvements in the health status of Indian and Alaska Native people in the past two decades, Native people still suffer death rates from some diseases at rates many times higher than the national population. The Indian health care network is the primary source of medical care for over 1.3 million American Indians and Alaska Natives. The Indian Health Service administers this comprehensive health care network largely in partnership with Indian tribes themselves who have assumed an increasingly greater role in operating health programs vital to the well-being of their members.

The IHCIA was first enacted in 1976 to present a more organized and comprehensive approach to the delivery of medical care to Indian people, most of whom live in isolated, sparsely-populated and under-served areas of our country. Subsequent reauthorization, has amended the Act to reflect advancements in health care delivery, respond to the desire of tribes for greater responsibility of programs, and to target the high incidence of certain diseases that have plagued this segment of the American population.

I plan to work with my Republican colleagues to ensure that this bill is a high priority for the House Committee on Resources, which should expedite consideration of this measure. It is my hope that Congress will have wisdom and courage to enact this important legislation this year.

INTERNATIONAL LABOR ORGANIZATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. SMITH of New Jersey. Mr. Speaker, I rise to express my strong support for the United Nations' International Labor Organization (ILO) Worldwide Workers' Rights public awareness poster campaign. The goal of this initiative is not only to make people aware of the shameful atrocities workers suffer around the world, but to say that all workers have basic, fundamental rights. The right to form a union, bargain collectively, work free of discrimination, refuse forced labor, and to reject child labor. These moral and humane worker rights should and must be honored both in the job field and during international trade and other agreements. We cannot look the other way when these issues come before us.

I would like to ask my colleagues how they would feel if their family, loved ones, and children were forced to work under conditions where basic labor and human rights were eroded by the lack of enforceable labor protections. Unfortunately, the ILO estimates that about 250 million children between the ages of 5 and 14 are in the workforce, half of which are employed full-time, often in dangerous industries. During hearings I held as Chairman of the House Subcommittee on International Relations and Human Rights in previous sessions of Congress it became obvious that children often labor under unsafe conditions. These young people frequently go to work in dangerous factories or mines, not to mention

the despicable business of child pornography and prostitution. Legislation I introduced, which was passed by the full House, would have authorized $30 million per year from fiscal years 1999 to 2001 for the International Program on the Elimination of Child Labor (IPEC). This organization has identified the need for specific programs in dangerous industries where child labor is prevalent.

While well intentioned efforts have been made on behalf of these children, not enough has been done. Child labor continues to grow in many countries around the world. Regrettably, some of the trade agreements approved by Congress, such as the North America Free Trade Agreement (NAFTA), General Agreement on Tariffs and Trade (GATT), and Permanent Normal Trade Relations (PNTR) status for China, have compounded the worldwide child labor problem. Unfortunately, the idea of linking worker rights and child labor laws with trade policy is still in the early stage of development.

Nations should not be recognized and rewarded with profitable trade agreements for their systematic violation of internationally recognized workers' rights. These rights must be considered when we discuss plans to expand NAFTA or address our current trade relation agreements with The Peoples Republic of China. Although on paper, virtually every country in the world has outlawed child labor in its cruelest forms, in reality, hundreds of millions of children are still being robbed of childhood for the profit of others.

We can no longer look the other way when basic fundamental labor and children rights are denied or broken. These rights must be addressed head-on and in the most straightforward way. Mr. Speaker, I urge my colleagues to pledge their active support for the basic labor rights brought to the forefront by the ILO's declaration on fundamental principles and rights at work.

EMERGENCY AMBULANCE SERVICES ACCESS ASSURANCE ACT OF 2001

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. UPTON. Mr. Speaker, I rise today to introduce H.R. 1648, the Emergency Ambulance Services Access Act of 2001. This legislation will ensure payment for emergency hospital services and emergency ambulance services under a ''prudent layperson'' test under group health plans and health insurance coverage. I am pleased to be joined by my colleague ED TOWNS in introducing this legislation, which we hope will be included in any patient protection legislation that moves through the House in this Congress.

Individuals suffering from what they have every reason to believe to be life threatening conditions should not have to call their insurance plan before they call for an ambulance. And patients and ambulance services should not be stuck with the bill should the condition turn out to be less than life-threatening once the patient is diagnosed in the emergency room.

Some people assume that because a patient protection bill which includes a prudent layperson standard for emergency room services also covers emergency ambulance services. But that wasn't the case at all before we introduced this legislation in the last Congress at the start of the debate over patient protection. Most of the bills amended the Emergency Medical Treatment and Active Labor Act. That Act covers only what happens after you enter the emergency room. It does not include ambulance services. As the debate progressed, most of the bills and amendments that received active consideration in the House and Senate were amended or redrafted to apply the prudent layperson standard specifically to emergency ambulance services.

I urge my colleagues to join me and ED TOWNS in cosponsoring this legislation. You will be demonstrating your support for ensuring that emergency ambulance services are included in the more comprehensive patient protection legislation that will be considered in the House. To become a cosponsor or obtain further information, please call us or Jane Williams of my staff, who may be reached at 5–3761.

CONGRATULATIONS TO GRANITE QUARRY ON ITS 100TH BIRTHDAY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. COBLE. Mr. Speaker, this month, a second town in the Sixth District of North Carolina will celebrate its centennial. Ironically, this town is in the same county as another small municipality in our district to reach the century mark this year. Earlier, we celebrated the 100th birthday of Landis, North Carolina. Now, it is time to turn our attention to another Rowan County town as it marks 100 years of official existence.

On May 19, 2001, the town of Granite Quarry will celebrate its centennial, and on behalf of the entire Sixth District of North Carolina, we honor the first 100 years of Granite Quarry and look forward to the town's bright future. While Granite Quarry is officially 100 this year, the history of the town is more than two centuries old. Granite Quarry began in 1766 when Michael Braun (Brown) moved to the area from Pennsylvania. He constructed what became known as the Old Stone House of native hand-hewn granite. (The house has been restored by Rowan Museum, Inc., and is recognized as the oldest German dwelling in North Carolina.)

The town was known as Woodville in the late 1800s, and by 1891, when the first post office was established, it was under the name of Woodsides. The second name was for a family of Woodsides who lived in the community. On March 7, 1901, the North Carolina General Assembly officially changed the name to Woodsides. When the town was first incorporated, five families lived in the town. Jerry L. Shuping was the first mayor and William Lefler, L.H. Kluttz, Rufus B. Peeler and Alfred L. Peeler were the first aldermen. These family names remain fixtures in Rowan County today.

Shortly after incorporation, it was discovered that there was another Woodsides in North Carolina, resulting in confusion for mail and freight deliveries. While the post office name was changed to Granite Quarry in 1902, it wasn't until February 5, 1905, that the General Assembly approved the new name of Granite Quarry to recognize and highlight the stone quarried there. The quarries were already attracting attention years earlier as they developed along the newly completed Yadkin Railway and more and more people moved into the area to work the quarries.

Quarrying was begun by the eccentric J.T. Wyatt who was later known as a local newspaper columnist with the fascinating sobriquet of ''Venus of Faith.'' Wyatt began his digging at the site of the Balfour Quarry. The demand for paving stones and later, Durax blocks, kept the town full of workers. Durax blocks, four by four pieces of stone laid in circles on city streets, can still be seen in the nearby town of Salisbury on Depot Street in front of the Southern Railway Station. Curbing stones quarried in Granite Quarry can be found in cities all over the United States.

Large scale quarrying began in 1906 when the Whitney Company was selected to provide the stone for a granite dam on the Yadkin River in Stanly County. Whitney contracted with the Gillespie Company to operate the Rowan County quarry. Hundreds of Italian laborers and English stonecutters were brought to Granite Quarry to work in the mines. Stone cutting was an art that few people in the United States knew, making it necessary to import workers. The dam lost almost $20 million and when the Whitney Company went into bankruptcy, the Gillespie Company ceased operations. Nearly all of the foreign workers left except for a few of the English stonecutters who had little difficulty in finding employment at other quarries. The waters of Badin Lake today cover the granite darn, but when the water level is lowered, the dam can still be seen in its watery grave.

When the Whitney project failed, the town was hit by a depression, and Granite Quarry became a ghost town. It was saved from a permanent death in the 1920s when the state became a pioneer in the construction of public roads. The demand for crushed stone for paving was tremendous. That demand, when added to the normal output for curbing, paving blocks, ornamental stone, and memorial work, pushed production to new records. It would last for several decades. The quarrying industry has declined in recent years because of rising labor costs and the increasing use of concrete in buildings and road construction, but today, Granite Quarry does not survive on stones alone.

The future for Granite Quarry is bright. The Rowan County town of almost 3,000 people is a bedroom community for nearby larger jurisdictions, but it still boasts of more than 30 businesses including restaurants, doctors' offices and service stations. It is proud of its paid police department of a dozen full-time and part-time officers. Granite Quarry has one of the largest volunteer fire departments for a town of its size with more than 30 members. The Granite Quarry Civic Park stands as a testament to the hard work and dedication of the people who live there. From 1968–1973, civic groups, churches, government and business leaders joined forces to construct the park that is still enjoyed by the residents of Granite Quarry today.

While other towns may have grown larger and still others may have become better known, the people of Granite Quarry will tell

you they cannot think of a better place to call home. On behalf of the citizens of the Sixth District of North Carolina, we congratulate Granite Quarry on its first 100 years. We look forward with much anticipation to what the future holds for this outstanding Rowan County community.

BLOOMFIELD CITIZENS COUNCIL AWARDS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a number of Pittsburgh residents who will be honored on May 5th with Bloomfield Citizens Council Awards.

Every year, the Bloomfield Citizens Council gives out these awards to recognize members of the community who have, in some way, improved the quality of life in the Bloomfield neighborhood of Pittsburgh. I would like to take this opportunity to commend the 2001 award winners for their efforts to make Bloomfield a better place to live.

John Giancola has been selected as the 2001 recipient of the Mary Cercone Outstanding Citizen Award. This award is given to individuals who demonstrate ''an unselfish commitment to others and a deep love for the community of Bloomfield.'' Mr. Glancola has been actively involved in volunteer activities like organized youth athletics and service to seniors. He has also served the Catholic Church, the Democratic Party, and the City of Pittsburgh.

A Community Commitment Award will go to Malfalda ''Maffy'' Giancola, who has served the community through her involvement with city government, the Catholic Church, and organized community activities for young people and seniors, as well as her operation of Maffy's Restaurant on Liberty Avenue.

An Extra Mile Award will be presented to Ron Flynn for his involvement in community sports for young people, his volunteer work for neighborhood festivals, and his advocacy for the rights of the physically challenged.

Charlie Oleniacz and Bill Reynolds will receive the Patriotism Award for their lifetime commitment to fellow veterans and their efforts to ensure that our Civil War veterans continue to receive the respect and reverence they deserve.

The Bloomfield Citizens Council will again present a number of awards for Christmas decorations this year. Lavern and Joe Manes will receive the Keeping Christ in Christmas Award for their Precious Moments Nativity scene display. George and Eleanor Sciullo will receive the Most Outstanding and Completely Decorated Home Award this year for decorations that warmly express the love they feel for their home and community. Tim and Leigh Ann LeDonne will receive the Most Illuminated and Elaborate Property Decoration Award for decorations that outline every story of their house, including windows, banisters, and surroundings. And finally, the Most Creative Design Award will be presented to Nancy and John Greegus for decorating their home, trees, and shrubbery with lights, caricatures, and wreaths. These four couples all helped bring the joy of the holiday season to their neighbors.

In closing, let me just say that all of the individuals receiving 2001 Bloomfield Citizens Council awards have made important contributions to the quality of life in Bloomfield. On behalf of the residents of Bloomfield and the rest of the 14th Congressional District, I thank them for their efforts and congratulate them on their selection as recipients of 2001 Bloomfield Citizens Council awards.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S4055–S4124

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 803–813, and S. Res. 78–79. **Pages S4099–S4100**

Elementary and Secondary Education Act Authorization: Senate continued consideration of the motion to proceed to consideration of S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965. **Pages S4061–66, S4070–91**

During consideration of this measure today, Senate also took the following action:

By 96 yeas to 3 nays (Vote No. 88), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S4061**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill on Wednesday, May 2, 2001. **Page S4124**

Appointments:

U.S. Coast Guard Academy: The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, reappointed the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: Senator Hollings (from the Committee on Commerce, Science and Transportation), and Senator Murray (At Large). **Page S4122**

U.S. Air Force Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), reappointed the following Senators to the Board of Visitors of the U.S. Air Force Academy: Senator Hollings (from the Committee on Appropriations), and Senator Cleland (At Large). **Page S4122**

U.S. Military Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355 (a), appointed the following Senators to the Board of Visitors of the U.S. Military Academy: Senator Reed (At Large), and Senator Landrieu (from the Committee on Appropriations). **Page S4122**

U.S. Merchant Marine Academy: The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, and on the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appointed the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: Senator Edwards (from the Committee on Commerce, Science, and Transportation), and Senator Breaux (At Large). **Page S4122**

U.S. Naval Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), reappointed the following Senators to the Board of Visitors of the U.S. Naval Academy: Senator Sarbanes (At Large), and Senator Mikulski (from the Committee on Appropriations). **Page S4123**

Nominations Confirmed: Senate confirmed the following nominations:

Dov S. Zakheim, of Maryland, to be Under Secretary of Defense (Comptroller).

Faryar Shirzad, of Virginia, to be an Assistant Secretary of Commerce.

Scott Whitaker, of Virginia, to be an Assistant Secretary of Health and Human Services.

Powell A. Moore, of Georgia, to be an Assistant Secretary of Defense.

6 Air Force nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S4123, S4124**

Nominations Received: Senate received the following nominations:

Kathleen Q. Abernathy, of Maryland, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1999.

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2000.

Thomas E. White, of Texas, to be Secretary of the Army.

Hector V. Barreto, Jr., of California, to be Administrator of the Small Business Administration.

Page S4124

Nominations Withdrawn: Senate received notification of the withdrawal of the following nominations:

Kathleen Q. Abernathy, of Maryland, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2000, which was sent to the Senate on April 30, 2001.

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1999, which was sent to the Senate on April 30, 2001. Page S4124

Executive Reports of Committees: Pages S4098–99

Messages From the House: Page S4098

Statements on Introduced Bills: Pages S4101–20

Additional Cosponsors: Pages S4100–01

Amendments Submitted: Pages S4121–22

Additional Statements: Pages S4097–98

Authority for Committees: Page S4122

Privileges of the Floor: Page S4122

Record Votes: One record vote was taken today. (Total—88) Page S4061

Adjournment: Senate met at 9:30 a.m., and adjourned at 6:42 p.m., until 9:30 a.m., on Wednesday, May 2, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4124.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary concluded hearings on proposed budget estimates for fiscal year 2002 for the Department of Commerce, after receiving testimony from Donald L. Evans, Secretary of Commerce.

APPROPRIATIONS—ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development concluded hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to energy efficiency renewable energy, science, and nuclear issues, after receiving testimony from James Decker, Acting Director, Office of Science, Robert K. Dixon, Deputy Assistant Secretary, Office of Power Technologies, EE–10, and William D. Magwood, IV, Director, Office of Nuclear Energy, Science and Technology, all of the Department of Energy.

APPROPRIATIONS—FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior concluded hearings on proposed budget estimates for fiscal year 2002 for the Forest Service, after receiving testimony from Dale N. Bosworth, Chief, Forest Service, Department of Agriculture.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Dov S. Zakheim, of Maryland, to be Under Secretary (Comptroller), Charles S. Abell, of Virginia, to be Assistant Secretary for Force Management Policy, Victoria Clarke, of Maryland, to be Assistant Secretary for Public Affairs, Edward C. Aldridge, of Virginia, to be Under Secretary for Acquisition and Technology, William J. Haynes II, of Tennessee, to be General Counsel, and Powell A. Moore, of Georgia, to be Assistant Secretary for Legislative Affairs, all of the Department of Defense; and 773 military nominations in the Army, Navy, Air Force, and Marine Corps.

V–22 PROGRAM

Committee on Armed Services: Committee concluded hearings to examine the findings and recommendations of the Panel to Review the V–22 Program, after receiving testimony from Gen. John R. Dailey, USMC (Ret.), Chairman, Norman R. Augustine, Member, Gen. James B. Davis, USAF (Ret.), Member, and Eugene E. Covert, Member, all on behalf of the V–22 Program Review Panel; Gen. James L. Jones Jr., USMC, Commandant of the Marine Corps; and Gen. Charles R. Holland, USAF, Commander-in-Chief, United States Special Operations Command.

WEAPONS OF MASS DESTRUCTION

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded hearings to examine the United States military's capabilities to respond to domestic terrorist attacks involving the use of weapons of mass destruction, after receiving testimony from Robert J. Lieberman, Deputy Inspector General, Department of Defense; Lt. Gen. Russell C. Davis, USAF, Chief, National Guard Bureau; Maj. Gen. Michael D. Maples, USA, Director of Military Support, Office of the Chief of Staff of the

Army; and Maj. Gen. Bruce M. Lawlor, USA, Commander, Joint Task Force Civil Support, United States Joint Forces Command.

GLOBAL CLIMATE CHANGE

Committee on Commerce, Science, and Transportation: Committee held hearings to examine the third assessment report of the Intergovernmental Panel on Climate Change (IPCC) on global climate change entitled Climate Change 2001: The Scientific Basis, receiving testimony from Senators Hagel and Craig; Venkatachala Ramaswamy, Senior Scientist, Geophysical Fluid Dynamics Laboratory, Ocean and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce; James E. Hansen, Head, Goddard Institute for Space Studies, National Aeronautics and Space Administration; James J. McCarthy, Harvard University Museum of Comparative Zoology, and Richard S. Lindzen, Massachusetts Institute of Technology, both of Cambridge, Massachusetts; and Jayant A. Sathaye, University of California Lawrence Berkeley National Laboratory, Berkeley.

Hearings recessed subject to call.

NOMINATIONS

Committee on Finance: Committee ordered favorably reported the nominations of David Aufhauser, of the District of Columbia, to be General Counsel, Kenneth W. Dam, of Illinois, to be Deputy Secretary, Michele A. Davis, of Virginia, to be Assistant Secretary for Public Affairs, and John B. Taylor, of California, to be Under Secretary for International Affairs, all of the Department of the Treasury, Faryar Shirzad, of Virginia, to be Assistant Secretary for Import Administration, and Grant D. Aldonas, of Virginia, to be Under Secretary for International Trade, both of the Department of Commerce, and Scott Whitaker, of Virginia, to be Assistant Secretary of Health and Human Services for Legislation.

WESTERN EUROPE RELIGIOUS FREEDOM

Committee on Foreign Relations: Subcommittee on European Affairs concluded hearings to examine recurrent problems effecting religious freedom in western Europe, including persecution of smaller religious groups, the anti-cult initiatives, and the spread to these activities to other countries, after receiving testimony from Michael E. Parmly, Acting Assistant Secretary of State for Democracy, Human Rights, and Labor; Elizabeth A. Clark, Brigham Young University International Center for Law and Religion Studies, Provo, Utah; and Rabbi Andrew Baker, American Jewish Committee, Washington, D.C.

U.S./CHINA RELATIONS

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded hearings to examine issues related to the future relationship between the United States and China, including economic development and trade, Chinese military build-up, and China/Taiwan relations, after receiving testimony from James A. Kelly, Assistant Secretary of State for East Asian and Pacific Affairs; and James R. Lilley, American Enterprise Institute, Douglas H. Paal, Asia Pacific Policy Center, Michael E. O'Hanlon, Brookings Institution, and David Shambaugh, George Washington University Department of Asian Studies, all of Washington, D.C.

SMALL BUSINESS ADMINISTRATION BUDGET

Committee on Small Business: Committee concluded hearings to examine the Small Business Administration's funding priorities for fiscal year 2002, after receiving testimony from John D. Whitmore, Acting Administrator, Small Business Administration; Alan B. Corbet, Growth Opportunity Connection, Inc., Kansas City, Missouri, on behalf of the National Association of SBA Microloan Intermediaries; Lee W. Mercer, National Association of Small Business Investment Companies, and Harry C. Alford, Jr., National Black Chamber of Commerce, both of Washington, D.C.; Ron L. Phillips, Coastal Enterprises, Inc., Wiscasset, Maine, on behalf of the Community Development Venture Capital Alliance; Anthony R. Wilkinson, National Association of Government Guaranteed Lenders, Inc., Stillwater, Oklahoma; Deborah A. Naybor, Naybor Land Surveys, Alden, New York, on behalf of GrassRoots Impact; Wendy K. Werkmeister, Wisconsin Women's Business Initiative Corporation, Milwaukee, on behalf of the National Women's Business Council; and Diane Wolverton, Wyoming Small Business Development Center, Laramie, on behalf of the Association of Small Business Development Centers.

House of Representatives

Chamber Action

Bills Introduced: 25 public bills, H.R. 1647–1671; and 7 resolutions, H.J. Res. 46, H. Con. Res. 117–121, and H. Res. 128, were introduced. **Pages H1714–16**

Reports Filed: Reports were filed today as follows:

H.R. 10, to provide for pension reform, amended (H. Rept. 107–51, Pt. 1);

H.R. 10, to provide for pension reform, amended (H. Rept. 107–51, Pt. 2);

H.R. 1088, to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, amended (H.Rept. 107–52, Pt. 1); and

H. Res. 127, providing for consideration of H.R. 10, to provide for pension reform (H. Rept. 107–53). **Page H1714**

Guest Chaplain: The prayer was offered by the Guest Chaplain, Dr. Landis H. Lanford of the Methodist Home for Children and Youth of Macon, Georgia. **Page H1671**

Recess: The House recessed at 1:10 p.m. and reconvened at 2 p.m. **Page H1671**

Receiving Former Members of Congress in the House Chamber: Agreed that it be in order on Wednesday, May 2 for the Speaker to declare a recess for the purpose of receiving former Members of Congress in the House Chamber. **Page H1671**

Committee Resignation—Small Business: Read a letter from Representative English wherein he resigned from the Committee on Small Business. **Page H1672**

Barry Goldwater Scholarship and Excellence in Education Foundation: Read a letter from the Minority Leader wherein he announced his appointment of Representative Hall of Texas to the Barry Goldwater Scholarship and Excellence in Education Foundation. **Page H1672**

British-American Interparliamentary Group: The Chair announced the Speaker's appointment of Representatives Petri and Gallegly to the British-American Interparliamentary Group. **Page H1672**

Advisory Committee on the Records of Congress: Read a letter from the Minority Leader wherein he announced his reappointment of Dr. Joseph Cooper of Baltimore, Maryland to the Advisory Committee on the Records of Congress. **Pages H1692–93**

Joint Economic Committee: The Chair announced the Speaker's appointment of the following members to the Joint Economic Committee: Representatives Ryan of Wisconsin, Smith of Texas, Dunn, English, Putnam, Stark, Maloney of New York, and Watt of North Carolina. **Page H1693**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Importance of Autism Awareness, Treatment, Research, Training, and Support: H. Con. Res. 91, recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them (agreed to by a yea-and-nay vote of 418 yeas to 1 nay, Roll No. 90); **Pages H1672–80, H1693**

Access to Craters of the Moon National Monument, Idaho by Hunters: H.R. 601, amended, to ensure the continued access of hunters to those Federal lands included within the boundaries of the Craters of the Moon National Monument in the State of Idaho pursuant to Presidential Proclamation 7373 of November 9, 2000, and to continue the applicability of the Taylor Grazing Act to the disposition of grazing fees arising from the use of such lands. Agreed to amend the title; **Pages H1680–82**

Eight Mile River, Connecticut, Wild and Scenic River Study: H.R. 182, amended, to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System. Agreed to amend the title; **Pages H1682–83**

Guam Foreign Investment Equity Act: H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax; **Pages H1683–84**

National Charter Schools Week: H. Con. Res. 95, amended, supporting a National Charter Schools Week (agreed to by a yea-and-nay vote of 404 yeas to 6 nays with 7 voting "present", Roll No. 91); and **Pages H1685–88, H1693–94**

100th Anniversary of the 4–H Program: H. Res. 112, recognizing the upcoming 100th anniversary of the 4–H Youth Development Program and commending such program for service to the youth of the world. **Pages H1688–92**

In Memory of Veronica "Roni" Bowers and Charity Bowers: The House agreed to H. Con. Res. 117, expressing sympathy to the family, friends, and co-workers of Veronica "Roni" Bowers and Charity Bowers. **Pages H1694–96**

Recess: The House recessed at 4:13 p.m. and reconvened at 6 p.m. Page H1693

Senate Messages: Message received from the Senate appears on page H1665.

Referral: S. 560 was referred to the Committee on the Judiciary. Page H1713

Amendments: Amendment ordered printed pursuant to the rule appears on pages H1718–34.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H1693 and H1694. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 8:58.

Committee Meetings

LABOR–HHS–EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on the Office of Higher Education and the Office of Student Financial. Testimony was heard from the following officials of the Department of Education: Maureen McLaughlin, Deputy Assistant Secretary, Policy, Planning, and Innovation, Post Secondary Education; and Greg Woods, Chief Operating Officer, Office of Student Financial.

VA–HUD APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on the Federal Consumer Information Center, the Chemical Safety and Hazard Investigation Board, the Agency for Toxic Substances and Disease Registry, and on the National Institute of Environmental Health Sciences. Testimony was heard from Teresa Nasif, Director, Federal Consumer Information Center, GSA; the following members of the Board of the U.S. Chemical Safety Hazard and Investigation Board: Andrea Kidd Taylor, M.D.; Gerald Poje, M.D.; and Irv Rosenthal, M.D.; and the following officials of the Department of Health and Human Services: Henry Falk, M.D., Assistant Administrator, Agency for Toxic Substances and Disease Registry; and Kenneth Olden, M.D., Director, National Institute of Environmental Health Sciences.

V–22 OSPREY PROGRAM

Committee on Armed Services: Subcommittee on Military Procurement held a hearing to receive recommendations on the V–22 Osprey program. Testimony was heard from the following officials of the Department of Defense: Gen. John R. Dailey, USMC (Ret.) Chairman; Norman R. Augustine, Gen. James B. Davis, USAF (Ret.) and Eugene E. Covert, all members, Blue Ribbon Panel; Gen. James L. Jones, USMC, Commandant, U.S. Marine Corps; and Gen. Charles R. Holland, USAF, Commander in Chief, U.S. Special Operations Command.

ELECTRICITY EMERGENCY ACT

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing on H.R. 1647, Electricity Emergency Relief Act. Testimony was heard from the following officials of the Federal Energy Regulatory Commission, Department of Energy: Curtis L. Hebert, Jr., Chairman; William L. Massey and Linda K. Breathitt, both Commissioners; and public witnesses.

Hearings continue May 3.

U.S. AIR INTERDICTION EFFORTS AFTER PERU INCIDENT

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on U.S. Air Interdiction Efforts in South America After the Peru Incident. Testimony was heard from Representatives Hoekstra and Weldon of Pennsylvania; Bob Brown, Acting Deputy Director, Supply Reduction, Office of National Drug Control Policy; Donnie R. Marshall, Administrator, DEA, Department of Justice; Chuck Windwood, Acting Commissioner, U.S. Customs Service, Department of the Treasury; John M. Crow, Director, Latin American and Caribbean Programs, Bureau of International Narcotics and Law Enforcement Affairs, Department of State; Rear Adm. David Belz, USCG, Director, Joint Interagency Task Force East, Department of Defense; and public witnesses.

TRAVEL AND TRANSPORTATION REFORM ACT IMPLEMENTATION

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations held an oversight hearing on "Implementation of the Travel and Transportation Reform Act of 1998: Why Haven't Federal Employees Been Held Accountable for Tens of Millions of Dollars in Travel Expenditures?" Testimony was heard from G. Martin Wagner, Associate Administrator, Office of Governmentwide Policy, GSA; Jerry Hinton, Director, Finance, Defense Finance and Accounting Service, Department of Defense; the following officials of the Corporation for National and Community Service: Alan Boehm, Assistant Inspector General, Investigations and William Anderson, Deputy Chief Financial Officer; Patricia English, Acting Chief Financial Officer, FEMA; Michael N. Griffin, Chief, Division of Planning and Internal Control, Office of the Chief Financial Officer, Department of Labor; and public witnesses.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs, and International Relations held a hearing on Combating Terrorism: Management of Medical Stockpiles. Testimony was heard from Linda M. Calbom, Director, Financial Management and Assurance, GAO; the following officials of the Department of Veterans Affairs: Susan Mather, M.D., Chief, Public Health and Environmental Hazards Office; and Kristi L. Koening, M.D., Chief Consultant, Emergency Management Strategic Healthcare Group; the following officials of the Department of Health and Human Services: Robert F. Knouss, M.D., Director, Office of Emergency Preparedness, Public Health Service; and James M. Hughes, M.D., Director, National Center for Infectious Diseases, Centers for Disease Control and Prevention; and Col. Carlos R. Hollifield, USMC, Commanding Officer, Chemical Biological Incident Response Force (CBIRF), U.S. Marine Corps, Department of Defense.

CAMPAIGN FINANCE REFORM

Committee on House Administration: Held a hearing on Campaign Finance Reform. Testimony was heard from Senators McConnell, Hagel and Feingold; and Representatives Gephardt, DeLay, Shays and Meehan.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT

Committee on Rules: Committee granted, by voice vote, a modified closed rule providing ninety minutes of debate in the House, on H.R. 10, Comprehensive Retirement Security and Pension Reform Act of 2001, with sixty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that, in lieu of the amendments recommended by the Committee on Ways and Means and the Committee on Education and the Workforce, the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 shall be considered as adopted. The rule waives all points of order against consideration of the bill as amended. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report, if offered by Representative Rangel or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against consideration of the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairmen Thomas and Boehner; and Representatives Portman, Morella, Rangel, Cardin, Andrews and Velázquez.

INVESTOR AND CAPITAL MARKETS FEE RELIEF ACT

Committee on Rules: Heard testimony from Chairman Oxley and Representatives Fossella, LaFalce and Kanjorski, but action was deferred on H.R. 1088, Investor and Capital Markets Fee Relief Act.

MEDICARE+CHOICE: LESSONS FOR REFORM

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare+Choice: Lessons for Reform. Testimony was heard from Madeleine Smith, Specialist in Social Legislation, Domestic Policy Division, Congressional Research Service, Library of Congress; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 2, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Labor, 9:30 a.m., SH–216.

Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Veterans Affairs, 10 a.m., SD–138.

Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2001 for the Joint Economic Committee, Joint Tax Committee, Library of Congress, and the Congressional Research Service, 10 a.m., SD–128.

Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2002 for the Joint Economic Committee, Joint Committee on Taxation, Library of Congress, and Congressional Research Service, 10 a.m., S–128, Capitol.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans and Fisheries, to hold hearings on individual fishing quotas, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine the scientific, legal, religious, and ethical issues regarding human cloning, and review the role Congress has in regulating public and private research into human cloning, 2:30 p.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine the science of global climate change and issues related to reducing net greenhouse gas emissions, 9:30 a.m., SD–628.

Committee on the Judiciary: to hold hearings on the Department of Justice nominations, 10 a.m., SD–226.

Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings on the implementation of the Telecommunications Act and its impact on competition in the industry, 2 p.m., SD–226.

House

Committee on Agriculture, to continue hearings on Federal Farm Commodity Programs, 10 a.m., 1300 Longworth.

Subcommittee on Conservation, Credit, Rural Development and Research, hearing to review energy supply and demand issues affecting the agricultural sector of the U.S. economy, 2 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on the Food and Nutrition Service, 9:30 a.m., 2362–A Rayburn.

Subcommittee on Commerce, Justice, State and Judiciary, on the Attorney General, 10 a.m., 2141 Rayburn.

Subcommittee on Energy and Water Development, on the Secretary of Energy, 10 a.m., 2362–B Rayburn.

Subcommittee on Interior, on Members of Congress, 9 a.m., B–308, Rayburn.

Subcommittee on Labor, Health and Human Services and Education, on the Secretary of Health and Human Services, 10 a.m., 2358 Rayburn.

Subcommittee on Transportation, on the U.S. Coast Guard, 1 p.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service and General Government, on the Secret Service, 10 a.m., and the IRS, 2 p.m., 2359 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on the Council on Environmental Quality, 9:30 a.m., and the Court of Appeals for Veterans' Claims, 11 a.m., H–143 Capitol.

Committee on Education and the Workforce, to mark up H.R. 1, No Child Left Behind Act of 2001, 11 a.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on a proposal to permit certain entities to offer real estate brokerage and real estate management services, 9:30 a.m., 2128 Rayburn.

Subcommittee on International Monetary Policy and Trade, hearing on reauthorization of the Export-Import Bank, 2 p.m., 2128 Rayburn.

Committee on International Relations, to mark up H.R. 1646, Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on the U.S. Copyright Office, 3 p.m., 2141 Rayburn.

Committee on Science, Subcommittee on Research, hearing on Improving Math and Science Education so that No Child is Left Behind, 2 p.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on NASA Posture, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on the short-term and long-term implications of the procurement policies of the Pentagon that favored China, and other foreign countries, as the suppliers of berets for the Army rather than this Nation's small business, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on the following: Army Corp's of Engineers' budget and priorities for fiscal year 2001; and on EPA's Budget and Priorities for fiscal year 2002, 9:30 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on International Policy and National Security, executive, briefing on NATO Intelligence Sharing, 10 a.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the current status of human rights and democracy in Ukraine and the role of the United States in assisting Ukraine's development as an independent, market-oriented democracy in the face of the current political crisis, 9:30 a.m., 334 Cannon Building.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through April 30, 2001

	Senate	*House*	*Total*
Days in session	55	38	..
Time in session	359 hrs., 13′	167 hrs., 25′	..
Congressional Record:			
Pages of proceedings	4,053	1,664	..
Extensions of Remarks	..	668	..
Public bills enacted into law	2	5	7
Private bills enacted into law	..	..	..
Bills in conference	1	1	..
Measures passed, total	79	120	199
Senate bills	13	2	..
House bills	4	42	..
Senate joint resolutions	1	1	..
House joint resolutions	2	2	..
Senate concurrent resolutions	10	2	..
House concurrent resolutions	12	19	..
Simple resolutions	37	52	..
Measures reported, total	37	50	87
Senate bills	11	1	..
House bills	..	31	..
Senate joint resolutions	..	..	..
House joint resolutions	..	1	..
Senate concurrent resolutions	3	..	..
House concurrent resolutions	..	3	..
Simple resolutions	23	14	..
Special reports	5	..	..
Conference reports	..	..	..
Measures pending on calendar	17	10	..
Measures introduced, total	918	1,933	2,851
Bills	794	1,646	..
Joint resolutions	13	45	..
Concurrent resolutions	34	116	..
Simple resolutions	77	126	..
Quorum calls	1	1	..
Yea-and-nay votes	87	69	..
Recorded votes	..	19	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through April 30, 2001

Civilian Nominations, totaling 211, disposed of as follows:	
Confirmed	35
Unconfirmed	114
Withdrawn	62
Other Civilian Nominations, totaling 1,252, disposed of as follows:	
Confirmed	333
Unconfirmed	919
Air Force Nominations, totaling 4,519, disposed of as follows:	
Confirmed	4,348
Unconfirmed	171
Army Nominations, totaling 2,171, disposed of as follows:	
Confirmed	1,388
Unconfirmed	783
Navy Nominations, totaling 1,082, disposed of as follows:	
Confirmed	77
Unconfirmed	1,005
Marine Corps Nominations, totaling 1,104, disposed of as follows:	
Confirmed	1,028
Unconfirmed	76

Summary

Total Nominations carried over from the First Session	0
Total Nominations Received this Session	10,339
Total Confirmed	7,209
Total Unconfirmed	3,068
Total Withdrawn	62
Total Returned to the White House	0

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 2

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S. 1, Elementary and Secondary Education Act Authorization.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Wednesday, May 2

House Chamber

Program for Wednesday: Consideration of H.R. 10, Comprehensive Retirement Security and Pension Reform Act (modified closed rule, 90 minutes of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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Berman, Howard L., Calif., E679
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Calvert, Ken, Calif., E682, E683, E684
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